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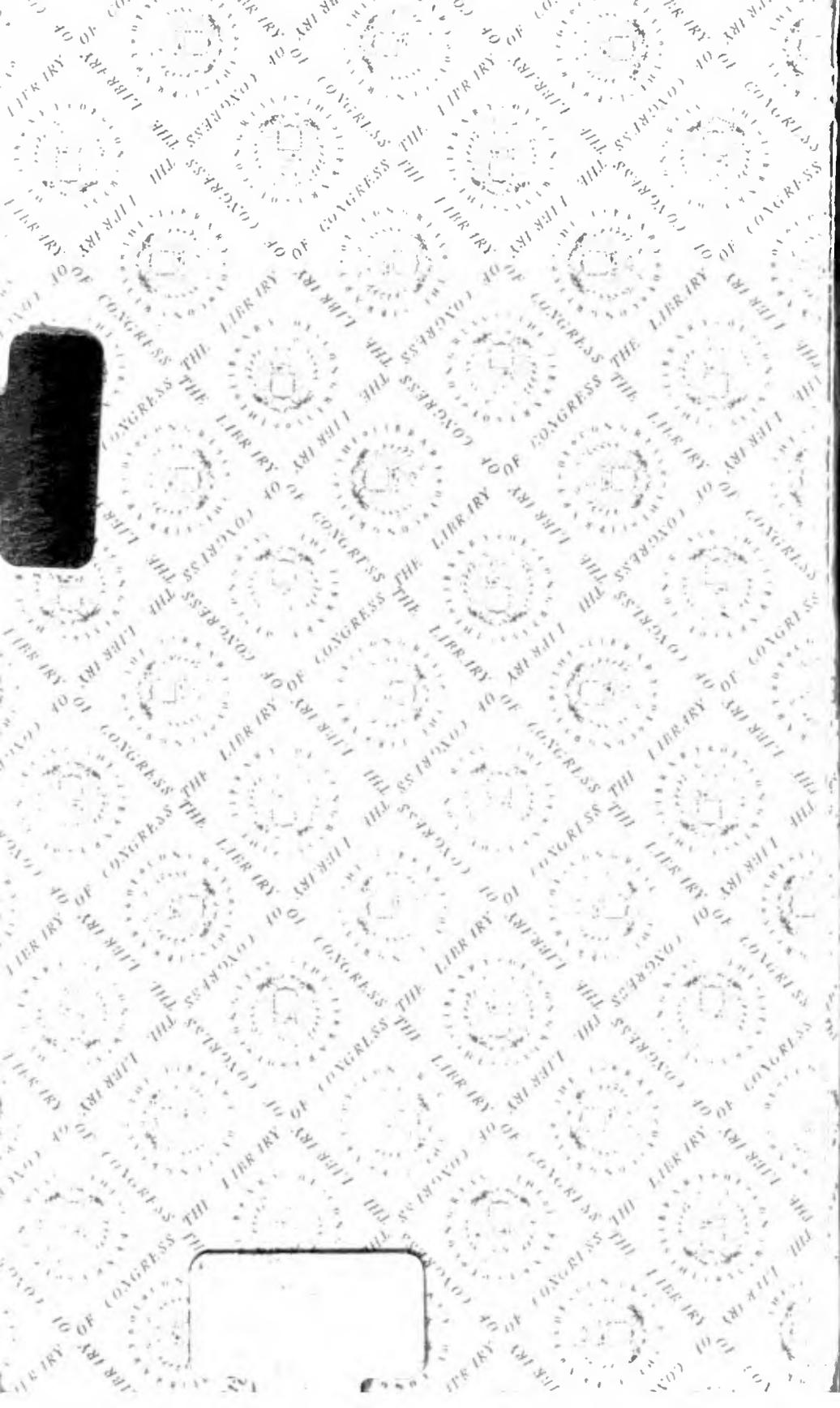
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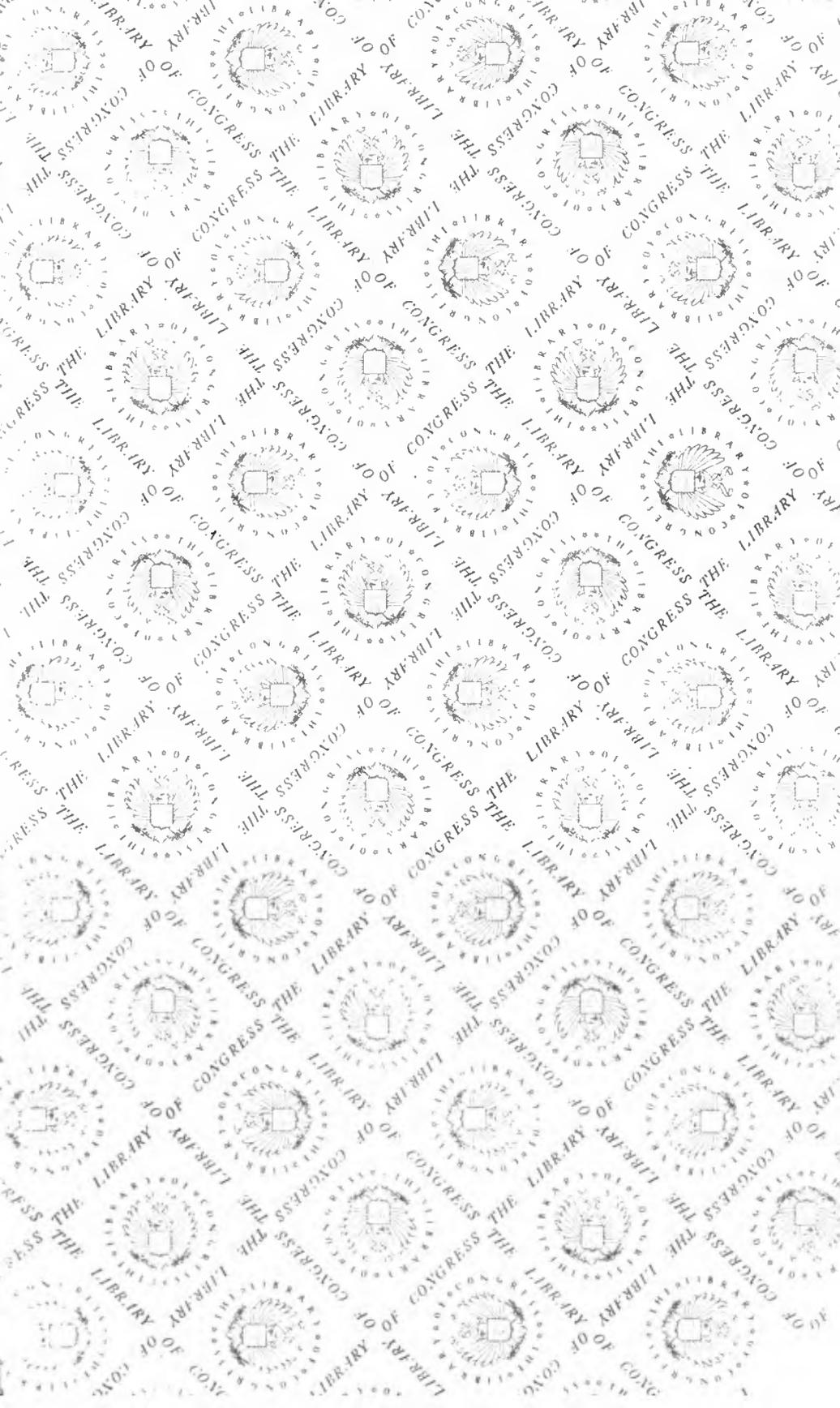
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PUERTO RICO CONSTITUTION

U.S. Congress. House.

HEARINGS



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BEFORE THE

7
COMMITTEE ON PUBLIC LANDS,
HOUSE OF REPRESENTATIVES

EIGHTY-FIRST CONGRESS

ON

[Pub. L. 600]

H. R. 7674 and S. 3336

TO PROVIDE FOR THE ORGANIZATION OF A
CONSTITUTIONAL GOVERNMENT BY
THE PEOPLE OF PUERTO RICO

JULY 12, 1949, MARCH 14, MAY 16, JUNE 8, 1950

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PUERTO RICO CONSTITUTION

TUESDAY, JULY 12, 1949

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC LANDS,
Washington, D. C.

The committee met, pursuant to notice, at 10:20 a. m., Hon. J. Hardin Peterson (chairman) presiding.

The CHAIRMAN. We are honored to have with us this morning the Governor of Puerto Rico. We have asked him to make such statement as he may wish. At this time I will recognize our distinguished friend, the Resident Commissioner from Puerto Rico, and ask him to introduce his Governor to the committee.

Mr. FERNÓS-ISERN. Mr. Chairman, I shall start by thanking the chairman for calling this meeting and the distinguished members of the committee for having attended and being ready to listen to the Governor of Puerto Rico.

Two years ago this committee reported favorably and unanimously a bill to allow the people of Puerto Rico to elect their own Governor. The bill was passed by the Congress and under that law the people of Puerto Rico themselves elected in November of 1948 their first Governor. The first elected Governor of Puerto Rico was the Honorable Luis Muñoz-Marín, who is with us today. This is his first visit to Washington, since his election as Governor. He is very familiar with Washington, having lived in Washington himself, and being the son of a former Resident Commissioner of Puerto Rico, from 1910 to 1917.

It is a very happy occasion because this committee is responsible for the legislative functions of the National Government in what pertains to the 2,000,000 United States citizens who live on the island of Puerto Rico and are organized there as a community by themselves.

This committee naturally has a very profound interest in Puerto Rican affairs. It is the agency of Congress to look after the Puerto Rican affairs and I think the members will be interested in listening to what the first Governor may be willing to say concerning the way Puerto Rico has been developing since this great advance in their democratic organization has taken place.

Mr. Luis Muñoz-Marín, Governor of Puerto Rico.

The CHAIRMAN. Governor, we are mighty glad to have you with us. Will you take a seat and proceed in your own way. After that the committee will probably want to ask you questions.

STATEMENT OF LUIS MUÑOZ-MARÍN, GOVERNOR OF PUERTO RICO

Governor MUÑOZ-MARÍN. Mr. Chairman and members of the committee, I want first to take this opportunity upon my first visit to Washington since the election to thank this committee for having in-

stituted this new form of government for Puerto Rico, which is symbolized by the right of the people to elect their own chief executive after 453 years in which they had not been empowered to do so.

I would like to refer, before I end my remarks today, to this new form of government instituted in Puerto Rico by act of this Congress through this committee. If it is agreeable to the committee, I would like to express in general lines the problems that we face in Puerto Rico. After that, if the members would like to ask questions, I would be very happy to answer them to the best of my ability.

I think the best way of envisaging the general basic problem of Puerto Rico and the best way of expressing it is as the chancellor of our university did some time ago in the following manner: If you can imagine the population of the whole world moving to the continental United States, then the population of the United States would be the same per square mile as the population of Puerto Rico is today. There would be about 640 inhabitants per square mile. If you further imagined that most industries are wiped out from the continental United States and that all petroleum and coal and iron and other minerals are eliminated, then you have the problem that the people of Puerto Rico are facing.

We have a population of 640 per square mile, based largely on an agricultural economy, which we are now trying to convert into an industrial economy. You can see that the task that we have is extremely difficult. I want to report to this committee, however, that the people of Puerto Rico are facing the task with courage, with initiative, and with real hope. In this hope they have been very greatly encouraged by the action of this Congress in granting this measure of self-government.

What do we have to do to solve the problem of so many people trying to live on an agricultural economy? Mainly, we do two things. One, we try to increase production. Two, we try to distribute what is produced as fairly as possible among the mass of the people.

The main factor is the increase in production. Obviously if you don't produce enough, it does not matter how fairly you distribute; there will not be enough. We have to make production increase in Puerto Rico at a much faster rate than it is increasing now, although it is increasing now at a faster rate than it was a number of years ago. We have to make it increase at about three speed or four speeds, let us say.

One, of course, faster than population grows; two, faster still so as to take up the lag of unemployment; three, faster still so as to continue to raise the standard of living of the population as a whole; four, faster still so that we will not be permanently dependent on aid from the Congress.

We hope always to have such aid as the States have, but we would like it not to be a matter of life or death to the people of Puerto Rico. Of course, there are production goals, health, education, and so forth to be considered. With health go the services of pure water to the people. With education goes everything from elementary education to our university. All those things are good in themselves and part of the productive activity of Puerto Rico. The people know they have a hard job, but they are tackling it with great courage and great hope.

In the last few years we have abandoned what we might call the "operation lament" and are now in the midst of "operation bootstrap."

We are trying to lift ourselves by our own bootstraps with the help that Congress has always given Puerto Rico. I want to say that the people there deserve all the help they can get because they are courageously helping themselves. They are not just lying back and waiting for somebody to lend them a hand. They are doing the utmost that they can to solve their problems. It is for that reason that they deserve all the help they can get from Congress.

Perhaps you would be interested to know one of the main things that we are doing to help the industrialization of the island. We have a 12-year tax-exemption program which I want to explain in some detail because there has been some misunderstanding about it up north. We exempt from taxation industries that are defined in the law as new industries, which number about 40 or 42. They are exempted from all taxation for 12 years. An industry that obtained its exemption 2 years ago will have 12 years. An industry that obtains it now would only have 10 years. An industry that obtained it next year would only have 9 years. That is because we want the exemptions to end at the same time for all industries so as not to establish competitive differences at the time the 12-year period terminates.

Then there are 3 years more in which the taxes go on at the rate of 25 percent, 50 percent, and up to 100 percent. So it is a total of 15 years, but the total tax exemption is 12 years, all ending in 1959. The law is 2 years old.

There has been some talk about inducing industries or shops or factories to close in the States and open in Puerto Rico on the basis of this exemption. I want to say that our executive council, which is the organism entrusted by the law to grant or withhold this tax exemption will not grant it to any industry where it knows that it is going to close a factory in any State or Territory of the Union in order to open it in Puerto Rico. We want expansion capital in Puerto Rico and not merely a transfer of industry from one part of the American economy to another part of the American economy.

There are billions of dollars of new capital produced by the American economy, of which we are a part, every year, and what we need is just a small part of that new capital to be invested in Puerto Rico so as to solve these difficult problems that I have been pointing out.

If we are to have even approximate full employment in normal times by 1960, let us say, we must have an investment of 40 or 50 million dollars a year average during that period. Some of the investment comes from the island itself. The island itself produces some capital accumulation, but most of it cannot come from the island. I am glad to have the opportunity of stating once more before the committee that it is no part of our policy to induce industries or shops to close in any State to open in Puerto Rico. There has been some misunderstanding about that. However, it has never happened. The attitude is embodied in a resolution by our executive council that it will not grant any tax exemption to an industry if that is going to be the case.

Education and health are a part not only of the right of any democratic community but also of any community that is battling to increase its own production. I would like to say to the committee that this year more than 50 percent of the budget approved by our legislature is devoted to health and education. Even with a large

appropriation for education, we still have about 40 or 42 percent of the children and youth of school age without access to schools. That is another thing that gives you a measure of the seriousness of the problem we face in Puerto Rico. Even spending such a large part of the budget on education, we have that remaining need.

Health has been considerably improved. The death rate from the beginning of the century has gone down from about 30 per thousand to 12 per thousand. In the last 10 years since the 1940 census, it has gone down from 18 per thousand to 12 per thousand. That is getting near the general average for the States as a whole, which is about 10 point something per thousand.

Allow me to consider again the new form of government. In passing the law allowing the people of Puerto Rico to elect their own Governor for the first time, it is my view that Congress is practically giving shape to a new kind of State. You find no dependency anywhere in the world that elects its own executive and legislative government. The step taken in Puerto Rico is tradition-shattering. It is a completely new departure which does a very high honor to the United States Congress and to the United States President. It does create a new kind of State. It is not an old kind of State, of course, but neither is it a dependency, because it governs itself locally. It is not an old kind of State because it has no voting representation in Congress. Of course, it has no voting representation in Congress because it pays no Federal taxes.

We have there the respected principle of no taxation without representation; but so far as local government is concerned, for all practical purposes it is like a new kind of State. It has something missing which I do not anticipate will be very difficult to correct. I want to submit it for the consideration of you gentlemen now.

What is missing to make Puerto Rico a new kind of State is that the people of Puerto Rico should have the right to make their own constitution. This is a matter of great importance as a principle. In practice, the constitution would probably be very similar, certainly along fundamental lines, to the one now ruling by act of Congress.

In practice, the people of Puerto Rico know that the Congress of the United States would not impose a constitution upon the people of Puerto Rico against their objections. The idea of allowing the people of Puerto Rico to draft and approve their own constitution in a manner similar to the way the States do when they are first admitted, would be a tremendous step forward in principle, although in practice the amount of self-government would not be very different, as it is now substantial.

The principle, however, would be very important not only for the people of Puerto Rico but for the understanding of what the United States Congress and the Federal Government are doing in Puerto Rico throughout the world at large. I am not bringing that up as a proposal for the present session to act upon, as I know it is too late this year; but I would like to leave it with you gentlemen for your consideration for action during a future session.

There are many other points we could touch upon but I think if you gentlemen wish to ask questions we might cover more ground.

The CHAIRMAN. Mr. Crawford.

Mr. CRAWFORD. Governor, would you touch briefly on the question of roads, overland roads as related to your railroad situation there, your housing, and your drop in revenues and your present revenues as related to your normal revenues?

Governor MUÑOZ-MARÍN. Surely. Our road system is pretty well developed but it is still less than half of what it should be. We have some very good main roads and very good smaller roads and very good farm-to-market roads. We have more than 3,000 kilometers, which is about 2,000 miles, of roads in the island of Puerto Rico, which is, as you know, a hundred miles long by about 35 miles wide. The total plan is about twice that much. We hope to complete it in 20 or 25 years.

We have aid, of course, for that road building from the general appropriation of Federal funds for roads.

We have some very tough slum-clearance problems. I feel the recent bill approved will be a very great help to us in tackling that. The growth of cities in the shape of standard dwellings has been computed in Puerto Rico at 2,000 families per year. We have been unable to catch up with it by building more than 2,000 new units each year, but with this new legislation and with the money that the Puerto Rican Legislature appropriates from the island treasury, we hope from now on to surpass that so that the slum areas will begin to decrease in spite of the constant increase in population.

Rum revenues have dropped. They were exceptionally high during the war, but now they are down to about \$5,000,000 for this year. On the other hand, the income tax has increased considerably. Last year it was \$31,000,000. There has been a drop this year to about \$28,000,000.

Mr. CRAWFORD. Do you recall the peak of the rum revenue during the war period?

Governor MUÑOZ-MARÍN. One year it went as high as \$65,000,000. That was when there was practically nothing else on the market.

Mr. CRAWFORD. Your present revenue of about 5½ million dollars is back to about prewar?

Governor MUÑOZ-MARÍN. It is averaging about the same as it was in 1941 before we entered the war.

Mr. LEFEVRE. Mr. Chairman.

The CHAIRMAN. Mr. LeFevre.

Mr. LEFEVRE. Governor, I had quite a visit in Puerto Rico in 1943. At that time you were increasing your industries. As I recall, you were expanding the cement industry. What other industries have you started since that time?

Governor MUÑOZ-MARÍN. The government built industries itself, just to break the ice and clear the road and show that it could be done.

The present policy is not for the government to start any new industries, but to induce private capital, both from the island and from outside, to start industries individually. In fact, if the government had propositions that would protect the public interest, it would be willing to sell the industries it has to any concerns capable of keeping them going. It could then use that money to stimulate other developments.

There have been 42 new industries, some very small and some larger, established by private concerns in Puerto Rico. I could not remember them all at the moment, but I would be glad to send each member of

the committee a list of them. They range from refrigerators to artificial flowers and rugs, baseball equipment, fishing rods, china-ware.

Mr. FEFVRE. Have those industries been attracted because of your tax-exemption program from capital from the United States?

Governor MUÑOZ-MARÍN. Most of them have; yes. I think most of those I have mentioned would qualify under the tax-exemption program.

Mrs. BOSONE. Would the gentleman yield?

Mr. LEFEVRE. Yes.

Mrs. BOSONE. Governor, what is your wage down there?

Governor MUÑOZ-MARÍN. The wages vary according to the industry. But that is not the inducement we are offering. We want our wages to be as high as possible because the industrialization program is for the benefit of the people, not the people for the benefit of the program. We have a minimum wage law in Puerto Rico, besides the Federal wage law which applies. The Puerto Rican law does not fix a flat minimum. It creates a commission. This commission designates industry committees which are entrusted with the task, after due study, of establishing as high a wage as an industry, including agriculture, or any productive activity, can pay without having to close down; that is, retaining a reasonable margin of profit. The Federal law applies in the same way. You create special industry committees in Puerto Rico with representatives of capital, labor, and representatives of the public interest. They are entrusted with finding the highest possible wage that will not ruin or stop production of the industry concerned. It is a difficult task we are facing. If we just fixed the wages higher than an industry could pay, then the wage would be zero. The whole policy of the Government is that wages shall be as high as the industries can bear and still make a reasonable margin of profit. The tax exemption covers a period of 12 years, which is to offset other disadvantages, such as remoteness by sea routes of imported raw materials. Most industries in Puerto Rico will have to bring raw materials from other regions, mostly from the States, because the island has few raw materials. Then the product will have to be shipped back again.

The tax exemption is rather an equalizing device during the period in which the agricultural economy is trying to train itself to become an industrial economy.

The CHAIRMAN. Mr. Welch.

Mr. WELCH. Governor, what is the present population of Puerto Rico?

Governor MUÑOZ-MARÍN. About 2,200,000.

Mr. WELCH. What was the population when the United States took over after the Spanish-American War or after the Treaty of Paris?

Governor MUÑOZ-MARÍN. 960,000. It has more than doubled.

Mr. WELCH. What is the annual increase in population, approximately?

Governor MUÑOZ-MARÍN. The birth rate recently has been above 40 per thousand. The death rate has gone down from 18 to 12 per thousand, in the last 9 years. So the rate of increase has been about 28 per thousand. That is about 60,000 per year.

Mr. D'EWART. Mr. Chairman.

The CHAIRMAN. Mr. D'Ewart.

Mr. D'EWART. I had the pleasure of visiting Puerto Rico and certainly remember the visit with a great deal of pleasure. One of the particular industries of interest when I was there was your coffee industry, one that used to bring considerable revenue to your island and which had gone down and down until it was in a serious condition. Has that been revived or is an effort being made to revive that industry?

Governor MUÑOZ-MARÍN. We have enacted the legislation to help revive the coffee industry but I am afraid that with funds available it will be a slow process. We are trying to increase the production of coffee per acre. That is done with certain practices such as terracing the land, thinning the bushes, having the proper shade trees, using certain amounts of fertilizer, and so forth. The coffee farmers are in such bad economic shape that they do not have the money to do this. We appropriated some funds to help them, and the Soil Conservation Service gives us some help.

Mr. D'EWART. As I remember, one of the reasons they were in such bad shape was that so many of the coffee planters had their funds frozen overseas at the beginning of the war and could not get them back to use in operating their coffee plantations. Have those funds been recovered so you could use them in Puerto Rico?

Governor MUÑOZ-MARÍN. I could not tell you offhand, Congressman, but I can tell you that the coffee planters who have money in Europe or anywhere else in the world are very few in number. There may have been a few wealthy ones who found themselves in that situation, but most of the coffee planters are in very bad financial shape.

Mr. MILLER. Mr. Chairman, may I pursue the tax-exemption program a little further? I believe you said there were about 42 concerns which have recently located in Puerto Rico because of the favorable tax program being extended to them. I presume your advisory board would investigate very carefully any concern which might want to go down there for an 8- or 10-year period, more or less of a fly-by-night concern taking advantage of tax exemptions and perhaps cheaper labor, and probably would be rather reluctant to give that individual permission to go in and start such a business.

Governor MUÑOZ-MARÍN. That is right, Congressman. For instance, the executive council has approved another resolution whereby it will not grant tax exemption to any home work industry, or any industry where the work is sent to be done in the homes. In the first place, they are usually very low pay industries and also they are easy to move from one place to another. They do not put up much capital of their own.

Mr. POULSON. Mr. Chairman.

The CHAIRMAN. Mr. Poulson.

Mr. POULSON. On this economic committee that you have established to scrutinize these companies and to ascertain whether or not they are coming down there to take advantage of the exemptions and then will close their plants, assuming that they tell you that they are coming down to expand and not to close their plants, but after they get established down there and are taking advantage of these exemptions that they do close their plants on the continent, then what is the position of the economic committee?

Governor MUÑOZ-MARÍN. We realize that that is one of the difficulties, to find out when this takes place and even though they have said

they were not going to do it, they may do it in any case. We have not met any of those cases yet, but we are conscious that sooner or later some will come and we are trying to develop means of knowing how to deal with them.

Mr. POULSON. Here is an example of what we hear about from people in our districts. I have a letter that I have just received from a hotel-china manufacturer. They manufacture hotel china and ship it throughout the United States. They are complaining about a company in your country called Crane China Corp., which they state is receiving these exemptions and being subsidized. They say they get 30 cents per hour labor and take advantage of shipping it over here in what they call foreign vessels. That is just running our dishware people out of business.

I am giving you an idea of the complaints we are getting from this side. They say it was understood when this company was organized down there that they were to sell in Central and South America, but he said they had appeared at a recent buyers' convention in Texas and offered their ware for prices which none of the American companies could touch. I wanted to bring up some of the problems we have.

Governor MUÑOZ-MARÍN. They do not ship in foreign ships. They ship in United States vessels.

In this particular case that is a well-known concern with a factory in Syracuse. The factory in Syracuse is operating. In their expansion of the business, they have established another factory in Puerto Rico. They have not closed the Syracuse factory. If they are not paying enough for their labor, the minimum wage board will find that out or the wage committees of the Federal Government will soon find it out and that will be adjusted. That is clearly expansion capital. Their factory in New York State is still going. They are just increasing production.

Puerto Rico is a part of the United States. It is a community of American citizens and they cannot be compelled to sell outside of the United States. When any factory starts in Puerto Rico, whether it is started by a Puerto Rican resident, or someone up north, it has a right to sell wherever it can. However, the wage should be as high as the industry should pay and still make a reasonable profit.

If that is not the case, the proper boards of the insular government and of the Federal Government will soon know and adjust it.

Mr. POULSON. What this man goes on to say further is that it is a well-established company and they have established the quality of their goods throughout the country and they are using these Puerto Rican goods to go into new markets and to break down the competition with some of the smaller companies, as this man classes himself, and still maintaining their American-manufactured goods in some of the well-established markets.

In other words, they are using this as a leverage. I am calling it to your attention because I am getting complaints.

Governor MUÑOZ-MARÍN. It is probably also true that while the Puerto Rican worker is very apt and learns new skills and trades very rapidly, he does not learn them from one week to another. Sometimes you may find that the wage is lower in Puerto Rico, but not lower per unit of production. It has been an agricultural economy for centuries and you cannot get skilled workers immediately, as you do in com-

munities that have been industrialized for 50 to 150 years. Perhaps the wage cost per unit is higher in Puerto Rico than in the States. If they can pay more, there is plenty of legislation so that they will have to pay as much as possible within their right to make a reasonable profit.

Mr. MILLER. Governor, do you compel these few factories to employ Puerto Rican labor or can they bring in their own labor?

Governor MUÑOZ-MARÍN. They can bring in their own labor.

Mr. WELCH. Governor, has Puerto Rico made any progress along the lines of developing its fisheries and the construction of cold-storage and refrigeration plants?

Governor MUÑOZ-MARÍN. We have a little of that; not much. The seas around Puerto Rico are too deep. There is not much commercial fishing. There is good sport fishing but not much commercial fishing. The government recently bought a small boat to try fishing farther away; for instance, off the Venezuelan coast and the Mexican Gulf. We have not had enough experience in that matter to know whether it will be profitable or not. The waters immediately around Puerto Rico are very deep. The deepest place in the Atlantic Ocean is very near San Juan. There is not much volume of commercial fishing there.

Mr. WELCH. Are not fish abundant toward the South American coast?

Governor MUÑOZ-MARÍN. Yes.

Mr. WELCH. How far distant would that be from Puerto Rico?

Governor MUÑOZ-MARÍN. About 400 miles.

Mr. WELCH. That is not considered a very long distance in this country.

Governor MUÑOZ-MARÍN. No; it is not. However, the fishermen we have had have been very small fellows who would not have boats of that kind.

Mr. WELCH. Many of our fishermen go to Aleutian waters. It has always occurred to me that the island is lax in not developing its fisheries.

Governor MUÑOZ-MARÍN. We are working at it now, but there are no clear results yet.

Mr. WELCH. Do you still import codfish from New England?

Governor MUÑOZ-MARÍN. Mostly from Nova Scotia. We import about 30,000,000 pounds a year. That is one of the biggest sources of protein for the bulk of the population of Puerto Rico.

Mr. WELCH. It does not compare with fresh fish. I hope that some time in the near future progress will be made in developing the fisheries.

Mr. MORRIS. Mr. Chairman.

The CHAIRMAN. Mr. Morris.

Mr. MORRIS. I would like to ask first whether a comprehensive report has been made by you, Governor, or any other Puerto Rican governmental agency, to this committee, the Congress, the President of the United States, or to any governmental agency, as to your ideas about what is necessary to raise the economy of your country to its desired level?

Governor MUÑOZ-MARÍN. I think the Resident Commissioner, Dr. Fernós, has appeared before some committees of Congress to make a presentation of the needs of Puerto Rico in tackling the problems we have been touching upon today.

Mr. MORRIS. We have heard specific matters mentioned this morning and from time to time, but I was wondering if a written comprehensive report is available anywhere. If so, I would like to study it.

Governor MUÑOZ-MARÍN. Oh, yes. I will be very glad to send the Congressman, as well as any other members of the committee, all the data and facts we have on that matter.

Mr. MORRIS. Perhaps the Resident Commissioner has such a report.

Mr. FERNÓS-ISERN. I have appeared before the Ways and Means Committee in connection with the Social Security Act, the amendments that are being considered, and before the Merchant Marine Committee on the question of shipping, and before the Committee on Education and Labor on the question of aid to education. I have advocated, therefore, not quite a plan but a policy that will lead to a plan.

Mr. MORRIS. That is what I was getting at, whether or not there was one general plan set out. If so, I would like to have a copy of it for my own information.

The CHAIRMAN. You have had to explore and develop step by step before you know what you need in the full plan, as I understand it.

Mr. FERNÓS-ISERN. That is right. The presentation that I have made is referred to the particular measures before the various committees. A series of measures are being advocated which add up to a real plan. I would be very glad to let Mr. Morris have a copy of my testimony.

Mr. MORRIS. I will have to admit that my knowledge of this matter is certainly not as great as that of a great many members of this committee who have had an opportunity to go there and study it firsthand. I would like to become better acquainted with the situation so as to be of assistance.

Mr. BARRETT. Will the gentleman of Oklahoma yield to me for an observation?

Mr. MORRIS. Yes.

Mr. BARRETT. It might be well to observe at this point that we on the mainland are not experts on that very same problem. The President of the United States sent up a message yesterday trying to devise ways and means to do the same thing on this continent.

Mr. MORRIS. I realize there is a lot I do not know about that question but I am trying to learn more and more all the time.

Governor, if you can tell us in just a few words, what do you consider the pressing or emergency needs of your country?

Governor MUÑOZ-MARÍN. The basic thing is all help that the country can get from its own initiative and from Congress to develop its production. Of course, that includes education and health. We cannot have a highly industrialized country without a very highly developed system of education and a good state of health among the population as a whole.

In considering health, you immediately get into the housing problem. You cannot have good health if a large part of the housing is substandard, with people overcrowded. Anything that will help us with the housing problem, that will help us with more roads, which are a way of increasing agricultural production as well as producing other benefits for the population, all the understanding that the Congress may have of our tax-exemption program, why we are doing it, why we have to lift ourselves from our present position, will help

us greatly in solving this problem at an early date and Puerto Rico will enjoy the status of other communities of American citizens all over the United States. We need all the help and understanding that we can get along those lines. Understanding itself is a very great help.

When you get protests from certain sources, you will know why we are doing these things and to what extent we are doing them and what limitations we are placing upon ourselves in doing them.

The legislation pending in Congress at the moment that would be most useful to Puerto Rico is the educational aid bill. We spend in education almost 40 percent of our operating budget. Still about 42 percent of the children are out of school. Any help that would be forthcoming on those measures would be of tremendous advantage to us.

Puerto Rico purchased last year from the continental United States about \$335,000,000 worth of goods. We estimate that about 200,000 workers are employed in the United States because of these large purchases. The more production increases in Puerto Rico, especially under our policy of not trying to lift industries from other places and carry them there, the more that will be of help for production to increase in the continental United States.

We will have more money to buy. Puerto Rico buys 96 percent of everything it imports from the continental United States. So the more we produce, the more others will produce in the continental United States to sell to Puerto Rico.

MR. LEFEVRE. Governor, how is the policy working out of our importing agricultural labor to the States in helping your unemployment problem?

Governor MUÑOZ-MARÍN. That is working out pretty nicely. We had a little trouble at first, but our department of labor got to work on it in cooperation with the Federal Department of Labor and some of the State departments of labor. Now several thousand Puerto Rican agricultural workers come up to the States every year. Most of them go back after the season is over, but they earn some wages and save some of that money and send it back to their families.

MR. LEFEVRE. The farmers from my district have used Puerto Rican labor in the last couple of years and they are well satisfied with them.

Governor MUÑOZ-MARÍN. I am glad to hear that.

MR. MILLER. In that connection, Governor, are you encouraging or discouraging the Puerto Rican farmers to go to the Virgin Islands to farm and get into business? What is the picture in that connection?

Governor MUÑOZ-MARÍN. We neither encourage nor discourage them. The same is true with the continental United States. If a man wants to come to the States, of course, we cannot stop him. He is a free citizen and can go where he wants. But if he wants to go under the sponsorship of the labor department, then the labor department sees to it that they are the right kind of people and that they will know how to do the job wherever they will be located. They also see to it that their health is good. That is operating very well.

MR. MILLER. It seemed to me that the Puerto Ricans are doing very well in the Virgin Islands and there might be an opportunity for some of them there.

Governor MUÑOZ-MARÍN. That is right; there are several thousand Puerto Ricans in the Virgin Islands. I think they constitute about one-fourth or one-fifth of the population already. Of course, the Virgin Islands are not very large.

The CHAIRMAN. Mr. Lemke.

Mr. LEMKE. Governor, I certainly want to congratulate you on the information you have been giving us. Something has been said about planners and plans. Our trouble is that we have so many here that we do not know which one is right and usually 9 out of 10 are wrong. They do not know that they do not know and therefore they become dangerous. I hope you will never be troubled with that kind of planners in Puerto Rico.

I would like to know a little about the political situation. When were you elected?

Governor MUÑOZ-MARÍN. November 2.

Mr. LEMKE. What percentage of the people voted?

Governor MUÑOZ-MARÍN. Eighty percent of the people entitled to vote.

Mr. LEMKE. Do women vote as well as men?

Governor MUÑOZ-MARÍN. Yes; we have universal suffrage.

Mr. LEMKE. Then I am perfectly willing to permit you to adopt your own constitution.

Mr. MARSHALL. Mr. Chairman.

The CHAIRMAN. Mr. Marshall.

Mr. MARSHALL. The other day we had a bill before the committee that the Resident Commissioner very ably presented.

The CHAIRMAN. Mr. Marshall, we thought we would go into that later on.

Mr. POULSON. In the matter of sending the agricultural workers up to the States, has anyone in your government contacted the people who handle that problem in California? As you probably know, we bring in a great many Mexicans each year for agriculture labor. Have you tried to substitute your workers for these Mexicans?

Governor MUÑOZ-MARÍN. Our commissioner of labor was in California several months ago. I have had some correspondence with Governor Warren, of California, on the subject.

The governor tells me that there is an unemployment problem in California itself at this time. Of course, we want to cooperate and not aggravate the problem anywhere else, so we are not sponsoring any people going there.

Mr. POULSON. Our unemployed do not do that type of work, which is what we call stooplabor, working in the fields.

Governor MUÑOZ-MARÍN. The governor says that there are quite a number of unemployed in California.

Mr. POULSON. There are, but they will not do that kind of work.

Governor MUÑOZ-MARÍN. I am guided by what he tells me on that.

Mr. POULSON. I was thinking that was an avenue for expansion in that land.

Governor MUÑOZ-MARÍN. We would like very much to send some of our workers there, but we certainly would not do it against the wishes of the people of that State. We have an unquestioned right to do it as American citizens, but we feel that our attitude should be cooperative.

Mr. CRAWFORD. Mr. Chairman, may I ask the Governor a question?

The CHAIRMAN. Mr. Crawford.

Mr. CRAWFORD. Governor, is Puerto Rico subject to the coastwise shipping laws of the United States?

Governor MUÑOZ-MARÍN. Yes; it is.

Mr. CRAWFORD. In other words, you have a potential difficulty in Puerto Rico similar to that which Hawaii has been suffering from for the last 72 days, as, when, and if the powers that be might wish to call a strike.

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. Have you had any difficulty along that line in years past?

Governor MUÑOZ-MARÍN. We have had some. We had a dock strike that lasted about a month about 10 or 11 years ago. The situation became rather difficult before the strike ended.

Mr. CRAWFORD. In other words, Puerto Rico's position is not dissimilar to that of Hawaii and Alaska?

Governor MUÑOZ-MARÍN. I would say it is more difficult because there is a greater population to sustain, most of it from overseas trade.

Mr. CRAWFORD. Would you and your administration and the business people of Puerto Rico, so far as you know, be friendly to a position that Congress might take, if it should take such a position, creating what might be termed a third class of operations which would exempt Puerto Rico from the coastwise shipping laws, which as a matter of fact are obsolete and unused at this time, and at the same time protect Puerto Rico as related to the United States by what might be termed offshore shipping, meaning from the continental United States to Hawaii, Puerto Rico, and Alaska, and yet having that so designed that it would exempt you from the difficulties that coastwise shipping offers? Would your people be friendly to an approach along that line?

Governor MUÑOZ-MARÍN. Anything that would make more shipping available to us would certainly be welcome.

Mr. CRAWFORD. And put you on a better competitive basis?

Governor MUÑOZ-MARÍN. That is right; and anything that would help the ships that sail between the continental United States and the United States overseas areas.

Mr. CRAWFORD. Some thought is being given to that?

Governor MUÑOZ-MARÍN. Yes.

Mr. CRAWFORD. Would you mind telling the committee how many individual dwelling units you have had built across the bay from San Juan in the last 3 or 4 years, and the approximate price at which those were sold to the people?

Governor MUÑOZ-MARÍN. Through private contractors, helped by the Government Development Bank, we had practically a whole town built in 1 year near San Juan. There are about 4,000 dwellings and the number is still being added to. These dwellings sold mostly at \$4,000. Purchasers have about 20 or 25 years to pay for them.

Mr. CRAWFORD. I wanted you to bring that out because you have demonstrated there what can be constructed in the form of a very livable house. That is mostly concrete; is it not?

Governor MUÑOZ-MARÍN. Yes; concrete.

Mr. CRAWFORD. They will stand there for decades. Your people have been able to buy those individual dwellings at from \$4,000 up.

Governor MUÑOZ-MARÍN. That is right. If they are veterans they do not have to make any down payment, as you know. If they are not veterans, they have to put down 10 percent and can pay the rest by monthly installments.

Mr. CRAWFORD. Those prices include the street, utilities, and refrigerators for each home; and the people fix their own gardens and flowers and so forth?

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. I think it is one of the most attractive developments of its kind that I have ever seen and at the price at which you have been able to sell them I congratulate the administration.

Governor MUÑOZ-MARÍN. We have also built some eight or ten thousand units of public housing. That is the type that you do not sell but you rent according to the income of the family.

The CHAIRMAN. The Ways and Means Committee just phoned that the Governor was supposed to appear before them and they are waiting on him. I would love to have the Governor with us longer. Are there any urgent questions?

If not, we will excuse the Governor. Thank you, Governor. If you will, we would like you to present your charming wife. I understand that she is with you.

Mr. FERNÓS-ÍSERN. Mr. Chairman, I would like to have a few words now, in reference again to what Congressman Miller said before, so that this committee, which has responsibility for Puerto Rico may know about it I have been advocating a program which is in line with the thinking and the activities of the Governor and the Government of Puerto Rico.

It could be taken as the fundamental policy we might follow for immediate purposes. In the first place, Puerto Rico has a sugar economy. We are trying to get away from restrictions in the Sugar Act and allow Puerto Rico to industrialize precisely on its fundamental product, the basis of its economy.

The second point would be to aid coffee cultivation so as to increase the yield per acre in order that we may be able to sell in a competitive market at a low price, with reasonable income for the farmer.

The third point would be a shipping subsidy which we are trying to get equally as foreign shipping. These three measures would be measures to help us to help ourselves. It would not be just grants or hand-outs, but would place us on a more stable economic basis.

On the other hand, there are three Federal aids that would come into the picture. One has already passed the Congress. It includes Puerto Rico. That is housing.

The second is aid to education where we feel the overseas areas of the United States should be treated equally with the States.

The third would be the extension of social security. My feeling is that if these measures could be approved, the economy of Puerto Rico would have an income per year of about a hundred million dollars additional, which would take care of the present difference between our sales, which amount to about a hundred million, and our purchases, which amount to about 337 million.

Mr. WHITE. Mr. Chairman, if it is permissible, I would like to ask the Governor one question.

The CHAIRMAN. Yes, Mr. White.

Mr. WHITE. Governor, some time back this committee considered a bill to make a geological examination of the island of Puerto Rico. Would you be in favor of taking an inventory of the mineral resources of Puerto Rico by the Federal Government?

Governor MUÑOZ-MARÍN. Certainly.

Mr. WHITE. Do you think it would be a good thing?

Governor MUÑOZ-MARÍN. A very good thing. We are doing some exploration on our own of petroleum possibilities.

Mr. WHITE. I think it is very important that we go into that matter and I hope we will soon have an opportunity. I regret the Governor is leaving so soon.

Governor, Cuba has considerable minerals, and quite a lot of mineral production. I am wondering if there is anything in that line in Puerto Rico?

Governor MUÑOZ-MARÍN. Puerto Rico is not now known to have much in the line of minerals, but we have to explore every possibility.

Mr. WHITE. Do you have public lands in Puerto Rico held by the Federal Government?

Governor MUÑOZ-MARÍN. Not many; no.

The CHAIRMAN. It is a very small percentage. The questions that the gentleman from Idaho is asking are things that the Governor and I discussed the other day.

Mr. WHITE. You know the United States has a policy of making an inventory of its mineral resources and I think that should be extended to Puerto Rico.

The CHAIRMAN. The Governor told me he was going into that feature there.

Governor MUÑOZ-MARÍN. I think it should be gone into.

Mr. WHITE. I do not know what better place we could go into that feature than in the Public Lands Committee of the House of Representatives.

The CHAIRMAN. The Governor has an appearance scheduled before the Ways and Means Committee and they have sent word that they are waiting to hear from him.

Governor MUÑOZ-MARÍN. I would be very glad to get together with the Congressman before I leave Washington and go into this matter.

The CHAIRMAN. Mr. White is an expert on mineral matters and is consequently interested in those.

Governor MUÑOZ-MARÍN. May I get in touch with you sometime soon?

Mr. WHITE. Yes. However, I do not think much can be accomplished by private conversations. I think it should be made a matter of record before this committee as to what we can do to develop the resources of Puerto Rico. Do you have lime and stone there?

Governor MUÑOZ-MARÍN. Yes; some of that.

Mr. WHITE. Mr. Chairman, it is a big subject and under the circumstances I will withhold any further questions.

The CHAIRMAN. We are limited in time.

Governor MUÑOZ-MARÍN. I want to remind you that the gentleman wanted to go into the bill that was discussed the other day about the judges' salaries in Puerto Rico's Supreme Court.

The CHAIRMAN. We thought unless you especially wanted to go into that we had better release you to the Ways and Means Committee.

GOVERNOR MUÑOZ-MARÍN. I just wanted to give my support to the bill.

Mr. WHITE. Have any explorations been made for oil in Puerto Rico?

GOVERNOR MUÑOZ-MARÍN. Yes, sir. We look for everything possible, even though we do not have much hope. We have to.

Before I leave, Mr. Chairman, I would like to take this opportunity to extend to the whole committee or to any members who may wish to do so an official invitation, as well as a personal invitation, to be my guests in Puerto Rico at any time when the committee may feel as a whole, or any of them individually, that they can take the time off to enjoy our very beautiful climate.

THE CHAIRMAN. We appreciate that and you are liable to have several of us taking up that invitation.

GOVERNOR MUÑOZ-MARÍN. I hope you all will.

THE CHAIRMAN. Thank you. We appreciate your being here. We would like you to present your charming wife, if you will, Mr. Governor.

We have with us also Assistant Secretary Warren and a number of others from the Department.

Mr. MORRIS. I think the Governor's wife might like to say just a word, Mr. Chairman.

THE CHAIRMAN. We will be happy to have you, Mrs. Muñoz-Marín.

Mrs. MUÑOZ-MARÍN. I want to thank this committee for the wonderful relations they have established with our people through the last session of Congress, for your decisions in this committee. You do not know how much solidarity you have among a group of 2,000,000 people, which has been obtained through your action in favor of our people. I think this growing solidarity will be paid back to the United States some day and we hope it will be extended.

The decisions of this committee have helped our friendship to grow and the relations of the Puerto Rican people with the United States, I am sure, will be stronger every day because of your actions.

THE CHAIRMAN. Thank you very much.

(Whereupon, at 11 a. m., the committee proceeded to further business.)

PUERTO RICO CONSTITUTION

TUESDAY, MARCH 14, 1950

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC LANDS,
Washington, D. C.

The committee met at 10 a. m., Hon. J. Hardin Peterson (chairman), presiding.

The CHAIRMAN. The committee will come to order.

We have several bills to consider this morning, but before going into the legislative business of the committee it is our pleasure to have with us this morning the Governor of Puerto Rico whom I recall appeared before us last year and made a very fine statement.

Our colleague, Dr. Fernós-Isern, on the committee, has told us of the Governor's presence, and we are very anxious to have him speak to us, and make whatever statement he desires.

Doctor, we would be glad to have you make such statement as you wish at this time.

Dr. FERNÓS-ISERN. Mr. Chairman, the Governor of Puerto Rico, who has previously appeared before this committee, is with us today and wishes to present to this committee his views concerning various matters, but especially concerning a bill which I had the honor and privilege to introduce yesterday. It has not yet been printed, and I am sorry to say we do not have any copies before us. But I think it is a great opportunity for this committee to know what the Governor of Puerto Rico thinks about this bill, and what the significance of the bill is in the view of the Governor, who is, as we all know, also the great leader of the people of Puerto Rico.

When Governor Muñoz-Marín was here previously, he made reference to the idea we were considering, and now the idea is already expressed in the form of a bill. It is a very important matter for Puerto Rico, and it is an important matter for all those in the continental United States.

Later, when we come to the full consideration of the bill I may have more to say, but for the present I think the best I can do is to simply present to you the Governor of Puerto Rico.

The CHAIRMAN. Thank you very much.

Governor, we are glad to have you with us, and you may be seated or stand, whichever you prefer.

STATEMENT OF HON. LUIS MUÑOZ-MARÍN, GOVERNOR OF PUERTO RICO

Governor MUÑOZ-MARÍN. Thank you very much, Mr. Chairman. I am very glad to have the opportunity to come before this committee

just the day after the bill has been introduced. I realize that is not the usual procedure, and I am grateful for the opportunity to speak to you at this time in that regard.

The CHAIRMAN. We are not limited to the bill, Governor, and you may proceed in your own way.

Governor MUÑOZ-MARÍN. Thank you, Mr. Chairman.

As you know, last summer when I had the honor of appearing before you I mentioned the wish of the Puerto Rican people to draft and approve their own constitution as a community of American citizens. I realize that at that time it was very late in the session and no practical progress could have been accomplished with the idea at that time. This year we come before you to petition for such legislation with the idea now in complete form as a bill introduced by the Resident Commissioner, announced yesterday.

We are doing this not only from a personal conviction that the Puerto Rican people should have the right to make their own constitution under the Constitution of the United States to which we all owe allegiance, but also because this was a clearcut issue in the campaign at which Dr. Fernós-Isern and I had the honor of being elected by a large majority vote of the people of Puerto Rico. Therefore, in presenting this we are presenting the considered opinion of the Puerto Rican people.

The proposal that we have in mind, and that is embodied in the bill, is not a proposal involving Federal statehood for Puerto Rico. It is not such a proposal. The bill does not ask that. The vote of the people of Puerto Rico at the last election was not on that basis. For that reason it should be made very clear that we are not asking for the right to draft a constitution and thereby become a State.

This, of course, is a different case from that of any Territory where the people may have by vote presented their desire for statehood to the Congress of the United States. We are speaking in the manner that the people of Puerto Rico have voted on this problem as it concerns them, seeking authority for the people of Puerto Rico to draft and approve their own constitution which will make more according to principle something that already exists in practice. Self-government has been progressively developing in Puerto Rico for a long time, and it has been developing in law and in practice. Usually the practice is ahead of the law, and thereby the United States as a whole does not gain the credit that it is entitled to, especially in the Latin-American area, because things that are happening as a matter of practice in fact are not yet recognized in law.

The right of the Puerto Rican people to make their own constitution would recognize as a matter of law and a matter of fact something that in practice exists to all intents and purposes, which is real self-government.

Now, the step taken by the Congress 3 years ago of authorizing the people of Puerto Rico to elect their own Governor was a step in this direction. As you gentlemen know, the Governor of Puerto Rico has been appointed for the last 450 years. Until 1898 he was appointed by the King of Spain, and from 1898 on he was appointed by the President of the United States, until Congress approved the act in 1947 by which the people of Puerto Rico elect their own Governor. But as a matter of fact, before that the President of the United States,

in his last appointment of a governorship of Puerto Rico, appointed as Governor of Puerto Rico our Delegate who had been elected by the people, the whole electorate of Puerto Rico. Thereby it is my belief that the President wished to symbolize the idea of allowing, even before there was a law, the Governor of Puerto Rico to be a man who had received the support of the voters of Puerto Rico, and Congress after that made it legal, and the same principle became law rather than just practice.

Now, with our constitution it is the same thing. What functions as a constitution today in Puerto Rico is some of the sections of the organic act. Of course, some of the other sections of the organic act do not function as a constitution, but, rather, as a statute of relationships between the United States as a whole and Puerto Rico. Those sections of the organic act that function as a statute of relationship between the United States and Puerto Rico are not changed at all by the bill introduced yesterday by Dr. Fernós. The bill affects only those sections of the organic act that now function as a local constitution.

We have come before this committee, and before the Congress a number of times, requesting amendments to that part of the organic act that functions as a local constitution. In no case has the Congress failed to go along with us in those amendments. In no case that I remember as the Congress failed to approve such amendments as were requested. So if we now just make the constitution ours, the practice will be embodied in the principle, and the principle will be of tremendous spiritual value not only to the people of Puerto Rico, but also it will be of great clarifying value in Latin-American countries, where the United States is frequently unjustly accused of running a colonial system in Puerto Rico. It is not so, but the situation lacks this thing in law, this thing in principle, the local constitution, so that it cannot be pointed out that it is so in any way.

Of course, you gentlemen may wish me to answer some questions later, or at any time, and I would be glad to do so at any time, if you are rather well familiarized with the economic problems of Puerto Rico.

The CHAIRMAN. Any questions of the Governor?

Mr. LEMKE. I would like to ask one, Mr. Chairman.

The CHAIRMAN. Mr. Lemke.

Mr. LEMKE. As I understand it, Governor, you would like to have the set-up we have in the United States; you want your own constitution, subject, however, to our Federal Constitution, just as we have for the individual States.

Governor MUÑOZ-MARÍN. Yes, sir. The Constitution of Puerto Rico should be on the basis of dignity with the States, but still what we are asking for is not statehood. It would not be represented by voting representation in the Congress.

Mr. LEMKE. And this has no bearing whatsoever on statehood?

Governor MUÑOZ-MARÍN. That is right.

Mr. LEMKE. Then your legislature would be bound by that constitution, the same as our State legislatures.

Governor MUÑOZ-MARÍN. The whole government structure would be subject to what that constitution provided, provided it is a republican form of government, and it contains a bill of rights.

Mr. LEMKE. May I sum it up this way: You prefer self-government under the Federal Government of the United States?

Governor MUÑOZ-MARÍN. That is right, but not as a Federal State. We have no mandate from our people in that direction.

Mr. LEMKE. But, rather, as a possession or Territory of the United States?

Governor MUÑOZ-MARÍN. Certainly not as a possession, sir. I do not believe that some Americans can be possessions of other Americans.

Mr. LEMKE. As a Territory of the United States.

The CHAIRMAN. Occupying a peculiar status under the Constitution of the United States, and by an act of Congress it being neither a State nor a possession.

Governor MUÑOZ-MARÍN. It is a community of American citizens that should have whatever name is proper and govern themselves fully in their local functions of government under the Federal Constitution. The difference, really, is in the congressional representation.

Mr. MILLER. How would the State issue now explained to us differ from being a State in the Union?

Governor MUÑOZ-MARÍN. It would have no congressional voting representation.

Mr. MILLER. That would be the only difference, wouldn't it?

Governor MUÑOZ-MARÍN. Not having voting representation, which it has not now, it is not subject to Federal taxation. Those are the two balancing situations.

Mr. MILLER. I have noticed in articles recently by the press of Puerto Rico that you are anxious to have statehood. Is there quite a segment of your people who want statehood?

Governor MUÑOZ-MARÍN. In the last election the parties having statehood in their platform polled about 27 or 28 percent of the total vote. A party having independence in their platform polled about 10 percent of the votes. My own party, which makes this proposal that I now bring before you gentlemen, obtained 63 percent of the votes.

The CHAIRMAN. Mr. Engle.

Mr. ENGLE. Is this an intermediate step to finally asking for statehood, Governor?

Governor MUÑOZ-MARÍN. Nothing in this would prevent asking for statehood, of course, but that is not what we are asking.

Mr. ENGLE. Do you want us to take a step here that implies a promise of statehood later?

Governor MUÑOZ-MARÍN. No; that is not what the people of Puerto Rico are requesting of the Congress. What the people may do in the future I do not know.

Mr. ENGLE. But the point is this: If you have all the meaning of a State except representation in Congress, I can see the handwriting on the wall, and the next step would be a request for two congressional Representatives, one in the House and one in the Senate, and if that is the kind of bill this is, I am against it.

The CHAIRMAN. As I understand it, this step would neither preclude nor promise statehood in the future.

Governor MUÑOZ-MARÍN. That is right, Mr. Chairman, because Congress cannot obviously preclude itself from an action in the future.

However, may I say this: Puerto Rico is one of the best-working democracies in the world. Culturally, politically, in every way it is, in my view, prepared to be a State of the Union, but it is not prepared to be a State of the Union economically, and I do not believe it will

be for at least one generation. So the time that the gentleman seems to see in the future is pretty far in the future, as I see it.

Mr. ENGLE. Governor, we are having all kinds of trouble getting Hawaii and Alaska into the Union as States, and one of the arguments against giving them statehood is that the next thing will be Puerto Rico asking for statehood.

Governor MUÑOZ-MARÍN. We are trying to take away that argument, Congressman Engle, by showing here that is not what the people of Puerto Rico are asking for.

Mr. ENGLE. Then they say the next will be Guam, and then the Marianas out in the Pacific and the Virgin Islands.

Governor MUÑOZ-MARÍN. It isn't my authority to speak of what will be next in the wishes of the people of Puerto Rico. That will be the wish of the people of Puerto Rico themselves, but in their name I say that will not come up for at least another generation, if even then.

The CHAIRMAN. I am trying to point out for the record, that this does not preclude Puerto Rico from statehood, but it does not ask for statehood. The first thing to be done would be to take Puerto Rico in as an incorporated Territory of the United States. Historically, that has been done since the passage of the Northwest ordinance.

Governor MUÑOZ-MARÍN. That is right, Mr. Chairman.

The CHAIRMAN. Then after it is taken in after an incorporated Territory of the United States, the next step would be to set up how it operates, and so forth. You have not even asked for that step. You have just asked for a local self-government.

Governor MUÑOZ-MARÍN. That is right.

Mrs. BOSONE. Mr. Chairman.

The CHAIRMAN. Mrs. Bosone.

Mrs. BOSONE. I do not see why we should sit here and try to say what the future of Puerto Rico will be. I do not know why Puerto Rico should not be a State later on when it is prepared to take its place as a State.

Mr. ENGLE. Would the gentlewoman yield?

Mrs. BOSONE. I yield.

Mr. ENGLE. The question now is whether by taking any action now we are precommitting ourselves in the direction of statehood of Puerto Rico. One of the strongest arguments made in regard to not giving statehood to Hawaii and Alaska is that by granting them the type of organic government we did we put into operation the historical precedence that pointed to statehood, and gave them every reason to rely upon the proposition that they would become States.

The only reason I raised this question is in order to be absolutely sure that we have the thing in a neutral condition, and that we are not making any commitments here.

I am not trying to decide the future one way or the other for Puerto Rico, but I am trying to keep away from any line of action that will eventually put Puerto Rico in the position to argue that Puerto Rico has relied upon and acted upon the implication that any action we take on this bill is with a view to statehood for Puerto Rico.

Mrs. BOSONE. I think the gentleman from California is right, and I understand that all they have asked for here is for authority to draft their own constitution, without reference to eventual statehood.

The **CHAIRMAN**. That is right. We are not shutting the door on them, nor opening it. It is a step to give them local self-government without holding out promise of statehood, and without shutting the door, either.

Mr. BARTLETT. Then this bill definitely does not seek to incorporate Puerto Rico.

Governor **MUÑOZ-MARÍN**. That is right.

Mr. BARTLETT. And the goal you seek is not statehood.

Governor **MUÑOZ-MARÍN**. That is right. I would say the door would always be open to statehood, because the Constitution hardly allows it to be shut. But a clear record can be made upon approval of the bill that that is not the present intention of Congress, and that its action should not in any way be interpreted as a promise of statehood, even though a future Congress may do so.

Mr. FERNÓS-ISERN. May I say, Mr. Chairman, that there is a difference in the status of Hawaii, Alaska, and Puerto Rico. Naturally, since both Hawaii and Alaska are incorporated Territories the next step in their development has always been taken to be statehood. Since Puerto Rico has not been incorporated, not until such a step of incorporation were taken would such promise of statehood be implied. This bill does not change the fundamental situation of nonincorporation in which Puerto Rico is now situated, but it allows Puerto Rico to develop along the lines of self-government in a parallel line with a Territory that develops into statehood. That is the situation under this bill.

In other words, it is the development in self-government of a non-incorporated area of the United States.

The **CHAIRMAN**. The doctor has explained it eminently correctly. Hawaii and Alaska are the last of two incorporated Territories to come clearly within the purview of the Northwest ordinance. The others are still unincorporated and have their own peculiar status fixed by Congress, and are asking in this case for self-government.

Mr. White.

Mr. WHITE. Mr. Chairman, I have an inquiry on the very subject **Dr. Fernós** has just mentioned.

We have now three Territories, Alaska, Hawaii, and—

The **CHAIRMAN**. Two Territories. Alaska and Hawaii are incorporated Territories. Puerto Rico occupies a different status entirely. Guam occupies a peculiar status, and then the Marianas and the others have another status which Congress itself fixed. Until they become incorporated Territories under the pattern set forth under the Northwest ordinance they are not held out strictly as incorporated Territories. Puerto Rico has a status under the Northwest ordinance.

Mr. WHITE. I apologize for coming in late, and I realize I have missed the earlier explanation of the problem.

At the present time how is the Governor of Puerto Rico appointed?

The **CHAIRMAN**. The Governor of Puerto Rico is now elected under an act of Congress passed in 1947.

Mr. WHITE. The previous Governor of Puerto Rico was a Presidential appointee.

The **CHAIRMAN**. Congress fixed the status of Puerto Rico, and it can fix further the status of Puerto Rico without even holding out the promise of statehood.

Mr. Farrington.

Mr. FARRINGTON. Mr. Chairman, I would like to ask the Governor one or two questions with regard to the bill, although I have not yet had the opportunity to read it.

Does this bill specify that the constitution must be approved by the Congress?

Governor MUÑOZ-MARÍN. Yes. May I describe the bill briefly?

The bill expresses that self-government has been progressively developing in Puerto Rico, and that the time has come to recognize that as a principle rather than as casual progress. It then authorizes the President of the United States to receive any constitution that the people of Puerto Rico may make under the legislature of Puerto Rico, that the people of Puerto Rico approve for the community of American citizens in Puerto Rico. If the President so finds that such a constitution is republican in form, and contains a bill of rights, and is not contrary to the Constitution of the United States, he can submit it to the Congress and then the Congress can take action on it.

Upon action taken by the Congress, and it then going into effect, a number of sections of the organic act will stand repealed, and the Constitution of Puerto Rico will take the place of those sections.

Mr. FARRINGTON. What sections?

Governor MUÑOZ-MARÍN. The sections of the organic act that are now our constitution, because other sections of the organic act are a statute of relationship that say there shall be federal courts and free trade, and so forth.

Mr. FARRINGTON. At the present time if you want to change your organic law it must be by act of Congress?

Governor MUÑOZ-MARÍN. That is right.

Mr. FARRINGTON. If you adopt a constitution, and then you want to make a change in the constitution, and that change is approved by the people of Puerto Rico, is it necessary then to obtain approval of the Congress?

Governor MUÑOZ-MARÍN. No. The constitution itself would contain its own methods of amendment, except that it cannot amend those things that are set forth in the enabling clause. That should go on forever. We would hope that Puerto Rico, having shown its capacity for self-government, would mean that the attitude of the bill generally should not be paternalistic. The bill should presuppose that the people who can elect their whole government certainly have the capacity for functioning under their constitution.

Mr. FARRINGTON. Then for all practical purposes it would be operating under the constitution of a State.

Governor MUÑOZ-MARÍN. Unless contrary to the authorizing act itself, or the laws of the United States. There is no reason why the citizens of the United States should not be as equal to one another in their rights as possible. In the case of Puerto Rico that is the limit of possibility.

Mr. FARRINGTON. Does allowing the Legislature of Puerto Rico to elect its own Governor lean more to independence than to closer integration in this country?

Governor MUÑOZ-MARÍN. No, sir. It is a movement close to similarity in the way in which people live. It is a local government of their own choosing and of their own general local structure.

Mr. MILLER. Mr. Chairman.

The CHAIRMAN. Mr. Miller.

Mr. MILLER. The people who live in the United States, and are citizens, come and go as they please, and there has been and is American industry going down to Puerto Rico and establishing factories there. Would you have any objection in this bill to our making those people who are citizens of Puerto Rico and the United States subject to the internal revenue and income-tax laws of the United States?

Governor MUÑOZ-MARÍN. Those are matters that should be very carefully studied on their own merits.

Mr. MILLER. Would you wish to express an opinion as to whether they should be subject to income-tax laws?

Governor MUÑOZ-MARÍN. If the people of Puerto Rico were subject to the Federal income-tax law, the economy of Puerto Rico would suffer so much that we would never get out of the situation we have now. The Congress of the United States made a structure through which the people of Puerto Rico could develop. We are getting to a situation sometime in the future, I don't believe in the near future, when Puerto Rico can be completely self-sufficient.

Mr. MILLER. What I mean is, that the American industries that are presently going down to Puerto Rico to escape income taxes in the United States should be subject to our Federal income-tax laws. I am wondering if some amendment could be introduced here so that all of those people who want to have all of the good things the United States can give them, but then want to escape any of the bad things, can be brought into the purview of that act.

Governor MUÑOZ-MARÍN. If such a thing should occur, whatever is appropriate to prevent it should be done, but let me say this: You know what the problem of Puerto Rico is. We have a terrifically large population growing all the time with very little land and very little resources. Through this structure that the United States has made in its relationship with Puerto Rico since 1900, we have been developing, and especially in the last years we have taken very strong and important steps to solve our economic problems. But they are very difficult problems. We have to increase our production all the time because population increases at the rate of 65,000 a year. We have to do away with unemployment. We have to increase the standard of living of the people in Puerto Rico. The standard of living of the Puerto Rican people, while it is higher than most of the Latin countries of the Western Hemisphere, is lower than any State of the Union. And in this very hard uphill struggle we have to count on all of the facilities that we can muster for that purpose, in trying to stimulate the increase in production.

As most of you gentlemen know, we have made a tax-exemption law for certain new industries, and the final authority on granting or not granting a tax exemption is the executive council of the Governor of Puerto Rico. Very soon after taking office, I proposed to the council, and the council approved unanimously, a resolution whereby we made it absolutely clear that the council will not grant tax exemption to any industry, even if specified under the act, if that industry is going to close a factory or shop in any State or Territory of the Union in order to transfer its operations to Puerto Rico.

The reason for that is that we do not want to just transfer productive power from one part of the American economy to another part of the American economy. We are trying to increase the productive power

of America in that portion of the American economy that is Puerto Rico. There is \$26,000,000,000 of new capital invested every year in the American economy. What we want to attract to Puerto Rico is a very small portion of that \$26,000,000,000 new capital investment.

Mr. MILLER. Can you tell me how many industries of the United States have gone from the United States down to Puerto Rico, and have been given some tax liberties or freedom from taxes from the Puerto Rico government?

Governor MUÑOZ-MARÍN. There have been about 40 or 50 factories, most of them small, and some of them of medium size. But the phrase "gone from the United States to Puerto Rico" is incorrect, because Puerto Rico is part of the United States, so that it has gone from one part of the United States to another, and they have not closed their factories in the United States.

Mr. MILLER. Does that include the Hilton Hotel Co., which is not a factory?

Governor MUÑOZ-MARÍN. That is right, but they haven't closed any hotel here.

Mr. MILLER. That is right, but they are free from taxes so far as the United States is concerned.

Governor MUÑOZ-MARÍN. In Puerto Rico, every American citizen who lives in Puerto Rico is free of those taxes. That is why we have no voting representation in the House or the Senate of the United States.

Mr. MILLER. Would it be agreeable to you if there were an amendment to this act to the effect that these people moving from the United States to Puerto Rico would not be free from Federal taxation?

Governor MUÑOZ-MARÍN. But they do not move from the United States. It is new capital in the United States. I do not think any industry that has opened in Puerto Rico under this act has displaced or closed industries in the United States.

Mr. MILLER. What about the two crockery manufacturers in the United States, one in New York State and one in California, who have moved to Puerto Rico?

Governor MUÑOZ-MARÍN. Congressman, the word "move" is incorrect. The one concern that has a chinaware factory, I believe, in Syracuse, N. Y., now they have two, one in Syracuse and one in Puerto Rico.

Mr. MILLER. But the one in Syracuse is practically not in operation any more.

Governor MUÑOZ-MARÍN. I think it is, unless there has been some news in the last couple of weeks to the contrary. However, we realize that in the future it is going to be difficult sometimes to distinguish that kind of thing, because a factory may expand now to Puerto Rico and 5 or 6 years from now one of its factories may be closing in some part of the continental United States, or its Territories, and it will be very difficult to know whether it is closing because of the Puerto Rican factory, or for any other reason.

In my last message to the Legislature of Puerto Rico, which Congressman Crawford was so kind to mention in the House the other day, I informed the legislature that the treasurer of Puerto Rico is having made a study of how to change the general tax system of Puerto Rico in a way that will be good for our needs to industrialize

the island, without the special tax-exemption system we now have. We are not ready to propose that to the legislature in complete form, because it is a very difficult one. Puerto Rico must send its children to school, and must have health services for its population, and must build roads, and must expand the aqueduct and sewer services. It must do that not only because those are the human rights of any citizen to have those services to as great an extent as his government can develop them, but also because you cannot conceive of a modern industrial community without having such services.

So, it is hard for us to have a low attractive tax system for industry to develop Puerto Rico as it must needs develop if we are going to support our growing population, and, on the other hand, collect enough taxes for health and public services without much modern industrial growth is inconceivable. We are caught between those two things, and that is why I call this "operation bootstrap," which we are winning slowly, but not as fast as we would like. And that is the reason that tax problem must be approached with care.

Mr. BARRETT. Mr. Chairman.

The CHAIRMAN. Mr. Barrett.

Mr. BARRETT. I see no objection to what you are asking here today, Governor, but I would like to inquire with respect to the constitution that may be amended after it is adopted for Puerto Rico.

The legislation here prescribes a republican form of government, and a bill of rights, and so on. Assume that some amendment is adopted in a few years after the constitution itself is adopted. Can a citizen of the United States in Puerto Rico appeal through the courts there to the Supreme Court of the United States for the purpose of attacking the conflict that might exist between that amendment and the Constitution of the United States?

Governor MUÑOZ-MARÍN. Certainly. You see the parts of the organic act that will remain active in the Puerto Rican Constitution will include the Federal judiciary part.

Mr. BARRETT. So, there would be no difference between a citizen of one of the States and a citizen of Puerto Rico in that regard?

Governor MUÑOZ-MARÍN. None whatever. Now you have a part of the organic act made not by the people of Puerto Rico but made by Congress in 1917 with certain amendments that function as a constitution. Any citizen that thinks any part of that is contrary to the Federal Constitution can go through judicial process to attack it. The constitution approved by the American citizens living in Puerto Rico will just take that part of the organic act, those sections of the organic act, and be subject to the same judicial treatment and review that those are.

Mr. BARRETT. Does that provide the same thing, then, that we have here in the States as to the amendments of the constitutions of the various States that might possibly be in conflict with the Constitution of the United States?

Governor MUÑOZ-MARÍN. If they are in conflict with the Constitution, the court will throw them out, and the process is all the way to the Supreme Court of the United States, the same as in the United States.

Mr. BARRETT. I can see no opposition whatever to this legislation, then.

Governor MUÑOZ-MARÍN. Thank you, Congressmen. The Americans in Puerto Rico are just as capable of self-government as Americans anywhere else within the jurisdiction of the United States, and a system of local self-government not involving statehood should be established in principle. We are not asking for, nor are we ready for statehood, and I do not believe that we will be ready for statehood for many, many years.

As I say, a system of local self-government should be established in principle. As it is now, it is all right; it works, but there is no principle. We do not lack much self-government, but we lack this principle which is of great value to the spiritual well-being of the people of Puerto Rico itself and of great value to the United States as a whole which is constantly being accused by the Latin American countries and the Communists, that the United States runs a colonial system, and so on, which accusations are not true. The fact that we have elected our own Governor has gone a very long way toward destroying that propaganda, but it still goes on. It happened less than 3 weeks ago in a Central American country with relation to some athletic games in which Puerto Rico was participating. It happens all the time, and putting the thing on a basis of principle we will do away with all that.

This act says that when we accept this act it is to be subject to the approval of the people of Puerto Rico, and the people of Puerto Rico must vote en masse about it. I feel qualified to say that they will vote for it. And when they vote for it they will have a basis of principle for that of fact.

Mr. BARRETT. I want to commend you for your statement, Governor. I must leave here in a moment or two to attend a subcommittee meeting, but before I leave I wish to say that the principle you mention has been mentioned by the Presidents of the United States ever since the First World War, and we insist on that same principle being accorded to people everywhere else in the world. I do not see any reason why we should not maintain the same principle with reference to citizens of the United States. So, I agree with you that the passage of this bill will be another step in showing the world that we live up to the principles that we preach to the world, also.

Governor MUÑOZ-MARÍN. That is right, Congressman.

I would like to read to the committee from a report to the State Department from the Haitian Embassy with regard to members of the Puerto Rican government who were in Haiti during the opening of the fair that the Haitian Government is running. I have been authorized to read this to you gentlemen.

No member of the Puerto Rican delegation lost an opportunity to impress upon anyone who would listen their regard for their gratitude to the United States and their desire for the closest possible association. Their visit has made a valuable contribution to the general understanding in Haiti of the relationship between the United States and Puerto Rico.

Now, if they can do that without making their own constitution, you can imagine how much more clarifying that thing would be among the people that run their own local government from the local constitution on down.

Mr. BARRETT. I want to commend you for your fine presentation here, Governor.

Governor MUÑOZ-MARÍN. Thank you, Congressman.

The CHAIRMAN. I would also join in expressing appreciation for your very fine statement here, Governor.

Mr. CRAWFORD.

Mr. CRAWFORD. Dr. Miller raised a question awhile ago that should be cleared up as far as the record is concerned, with regard to the matter of income taxes.

In the tax statute of the Federal Government there are certain privileges or exemptions which cooperatives enjoy. I suppose if a cooperative operating in Michigan transferred its operations lock, stock, and barrel to the State of Texas, the Texas Legislature would not have any right to assess Federal taxes on that cooperative that the Federal Government did not assess.

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. On what grounds would Puerto Rico be able to assess Federal taxes against a company that moved lock, stock, and barrel from Michigan to Puerto Rico?

Governor MUÑOZ-MARÍN. Puerto Rico couldn't do so at all.

Mr. CRAWFORD. Under no circumstances can Puerto Rico assess United States Federal taxes against a company operating in Puerto Rico.

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. Now, as to what you do with respect to taxing the people in Puerto Rico, that is strictly Puerto Rico's business under present law.

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. And it would be more so under the Puerto Rican Constitution.

Governor MUÑOZ-MARÍN. Equally so. Not more so.

Mr. CRAWFORD. Well, certainly not less.

Governor MUÑOZ-MARÍN. Not less. Equal.

Mr. CRAWFORD. Referring to this "bread and butter" message of yours, Governor, which I again want to recommend that every member of this committee read with due diligence to the point where they can comprehend every paragraph of it, I again say it is one of the greatest messages ever delivered by any governor under the American flag. Coming at this time, and carrying the statements you made of such fundamental American logic and language, that is the reason I attach so much importance to it, applied specifically to the terrific population pressure and economic pressure of Puerto Rico. Having in mind what you said in that message, and the facts that exist, would you go so far as to say to this committee that the people of Puerto Rico are in no position to support statehood?

Governor MUÑOZ-MARÍN. Economically speaking that is correct.

Mr. CRAWFORD. That is what I mean.

Governor MUÑOZ-MARÍN. If Puerto Rico were a Federal State of the Union the people of Puerto Rico would have to pay in taxes about \$50,000,000 or \$60,000,000 a year, which is practically the whole operating budget of the Puerto Rican government to expand the schools, the hospitals, the public services of all kinds. So it would be just a collapse of all possible hope of the people of Puerto Rico to get out of the economic situation from they are trying to work out by what I call "operation bootstrap." Perhaps in the course of a generation that will not be so. That is up to that generation both in Puerto Rico

and in the Congress to act upon. For the present time, and for quite some time after, that is the situation in Puerto Rico. It is decreasingly so, but it is so difficult to decrease that it will take unfortunately a longer time than any of us would wish.

Mr. CRAWFORD. So there isn't any reason why any of the members of this committee now living should be too much concerned about your asking for statehood during our lifetime.

Governor MUÑOZ-MARÍN. That is correct.

Mr. CRAWFORD. Regardless of what interpretations might be put on this legislative proposal under discussion?

Governor MUÑOZ-MARÍN. That is right. The people of Puerto Rico have a perfect right to ask for it, but under the circumstances I have described you can see the unlikelihood of it.

Mr. MILLER. Governor, my remarks with regard to taxes are not in any way critical of Puerto Rico. I think you are doing a very fine job there.

Governor MUÑOZ-MARÍN. Thank you. Whatever the law may say I think the Congress since 1900 has maintained a policy with regard to taxes in Puerto Rico which is fair on the basis of no taxation without representation, and which is also needful for Puerto Rico to develop to the point where it has developed, which is far from the place it needs to develop to, but is also far from where it started. That is a fair policy; and it is necessary for the continued development of Puerto Rico along its hard up-hill road.

However, certainly there should be no objection to taking measures to prevent real evasion of taxes. But, if a citizen of the United States moves to Puerto Rico and there among his fellow citizens of the United States he establishes a business and works at it there, he has the same right to be subject to the same taxing system of Puerto Rico that the other 2,000,000 American citizens are subject to. However, if it is, let us say, a false idea, and if he appears to have moved down to Puerto Rico, and has not done it; if there is some fraud involved in the thing, there should be no objection to proper measures being taken to prevent that sort of thing.

Mr. MILLER. I agree with you on your position in that regard, and I hope that legislation will not be enacted that would provide loopholes where companies could move to Puerto Rico as a fraud, such as the big radio station now in Puerto Rico that puts on a big radio program with a dummy head in Puerto Rico, in order to escape taxes in the United States.

Mr. CRAWFORD. But that isn't your funeral, is it, Governor? Let the United States change the Federal laws under which it is possible to so escape those taxes.

Governor MUÑOZ-MARÍN. But if they change the law carelessly to the detriment of Puerto Rican development it will be the funerals of all of us in Puerto Rico.

Mr. CRAWFORD. Yes, but if the Government exempts millions of the United States citizens because they do business in Puerto Rico, there is nothing you can do about that, is there?

Governor MUÑOZ-MARÍN. That is right.

Mr. CRAWFORD. Now, I have another matter I wish to mention: If your people submit a constitution which the President approves, and

they adopt it lock, stock, and barrel, and later you wish to amend that constitution in such a way that it would not be suitable to the President and the Congress of the United States, what about that?

Governor MUÑOZ-MARÍN. The law should be that the people of Puerto Rico should have full rights to amend the constitution excepting in those parts wherein the enabling act, or the authorizing act, is concerned. I would hope that only basic exceptions of principles should be made, in order to recognize the dignity of the Puerto Rican people in the exercise of their democratic wisdom. I think you can have complete confidence in them. You see, we have a bill of rights in the organic act and we are asking that that be eliminated so that we can make our own bill of rights. It would be about the same, but we want to make it ourselves.

Beyond that, it should be on the principle of self-government, and self-government means that the people can amend their own constitution whenever it just relates to their own local matters, where it does not relate or impinge upon the general interests of the other citizens who are members of the same general federation.

Mr. CRAWFORD. I want to ask you one other question. We have a community of interest between the Territories of Alaska and Hawaii, the Mariannas, Guam, and Puerto Rico, and the Virgin Islands.

Someone might even bet that the present Congress will not approve the Hawaiian or Alaskan bills granting them statehood. I am not making any forecasts. I think it is definite that the bill you are supporting here may be used for the purpose of disapproving the statehood for Alaska and Hawaii.

Would you mind giving the members of this committee your ideas with regard to proceeding to draft a constitution and having it submitted to the Congress without Congress first approving this act?

Do I make myself clear?

Governor MUÑOZ-MARÍN. I believe something of that sort is being done in Hawaii at the moment.

Mr. CRAWFORD. If you did that, you would remove the tool from the hands of those who were going to propose Hawaiian and Alaskan statehood on the basis of this proposal. Now, personally, I must be very frank about this, I do not see any chance whatsoever of this bill being approved during this session while the other two bills are before the other body. Now, what would be lost in the way of time and rights, and so forth, if you proceeded to adopt a constitution and submitted it here in advance of having Congress take up this bill? Would you speak very frankly to us about your views on it?

Governor MUÑOZ-MARÍN. Well, I think that it could be a procedure. It has been followed as regards incorporated Territories wishing to be admitted into Federal statehood in the past in a number of instances, and I believe that Hawaii has some such procedure more or less under way now besides having a bill in Congress which the House approved a few days ago. I think the procedure of approving some such bill as this, first, is much better, because it would show the attitude of Congress towards the rights of this community to self-government, and in that sense it would not be merely the community asking for it, whether Congress favored it or not.

Mr. CRAWFORD. I agree with you on that, and personally I have no objection whatever to this procedure. I would like to go along with it, but as members of this committee we also have to think about

Hawaii, Alaska, Guam, Samoa, and the Virgin Islands, and Puerto Rico. I think so far as Puerto Rico is concerned you are correct.

Governor MUÑOZ-MARÍN. Certainly I do not want our position in Puerto Rico to in any way impede what seems to be just and fair to Alaska and Hawaii. I say just and fair, because they have the economic position to support statehoods, and because they are people who by democratic vote taken among them in each instance has favored it, which is not the case in Puerto Rico. So I would not want Puerto Rico to be doing any harm to the just aspirations of the Alaskan and Hawaiian people. But I would also like to point out the very different case where Hawaii and Alaska, to do something harmful to Puerto Rico.

Mr. REGAN. Pursuing your remarks on the tax problem. I think you can build a good case for Federal tax exemption insofar as industries that are moving into your area. At the present time Puerto Rico is a dependent of the United States, and we find that until we can get Puerto Rico self-sufficient it is a liability, and if we get Puerto Rico self-sufficient with these industries that are encouraged to move down to Puerto Rico, if we find that they have paid for their factories and have brought Puerto Rico economic stability, then we can start putting on our Federal taxes. But I think we admit that where Duffy's Tavern has moved to Puerto Rico, and businesses of that sort which are run by an individual, and to not create a lot of employment opportunities in the area, that individual just escapes Federal taxes, and I think that is one of the loopholes that we must examine.

Governor MUÑOZ-MARÍN. It may be or may not be a mistake. I should not like to go into that now with insufficient knowledge, but the tax exemption that this particular enterprise got in Puerto Rico is not just for the purpose of making a record of a radio program. The tax exemption will not be effected unless the moving-picture industry, which is a larger industry, is started in Puerto Rico by this same enterprise. However, it is up to you to look into it and see what the validity of it may be in your judgment.

As I say, we do not want to use our general economic and physical position to allow evasion of taxes that really and clearly, under the intention of the law, should be paid in the continental United States. But in trying to fix that great care should be taken so as not to disturb the things that Congress has allowed us to do for the past 50 years to develop Puerto Rico.

Mrs. BOSONE. I do not see what Puerto can do about these American citizens who wish to avoid income taxes in the continental United States. We have a situation in Utah which does not have anything to do with income tax, but we lose people all the time to Nevada and Florida. We just do not think they are loyal to Utah, where they made their money. It just seems unfair to discuss this problem with the Governor. That is just poor American citizenship, Mr. Chairman, rather than a Puerto Rican problem.

Mr. MURDOCK. Mr. Marshall.

Mr. MARSHALL. Mr. Chairman, I have been very interested in the statement of the Governor of Puerto Rico. Frankly, I know very little about Puerto Rico, and after listening to the Governor's statement I intend to learn a great deal more about Puerto Rico.

It seems to me one of the things we ought to be very careful about in talking about some of the tax problems, and some of those things which possibly do not come before this committee, is to see that we do not do things that make it more difficult for the people of Puerto Rico, because they are affiliated with the United States, than countries outside of our jurisdiction, such as Central and South America.

I have understood that some people I know very well have gone into Argentina and Uruguay and established businesses there, made their country in this country, and gone down and established their businesses in South America, and they have done it primarily because they expected to make money in that area from the enterprises they have engaged in. Now, certainly, as far as I know, there is no restriction placed upon them from doing that sort of thing. Why should we turn around and make it difficult for people who are our affiliates to attract business to their area? It seems to me that much of this question, so far as we are concerned, is outside of the prerogatives of this committee when it comes to taxation. I am not sure of that point.

Does not that usually come before the Ways and Means Committee?

Mr. MURDOCK. That is right.

Governor MUÑOZ-MARÍN. May I point out that approval of the bill that Dr. Fernós has introduced will in no way change such problems as we are discussing here? That is just completely outside the purview of this bill. If Congress wants to legislate to prevent tax evasion, if there is such a thing, they can legislate tomorrow in just the same way they would today. Those things would be outside the purview of this bill.

Mr. MURDOCK. Mrs. Bosone.

Mrs. BOSONE. I think that the Senators and Congressmen have already made up their minds on the question of the statehood of Alaska and Hawaii. If there are enough votes, they will get their statehood, and if there aren't, they won't. I hope they get them this session, and I am certainly going to do all I can to see that they do. But to hold Puerto Rico back when Puerto Rico only wants a neutral position here, and as the Governor has said, something to build their spirit and morale down there, would not be in the best interests of Puerto Rico. I believe that the enemies of Alaskan and Hawaiian statehood already have made up their minds, and we can't do much about it. Of course, they would hang onto this for an excuse, but they will hang onto anything as an excuse.

Mr. MURDOCK. Mr. Lemke.

Mr. LEMKE. I have just one question.

I am for the enactment of the legislation our colleague suggests, but I have a question in regard to amendments.

What would happen if you had an amendment to strike out everything after the enabling clause and thus leave you in the position of substituting your own constitution not approved by the Congress?

Governor MUÑOZ-MARÍN. That could not happen. The enabling act will set out the things that cannot be amended, of which one of them would be the bill of rights. You know that they would put in a bill of rights.

Mr. LEMKE. What if you should—

Governor MUÑOZ-MARÍN. It destroys the principle of self-government, Congressman. In this bill the principle of self-government is

something that has to be clearly present. I would prefer not having anything if it is not going to embody a clear principle of self-government. Otherwise it would do no good.

I would say, Congressman, if you have any doubt of the people of Puerto Rico you can put in your enabling act, "You cannot do this," "You must have a bill of rights," "You can do this," and you can put 20 things in there, but if you do that the more you legislate the more you are destroying the principle of self-government.

Mr. LEMKE. I realize that, but while I have absolute confidence in Puerto Rico, gained from the type of men you have here, there is a situation you have to get through Congress with this act, and I think you will have to make some concessions. However, the minimum should be the goal of concessions.

Governor MUÑOZ-MARÍN. You know, of course, that if the people of Puerto Rico should go crazy, Congress can always get around and legislate again. But I am confident that the Puerto Ricans will not do that, and invite congressional legislation that would take back something that was given to the people of Puerto Rico as good United States citizens.

Mr. MURDOCK. Did you have a comment, Dr. Fernós?

Dr. FERNÓS-ISERN. Mr. Chairman, I would like to make two comments: One, there would always be the way open to anybody who found an amendment to the constitution went beyond the framework laid down by Congress, the right to go to the courts; and, secondly, the authority of the Government of the United States, the Congress, to legislate in case of emergency would always be there.

I would also like to say that in introducing this bill I have been very mindful of the effect it might have on the aspirations of Hawaii and Alaska to statehood. All of my colleagues here know how deeply I feel about it. I think they should be States.

I was at the House when the two bills came up, and one of the reasons given against statehood there was that Puerto Rico might come right after them to ask for statehood, also. I have been of the feeling that Puerto Rico should get up and say that we are not going to do that in the foreseeable future, and, therefore, please give statehood to Hawaii and Alaska and forget about us for the minute. I have felt like getting up and saying so myself, but I thought that a better way of doing so was to introduce a bill showing the present aspirations of Puerto Rico, and that we haven't any idea of coming in within a year or 10 years, or I don't know when we will ever come in and ask for statehood. Unless we have very, very long lives, none of us on this committee would be here when that time does arrive.

Mr. MURDOCK. Are there any other questions that the members of the committee wish to ask the Governor? We have kept him here a long time.

Governor MUÑOZ-MARÍN. I am very happy to answer any questions.

Mr. LEFEVRE. Mr. Chairman.

Mr. MURDOCK. Mr. LeFevre.

Mr. LEFEVRE. In order to encourage new industries in Puerto Rico you grant a tax exemption?

Governor MUÑOZ-MARÍN. For a certain period.

Mr. LEFEVRE. For how long a period?

Governor MUÑOZ-MARÍN. A period ending in 1962. Up to 1959 complete exemption, 75 percent in 1960, 50 percent in 1961, and then it is complete.

Mr. LEFEVRE. So it is a period of 12 years?

Governor MUÑOZ-MARÍN. The exemption ends at the same time for all of them so as to avoid competitive situations. However, all of those who have obtained exemptions will continue to do so until the end of the period, because it is a contract. All of the others, if they have a right to get them under law, and if they are not going to remove a factory from the United States to do it, will also get the exemption, as long as the laws are in the books. But I am informing Congress that we are studying a means of doing away for the future, perhaps much before the 10 years are over, with this exemption system. All those who have the exemption will continue to have the exemption for the 10-year period, but the moment the legislature enacts a new law, from that time on the present system, which is not very satisfactory, the special-exemption system not being the best system, will be discontinued.

However, we have been having such a struggle to get out of this difficult economic situation we have had to take temporary expedients, and this is one.

However, I want to assure those who have the exemption they will have the exemption until the end of the period. And all of those who get the exemption will have it until the end of the period.

Mr. MURDOCK. Thank you.

I would like to second the remarks made by several members of the committee that you have made a splendid presentation here. This is a bit unusual to have a hearing on a bill that is not yet before us, but we understand it is a long way from Washington to Puerto Rico, and now that you are with us, and have made this explanation we will be enlightened when the bill does come before us.

Governor MUÑOZ-MARÍN. Thank you, Mr. Chairman.

I would like to say to those members of the committee who have not yet visited Puerto Rico, we will be delighted to have them visit us when they have the time, and a good time would be about December, because of the fact that there are elections. To those who have already been down to Puerto Rico, we would be delighted to see them again.

Mr. MURDOCK. Thank you, Governor. I want to say to you I have never heard such a strong recommendation of any message as my friend Congressman Crawford has made of yours, and I am going to read it.

Governor MUÑOZ-MARÍN. Congressman Crawford is very kind to Puerto Rico and to myself. Thank you, gentlemen.

The CHAIRMAN. Without objection the statement of Hon. A. Fernós-Isern appearing in the Congressional Record of March 1950, may be filed for the record.

(The statement referred to is as follows:)

EXTENSION OF REMARKS OF HON. A. FERNÓS-ISERN, RESIDENT COMMISSIONER FROM PUERTO RICO

ORGANIZATION OF A CONSTITUTIONAL GOVERNMENT IN PUERTO RICO

Mr. FERNÓS-ISERN. Mr. Speaker, may I refer to H. R. 7674 which I introduced yesterday. It provides for the organization of a constitutional government in Puerto Rico.

Under the Constitution of the United States there are certain rights and privileges which may not be applicable in a given area. But there are certain rights

which are fundamental. American citizens wherever they may live are endowed with them.

The people of Puerto Rico are an organized community of American citizens living in the land of their birth, the island of Puerto Rico. Puerto Rico is American territory although unincorporated territory.

The Congress of the United States, since 1900, has provided for the operation of Federal laws in Puerto Rico. It has determined the economic relationships to exist between Puerto Rico and the mainland. It has determined that the people of Puerto Rico are United States citizens. Such legal and economic provisions of our organic act the people of Puerto Rico are not aiming to disturb. Rather, they wish to reaffirm them and expressly register their consent to their application.

The Congress has also provided for the establishment of a local government in Puerto Rico and has progressively expanded the Democratic nature of such government. Today, we have responsible government in Puerto Rico. It is served by officials which the people themselves elect or select.

However, the charter upon which this local governmental structure is based, has never been adopted by the people of Puerto Rico. That such charter be substituted by a constitution of the people's adoption is now a fitting and necessary step in order to perfect the democratic nature of our system of government.

To this effect I have introduced H. R. 7674. In so doing, I am the interpreter and the voice of the people of Puerto Rico in this Congress. As a result of the elections of 1948 the wishes of the people of Puerto Rico on this score are unmistakable.

The bill is a simple one. It declares it to be its purpose to duly recognize the principle of government by consent. Under such principle, the people of Puerto Rico would accept this act. The present Federal provisions of our organic act would be continued. Within such framework the people of Puerto Rico would adopt a constitution, under which they would organize their local government.

The Constitution of the United States provides that the Congress shall have power to dispose of and make all needful rules and regulations with respect to the Territory or other property belonging to the United States. Under this provision of the Constitution, Congress has, in the course of time, adopted such rules and regulations for Puerto Rico as it has considered needful. Congress has been called upon to do so under the terms of cession of sovereignty under the Treaty of Paris of 1898. The Federal provisions of the present organic act would be reaffirmed under my bill. They are needful regulations for the establishment and maintenance or proper relations between the island and the mainland and the Federal Government. But for a community of American citizens at such stage of organization and democratic development as the people of Puerto Rico have attained, it is not needful to determine how their local government should be organized. They can do it themselves. The time has arrived when such community of citizens be recognized in this desire; in the wish to organize their local government as they see fit.

The bill, therefore, is both a recognition of a fact and the recognition of a principle. The fact is that the people of Puerto Rico wish and are able to provide themselves with a local constitution for the organization of their own local government. The principle is that American citizens are endowed with such privilege and exercise whenever circumstances permit.

The right to organize a local government, the right to live under a government of the people's choice is expressly recognized in the Constitution of the United States. Amendment IX of the Constitution reads:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

There is no question that at the time the Constitution of the United States was adopted the people had and did not relinquish the right to organize their Government. They had already adopted their State constitutions. Later they adopted the Federal Constitution. It is such a simple and elementary right the people of Puerto Rico wish now to exercise. They wish to adopt a local constitution and reaffirm their station within this Union.

What then would be the status of Puerto Rico should this bill be passed? Puerto Rico would be a Commonwealth of American citizens, living within the federation, in accordance with such provisions of the Constitution of the United States as are applicable in the case, living under a local government shaped and organized and functioning with the consent of the people of Puerto Rico, within this great federation. This would not make Puerto Rico a State, but it would

make of Puerto Rico a community of American citizens living in the American way. We would not participate in national elections nor be represented in Congress any more than we now are, but we would have local government as democratically organized as in a State, and, with few exceptions, Federal laws would apply as in a State.

The point might be raised that never in the past has such procedure been followed. To such consideration I would reply with the following consideration:

Up until 1898 all territories added to the original territory of the original Union were incorporated at the time of acquisition. Such additional territories have been admitted or are in the process of being admitted to statehood as it should be. Since 1898 other areas have come under United States sovereignty. They have remained unincorporated, subject to further determination of Congress concerning their status. In one of these areas, in Puerto Rico, a new form of federative relations have been developing. The form is new, but it follows the fundamental principles of the Constitution. It has developed in a line parallel but not coincident with that followed by the incorporated territories attaining statehood.

Puerto Rico started in 1900 with a government comparable to that of an incorporated territory. By a series of enactments Congress has brought Puerto Rico to a status today which is way beyond a territorial pattern of government. It is much more comparable to that of a State. What my bill proposes to do is to perfect such status for Puerto Rico. Puerto Rico would have a position parallel to that of a State, although it would not have such participation in the Federal Government as the people of a State have. In other words, we are not asking for the right to vote for presidential electors, we are not asking for the right to elect two Senators, we are not asking for the right to elect Members of this House other than a voteless resident commissioner.

We are asking to continue to live under the Constitution of the United States as heretofore. We wish to continue to live under Federal laws as heretofore; but we are asking also that as far as our local governmental organization is concerned, we may proceed to shape it, in accordance with the same principles and in accordance with parallel procedures as the people of any of the States organize their State governments. The fact that there has been no precedent should not deter Congress; such fact did not deter the Eightieth Congress from authorizing Puerto Rico to elect its governor.

We are developing a new pattern of federation, applicable to our circumstances, which do not permit us at the present, nor in the foreseeable future, to develop along the classical lines and the uniform pattern followed by former or present territories in their ascent to statehood.

The Constitution of the United States is not a static document. It is a dynamic instrument of the Government. The wisdom of the founding fathers made it so, the wisdom of successive generations, past and present, has made it so. The United States are not composed of residents of the 48 States only. It is composed of all American citizens wherever they may be and wherever they might meet and gather and organize upon American soil. It is only natural, logical, it is inescapable, that they should strive to organize and live in an American way.

I plead with my colleagues in the House that such bill as I have introduced may receive their most considerate attention. I plead with my colleagues in the House that the people of Puerto Rico may be allowed to see their wishes fulfilled. In that region of the Caribbean where we live, we face the whole Spanish Main. Such enormous expanse of land is inhabited by people of an origin similar to ours in Puerto Rico. We are the advanced guard and the exponents of the American way of life in that area. All we want now is to maintain it and to perfect it. We want to show the world that democracy not only in practice, but also in principle, always follows the flag.

PUERTO RICO CONSTITUTION

TUESDAY, MAY 16, 1950

HOUSE OF REPRESENTATIVES,
COMMITTEE OF PUBLIC LANDS,
Washington, D. C.

The committee met at 10 a. m. in the committee room of the House Committee on Public Lands, Hon. J. Hardin Peterson (chairman) presiding.

The CHAIRMAN. The committee will come to order.

We have for consideration at this time H. R. 7674, a bill to provide for the organization of a constitutional government by the people of Puerto Rico.

(The bill is as follows:)

[H. R. 7674, 81st Cong., 2d sess.]

A BILL To provide for the organization of a constitutional government by the people of Puerto Rico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States by a series of enactments has progressively recognized the right of self-government of the people of Puerto Rico.

Under the terms of these congressional enactments an increasingly large measure of self-government has been achieved.

Fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact, and so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

SEC. 2. Upon the acceptance of this Act by the people of Puerto Rico and their adoption of a constitution, in accordance with procedures prescribed by the laws of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress 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.

Upon approval of such constitution by the Congress, or upon the expiration of the congressional session during which the constitution be transmitted, provided transmittal occurs not later than ninety days before adjournment, if the Congress has not disapproved such constitution, the constitution shall be deemed approved and shall become effective in accordance with its terms.

SEC. 3. The constitution of Puerto Rico shall create a government republican in form and shall include a bill of rights.

SEC. 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 March 2, 1917, as amended, is hereby continued in force and effect and it shall hereafter be referred to as the "Puerto Rican Federal Relations Act."

SEC. 5. At such same time as the constitution of Puerto Rico becomes operative and effective, the following provisions of such Act of March 2, 1917, as amended, shall be deemed repealed:

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

(2) Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49b, 50, 51, 52, 53, 55, 56, and 57.

(3) The last paragraph in section 37.

(4) Section 38, except the second paragraph thereof which begins with the words "The Interstate Commerce Act" and ends with the words "shall not apply in Puerto Rico."

SEC. 6. The President of the United States when requested by legislative enactment of the government of Puerto Rico, may except Puerto Rico from the application of any Federal law, not specifically made applicable to Puerto Rico by Congress, which he deems inapplicable by reason of local conditions.

SEC. 7. All laws or parts of laws inconsistent with this Act are hereby repealed.

The CHAIRMAN. The first witness today is our distinguished colleague from New York, Judge Lynch. Judge, you may proceed in your own way.

STATEMENT OF HON. WALTER A. LYNCH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. LYNCH. Mr. Chairman, I am happy to be here this morning and to have an opportunity to speak before this committee on behalf of H. R. 7674 which would permit the people of Puerto Rico, at long last, to participate more fully in the heritage which we call democracy.

During the more than 50 years that Puerto Rico has been under the American flag, we have acted, although slowly, in living up to our treaty obligations to decide the political status of Puerto Rico. Indeed, for many years, after the initial steps, Congress did almost nothing at all.

In 1900 Congress created a temporary civil government for the island under a measure known as the Foraker Act. In 1917, a permanent civil government was accorded by the Jones Act which retained most of the provisions of the original Foraker Act and added some others. Since then, there have been a number of changes to the organic act, mostly minor until the last few years, when Congress has seen fit to give Puerto Rico some really significant grants of greater self-government, such as the right to elect their own Governor and name most of their own public officials.

Now, for the first time, this committee is charged with the responsibility of considering a bill which would grant to the people of Puerto Rico the authority to organize a constitutional government of their own choosing within certain well-defined boundaries and limitations specified by Congress.

To my mind, this is the wisest step which Congress could take, not only from the point of view of doing what we should before have done to fulfill our obligations for Puerto Rico, but also to demonstrate to the democratic world, as well as to that part of the world which does not yet follow the democratic way of life, that the United States really believes in democracy.

I am sure that all those present here today can see that such a practical demonstration of the principles of democracy will strengthen and elevate our position before the United Nations. For this country is signatory to the United Nations Charter calling for united efforts toward obtaining self-government for dependent people as rapidly as they are able to assume the responsibility of self-government. That Puerto Rico is ready is demonstrated by the record of the present administration under the able leadership of Governor Muñoz-Marín, the first elected Governor of Puerto Rico.

Last November I was a member of a subcommittee of the House Ways and Means Committee which went to Puerto Rico to look into

the advisability of extending social security to that island and to the Virgin Islands. We held hearings down there and we went out and studied the living conditions of the people. We saw what the insular government is trying to do by way of industrialization and better agricultural practices and by modern social legislation to better those living conditions.

The insular government is doing its level best to act as rapidly as possible in removing people from the slum areas and in creating jobs, building new industries, raising wages, eradicating slums, building public housing projects, and much more. What they call their self-effort, their "Operation Bootstrap," is a magnificent thing to see in action.

It has been said, "They are moving mountains in Puerto Rico." They really are. They are moving mountains of obstacles and with unbelievable dispatch. Progress is showing through everywhere.

Our subcommittee went to Puerto Rico under the chairmanship of Representative Sidney Camp. Upon our return we recommended unambiguously, as the result of our investigation, that social security be extended to Puerto Rico on the same basis as in the States.

The other members of our subcommittee on that occasion were Mr. Eberharter of Pennsylvania, Mr. Young of Ohio, Mr. Byrnes of Wisconsin, Mr. Martin of Iowa, and myself.

Before we could make such a recommendation we had to look carefully into the tax system in effect in Puerto Rico. We learned that, prior to the ceding of Puerto Rico to the United States, Spain had granted a considerable degree of self-government to Puerto Rico under a charter of autonomy. With this charter of autonomy, Spain granted also a great measure of self-determination in the matter of taxes in Puerto Rico. Consequently, Puerto Rico had its own tax system which was continued by the Foraker Act in 1900 and by the Jones Act in 1917. This practice of giving Puerto Rico self-determination, taxwise, has been a consistent and, in my opinion, a wise policy of the United States. Indeed, any deviation from that policy would constitute a precedent, insofar as Puerto Rico is concerned.

The subcommittee of the House Ways and Means Committee found that the primary source of revenue in Puerto Rico is made up of excise taxes collected on a large variety of articles. These taxes yielded 40.7 million dollars in revenue in the fiscal year 1948 and 1949. Income taxes on individuals and corporations rank second as an important source of revenue in Puerto Rico. During the same fiscal year 26.4 million dollars was collected from such source.

Taxes on real and personal property ranked third and yielded 3.3 million dollars to the insular government in fiscal year 1948 and 1949. In addition, the local municipal governments collected 7 million dollars in property taxes.

Nine million six hundred thousand dollars were covered into the insular treasury for customs, duties, and taxes imposed on products shipped to the mainland to balance Federal taxes paid on those products when produced on the continent. Rum and tobacco made up 7.4 million dollars of this amount.

Puerto Rico, for 14 years, has had a state insurance fund to protect the workers against accidents suffered in the course of their work. Three million nine hundred thousand dollars in premiums were assessed on payrolls amounting to 227 million dollars in 1947 and 1948.

An employment insurance law protecting sugarcane workers against seasonal unemployment went into effect last year. The sugarcane industry and the insular treasury worked together in evolving the necessary payroll and tax-return forms. Between January 1 and October 31, 1949, the payroll-tax collections totaled 1.8 million dollars. Five thousand, four hundred and fourteen employers reported during that period and more than 22,000 returns were processed.

The report of the subcommittee has this to say about the tax system in Puerto Rico.:

We call attention to these various tax programs in order to substantiate our position that existing insular tax programs have already laid a foundation for the collection of the Federal employment taxes. In our opinion, the collection of these taxes will present no insurmountable administrative difficulties, and the experience of the insular treasury, together with familiarity with similar taxes by both employers and employees, will be of great assistance.

H. R. 7674 does not alter the present tax relationships between Puerto Rico and United States. The Congress should insure to Puerto Rican citizens that they will not be placed in a discriminatory position or given a submerged status taxwise. I believe it is significant to point out that in 1946 there were only 4,000 persons in all of Puerto Rico with taxable incomes exceeding \$2,000 per year. In this connection I should like to emphasize that Puerto Rico has a population in excess of 2,000,000. The average income is less than half the average income of the lowest-income State.

The internal-revenue laws of United States do not extend to Puerto Rico, and if they did extend these facts make it lucidly clear that when all is subtracted and divided and finally totaled the United States could not hope to realize much revenue from levying Federal income taxes in the island.

Also it must be remembered that Puerto Rico bears a substantial local tax load which, combined with the collection of excise taxes in the island, constitutes a sizable tax burden.

Considering that there is no provision in the Puerto Rican income tax structure for the splitting of incomes of husband and wife, it is seen that Puerto Ricans have a substantial tax burden which, in its entirety, is not substantially different from that of mainlanders.

I might say in closing that the Treasury Department of Puerto Rico has undertaken an all-inclusive review of the insular tax system, including its implications on the economy and the determination of who, in the final analysis, pays the taxes in Puerto Rico and who ultimately benefits from public expenditures.

In a statement before the Ways and Means Committee in connection with the extension of social security to Puerto Rico and the Virgin Islands, Sol Descartes, treasurer of Puerto Rico, on November 17 of last year said:

We are striving to find the middle course which would encompass the highest possible tax contributions of the local economy compatible with the extension of economic incentives to expand production, and the investment of local savings in local economic expansion.

As Governor Muñoz-Marín pointed out * * * This is an extremely difficult problem. It has not been solved in the most advanced, industrialized nations.

During the past few years, Puerto Rico has accomplished considerable simplification of its excise taxes. Additional measures have been formulated toward that end and are ready for trial.

So we see, gentlemen, that in a field of self-government in which Congress, long ago, granted Puerto Rico a free hand and full reign, they have done an effective job. I feel sure, and in this opinion I have many colleagues, that Puerto Rico will strive, just as industriously and equally as effectively, in the other fields of self-government as they are extended to them.

Thank you very much.

Mr. ASPINALL (presiding). Congressman Lynch, the committee is indebted to you for a very excellent statement, especially so in view of your past record of being a student of this particular part of our country.

I presume you have time for a few questions?

Mr. LYNCH. Yes, if there are any questions to be asked.

Mr. LEMKE. Mr. Chairman?

Mr. ASPINALL. Mr. Lemke.

Mr. LEMKE. I would like to ask just one question. I notice on page 7 of your statement you say that there is no provision in the Puerto Rico income-tax structure for the splitting of income of husband and wife. Do you not think that they ought to have the same privilege that we have, for splitting income?

Mr. LYNCH. Well, that is, of course, up to the insular government. I believe that in so far as the income taxes are concerned that as long as they have always had the power of levying their own taxes it might be well to leave that question to them, although I agree with you that it is a good idea to have the split incomes.

Mr. LEMKE. Thank you. That is all.

Mr. CRAWFORD. Mr. Chariman?

Mr. ASPINALL. Congressman Crawford.

Mr. CRAWFORD. Congressman Lynch, I wish to join with our chairman here in complimenting you and thanking you for this statement, which gives us a very fine addition to our information on Puerto Rico by reason of the fact that it comes from your committee after your subcommittee has made this study in Puerto Rico.

I may also say that I am personally delighted to have your personal judgment on some of these things which I have been advocating in connection with Puerto Rico.

I want to use this opportunity to join with you in further emphasizing the importance of this new program which we might term "Operation Bootstrap" or "incentive taxation" which they have had under way down there for the past several months and which has brought into Puerto Rico approximately a dozen new industries.

I spent 2 weeks down there in the month of March last visiting these industries, talking with management, meeting with the employees, discussing the production of man-hours with the foremen and owners and managers of those plants.

For instance, we ran into one plant that is turning out 6,000 radios per week for shipment to the United States.

We ran into several new operations where the young Puerto Rican men and women had been brought in from the villages and the hill communities, and where they are now thoroughly demonstrating that they can be trained to do that work as effectively and as efficiently as our people up here in the States do it.

When I say that I wish to back it up by the fact that we saw the packages of goods which these people produce, which are being shipped

to the firms of the United States such as Hutchinson in Detroit, Martin of Dallas, Macy of San Francisco, Woodward & Lothrop and Garfinckel's of Washington, D. C. When you ship goods to firms like that they have to be quality goods.

They were making shirts and lingerie and men's ready-made summer suits, which retailed for from \$50 to \$75 or \$90 per suit, of two pieces. Those are being produced down there.

That is something that the Puerto Ricans are certainly working out themselves. Nobody up here in our departments of government can take any particular credit for having assisted them in this work.

Just as you point out here, the treasurer, Mr. Descartes, by his study arrived at a tax system which will be compatible with the extension of economic incentives, to expand production and investment of local savings in local economic expansion.

You are familiar enough with tax work and government revenues to know that it takes brain and analysis and logic to arrive at a program like that to do the job.

Mr. LYNCH. Definitely.

Mr. CRAWFORD. AS Governor Muñoz-Marín pointed out, it is an extremely difficult problem.

While I was down there I addressed the joint session of the insular government legislature, and I said this to them, and I want to see if you agree with me on it: That this new program which they have put into operation will be in great danger of failing unless the insular government and the Government of the United States up here in Washington, through all the various departments which more or less have supervision down there, get together. That program will fail unless the two governments let those new industries get their economic roots firmly established in the economic soil of Puerto Rico before they start to put in too many reforms down there which will paralyze those companies during their infancy, you might say.

Mr. LYNCH. I am definitely in accord with you.

Mr. CRAWFORD. You agree with that?

Mr. LYNCH. Definitely, sir.

Mr. CRAWFORD. I want to illustrate for the purpose of our committee here specifically: Here in the States it takes something like 18 to 36 months to train a person to be efficient in the production of china for use in hotels and our homes. The Crane people have opened up a very large plant down there, and they have several hundred Puerto Rican people under training. They had a small group of apprentices and used that group to further expand, and came in and opened their factory and are turning out a magnificent line of china work.

One of our arms of government, in connection with the Labor Department, went down there and substantially moved in the direction of increasing the wages of those apprenticeship beginners, you might say, 100 percent in one fell swoop. Suppose that the Crane china operations are destroyed and driven out of Puerto Rico at this particular moment, before other industries get thoroughly established. It would be a tragedy. It would be serving notice on everybody who might be thinking of opening in Puerto Rico that they had better stay away, that there is no foundation on which they can build solidly.

Now, these hearings are being held in connection with wages in these various other industries that we mentioned down there. I wanted to get your reaction on some of that.

Going directly to this bill, while I was there before the legislature this question was presented to me:

What do you, Mr. Crawford, think about H. R. 7674?

I very emphatically said this to them: That I did not want our committee to approve H. R. 7674 provided its approval or the enacting into law of this constitutional approach would lead to the severing of the good-will relationships and cooperation between the United States and the Puerto Rican people.

I said:

Involved in that bill you have substantially a legal problem on which I personally do not want to pass until I have the absolute unqualified opinions of men who are capable of passing on such a constitutional question.

I said:

Some people have made the charge that that bill would create a government within a government; namely, set up a constitutional government in Puerto Rico, which, after all, would have to operate under the Constitution of the United States.

Now, in your study of this matter have you run onto any line of thought or reasoning or legal precedent whereby we would embarrass the Puerto Ricans or cause trouble for our own country by reason of the type of government that they would be operating over there if we approve this bill? Have you seen anything in the way of a red light that might give us warning?

Mr. LYNCH. I have seen nothing to indicate that the people of the islands are not thoroughly in accord by an overwhelming majority, in in favor of this bill.

Mr. CRAWFORD. Have you seen anything anywhere that the approval of such a bill would in any way interfere with our constitutional processes?

Mr. LYNCH. No; I have not. I think this would be clearly within the framework of our own Constitution. I think that the opportunity that we give the Puerto Ricans to establish by popular vote their own constitution insofar as the government of their own island is concerned will be of immeasurable benefit both to them and to us because it makes them feel, as I think they have a right to feel, that they will then be on practically an even status with their fellow Americans on the mainland.

Mr. CRAWFORD. I think you are on sound ground there.

I took the position, when the question was up, to let them elect their own Governor, that they should have the right to do that. I have said to them on numerous occasions, insofar as I was personally concerned I wanted to keep extending to them these additional rights and privileges on two counts. First, I think they are capable of handling their affairs; and, second, if they are not it is time for us to find it out.

Mr. LYNCH. I think you are perfectly right.

Let me say this: In line with your reasoning is the reasoning of the Ways and Means Committee. When we passed the social security bill, H. R. 6000, which is now before the Senate, we did not seek to impose this bill directly upon the people of Puerto Rico. But, having in

mind the same view that you have with regard to their ability to legislate for themselves, we made it subject to the approval of the legislature of Puerto Rico.

I think I should say from my experience in meeting the people down there that that one feature in giving them the right to determine for themselves whether social security, H. R. 6000, should apply to Puerto Rico, was one of the most diplomatic things I think we have done.

I just want to say this in connection with the employment situation which you mentioned before, Mr. Crawford: I do not think there is anybody who has a better insight into Puerto Rico in the Congress than you. I have read your report and I think it is a splendid one. It shows a great deal of thought and a great deal of investigation was had in connection with it.

However, there was an American company down there that had been established in this attempt to industrialize the island. It was engaged in the manufacture of some ladies' wear. They had a manager down there who apparently was not able to get the employees needed. Their representative came to me at the time that I was there and spoke to me about it, and I immediately got in touch with the head of the labor department, Mr. Sierra, and within a short time, possibly a month or so after I had returned home, I was advised that the insular government, through their representatives, had gone into that area and had gotten more than 600 people to go to work in that place, with the result that they were doing a tremendous manufacturing business and exporting goods into the United States.

Mr. CRAWFORD. That is one of the amazing things about that whole program there. Apparently every community is tied into the general effort. When those fellows go out they take the load on and put it through.

That reminds me very much of what I have seen in Japan in some of the places over there. Japan had its economy so organized prior to World War II that the little rice farmer way up in the mountains who had electricity at his farm place did a little light manufacturing job when he was not working in the field, said job feeding into the general export of the big Japanese export operations. Japan had practically every farmer in the empire tied into its institutional operation of export.

Now, the nearest I have ever seen to what went on in Japan, anywhere else I have seen, is in Puerto Rico. Through the leadership of someone there, whether it be the governor primarily or his lieutenants, primarily, or whoever it may be, you get those individual responses to which you have just referred. The community falls in behind the general "Bootstrap Operation."

I am very glad that you ran onto that evidence down there.

Mr. LEMKE. Mr. Chairman, I would like to ask just one more question with regard to the bill and get the reaction on it.

On page 2, at the beginning of line 11, you say:

Upon approval of such constitution by the Congress, or upon the expiration of the congressional session during which the constitution be transmitted, provided transmittal occurs not later than 90 days before adjournment, if the Congress has not disapproved such constitution, the constitution shall be deemed approved and shall become effective in accordance with its terms.

I do not generally like that left-handed approval. What is your reaction?

Mr. LYNCH. I do not generally like it, either. I would much prefer that when the bill comes up we approve it immediately.

Mr. LEMKE. Yes.

Mr. LYNCH. Rather than let it go by automatically, because I feel that if we took definite action upon it it would really give the stamp of affirmative approval to what the people of Puerto Rico are doing and what they want. That is the way I would like to act on it.

Mr. LEMKE. You would like to have that changed so that the Congress would act upon it, and not this left-handed approval.

Mr. LYNCH. I would like to have the Congress act upon it, but if the Congress did not act upon it, I would rather have this in than no action taken at all.

Mr. LEMKE. It does seem to me it gives it kind of a left-handed approval.

Mr. LYNCH. Yes; it is.

Mr. LEMKE. Rather than doing the thing affirmatively.

Mr. LYNCH. It is a little left-handed. Maybe it is because they feel that Congress may not take it up within the time. They are so very anxious to get it that they are willing to take it that way without the real stamp of approval that you and I would like to give it.

Mr. LEMKE. I think as long as we have Mr. Crawford on this committee we will get prompt action.

Mr. LYNCH. I feel sure you will get prompt action.

Mr. LEMKE. And let me include Chairman Redden of the Insular Subcommittee.

Mr. MURDOCK. Mr. Chairman, may I make a comment at this point, which may not quite pertain to this, but what Judge Lynch just said calls it to my mind.

Sometimes the people of a territory are so anxious to get the main objective that, as you have indicated, they will agree to something that is not proper to be agreed to. That is brought forcibly to my mind. I have been reading the committee hearings, as well as the debates in the House and Senate, in June 1910, and I find that a committee of Congress said to the Delegate from the Territory of Arizona:

Have you read this bill?

Yes.

Do you agree with all the restrictions included therein?

I think so.

To my mind, that Delegate did not know fully what he was accepting. He was so anxious to get statehood that he agreed.

Mr. LYNCH. I think in this particular instance that we ought to take affirmative action, but if we do not take affirmative action, I am perfectly willing to let it go the other way, even though it might be a little left-handed.

Mr. ASPINALL. Thank you very much, Congressman Lynch.

Mr. LYNCH. I want to thank you gentlemen very much for your courtesy.

Mr. ASPINALL. The committee will be in recess for a few minutes. (Thereupon a short recess was taken.)

The CHAIRMAN. Mr. Aspinall, I will ask you to take the Chair.

Mr. ASPINALL (presiding). The committee will be in session.

According to the agenda, the next witness is Mr. Miller, the Assistant Secretary of State.

Mr. FERNÓS-ISERN. Mr. Chairman, before Mr. Miller testifies may I take the liberty of making an announcement here?

Mr. ASPINALL. Certainly.

Mr. FERNÓS-ISERN. I have just heard that the Senate committee will hold hearings on this same bill tomorrow, and they would like to have the same witnesses appear. I would like to say that for their benefit.

Mr. ASPINALL. The witnesses will be governed accordingly.

Mr. Miller, will you give your name and title to the reporter?

STATEMENT OF EDWARD G. MILLER, JR., ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS

Mr. MILLER. My name is Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs.

Mr. ASPINALL. The witness will be permitted to give his statement without any interruption, unless there is voiced objection at this time. Hearing none, you may proceed.

Mr. MILLER. I shall be very brief, Mr. Chairman.

The Department of State believes it to be of the greatest importance that the Puerto Rican people be authorized to frame their own constitution as provided for in H. R. 7674, in order that formal consent of the Puerto Ricans may be given to their present relationship to the United States. It is believed that, with their own constitution, the high degree of internal self-government which the Puerto Ricans today enjoy in their voluntary association with the United States will assume for them an added significance. Moreover, such action by our Government would be in keeping with the democratic principles of the United States and with our obligations under chapter XI of the Charter of the United Nations to take due account of the people in our Territories and to develop self-government in them. The Department of State feels that the enactment of H. R. 7674 into law would have great value as a symbol of the basic freedom enjoyed by Puerto Rico, within the larger framework of the United States of America.

I would like to add a personal word of explanation to that official statement on the part of the Department.

I myself was born in Puerto Rico, and I have happened to visit that island twice this year in connection with visits to Latin America which I have undertaken in a program of visiting all the countries in the area for which I have responsibility in the Department.

I think that in my capacity as Assistant Secretary for Inter-American Affairs I can say with complete assurance that the enactment of this bill into law will aid us very materially in our Latin-American program. I think that the people of Latin America have a great feeling of affinity for Puerto Rico and that they would like to see Puerto Rico evolve, as far as possible, toward self-government, and that this bill would be an important step in our program of convincing the Latin-American people that we believe in the sovereign right of each people to determine their own political forms insofar as possible.

Mr. ASPINALL. Thank you very much, Mr. Miller.

The committee has a letter from the Assistant Secretary, Jack K. McFall, which states the position of the Department of State as favorable.

I would like to have this letter inserted in the record at this point, unless there is objection.

(The letter is as follows:)

DEPARTMENT OF STATE,
Washington, April 24, 1950.

The Honorable J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
House of Representatives.*

MY DEAR MR. PETERSON: This is in further reply to your letter of March 30, 1950, which was acknowledged March 31, 1950, transmitting for the comment of the Department of State a copy of H. R. 7674, to provide for the organization of a constitutional government by the people of Puerto Rico.

In its report to your committee dated April 19, 1950, on H. R. 7746, a bill pending in your committee relative to the Independence of Puerto Rico, the Department of State alluded to H. R. 7674 in the following manner:

"In the meantime, however, and until the Puerto Rican government indicates that it is ready for a definitive determination of the status issue, the Department of State believes it to be of the greatest importance that the Puerto Rican people be authorized to frame their own constitution as provided for in H. R. 7674, which, it is understood, is also pending before your committee, in order that formal consent of the Puerto Ricans may be given to their present relationship to the United States. It is believed that, with their own constitution, the high degree of internal self-government which the Puerto Ricans today enjoy in their voluntary association with the United States will assume for them an added significance. Moreover, such action by our Government would be in keeping with the democratic principles of the United States and with our obligations under the Charter of the United Nations to take due account of the political aspirations of the people in our Territories and to develop self-government in them."

The Department of State wishes to take this opportunity to reiterate its position.

In view of the importance of "colonialism" and "imperialism" in anti-American propaganda, the Department of State feels that H. R. 7674 would have great value as a symbol of the basic freedom enjoyed by Puerto Rico, within the larger framework of the United States of America.

The Department has been informed by the Bureau of the Budget that bills providing for the drawing up and adoption of a constitution by the people of Puerto Rico (S. 3336 and H. R. 7674) would be fully in accord with the program of the President.

Sincerely yours,

JACK K. McFALL,
Assistant Secretary
(For the Secretary of State).

MR. ASPINALL. Are there any questions?

MR. CRAWFORD. Mr. Chairman, I have one question I would like to ask Mr. Miller. You may not want to answer it. If you do not, I will not press for an answer.

We have the two statehood bills before us, for Alaska and Hawaii. I understand there will be some argument, and there has been, perhaps, some argument in advance, that Alaska and Hawaii, instead of being given statehood, should be treated from a constitutional standpoint, as we are here considering for Puerto Rico.

MR. MILLER, would you mind commenting on that?

MR. MILLER. Well, Mr. Crawford, I do not know the situation with respect to Hawaii and Alaska as I happen to know the situation in Puerto Rico, but I might say that in our letter of April 24, the same date as our favorable report on the bill now before this committee,

the Department of State sent to the chairman of this committee an adverse report on H. R. 7746, relative to the proposed independence of Puerto Rico, in which letter we stated as follows:

It is the view of the Department of State that the ultimate political status of Puerto Rico will have to be determined at an appropriate time by the Puerto Rican people themselves on the basis of alternatives which have been approved by Congress. In this regard it is believed of significance that in the elections held last November for the elected government of Puerto Rico, in which 73 percent of the registered voters participated, 63 percent elected the candidate—

This is the important point, sir—

who proposed that Puerto Rico defer at this time determination of its ultimate political status and seek a relationship with the United States which would permit a constitution for Puerto Rico.

So that an important basis of the position that the Department is taking in regard to the bill now before this committee is that we are doing what the people of Puerto Rico would like to have us do for them.

Mr. ASPINALL. Are there any other questions?

Mr. LEMKE. May I ask this further question? Of course, we all want to see these statehood bills passed. Do you think the passage of this bill might in any way interfere with prompt action on these other bills?

Mr. MILLER. I take it that the situation in Alaska and Hawaii is different from the situation in Puerto Rico, as expressed by the people.

Mr. LEMKE. Entirely. This has no bearing on those bills.

Mr. MILLER. Yes, sir.

Mr. LEMKE. That is all.

Mr. ASPINALL. Are there any other questions? If not, thank you very much, Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman and members of the committee.

Mr. ASPINALL. The next witness will be Director James P. Davis, the Division of Territories, Department of the Interior. Do you have a prepared statement?

STATEMENT OF JAMES P. DAVIS, DIRECTOR, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS, DEPARTMENT OF THE INTERIOR

Mr. DAVIS. Mr. Chairman, I do not have a prepared statement, and I wish only to take a minute or two of the time of the committee at this time.

I am James P. Davis, the Director of the Division of Territories of the Department.

The committee already has before it the report of the Department signed by Secretary Chapman, strongly supporting and recommending the passing of the legislation now before you, with certain minor amendments affecting merely the language with which some of the sections is phrased.

This may be my last opportunity to appear before you gentlemen in the current session, and I do want to deviate for a moment to pay a tribute to this committee and particularly to its chairman, Mr. Peterson, and to Mr. Fred Crawford and all the other members of the Committee who have, during the present Congress, taken such

a keen and active interest in the affairs of our territories generally. I think you gentlemen have made a major contribution to the development of affairs in our Territories, that you have really made history during the current session of the Eighty-first Congress.

In passing I want to thank each of you for the fine attitude and the great help that you have given us in trying to advance these policies of economic, social, and political development in our territorial areas. You have dealt with legislation on statehood for Alaska and Hawaii, on matters of fundamental and major importance to Puerto Rico, to Guam, to the Virgin Islands, to American Samoa, and in all those cases you have certainly given able and full consideration to the question before you.

With regard to the present bill, I can add very little to what is stated in the report to the Secretary. We do feel that this measure is of major importance in the development of our policy in Puerto Rico, that it should receive prompt consideration, and that it should be enacted during the current session.

Mr. ASPINALL. Thank you very much, Mr. Davis.

Are there any questions? If not, we shall insert in the record at this point the letter from the Secretary of the Interior, and his endorsement, together with a list of amendments which he suggests, and we will consider the amendments at a future session of the committee.

(The document is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 28, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Committee on Public Lands, House of Representatives,
Washington 25, D. C.*

MY DEAR MR. PETERSON: This is in reply to your request for the views of this Department on H. R. 7674, a bill to provide for the organization of a constitutional government for the people of Puerto Rico.

I strongly urge the enactment of H. R. 7674, with the amendments suggested in the attached list.

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 H. R. 7674 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 H. R. 7674, 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.

H. R. 7674 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 H. R. 7674 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 attach a brief analysis indicating the general nature of the sections of the organic act which would and those which would not be repealed by H. R. 7674. Also attached for your consideration is a list of proposed perfecting amendments.

The introduction of H. R. 7674 by the Resident Commissioner, Dr. A. Fernós-Isern, and the eloquent testimony of Gov. Luis Muñoz-Marín before the House Public Lands 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 H. R. 7674 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 there is no objection to the submission of this report, as H. R. 7674 would be fully in accord with the program of the President.

Sincerely yours,

OSCAR CHAPMAN,
Secretary of the Interior.

PROPOSED AMENDMENTS TO H. R. 7674

1. (a) Page 1, line 3: Strike out the word "That" and insert in lieu thereof the word "Whereas".

(b) Page 1, line 5: Delete the period, and add after the word "Rico" the following: "; and".

(c) Page 1, line 6: Insert the word "Whereas" before the word "Under".

(d) Page 1, line 8: Delete the period, and add a comma after the word "achieved".

(e) Page 1, line 9: Insert the word "Therefore" before the word "Fully".

These are perfecting amendments converting section 1 of the proposed bill into a preamble.

2. Page 2, lines 3-5: Strike out the following:

"SEC. 2. Upon the acceptance of this Act by the people of Puerto Rico and their adoption of a constitution, in accordance with procedures prescribed by the laws of Puerto Rico,"

and insert in lieu thereof the following:

"SEC. 1. Upon acceptance of this Act by the people of Puerto Rico they are hereby authorized to call a constitutional convention to form a constitution in accordance with procedures prescribed by the laws of Puerto Rico. The consti-

tution shall create a government republican in form and shall include a bill of rights. Upon adoption of the constitution by the people of Puerto Rico,"

This is a perfecting amendment which would specify that the constitution is to be formed by a constitutional convention. It would also incorporate the provisions of section 3 of the bill as a part of section 1, as renumbered.

3. Page 2, line 13: Strike out the word "be" and insert in lieu thereof the word "is".

4. Page 2, lines 18-20: Strike out the following:

"SEC. 3. The constitution of Puerto Rico shall create a government republican in form and shall include a bill of rights."

As indicated above, the provisions of section 3 have been incorporated in section 1, as renumbered.

5. Page 2, line 21: Change the number "4" to "2", and change the number "5" to "3".

This proposed amendment is necessary because of the renumbering of the previous sections.

6. Page 3, line 2: Insert at the end thereof the following:

"The President of the United States, when requested by legislative enactment of the government of Puerto Rico, may except Puerto Rico from the application of any Federal law, not specifically made applicable to Puerto Rico by Congress, which he deems inapplicable by reason of local conditions."

This proposed amendment would incorporate the language of section 6 of the bill as a part of section 2 as renumbered.

7. Page 3, line 3: Strike out the number "5" and insert in lieu thereof the number "3".

8. Page 3, line 12: Strike out the number "55".

Section 55 of the organic act of Puerto Rico has already been repealed by section 39 of title 28, United States Code (62 Stat. 992).

9. Page 3, lines 18-23: Strike out all of section 6.

As indicated above, the language of section 6 has been incorporated in section 2 as renumbered.

10. Page 3, line 24: Strike out the number "7" and insert in lieu thereof the number "4".

Mr. ASPINALL. The next witness will be Justice Cecil Snyder of the Supreme Court of Puerto Rico.

Will you give your name and title to the reporter, Judge Snyder.

STATEMENT OF A. CECIL SNYDER, ASSOCIATE JUSTICE OF THE SUPREME COURT OF PUERTO RICO

Mr. SNYDER. My name is A. Cecil Snyder.

Mr. ASPINALL. Unless there is objection at this time Judge Snyder will be allowed to give his statement, and questions will be asked at the conclusion of his statement. Hearing no objection, you may proceed.

Mr. SNYDER. Thank you, sir.

I am an associate justice of the Supreme Court of Puerto Rico. I was born and raised in Baltimore, Md., and lived there until I moved to Puerto Rico in 1933. I have been a resident of Puerto Rico for 16½ years. From 1933 to 1942 I was United States attorney for Puerto Rico under appointment by President Roosevelt. From 1942 to date I have been on the supreme court by appointment of President Roosevelt. I am the only member of the court who is not a Puerto Rican by birth.

I am not and never have been a member of any local political party in Puerto Rico. I have not come here to testify as a partisan of any group, political or otherwise. I am here solely because I am interested in the welfare of Puerto Rico as a citizen thereof.

Before I begin my testimony I should like to call your attention to a letter dated May 12, 1950, from all five justices of the Supreme

Court of Puerto Rico to your committee recommending approval of H. R. 7674. I think it is important to call these letters to your attention as the justices are still appointed by the President under the present organic act. They are, therefore, officials who might be affected if H. R. 7674 is enacted and a constitution is adopted. But, precisely for that reason, we believe we should make our position clear and unmistakable. We are in favor of the bill.

The primary purpose of H. R. 7674 is that it firmly, definitively, irrevocably, once and for all negatives the concept that Puerto Rico is a colony. The United States is not an imperialistic nation. It has not treated Puerto Rico as a colony. And H. R. 7674 is designed precisely to wipe out any last, lingering doubt on that score.

Congress in ever-increasing measure has conferred on the people of Puerto Rico broad and sweeping grants of power over their local affairs. Today under the organic act, Puerto Rico has the typical American governmental structure, consisting of three independent branches of government—legislative, executive, and judicial. It has all the essential powers needed for effective local self-government, including the power of taxation. It has, like any State the power to enact, to enforce, and to interpret its own laws.

Puerto Rico is now, in the words of the United States Supreme Court, a body politic—a commonwealth. The people of Puerto Rico, therefore, have all the governmental machinery to conduct and are in practice operating a full-blown, articulate, mature, practicing democracy. Nevertheless, there is one thing lacking which would make the government of the community of Puerto Rico a true democracy. H. R. 7674 remedies that defect—it supplies the missing link.

H. R. 7674 provides that it is not enough (1) to recognize the right of self-government and (2) to enact measures granting self-government. There is a third—even larger—principle at stake, if true democracy is to be achieved. That is the principle of government by the consent of the governed. Congress has been exceedingly liberal in granting self-government to Puerto Rico under a Federal statute known as the organic act. But that statute is an act of the people of the United States, not the people of Puerto Rico. A free people have no desire to enjoy liberty by virtue of the gracious and benevolent expression of another people. Complete freedom can be predicated only on their own will. If the government of Puerto Rico is truly to be self-government, it must, therefore, be a structure reared by its own people. Only then can it truly be said that the government of Puerto Rico exists by the consent of the governed.

Let me make myself clear. I do not think Puerto Rico has any complaint about the measure of self-government granted to it to date by Congress. Under the Constitution, Congress has plenary power over Puerto Rico. It could, therefore, rule Puerto Rico autocratically, although I need hardly state that the traditions and action of the Congress have always been to the contrary. True to our traditions of democracy, in the last 50 years Congress in a series of statutes has recognized the principle of self-government of Puerto Rico. More important, Congress has not merely given lip service to self-government as a principle. It has translated theory into practice.

Puerto Rico has an elective legislature which has unfettered power to legislate on all local matters. Its powers are as broad and comprehensive as language can make them. In 1947 a nonpartisan bill was

passed unanimously by Congress, amending the organic act under which the President appointed the Governor of Puerto Rico, and providing instead for an elective governor. That same bill also provided that the only remaining cabinet officers who were still appointed by the President—the attorney general and the commissioner of education—shall be appointed by the governor. The net effect is, practically, that today the only vestige of outside control over the internal affairs of Puerto Rico is the authority of the President to appoint the justices of the Supreme Court of Puerto Rico.

All three branches of local government, as conducted by Puerto Ricans, have been eminently successful. The statutes enacted by the Legislature of Puerto Rico are a formidable body of laws dealing comprehensively and effectively with a wide range of local problems. In theory Congress in the organic act has retained the right to repeal these locally enacted statutes. But in practice Congress has never found it necessary in the past 50 years to exercise this potential right.

I am not here as a partisan of Governor Muñoz-Marín. But I think even the minority in opposition to him will not dispute the proposition that election of the Governor of Puerto Rico represents an improvement over the appointment of the Governor by the President. There are clearer lines of authority and responsibility. The Governor, being responsible to the will of the people, can take more effective action. And, obviously, there is better teamwork between a Governor and a legislature elected on the same platform than between a popularly elected legislature and a Governor imposed on the people by the President.

Puerto Rico is successfully operating a modern state, with all its paraphernalia and all its problems, such as health, education, roads, housing, power. We are so modern and up-to-date we have even had a little Hoover Commission, as a result of which we have already achieved reorganization and streamlining of the executive branch of government. Also, the locally elected Governor and his cabinet have inevitably attained a stature unknown in the past. The State Department has been quick to recognize this and to avail itself of the services of members of the executive branches of the government, who now stem from the popular will.

Finally, the attorney general and the commissioner of education, who are now appointed by the Governor instead of by the President, are no longer hampered as in the past in obtaining and executing the necessary legislation to perform adequately their functions. Both they and the Governor are no longer hedged about by restrictive legislation of a popularly elected legislature which instinctively felt that only it represented the will of the people. As a result, the legislative and executive branches of the government of Puerto Rico are now a team rather than two groups representing different interests.

It remains only to note that even as to the remaining branch of government—the judicial—the Supreme Court of the United States has followed the lead of Congress in this respect and has held in recent years that it will not disturb the decisions of the supreme court of Puerto Rico on local questions. Our supreme court is thus finally and truly supreme.

In view of this demonstration of successful self-government, there is agreement by everyone concerned that the last minor deviation from the principle of complete self-government should be eliminated forth-

with. But the purpose of H. R. 7674 is not simply for Congress to complete the task of granting self-government to Puerto Rico by Federal statute. I repeat, it is not enough to proclaim the principle of self-government and to enact measures granting self-government. Beyond these two points there is the overriding principle of government by consent of the governed. To translate this high principle into law, the author of this bill has devised a new, bold, unique, ingenious, creative, and dynamic concept. Under it there is no change of sovereignty. The economic and legal relationship between Puerto Rico and the United States remains intact. Yet Puerto Rico is granted liberty and freedom in its local affairs, although it remains within the framework of the United States. It becomes a democracy within a larger democracy.

This is a new concept. But that need not disturb us. Surely there can be no objection to an imaginative and resourceful approach by Congress in creating a new pattern of government pursuant to the untrammelled power of Congress under the Federal Constitution. As long ago as 1914, Mr. Justice Frankfurter, then serving in the Department of War in connection with Territorial affairs, wrote the following:

The form of the relationship between the United States and unincorporated territory is solely a problem of statesmanship.

History suggests a great diversity of relationships between a central government and dependent territory. The present day shows a great variety in actual operation. One of the great demands upon inventive statesmanship is to help evolve new kinds of relationship so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this field of invention open.

The question calls for statesmanship, as Mr. Justice Frankfurter pointed out. It is not a partisan political question. Rather it is for Congress and the people of Puerto Rico to determine on a non-partisan level.

The people of Puerto Rico may well follow the lead of Congress and adopt many, if not all, of the present provisions of the organic act for their local government, although that will be a matter for them to determine. If they do, there will perhaps be little difference, from the purely practical point of view, between the government of the people of Puerto Rico under their own constitution and under the organic act written by Congress. But men live by symbols, particularly in the propaganda-ridden world of today. I, for one, think it is of vital importance that the people of Puerto Rico be given the opportunity to proclaim as its own constitution, deliberately chosen and consented to by its own people, the various basic principles of self-government and constitutional protections now embodied in the organic act which in theory is today imposed on the people of Puerto Rico by Congress.

This bill does not give Puerto Rico carte blanche to draw any constitution it might choose. It must create a republican form of government (sec. 3); the constitution must contain a bill of rights (sec. 3); the President must approve the constitution (sec. 2); the Congress may reject it (sec. 2). In this respect, the procedure is the same as in the case of many Federal States.

Nor does this bill contemplate that under its constitution Puerto Rico will be either legally or economically cut off from the United States. Economic and legal relations remain unchanged. Only the

provisions of the organic act with reference to purely internal affairs of Puerto Rico are repealed. And all Federal legislation will continue to apply to Puerto Rico. The only exception is that under (sec. 6) where the President believes a Federal statute is locally inapplicable, he may exempt Puerto Rico therefrom at the request of the Legislature of Puerto Rico. But that is in effect the present law. And no Federal statute has been so declared locally inapplicable. As a practical matter, all the important Federal statutes, whether restrictive or beneficent, expressly either include or exclude Puerto Rico by name.

I am sure you are familiar with the economic problems which beset the people of Puerto Rico. As you know, Puerto Rico does not come here for a handout. Despite its meager natural resources and density of population, it is making a dramatic and manful effort to help itself in a program which has been graphically called Operation Bootstrap. It has even made an inspiring offer, which the President has accepted, to aid others in the President's point 4 program for underdeveloped areas. This bill would give the people of Puerto Rico a tremendous spiritual, emotional, and psychological uplift in its effort to solve its own economical problems.

The status of Puerto Rico has been debated politically for 50 years. Puerto Rico has been plagued with a confusing, debilitating, divisive debate as to whether its people wish statehood or independence. Under this bill they can put that issue aside and work toward a solution of their economic problems by the good old-fashioned American process of helping themselves.

Perhaps you will hear from a few people in opposition to some of the details of this bill. But I venture the prediction that not a single Puerto Rican will raise his voice in opposition to application to Puerto Rico of the principle of government by consent of the governed. And that is exactly what would be accomplished by H. R. 7674. Not at some indefinite, remote, and unforeseeable date, but now.

I think the Court of Appeals for the First Circuit had this bill in mind when it used the following language in a case decided on March 10, 1950:

Evolution in the direction of greater local autonomy is evident in the amendment of the organic act by the act of August 5, 1947, under which the people of Puerto Rico were given the right to choose their own governor by popular suffrage—a right never before according to a Territory of the United States. There is no reason to suppose that the evolutionary process is now at an end. Certainly nothing in the development to date would preclude the possibility of ultimate statehood.

Here is the language I think is particularly significant:

On the other hand, perhaps Puerto Rico will eventually achieve some unique status under the American flag more satisfactory to its people than statehood.

I think that if this bill is not enacted Congress will have failed to avail itself of a golden opportunity to make clear to the world, particularly to Latin America, the breadth of self-government which Puerto Rico has already achieved. In practice, Puerto Rico is self-governing on local matters. The only thing H. R. 7674 does is to translate the practice into law. There are other places in the world where freedom exists in theory but not in fact. Why in Puerto Rico should we have local self-government in fact but leave on our statute books an outmoded theory that it is a colony? Like other situations

where the United States in world affairs hides the evidence of its good deeds under a bushel, the Congress has given Puerto Rico local autonomy in almost subrosa fashion. By permitting the adoption by the people of Puerto Rico of a constitution, the past generous treatment of Puerto Rico by the United States will be seen in the clear light of day for what it is as a grant of local autonomy. Puerto Rico has de facto self-government. Why not make it de jure?

I know of no body in which a plea for the principle of government by consent of the governed should be more appealing. Our Revolution was fought on this seemingly idealistic but actually very practical principle of government. The founding fathers wrote it into the Constitution. We have fought two World Wars and are presently engaged in a cold war to sustain it. I think we ought to practice it in Puerto Rico.

I have come to know the people of Puerto Rico intimately. No one could possibly dispute the statement that they are politically mature. Their freedom is the most precious heritage they possess. I promise you, they will do you proud if you let them exercise the God-given opportunity to create their own local government within the framework of the bill before you.

Mr. ASPINALL. Mr. Snyder, I know that I voice the thoughts of the committee when I thank you for a very splendid and logical statement in support of the pending bill. To me it is not only a statement on the bill, but you have in it a very interesting and instructive treatise on modern democratic republican form of government, which is enjoyable to me.

Mr. SNYDER. Thank you, sir.

Mr. ASPINALL. Do any members of the committee have any questions?

Mr. D'EWART. Mr. Chairman, if no one else desires to comment, since you have made the statement that this is a treatise on the republican form of government, I would like to comment on two things from that point of view.

I congratulate you on a very good statement. This is not to be critical, but first you state: "I am not and never have been a member of any political party." To me that is not something to hold up as a state of affairs to brag about.

Mr. SNYDER. May I suggest to you, sir, that the adjective is of some importance. I said, "I am not and never have been a member of any local political party in Puerto Rico." I am a Democrat. I was born a Democrat. I will die a Democrat.

Mr. D'EWART. I congratulate you on being a member of some political party. That was the point. I think everyone should be a member of one of the major political parties. I think that is the way we get good government in this country. Not being a member is shirking some responsibility.

Mr. SNYDER. The difference there, sir, is that in Puerto Rico the local parties are not, at least as to some of them, affiliated with the national parties. I had in mind emphasizing that I was nonpartisan in this and other local issues in Puerto Rico because, as a Democrat, I have not participated in local political activity.

Mr. D'EWART. I was led to believe that you were a Democrat, by the statement as to who appointed you.

Mr. SNYDER. I hope that is not the only reason he appointed me, however.

Mr. LEFEVRE. Off the record.

(Discussion off the record.)

Mr. D'EWART. The second point I would like to make is with reference to page 10, where you say :

On the other hand, perhaps Puerto Rico will eventually achieve some unique status under the American flag more satisfactory to its people than statehood.

To us there is a question of whether there is a political subdivision under our Constitution which is better than statehood. To us that would not be the case. We believe that perhaps the sovereignty of the people and the rights of the State are an ideal from a standpoint of form of political subdivision.

Mr. SNYDER. Sir, I agree with that 100 percent. The language there I regard as important is "more satisfactory to its people."

I assume the judge who wrote that had in mind the economic problems that beset the people of Puerto Rico, so that temporarily a more satisfactory status by virtue of those economic problems might be this constitution. That is not my language. That is the language of Judge Magruder of the circuit court.

Mr. D'EWART. You do not consider that better politically?

Mr. SNYDER. No, sir. I doubt if anybody in Puerto Rico would say, politically speaking, that there is any status better than statehood. That is the economic problem that comes into it.

Mr. D'EWART. I was just led to ask those two questions.

Mr. ASPINALL. Congressman Crawford?

Mr. CRAWFORD. Justice Snyder, will you refer to page 8 of your statement in the second paragraph?

Mr. SNYDER. Yes, sir.

Mr. CRAWFORD. I think the committee might give a minute or two of thought to this.

While in Manila last November, I had a rather serious discussion with President Quirina and his financial minister, and some of what I would term the "very wealthy" citizens of the Philippines, on the question of applying the point 4 program to the Philippines. I stated to them that I thought Puerto Rico had put the point 4 in reverse, and I think you have confirmed what I said, maybe, at this time, when you say :

It has even made an inspiring offer, which the President has accepted, to aid others in the President's point 4 program for underdeveloped areas.

What do you mean by that?

Mr. SNYDER. As I understand it, Mr. Congressman, Puerto Rico has offered personnel and know-how and facilities of the University of Puerto Rico to help particularly in areas where our similarity of problems would be useful, such as the tropical areas, or the language problem, where there would be a handicap. Our Spanish-speaking personnel and personnel with experience in tropical matters are now at the disposal of the State Department, to help on point 4, and I understand they will be or are being used for that purpose. So the point 4 is in reverse. We are contributing the aid to the United States to our capacity in implementing the point 4 program throughout the rest of the world.

Mr. CRAWFORD. I think you may go further.

Having in mind Haiti and San Domingo and certain other areas in that general vicinity, if the powers that be in the insular government of Puerto Rico and the United States Government let this program of yours down there become substantially established, my guess is that your men of financial means and credit facilities in Puerto Rico will be voluntarily investing their funds along with that know-how in some of those local areas.

Now, point 4 program money is not going into Puerto Rico. So far as I know, Puerto Rico is not eligible. So far as I know, the State of Michigan would not be eligible for point 4 money.

You have demonstrated down there that it is unnecessary for the point 4 capital to go into Puerto Rico.

Now, in testimony before the House Foreign Affairs Committee here on the Hill only a few days ago the spokesman for the Philippines who appeared there at the time asking for an additional \$100,000,000 of war-damage relief to the Philippines pointed out that the Philippines—that means the administration now in power in Manila—were seriously analyzing and considering the program “operation bootstrap” which Puerto Rico had adopted, looking forward to perhaps a similar program in the Philippines.

I was at the hearings at the time and testified before the committee and complimented the Philippines and pointed out to them that in my opinion they could do a far greater job than Puerto Rico is doing because the Philippines have almost immeasurable natural resources of a great variety, which Puerto Rico does not have, and that if the Philippine Government would organize itself as Puerto Rico has organized itself under this leadership you referred to that the capitalists of the world would beat down a door trying to get into the Philippines on a voluntary basis, making point 4 program money unnecessary in the Philippines.

That was the other day; but while in Manila in November I told President Quirina that his government should put up the necessary guaranties to the American citizens that their capital invested there would be protected, thereby making it unnecessary for the United States Government to guarantee the security of such capital.

Now, the Philippines have the natural resources with which to do that. They have timber. They have potential water power. They have some of the richest soil on God's green earth. When I say “some” I mean millions and millions of acres. They have almost unlimited mineral resources, gold and manganese and other precious and commercial ores. They have climate which I do not know that you can match anywhere else, because of the high altitudes in the tropical areas. They have sugar. They have coconuts. They have a population of about 18 millions of people which can be joined with Philippino capital and with American capital, which will go in there voluntarily if the American people are convinced that the Philippine Government, first, will not pass legislation that astigmatizes the American investors and, secondly, that the administration in power in Manila will administer those laws fairly to the Americans as well as the Philippines.

So what you say on page 8 there with respect to the President's point 4 program leads me to believe that Puerto Rico will be able to go even further than you thought it would.

Mr. SNYDER. That is my hope. I share your hope.

Mr. CRAWFORD. You know as well as I do that in Puerto Rico men of means are today investing on a long-term basis in Puerto Rican industries who, 5 years ago, would not do so. Is that right or not?

Mr. SNYDER. That is accurate, sir.

Mr. CRAWFORD. They are doing it on a big scale.

Mr. SNYDER. And we hope that it will be even bigger.

Mr. CRAWFORD. Yes, sir.

Mr. ASPINALL. Are there any other questions? If not, we thank you very much, Judge Snyder.

Mr. SNYDER. Thank you, sir.

Mr. ASPINALL. The committee is in receipt of a letter in favor of the pending bill signed by the chief justice and the associate justices of the Supreme Court of Puerto Rico. This letter will be inserted in the record at this point.

(The document is as follows:)

SUPREME COURT OF PUERTO RICO,
San Juan, P. R., May 12, 1950.

HON. J. HARDIN PETERSON,

*Chairman, Committee on Public Lands, House of Representatives,
House Office Building, Washington, D. C.*

DEAR MR. CONGRESSMAN: We deem it appropriate to write you in connection with H. R. 7674, which authorizes the people of Puerto Rico to organize their local government pursuant to a constitution of their own adoption.

We are fully in accord with the purpose of complete self-government for Puerto Rico as expressed in the bill. We particularly wish to note our approval of the fact that under H. R. 7674, the designation of justices of the supreme court would be made as provided for in said constitution.

We beseech the favorable consideration by your committee of H. R. 7674.

Sincerely yours,

A. R. DE JESÚS,
Chief Justice.

R. H. TODD, JR.,
Associate Justice.

BORINQUEN MARRERO,
Associate Justice.

A. CECIL SNYDER,
Associate Justice.

LUIS NEGRON-FERNÁNDEZ,
Associate Justice.

Mr. ASPINALL. The next witness will be Senator Victor Gutierrez. Will you give your name to the reporter, please.

**STATEMENT OF VICTOR GUTIERREZ, MEMBER OF THE SENATE OF
PUERTO RICO**

Mr. GUTIERREZ. I am Victor Gutierrez.

Mr. ASPINALL. The senator has a prepared statement. Unless there is objection at this time we shall permit him to give his statement in full before any questions are asked.

You may proceed.

Mr. GUTIERREZ. Mr. Chairman and members of the committee, my name is Victor Gutierrez. I am a member of the senate of Puerto Rico, elected at large in 1948, by voters throughout the whole island in the same ticket that nominated Governor Muñoz-Marín and Resident Commissioner Fernós-Isern.

I appear today before you, as an elected representative of the people of Puerto Rico and as the majority floor leader of our senate, to express

our whole-hearted support of H. R. 7674. This proposed legislation introduced by Dr. Fernós-Isern, the democratically elected spokesman for our people in Congress, represents a true expression of the desire of the people of Puerto Rico that the economic and political relations between our island, our people, and the mainland and the people of the United States, be finally and unquestionably based upon the great democratic principle of government by consent of the governed. It is with this high democratic objective in mind that the people of Puerto Rico, through their Representative in Congress, urge the approval of this bill.

Last May I introduced in the Senate of Puerto Rico a concurrent resolution:

To express the support of the legislature to H. R. 7674 of the House of Representatives of the United States, introduced by the Resident Commissioner of Puerto Rico, Dr. A. Fernós-Isern.

I would like to have the text of this resolution included in the record at this point, and I am handing the clerk a certified copy thereof.

Mr. ASFINALL. It will be so ordered.

(The document is as follows:)

RESOLUTION FROM PUERTO RICAN LEGISLATURE

I, Jose Cestero Guardiola, secretary of the Senate of Puerto Rico, do hereby certify that senate concurrent resolution 3, of the second session of the Seventeenth Legislature of Puerto Rico entitled:

"CONCURRENT RESOLUTION To express the support of the legislature to bill 7674 of the House of Representatives of the United States, introduced by the Resident Commissioner for Puerto Rico, Dr. Antonio Fernós-Isern

"Whereas bill 7674 of the House of Representatives of the United States, introduced by the Resident Commissioner for Puerto Rico, Dr. A. Fernós-Isern, provides for the establishment of a system of government for Puerto Rico within the framework of the Constitution of the United States, and based on the consent of the governed, whereunder the people of Puerto Rico, composed of American citizens, would organize their local government in conformity with a constitution adopted by themselves: Now, therefore, be it
"Resolved by the Senate of Puerto Rico (the House of Representatives of Puerto Rico concurring):

"1. To give full support to the said bill of the Resident Commissioner, and to express their support of same to the Senate and to the House of Representatives of the United States through their respective presiding officers and the committees concerned.

"2. That copy of this resolution be transmitted to the Resident Commissioner."

was passed by a vote of more than two-thirds of all the members elected to the senate and the house of representatives of Puerto Rico, as it appears from the copies thereof, in English and Spanish, hereto attached.

Given under my hand and the seal of the Senate of Puerto Rico at San Juan, P. R., this 9th day of May, in the year of our Lord one thousand nine hundred and fifty.

[SEAL]

JOSE CESTERO GUARDIOLA,
Secretary of the Senate.

Mr. GUTIERREZ. I may add that the resolution was adopted in our senate by a vote of 18 in favor and 1 abstention. Our senate is composed of 19 members. In the house of representatives a body of 39 members, the resolution was adopted by a vote of 38 in favor and 1 abstention.

The adoption of this legislation at this particular time would, in my judgment, constitute a most opportune move in the field of democratic advancement in the Hemisphere.

I have just attended the Inter-American Conference for Democracy and Liberty which met at Habana, Friday, Saturday, and Sunday of last week. This conference included as its delegates some of the most outstanding exponents and defenders of democracy in our Western Hemisphere, both in North and South America. Among these were four distinguished members of this Congress, Congressmen Chet Hollifield and Clinton D. McKinnon, of California, and Congressmen Clifford P. Case and Charles R. Howell, of New Jersey, who attended as delegates.

The conference, in its final session on Sunday evening, adopted a declaration which is already known as the Habana Charter for Democracy advocating the termination of colonialism in our Hemisphere in accordance with the principles of self-determination. I want to make it clear at this point, however, that the three members of the Puerto Rican delegation who attended the conference—the speaker of the house of representatives, Mr. Ernesto Ramón Antonini, the president of the Free Federation of Labor of Puerto Rico (A. F. of L.), Mr. Hipolito Marcano; and myself—were invited and attended, not as representatives of a colony or a colonial government but as representatives of the democratic ideals of the people of Puerto Rico and of the democratic reality of the free institutions of Puerto Rico. I hasten to add that we would not have attended as representatives of delegates of a colony because we do not consider Puerto Rico as a colony. We consider ourselves, even before the adoption of this bill, a community of citizens of the United States who enjoy the benefits of all our democratic institutions, as part of the Union, as much a part of the Union as California or New York or Massachusetts and as irrevocably bound in the Union as any of them might be.

The American flag has now been in Puerto Rico for 52 years. Full American citizenship was accorded to us 33 years ago. I wonder if you know that this means that out of our 2,200,000 citizens over 1,900,000 have been born under the American flag and that over 1,500,000 have been born citizens of the United States?

There is, however, for those in Puerto Rico and outside of Puerto Rico, who insist in referring to written documents as the ultimate source for the definition of juridical institutions, and not so much to the realities of everyday life, the undeniable fact that our law of laws, our charter, our constitution, has not been drafted or ever passed upon by the people of Puerto Rico. In this and only in this sense, there is a remaining trace of colonialism in the relations between the United States and Puerto Rico. The adoption of this bill now before you and the subsequent adoption and ratification by the people of Puerto Rico, of our own constitution, would wipe out any such appearances of colonial situation in Puerto Rico.

We know this is not a bill for statehood, that it embodies no commitment for statehood; we know it is not independence and that it embodies no commitment for independence. We feel that it does not, in any way, prevent that in the future, Congress and the people of Puerto Rico, through representatives of their own choosing, decide that Puerto Rico should become a State in the classical way or an independent republic.

We have no technical or judicial name, perhaps, for this new set-up. We do not need a name. What we need and what we have in

this bill is a political organization of full democratic dignity in which citizens of the United States, citizens of our Western Hemisphere, can live in freedom and peacefully proceed in the pursuit of their happiness.

Gentlemen, I submit the adoption of this bill would be of overwhelming force and prestige for the advancement and defense of democracy in the eyes of the world, and especially with our fellow Americans south of the Rio Grande.

I come in my representative capacity to add my voice to the voice of our Resident Commissioner in Congress, to ask, on behalf of the citizens of Puerto Rico, for the approval of this bill. Perhaps in a democracy, certainly in a democracy like ours, all that should have been said here this morning is that those concerned want it.

Thank you.

The CHAIRMAN. Thank you very much, Senator.

Are there any questions, gentlemen? If not, thank you very much, Senator Gutierrez.

Mr. GUTIERREZ. Thank you, Mr. Chairman and members of the committee.

The CHAIRMAN. Do you wish to testify now, Dr. Fernós-Isern?

Mr. FERNÓS-ISERN. I would like to make a statement, Mr. Chairman.

The CHAIRMAN. We would be glad to hear our distinguished colleague at this time.

STATEMENT OF HON. ANTONIO FERNÓS-ISERN, RESIDENT COMMISSIONER OF PUERTO RICO

Mr. FERNÓS-ISERN. Mr. Chairman, the people of Puerto Rico constitute a community of American citizens organized in a territory which, as decided by the Supreme Court, is under the sovereignty, but is not a part, of the United States.

In accordance with the Treaty of Paris, under which the United States acquired sovereignty over Puerto Rico, the Congress is charged with the responsibility of determining the political status of the inhabitants of the island (last paragraph of article IX of the treaty.) Consequently, Congress has declared persons born in Puerto Rico to be citizens of Puerto Rico, entitled to the protection of the United States (organic act of 1900) and, further, citizens of the United States (organic act of 1917, and Nationality Act of 1940).

Under paragraph 2 of section 3 of the Constitution of the United States, the Congress is authorized to adopt "needful rules and regulations" concerning any territory belonging to the United States. With the organic acts of 1900 and 1917, as amended, Congress adopted what it evidently considered to be rules and regulations needful for Puerto Rico. It was under such rules and regulations that United States laws were declared applicable to Puerto Rico and the economic and fiscal relationships now existing between Puerto Rico and the United States were established. H. R. 7674 will not disturb these provisions. Quite to the contrary, they are specifically continued.

On the other hand, we aim at substituting with a constitution adopted by the people, those provisions of the organic act according to which the local governmental structure of Puerto Rico is or-

ganized. Such provisions in the organic act we might properly call the local constitution of Puerto Rico.

Under H. R. 7674, the local governmental structure of Puerto Rico would be predicated on the democratic principle; not only would the people be authorized, as it is now, to adopt its local laws but also its local law of laws; the local constitution; while its station within the United States Federal system, as heretofore determined by Congress, would remain unimpaired. The local constitution would, of course, be comparable with a State constitution.

As a fundamental reason in favor of this step, it may be pointed out that, considering the democratic progress of Puerto Rico has attained and the present measure of self-government it enjoys, it does not any longer appear to be "needful" for Congress to adopt rules and regulations in what concerns the local governmental organization of the people of Puerto Rico. This the people of Puerto Rico may do, and wish to do by themselves. On the other hand, it is needful to maintain such rules and regulations, adopted by Congress, which have created the present relationships between the people of the island and the United States. Such rules and regulations would be designated under the bill as the "Puerto Rican Federal Relations Act." The word "needful" in the territorial provisions of the Federal Constitution is packed with significance.

According to H. R. 7674, the constitution of Puerto Rico must be republican in form and contain a bill of rights. It must conform with applicable provisions of the Constitution of the United States and with the aforementioned Federal Relations Act. The constitution of Puerto Rico must be passed upon by both the President and the Congress. The people of Puerto Rico must accept these conditions before the constitution becomes operative.

There would again be additional "needful rules and regulations," enacted by Congress, in this case in order that Puerto Rico may adopt a constitution.

Under H. R. 7674, Puerto Rico is called upon to express its approval and consent to such conditions in order thenceforth to proceed to organize its local government in accordance with a constitution of its own adoption; and so that certain provisions of the organic act thereupon may stand repealed. That is why H. R. 7674 would have the nature of a compact. In this respect, it follows the precedent established by the Northwest Ordinance, albeit its terms are not identical.

As already pointed out, H. R. 7674 would not change the status of the island of Puerto Rico relative to the United States. It would not commit the United States for or against any specific future form of political formula for the people of Puerto Rico. It would not alter the powers of sovereignty acquired by the United States over Puerto Rico under the terms of the Treaty of Paris. It would recognize, within the present fundamental relationships existing between Puerto Rico and the United States, the right of the Puerto Rican community of American citizenry to organize itself for purposes of local government, in accordance with its own determination.

This is in direct accord with fundamental American democratic principles; also, with international commitments of the United States as expressed in the Charter of the United Nations. A provision

strongly and successfully advocated by the American delegates to the San Francisco Convention (ch. XI, art. 73 of the Charter) reads:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples 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, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end: (a) to insure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses; (b) 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; (c) to further international peace and security.

Alaska and Hawaii, the only two existing incorporated Territories, are traveling along the road toward statehood. We hope they will attain it at this session. Upon their admission, the United States will be a Union of 50 States, with four dependent areas and four dependent peoples:

Puerto Rico and its people, the Virgin Islands and its people, Guam and its people, and Samoa and its people.

Under H. R. 7674, Puerto Rico would become a self-governing commonwealth of United States citizens, organized within an island which is subject to the sovereignty of the United States. Our common citizenship will continue to be a basic and fundamental bond of union. Congressional rules and regulations will govern the form and manner in which Federal authority will be exercised in Puerto Rico. Local government will be entirely in the able hands of the local people.

The other dependent areas of the United States either already have civil government or are in the process of having it accorded to them. The progressive development of self-government in them is a natural expectation. We may here be setting a pattern to be followed in their democratic development, as nonincorporated overseas United States areas, democratically organized within harmonious terms of union, modified in each case to meet peculiarly local circumstances.

In any event, the admission of Hawaii and Alaska as States, the authorization to Puerto Rico to adopt a local constitution, civil government for the Virgin Islands, which already exists, and civil government for Guam and Samoa, already in the process of congressional consideration, will constitute a commendable demonstration of democratic practice on the part of the United States.

The people of Puerto Rico endorsed the proposal embodied in H. R. 7674 in the 1948 elections. The Governor of Puerto Rico endorsed it before this respected committee. The legislature of Puerto Rico recently endorsed it by resolution with no votes against and with only two abstentions; one in the House and one in the Senate. As the elected representative of the people of Puerto Rico in this Congress, I have introduced this bill embodying the proposal. Other official and civic bodies and organizations have endorsed it.

I believe it should be adopted at this session of Congress so that by 1952 the people of Puerto Rico may elect a new government under their own constitution. This will bring new happiness, new courage, and satisfaction to the people of Puerto Rico. It will fortify and elevate the international prestige of the United States, and will fur-

ther strengthen the position of the United States as the champion of democracy throughout the world.

The CHAIRMAN. Thank you very much. That is a very fine statement just made by our colleague.

While your people are here from Puerto Rico, I wish to testify to the fine valuable service and the alertness with which you have been following this and other matters for Puerto Rico. It is a pleasure to have you on this committee, and you have been a lot of assistance to us.

Are there any questions, gentlemen?

Mr. CRAWFORD. Mr. Chairman?

The CHAIRMAN. Mr. Crawford.

Mr. CRAWFORD. Doctor, do I understand your statement that all political parties of Puerto Rico have endorsed this?

Mr. FERNÓS-ISERN. No; I would not say that.

Mr. CRAWFORD. You spoke there about the vote with only two abstentions. What do you mean by that?

Mr. FERNÓS-ISERN. The two abstentions are precisely the representation of the minority. They are not against, but they are not fighting for it because they claim they only will be satisfied with statehood. This is not statehood; therefore, they do not vote.

The CHAIRMAN. This would not preclude statehood; neither would it add toward statehood.

Mr. FERNÓS-ISERN. That is why they did not vote against it.

Mr. CRAWFORD. They said they do not want to be on the record voting for something that is not statehood?

Mr. FERNÓS-ISERN. That is right, but they are not on record voting against this bill.

The CHAIRMAN. Thank you very much. Are there any other witnesses?

Mr. Silverman, did you want to make a statement today?

Mr. SILVERMAN. No. The Department has several amendments. We would like to discuss those with the committee.

The CHAIRMAN. We will discuss that with the Department.

Also, Congressman Marcantonio has asked for the privilege of being heard. This morning we had out-of-town people, so we gave them precedence. We will have another meeting, at which time testimony will be heard from Members of Congress who desire to be heard, and we shall also have conferences with the Department officials.

There is no one outside, other than the Member of Congress, who has indicated a desire to be heard. We will hear them, and at that time we will give Dr. Fernós-Isern a chance to answer any statements that may be made adversely.

Without objection, communications which have been received both for and against the proposal will be placed in the record at this point.

Is there any objection?

The Chair hears none and it is so ordered.

(The documents are as follows:)

SAN JUAN, P. R., May 13, 1950.

HON. J. HARDIN PETERSON,

Chairman, Public Lands Committee,

House of Representatives, Washington, D. C.:

As mayors of the municipalities of Puerto Rico elected by universal suffrage in the elections of November 1948, we fully endorse Resident Commissioner Fernós bill (H. R. 7674) providing for the drafting and approval of their own

constitution by the people of Puerto Rico. We are cognizant of the spirit of understanding and fair play the United States Congress has consistently shown toward Puerto Rico and that knowledge strengthens our hope that this eminently American recognition of the right of full local self-government will meet with the approval of Congress at this session.

Felisa. R. De Gautier, mayor, San Juan; Jose Barcelo, mayor, Adjuntas; Manuel Egipciano, mayor, Aguada; Rafael Caban Pena, mayor, Aguadilla; Miran Carrasquillo, mayor, Aguas Buenas; Edelmiro Rodriguez, mayor, Aibonito; Pedro Borges Lopez, mayor, San Lorenzo; Modesto Ferrer Rodriguez, mayor, Cidra; Alcides Figueroa, mayor, Anasco; Dario Goitia, mayor, Arecibo; Policarpo cora, mayor, Arroyo; Tomas Davila, mayor, Barceloneta; Ezequiel Marrero, mayor, Barranquitas; Blanca Colberg, mayor, Cabo Rojo; Santiago Rivera Morell, mayor, Camuy; Eduardo Garcia Carrillo, mayor, Loiza; Federico Cordero, mayor, Carolina; Emillo Matos Rios, mayor, Catano; Francisco Colon Julia, mayor, Cayey; Narciso Matta Gauthier, mayor, Celba; Jose Lopez Vega, mayor, Ciales; Hermogenes Perez, mayor, Coamo; Maximino Prestamo, mayor, Comerio; Leo Cabranes, mayor, Corozal; Luis Rivera Santana, mayor, Dorado; Diego Jimenez, mayor, Fajardo; Felix Alvarez, mayor, Guayama; Esperanza Ydrach Quinones, mayor, Guanica; Arturo Carrlon De Leon, mayor, Gurabo; Julio Rojas Reyes, mayor, Guayanilla; Jorge Gavillan Fuentes, mayor, Guaynabo; Manuel Alcaide Cordero, mayor, Hatillo; Julio Toro Vega, mayor, Hormigueros; Modesto De Leon, mayor, Humacao; Justo Mendez Cablera, mayor, Isabela; Manuel Diverse, mayor, Jayuya; Domingo Ramos, mayor, Juana Diaz; Victor Lanza Mendez, mayor, Juncos; Salvador Ramlrez, mayor, Lajas; Gabriel Ricard, mayor, Las Piedras; Pablo Suarez, mayor, Luquillo; Joaquin Rosa, mayor, Manati; Daniel Coronado, mayor, Maricao; Juan Rodriguez, mayor, Maunabo; Baudillo Vega, mayor, Mayaguez; Arcadio Colon Serrano, mayor, Moca; Porfirio Miranda, mayor, Morovis; Adolfo Hani Carrillo, mayor, Naguabo; Francisco Morales Rivera, mayor, Naranjito; Lucas Torres, mayor, Orocovis; Hermenegildo Bernier, mayor, Patillas; Pedro Ruberte Robles, mayor, Penuelas; Andres Grillasca, mayor, Ponce; Gerardo Perez Soler, mayor, Quebradillas; Manuel Garcia, mayor, Rincon; Felix Sanchez, mayor, Rio Grande; Juan Arroyo Ortiz, mayor, Sabana Grande; Victoria Mateo Serrano, mayor, Salinas; Arcadio Estrada, mayor, San Sebastian; Francisco Robledo, mayor, Santa Isabel; Jose Alsina Monzon, mayor, Toa Alta; Ramon Rivera Cruz, mayor, Toa Baja; Natalio Aponte, mayor, Trujillo Alto; Doiores Rivera Candelario, mayor, Utuado; Jose Vega Nevarez, mayor, Vega Alta; Angel Sandin, mayor, Vega Baja; Antonio Rivera Rodriguez, mayor, Vieques; Efrain Suarez Lebron, mayor, Villalba; Rosa Sanchez Vargas, mayor, Yabucoa; Armando Mignuel, mayor, Yauco; Cruz Cruz Munoz, mayor, Caguas; Eustaquio Ramos, mayor, Los Marias; Ignacio Dicupe, mayor, Lares; Ramon Espinosa, mayor, Bayamon.

JACKSON HEIGHTS, N. Y., May 14, 1950.

HON. J. HARDIN PETERSON,

*Chairman, Public Lands Committee, House of Representatives,
Washington, D. C.:*

We favor H. R. 7674, constitutional government for Puerto Rico.

Mr. and Mrs. LUIS RIVERA.

NEW YORK, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,

*Chairman, Public Lands Committee, House of Representatives,
Washington, D. C.:*

I am in favor of H. R. 7674, bill on constitution for Puerto Rico.

Attorney BART ORTIZ.

NEW YORK, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee, House of Representatives,
Washington, D. C.:

I favor H. R. 7674, constitutional government for Puerto Rico.

CARMEN MARIN.

NEW YORK, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee, House of Representatives,
Washington, D. C.:

I am in favor of H. R. 7674, constitution bill of rights for Puerto Rico.

ANTONIO MONTALVO.

NEW YORK, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee,
House of Representatives, Washington, D. C.:

As a lawyer practicing law in New York, I favor H. R. 7674, constitution for Puerto Rico.

MANUEL A. GOMEZ.

NEW YORK, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee,
House of Representatives, Washington, D. C.:

H. R. 7674, constitutional government for Puerto Rico, has our backing.

ENRIQUE and EDNA MARTINEZ.

SAN JUAN, P. R.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee,
House of Representatives, Washington, D. C.:

Fully endorse House bill 7674 granting Puerto Rico opportunity to approve its own local constitution. As auditor of Puerto Rico appointed by President Roosevelt and reappointed by President Truman and as one of the few remaining officers not democratically selected by the people, I can vouch for the maturity of our people for self-government and their ability to develop a first-rate, modern constitution.

RAFAEL DE J. CORDERO,
Auditor of Puerto Rico.

JACKSON HEIGHTS, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee, House of Representatives, Washington,
D. C.:

I am for H. R. 7674, constitutional government for Puerto Rico 100 percent.
 Mr. and Mrs. VELASCO.

JACKSON HEIGHTS, N. Y., May 13, 1950.

HON. J. HARDIN PETERSON,
Chairman, Public Lands Committee, House of Representatives, Washington,
D. C.:

We are in favor of H. R. 7674, constitutional government for Puerto Rico.

Mr. and Mrs. FERNANDO BETANCOURT.

FEDERACION LIBRE DE LOS TRABAJADORES DE PUERTO RICO,
 RAMA DE ESTADO DE LA AMERICAN FEDERATION OF LABOR,
San Juan, P. R., May 9, 1950.

HON. COMMITTEE ON PUBLIC LAWS,
House of Representatives, United States Congress, Washington, D. C.

GENTLEMEN: We are having the honor to include herewith the memorandum unanimously approved by the executive council of the Puerto Rico Free Federa-

tion of Workingmen (A. F. or L.) in its meeting held Sunday, May 7, 1950, at San Juan, P. R., in connection with H. R. 7674.

Respectfully yours,

[SEAL]

NICOLAS NOGUERAS RIVERA,
Secretary-Treasurer.

MEMORANDUM OF THE PUERTO RICO FREE FEDERATION OF LABOR, AFL

Gentleman of the committee, deeply concerned with the historical developments of the institutional life and destiny of the people of Puerto Rico in its different aspects, the Puerto Rico Free Federation of Workingmen, State branch of the American Federation of Labor since 1901, has the privilege to appear before this honorable committee on behalf of over 100,000 members in support of H. R. 7674, introduced by our Resident Commissioner, the Honorable Antonio Fernós-Isern.

We are in full accord with the principle embraced in the bill to the effect that the people of Puerto Rico, as an American community, "may organize a government pursuant to a constitution of their own adoption," following and complying with the democratic principles and humanitarian ideas of the Constitution of the United States.

Through Resolution No. 120, unanimously approved by the sixty-seventh convention of the American Federation of Labor held at Cincinnati, Ohio, in November 1948, the Puerto Rico Free Federation of Workingmen went on record urging that the territory of Puerto Rico be granted the right to draft and approve its own constitution. The fifth and sixth "whereas" of said resolution read as follows: "The people of Puerto Rico have evidenced their capability and their political and social maturity in running their domestic affairs and in their relationships with the Government and the people of the United States, and 2,200,000 American citizens in Puerto Rico have the right to fulfill their duties within the American society enjoying all the liberties and political achievements of the people of the United States."

For the information of the distinguished members of this honorable committee, we are including a copy of Resolution 120, entitled "Constitution for Puerto Rico," which appears on pages 327 and 328 of the proceedings of the sixty-seventh convention of the American Federation of Labor and a copy of the statement made by our delegate Nicolás Noguerras Rivera to said convention, which appears on pages 469 and 470 of the proceedings, in support of resolution 120.

Our federation specifically endorses H. R. 7674 for the following reasons:

1. The bill is supported by our Resolution No. 120 unanimously adopted by the sixty-seventh convention of the American Federation of Labor held at Cincinnati in November 1948;

2. Section 4 provides that our present organic act entitled "An act to provide a civil government for Puerto Rico and for other purposes" approved on March 2, 1917, will continue in force and effect under the name of "Puerto Rican Federal Relations Act." Section 2 of this act reads as follows: "The rights, privileges, and immunities of the citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States." This is a fundamental achievement and a sound political guaranty for the American citizens living in the territory of Puerto Rico.

3. Section 2 of H. R. 7674 provides that upon the acceptance of the act "by the people of Puerto Rico and their adoption of a constitution, in accordance with procedures prescribed by the laws of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress 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." We fully endorse this procedure because it means that (1) our people shall have the right to accept or reject the act in a democratic procedure; (2) the people of Puerto Rico will have the right to adopt their own constitution in democratic deliberations through a constituent assembly and in conformity with the Constitution of the United States; and (3) that once this constitution is adopted, it will be submitted to the Congress of the United States through the President of the United States, which is a full protection for the people of Puerto Rico against the adoption of any objectionable constitution, inasmuch as the Congress of the United States will pass upon it.

4. This bill, if approved and adequately used by the people of Puerto Rico, will serve to strengthen our republican form of government placing the Territory of Puerto Rico in a more advantageous and dignified position to fully assume the responsibilities as a member of the American society. As loyal American citizens fully aware of the rights and duties of the democratic way of life we should have the privilege to adopt our organic law as a result of the free will of our people. Fifty years of training in the school of democracy of this great republic qualify us to decide our destiny and express our popular will in a constitution based on the principles and ideals of our national constitution.

5. The progress achieved by the American community of Puerto Rico under the American flag and the democratic climate prevailing in our institutional life, lead us to the conclusion that we have reached such a state of political and social maturity as to deserve the recognition of the right to draft and adopt our own constitution within the democratic political structure of the United States following the principles, ideals, and doctrines established in the Constitution of the United States of America.

6. The more the political liberties and freedom of Puerto Rico are strengthened and liberalized, and the more the American citizens in this American Territory are dignified by equality of rights with the other members of the American society, the better Puerto Rico will cooperate with the Government and the people of the United States in performing the domestic and international responsibilities placed upon our nation by history, destiny, and by God.

In consideration thereof, the Puerto Rico Free Federation of Workingmen, State Branch of the American Federation of Labor, respectfully urges from the United States Congress, the approval of H. R. 7674 introduced by our Resident Commissioner of Puerto Rico, the Honorable Antonio Fernós-Isern.

Respectfully submitted by:

THE EXECUTIVE COUNCIL OF THE PUERTO RICO
FREE FEDERATION OF WORKINGMEN, (AFL),
HIPOLITO MARCANO, *President*.
NICOLAS NOGUERAS RIVERA, *Secretary-Treasurer*.

[SEAL]

SAN JUAN, P. R., *May 4, 1950.*

CONSTITUTION FOR PUERTO RICO

Resolution No. 120, by Delegate Nicolás Noguerras Rivera, Puerto Rico Free Federation of Workingmen

Whereas, by Public Law 362 passed by the United States, the people of Puerto Rico were granted the right to elect their Governor in the general elections held November 2, 1948, and

Whereas over 600,000 voters went to the polls to elect the Governor of Puerto Rico for the first time during all the political history of the island covering the Spanish regime and the American regime, without any public disturbance and with absolute recognition and guaranty of individual and collective rights and civil liberties, and

Whereas the island of Puerto Rico is the only American territory having the right to elect its Governor, and

Whereas by Public Law 362 the United States Congress assured to the American citizens in Puerto Rico the same rights, privileges and immunities of the American citizens in all the 48 States of the Union, and,

Whereas the people of Puerto Rico has evidenced their capability and their political and social maturity in running their domestic affairs and in their relationships with the Government and people of the United States, and

Whereas 2,200,000 American citizens in Puerto Rico have the right to fulfill its duties within the American society enjoying all the liberties and political achievements of the people of the United States: Therefore be it

Resolved, That the American Federation of Labor in convention assembled in Cincinnati, Ohio, in harmony with its well-established policy of fostering the political liberties, rights and privileges of the people of the United States, therein, as much as the people of Puerto Rico have shown with clear evidence to the Nation and to the world their maturity and capability toward a complete self-government within the American political structure; and inasmuch as the United States Congress through the Treaty of Paris assumed the delicate responsibility of determining the political destiny of the people of Puerto Rico, Congress should not postpone any longer the definite clarification of the political status of Puerto Rico and to that effect considers it desirable and highly

justified that the Territory of Puerto Rico be granted the right to draft and approve its own constitution 5 years after November 2, 1948, subject to the final approval of said constitution by the Congress and the President of the United States; and that the executive council of the American Federation of Labor be authorized and empowered to carry on the purpose of this resolution through those actions which might be deemed advisable in behalf of the people of Puerto Rico; and that copies of this resolution be sent to the President and the Congress of the United States and to the Governor of Puerto Rico.

Referred to committee on resolutions.

RESOLUTION FOR PUERTO RICO

Resolution No. 120, by Delegate Nicolás Nogueras Rivera, Puerto Rico Free Federation of Workingmen

(Third day proceedings)

Your committee recommends that this resolution be adopted.

Assistant Committee Secretary Soderstrom. I move the adoption of the committee's report.

The motion was seconded.

Delegate Nicolás Nogueras Rivera. Mr. Chairman, members of the executive council, delegates, ladies and gentlemen: In the name of the Puerto Rican delegation I am having the honor and privilege to make some remarks in connection with the committee's report and in addition to it.

The members of the Puerto Rico Free Federation of Workingmen and the people of Puerto Rico in general are very grateful to the American Federation of Labor, to its executive council and especially to the great leader and statesman, President William Green, for the moral assistance and organizational backing given them for a period of nearly half a century in their struggle for raising living standards among the toiling masses and in their fight for more liberties and general economic betterment. We have had such generous and effective cooperation since the inception of our labor movement as a part of the American Federation of Labor in 1901.

Last year we presented a resolution which was unanimously approved, urging the recognition of Puerto Ricans elect their Governor in free democratic election as American citizens. Congress passed the bill and in the last November elections we had the opportunity for the first time in our history to elect by popular vote our Governor. The elections were a clear evidence of the capability of our people to exercise all the rights entitled to freedom-loving people, as the citizens of the United States of America. There was universal suffrage for men and women and no public collision or disturbance was registered throughout the island. Over 800,000 persons were entitled to vote and over 600,000 voters went to the polls. This was a splendid demonstration to the countries of the new world and to the world in general of how the American regime has worked in Puerto Rico for 50 years.

Two years after we were fortunate to come under the American flag a civil government was established in our island (1900), and in 1917 we had the honor and privilege to become American citizens through a democratic organic law which represented great advances in our political freedom. This year, with the assistance of the A. F. of L and the active intervention of President Green, our organic law was amended recognizing the right to elect our Governor and stating that the American citizens in Puerto Rico will have the same rights, privileges, and immunities granted the American citizens in any State of the Union. The act was not amended with respect to the Resident Commissioner of Puerto Rico and in other aspects. Our Resident Commissioner, the Resident Commissioner of over 2,200,000 American citizens, has voice but not the right to vote in Congress.

As American citizens with an excellent record of loyalty to our Nation, of services rendered almost voluntarily in World War I and World War II, of a long life consecrated to American democratic ideals, principles, and procedures, we are now asking the recognition of our right to draft and approve our own organic law, our constitution as any other State of the Union. This does not mean for the time being that Congress will grant statehood to Puerto Rico immediately. This will be another step forward toward strengthening our local government and toward complete self-government within the orbit of the United States of America.

We are doing all in our power to enhance the social, economic, cultural, and political life of our people. We have started a program of industrialization that has great potentialities; we have improved greatly our social legislation and

our free school system ; we have fostered our commercial activities and our trade with the mainland to an extent that Puerto Rico, being an island of 3,600 square miles, is one of the best buyers the United States has in the New World ; we are doing our best to enlarge our labor organizations and to train our members in the procedure, tactics, ideals, and principles of the A. F. of L., and we are confident that our free labor movement will be very useful in fostering a good understanding between the American organized labor movement as represented by the A. F. of L. and the labor movements south of the Rfo Grande.

In reiterating our gratefulness to you and to your resolutions committee as well as the executive council and President Green, the delegation of the Puerto Rica Free Federation of Workingmen respectfully and fraternally urges the approval of the committee's report, something that will be deeply appreciated by the 2,000,000 American citizens living in the enchanted island of Puerto Rico.

The motion to adopt the report of the committee was carried.

NEW YORK, N. Y., May 15, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Public Lands Committee,
 House of Representatives, Washington, D. C.:*

I support H. R. 7674, constitutional government for Puerto Rico.

MONICA MARTINEZ.

NEW YORK, N. Y., May 15, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Public Lands Committee,
 House of Representatives, Washington, D. C.:*

I favor H. R. 7674, constitutional government for Puerto Rico.

E. SIMONS.

NEW YORK, N. Y., May 15, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Public Lands Committee,
 House of Representatives, Washington, D. C.:*

The undersigned members of different Puerto Rican organizations with a total membership of over 100,000 all over the United States are 100 percent behind H. R. 7674, introduced by Resident Commissioner, Hon. Antonio Fernós-Isern, to provide for the organization of a constitutional government by the people of Puerto Rico. We consider this bill of great advantages for the Puerto Rican people and urge your utmost for same.

Ramon Matos, Carlos Pietri, Ramon Garcia, Pedro Rivera, Jose M. Santiago, Francisco Vasquez, Rafael Maimi, Fabian Perez, Enrique Torrens, Dr. and Mrs. J. A. Fajardo, Rosa Horta, Carlos Pagan, Alfredo Pagan, Ramon Rodriguez Archilla, Antonio Moreno, Lauro Domenech, Carinan Osorio, Jose Lyondo, Ramon Monagas, Abino Vazquez, Esteban C. Rodriguez, Olivio Vazquez, Eustacio Garcia, Dr. Alfredo Figarella, Benjamin Pastrana, Ruperto Ruiz, Cayetano Rodreguez, Alberto Cordero, Carlos Cuevas, Benito Sanchez, Juan Caban, Ismael Diaz Romero, Louis Diaz Romero, Gustavo Davila, Magdalena Rodriguez, Jack P. Saldana, Mrs. Tomasa Saldana, Julio Blasiní, Dr. Cristobal Vicens, Emllio Diaz Muñoz, Pedro Delgado, Laura Dantiago, Jose Caballero, Angel Lugo, Augustin Toledo, Ernesto Carrillo, Jorge Romero, Antonio F. Cupril, Gregorio Domenech, Augusto Castells, Mario Gonzalez, Oscar Gonzalez Suarez, Artemio Rivera, Jorge Cruz Moscoso, Agustin Crespo, Dr. Manuel Janer, Augusto Gomez, Gerardo Hernandez, Felipe N. Torres, Rev. Jose Haviland, Rev. Alfredo Hernandez, Rev. Juan Lugo, Rev. Felipe G. Sabater, Rev. Frank Negron, Rev. Edmundo Jordan, Rev. Benjamin Garcia, Rev. Jose Martinez, Rev. Nazario Cintron, Rev. Gabriel Sosa, Modesto Millan, Jr., Miguel Rodriguez, Carlos Luis Auffant, Jaime Pieras, Pedro Aleman, Julio Bermudez, Tomas R. Gares, Ramon Monagas, Felix Morales, Hillario Sanchez, Severo Lafaye, Fred Ramos, Eugenio Lafaye, Francisco Ugarte, Carmen Santiago, Mary Carbana, Frank Castells, Harold Castells, Richard Ellis, Julia Ellis.

SAN JUAN, P. R., *May 16, 1950.*

Congressman J. HARDIN PETERSON,
*Chairman, Public Lands Committee, House of Representatives,
Washington, D. C.:*

We register vigorous protest to haste in which hearings have been set on the Fernós bill on a so-called constitution for Puerto Rico without notice to interested parties and denying them the opportunity to appear before you in opposition to the bill. We oppose the Fernós bill and hold same is repudiated by majority of Puerto Rico. We reiterate our demand that hearings be held in Puerto Rico and ask that opportunity be given us to appear before your committee within reasonable time. We hold the Fernós bill is a sham and a fraud and is in direct conflict and violation of the promises made by Muñoz to the people in the 1948 elections and of the program of the popular Democratic Party which Muñoz presides. The Fernós bill does not represent the aspirations nor the will of the people of Puerto Rico.

Dr. GILBERTO CONCEPCION DE GARCIA,
President, Puerto Rico Independence Party.

WASHINGTON, D. C., *May 13, 1950.*

Hon. J. HARDIN PETERSON,
Room 1226, New House Office Building, Washington, D. C.:

Re our message MK1164 from San Juan, P. R., 87 13 1258 P, CK subcorrection insert as last word, fourth line, "hy." Message now read that line "appointed by President Roosevelt and reappointed by."

Thanks.

ALL AMERICA CABLES AND RADIO.

Hon. Congressman J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
New House Office Building, Washington, D. C.:*

SAN JUAN, P. R.

The Puerto Rico Independence Party is a political party registered 6 months before last general elections. This, notwithstanding and in spite of disadvantages represented by fraudulent methods employed by Popular Democratic Party in power, and of enormous amount of money spent by Popular Party, while Independence Party had none, the latter came out as a principal political party in 1948 elections. On behalf of said party and complying with decision of its executive board I register our strong opposition to any constitution for Puerto Rico not drafted by our people through our delegates in a constitutional convention specially convened and in which convention the Puerto Rican people might, if they so deem proper, draft the constitution of a free and sovereign people. We vehemently repudiate any constitution subject to amendment, repeal, suspension, control, or alteration by Congress or by any other power foreign to the people of Puerto Rico themselves. We hold that neither Congress nor Muñoz-Marín nor any other United States or Puerto Rican leader have ever been entrusted with the power which historically, juridically, and politically belong only to the people of preparing drafts of any constitution or in any other way substitute their own for the sovereign will of the people. Representations now being made in Washington asking for legislation to rewrite present organic act or adopt a colonial constitution are individual acts performed without consultation with the people and constitute a sham and a fraud unheard of in the history of political constitutions. A matter so important and decisive in the life and destiny of Puerto Rico should be fully discussed in public hearings held in Puerto Rico in which the common citizens may have access. The great masses of our people lack the means to appear in Washington. We ask that such public hearings be held in Puerto Rico in case any legislation for a constitution is considered. Please insert this in record.

Dr. GILBERTO CONCEPCION DE GRACIA,
President, Independence Party.

JUAN B. SOTO,
M. RIVERA DE LA VEGA, JUAN F. SOTO
(ATTORNEYS AT LAW)

San Juan, P. R., May 5, 1950.

HON. J. HARDIN PETERSON,
House of Representatives,
Washington, D. C.

DEAR SIR: At the request of the Partido Estadista de Puerto Rico (one of the parties which stand for Federal statehood), I have prepared a brief memorandum in opposition to the bill entitled an "Act to provide for the organization of a constitutional government by the people of Puerto Rico," sponsored by the Resident Commissioner of Puerto Rico in Washington and pending before the House of Representatives and the Senate of the United States.

A copy of said memorandum you will please find herewith.

In order that you can identify me, I wish to tell you that I am a lawyer, am professor of philosophy in the University of Puerto Rico, was senator at large from the year 1924 to 1932, was chancellor (president) of the University of Puerto Rico from the year 1936 to 1941, and was former professor of law and philosophy of law at the School of Law of the University of Puerto Rico. I am the author of several books on philosophy, psychology and law. One of them was published the year 1928 under the title Puerto Rico ante el Derecho de Gentes (Puerto Rico in International Law), in which I made a study of the actual and the possible political status of Puerto Rico. I am and have always been a member of the political party that has ever favored statehood for Puerto Rico, as the best possible status.

Hoping that the enclosed memorandum will receive adequate consideration and that no action will be taken toward the approval of said bill, I am,

Very truly yours,

JUAN B. SOTO.

MEMORANDUM ABOUT THE BILL ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION OF A CONSTITUTIONAL GOVERNMENT BY THE PEOPLE OF PUERTO RICO"

(By Juan B. Soto)

I. THE JURIDICAL EFFECTS

In my judgment, the juridical effects of the approval of said bill will be the relinquishment by the United States of the rights and powers of sovereignty acquired by virtue of the Treaty of Paris. In other words, paragraph 3 of section 1 of the bill is equivalent to an implied recognition of the inherent sovereignty of the people of Puerto Rico, and, by necessary implication, to the making of Puerto Rico into a State in international law. No other meaning, I believe, could be attributed in juridical terminology to the phrases therein contained: "in the nature of a compact" and "so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption." For the power of the people of any country to adopt a valid constitution of their own is a power of inherent sovereignty; as it was held by the Supreme Court of the United States in *Vanhorne v. Dorrance* (2 Dall. (U. S.) 304, 308) when it said that a constitution "contains the permanent will of the people, and is the supreme law of the land. It is paramount to the power of the legislature and can be revoked or altered only by the authority that made it." (The italics are mine.)

In *McKean v. Devries* (3 Barb. (N. Y.) 196, 198) it was maintained that "A constitution is defined by Judge Story to be a fundamental law or basis of government. It is established by the people in their original sovereign capacity to promote their own happiness and permanently to secure their rights, property, independence, and common welfare."

That such is the legal scope of the bill is implied in its fourth section, which expressly states that the act entitled "An act to provide the civil government of Puerto Rico, and for other purposes, approved March 2, 1917, as amended," is continued in force and effect, not as an organic act but as the "Puerto Rican Federal Relations Act." That is, "at such same time as the constitution of Puerto Rico becomes operative and effective" (sec. 5). All the provisions of the organic act which are incompatible with the adoption of the constitution shall be deemed repealed, and those continued in force and effect shall do it not as the organic act adopted by Congress but in the nature of an act referred to as the Puerto Rican Federal Relations Act.

Summing up: To me it seems clear that though it is not so expressly stated in the bill, its approval and the approval of the constitution adopted pursuant to it, is a recognition that from that time on the sovereignty over Puerto Rico will not reside in the people of the United States represented by Congress, but in the people of Puerto Rico, as an inherent power of their own.

II. THE POLITICAL EFFECTS

Assuming that I am right in what I have just stated, which will be the status of Puerto Rico upon the approval of said bill?

A. A Territory or possession of the United States in the sense of article 4, section 3 of the Constitution?

B. A new State of the American federation?

C. An independent State?

It will not be a Territory, because the recognition of the inherent sovereignty of the people of Puerto Rico implied in the authority to organize a government pursuant to a constitution of their own adoption, is incompatible with the constitutional power granted to Congress over the Territories and possessions, by clause 2, section 4 of the article 4 of the Constitution.

It will not be the status of a State of the Union, because though the bill in its form and intent is an enabling act, it does not seem to contemplate the admission of Puerto Rico as another State of the Federal Union.

In my judgment, it will be an independent state or international person having a limited status: a "servient state," or a state restricted in the free exercise of its jurisdiction in the way of obligation to allow the United States to do certain things, and in the way of obligation to refrain from doing some things.

As it is stated by Prof. George Grafton Wilson in his Handbook of International Law, third edition, "concretely viewed, a state is a body politic possessing sovereignty." "Any body politic possessing sovereignty is entitled to be called a state. From the point of view of international law recognized political sovereignty is the test of statehood * * *" (p. 18). "Restrictions on the free exercise of the jurisdiction of a state in the way of obligation to allow a foreign state to do a thing, or in the way of obligation to a foreign state to refrain from doing something, are considered as servitudes" (p. 161).

It seems, therefore, quite clear that upon the approval of the bill and the adoption by the people of Puerto Rico of a constitution of their own, a new state in international law will be born, of the kind known as "servient state."

At any rate, of one thing we may be sure, that at least a mi-souverain state will be created.

III. THE ECONOMICAL EFFECTS

If my interpretation of said bill is correct, as I think it is, if upon its approval and the adoption by the people of Puerto Rico of a constitution of their own, Puerto Rico acquires the status of a sovereign or semisovereign state; that is, of an international person though with limited status, the economic relations of Puerto Rico and the United States will probably be profoundly affected.

As I see it, Puerto Rico will have no right to the benefits of the new economic policy of financial aid followed by Congress in regard to the States and the Territories of the Union since the year 1931. The island will have no right to demand a treatment equal to that given to the States or to the Territories of the Union.

For not being a State of the Federal Union, nor one of its Territories or possessions, but a person in international law, the Federal Government will not have more obligation to grant financial aid to the island of Puerto Rico than to the Republics of Cuba or Panama. Therefore, we hardly could expect to be entitled to any other privileges and advantages than those included in a most-favored-nation clause.

Now it is a very well known fact to any student of American history and present public policies that, beginning with the year 1931, Federal grants-in-aid to the States and Territories have become one of the most important aspects of governmental policy in the United States, and that the ample participation by Puerto Rico in the benefits of such financial aid is due to its status as a Territory of the Union.

Now should the people of this island risk such tremendously needed help simply to be authorized to have a constitution of its own adoption? Have not the Governor of Puerto Rico and the Resident Commissioner stated that Puerto Rico is not economically prepared to be a State of the Union, because it cannot support the expenses of such status?

I wish to make clear that I do not mean to say that this island could not obtain from the United States substantial aid, if it pleases Congress to grant it. What I mean is that there will be no constitutional guaranty that such aid will continue as long as the island is in need of it, for it would depend entirely on the good will of Congress. And, though we have no reason to doubt of its generous disposition toward us, nobody can tell what will happen in the future.

As the authors of the bill seem vaguely to realize, the relations between Puerto Rico and the United States will have to be regulated by compacts or treaties, and by a Puerto Rican Federal Relations Act. It is so stated in section 4 of the bill. However, we all know that Congress may at any time repeal any law of its own adoption, and may formally abrogate any treaty or compact. (*Abra Silver Mining Co. v. U. S.*, 175 U. S. 423, 44 L. Ed. 223; *Hooper v. United States*, 22 Cl. Cl. 408; *Fertinden v. Arnes*, 184 U. S. 370, 46 L. Ed. 534, also 65 L. Ed. 454).

OTHER CONSEQUENCES OF THE BILL

I believe that the approval of the bill is most likely to cause both Puerto Rico and the United States very embarrassing situations. For examples, let us suppose, as it seems to me most probable to happen, that Cuba, once acquired by Puerto Rico the status of a state in international law, demands for herself the rights granted to the island of Puerto Rico by section 3 of the organic act, which is one of these sections not repealed by the pending legislation. How could the United States refuse the granting of that petition without violating the most-favored-nation clause, which, I understand, exists now between the two countries or states?

Congress will only have three ways of obviating this difficulty. One would be to grant the Cuban petition. The other would be to repeal section 3 of the Puerto Rican and Federal Relations Act, limiting the privileges granted to this island to the extent of those already granted to Cuba. And the third would be the abrogation of said clause. If Congress follows the first way Puerto Rican sugar producers would have to compete, without any especial advantage, with Cuban sugar producers. And that would mean a ruinous situation for the Puerto Rican industry.

If, on the contrary, Congress adopts the second way of solving the problem, the economic results for the sugar industry in this island will be still more ruinous, for besides having to compete with Cuban producers, the payment of the impost now paid by Cuba would imply an unbearing decrease in the net return of the industry, and, therefore, the creation for Puerto Rico and for the United States of a most embarrassing situation. And as to the third way, I think there is not the most remote probability of its being followed by Congress.

The Governor of Puerto Rico and the Resident Commissioner do not seem to be able to foresee these most serious and provable consequences. Otherwise, they would not insist on the approval of the bill. They do not realize that very probably the approval of said bill, implies the establishment of a status which may bring the situation that they claim the island cannot bear.

TWO POINTS MORE

1. *The will of the people of Puerto Rico*

In the general elections celebrated the years 1932, 1936, and 1940, the people of Puerto Rico manifested that it favored Federal statehood. In each one of these elections the coalition formed by the Republican and Socialist Parties obtained a majority of the votes, the years 1932 and 1936, against the Liberal Party, then Mr. Muñoz-Marín's Party, and the year 1940, against the Popular Party, organized by Mr. Muñoz-Marín.

To each one of those elections the coalition went with a program which, in the most clear form, favored Federal statehood for Puerto Rico.

On the contrary, the Popular Party, in the elections of 1940 and 1944 emphasized most strongly during the respective campaigns that the political status was not in issue, that the issue was strictly economical, and that any person interested in the economical welfare of the island was invited to become a member of the Popular Party, regardless of his ideas and beliefs concerning the political status.

In the election held in the year 1948, for the first time since the organization of the Popular Party, its program mentioned the adoption of the constitution by the people of Puerto Rico. And that was phrased in such equivocal and amphibological language, that one doubts whether it was properly understood by the

very same one who wrote it. That seems especially true now, when the leaders of the Popular Party have shown that they do not seem to realize that their bill may probably lead this island to the same situation and conditions that they say they are trying to avoid. Now it will be easy to understand how difficult it must be for the great majority of the Puerto Rican electors to decide knowingly about such highly technical questions as are implied in the adoption of a status so complicated and obscure as the one I have been discussing.

II. The jurisdictional question

Another important question involved in the approval of that bill is that concerning the matter of jurisdiction. For upon the approval of the bill, and the adoption of the constitution, the jurisdiction by the United States within the Territory of Puerto Rico may be exercised only by consent, either expressed or implied, of the State of Puerto Rico.

In *Schooner Exchange v. McFadden* (3 L. Ed. 287), Chief Justice Marshall said, referring to the jurisdiction of a nation within its own territory, that it is necessarily exclusive and absolute, and that "all exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself."

The same principles have been firmly held by the Supreme Court of the United States in *Ex parte Muir* ((1921) 254 U. S. 522, 65 L. Ed. 383); *Ex parte State of New York* (No. 2 (1921) 256 U. M. 504, 65 E. Ed. 1063).

At present this question may seem of no importance. The present government of Puerto Rico will doubtless be glad to grant to the United States the consent to exercise jurisdiction over any part of the territory of the island. But will that be always the same? No one can assure it. And let us remember in connection with this question that it has been already held that a treaty may be formally abrogated by one of the parties to it.

SUMMING UP

The following are the conclusions enunciated in the preceding memorandum:

1. That, as stated by Judge Story, a constitution is established by the people in their original sovereign capacity to permanently secure their rights, independence and common welfare (*McKoan v. Devries*, 3 Barb. (N. Y.) 196, 198); and that, as held by the Supreme Court of the United States in *Vanhorne v. Dorrance* (2 Dall. (U. S.) 304, 308), a constitution contains the permanent will of the people, is paramount to the power of the legislature and can be revoked or altered only by the authority that made it.

2. That paragraph 3 of section 1 of the bill is equivalent to an implied recognition of the inherent sovereignty of the people of Puerto Rico, and that the approval of the bill and of the constitution to be adopted in pursuance thereof is a relinquishment by the United States to any claim of full sovereignty over the people of this island.

3. That the granting of the power to the people of any Territory or possession to adopt a constitution of their own and to organize its government pursuant to said constitution implies the relinquishment of the powers granted to Congress over the Territories and possessions by section 3, article 4, of the Federal Constitution.

4. That Puerto Rico, as held by the Supreme Court of the United States in *Downs v. Bidwell* (182 U. S. 244, 45 L. Ed. 1088), is not a foreign country in an international sense because it is subject to the sovereignty of and is owned by the United States; it being a Territory subject to the authority of Congress as provided in article 4 of the Constitution.

5. That, upon the approval of the bill and of the constitution, the status of Puerto Rico will not be the status of a Territory of the United States, but that of an independent state or international person having a limited status (a servient state). (See Wilson Handbook on International Law, third edition, pp. 18, 161, *supra*.)

6. That though it has been held by the Supreme Court of the United States that the National Government may do for one of its Territories whatever a State might do for itself or one of its political subdivisions, since over such a dependency or Territory the Nation possesses the sovereign power of the General Government plus the power of a local or State government in all cases where legislation is possible, Congress may not grant to a Territory or dependency the power to organize its government pursuant to a constitution of its own adoption and at the same time retain the sovereign power granted to it by section 3 of

article 4 of the Constitution, respecting the Territory or possession (*Cincinnati Soap Co. v. United States*, 301 U. S. 308; *Dorr v. United States*, 195 U. S. 138).

7. That Puerto Rico, upon ceasing to be a territory, and upon becoming a foreign country in the international sense, will have no more constitutional right to be treated by Congress as a territory or possession than the Republics of Cuba and Panama, and will not be entitled to any other privileges and advantages than those included in the most-favored-nation clause.

8. That such consequences are most likely to cause to Puerto Rico and to the United States a very embarrassing situation if Cuba or any other country holding the rights of the most-favored-nation clause demands for herself the rights granted to the island of Puerto Rico by section 3 of the present organic act, which is one of those sections not repealed by the pending legislation.

9. That no such legislation should be adopted without being sure that its meaning and implications are fairly understood by the majority of the Puerto Rican electors.

CONCLUSION

In conclusion, I wish to state, frankly, that to me it seems much wiser and much more patriotic to wait until Congress is prepared to grant to this island either the status of a State of the Union or that of an independent state, at the will and election of the people of Puerto Rico, expressed in a plebiscite containing both alternatives.

Question so grave and important, I venture to say, requires from both the United States and the people of Puerto Rico very careful consideration. For any mistake, whether due to lack of consideration or to emotional excitement, may lead to regretful consequences, difficult, if not impossible, to correct.

The CHAIRMAN. The committee will stand adjourned. The Chair will state that the Senate hearings will be tomorrow. Such members of the committee as may desire to attend the Senate hearings will be designated as a subcommittee for that purpose.

The committee will stand adjourned pursuant to the call of the chairman.

(Thereupon, at 12 noon Tuesday, May 16, 1950, an adjournment was taken to meet at the call of the Chairman.)

PUERTO RICO CONSTITUTION

THURSDAY, JUNE 8, 1950

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC LANDS,
SPECIAL SUBCOMMITTEE ON H. R. 7674,
Washington, D. C.

The subcommittee met at 10 a. m., in the committee room of the House Committee on Public Lands, Hon. Wayne N. Aspinall (chairman), presiding.

Mr. ASPINALL. The committee will be in order.

The special subcommittee appointed by the chairman of the Committee on Public Lands for the purpose of hearing evidence on H. R. 7674, a bill by Delegate Fernós-Isern of the Territory of Puerto Rico, has been called this morning for the purpose of hearing testimony and receiving statements from our colleagues and Members of Congress.

We have with us this morning our distinguished Congressman, Vito Marcantonio, of New York, who will give his statement at this time. Congressman Marcantonio.

STATEMENT OF VITO MARCANTONIO, MEMBER OF CONGRESS FROM THE STATE OF NEW YORK

Mr. MARCANTONIO. Thank you. I appear in opposition to H. R. 7674, and ask that the speech I delivered on the floor of the House on March 16, 1950, in which I discussed the historical background of the Puerto Rican situation and the political motives behind H. R. 7674, be included in the records of these hearings as part of my testimony.

Here is a copy of the said speech, and I ask that this item be included in the record.

Mr. ASPINALL. You ask that that be included in the record?

Mr. MARCANTONIO. Yes, as part of my remarks.

(The speech referred to is as follows:)

[From the Congressional Record, March 16, 1950]

PUERTO RICAN INDEPENDENCE VERSUS THE NEBO OF FORTALEZA—HIS SATURNALIA
OF CORRUPTION AND HIS OPERATION BOOBY-TRAP

A SPEECH BY HON. VITO MARCANTONIO, OF NEW YORK

Mr. MARCANTONIO. Mr. Speaker, the Resident Commissioner of Puerto Rico, the Honorable Fernós-Isern, introduced the other day H. R. 7674. The bill is described as a bill to provide for the organization of a constitutional government by the people of Puerto Rico.

The mere fact that this bill was introduced is a confession on the part of the present rulers of Puerto Rico that the Puerto Rican people are restive under the present colonial status, and that they no longer want any part of it.

The question of colonialism in Puerto Rico, however, will not be solved by H. R. 7674. This bill is an evasion of the real question. It dodges the issue and is a form of escapism, an attempt to put to sleep the aspirations of the Puerto Rican people for democracy and independence. It is a snare and a delusion and is intended to perpetuate the present system of imperialism imposed on the Puerto Rican people by selfish interests in these United States.

What this bill actually is can be found in the words of Mr. Fernós-Isern in a statement he inserted in the Congressional Record on Tuesday, March 14, 1950:

"The Congress of the United States since 1900 has provided for the operation of Federal laws in Puerto Rico. It has determined the economic relationships to exist between Puerto Rico and the mainland. It has determined that the people of Puerto Rico are United States citizens. Such legal and economic provisions of our organic act the people of Puerto Rico are not aiming to disturb. Rather, they wish to reaffirm them and expressly register their consent to their application."

This is an admission on the part of the author of the bill that its purpose is to perpetuate the present system of colonialism under which the people of Puerto Rico are now suffering.

Then, again, in the same statement inserted in the Record, Tuesday, March 14, 1950, the gentleman from Puerto Rico [Mr. Fernós-Isern] again says:

"The Federal provisions of the present organic act would be reaffirmed under my bill. They are needful regulations for the establishment and maintenance of proper relations between the island and the mainland by the Federal Government."

In the light of this language of the author, and in the light of the language of the bill, the conclusion is inescapable that the bill is a meaningless gesture submitted for the sole purpose of negating the desire of the people of Puerto Rico for democracy and independence; it seeks to divert the attention of the people from the issue of independence. Here is a bill that does not even ask for statehood. It is a supine reaffirmation of the status quo in Puerto Rico under the guise of a meaningless self-government.

This proposal of the Muñoz-Marín administration cannot be accepted as having been offered in good faith. Mr. Muñoz-Marín knows better than to expect the establishment of a commonwealth which cannot be established under the provisions of our Constitution.

OPERATION DESPERATION

This latest proposal of Muñoz-Marín can be described as Operation Desperation on the part of those who in the past have led the people to believe that they supported independence, when they were out of power, and now, when confronted with responsibility of office, employ this article to renege on past promises and declarations for independence.

As against this empty gesture, I today have reintroduced my independence bill.

Mr. Speaker, in order to pass honest judgment on this last empty proposal of the Muñoz-Marín administration, in contrast with my proposal for genuine independence, I submit that it is of utmost importance that we must first examine our relations with Puerto Rico; that we examine its present government, and that we seek a solution of its most pressing problems.

Puerto Rico was taken over by us by force of arms. This action was subsequently ratified by the treaty of Paris in 1898. As a result Puerto Rico is a colony of the United States.

When we took over this country, which was discovered by Columbus in 1493, and which was under the jurisdiction of Spain until 1898, the Puerto Rican people had won over from Spain, through centuries of struggle, an autonomous charter which guaranteed the people substantial sovereignty. Under that charter the people of Puerto Rico had complete home rule, and besides, had the power of making their own tariff laws and of entering into commercial trade agreements with other countries. The autonomous charter could not be revoked or annulled but on the petition of the Puerto Rican parliament.

We substituted for the autonomous government which the Puerto Ricans had won over from Spain, a colonial form of government. Under our present relationship, which the Fernós-Isern bill would not change, Puerto Rico, according to our Supreme Court, "belongs to but does not form part of the United States."

The government of Puerto Rico is organized under an organic act passed by this Congress, the Jones Act, which can be amended or annulled by us without consulting the people of Puerto Rico. The laws passed by the legislature of Puerto Rico can be amended, suspended, or revoked by Congress. Every law approved by the legislature must be sent to this Congress which can exercise its veto power over them. The Supreme Court of the United States can declare unconstitutional the laws passed by the legislature of Puerto Rico. The President of the United States holds a veto power over the Puerto Rico legislature. The President of the United States appoints the judges of the supreme court, the auditor for Puerto Rico, and all Federal officials in the island, including the judge of the Federal court. Appeals are taken from the Supreme Court of Puerto Rico to the Circuit Court of Appeals for the First Circuit in Boston. We have exclusive jurisdiction in such vital matters as bankruptcy, navigation, air law, radio, immigration, conscription—in time of peace and war—and other matters. The structure within which the Puerto Rican government operates cannot be altered, annulled, or in any way modified by the people of Puerto Rico.

We have encircled Puerto Rico within our tariff walls. We have imposed upon that country the coastwise-shipping laws. We hind the Puerto Ricans with the treaties we negotiated without their participation in such negotiations. We can force Puerto Rico, as we have done twice through the past 50 years, into a war without consulting them in advance, and we can take over their territory, as we have done on numerous occasions in spite of the great need that they have for land, for air, naval, military, and submarine needs of ours.

All this the Muñoz-Marín empty proposal for alleged self-government would perpetuate. All this the Muñoz-Marín government accepts. All this would be continued, this status quo would be made permanent under H. R. 7674. Not one iota of this colonialism that I have described would be changed by the recent Fernós-Isern/Muñoz-Marín proposal.

Let me remind you that the Puerto Rican people have no representation in this Congress. The Puerto Rican people are allowed only to send here a Resident Commissioner who has a voice in matters affecting Puerto Rico, but who has no vote.

This, too, would be perpetuated under Mr. Fernós-Isern's bill. It is shameful and tragic that Mr. Muñoz-Marín has tried to lead people here in Washington to believe that the Puerto Ricans give their blessing to this system of colonialism which I am describing, and that they want this system continued through the enactment of H. R. 7674.

Under the Spanish regime at the time we took over Puerto Rico from Spain the people of Puerto Rico had representation in the Spanish Cortes or Parliament. They had representation in the senate and 16 representatives in the Spanish House at Madrid.

We can tax the Puerto Rican people besides having the power to send them to war. Thus we do not only impose upon the Puerto Ricans taxation without representation, but we also impose upon them a tax on the blood of their people.

This, too, Muñoz-Marín would perpetuate through the enactment of H. R. 7674.

During the 51 years that Puerto Rico has been under our jurisdiction we have used that island and its people to our advantage. We have established, as I have said before, air, naval, military, and submarine bases in Puerto Rican territory. We have conscripted Puerto Ricans in two wars and have sent them to fight for us in two wars. In the last war over 500,000 Puerto Ricans were drafted and 80,000 were actually under arms. Many of them were in action and many died for the cause of democracy. As a result of the workings of the tariff laws, and the imposition upon the Puerto Ricans of the coastwise-shipping laws, and the denial to them of power to negotiate for reciprocal trade agreements, we have excluded them from world markets. They buy 98 percent of their imports in the United States. In 1948 Puerto Rico bought \$337,000,000 in goods from the United States and sold us \$199,000,000 worth of goods. The balance of trade thus favors us by \$138,000,000. The shipping companies which hold a monopoly in Puerto Rico have made huge profits in the island during the last half century. This can be said also of our banks which are doing business in the island, of the insurance companies, of the Wall Street financial interests, and of several other big American concerns. We have found in Puerto Rico an outlet for our rice, our beans, our codfish, our shoes, clothes, manufactured products, and many other items which number over 1,000.

Again, all this is not changed one iota by the Muñoz-Marín proposal. In fact, H. R. 7674 accepts this form of exploitation.

FACTS ABOUT SUGAR

Besides, Congress does not allow Puerto Rico to refine but 15 percent of its total production of sugar. The other 85 percent is refined in the United States by our refiners at a loss to Puerto Rico of over \$30,000,000. This is an outright discrimination exercised by this Congress against the Puerto Rican people, which exemplifies the colonial status of the island.

Here again the last Muñoz-Marín empty gesture H. R. 7674 does not attempt to remedy this situation, nor provides any means for remedying it.

Furthermore, under the Sugar Act passed by this Congress, the Federal Department of Agriculture has fixed for Puerto Rico an annual export quota of 910,000 tons of sugar, and an annual domestic quota of 100,000 tons. Puerto Rico produced 1,277,482 tons in 1949. Ninety-six thousand tons of excess are in the hands of Puerto Rican producers today. It is estimated that at the end of 1950 there will be an excess of 250,000 tons in the hands of Puerto Rican producers. Even though the annual consumption of sugar in the United States has gone up to 7,800,000 tons, the basic quota of Puerto Rico has not been increased substantially. This has been so because the Sugar Act passed by this Congress provides that the normal Puerto Rican quota of 910,000 tons a year can be reduced if the normal consumption, as fixed by the United States Department of Agriculture, is less than 7,000,000 tons, while no provision is made for an increase when the annual consumption goes over 7,000,000 tons a year.

Here again let me remind the people of Puerto Rico that with the adoption of H. R. 7674 this situation with respect to sugar will not be changed, and that the Puerto Rican sugar quota will continue to be dependent on the will of the Congress of the United States.

Under our rule the people of Puerto Rico have seen the destruction of their coffee trade. That has been so because we offer no tariff protection to coffee. We do that because we produce no coffee in the United States. Our tariff is drafted to protect our crops. If we protect sugar which is a Puerto Rican product, it is because we produce 2,000,000 tons of sugar right here in the United States. If we buy Puerto Rican sugar it is because we have a normal consumption of 7,000,000 tons a year. Coffee was one of the most important cash products to Puerto Rico in 1898 when Puerto Rico had a market for its well-known product in 17 nations. Today Puerto Rico not only is not a coffee-exporting country, but it imports coffee from the United States, which is not a coffee-producing nation. We buy coffee from Brazil and other countries and sell it to the people of Puerto Rico. Today, when the price of coffee has gone up, the Puerto Rican people have been unable to take advantage of the world situation because the coffee growers are ruined. It is important to point out that over 15 percent of the Puerto Rican people live on the production of the coffee-producing region.

Furthermore we afford no real protection to the Puerto Rican tobacco. We fix the price of the articles we sell the Puerto Ricans and of the articles which they sell us. In short, we have a strangle hold upon the Puerto Rican economy and have reduced that country to a state of misery and abysmal poverty.

Neither Puerto Rican coffee nor Puerto Rican tobacco can be protected with the enactment of H. R. 7674. These products will remain the victims of our strangle hold upon the economy of Puerto Rico. So that H. R. 7674 is definitely an empty gesture. It fails to deal with the fundamental problems of Puerto Rico. It fails to protect Puerto Rican economy. It fails to relieve Puerto Rico from the yoke of imperialism and colonial exploitation under which it is suffering. It fails to establish democracy for Puerto Rico, and therefore fails to give Puerto Rico self-government in the real sense of the word.

Again I repeat the Muñoz-Marín proposal perpetuates one of the worst forms of colonial exploitation.

Under the colonial system of exploitation which I have just described, we have now in Puerto Rico over 300,000 unemployed out of a total population of 2,200,000 inhabitants. That would amount, more or less, to 21,000,000 unemployed in the United States.

One of the vicious results of this system of exploitation is that we have right now in Puerto Rico 309,000 children of school age without school facilities out of a school population of 698,000 children. The rest do not receive adequate education. They just go to school for half a day. From 6 to 7 persons out of 100 graduate from high school under the half-a-day training program in force. The average person in the rural areas receives the equivalent of 2 years' schooling in the United States, for the average person in Puerto Rico goes to school for 4

years on a half-day basis. The people of Puerto Rico do not have the educational facilities offered to the citizens of the poorest State in the United States.

The conclusions stated above are not my own. They are the conclusions arrived at recently by a committee of experts of Columbia University hired by the government of Puerto Rico to make a survey of the educational facilities of the people of the island.

We have in Puerto Rico the worst slums of the Western Hemisphere. The tourist going to the island is greeted by the slum called La Perla—the Pearl. When he departs he is bade farewell by El Fangrigo—Little Mud. La Perla and El Fangrigo are two of the typical slums of the island. Last December saw destruction and misery in some of the slums of the island when an unusually high tide of the Atlantic wiped away many of the houses in La Perla, San Juan, Palo Seco in Toa Baja and Palmarito and other places in the city of Arecibo.

There exists a municipal hospital system in Puerto Rico which has been characterized by the health commissioner of the island, Dr. Juan A. Pons, as one which offers the people a service worse than the one given its dogs in a hospital for animals.

About three-quarters of the total population of Puerto Rico is at present ill-clothed and ill-housed.

To help the people of Puerto Rico this Congress has made no appropriation for educational facilities. We have not extended to the island the total benefits of the Social Security Act. We have done nothing to correct the transportation conditions in the island. We have limited, as I said before, the production and refining of sugar. We have done nothing to protect coffee and tobacco production, while we have directed obstacles in the path of the development of the needle trade industry, which is undergoing right now a crisis.

PROGRAM

To take care of the immediate needs of the Puerto Rican people it is imperative that we enact a program which will help these people to face the impending crisis. Among the immediate measures which should be adopted are the following:

First. Allow Puerto Rico to refine its sugar production.

Second. Increase the Puerto Rican sugar quota to absorb present and estimated excess. This requires an amendment to the Sugar Act which would provide—

That in the event that the sugar consumption of the United States is considered by the United States Department of Agriculture to be in excess of 7,000,000 tons a year, the basic quota of Puerto Rico of 910,000 tons be raised accordingly.

Another solution would be to permit the Puerto Rican producers to sell their excess in the world market at 1 cent less than the price and have Congress appropriate \$6,000,000 to compensate the Puerto Rican producers for their loss.

Third. Extend to Puerto Rico all the benefits of the Social Security Act.

Fourth. Extend to Puerto Rico Federal aid to an amount not less than \$10,000,000 to extend its educational facilities.

Fifth. Legislate to help in a program of coffee and tobacco rehabilitation.

Sixth. Take measures to end discrimination against Puerto Rican workers in the United States. Enact a genuine FEPC bill.

Seventh. Give back to the people of Vieques the land which has been taken away from them by the United States Navy. This land is not used at the present time by the Navy, and the people of Vieques have been displaced en masse from their homes and they are undergoing a terrible plight. During last Christmas the mayor of Vieques sent a message to the Governor of Puerto Rico telling him that the people of Vieques were so desperate that they were asking only for a Christmas dinner.

Eighth. Appropriate money for the establishment of a Federal public works program on a large scale to relieve the unemployed.

To solve the problem of Puerto Rico on a permanent basis it is imperative that colonialism be ended in the island, and that the people of Puerto Rico be allowed to draft their own constitution as a free and independent nation, and not as a colony as provided in H. R. 7674. Provisions should be taken at the adoption of my independence bill to insure the transformation of the colonial economy which we have developed in Puerto Rico since 1898 into the economy of a free and independent nation.

The trend in our time is toward the liquidation of colonialism everywhere and the granting of recognition to new and independent nations, to work to-

gether under the framework of the United Nations. The trend is also toward international cooperation and toward the offering of help to small nations, so that they can better develop their economies, and so that they can better help in the building of a better world.

The Muñoz-Marín/Fernós-Isern proposal runs counter to this trend, and it is therefore reactionary and imbedded in the decayed structure of colonialism.

The people of Puerto Rico can only solve their economic problem through industrialization. In order to develop a wide program of industrialization they must have power to make their own tariff laws, to negotiate reciprocal trade agreements, to make their own coast-wise shipping laws, and to have complete jurisdiction over their territory and land, their waters, their air, and their people. They cannot have these powers under colonialism. They cannot have these powers under H. R. 7674. They cannot have these powers under statehood. They can only have these powers under their own sovereignty in a free and independent nation, a nation able to enter into negotiation with other countries on a basis of equality and of justice.

What Puerto Rico needs to solve its problems is sovereignty—full sovereignty. The Muñoz-Marín proposal denies even limited sovereignty to the people of Puerto Rico.

The people and Government of the United States are bound to help the people of Puerto Rico. It is our responsibility because we have exploited them for over half a century. It is our responsibility because we have cut them off from world markets. It is our responsibility because we have made them dependent on our own economy. It is our responsibility because they have helped fight two of our wars. It is our responsibility because they are a hard-working and progressive people, with a noble tradition of solidarity in the Western Hemisphere, and with a noble cultural heritage.

The people and Government of the United States cannot and will not deny help to a free Republic of Puerto Rico. I am confident that Americans will assist the people of Puerto Rico in their struggle for independence when they are given a true picture of our relations with Puerto Rico.

We have a false picture in Congress and in the United States of what has been going on in Puerto Rico, because the colonial government there is headed by a governor who is working hand in hand with imperialistic interests, and whose job it is to give the impression to the people of the United States and to the world that Puerto Rico is not a colony, but a country of free and contented people to whom we have extended a fair deal.

The name of that man is Luis Muñoz-Marín. Under his government we have seen floundering the most extravagant, luxurious, pompous, and irresponsible bureaucratic government that anyone can imagine.

This character Muñoz-Marín may be accurately described as the Nero of La Fortaleza—the Governor's palace. While his people starve, and at their expense, he has built for himself a false reputation here in the United States as a champion of the jíbaros—peasants—of Puerto Rico, when as a matter of fact, like Nero, he ignores their suffering and lives well at their expense.

This man came to power as a champion of independence, as a champion of the underdog, as a champion of simple, austere life in public service. And now he is a renegade of independence, he is working hand in hand with the Wall Street crowd, and he has established in the island an era of the most extravagant and expensive government that the people of Puerto Rico have ever seen. He has used public money for his own personal propaganda. He pays the publicity agent, Hamilton Wright, \$140,000 a year. Incidentally, some of the newspapers in the United States are beneficiaries of this propaganda slush fund. One of the chief apologists for Muñoz-Marín is the New York Herald Tribune. An examination of the advertising in the New York Herald Tribune will expose it as one of the chief beneficiaries of this huge propaganda fund which is squeezed out of the bloodless veins of the people of Puerto Rico. Of course the propaganda slush fund is clothed under the guise of propaganda for Puerto Rican products, but it is actually personal propaganda for Luis Muñoz-Marín, and for the colonial system. Most of the propaganda from Puerto Rico which we read centers around Muñoz-Marín to promote him personally, and to alibi the present system of colonial exploitation. Besides the money paid as a retainer, thousands and thousands of dollars are spent in publicity in American magazines and periodicals to promote Muñoz-Marín personally, and to cover up the indecent exploitation of the Puerto Rican people under the present colonial status.

This man uses public money for his personal propaganda without accounting to the people of Puerto Rico. His inauguration last year was the most gran-

diose, Roman circus, carnival-like festivity which anyone has ever seen. Four hundred people from all over Latin America and the United States were invited to the ceremonies, and all the expenses were paid by the people of Puerto Rico, from air transportation, hotel accommodations, taxis, and for all kinds of extra entertainment. Up to this time nobody knows exactly the amount of money which was expended during this inauguration, but it is known that an enormous amount of money was expended and that the fees far exceeded the appropriation for the expenses of the inauguration for the President of the United States. The legislature did not make any appropriation in advance for these ceremonies. After they had taken place bills of deficiency were sent to the legislature without any specific accounting being given, and they were approved by the legislature without discussion of the specific items and amounts, and in the midst of a standing applause of the stooges of Muñoz-Marín in the legislature.

With this inauguration there was inaugurated in Puerto Rico one of the worst saturnalias of corruption in the history of governments.

Mr. Speaker, I wish to state right here, however, that neither Muñoz-Marín nor his administration are the product of Puerto Rico. They are the product of colonial exploitation. They are the minions of our colonial status imposed on the people of Puerto Rico. Their actions do not reflect on either the integrity or the honor of the people of Puerto Rico. They merely prove again that puppets of imperialism never serve the best interests of their people.

Here is some more on Mr. Muñoz-Marín.

Every week different persons from various places are invited to stay with Muñoz-Marín at the Governor's palace known as La Fortaleza. There again the sole purpose is that of obtaining personal publicity and to cover up for colonialism. No account for the parties nor for the expenses is given to the people. The entertainment is most extravagant. Members of the House who have been entertained at La Fortaleza will bear me out. However, I doubt if the visiting Congressmen knew that the entertainment came out of the pockets of the suffering people of Puerto Rico. This type of entertainment is shocking because Puerto Rico is poor and its people are poor. All this despite the preelection promises of Muñoz-Marín to institute a program of austerity and simplicity in the public life of that country.

NERO OF FORTALEZA

This Nero of Fortaleza has at his disposal large numbers of automobiles. His personnel bodyguard is unprecedented in size. The number of attendants and retainers at Fortaleza have been abnormally increased, and so has the number of political parasites on the governmental structure rapidly multiplied.

Again, Mr. Speaker, I say that all this is a byproduct of our colonial status and not the product of the people of Puerto Rico.

Let me call the attention of the Members of this House who are so critical of large Government expenditures here to the following salaries paid to the favorites of this colonial emperor of ours in Puerto Rico. Here is a list of salaries which would make even our local grafters gasp:

Antonio Luchetti, head of the Water Resources Authority_____	\$30,000
(This man also gets expenses, automobile, chauffeur, and a residence which is a palace.)	
Rafael Buscaglia, president, Development Bank_____	30,000
Esteban Bird, vice president, Development Bank_____	28,000
E. R. Bonniwell, finance director, Development Bank (plus expenses)---	22,000
J. R. Hanson, manager, Glass Factory of the Puerto Rico Industrial Development Co_____	20,000
Tedoro Moscoso, president, Puerto Rico Development Co_____	18,000
Sergio Cuevas Bustamante, director, Puerto Rico Aqueduct Service---	15,000
Thomas A. Fennell, manager, Agricultural Co. of Puerto Rico (plus expenses)_____	12,000
(Mr. Fennell was dropped as manager after terrific public protest, but was retained as an absentee expert at a salary, according to my information, of \$5,000.)	
Jose Acosta Velarde, director, Land Authority_____	12,000
Mariano Ramirez, vice president, Development Co_____	12,000
David Ramirez, vice president, Development Co. (this officer was dropped later on)_____	12,000
Rafael Fernandez Garcia, vice president, Development Co_____	12,000
Homer J. Miller, manager, Paper Factory of Development Co. (this factory closed because of huge deficit and lack of market)_____	12,000

The information that I am herewith revealing was dug up by an economist, Eliezer Curet Cuevas, while working for a Puerto Rican newspaper, *El Mundo*, and the information was published in that paper on January 23, 1949. He pointed out that 17 executives of the Puerto Rican government and the various government corporations and authorities are receiving salaries amounting to approximately \$300,000 a year.

On the other hand, Mr. Cuevas pointed out that the salaries received by the small government employees had been reduced from 1940 to 1948. That is so because the cost of living in Puerto Rico has increased in the island much faster than the salaries of the small employees.

There are other salaries, the exact amounts of which I do not have. I understand that many of the salaries I have recited, as well as others, have been raised since Mr. Cuevas published his articles on January 23, 1949.

Accompanying this extravaganza of fancy salaries, let us see what the Muñoz-Marín government has done with respect to government finances.

Under the leadership of Muñoz-Marín, the government has embarked on a loan program from Wall Street. It has issued bonds which were sold in Wall Street for \$50,000,000 at a very high interest rate. It is negotiating an additional loan for this agency, the water resources authority. To guarantee these bonds they pledged the property of the water resources authority. It also issued bonds which it sold in Wall Street in the amount of \$22,700,000, also at a high interest rate, for the Aqueduct and Sewage Service of Puerto Rico. It negotiated this loan for \$22,700,000 even though they are expending the money at the rate of about \$4,000,000 a year—the balance is deposited in private banks and draws no interest, while the people of Puerto Rico are paying an interest rate on the total amount of the bonds.

It should be pointed out that Mr. Bonniwell, the financial adviser of the government of Puerto Rico, was related to the bond firm of Wall Street, B. J. Van Ingen & Co. That firm negotiated the first \$20,000,000 in bonds for the water resources authority when Mr. Bonniwell was connected with the firm. After that he went to work with the government of Puerto Rico and that firm participated in the negotiation of the \$22,700,000 in bonds negotiated by the aqueduct and sewage service. The commission which is paid to the firm which negotiated the bonds is fixed by the government bank of which Mr. Bonniwell is financial adviser.

While the people's finance is being squandered and the people's financial ability is being exploited, let us see how the local government itself operates, and again here I repeat, this is not the product of the people of Puerto Rico but the product of colonialism in its worst form.

Mr. Muñoz-Marín has tried to centralize in his own hands all the government of Puerto Rico. Now he is planning to eliminate the municipal assembly and usurp the powers of the municipal officers—to be controlled by the Governor.

The most important decisions of the legislature are made at dinners which are given at La Fortaleza to the legislators by Mr. Muñoz-Marín. The legislators will not pass bills which have not the previous approval of Muñoz. Actually, every bill is written completely at La Fortaleza.

Now—as to the fundamental economy of Puerto Rico itself, let us examine the following:

Because of the special war conditions, huge amounts of moneys entered the government of Puerto Rico. According to a report which was filed by the Governor of Puerto Rico before the United Nations, from June 30, 1940, to June 30, 1949, \$713,000,000 went to the treasury of Puerto Rico. From this, \$144,000,000 were appropriated for the insular agencies and authorities. Besides, these agencies received \$72,000,000 from the sale of bonds. In spite of these bonds, Muñoz-Marín has done nothing to promote in a fundamental way the Puerto Rican economy. This has been partly so because of the inner inequities of the colonial structure and partly so because of the incompetence of Muñoz-Marín, and because of this extravagant and expensive government and his extravagant and expensive way of living.

Out of the money received, he appropriated \$15,000,000 for the Agriculture Development Co. which was a flop. The money, under the direction of Mr. Thomas Fennell, a totally incompetent person, was squandered.

Eleven million dollars were appropriated for five government plants—cement, paper, glass, shoe, and ceramics. All of these plants except the cement plant have operated at a deficit. The glass plant ceased its operation last August because of lack of market. The other 4 employ only 820 workers.

This is the story of the industrialization program of Muñoz-Marín which has proven to be a complete failure.

Another agency of the government, the transportation authority, which is a government monopoly of transportation within the metropolitan zone—that is San Juan and surroundings, including Rio Piedras—gives nothing but inefficient service and it has been operating at a deficit of over \$1,000,000.

Fundamentally, all these agencies and especially the land authority are used for political purposes. Of course, I am in favor of the principle involved in the establishing and functioning of all these authorities. I have defended the land authority. I have defended also the land policies of the government of Puerto Rico, up to and including the establishment of the land authority. I have favored the proportional benefit fund. I have also favored the water resources authority and others. But I am against the use of the land authority as a political agency, and I am against the mortgage of the properties of the water resources authority and of the aqueducts to the Wall Street crowd. The water resources were formerly in the hands of the Puerto Rican Railway Light & Power Co. Now they are in the hands of the bondholders of Wall Street. The same can be said of the aqueducts of Puerto Rico. As a result of that the water rates and the electric light rates have gone up to the extent that protest demonstrations have been organized by consumers in Puerto Rico.

Muñoz-Marín has changed the whole philosophy under which the authorities were created, and has used them to his political advantage. To do this he has allied himself with Wall Street vested interests and he is today their stooge and servant. He has mortgaged these authorities to Wall Street interests.

OPERATION BOOBY TRAP

We have heard through the fancy, high-paid advertising, a great deal about Operation Boot Strap, but to the people of Puerto Rico the Muñoz-Marín administration can be called Operation Booby Trap. The following story of the Caribe Hilton Hotel demonstrates what I mean when I say the Muñoz-Marín administration is Operation Booby Trap for the people of Puerto Rico.

The story on the Caribe Hilton Hotel is an example of the Government's policies to attract industries. The Government of Puerto Rico built the hotel at a cost of \$7,000,000. The hotel has 300 rooms. Then, after it was built, the Government leased the hotel to the Hilton Hotel Corp. on a 20-year lease.

Muñoz-Marín has not even revealed the amount for which the hotel was leased, even though the people have asked for this information. This is part of the policy of secrecy in the Government—the people are never given information about the way the money is expended. Everything that was used, including furniture, was flown from the United States. Even the sugar came from the United States to Puerto Rico, and also most of the employees were taken from the United States to Puerto Rico. The expenses for propaganda, as announced by the management, went over \$150,000, and the Government of Puerto Rico pays half of that amount. Up to this time they have paid \$75,000.

The Government policy to attract industries to Puerto Rico is based on the principle of constructing the plans for the firms to go into Puerto Rico and to equip them. Then the firms are tax-exempt for a period of 12 years. These firms, like Textron, want a guaranty that the minimum salary will not be raised, so that these firms expect to do business on the basis of paying starvation wages to the workers of Puerto Rico. Textron recently said that if the minimum wage is increased from the 25 cents an hour which they are paying now they will move from Puerto Rico.

The Caribe Hilton Hotel was also exempted from paying taxes.

All these industries which may go to Puerto Rico can leave the island whenever they choose and leave the Puerto Ricans with all the expenses already incurred. So we can see that all this industrialization program of Muñoz-Marín is just hooey. It is, I repeat, not Operation Boot Strap, but Operation Booby Trap for the people of Puerto Rico.

While Muñoz-Marín is engaged in Operation Booby Trap for the people of Puerto Rico, let us see what is happening to the people themselves.

The cost of living in Puerto Rico has gone up about 300 percent since 1940 while salaries and wages have had only a slight increase and now are going down. The huge amounts of money which entered the Puerto Rican treasury were because of the revenue on rum and the high taxes collected from the people of Puerto Rico. I would like to here note that in Congress I protected the income from rum for the treasury of Puerto Rico.

There was in general an artificial atmosphere of prosperity because 80,000 Puerto Ricans were under arms and their relatives were receiving benefits; war construction was going on and there were war government jobs. Muñoz-Marín squandered the huge amounts of money received. No permanent works were built by him. No substantial reserve was established. Muñoz-Marín received from 1940 to 1948 in his government more money than the total amount of money received by the successive governments of the island from Juan Ponce de León, the first Governor under Spain, to 1940.

During the war the price of sugar was frozen to prewar prices, 1939. On the other hand, no control was put on the items imported from the United States. The result was that while the price of sugar was kept low the price of rice, beans, codfish, lard, meat, butter, bacon, machinery, and so forth went up to a fantastic level. It has been figured out by economists of great prestige in the island that because of this the people of Puerto Rico lost an average of \$80,000,000 a year since 1940, or about \$540,000,000 during the war years.

And again let me repeat, the number of unemployed in Puerto Rico totals 300,000 out of a population of 2,200,000 inhabitants.

Yes, the Muñoz-Marín rule is indeed Operation Booby Trap for the people of Puerto Rico.

While the government of Puerto Rico has been so diligent in its extravagant and expensive propaganda, it has taken no measures to insure the safety of the people of Puerto Rico. Last year, 1949, we saw the worst disaster in the history of Puerto Rico. There was an air crash in Puntas Arenas where over 50 persons were killed. The lack of supervision at the airport was responsible, and we must blame the government of Puerto Rico for this.

There was a fire in San Juan last March 1949 where eight people were burned to death. They were unable to escape because there are no fire escapes in any of the buildings in San Juan and because the entrance halls were blocked by the wares and boxes of small merchants who rent space in these halls.

Last June there was a typical extravagant fiesta which was organized by Felisa Rincon, the appointed city administrator. Because of the big crowd in a structure which was built for dancing, the structure collapsed and two persons were killed and others injured. This accident was due to the negligence of the authorities. It occurred at night. The morning after the accident the whole structure had disappeared, so that the people have never been able to determine what really happened and who was responsible for the accident.

There have been several explosions in government works belonging to the water resources authority and workers have lost their lives because of the lack of safety measures and the complete negligence of the government.

Mr. Speaker, I could go on and recount many more incidents of the neglect of the people of Puerto Rico by its present rulers. I could go on and recite many more phases of the exploitation of the people of Puerto Rico. I shall from time to time recite more chapters from the story of the sordid saturnalia of corruption and graft which now exists under our Nero of Fortaleza, the puppet of our colonialism.

My purpose in this speech, however, is to establish, which I believe I have done:

First. That H. R. 7674 is an empty gesture and a device to cover up, and to perpetuate the colonialism and exploitation imposed on the people of Puerto Rico by selfish interests in the United States.

Second. That the graft and corruption by the present rulers of Puerto Rico is not the product of the people of Puerto Rico, but the byproduct of the system of colonialism and exploitation under which the people of Puerto Rico are suffering.

Third. That the suggestions which I have made for immediate solution of Puerto Rico's immediate problems are of immediate character and must be enacted immediately to save the Puerto Rican people from further suffering.

Fourth. That the only real solution for Puerto Rico and its problems is to grant to the people of Puerto Rico full sovereignty; the only guaranty which the people of Puerto Rico can have to solve their problems—yes, the full sovereignty of a free and independent nation, and this, I submit, can be achieved by the enactment of my bill.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. EBERHARTER. I, together with some other members of the House, was down in Puerto Rico a couple of months ago. None of the members of our subcommittee agree at all with the statements made by the gentleman from

New York. There was an election in Puerto Rico and the present party got over 60 percent of the votes.

Mr. MARCANTONIO. Of course, the gentleman spent his time at Fortaleza, the Governor's palace, where he was extravagantly entertained and grossly misled by Muñoz-Marín.

Mr. EBERHARTER. I want to say that we went through the country.

Mr. MARCANTONIO. Just a moment. Whatever traveling he did in Puerto Rico was done under the Governor's auspices. I doubt if the gentleman was permitted to see much of the havoc caused by colonialism in Puerto Rico. I also doubt whether the gentleman knew that that entertainment was paid for out of the empty pockets of the people of Puerto Rico. These entertainments at Fortaleza by the present Governor of Puerto Rico are very fine. They afford the Members a good time, but at the same time the entertainment helps cover up the real picture of what exists in Puerto Rico. The gentleman from Pennsylvania referred to the election of 1948. I shall discuss even that in another speech soon. However, that is neither here nor there. I challenge the gentleman to refute the facts that I have mentioned in my speech. These facts are uncontrovertable and no amount of hocus-pocus and good times extended by Muñoz-Marín to House Members will explain these facts away.

Mr. MARCANTONIO. At the outset I strongly urge that hearings be held in Puerto Rico by this committee on this bill. There are many distinguished Puerto Ricans who hold a contrary view to the bill to the one expressed here by the official authors and supporters of the measure, but who cannot appear here because they cannot afford the expense of coming to Washington. Only the bureaucrats are financially able to appear before this committee, here in Washington, in support of the measure. In a matter so vital to the well-being of 2,200,000 people subjected since 1898 to a colonial status by us, a people which since then has been clamoring for their liberation, I cannot see how this committee can make any well-advised recommendation to the Congress without holding hearings in Puerto Rico, where all the people, rich and poor, can participate.

This legislation affects primarily the people of Puerto Rico. The purpose of H. R. 7674, as expressed by the Secretary of State, in a letter addressed on April 24, 1950, to the distinguished chairman of this committee, is to obtain formal consent of the Puerto Ricans to their present relationship to the United States. If that is the case, the Puerto Rican masses should have an opportunity to express themselves, personally, on such an important matter. Furthermore, the Secretary of State said in his letter to the chairman of this committee, that the approval of bill H. R. 7674, and I quote—

would be in keeping with our obligations under the Charter of the United Nations to take due account of the political aspiration of the people in our territories * * *

How can we ascertain if this bill is in line with the political aspirations of the people of Puerto Rico if we hold hearings in a place 1,600 miles away from Puerto Rico and without giving opportunity to the impoverished Puerto Rican people to appear before you and communicate to you their hopes and their demands?

I am afraid that our State Department and our Interior Department are too anxious to have this bill passed hastily, without due consideration and without giving all Puerto Ricans, without distinction, an opportunity to express themselves on the propriety of this measure. Why is that? Isn't this bill for the Puerto Ricans? Isn't it intended to discharge in part our responsibility as a colonial power? If that is so, how can we discharge such responsibility without affording the Puerto Rican people an opportunity to be heard?

We certainly would not give serious consideration in the Congress to any bill affecting so profoundly any of our States without holding hearings in our constituencies, in addition to the hearings held here in Washington. Why give Puerto Rico this discriminatory treatment?

If this committee does not hold hearings in Puerto Rico on this measure, we will be in fact denying the people of Puerto Rico their right to express their views to the Congress on a matter so important to their lives and destiny. If we do not hold hearings in Puerto Rico on this measure, we will be proclaiming to the world that we intend to continue treating Puerto Rico as a colony and that we intend to continue ignoring the wishes of the Puerto Ricans.

Serious consideration cannot be given to the measure without consulting the people of Puerto Rico. This committee must remember that we have held hearings in Puerto Rico on matters of less importance, the last of which I can remember were held last November, hearings held by a subcommittee of the House Labor Committee.

The argument has been made that this bill was approved by the Puerto Rican people in the 1948 elections. That is a gross misrepresentation. Here are the facts on that election:

In the 1948 elections, 640,714 persons voted, out of a total of 873,085 registered voters; that is, 73 percent of the registered voters participated in the elections and 27 percent, or 232,371 persons, did not participate, some of them because they deliberately abstained from the polls, and others for other reasons. This is 9 percent lower than in 1944, when 82 percent of the registered voters participated in the elections, or 591,978 voters out of 719,759. This decline in the number of voters took place even though in 1948 the Puerto Ricans were electing a governor for the first time.

In the 1948 elections, the Popular Party cast 392,386 votes, which amounts to 44 percent of the total registered vote and 61 percent of those voting. The opposition parties cast 39 percent of those voting, amounting to 248,328 votes. In spite of this big vote carried by the opposition parties, and due to electoral gerrymandering and electoral tricks, there is a one-party government in Puerto Rico, the opposition having been allowed to elect only two senators and one representative, and to carry only one municipality. This municipality was won by the old Liberal Party, called in 1948 the Reformista Party, which cast only 29,140 votes and did not qualify as an official party. After the elections the Reformista Party was dissolved.

The vote counted in Puerto Rico to give official status to the parties is that cast for the Resident Commissioner, which was as follows: Popular Democratic Party, 392,033; Statehood Party, 88,189; Independence Party, 66,141; the Socialist Party, 64,121; and the Reformista Party, 28,203.

The figures I previously mentioned were for the election of the Governor.

It is well to point out that the Independence Party is a new party, organized on May 14, 1948, as an official party, 6 months before elections and 4 months after general registration time, when they had no representation in the registration polls. Since the last elections, the Independence Party has been very active.

In the 1944 elections, the Popular Party cast 53 percent of the total registered votes, or 383,280 votes out of 719,759 registered voters,

which was an absolute majority. In 1948 the proportion was 9 percent lower for the Popular Party. In 1944 the Popular Party cast 65 percent of those voting, or 383,280 out of 591,978, 4 percent more than in 1948. Besides, the opposition parties in 1944 had only 208-516 votes, or about 40,000 votes less than in 1948, distributed in the following way: Republican Party, 101,799; Socialist Party, 68,107; and Liberal Party, 38,630. In addition to that, the Popular Party claimed in the 1944 elections 95 percent of 86,000 votes which were stricken out from the registration lists for technical reasons and were not allowed to vote, in spite of the strenuous protest of the Popular Party, which took the case to the courts and lost.

At that time the Popular Party was in control only in four districts out of seven in the island, and the Coalicion—or coalition of the Republicans, Socialists and Liberals—had three districts and the Resident Commissioner, Mr. Bolivar Pagan, president of the Socialist Party. The Popular Party cast 214,857 votes in the 1940 elections and the Coalicion, 222,423.

The above picture shows that the Popular Party is on the decline. And if we consider that the Popular Party made its campaign on the basis that the ultimate political status of Puerto Rico was not an issue in the elections and that this must be decided in a plebiscite to be held on a special election; and if we consider that the Popular Party was born as a result of the expulsion of the radical independence leaders of the old Liberal Party, those leaders headed by Governor Luis Muñoz-Marín, with the avowed promise that it—the Popular Party—was going to see to it that the colonial status of Puerto Rico be ended, then we must conclude that the people in charge of the government of Puerto Rico violate the pledges they made the Puerto Ricans when they come here and try to give the impression that the independence issue and the statehood issue are not fighting issues of the people of Puerto Rico.

By the way, at the time of the expulsion of the actual leaders of the Popular Party from the Liberal Party, Resident Commissioner Fernós was “un independentista radical,”—a radical, pro-independence man. He wages a campaign in *El Mundo*, one of the leading Puerto Rican newspapers, in 1936, and afterward, and in *La Democracia*, at that time a pro-independence paper, in favor of independence. In 1940 he was nominated as candidate for Resident Commissioner by the Popular Party, backed by the independentistas. At that time, his speeches in favor of independence were very similar to the one I made in the House last March 16, and which I offered as part of this testimony. I have in my files clippings of many of those articles written by Commissioner Fernós. At that time, Senator Victor Gutierrez Fanqui, who has announced in the Puerto Rican press that he will answer my testimony today, was also an ardent independentista. He, attorney Ernesto Ramos Antonini, the speaker of the House of Representatives of Puerto Rico, were the attorneys for the members of the Nationalist Party of Puerto Rico who were indicted on charges of murder as a result of the Ponce massacre. They were innocent and were acquitted by the jury. He and Ramos Antonini used their participation in the Ponce massacre and their attacks on ex-Governor Blanton Winship, as well as their attacks on the colonial regime, to win votes for the Popular Party in the 1940 campaign.

Now, after they are in power, they have changed. I think they were right then, and wrong now.

Let me add that, before the expulsion of his group from the Liberal Party, Muñoz-Marín founded the Accion Social Independentista, or Social Independence Action, which was substituted in 1938 by the Popular Democratic Party, with an independence platform.

In 1939 Muñoz changed his approach, saying that the status would not be an issue in the elections; but he, in the name of the Popular Party, made the promise to hold a plebiscite on independence and statehood in a special election called for that purpose. The Popular Party, in the general convention held in the Sixto Escobar Park in 1940 in the month of August, officially approved a political plank where it was said that the colonial regime of Puerto Rico had to be liquidated; that independence and statehood were the alternatives to end the colonial status, and that the Popular Party thought that independence was the best solution to the status of Puerto Rico, although the status question was not going to be an issue in the 1940 elections, but this was to be decided in a special election.

Muñoz-Marín wrote a Catecismo del Pueblo, or People's Catechism, and published a newspaper, *El Batey*—i. e., the Front Yard—the meeting place of the jibaros or peasants in the country, where he made a bitter attack on the colonial status and held correctly that the economic problems of Puerto Rico could not be solved under the colonial regime. He took the position that the status question should not be an issue in the elections, because they were primarily concerned with the organization of the colonial government, and that special elections should be held to allow the people to express their preference on independence and statehood. I think he was wrong, as the Philippine experience shows. His strategy allowed him to fool into his camp both the upholders of statehood and independence, so that later he could better betray them both, as he did.

In the 1944 elections, the 1940 plank was ratified and the promise was made to the people that in the event of victory the Popular Party would hold a plebiscite not later than the time when the world peace would be negotiated, on the question of independence and statehood. The people gave Muñoz an overwhelming majority, but he did not keep his promise to the people.

In 1948, scared by the advent to the political battlefront of the Independence Party, Muñoz reiterated his promise that he was going to see to it that the colonial status be ended in Puerto Rico, and that those in favor of independence or statehood would have an opportunity to vote on the status question in due time.

I reiterate that neither Governor Muñoz nor Commissioner Fernós have any mandate from the people of Puerto Rico to back measures of colonial reforms.

The official position of the government of Puerto Rico in this matter was expressed in a concurrent resolution passed by a unanimous vote by the Legislature of Puerto Rico in its ordinary session of 1943, condemning the colonial regime and demanding that the people of Puerto Rico be granted the right of self-determination. This policy was ratified by another concurrent resolution passed on February 20, 1945, by the Legislature of Puerto Rico. A permanent commission to carry on the official policy of the legislature was set on 1943, and

\$80,000 was appropriated so that this commission could come to Washington to ask for the final determination of the ultimate political status of Puerto Rico. But Muñoz sabotaged the work of that commission.

Puerto Rico has never consented to its present colonial status. On the contrary, from 1898 to this date, the people of Puerto Rico have been consistently asking for the ending of the colonial regime and the recognition of the right of self-determination.

It is not true that Puerto Rico is in a voluntary association with the United States, as the Secretary of State states in his letter and as Muñoz-Marín and his men say now. The present regime was imposed on Puerto Rico by force of arms as a result of the Spanish-American War, of which Puerto Rico was no part, and has been maintained without consulting with the people of Puerto Rico. Even American citizenship was imposed on the Puerto Rican people, in spite of the protest of the House of Delegates of Puerto Rico and Resident Commissioner Luis Muñoz-Rivera, father of Governor Muñoz-Marín, who asked the Congress in a speech made in the House in 1916, his last speech in the House—he died shortly afterward—not to impose American citizenship on the Puerto Rican people. He asked the Congress to allow Puerto Ricans to retain the Puerto Rican citizenship allowed to them by the Foraker Act, and make of Puerto Rico later a free and independent nation, as, he said, in prophetic mood, “you will have to make later of the Philippines.”

That is the true history of Puerto Rico, as expressed by the Populares themselves to this Congress from 1943 to 1946. The attorney general of Puerto Rico, then floor leader of the senate, Attorney Vicente Geigel Polanco, appeared before the Bell committee, the Chavez committee, and the Committee on Insular Affairs, when it was presided over by Senator Millard E. Tydings, and there he expressed in the most vigorous terms everything I have said so far against the colonial system in Puerto Rico, against the imposition of the American citizenship on the Puerto Ricans and the imposition of the present system of government, and in favor of the right of Puerto Rico to its independence.

Most of the members of the House and the Senate of Puerto Rico and most of the mayors of Puerto Rico and most of the members of the municipal assemblies of the island were members of the Congreso pro Independencia—the Puerto Rico Congress for Independence—from 1943 to 1946, and sent, as you can see by an examination of the records of the hearing on the Tydings independence bill, cables and letters of support of the independence bill, and of condemnation of the colonial regime. Senator Gutierrez Franqui was not at that time a member of the legislature.

All of them sent messages expressing their vigorous opposition to the so-called dominion status, autonomy, or any other form of colonial reform.

Will anyone dare to deny the above?

The new colonial position of Muñoz-Marín has been officially and openly adopted since his inauguration as colonial Governor of Puerto Rico in January 1949. Since then he has been saying that Puerto Rico is not a colony, but a “new kind of state,” in open violation of the

program, and tradition of his own party, the Popular Democratic Party, whose members he has betrayed, and in open violation of the commitments he made before the 1948 elections.

What are the commitments made by Muñoz-Marín in the 1948 elections? In this respect, the Secretary of State says in his letter to the chairman of this committee that—

in the elections held last November for the elected Governor of Puerto Rico, in which 73 percent of the registered voters participated, 63 percent elected the candidate who proposed that Puerto Rico defer at this time determination of its ultimate political status and seek a relationship with the United States which would permit of a constitution for Puerto Rico.

This is definitely a most grotesque distortion of the truth. The elected candidate, Muñoz-Marín, promised the people, after a vigorous condemnation of the colonial status, to work for the approval of a law allowing Puerto Rico to draft a constitution of its own with a complete self-government, the prohibition limiting the amount of sugar that Puerto Rico can refine having been eliminated by the Congress; and he promised also to ask Congress—and may I say here that this is very, very important—to include in the same law authorizing Puerto Rico to draft a constitution a provision authorizing the Legislature of Puerto Rico to submit to a vote, at any time the Legislature of Puerto Rico would think it feasible from the economic viewpoint, the alternatives of statehood or independence to solve the political status of Puerto Rico, on the promise on the part of the Congress that it would approve the alternative selected by the people of Puerto Rico. This was the proposition submitted by Luis Muñoz-Marín to the people of Puerto Rico, on the basis of which he won the 1948 elections, aided, of course, with fraud and the use of huge amounts of money.

Let us see if I am right. The first time that Muñoz-Marín mentioned the word “constitution” in his political campaign—in fact, the occasion when he made the commitment to the people—was on July 4, 1948, when he delivered the Fourth of July address. He said at that time:

All of us, absolutely all of us, wish that this obsolete system which we call colonial system is ended. * * * The form of political relationship in which the United States holds Puerto Rico is not just. Neither is it intelligent. It is unjust and unintelligent.

And there the Spanish word which I interpreted as “unintelligent” is “torpe.”

I want to be able to say so—

he continues—

in the name of all of you, to the good confused friends of that Government and that people. As it is unjust it must be corrected from their point of view and our point of view. And because it is unintelligent—

and there again I have translated the word “torpe” as “unintelligent”—

because it is unintelligent, it must be corrected from their point of view. The colonial system is obsolete and should disappear from Puerto Rico and from the whole world.

And then he made the following pledge:

In order to achieve this end, I think that the people of Puerto Rico should authorize with their votes the following commission—

and the Spanish word there which I have interpreted as "commission" is "gestion"—

the following commission before the Congress of the United States: That the Congress of the United States approves a law completing self-government in Puerto Rico to the point this may be possible, without being a state, in the constitutional structure of the United States. In other words, that the Congress authorize the people of Puerto Rico to draft its own constitution, in the same way as new States are authorized to do so; that the economic relations between Puerto Rico and the United States should continue basically in the same way as they are now, correcting the only grave error now existing, which is the prohibition which does not allow Puerto Rico to refine all the sugar it produces.

In addition to that—

follow this, please—

In addition to that—

and I want to repeat that—

in the same law Congress should authorize the Legislature of Puerto Rico to submit to the vote of the people in a plebiscite, in any moment that the legislature would decide that the economic development of Puerto Rico permits it, the consultation—

and that is a translation of the word "consulta"—

on the following alternative: If the people want the establishment of independence without any special economic condition, or if the people want statehood without any special economic condition, with the pledge on the part of the Congress of effectuating the will of the people. Independence and statehood are the two principal solutions that historically have been endorsed in Puerto Rico.

If the law is passed by the Congress, Puerto Rico itself would be the sole judge of the time when it thought that by its own effort the economic conditions to make feasible either statehood or independence had been established. It would just that, first, through its legislature, and immediately afterward, through a plebiscite. That would place the responsibility and the authority directly on the shoulders of the people of Puerto Rico, which is the place where they should be.

And he ended his speech with the following :

I am going to ask the people of Puerto Rico to authorize with their votes to work in this manner with their difficult problem of political status and of life, with their hard problem of political status and of complete liberty. I am going to ask the people of the United States, if the Puerto Ricans allow to do it with their votes, to establish this high precedent to finish in the world the liquidation of the colonial system which began to be liquidated the 4th of July of 1776.

Thus spoke Muñoz-Marín. That is the commitment he made with the people of Puerto Rico. That is the proposition he submitted to a vote of the people. That is the pledge he made to 392,386 voters who, out of 873,085 registered voters, voted for him.

Let us analyze H. R. 7674 in the light of this commitment. Where is the provision allowing Puerto Rico to refine all the sugar it produces? The answer is "Nowhere."

Where is the provision allowing the Legislature of Puerto Rico to call a plebiscite on independence or statehood anytime it would deem that the economic conditions justify doing so, and giving in advance the approval of the Congress to the preference expressed by the people of Puerto Rico at the time that any such plebiscite would be held? The answer is "Nowhere."

Then it is clear that H. R. 7674 is not in line with the promise made to the people of Puerto Rico.

Then it is clear that neither Commissioner Fernós nor Governor Muñoz have any mandate to push forward H. R. 7674.

Then it is clear that both of those gentlemen are acting in violation of what they promised the people.

Then it is clear that H. R. 7674 is a fraud and a sham.

Then it is definitely not true, as stated by the Secretary of State, that the people of Puerto Rico elected a candidate who proposed that Puerto Rico defer at this time determination of its political status.

But both Commissioner Fernós and Governor Muñoz have been holding that, in spite of the above, they are authorized to push forward H. R. 7674 as the program of the Popular Party approved in its general assembly on August 15, 1948.

Let us see if that is so. The platform of the Popular Party adopted August 15, 1948, says to that respect :

The Popular Democratic Party, with the authorization of the majority votes of the people of Puerto Rico, would submit to the Congress of the United States the proposition that the political problem of Puerto Rico be solved according to legislation which provides as follows :

1. That preserving the economic and fiscal relationship existing at the present time between Puerto Rico and the United States, the people of Puerto Rico, through action of the legislature, or through action of a constitutional convention called by the said legislature, be authorized to make its own constitution in accordance with the structure which it may judge more in consonance with the democratic administration of the public interests :

2. That the Legislature of Puerto Rico be authorized to call the qualified voters of Puerto Rico, at any time that they deem to be in existence the necessary conditions, to a plebiscite, so that they may decide with their votes :

(a) if they would like Puerto Rico to establish itself as an independent republic under the most favored conditions that the United States now extends to independent countries ; or

(b) if they want that Puerto Rico be admitted as a State of the American Union under the same conditions now governing the other States of the Union ; or

(c) if they are in disagreement with the legislature on the point that the existing conditions make it feasible for Puerto Rico to establish itself as a State of the American Union.

3. That the Congress expresses its agreement to act in accord with the preference shown by the people of Puerto Rico in the aforesaid plebiscite.

Commissioner Fernós holds that the above program is to be effectuated in two stages :

1. In the first stage, he says, the people of Puerto Rico ask the Congress to allow it to draft its own constitution ; and

2. In the second stage ; he adds, the people of Puerto Rico ask the Congress to authorize its legislature to put to the vote of the people of Puerto Rico in a plebiscite, whenever they deem it proper, the question of whether Puerto Rico wants to establish itself as an independent republic or be admitted as a State of the Union.

I think that interpretation is obviously absurd. The text of the platform is in line with the speech delivered by Muñoz on the 4th of July. It is clear that the program envisions the approval of a law to solve "the political problems of Puerto Rico," as it states in the preamble, at the same time.

The political promises of a party are to be made good during the time of the incumbency of its elected officials ; in this case, during the period 1948-52. If Commissioner Fernós is right, when is he supposed to fulfil the second part of the above-quoted program ? What reasons, if any, do exist, to divide the fulfillment of the program in two different stages.

It is evident that the position taken by Governor Muñoz and Commissioner Fernós is the result of an afterthought. Because the truth is—the historic truth is—that Muñoz himself proposed the political platform of his party, in the general assembly of August 15, 1948, in line with his speech of the 4th of July, more than that, in order to fulfill his promise made in that speech.

The said speech had been distributed house by house, in every county, village, barrio, town, and city of Puerto Rico—thousands of copies. It had been recorded, and thousands of records had been handed free to the people, and played on the radio, and in thousands of stores, and through the streets.

Muñoz said at the time of proposing the plank that the political problem of Puerto Rico would be solved through the adoption by the Congress of the law referred to.

At no time during the political campaign did either Muñoz or any of his coworkers speak of two different tempos, two different stages to fulfill their promises. They spoke of one single law wherein the whole political problem would be considered and solved.

H. R. 7674 as it stands now is a colonial measure; it means nothing to the Puerto Rican people; it leaves without solution the Puerto Rican problem, and is a violation of the mandate asked directly of the people of Puerto Rico by Muñoz-Marín in the 1948 elections.

As Muñoz realizes that, he has dodged public discussion of H. R. 7674. So has Commissioner Fernós. So has every leader of the Popular Party in the Muñoz group. As a matter of fact, the Social Science Circle of the University of Puerto Rico organized a forum to discuss H. R. 7674. The forum could not be held because, notwithstanding the fact that representatives of the Statehood Party and the Independence Party agree to participate in such forum, not a single man in the Popular Party dared to participate in the discussion. Attorney Jose Trias Monge, legal adviser to Muñoz-Marín and co-author of the bill, refused to participate. So did Attorney General Geigel Polanco refuse. And a public invitation to participate addressed to Muñoz-Marín and Commissioner Fernós went without answer.

Also the political science section of the Ateneo Puertorriqueno, an organization devoted to the promotion of culture, has invited in vain a representative of the Popular Party to appear in their forum in defense of H. R. 7674. Dr. Juan B. Soto, leader of the Statehood Party, delivered a lecture in opposition to the bill and the leaders of the Independence Party, announced that they are ready to deliver another lecture in opposition to said bill, but the "populares" dodge public discussion of the measure. They simply refuse to discuss the bill.

The people of Puerto Rico are against H. R. 7674. The Statehood Party and the Independence Party are militantly against the bill. Attorney Bolivar Pagan, president of the Socialist Party, made a bitter attack on the measure on the floor of the senate. After denouncing the bill as a fraud, he voted for it because he felt that if approved it amounted to the approval of two amendments to the organic act which he approved—the extension of power to the Governor of Puerto Rico to appoint the judges of the supreme court and the auditor. Yet he pleaded for the approval of an amendment to allow

the Puerto Ricans to hold a plebiscite on the status question, which was defeated.

El Mundo and El Imparcial, the leading Puerto Rican newspapers, edited in San Juan, and El Dia, another important newspaper edited in Ponce, have written several important editorials condemning in the most vigorous and uncompromising terms H. R. 7674.

On March 16, 1950, El Mundo wrote a brilliant editorial entitled "The Next Generation," in which it commented and condemned the testimony offered by Governor Muñoz-Marín before this commission, where he said that the problem of statehood is a problem for the next generation of Puerto Ricans and ignored completely the question of independence.

And may I say that El Mundo is a very conservative newspaper. It has been in existence many, many years.

El Mundo said that H. R. 7674 amounted merely to an amendment to the Jones Act, and was no constitution; that it solves nothing and does not change one iota the fundamental situation of the relations of Puerto Rico with the United States and of the personality of Puerto Rico among the free countries of the world. El Mundo said Governor Muñoz-Marín left that problem to the future generation.

And let me quote in part from El Mundo. El Mundo said:

In the meanwhile, the Governor should make no reference to any previous election because at no time the status problem has been submitted openly to the people. It is confusion to try to interpret the last elections as if all those who voted for Mr. Muñoz-Marín voted at the same time to postpone until the next generation the case of the political status. The other considerations involved in the election—economic program, personal sympathies, disintegration of the old parties, were factors considered by the people to give their votes. It is a fact that the electorate did not divide itself on party lines, between defenders of statehood, defenders of independence, and upholders of the status quo.

El Mundo ended by saying:

It is time to end the juggling and double play with the future of this country. If we want the Congress to treat us on a level of equality and to respect our dignity, let us talk to it like a mature country who knows what it wants, and not as a vacillating kid who wants to eat his cake and have it.

I have here other quotations from El Mundo and El Imparcial. I want to save the time of the committee so I offer them at this time by asking that they be included in the record.

When you read these quotations from these two leading newspapers—the two leading newspapers of Puerto Rico—you will find that the editorials are in complete opposition to H. R. 7674, and both papers take the position that the people of Puerto Rico should be given an opportunity to express their will on the question of the status of their country, and that this bill is a device to postpone, indefinitely, the opportunity to be given to the people of Puerto Rico to express their will on the question of status.

(The quotations referred to are as follows:)

The State Department concurs in the same confusionist attitude condemned by El Mundo, when it affirms without any basis whatsoever in its letter to the chairman of this committee, that the people of Puerto Rico voted in the last election to "defer at this time determination of its ultimate political status."

When Senator Bolívar Pagán asked the senate to insert in its record the quoted editorial of El Mundo, Senator Gutierrez Franqui, characterized it as "a monstrosity," and opposed its insertion in the record on the unjust basis that "the minutes of the senate should not be tainted with such editorial." The senate refused to allow the editorial to go into the record.

In answer to that exabrupto of Senator Gutierrez Franqui, *Ei Mundo* wrote another editorial the 18th of March entitled "Such Finesse, Senator." This is a clear, vigorous, and brilliant editorial where *Ei Mundo* says that what constitutes a blot is to go on passing the buck in the status question from generation to generation. *Ei Mundo* adds that for 52 years the Puerto Ricans have been living under the same uncertainties, postponing the fundamental issues for unimportant things of the moment.

On March 28, 1950, *Ei Mundo* wrote another editorial entitled "Clear Words" where it said:

"Clear words were those uttered by Secretary Oscar L. Chapman, Department of the Interior, in an interview broadcast recently.

"In his statement, Mr. Chapman has reaffirmed truths which we had pointed out in an editorial; truth which had not pleased those who love to play with words when dealing with one of the most serious things pertaining to a people: their political future.

"Chapman has reaffirmed that Alaska and Hawaii know they want statehood, and they have shown they want statehood.

"Chapman has reaffirmed that Puerto Rico does not know what it wants, since the Puerto Ricans have not even had a referendum on such a vital question.

"In Puerto Rico no referendum has been held on the political status. No election in the past can be taken as the vote of the people for independence, for statehood, or the status quo.

"Yet there are people who insist on affirming that Puerto Rico has already decided herself for the status quo, at least until the coming generation.

"There is another statement made by Mr. Chapman which is of the utmost importance for the Puerto Ricans.

"The Secretary of the Interior says that the Puerto Ricans can have a referendum whenever they wish it themselves.

"Puerto Rico does not need an authorization from Congress to determine which is the path she wishes to follow.

"Puerto Rico has not decided to walk the path of Statehood, but she could so decide were the matter submitted to her in an independent election.

"Puerto Rico has not decided to walk the path of independence, but likewise she could so decide in an election made to solve such a vital issue.

"If the island decided herself for statehood or for independence the administration and Congress would understand clearly which are the insular aspirations.

"To wish for statehood, the island does not need to be in an optimal situation, nor is it necessary that Congress have previously decided to grant her statehood.

"Hawaii and Alaska know that their aspirations have to meet objections in Congress and in part of the American people. But this has not stopped their public figures and representatives from hammering on the idea. Sooner or later, Hawaii and Alaska will see themselves admitted as States of the Union.

"To wish for independence, Puerto Rico does not need to be in a situation which will allow her to assume her independence immediately. The Philippine Islands knew they wanted independence and at last they had it, after a 20-year readjustment period fixed by Congress. And later, during the initial years of life as a republic, the Philippines have had the help and advice of the American people.

"Once Puerto Rico knows, without speculation, which way she is going, then a period of preparation and readjustment can be very beneficial. But we cannot grow and advance toward a goal, until we have fixed that goal.

"This is light which Puerto Rico needs.

"We cannot walk toward statehood and toward independence at the same time within the limbo of the status quo.

"Puerto Rico will not know which way she is going as long as the politicians (yesterday's, today's, tomorrow's) continue to fish for advantages in the troubled waters of the uncertainties of the status quo.

"According to Muñoz' words in Washington the Fernós bill does not lead to statehood. According to Fernós' words at Fordham, the bill does not lead to independence. It is a pact, a consent of the Puerto Ricans to their union with the United States. It is a consecration of the status quo.

"It is about this we want more light.

"Upon supporting Fernós' bill before Congress, is the island pledging herself to continue the present relations with the United States? Is she pledging to continue to postpone ad infinitum the referendum about her future?

"If the people of Puerto Rico, under the provisions of the Fernós bill converted into law should adopt what some have insisted in calling a Constitution, would the

final political aspirations of the Puerto Rican people be determined in this constitution?

"If the status issue were evaded, the Fernós bill will not be anything else but an amendment to the organic act, as we have maintained, and the so-called constitution, a political convenience, but not a political solution.

"And Puerto Rico will remain not knowing what she is or what she wants to be.

"Why not take advantage of the clear words of Secretary Chapman and accompany them with other clear words and clear deeds as well?"

El Mundo wrote several other editorials, among them one written on March 31, 1950, entitled "Muñoz speaks more clearly," where it says:

"Mr. Muñoz-Marín said that for the time being we do not have to think either of statehood nor of independence.

"He stated further that he imagined that the Puerto Rican people will tend toward a permanent union with the United States. He gave as an example the fact that our economy is completely integrated with that of the Union and that this relationship is mutually beneficial.

"In this way he discards independence.

"Later he adds that statehood is too expensive, pointing out that the island will have to pay Federal taxes in an amount almost as high as the present insular budget.

"These statements coincide in their orientation with former words of the Governor, but this time his position is more clearly stated.

"Now he does not speak of statehood for the coming generation.

"Now he says plainly that we must not think of statehood or independence. He states that Puerto Rico is right now practically 'a new kind of State,' and that to 'put this fact into a law would be profitable for both Puerto Rico and the United States.'

"This would solve the issue of the political status,' the Governor says, 'which now does not allow us to dedicate our energy to the very difficult and more essential task of solving our economic problems.'

"In other words, the consecration of the status quo, of 'the new State', is the Governor's formula for the solution of the political status problem.

"And when the voters of Puerto Rico vote for the constitution that Muñoz-Marín proposes to the people, they will be accepting and confirming that Puerto Rico is content to maintain the present relations as an adequate political status.

"Independence and statehood are not postponed for the coming generations. They are postponed for eternity.

"It has been useless for the island to have been preoccupied all these years regarding the problem of her political status, when the problem had the simple solution of consecrating the status quo, a solution that is so evident and clear to Mr. Muñoz-Marín and to Dr. Fernós.

"Is it equally so to all the Puerto Ricans?

"It is equally so to the whole world?"

El Imparcial in its editorial of March 2, 1950, entitled "We Do Not Want Intermediate Solutions," said in part:

"Since Governor Muñoz-Marín has so great an influence in the United States, why does he not try to liquidate the system of colonial government which prevails?

"The constitution which Muñoz upholds is no constitution at all, since the so-called constitution is no different from the Campbell bill and the Free Associated State bill, which caused so much political noise in Puerto Rico in the past.

"The constitution is only a new colonial modality.

"The people do not want a little more liberty. They want full liberty. They want the problem to be solved in its essence, either with complete independence or with statehood.

"They do not want colonialism in disguise, wearing the mask of a constitution."

In an editorial dated March 17, 1950, entitled "With a Different Collar," El Imparcial said:

"Antonio Fernós-Isern and Luis Muñoz-Marín have needed 2 years to write the 541 words of the bill which they have presented before Congress, and through which they confirm, consolidate, and consecrate in the uttermost expression of servitude, or colonial state.

"Does this bill presented to Congress fulfill the political pledge Muñoz and his party made to the voters? No. The bill ridiculously called constitution bill, does not do anything except allow the legislature to subscribe as hers, as if of her own making, the very same provisions of the present organic act, and for that we

would have to go through the humiliating farce of a constitutional assembly that will not constitute anything, and which will only ratify the antidemocratic basis of our political relations with the United States, which will continue to be fundamentally the same as they are now.

"The so-called constitution only shows that Muñoz-Marín has placed himself against the will of the people; he has deserted the independence ranks; he does not waste an opportunity to discredit statehood: the two great aspirations of political dignity shared by the Puerto Rican masses.

"His political mission seems to be that of assuring a penalty of 50 more years of colonialism for Puerto Rico.

"It is the same dog with a different collar."

El Día has written many brilliant editorials against H. R. 7674 in the same vein as those written by El Mundo and El Imparcial and which I have quoted.

On the occasion of the refusal of the leaders of the Popular Party to discuss at the university H. R. 7674, El Día said in an editorial the following:

"A MAN IS NEEDED

"Our colleague El Mundo reported yesterday that the Fernós' constitution bill may not be discussed in an open forum at the university since a man was needed to undertake the defense of the constitution bill before Dr. Juan B. Soto, who would defend statehood and before Prof. Rafael Soltero Peralta, who would defend independence.

"The Circle of Social Studies at the University of Puerto Rico, presided by university student Sergio Pena, Jr., an organization which sponsors the said open forum, has endeavored to see the bill discussed before a university audience by three representatives of the three named political aspirations with followers in this country: 1. Statehood. 2. Independence. 3. A semicolony with additional franchises, as proposed by the constitution bill of Resident Commissioner Fernós-Isern.

"Dr. Juan Bautista Soto and Dr. Rafael Soltero Peralta, both professors at the University of Puerto Rico, the first one affiliated to the Statehood Party, and the second affiliated to the Independence Party of Puerto Rico, accepted with pleasure the invitation to appear at the proposed forum to defend their respective political ideals.

The third speaker was missing. The principal speaker, since without him there could be no public discussion of the constitution. The Circle of Social Studies turned to a number of university teachers who are members of the Popular Party, hoping that one of them would accept to discuss the bill from the point of view of the Populares, but no one accepted, so El Mundo informs.

"The university then turned to the attorney general, Vicente Geigel Polanco, one of the outstanding leaders of the Popular Party, and to Attorney Jose Trias Monge, known to be one of the coauthors of the constitution bill, but neither the former nor the latter accepted the invitation.

"So it is that 'a man is needed.' One who will defend the semicolony of Dr. Fernós' constitutional bill. One who will say as did Senator Samuel R. Quiñones: 'Why keep on talking about independence or about statehood?'

"An intellectual is needed that face to face with the intellectuals Juan B. Soto and Rafael Soltero Peralta, repeat to the people—as Mr. Muñoz-Marín and Dr. Fernós-Isern are saying that Betances and de Hostos, Barbosa and de Diego, Iglesias and Martínez Nadal were sadly mistaken in their pleas for the solution of the sovereignty issue: some asking for independence with international separation, others pleading for independence within the Federal Union.

"The professors members of the Popular Party do not wish to accept such a request.

"Neither does Attorney General Geigel Polanco.

"Nor coauthor of the constitution bill Trias Monge.

"'A man is needed.'

"But the university students are not discouraged. El Mundo also informed that they will possibly turn to Governor Muñoz-Marín 'asking him to choose someone to accept the proposition and defend the point of view of the upholders of the bill.'

"'A man is needed.'

"Who will accept the task?

"Mr. Muñoz-Marín and Dr. Fernós-Isern will surely be very grateful to the spirited 'Popular' who undertakes to face two free men to defend the semicolony, to defend a little more political power for whichever fellow countryman be at the head of the government of Puerto Rico.

Professors Soto and Soltero Peralta will surely show Christian understanding toward anyone having the courage to appear before the students of the University of Puerto Rico to maintain that there is no need of struggling for liberty and dignity; that the urgent thing is to get a safehold on a dish of lentils.

"A man is needed."

"The man needed will be sure to get any place of honor or a well-paid position in the present Puerto Rican government, if he does not have it already, because that man will be entitled to the deep gratitude of the regime for answering yes where Popular-Democratic Professors Geigel Polanco and Trias Monge said no with upset spirits."

Mr. MARCANTONIO. The political writers of the most important magazines of the island have also expressed themselves against H. R. 7674.

So have the students of Puerto Rico.

So has the General Federation of Workers (Authentic)—that is, Confederación General de Trabajadores (Authentica)—presided over by the respected labor leader, Attorney Francisco Colon Gordiany.

So has the General Union of Workers—UGT—presided over by Mr. Juan Saez Corales, cofounder with Mr. Colon Gordiany and others of the government-controlled General Confederation of Workers. The General Confederation of Workers had a split in 1945 and gave growth to two labor organizations, the one headed by Mr. Colon Gordiany and the government-controlled group. The leader of this group is Speaker Ernesto Ramón Antonini, at one time law partner of Senator Gutierrez Franqui.

Any observer of the political situation in Puerto Rico will come readily to the conclusion that the opposition in the island to H. R. 7674 is profound and widespread—and that is why I think a visit by the committee to the island is called for so you will see for yourselves how the people feel about it—extending from San Juan in the north to Ponce in the south, and from Luquillo in the east to Mayaguez in the west.

In New York, where so many Puerto Ricans live, the sentiment is overwhelmingly against H. R. 7674. In fact this Sunday a conference of all political groups and political faiths are coming together to find means to petition Congress to send representatives to Puerto Rico to find out whether the sentiments of the Puerto Rican people are against this bill. There have been public demonstrations organized against the bill. Various groups have requested permission to testify in opposition to this bill.

The Spanish press in New York has published the protests in the island and in the city against the bill, and the daily Spanish newspaper, *Diario de Nueva York*, has written several well reasoned and documented editorials against H. R. 7674.

I do not think that the Congress of the United States should allow itself to be made part of the perpetration of a fraud. H. R. 7674 is a fraud. I address myself to the lawyers of this committee and ask them: Does H. R. 7674 authorize in fact the people of Puerto Rico to frame a constitution of their own? Well, does it?

What is a constitution? A constitution is the supreme law of the land. Who drafts a constitution The people. On what authority? On the authority derived from its power of sovereignty. And what is sovereignty? Sovereignty is the supreme authority or ultimate power. The word sovereignty comes from the Latin *summa potestas*, which means supreme power.

The power of sovereignty is in our modern world the power of the people to draft its own constitution. This means that the people cannot draft a constitution if they do not have sovereignty.

Is the Congress relinquishing its sovereignty over Puerto Rico in favor of the island if it approves H. R. 7674? The answer is no. Therefore, Congress is not giving ultimate power to Puerto Rico over

If H. R. 7674 does not give Puerto Rico the right to draft a constitution which cannot be revoked, amended, or suspended by the Congress of the United States, then it is not giving the island the power to draft what is called a constitution, in international law, and in our constitutional law.

I think we all agree, gentlemen, in the proposition that if H. R. 7674 is passed, the Congress of the United States can exercise at any time the power to revoke, amend, or suspend the so-called constitution drafted by the people of Puerto Rico.

Any student of constitutional law will affirm that there are only two ways through which the Congress can recognize sovereignty to the people of Puerto Rico, to wit, either by admitting the island as a State of the Union, or by recognizing their independence. Only through these two methods can the Congress authorize the people of Puerto Rico to draft a real constitution, one that cannot be revoked by the Congress of the United States nor by any other power of these United States.

Under our constitutional system, the Congress has power, inherent power, to legislate for the Territories and to revoke, amend, or suspend any law passed by the said territory. Usually the Congress inserts a reserve clause in the organic laws approved for the Territories. But our Supreme Court has held that the clause referred to is unnecessary as the Congress has the inherent power to do that.

If H. R. 7674 is passed, does the Congress relinquish its right of annulling, amending, or suspending any law approved by the legislature of Puerto Rico? Certainly not.

And that is so because of the inherent power of the Congress over the Territories. Because of that inherent power, even though H. R. 7674 is passed, the Congress of the United States will retain power to annul all legislation approved by the Legislature of Puerto Rico, even though H. R. 7674 in its section 5 (2) provides for the repeal of section 34 of the Jones Act which reads, as follows:

All laws enacted by the Legislature of Puerto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same.

Even though the above is the case, H. R. 7674 was drafted in such a manner as to perpetrate a fraud.

Why do I say that? In the first place I say that because of the elimination from the Jones Act of the reserve clause contained in section 34 to give the impression to the people that the Congress is relinquishing the said power. There is no one here that can contend the repeal of section 34 takes away in any manner the power from Congress to alter, amend or change any law that the Legislature of Puerto Rico might enact, pursuant to any so-called constitution.

In the second place, I say that because section 2 of H. R. 7674 says that the law, if passed, will be "in the nature of a compact" between the Government and people of the United States and the government

and people of Puerto Rico." May I repeat those words, "in the nature of a compact." What is the purpose of those words? They are put in there purely for no other purpose than to make a lot of poor people feel good, whether they are getting sovereignty or not.

What is the meaning of that phrase, "in the nature of a compact"? Compacts are bilateral agreements which obligate both parties. Does the above phrase in the bill mean that once the law is passed, Congress will not have power to annul the laws approved by the Legislature of Puerto Rico? Does it mean that once the bill is passed, the Congress will not be able to legislate for Puerto Rico except as agreed by both parties in the "compact"?

Of course, as an attorney, I know that the phrase "in the nature of a compact" in the bill means nothing, that it constitutes surplus language and imposes no additional obligation upon the Congress of the United States nor takes away any power it now has, but it is put in there solely to deceive the people of Puerto Rico.

The use of the word "Constitution" is also deliberately employed to cheat the people of Puerto Rico. In international and constitutional law words have a precise meaning. That is why the "smart" authors of the bill used the word "Constitution," inserted the word, "compact," and put in a so-called repealer of section 34 of the present organic act.

H. R. 7674 is a deliberate attempt to deceive the people of Puerto Rico.

In the debate which took place in the Puerto Rican Senate on H. R. 7674 the president of the senate, Attorney Samuel R. Quinones said that once the bill is passed, the Congress would not have the power to annul the constitution because of the meaning of the word, "compact", which imposes bilateral obligations on the parties involved.

Yet it is well known that this Congress has no power to make irrevocable any law approved by it, because of the well-known principle that no Congress can limit or abridge the power of another Congress to discharge its responsibilities.

If this Congress should approve H. R. 7674, a point which I do not concede, it would do it in the exercise of the power given it by article 3 of the fourth amendment of our Constitution, and in the exercise of that same power a future Congress could annul, and amend or suspend the same, as well as any so-called constitution drafted on the basis of the power granted by the approval of H. R. 7674.

MR. ASPINALL. Congressman Marcantonio, how much longer will you take to finish?

MR. MARCANTONIO. I am on page 34. I have to go to page 51.

MR. ASPINALL. I am sure that you have an interesting paper, and the fine way in which you have made your position has aroused some very pertinent questions on the part of the committee.

MR. MARCANTONIO. I have only made part of them. There are two other points I think that from my standpoint I deem to be very effective in the argument.

MR. ASPINALL. Could you make them a little quicker? We have another of our colleagues here who wishes to make a statement too, and we want him to make it.

We will not interrupt you.

MR. MARCANTONIO. I will try to make this as fast as I can, and I think the committee will forgive me this time. I deeply appreciate it.

H. R. 7674 has no other effect, if passed, than to amend the organic act of Puerto Rico to allow the Governor of Puerto Rico to appoint the judges of the supreme court and the auditor of the island. If that is the case, why not call things by their right name and not use a misnomer? Why try to give the impression that we are relinquishing our sovereignty in favor of the people of Puerto Rico? Why try to confuse the people and deceive them? Why make the people of Puerto Rico undergo the electoral process leading to a constitutional convention and make them meet in such a convention for such innocuous purpose as the one contained in H. R. 7674?

Under H. R. 7674, Puerto Rico would continue to be a Territory of the United States. All the provisions of the present organic act which represent an exercise of sovereignty in any sense whatsoever are preserved in the statute as a so-called law of Federal relations of Puerto Rico. The Congress of the United States would retain its power to legislate for Puerto Rico and the Constitution of the United States would be paramount, the same as it is now, and would continue to be the supreme law of the land in Puerto Rico not only in Federal matters but also in local affairs. The so-called constitution, once approved by the Congress, would be only a law enacted by Congress and subject to the will of this Congress and every future Congress. It is clear, as I said before, that H. R. 7674 does not give the people of Puerto Rico the power to draft a constitution in a real sense, nor does it give Puerto Rico any power of sovereignty.

The position of Commissioner Fernós is based on extravagant speculations which have no basis in our constitutional law, in our history, in our mores and traditions, and is against the best interests of the people of Puerto Rico.

Not a single economic power is given Puerto Rico by H. R. 7674.

No additional jurisdiction is given Puerto Rico in the organization of its judicial system.

No extension of the jurisdiction of the people of Puerto Rico over its territory, its air and waters, and the life and liberty of its people is given by the bill.

No representation is given the Puerto Ricans in the Congress.

In short, the colonial system remains intact in Puerto Rico.

It is a fact, as I demonstrated in my speech delivered before the House on March 16, 1950, and made a part of my testimony, that Puerto Rico is a colony of the United States.

In an article written in the March 1948 issue of the News Letter of the Institute of Ethnic Affairs, Inc., published at 500 Otis Building, 810 Eighteenth Street NW., Washington, D. C., Attorney Felix S. Cohen, former Associate Solicitor of the Department of the Interior, now in private law practice in Washington and working as visiting lecturer at Yale Law School and at the College of the City of New York, shows that the colonial status is at the root of the problems of Puerto Rico. Mr. Cohen entitled his excellent article, "Puerto Rico's Problem—Colonialism."

In the said article Mr. Cohen says:

The problem of colonialism will continue so long as Puerto Rican workers are prohibited by the act of a Congress in which they have no vote, from refining the sugar they grow. The problem of colonialism would continue even if Puerto Ricans should cease to love their wives, their children, and their country as passionately as they now do, and thus bring into being a stationary or even a

declining population figure. * * * The wealth of Holland, like the wealth of Massachusetts and Rhode Island, sprang from its people, from their love of freedom—political, economic, and spiritual—and from their willingness to make every sacrifice to achieve that freedom. These resources of Holland are also the resources of Puerto Rico.

The government of Puerto Rico took that same position in the case against the continental sugar refineries. In the brief filed as intervenor in the United States Court of Appeals, District of Columbia, No. 9769, against the Secretary of Agriculture and Porto Rican American Sugar Refinery, Inc., and the American Sugar Refining Co., on May 19, 1949, the government of Puerto Rico said:

The question presented here is simple and clean-cut. Has the Congress the power to convert Puerto Rico into a plantation, to limit its industry to the production of raw materials, to exclude it from all processing and manufacture for mainland consumption? Has the Congress the power to abridge the rights and liberties of the citizens of the United States living and doing business in Puerto Rico in order that it may confer special privileges upon a favored group of citizens of the United States who live and do business on the mainland? Has the Congress the power to impose upon Puerto Rico, its economy, and its citizens, the iron fetters of the old colonial system?

Section 207 (b) of the Sugar Act of 1948 should be declared null and void as abridging the liberty of persons without due process of law, as running contrary to the intent and spirit of the Constitution, and as seeking to impose upon a group of citizens of the United States a permanent colonial status.

In the final plea before the conclusion, the government of Puerto Rico said, page 93 of the brief:

The issue before this court is a matter of life and death to Puerto Rico. Its economy, its chance at industrial development, its capacity for advancing the standard of life of its people, hang on the decision presently to be made. The government of Puerto Rico can say in all sincerity that here is a serious matter as could come before a court of justice. For the issues reach far beyond the immediate question presented by the accused section of the act. They involve alike the political status of Puerto Rico, the position of that Territory in our Federal system, and the relation of the insular to our national economy. For, if it should be held by this court that the Congress has the power to fix a maximum for the number of tons of direct-consumption sugar which refiners in Puerto Rico may market in the continental United States, it follows as of course that the Congress has the power completely to exclude sugar refined in Puerto Rico from the mainland market. If such an unrestricted power belongs to it, the Congress has adequate authority to decree the amounts of rum, plywood, textiles, chinaware, glass bottles, furniture, and soap of island fabrication which can be marketed upon the mainland. And if the Congress may fix maxima in respect to each of these and all other fabricated or processed goods, it possesses the power, at its pleasure, to exclude any or even all articles of merchandise produced in Puerto Rico from the mainland market. The rights and liberties at stake are not limited to the Puerto Rican refiners and their employees. The government of Puerto Rico is under an obligation by encouraging manufacturers, to afford opportunities for employment to masses of its citizens. The capacity of its agricultural resources to care for its population has been fully exploited. Its only chance at salvation lies in the fabrication of goods for mainland markets. The threat of the new colonial system hangs over it more heavily than the pressures of the old colonial system upon the people of the North American colonies. For in 1776 the frontier beckoned, and a wide-open continent was there to relieve the pressures of British policy. Its population density allows to the people of Puerto Rico no escape save through the development of processing industries. To find the power of the Congress in question to be lawful is to deliver the liberties of the people, their industrial opportunities and the economy of Puerto Rico into the political control of the Congress.

The peril is the more ominous, because there is no political avenue for the redress of grievances. Although its citizens are citizens of the United States, only local suffrage has been extended to Puerto Rico. Its people elect their Governor, their officials, the members of the two houses of their legislature. But the acts of its legislature are subject to Presidential veto and to the revision

or the annulment of the Congress. The island is represented in the Congress by a single Resident Commissioner, who sits in the House of Representatives, participates in discussion, but has no vote. Against the doom of consignment to a colonial status, the people of Puerto Rico have no defense except to ask judicial protection of the rights and liberties guaranteed to them by the Constitution. If this court fails them, there is no other way to salvation.

And the court failed them. Not only the district court of appeals but the Supreme Court as well. On February 1950 the Supreme Court recognized the right of the Congress to limit the amount of Puerto Rico's own sugar she can refine for sale in interstate commerce.

Commenting on the decision, the bulletin of the Office of Puerto Rico, Puerto Rico, published every month at 1026 Seventeenth Street NW., here in Washington, official publication of the government of Puerto Rico, said:

Denying the insular government's appeal that such limitations be declared unconstitutional, the Supreme Court upheld the 1948 Sugar Act. Justice Felix Frankfurter, who read the decision, said in effect that Congress has the right to adjust insular sugar production, refining, and marketing to suit the national and local interest.

The Court's decision means that Congress can continue to tell Puerto Rico that she can only refine 126,033 tons of the 910,000 tons of the raw sugar the Sugar Act allows her to sell on the mainland. This means an annual loss to the island of an estimated 4,000 jobs and \$20,000,000 in income.

The Puerto Rico Public Service Commission estimated the loss at \$30,000,000 and some economists estimate the loss at \$40,000,000.

In view of what I have said, I submit the following amendments to H. R. 7674. This is the old version, not the new one:

Section 7: Section 207 (b) of the Sugar Act of 1948 is hereby declared null and void.

This is in keeping with Muñoz-Marín's promise to the people to see to it that the restriction limiting the refinement of Puerto Rican sugar be eliminated.

Section 1: It should be rephrased in order to strike out the clause "in the nature of a compact."

Section 8: The Legislature of Puerto Rico is hereby authorized to call the people of Puerto Rico to a plebiscite at any time that the said legislature would deem it convenient, so that they may decide with their votes:

(a) If they would like Puerto Rico to establish herself as an independent republic under the most favored conditions that the United States now extends to independent countries; or

(b) If they want Puerto Rico to be admitted as a State of the United States under the same conditions now covering the other States of the Union; or

(c) If they are in disagreement with the legislature on the point that the existing conditions make it feasible for Puerto Rico to establish itself as an independent republic or to be admitted as a State of the United States of America.

The Congress of the United States hereby agrees to act in accord with the preference shown by the people of Puerto Rico in the aforesaid plebiscite.

Section 9: Section 7 to be renumbered section 9.

Further, there must be written guaranties against the use of public funds to influence any plebiscite or referendum.

Mr. Chairman, I feel most strongly that the enactment of this bill will be a direct disservice to the people of Puerto Rico. I have come here today to urge that H. R. 7674 be voted down in committee as legislation which can only hinder and not help the Puerto Rican people as they try to work out their economic and political problems in a democratic manner.

I will present to this committee what I know to be some of these problems and what I, and thousands of working men and women of Puerto Rico, believe to be the only realistic solution to them.

I want to make clear at the outset that this is no simple bill merely permitting local self-government or a local constitution in Puerto Rico. It is in fact much more—and the sponsors of the legislation have made this clear in their statements. It is these deeper implications of this legislation which I urge this committee to recognize and to reject as inimical to the best interests of the people of Puerto Rico.

Both the Resident Commissioner and the Governor, as I have heretofore stated, have had occasion to describe this bill simply as a legislative recognition of the existing political and economic ties between Puerto Rico and the United States mainland.

It is that.

In fact, the Resident Commissioner stated quite explicitly, while discussing H R. 7674:

* * * we in Puerto Rico may be mindful of our basic economic and political relationships (with the mainland). We do not want to dissolve them, we do not want to disturb them, etc.

I would put it more explicitly and positively. This bill not only recognizes but it accepts and acclaims the present economic and political ties; and if enacted, this bill would further solidify these relationships which are essentially disastrous and humiliating to the Puerto Rican people.

This is my basis for opposition.

In this bill we can see an attempt to get the people of Puerto Rico to register their consent and agreement to the past 50 years of economic exploitation by mainland interests—and do this under the guise of enacting a local constitutional government.

Gentlemen, it is most edifying to read the statements supporting H. R. 7674 that have been made by the Resident Commissioner and the Governor. For both these gentlemen have been most anxious to state what the bill is not—what it does not aim to accomplish.

It is not a first step toward statehood; it is not a step in the direction of independence. It is something new altogether. In fact, to quote the sponsor of this legislation:

We are developing a new pattern of federation, applicable to our circumstances, which do not permit us at the present, nor in the foreseeable future, to develop along the classical lines and the uniform pattern followed by former and present territories in their ascent to statehood.

Under this so-called new pattern of federation H. R. 7674 would permit the adoption of a local constitution, while leaving undisturbed the entire network of economic control that has spelled unspeakable poverty for the Puerto Rican people over the past 50 years. This is the crux of the problem.

I cannot emphasize too strongly that legislation which only formalizes the local self-government that now exists in Puerto Rico under the organic law—that in fact formalizes the facade of political democracy—while recognizing and leaving undisturbed the whole economic structure of this one-crop economy which is sucked dry by mainland financial and business interests is bad legislation. It is undesirable legislation.

It is undesirable from the point of view of the aspirations and needs of the people of Puerto Rico. It is undesirable from the point of view of the democratic tradition of the United States.

For the past 52 years, since United States troops landed in Puerto Rico, that country has been under the political and economic control of the United States.

In this brief span a complete revolution has taken place in the economic and political life of the island. What was once a fairly thriving diversified agricultural economy has become a sick, one-crop economy which brought uncounted millions to the absentee American owners of the sugar crops and privation, misery, and poverty to the Puerto Rican people. What was once a community taking its first bold steps in the direction of self-government and independence has become a colonial appendage of the United States.

This committee should have these facts in mind when it measures this bill in the balance of what has been and what is in Puerto Rico.

Puerto Rico was not discovered when General Miles landed in Ponce in 1898.

For almost 450 years these people have been living in Puerto Rico, with a culture, a language, and a tradition completely their own. Under the Spanish Empire Puerto Rico was for many years a province with representation in the Parliament in Madrid. And in 1897, because the people of Puerto Rico were themselves on the move and reaching out for the kind of freedom and liberty they could see on the United States mainland, Spain was forced to concede dominion status and to permit the creation of a self-government constitution.

In 1897 Puerto Rico was on the verge of achieving complete independence from Spain.

But by 1899, after the Treaty of Paris had been ratified, Puerto Rico was placed under military government. It was an American military governor who suspended the self-government constitution, and the United States War Department was the dominant voice in the affairs of Puerto Rico up to 1934. Since then the Interior Department has taken over.

I believe that an examination will show that the first organic act of 1900, the more liberalized act of 1917, and the subsequent amendments, even to including the right to election of the Governor, passed in 1947, have not yet restored to the Puerto Rican people the level of independence they had already reached in 1897.

This may appear like ancient history to this committee, but it is not to the people of Puerto Rico.

Essentially a most profitable economic exploitation of the people and the resources of Puerto Rico has developed in the past 50 years. Profitable, but not for the people themselves. It is an economic exploitation which could only have taken root where political freedom and political expression were circumscribed. Today vague gestures are being made in the direction of political democracy and political freedom. But the essence of the control, the economic domination of Puerto Rico by the United States, continues undisturbed.

And, what is most shocking, the proponents of this legislation come here and try to curry support for their bill by proving that they have no intentions of disturbing the economic shackles that tie Puerto Rico. What a farce.

Sugar has spelled economic tragedy for Puerto Rico.

A steadily growing population, a bare subsistence standard of living, maldistribution of wealth, concentration of land holdings in the hands of a few, these are some of the most pressing problems of Puerto Rico. And these problems are linked with the structure and operation of the sugar industry.

The sugar industry is the largest single employer of labor; it does more business each year than all the other industries of the island combined; it dominates the external trade of the island.

Puerto Rico is sugar. And Puerto Rico is a sick island.

I will not burden the record of this committee with the statistics of the wealth and influence of the sugar industry. I think that no one would disagree with the statement that today the economic structure of the island is the sugar industry, and little more.

Nor will I repeat in detail the poverty and misery which is the lot of the common man and his family in Puerto Rico today. These facts have been repeatedly recorded by congressional committee after congressional committee. Yet in all their detail and in all their statistical dryness and accuracy they give no inkling of the bitterness and emptiness—the hopelessness—of the lives of these people.

It was from this horror of unemployment and insecurity that 10,000 workers and their families are fleeing in unsafe, overloaded planes to work on farms on the mainland. The plane crash on Monday, June 5, with the loss of 28 lives, is not the first of such incidents. It happened because these unhappy, exploited people have no alternative but to accept seasonal work on the mainland. There is little prospect for them in Puerto Rico. And they are packed into planes and sent into the harvesting areas with a callousness that is hard to imagine.

In the past 50 years Puerto Rico has been changed into a sugar island. To the thousands of workers who earn their living in the sugar fields or in the sugar mills, the industry furnishes only spasmodic employment. From the height of the cutting period to the period of mill shut-down, thousands upon thousands move from intense hard labor to complete idleness. And this cycle, year in and year out, is reflected in every other part of the Puerto Rican economy.

Concentrating on the production of sugar, the island of course must import practically every major item of consumption and living.

Rice, beans, and dried codfish. A few clothes. A shack. This is the life of the Puerto Rican worker. And it all comes from the mainland, with every article priced far above the mainland prices.

It does not take much thought to conclude that only through industrialization and through diversification of agriculture, with higher wages all around, can the Puerto Rican people hope to raise their standard of life.

But I am convinced that a healthy industrialization and diversification of production and a real economic growth can never come about until after the present economic shackles and domination by the mainland are both destroyed.

So long as the sugar economy produces profits for a few selfish and greedy mainland interests, so long will the status of the island continue as it is—for these feed on each other—and a program for industrialization and diversification in the interest of the people will never come to life. Only industrialization which exploits these people as

the sugar industry always has in the past will grow in Puerto Rico under these circumstances.

And the so-called operation "bootstrap," the widely heralded program of industrialization, holds out about as much economic hope for the Puerto Rican people as H. R. 7674 holds out political hope.

Both are self-defeating because they accept the present economic and political status of Puerto Rico as fixed and healthy rather than as they truly are—the center of the whole cancerous problem.

This identification of operation bootstrap with H. R. 7674 is not mine alone. The sponsor of this bill has himself described H. R. 7674 as—

an expression of the same program of advancement which is embodied in "Operation bootstrap."

Let us look at this for a moment.

A subcommittee of the House Labor Committee recently held hearings in Puerto Rico on minimum wages and education in the island. Running over a week's time during the latter part of November 1949, these hearings made clear how complete a failure this "operation bootstrap" has been.

"Operation bootstrap" hopes to attract industrial operations by offering cheap, unskilled labor and substantial tax savings to mainland businessmen.

The concern whose movement to Puerto Rico recently received most press notices has been, of course, the textile corporation known as Textron. Senate hearings were held on Textron's decision to shut down their Nashua, N. H., operation, and open up in Puerto Rico, and these, of course, are available to the committee. They should be read carefully.

With rate of pay approximately 60 percent of what workers on the mainland obtain for the same work, it is not surprising that a few American firms are beginning to move factories to Puerto Rico. But the net result to date of these attempts to picture Puerto Rico as the businessman's paradise have so far been slim.

In the House Labor Committee hearings to which I have already referred, Mr. Teodoro Moscoso, Jr., president and general manager of the Puerto Rico Industrial Development Co., summed up the history of the operation.

The Industrial Development Co. was established by the Puerto Rican Legislature late in 1942. Up to June 30, 1949, \$22,000,000 had been appropriated for the use of this company in industrializing Puerto Rico.

During the 6 years of operation a total of 7,233 jobs were created by plants operated by businessmen attracted from the mainland by "Operation bootstrap." And of this number 3,440 or almost half were home-work jobs.

That is some record in a country where each year for the past 3 years the labor force has increased by 22,000 men and women.

That is some record in an area in which out of a population of 2,200,000 over 300,000 are unemployed.

The problem of the worker in Puerto Rico is not to find a well-paying job, but to find any job whatsoever. That is what he has been restricted to.

To read the statements of these gentlemen who are guiding the industrialization program is to be convinced of its ultimate failure.

They, of course, put the blame for the failure upon the Puerto Rican people who, to believe these gentlemen, are slow, stupid, not mechanically minded, and all the rest.

This is a slander and a libel which is being repeated in quite a major portion of the United States. It is a libel and a slander on the people of Puerto Rico. But that libel and slander is helped by whom? Let me quote Mr. Moscoso, to whom I have already referred.

Mr. Moscoso made clear how low his sights are set, when he told Congressman Kelley:

Well, in Puerto Rico proper we believe that a lot of jobs, from which people shy away in the States, might eventually come down here, and of course, it is not a too hopeful picture to think that these kinds of jobs are the ones that will eventually get here, but we have to start somewhere.

This from the director of Operation Bootstrap! Puerto Rico is to become the source of labor for the jobs which employers cannot convince mainland workers to fill, the lowest paid, the drudgery jobs, these are to be for the Puerto Ricans. That is for the future. The sponsors of the bill and the Government for which they speak have written for the people of Puerto Rico.

I see no need to say more about Operation Bootstrap. It should be clear to this committee that this is no program to industrialize Puerto Rico, to raise the standard of living and make fuller and happier lives for the Puerto Rican people. It is instead a program to peddle the Puerto Ricans to the highest bidder from the mainland.

It has not worked and it will not work, no more than this bill has worked.

Puerto Rico has arable land, it has some mineral resources, it has many people. With all these resources directed in a program clearly in their own interests, these people can begin to solve their own problems.

And these economic problems, like these political, can only be solved if the people of Puerto Rico can exercise their own sovereignty as an independent state.

I am not so naive as to think that independence would overnight end all the problems of the Puerto Rican people. But I know that independence would release the energy and the creativeness of these fine people to meet their problems and to solve them by their own efforts.

Without independence I see no solution. And since H. R. 7674 represents another obstacle in the road to independence, I oppose it completely and urge upon you that it be voted down in committee.

In conclusion I state:

Our country is a signatory to the Charter of the United Nations.

The President in his most recent report on the UN to Congress dated May 22, 1950, described the charter as "express(ing) our fundamental aims in the modern world."

Chapter XI of the charter states that member nations recognize that the interests of nonself-governing territories are paramount and that the member nations pledge:

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.

and so forth.

I submit that it is time some of this high-sounding language be brought down to earth around home and a taste of the real meaning of these pledges given to the people of Puerto Rico.

Mr. ASPINALL. Congressman Marcantonio, for the committee I wish to thank you for a most inclusive and excellently prepared statement in opposition to this bill.

At this time I am going to ask our colleague, Congressman Howell, of New Jersey, to make his statement supporting the bill, after which statement we will have our questions directed to Congressman Marcantonio, if you will just hold yourself in readiness.

Mr. MARANTONIO. Yes.

Mr. ASPINALL. Very well, Mr. Howell.

**STATEMENT OF HON. CHARLES R. HOWELL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HOWELL. Mr. Chairman, I am Charles Howell, a Member of Congress from the Fourth District of New Jersey. Last year, as a member of a subcommittee from the House Committee on Education and Labor, I visited the island of Puerto Rico for the purpose of studying education and labor problems, especially in connection with the Fair Labor Standards Act, among citizens living on the island, so that our committee might know how to proceed with proper legislation to protect the rights and promote the general welfare of these citizens. To secure this knowledge, our subcommittee traveled extensively throughout the Territory, holding public hearings in various cities of the island, and everywhere talking with people in all ranks of life and types of employment.

As a result of these ways, many conversations with the people of Puerto Rico, I am personally convinced that they have reached the place in their political and economic development when it is both fitting and proper that they should draft and adopt a constitution to provide for their own self-government.

The political development of Puerto Rico has proceeded in an orderly and logical manner. In 1900, soon after acquiring sovereignty over Puerto Rico, the United States Congress enacted the Organic Act of Puerto Rico, which accomplished a political and economic union between the United States and Puerto Rico. In 1917 the people of Puerto Rico became citizens of the United States, and in 1948 the citizens of Puerto Rico were permitted to choose their own government, including the Governor, by popular vote in free elections.

In that first general election, held in 1948, the citizens of Puerto Rico gave an overwhelming support to the Popular Democratic Party which campaigned on a platform calling for the preservation of present relations between the United States and Puerto Rico and for the adoption, within the framework of this relationship, of a constitution by the people of Puerto Rico for the organization of their local government.

During my stay in Puerto Rico, I met and became acquainted with Governor Luis Muñoz-Marín and many members of the Puerto Rican Legislature. I am most favorably impressed by the high integrity and outstanding ability of these officials, whom the people of Puerto Rico have chosen to represent them. This fact alone, that men of high integrity, and proven ability, have been chosen to govern the

island, is a fine indication that the people of the island have achieved a high degree of political maturity.

Neither the people with whom I talked during the time I spent in Puerto Rico, nor the officials who represent them, indicated at any time a desire for independence from the United States. To the majority of the American citizens who make their homes in the Territory of Puerto Rico, such a desire is as foreign to their thinking as it would be to American citizens of New Jersey, whom I have the honor to represent. Nor do the majority of Puerto Ricans express a desire for statehood at this time. What they want is permission from this Congress to put their house in order by the adoption of a constitution to guide them in their local self-government and to permit them to take their proper place with fellow citizens elsewhere throughout the United States.

The Congress of the United States has today the solemn responsibility of proving at every opportunity to the rest of the world the superiority of the democratic form of government. Adoption of this legislation, which will permit the peoples of the Territory of Puerto Rico to frame their own constitution, will do much to counteract charges of imperialism and discrimination against minority groups which have been leveled against the United States. It will also effectively curb any attempt of political minorities within the Territory to exploit the fact that the Puerto Rican citizens cannot attain full political stature until they have in fact framed and adopted a constitution for their own self-government. It is by such positive acts of democracy as the adoption of H. R. 7674, that the United States Congress can safeguard our system at home and spread it throughout the world.

I would just like to say while I was only in the island a couple of weeks, we did get around pretty thoroughly to different points throughout the island. We talked not only with government officials and people in the development company, but also with people who were representatives of workers' organizations and so forth, and there was very little feeling for independence or for immediate statehood which came to my attention.

I made it a point to talk to a number of people on that score, and I am seriously and firmly convinced that independence is not desired, and would not be a good thing for them, particularly at this point; and that there are certain disadvantages in achieving statehood at this time that would really make much more difficult the real job they have done there of trying to develop their economy to the point where people can have a much better existence than they have at the present time.

They are working on those things; people in the government are very capable, and are very conscious of their problems, and I think that fits into that pattern, the Operation Bootstrap which is perhaps slowly but certainly achieving the answer to some of their problems.

Mr. ASPINALL. Congressman Howell, I am certain that I speak the appreciation of each one of us for your statement which was concise, and definite, in support of this piece of legislation.

We have about 25 minutes now. With that in mind I will ask Commissioner Fernós-Isern to begin the questioning. It is the Commissioner's bill. He is most vitally interested in it, and there are five

others who desire to ask questions of Mr. Marcantonio, so if you will guide yourselves accordingly, we will appreciate it.

Mr. FERNÓS-ISERN. Thank you, Mr. Chairman.

Congressman Marcantonio, from what you have said, I understand you think that the people of Puerto Rico do not want this bill? Is that correct?

Mr. MARCANTONIO. That is correct.

Mr. FERNÓS-ISERN. Would it not be proper, then, to let the people of Puerto Rico decide whether they want it or not?

Mr. MARCANTONIO. Yes; definitely, in this manner; that the people of Puerto Rico first be heard on this question. You have not given the people of Puerto Rico full and adequate hearings on the matter. Various people down in Puerto Rico would like to come before this committee, and that is why, at the very outset of my remarks, I urged that this committee afford these people an opportunity to be heard.

As you well know, they cannot afford to come here.

Mr. FERNÓS-ISERN. May I interject that those who have addressed themselves to this committee requesting to be heard not here, but in Puerto Rico, are people well known to have ample means to come up if they want to.

Mr. MARCANTONIO. Maybe.

Mr. FERNÓS-ISERN. But my question is, would the whole people of Puerto Rico be able to be heard in hearings?

Mr. MARCANTONIO. Naturally not, but—

Mr. FERNÓS-ISERN. Would the referendum that is—

Mr. MARCANTONIO. May I complete my answer. If you want to ask questions and then answer them, that would be all right with me. I was just giving an answer to your question.

Mr. FERNÓS-ISERN. Just go ahead and answer, then.

Mr. MARCANTONIO. I am making an answer. Nobody expects when you hold hearings on a bill here that the whole 140,000,000 people of the United States will come here to be heard on the bill. But it is customary, in the Congress of the United States, to afford ample opportunity to representatives of interested people who wish to be heard on the legislation, to come in and be heard.

Now, it just so happens that the people who want to be heard on this particular measure in Puerto Rico do not have the opportunity to come here, and that is why I submit the committee should go there; and may I also refer this committee to the editorials of the leading newspapers of Puerto Rico, El Mundo, and El Imparcial, and El Dia. They could not be all wrong.

Mr. FERNÓS-ISERN. They could. They have been wrong.

But the question is: Do you know Mr. Rafael Arjona Siaca, one of those who have requested hearings to be held in Puerto Rico? Do you know who he is?

Mr. MARCANTONIO. I don't know who he is, but I know others who have.

Mr. FERNÓS-ISERN. May I say for the information of the committee that he is a very prominent lawyer with a very fine practice.

Mr. MARCANTONIO. I don't get it.

Mr. FERNÓS-ISERN. A candidate for Resident Commissioner in 1948.

Mr. MARCANTONIO. There are others who cannot afford it.

Mr. FERNÓS-ISERN. Certainly Mr. Siaca can afford it. He often does come to Washington and New York.

Mr. MARCANTONIO. But there are others.

Mr. FERNÓS-ISERN. That is what has reached the committee, as far as I know.

Now, on section 2 of the bill, it is clear that the bill will not go into effect until it is accepted by the Puerto Ricans; that is, through a referendum.

Mr. MARCANTONIO. That would be meaningless; that would not be a referendum. That would be meaningless for the reasons I pointed out in my discussion. Evidently you are ignoring my entire discussion of the argument. That kind of a referendum—whether this kind of a bill would be accepted—would be completely meaningless unless you tie it up, as your own party stated, and as Mr. Muñoz-Marín stated, and as your platform stated, with the question of the political status and agreement on the part of the Congress to accept the decision of the people of Puerto Rico. Otherwise it is an empty gesture and meaningless.

Mr. FERNÓS-ISERN. Oh, yes; on that question of the platform of the Popular Party—which I have here in Spanish and which you have there in English—will you point out to me where in that platform it states that both steps, the adoption of the constitution and the decision on whether the time has arrived for statehood or independence, should go into the one piece of legislation.

Mr. MARCANTONIO. Well, I read it very clearly back there. I do not want to take the time of the committee while I read it all over again. However, if you wish, I will read it again for you.

Mr. FERNÓS-ISERN. Where in the first paragraph does it mention those. It would be entirely illogical.

Mr. MARCANTONIO. Here it is; this is the platform of the Popular Party, adopted August 15, 1948.

It says:

The Popular Democratic Party, with the authorization of the majority votes of the people of Puerto Rico, would submit to the Congress of the United States the proposition that the political problem of Puerto Rico be solved according to legislation which provides as follows:

1. That preserving the economic and fiscal relationship existing at the present time between Puerto Rico and the United States, the people of Puerto Rico, through action of the legislature—

Mr. FERNÓS-ISERN. Pardon me.

Mr. MARCANTONIO. Just a moment. You asked me to read it.

Mr. FERNÓS-ISERN. I meant the first paragraph. That is the place I wanted you to read.

Mr. MARCANTONIO. You just don't read the first paragraph of a platform. I read the platform when I read my statement and I have it here again. It specifically says:

That the Legislature of Puerto Rico be authorized to call the qualified voters of Puerto Rico, at any time they deem to be in existence the necessary conditions, to a plebiscite, so that they may decide with their votes: (a) If they would like Puerto Rico to establish itself as an independent republic under the most favored conditions that the United States now extends to independent countries; or (b) if they want that Puerto Rico be admitted as a State of the American Union under the same conditions now covering the other States of the Union; or (c) if they are in disagreement with the legislature on the point that the existing conditions make it feasible for Puerto Rico to establish itself as an independent republic or to be admitted as a State of the American union.

And—

3. That the Congress expresses its agreement—

Mr. ASPINALL. Congressman Marcantonio—

Mr. MARCANTONIO (reading) :

to act in accord with the preference shown by the people of Puerto Rico in the aforesaid plebiscite.

Mr. ASPINALL. Congressman Marcantonio, you have already read that once.

Mr. MARCANTONIO. I said that, plus Mr. Muñoz-Marín's July 4th speech, is the complete answer to your last question.

Mr. FERNÓS-ISERN. My question is where does it say that everything should be read in the same act?

Mr. MARCANTONIO. It is there in very simple English and I am sure it is just as simple in Spanish.

Mr. FERNÓS-ISERN. Are you familiar with my speech to the whole people of Puerto Rico, before the election, where the platform was explained? ¹ Of course the platform was adopted later, must later than the speech of Muñoz-Marín, which you referred to.

Mr. MARCANTONIO. If it is your contention that your speech is in disagreement with the platform, I can't help that. The point I have made is that I have your platform before me and the speech of Muñoz-Marín, which I referred to the committee. Now, if you are referring to some speech which you made yourself which is not in consonance with and is inconsistent with that platform, that does not disapprove my point.

Mr. FERNÓS-ISERN. While we are on the record, let me say that I did not say that. But I say that you are trying to interpret the platform through Mr. Muñoz-Marín's speech which was rendered before the platform was adopted—and my speech was an interpretation of the platform after it was adopted, and 12 days before the election, and the people voted for me on that.

Mr. MARCANTONIO. May I reply to that by saying that the platform speaks for itself. It is very simple. I do not see how there could be any other interpretation of the very clear and consistent language contained in the platform, and certainly Mr. Muñoz-Marín is the leader of your party and certainly your speech is in keeping with his July 4 speech of 1948. No matter how you twist it, you can't get around it.

Mr. FERNÓS-ISERN. Suppose there were differences of interpretation.

Mr. MARCANTONIO. If you now disagree with Mr. Muñoz-Marín, I can't help that.

Mr. FERNÓS-ISERN. Let me explain. If we had a difference of interpretation of the platform, would it not be put to the people to decide who was right?

Mr. MARCANTONIO. If you say there is a difference of interpretation between you and Mr. Muñoz-Marín, I can't help that.

Mr. FERNÓS-ISERN. No; between you and me.

Mr. MARCANTONIO. Between you and me? I think the platform is so clear and precise, it is naturally up to the people of the United States and the people of Puerto Rico to decide who is right. It is a

¹ The speech referred to appears on p. 121.

matter of opinion. But I don't see how there can be any room for any difference of opinion on that basis when it is something that is down in black and white. If you want to twist it, I can't help it. All right, go ahead.

Mr. FERNÓS-ISERN. Section 2 provides for acceptance by the people of Puerto Rico of the bill. If they find it does not fit in with their aspirations, they are absolutely free to reject it if that is the case.

Mr. MARCANTONIO. My objection to that is this: You are putting the people of Puerto Rico through a futile motion. You are kidding them with this thing. You are making them think they are voting on something which affects their destiny, and they are not doing that; they are voting merely on an empty gesture and a fraud—and that is why I want Congress to examine this and expose it by repudiating this bill.

Mr. FERNÓS-ISERN. Have you confidence in the people of Puerto Rico to decide for themselves?

Mr. MARCANTONIO. I certainly do have confidence in the people of Puerto Rico and I think the degree of confidence you possess can best be expressed by the way your bill deprives the people of Puerto Rico of a real choice and the way in which you are stopping this committee from conferring with the people on the island. You are opposing this committee conferring with the people of Puerto Rico.

Mr. FERNÓS-ISERN. Of course I am not opposing.

Mr. MARCANTONIO. Yes; you are.

Mr. FERNÓS-ISERN. As a matter of record, I have not opposed anybody having a hearing. I have opposed—

Mr. MARCANTONIO. Going to Puerto Rico—

Mr. FERNÓS-ISERN. To have the committee go down there to listen to a few leaders who could come up here just as well.

Mr. MARCANTONIO. A few leaders—it seems to me the popular sentiment in Puerto Rico can best be expressed by the Puerto Ricans, and this is one time the leading Puerto Rican press is unanimous on this question, and yet you do not want the committee going down to Puerto Rico to converse with the people themselves. That shows lack of confidence in the people of Puerto Rico on your part, not on my part.

Mr. FERNÓS-ISERN. I think that is all.

Mr. ASPINALL. I believe Congressman LeFevre would like to ask some questions.

Mr. LEFEVRE. I am also interested in your evidence before this committee; you have dealt with views on many political issues. I think you will agree, Congressman Marcantonio, with me, that Governor Muñoz-Marín has been very successful politically.

Mr. MARCANTONIO. Successful? Successful what? I didn't get your last word.

Mr. LEFEVRE. Politically.

Mr. MARCANTONIO. It all depends what you mean by successful politically. I think, for instance, when Lincoln lost to Douglas, he was successful politically, even though he was not elected.

If we mean election to mean political success, the answer would be in the affirmative.

It all depends what you accomplish for the people.

Mr. LEFEVRE. Don't you think he is keen enough as a politician that he would not approve of any legislation if he did not feel it would

have the support of the majority of the people in Puerto Rico—this legislation?

Mr. MARCANTONIO. I could come back and say even though you are a good Republican, don't you think Harry Truman is smart and keen enough as a politician to be for the legislation you oppose. I mean, that is a silly argument, isn't it?

Mr. LEFEVRE. That is all.

Mr. ASPINALL. Congressman Murdock.

Mr. MURDOCK. No questions, I believe.

Mr. ASPINALL. Congressman D'Ewart?

Mr. D'EWART. I hold no brief either for or against H. R. 7674. I might say, however, I have been to Puerto Rico and I have spent a short time there.

My first question is, it is not clear to me whether you are for an independent state for Puerto Rico or for an independent nation.

Mr. MARCANTONIO. I am for an independent nation.

Mr. D'EWART. An independent nation?

Mr. MARCANTONIO. Yes. That is right. I am for an independent nation. I stated that.

Mr. D'EWART. You then realize that Puerto Rico would be subject to all the limitations for importations into continental United States which we might care to impose?

Mr. MARCANTONIO. I said independent, but under the most favored conditions, just like our Latin-American neighbors.

Mr. D'EWART. Do you realize what that might well do to the sugar industry, both raw and refined?

Mr. MARCANTONIO. I realize it would give Puerto Ricans for the first time that sovereignty they need to protect their interests.

Mr. D'EWART. That brings me to my second comment. I followed with considerable interest your argument on the limitation of production and in that regard on sugar I come from a sugar-producing State, Montana. You realize we have those limitation on production in our own sugar-producing States here, whether they be Michigan, Montana, or some other State; wherever it happens to be. Why should we not impose similar restrictions upon Puerto Rico?

Mr. MARCANTONIO. It is discriminating against the Puerto Ricans. Don't you think that Puerto Rico should be allowed to refine all of the sugar that it produces?

Mr. D'EWART. I spoke of production. Why should there not be a limitation on production in Puerto Rico the same as we do in any State of this country?

Mr. MARCANTONIO. On that question of production, that is the question we had out in the Sugar Act of 1948, and the complaint of the Puerto Rican people just now, and for the past few years—and I think even the Resident Commissioner will bear me out on this—is that it has not been so much a question of production but the question of refining that which it is permitted to produce. It cannot refine all its sugar in Puerto Rico; that is what is limited.

Mr. D'EWART. I realize that perfectly, but you also raised the question of production, and I think we have the same right to limit production in the Philippines or Puerto Rico as we have in the States in Michigan or Montana.

Mr. MARCANTONIO. That is what the Supreme Court said.

Mr. D'EWART. Yes; I think so.

Mr. MARCANTONIO. With which the Puerto Rican government has taken strong issue.

Mr. D'EWART. You also raised the point of the industries that are now going to Puerto Rico, and suggested that they are largely of the type that would provide work of the meanest and poorest kind.

Would you name those industries that have gone down there that provide that kind of work? You would not include the tourist and hotel trade industry in that by any means, would you?

Mr. MARCANTONIO. Well, let me say this: I do not think it is healthy for any country to depend on tourists. You can't develop a country in that way.

Mr. D'EWART. Not altogether, but in the part of the country that I come from we depend quite largely on the tourist trade for a number of industries, and it means a lot to western folks to have these tourists come there.

Mr. MARCANTONIO. I think you miss my point. Perhaps I don't make myself clear. I don't object to any income from tourists, but certainly you don't believe the economy of a country could be based or should be based on a tourist economy?

Our great West was not built or based on the tourist industry. If it were, we would not have the kind of a West that we have today.

Mr. D'EWART. My point is, it helps a lot.

Mr. MARCANTONIO. Yes, it helps, and nobody objects to that; certainly I don't object to that. But what I am talking about is the basic economy.

Mr. D'EWART. The point I was interested in was that you said these industries provide the lowest and meanest jobs. Now, certainly crockery and the tourist trade and things like that which we are encouraging in Puerto Rico would not come under that heading? You do not mean that class of work?

Mr. MARCANTONIO. Let me repeat, if I may. It is only a short paragraph of what Mr. Moscoso said, and he is certainly not on my side; he is part of the government. I am sure he supports this bill, and yet his quotation to me was shocking, and here is what he said:

Well, in Puerto Rico proper we believe that a lot of jobs from which people shy away in the States might eventually come down here, and, of course, it is not a too hopeful picture to think that these kinds of jobs are the ones that will eventually get here, but we have to start somewhere.

Mr. D'EWART. I remember your quotation, but I wanted to have you tell me what those particular industries were that have gone down there that have the result you state.

Mr. MARCANTONIO. The first result is, I think, the lowering of wages in Textron, for instance—the differential in wages.

And again may I say that Mr. Moscoso is president and general manager of the Puerto Rico Industrial Development Co. that is in charge of that program.

Mr. D'EWART. I realize that wages are lower there, but it seems to me under these industries they have been increased over what they were previously. I can remember when I was in Puerto Rico there was then difficulty over the rate of wages. But those wages were eventually raised.

Mr. MARCANTONIO. Do you recall that I read this in my testimony: During the 6 years of operation a total of 7,233 jobs were created by plants operated by businessmen attracted from the mainland by

“Operation Bootstrap”? And of this number 3,440, or almost half, were home-work jobs.

Now, that is some record in a country where each year for the past 3 years the labor force has increased by 22,000 men and women.

In the face of those figures, you don't call that progress.

Mr. D'EWART. I saw the scale of wages at sugar and cement factories, and they were considerably better at the time I was there than according to the figures I saw they had previously been.

Mr. MARCANTONIO. Well, the workers have had something to do with that, too. Organization of the workers has always helped in the lifting of wages.

Mr. D'EWART. I think that is true. But the point I am making is that some of these industries, at least, have not depressed business. In fact they have resulted in better wages and better living conditions for those people who are employed in them.

Mr. MARCANTONIO. Maybe that is so, but I think it is beside the point to the argument I make.

Mr. ASPINALL. Are there any other questions?

Mr. MURDOCK. May I just make this comment, which does not quite apply here, but is something that is running through my mind.

About 15 or 16 years ago, long before I came to Congress, long before the last World War, I was talking with a very intelligent Filipino, and he was enthused that the first step had been taken toward the independence of the Philippine Islands; and I said to him—not to discourage him, or to throw a damper in any way on his feelings: “Aren't you a little bit afraid of independence?” Where we were standing we could look at a map of the Pacific, and I said, “Look where the Philippines are.”

And he said, “Yes.”

And I said, “That is a dangerous situation, is it not, for independence?”

“Oh, no,” he said, “Look. Here is England at Hong Kong. Here is the United States at Hawaii. Here is France in Indochina. What have we to be afraid of?”

That thing keeps running through my mind. That was 15 or 16 years ago that this intelligent Philippino said that to me. I have not seen him since.

Mr. MARCANTONIO. Well, my friend from Arizona started his remarks very aptly, because he said they did not apply to this situation, and I agree with him.

Mr. MURDOCK. No, they really do not.

Mr. MARCANTONIO. No, because I don't think there is any fear of invasion, and their great problem is perpetuation of the colonial status by 7674 just now.

(Dr. Antonio Fernós-Isern delivered this message to the people of Puerto Rico before the November 1948 elections returned him, by an overwhelming majority, to Washington as Resident Commissioner. The Resident Commissioner is Puerto Rico's nonvoting Member of the United States House of Representatives. Voting strength: Popular Democratic, 393,000; Coalition, 180,000; Independence, 66,000.)

Fellow citizens, with our elections only 12 days away, this is a good time to summarize what has been said on the question of Puerto Rico's political status.

Our political parties cannot ignore the uneasiness of our people on this question.

There are three political groups disputing for public favor—the Popular Democratic Party, the Independence Party, and the Coalition of Statehood,

Reformist, and Socialist Parties. Each has its own solution to the status problem.

As the Popular-Democratic Party candidate for Resident Commissioner of Puerto Rico in the United States, I feel it my duty to you to put the status question in focus.

AN APPROACH TO THE POLITICAL STATUS PROBLEM OF PUERTO RICO

Puerto Rico is defined as a "territorial possession" of the United States. The Puerto Rican government is organized in accordance with a law of Congress. "The people of Puerto Rico" constitute a body politic. As such it is a semi-autonomous commonwealth.

The people of the island had no part in the adoption of their "constitution"—or organic act, as it is called. They cannot change it or repeal it. General legislation, applicable to Puerto Rico can amend it directly or indirectly. Consequently, it must be admitted that our constitutional statute lacks permanency and does not embody a fixed and well-defined political status; that it is the effect of changing congressional legislation; that it is only a law of Congress, subject to change as per congressional decision.

This situation does not fit well with democratic principles. Democratic principles require that the authority of government be founded on the sovereignty of the people. For this, the social compact—the constitution of the commonwealth—must have the people's approval.

But this, a matter of political liberty (or lack of liberty) arising from the lack of an adequate base for our political constitution, may not be solved through pure dialectics or through philosophic disputes. Arm in arm with our political problem, there goes an economic problem, the problem of life for an entire people.

Human liberty has more than one phase; and more than one dimension. Political inferiority does not go hand in hand with fundamental liberty. But neither does economic dependence.

The method, the formula for political liberty and its economic consequences, are inseparable.

Puerto Rico has tried to find its way out of political inferiority. Various approaches have been time and again discussed and considered. This is justifiable. But to follow along lines experience has proved wrong would have no justification.

To insist on considering the admission of Puerto Rico as a State of the United States, at least in a generation, is to offer a solution outside our reach. In the nature of things, political considerations in the United States and in Puerto Rico make this conclusion logical.

Again, it would be insisting on an absolutely unreal formula to expect Congress to order a statehood-or-independence plebiscite in Puerto Rico, with a commitment on the part of Congress to grant either, as Puerto Rico might decide.

Such a plebiscite ordered by Puerto Rico itself, could point a single future course of action for the island. But for this formula to succeed, all Puerto Rican political parties would have to agree beforehand to accept the majority wish of the people; to discard counter ideas and work for whatever status the people endorse. Even this would not be the end of the drama in our status problem. It would just help moving toward it. If we chose independence, we would be where the Philippines were in 1900; if we chose statehood, where Hawaii was in 1900.

For Puerto Rico to ask political separation from the United States is full of dangers. We must remember that Puerto Rico has lived in economic union with the United States for 50 years. Puerto Rico's economy has developed to fit this union. Within it we have just begun an industrialization program. To suddenly break the union now would plunge us into the greatest economic catastrophe in the history of our people.

From this you can deduce:

1. That Puerto Rico is living in an inferior political status, from which she is endeavoring to emerge;
2. That statehood cannot be the solution for at least a generation and its attainment is full of difficulties;
3. That independence is no adequate solution under present circumstances and is equally full of difficulties;
4. That since a congressional plebiscite could not be expected to carry with it both the promise of statehood or independence, it could not satisfy statehood or independence partisans. Therefore, it offers no practical way out of our ideological impasse;

5. That a plebiscite on our own account offers no way out—for it could not even unite opinion in Puerto Rico and, in any event, it would not solve the status question, but merely orient our course toward a solution to work for.

What, then, is the way to democratic sovereignty for Puerto Rico?

Puerto Ricans seem to have a fixation about the problem of their subordinate political status. We have made fetishes of statehood and independence. We have come to regard these two as our only alternatives.

The Puerto Rican who recognizes the difficulties of statehood, feels he has to be a fervent "Independentista." The Puerto Rican who is aware of the difficulties of independence feels he has to support statehood. Some even back statehood simply because they oppose independence. And others back independence because they do not believe statehood possible.

With neither statehood nor independence possible, we would have to believe that there is no way out.

A people—obsessed, divided, and in contradiction like this—can never solve such a complex problem unless they reflect a little further. Unfortunately, obsession numbs the powers of reflexion and paralyzes political thinking. Statehood and independence have become no longer products of reason with us; they have become articles of faith. Besides being members of political parties, their disciples have become worshipers in separate sects. To mention the good points of statehood is taken to mean an attack on independence; to mention the good points of independence is taken to mean an attack on statehood. It is time we do away with these fetishes and break the vicious ideological circle surrounding us.

Even if statehood believers are right—even if statehood were the best political answer for Puerto Rico, the existence of the church of independence would make attainment of statehood a practical impossibility. Even if the independentists were right, the opposition church of statehood would block all doors to independence.

I believe they both basically understand this. But it makes them happier to wound each other than to further their own causes. They are more interested in stopping each other's progress than seeking their own goals. In this sense we can picture Puerto Ricans as two men, indissolubly tied shoulder to shoulder, yet trying to walk in opposite directions—or better, trying to stop each other from going his opposite way.

The result is inertia—a nothing-to-nothing score, with both sides stalling for time.

In this there is a big dose of mental stagnation. To call oneself an Independentista or a Statehoodist takes no mental effort at all. Only an afterthought is needed. You have only to loose your imagination and let it settle on a justification for the predetermined belief. This shows us why the fanatics refuse to analyze objectively the various ways to break the impasse—it takes mental effort, concentration, study, analysis—brainwork. And above all it would take the spiritual liberty that cannot thrive well in colonial hearts. And many are the people in whom their advocacy of either statehood or independence are expressions of colonial ways of thinking.

In some it means taking the position which they believe will please the higher authority; in others a childish tantrum against difficulties they do not know how to overcome.

But let's analyze the positions of the various parties toward the status problem. Let's see how they stand up in the contest.

As a starter, let us take the coalition of Statehoodists, Reformists, and Socialists—the old pre-1940 parties. These parties propose a statehood supporter for Resident Commissioner. If the coalition wins, we can assume their Resident Commissioner would bring before Congress the question of admitting Puerto Rico as a State.

That 2,000,000 American citizens have the right to ask admission to the Union is certain. The American citizen's right to petition is fundamental. You could go further and say that even if we were not American citizens nothing could stop our making the petition. We could do it even if we were an Independent republic. This very day, if the Republic of Cuba were to decide to do so, it would have every right to ask for statehood. But it is up to the Congress of the United States to decide whether a political body—citizens or noncitizens—shall be accepted as a State into the Union. Congress has the right to say "Yes" or "No." The decision of Congress is final. It is no law case argued before a court. It is a political matter to be settled by a parliamentary body. Congress, in the first place, must decide where lie the best interests of the United States. That is its

duty and its right. On this score, the interests of the political body doing the petitioning has to be secondary in the eyes of Congress.

There is little in the history of political relations between the United States and Puerto Rico to support the idea that a mere request from Puerto Rico would suffice to make Congress decide to make the island a State—either now or later. I honestly think that it would be foolhardy for the present generation of Puerto Ricans to press the case for statehood. Far from fostering favorable and rapid readjustment of United States-Puerto Rican relations in a democratic direction, this would be the best formula for stagnating our political development.

Even if our own history were not enough of a lesson, we would have the example of the Territory of Hawaii. Let's take a look at what has happened in the case of Hawaii.

The white man first learned of the Hawaiian islands in 1778, with the visit of Captain Cook, of the British Navy. The people were Polynesians. They had a monarchy. The land belonged to the Hawaiian people. The first whites to settle in Hawaii were 17 Protestant missionaries from the United States. They converted the islanders to Christianity. Behind the missionaries came settlers from New England. As time passed the whites grew more and more numerous. They acquired more and more of the land from the natives. By 1893 the Americans in Hawaii had reached considerable numbers. At that time a revolutionary movement broke out which overthrew the queen, set up a republican government and began negotiating for annexation to the United States.

President Harrison sent an annexation treaty to the United States Senate on February 15, 1893, but the Senate failed to approve it. In 1894 Grover Cleveland became President. He ordered an investigation by Commissioner James H. Blount. Blount reported that the majority of Hawaiians, including the natives, opposed annexation. Cleveland withdrew the annexation treaty and recognized the Republic of Hawaii.

For 4 years—until 1898—Hawaii was a republic. Under President McKinley in 1897, Hawaii and the United States negotiated a new annexation treaty. But the Senate again failed to ratify it. The next year came the Spanish-American War. After Dewey's victory in Manila Bay, May 1, 1898, the United States Congress approved a resolution annexing Hawaii. This resolution incorporated the territory of the Republic of Hawaii into the United States and made her citizens, citizens of the Territory of Hawaii and of the United States. This means that the same objective which it was not possible to accomplish by a treaty of annexation was accomplished by a unilateral declaration of annexation. It takes a two-thirds vote of the United States Senate to ratify a treaty. A resolution needs a simple majority in both Houses.

On April 30, 1900, Congress approved an organic act for the Territory of Hawaii. That act is still in effect. Under the act, the President, with the consent of the Senate, appoints the Governor of Hawaii. Likewise, the President appoints the Secretary or Lieutenant Governor, the justices of the Territorial Supreme Court and the Hawaiian Circuit Court Judges. The Hawaiian voters elect a Territorial house and senate and a Delegate to Congress. They also elect local and county officials.

The Federal Government pays the salaries of the Governor, Secretary, Delegate, judges, Territorial senators and Territorial representatives. On the other hand, Hawaiians must pay the same Federal taxes as the citizens of any State. These include customs duties, internal revenue, and income taxes. The Constitution and Federal Laws of the United States apply in Hawaii. The status of Hawaii is that of an incorporated Territory.

The native population which occupied the islands when the whites began to immigrate in 1810 have virtually disappeared as a racial group. About 33 percent of the present population is made up of persons of continental birth or origin. The rest have many racial origins, a good many oriental. There is a small Puerto Rican nucleus and a small Portuguese nucleus. All are American citizens.

The language of the islands is English. The Hawaiian economy is flourishing. There is little unemployment. Wages are high. About half a million people live in Hawaii. The island of Oahu alone is the size of Puerto Rico.

Not once, but 14 times, Hawaiians have petitioned Congress for statehood. They contend the circumstances of their annexation implied the promise of statehood. No less than five times Congress has ordered investigations of Hawaii's eligibility to be a State. The first was 13 years ago. There have been 60 days of public hearings. Sixty-six Congressmen have gone to the islands for these

hearings. Before these Congressmen, 478 persons advocated statehood. Only 76 opposed it. Testimony covers 3,197 pages. On November 3, 1940, a plebiscite showed the Hawaiians 2 to 1 in favor of statehood. In January 1947 the Hawaiian Delegate introduced in Congress a bill to make Hawaii a State. Committee hearings lasted from March 7 to March 19. A House committee unanimously approved the bill. Two months later the House passed it, 195 to 153. It went to the Senate. There it died in committee. If Hawaii wants to be a State, it must start the congressional battle all over again.

In order to better evaluate Puerto Rico's chances for statehood, after we have seen the results of 48 years of Hawaiian effort, let's examine the arguments used against Hawaii's admission to the Union.

1. That the Territorial government is satisfactory as is. (For Puerto Rico, there is no doubt that her present economic relations are more to her economic advantage than those of a State. Hawaii's, on the contrary, are already those of a State. Besides, politically, Puerto Rico today has more self-government than Hawaii.)

2. That the people of Hawaii might not be capable of governing themselves. (Every day some Puerto Ricans accuse other Puerto Ricans of acts which might lead to a judgment of incapability. When the elective Governor bill was before Congress, Puerto Rico failed to win the right to name its supreme-court justices. This was due to veiled opposition from the island. The contention was that Puerto Ricans were incapable of naming their own justices. It amounted to claiming they cannot govern themselves.)

3. Racial prejudice. (Would there be none of this in the case of Puerto Rico?)

4. Fear of communism in Hawaii. (Couldn't the same fear develop with respect to Puerto Rico? The pro-Marcantonio vote within the Puerto Rican colony in New York has been interpreted as having a leftist significance.)

5. It is early for Hawaii to be a State. (Couldn't the same be said of Puerto Rico?)

6. Hawaii, with 500,000 inhabitants, would have the same number of Senators as the State of New York—with 14,000,000 inhabitants. (Hawaii would have only two Representatives in the House. Puerto Rico would have six or seven. There would be more base for opposition on this score toward Puerto Rico.)

7. Admission of Hawaii would set a precedent for making Puerto Rico a State also. (Several Congressmen have made this point. So, you can readily see Puerto Rico is considered even less prepared for statehood than Hawaii.)

8. Noncontiguity. (The same applies to Puerto Rico.)

Against Puerto Rico there would appear three additional reasons which do not hinder Hawaii:

1. Puerto Rico's speech and culture is Spanish with a small continental population. Hawaii speaks English, derives 30 percent of her population from the United States, the rest of its population is acculturated to the predominant continental norms; her economy and political life are eminently continental.

2. While Hawaii is economically prosperous, Puerto Rico's economy is prostrate. No one doubts that Hawaii can pay its own way as a State. She has done so for 48 years. Federal taxation under statehood would leave the Puerto Rican State government without sources of revenue.

3. A certain number of Puerto Ricans want independence. In Hawaii there are no separations.

If Hawaii, with all her advantages with respect to eligibility for statehood, encounters all the difficulties she is encountering, what could be the hopes of Puerto Rico?

Opposition in Congress to statehood does not mean opposition to democratic government in Hawaii or Puerto Rico. Congress could not deny democracy. Opposition stems from the fact that statehood does not only mean democracy in Hawaii or Puerto Rico. It also means that Hawaii or Puerto Rico would have a hand in electing the President of the United States. Through the vote of its Senators and Representatives, the State of Puerto Rico or Hawaii would be in position to influence national policy. What causes opposition to statehood in certain Members of Congress is that peoples geographically set apart and with different racial attitudes, different histories, different psychologies, different cultures, and geographically set apart, might have an influence in national policies.

It is not a matter of self-government for us only. It concerns the self-government of the United States. This is a reality it is silly to try to hide. Puerto Rico would be compromising her democratic progress and postponing it beyond

our lifetime if she were to follow the example of Hawaii and consider nothing else than statehood. If she were to so orient its political thinking, no solution would be reached a long time after the present generation were in their graves.

In this way those who aspire to this truly noble ideal would turn out helping in practice the colonialists they charge our party with being. We seek maximum democracy through the means at hand. Statehoodists would give us colonialism by freezing Puerto Rico in the status quo we have been fighting to escape.

Hawaii's difficulties persist despite her having given Congress every proof that she wants statehood. Even if Puerto Rico could give evidence just as unequivocal, she would face the same difficulties. How can then Puerto Rico expect Congress to take the initiative? How can Puerto Rico expect Congress, of its own volition, to offer Puerto Rico a choice between independence or statehood? As if it were Congress who should be asking us to become a State?

It is projecting one's self into a world of utter fancy to believe that Congress would offer Puerto Rico a plebiscite together with the promise of either statehood or independence immediately after the Puerto Rican people signify their preference.

Congress could order a plebiscite to do away with the independence question. Such a vote would determine whether Puerto Rico wants to separate or continue its union with the United States. Continuation of the union could be predicated on chances for such development of the status question as the future would determine. But there could be no definite promise of statehood. No Congress can mortgage the will of a future Congress.

I repeat. A plebiscite with independence and statehood as the alternatives is inconceivable and cannot be obtained from Congress. Remember that President Truman ruled this out when he recommended Congress authorize a plebiscite. He pointed out that a formula Congress was not prepared to authorize immediately should not be included in the plebiscite.

The President was realizing that Congress could not be hoped to include the alternative of statehood in a plebiscite. Statehood is not conferred. It is granted. And not easily.

The Puerto Rican Independence Party proposes ending Puerto Rico's political subordination by sudden and complete separation from the United States, by making the island an independent republic. As they oppose statehood, they seem to believe that escape from political subordination precludes any middle road between statehood and total separation. Or, put it this way: Eliminate statehood, they believe, and immediate, total separation is the only cure for political subordination. They go even further. They claim separation will cure our economic ailments. They assert it will wipe out unemployment, balance our trade, and raise the standard of living. There is no doubt that the Independence Party represents the other extreme in Puerto Rico's 50-year-old political dilemma—a dilemma because of two word-fetishes, two fixations.

Separation and political isolation from Europe have been the way to liberty and democracy for colonies of the Americas since the latter 1700's. It began with the 13 English Colonies in 1776. Spanish America carried it forward throughout the nineteenth century, and it ended with the independence of Cuba early in this century. But the Spanish colonies not only separated and isolated themselves from Europe; they did so from each other. Even the smallest and weakest, even the most immature peoples, set themselves apart. Separation and isolation did not result in the liberty which was the ideal of the Liberator, Simón Bolívar. Bolívar did not dream of 20 small republics—isolated and weak; nor to fight the political and economic oppression of Spain in order to fall into economic exploitation by Britain or by North America. Bolívar's goal was to replace Spain as a center of authority. He wanted to revitalize his people through a center of gravity in the heart of the Americas. He saw them enjoying the broader political privileges of a great state embracing the entire continent.

The isolation of Puerto Rico or that of Cuba was not the ideal of de Hostos, nor was the goal of Betances. They wanted separation from Spain because they believed liberty was impossible under Spain. But they wanted a Caribbean confederation—an economic union of the last Spanish colonies in America.

The Anglo-Saxon of the North had better political education and more political good sense than the peoples of Spanish America. Once free, they did not isolate themselves from one another. They did not create 13 tiny Atlantic coast nations to be consumed by mutual rivalries. Each former colony established its freedom; each set up a republican government; each established democracy. But immediately each ceded some of its sovereignty to a central government—to the Government of a Union of 13 free States. Union offered strength and security.

These, in turn, guaranteed the local sovereignty which might otherwise have perished in a short time.

Total and absolute separation was not the political formula then, and it is not the formula for Puerto Rico today. Political isolation carries with it economic isolation. The establishment of an economic union between the United States and Puerto Rico is now history. Fifty years of this union has shaped our way of life.

For the United States, this union has its advantages; for Puerto Rico, it is more. It is a necessity. Dissolving the union would be a major surgical operation. The patient would have more chance of dying than surviving its consequences.

What would happen if we dissolved the union? What would be the consequences if Puerto Rico separated from the United States? To answer this, we must first define the terms of the union.

Puerto Rico and the United States live within what is called a customs union. Tariff duties on foreign goods imported into the United States are the same as those on the same goods imported into Puerto Rico. Customs collected in the United States go to the Federal Treasury. Those collected in Puerto Rico go into the insular treasury. Consequently, Puerto Rican goods in the continental United States enjoy the same protection from foreign competition as do mainland-made goods, and in Puerto Rico mainland-made goods have the same protection from foreign competition as goods made here. This means there are no trade barriers between the United States and Puerto Rico. Articles from the United States enter Puerto Rico duty-free, and vice versa.

When the United States subjects some article, like sugar, to a marketing quota, the same restriction applies in and for Puerto Rico. The sugar markets of Puerto Rico and the United States are divided among various producing areas. Puerto Rico supplies her own market plus part of the United States market. Other parts of this market go to Cuba, the Philippines, Hawaii, and United States mainland producers.

There is one flaw in the quota system. Within its quota, Puerto Rico is limited as to how much of her mainland quota sugar she can refine. Mainland producers are not limited. But, by virtue of living within the customs union, Puerto Rico has the right to fight this as a discrimination, and Puerto Rico is fighting it, both in the courts and in Congress. But, if Puerto Rico were independent, she would have no claim whatsoever. Cuba can sell virtually no refined sugar in the United States and she has no right to complain. The Philippines is in the same boat.

Another thing about the economic union between the United States and Puerto Rico: Goods from the continental United States enter Puerto Rico free from Federal taxes paid on them on the mainland, and the Federal Treasury gets no revenue off Puerto Rican-made goods sold on the mainland. A tax equal to the Federal tax is collected. But this revenue goes to the insular treasury, not to the Federal Government. In other words, Puerto Rico can collect a tax on its goods, sell it in the continental United States at the going price there, and reap full profit without paying any of it to the Federal Government.

If Puerto Rico became independent, this would change immediately. Not only would there be customs duties on Puerto Rican goods. The United States would collect and keep the internal-revenue taxes which are collected for Puerto Rico under the present system.

Let us suppose that Puerto Rico, on separating from the United States, could negotiate the same treatment as Cuba, which got the best permanent arrangement given any country by the United States. There would be 50 cents' duty on our sugar. There would be \$1.75 duty and \$9 internal-revenue tax on every gallon of Puerto Rican rum. Our tobacco and our textiles would have to pay the same duties as Cuba. One cannot predict the full consequences. But there is no doubt that we would receive less money for our sugar, less for our rum, and less for our textiles. This would mean either lowering wages or growing sugar on only the best lands. This would impel us to rapid mechanization and enormous unemployment.

As far as rum is concerned, our industry would have to compete with Cuba's on an equal footing. We would have to compete with Cuba for the United States market we have taken away from Cuba through the price advantages possible only because we are part of the United States. And our treasury would not receive the taxes on the rum we exported.

Our needlework industry is already complaining about the competition of foreign needlework in the United States market. There are customs duties on this foreign needlework; none on Puerto Rico's. Even this small advantage would evaporate with separation.

It is perfectly apparent that the Puerto Rican economy would worsen. Down would go the amounts realized from sales in the United States. We would have to go on buying in the United States practically the same articles as we do today. But we would have less money with which to do it. We would have to live more simply and ration the things we are able today to import and use freely.

You cannot say that we would be able to buy in markets cheaper than the United States. There are none at this time. There is only one country in full production. The United States is the only place where you can find everything you need. All other countries depend on the United States for imports.

Furthermore, you cannot assume that the United States would give Puerto Rico the same treatment as Cuba, unless Puerto Rico were to give the United States the same treatment as Cuba gives the United States. Cuba buys almost everything from the United States. In exchange for assuring our sugar a quota and a market, there is small doubt the United States would require us to assure a market for United States goods. Also, we would have to abandon any hopes of refining all our own sugar. We would have to sell every bit of it in raw form.

Through tariffs and quotas on certain United States articles, we could reserve certain local markets for home industry. But the real fact is that this industry is not yet established. It will be some time in developing. Separation would only cut back the new industries just now getting started.

Another word on this industrial expansion which we know is so necessary to our life. The United States might open its doors to our sugar, rum, tobacco, and needlework, but not to all our industrial manufacturers. To prosper, our new industries' program needs markets in the United States as well as at home. But, with separation, Puerto Rican manufacturers would have to carry the handicap of customs duties as well as compete with United States and other foreign manufacturers for the market there.

Today, there is no end of articles Puerto Rico can make and sell in the United States, with no handicap whatsoever.

To insist on independence at this time means limiting our horizons to the shores of our island, and without being forced to. In effect, it means abandoning, without a fight, all of that part of the United States market we can capture under the present system. Immediate independence—separation and isolation of Puerto Rico now—would come at the most inopportune moment in our history. It would come when we are counting on the United States market in desperately trying to solve our unemployment problem. Independence would amount to clipping our wings, then trying to fly.

For over 40 years Puerto Rico was lost in industrial inertia. She developed her sugar industry and stopped there. She has spent vast sums of money on imports she could have produced herself. She has failed to make vast sums of money from the products she could have made and marketed in the United States.

As her population has grown, so has the lack of balance between the cost of her needs and the value of her sales. Her economy was stymied. But now she has launched a new industries program which opens up opportunities to import less and export more. How, at this time, can any of you consider adopting a policy which would curh these exports and cut off our access to the United States market? How can Puerto Rico choose to limit the scope of her industrial hopes to the island itself? Furthermore, why should she give up the income she derives from Federal-aid programs? Why and how should she assume the public responsibilities which the Federal Government currently administers and pays for?

And remember that merely asking Congress for immediate independence will not mean getting it. For over 40 years the Philippines carried the fight for independence. And she had better arguments for it than we. Again, to compromise our political and democratic progress to the single formula of independence would bring the same results as compromising them to statehood. Again we would plunge into the stagnation of the period 1917 to 1947.

What, then, is the route Puerto Rico should choose? It is not immediate statehood. It is not immediate independence. It is not a plebiscite ordered by Congress. It is not a plebiscite on our own request.

Does this mean shutting ourselves up in the status quo? No. Positively, no.

The world is filling rapidly with examples of peoples who live politically and economically united with other peoples. Look at the Commonwealth of British Nations. Could you call Canada, Australia, or New Zealand a British colony? Could you call them independent nations, separated and isolated from Great

Britain? The answer to both questions is "No." Canada, Australia, and New Zealand are free, democratic peoples. You cannot say they are inferior or politically subordinate to Britain. They live united by common allegiance to the British Crown. But they live under a democratic regime where the Crown merely represents common citizenship. Besides their economic and political unity, they maintain spiritual solidarity, a common form and philosophy of life, and, above all, their instinct of preservation.

Against thinking of Puerto Rico in terms of this kind of union, skeptics often raise the specter of "lack of precedence." They contend it would violate the United States Constitution. But can you name me a precedent for Puerto Rico's present status? Isn't it a precedent in itself? Has any other people, Territory, or country had the same relationship with the United States as Puerto Rico has today? Has any other been in complete economic union with the United States while at the same time remaining outside its tax system and unincorporated with its political regime? You cannot define Puerto Rico as an incorporated Territory like Hawaii, nor as a State.

They say that the State and the Territory are the only classic forms of government within the United States system. But Puerto Rico, with its present status, is living proof that there is a new form fitting neither of these descriptions. We have gone this far. Why can't we go on—broadening, developing, and readjusting the new status until we have full democracy and complete economic union as well? Once we have reached our limits within the new status, should we insist on the old disjunctive; is there anything to prevent us from shooting for either statehood or independence?

Puerto Rico can persuade Congress to let her refine all her own sugar. This would make complete the system of free trade between the United States and Puerto Rico. Our present customs union calls for full freedom in trade.

Puerto Rico can persuade Congress to extend to the island those few Federal-aid laws which don't already apply there. She can persuade Congress to help her recapture the wealth of her coffee production.

With these helps from Congress combined with the force of her own new industries program, Puerto Rico can lift herself out of the tremendous economic depression in which she finds herself today.

She can raise her production to the point where it will meet the following necessities:

1. Generate employment for those who are presently jobless.
2. Create jobs for the growing population, which will otherwise constitute a constant source of new unemployed.
3. Raise the standard of living of the people as a whole.
4. Develop the political and economic structure to sufficient strength to support either statehood or independence, if they should be sought and won.

We might then take a course which would diminish our prosperity. But we could never reach today's bottom level of poverty and, above all, would not be accentuating that poverty.

It follows that the process of democratization would go forward with the economic development we achieve through preserving present relations with the United States. There will be nothing difficult about Puerto Rico's obtaining the right to have her own constitution and maintain its present relationship with the United States under the symbol of common citizenship, as a free and democratic people.

What would distinguish this status from statehood? We would not take part in national affairs. But on the other hand, we would not be paying to support the National Government.

How would this status differ from independence? We would not have direct relations with foreign governments because the United States would be representing us before foreign nations. In matters of common interest—especially foreign relations—we would be governed by the same laws as the rest of the United States. For international purposes, we would be classified as one of the integral political and economic units of the United States.

Do we lack much of attaining this new status? We lack little.

1. We need authority to elect our auditor and make our own appointments to the Puerto Rico Supreme Court.

2. We need to adjust the organic act to clarify the rule for the application of Federal laws in Puerto Rico.

3. We need assurance that those laws applying in Puerto Rico shall apply just as they do in the States—except with special consent from Puerto Rico.

4. We need to eliminate a few trivial and unnecessary provisions of the organic act before it will guarantee completely democratic status.

With these amendments, the present organic act itself could be adopted by Puerto Rico as the constitution of Puerto Rico and the document to define relations with the United States. Subsequent amendments to this covenant would be adopted by mutual consent.

Having won this status, Puerto Rico and the United States would have a political and economic union, founded on complete equality. This form of federation would give the Puerto Rican people a respectable political status, coupled with economic security. This status would not be identical yet not inferior to that enjoyed by the people of a State or the people of an isolated republic. Who could dare call it "colonial"? This status is within our reach. We ought to work for it.

For a long time people have been playing with the words "colony" and "colonial." It is my observation that colonialism does not exist in the laws and the economic regime. It exists in the spirits of those persons who do not know how to feel free.

When colonialism is a spiritual thing, you cannot cure it with laws, nor with documents, nor with public declarations. The ailment is one of mental paralysis. You can cure it only by relieving the numbness and freeing the spirit.

The United States has given its word to the world that it will do right by Puerto Rico. Here is the solemn pledge to which the United States subscribed in signing the United Nations Charter:

"DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

"Article 73

"Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples 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, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

"(a) To ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment and their protection against abuses:

"(b) 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;

"(c) To further international peace and security;

"(d) To promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

"3. To transmit regularly to the Secretary General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

"Article 74

"Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of goodneighborliness, due account being taken to the interests and well-being of the rest of the world, in social, economic, and commercial matters."

I sincerely believe that neither the Coalition nor the Independence Party are offering a viable formula for decolonizing Puerto Rico in a way that would permit the United States to keep its solemn word to the United Nations.

The extreme and unfeasible positions of the Coalition and Independence Parties would precipitate serious conflicts. These would stop political progress in Puerto Rico.

The Popular-Democratic Party is realistic. With a clear mind and positive steps, it is, on one hand, building the economic foundation for a free society and, on the other, winning for the people the trappings of democratic authority they never before have had. This policy jibes with the one announced by the United States when it gave its solemn promise to the United Nations.

On November 2, for the first time in 450 years, the people of Puerto Rico are going to elect their entire local government. This is decolonization. This is in the tune with the United States promise to the UN.

Eight years of economic progress have paralleled the political progress of the last 2 years. This, too, is decolonization.

The Popular-Democratic Party offers Puerto Rico the new road to progress and economic and political well-being. It is the short route to the Indies that we have sought for so long and have discovered at last.

Sincere statehoodists and sincere independentists, who really seek, through such programs, democracy, liberty, and social justice, can join no other Puerto Rican political movement which can offer them a surer more flexible way to their goals. The road is long, and it is uphill. There is a long stretch we can still cover together. We have not reached the parting of the ways. We ought to go further without separating. When we have reached the top of the mountain before us, then we shall see the two paths forking out across the plateau—one to statehood, the other to independence.

It is there and then that we should pause to deliberate. We may take one path, may take the other. Again, we may decide that we have already reached our goal—that we have arrived and our toils are over.

Statehood and independence are merely means, not ends. The ends we all seek are democracy, security, and happiness.

Thank you.

Mr. ASPINALL. Are there any further questions?

Very well, as there are no further questions at this time, we will move into full committee to consider a bill which must be reported out today.

Mr. PETERSON. Without objection, communications which have been received both for and against the proposal will be placed in the record at this point.

(The communications referred to are as follows:)

NEW YORK, N. Y., June 8, 1950.

HON. J. HARDIN PETERSON,
Chairman, House Public Lands Committee,
House Office Building:

Urge you to support H. R. 7674 for a constitutional government in Puerto Rico. Thank you.

SIXTY-EIGHT TENANTS OF PREMISES, 1642-46 MADISON AVENUE, NEW YORK CITY.

By C. H. TORMOS.
H. T. FUENTES.
I. SINGLEMAGEL.
M. COPELAND.

COLUMBUS, OHIO, May 18, 1950.

HON. J. HARDIN PETERSON,
House Office Building:

Greatest contribution we can make to the economic future of Puerto Rico is to give favorable consideration to their desires for a constitution. This would not only bolster their economic future but will act as an obstacle to the advancement of subversive elements on the island. Have just returned from Puerto Rico.

GEORGE DE NUCCI,
National CIO Representative in Puerto Rico.

NEW YORK, N. Y., May 18, 1950.

Congressman J. HARDIN PETERSON,
Committee on Public Lands:

Urge strongly adoption of House bill 7674 granting Puerto Rico the right to approve its own constitution. Consider adoption of bill a great step forward on the way to full democracy for Puerto Rico.

ERNST SCHWARZ,
Executive Secretary, Committee on Latin American Affairs, CIO.

SAN JUAN, P. R.

Congressman J. HARDIN PETERSON,
*Chairman, Public Lands Committee, House Office Building,
 Washington, D. C.:*

Respectfully appeal your sense of fair play in asking opposition to H. R. 7674 be given opportunity appear before your committee within reasonable time. We are positive you will live up to your reputation as a man and a judge of deep sense of justice. We wait your favorable reply. Thanks.

DR. GILBERTO CONCEPCION DE GRACIA,
President, Puerto Rico Independence Party.

SAN JUAN, P. R., July 1, 1950.

Congressman J. HARDIN PETERSON,
*New House Office Building,
 Washington, D. C.:*

Respectfully request once more that hearings be held in Puerto Rico on H. R. 7674, besides hearings in Washington. Ask further opportunity send delegation to appear before you in opposition bill within reasonable notice. Why such hastiness in a matter so important to life and destiny of Puerto Ricans? Why is it that opportunity to appear before your committee personally is denied to opposition to bill? Referendum section is no answer as committee has given ample opportunities to appear several times to upholders of bill, and as purpose of hearings is to examine pending legislation and consider possible amendments and objections. Hope this cable and two previous ones, to which we have received no acknowledgement nor answer, will be inserted in record. Thanks.

DR. GILBERTO CONCEPCION DE GRACIA,
President, Puerto Rico Independence Party.

SAN JUAN, P. R., January 5, 1950.

Hon. J. HARDIN PETERSON,
House Office Building, Washington, D. C.

The Republican Party of Puerto Rico objects to H. R. 7674 and/or S. 3336 if approval thereof will imply repudiation of Puerto Rico's right to eventually apply for and become a full-fledged State of the Union. Senator O'Mahoney's statement during recent hearings that bill does not mean offer of Statehood to Puerto Rico should be accompanied by further statement that bill does not mean to deny Puerto Rico's right to eventually apply for and become a State. Also adoption of bill "In the nature of a compact" should not be understood as hindering or impeding future Congresses from acting favorably on any application of Puerto Rico to join the Union as a State. Respectfully but emphatically request fair opportunity to be heard in behalf of substantial majority American citizens of Puerto Rico who favor statehood as only political status for island.

CELESTINO IRIARTE,
Chairman, Republican Party of Puerto Rico.

COLUMBUS, OHIO, May 18, 1950.

Hon. J. HARDIN PETERSON,
House Office Building, Washington, D. C.

Strongly urge your committee give favorable consideration to Puerto Rico's request for a constitution. Favorable action will assist them in solving their economic problems. Let us demonstrate to the world that we are for extension of democracy. Favorable action would buttress our position in Latin American affairs. Unfavorable action would give solace to our enemies.

JACOB S. POTOFKY,
Chairman, National CIO Latin American Committee.

CAMARA DE COMERCIO DE PUERTO RICO,
San Juan 18, P. R., May 3, 1950.

The Honorable J. H. PETERSON,
*President, Public Lands Committee,
 House of Representatives, Washington, D. C.*

SIR: I take pleasure in enclosing herewith a certified copy of the resolution of the Chamber of Commerce of Puerto Rico expressing its support of H. R. 7674 to be considered by the House of Representatives of the United States whereby the people of Puerto Rico will be granted the right to draft their own resolution.

In behalf of the Chamber of Commerce of Puerto Rico we sincerely request your support towards congressional consideration and approval of the measure so warmly endorsed by this chamber.

Respectfully yours,

FERNANDO RODRIGUEZ MELENDEZ,
Acting President.

RESOLUTION SETTING FORTH THE POSITION OF THE CHAMBER OF COMMERCE OF PUERTO RICO IN CONNECTION WITH H. R. 7674 REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE PUERTO RICO TO DRAFT HER OWN CONSTITUTION

The Chamber of Commerce of Puerto Rico urged by the constant spiritual restlessness that has been and is occasioned by the far-reaching problems that affect the future of our country resolves, through its board of directors, to endorse and hereby endorse House Resolution 7674 at present before the House of Representatives of the United States whereby Congress is requested to authorize Puerto Rico to draft her own constitution.

I, Isabel Cabanillas, recording secretary of the Chamber of Commerce of Puerto Rico, do hereby certify that the above is a true copy of the resolution of the Chamber of Commerce of Puerto Rico endorsing H. R. 7674.

[SEAL]

ISABEL CABANILLAS,
Recording Secretary.
 FERNANDO RODRIGUEZ MELENDEZ,
Acting-President.

MAY 17, 1950.

Mr. NICOLAS NOGUERAS RIVERA,
*Secretary-Treasurer, Puerto Rico Free Federation of Workingmen,
 San Juan, P. R.*

DEAR SIR AND BROTHER: This will acknowledge your letter of may 9, and copy of memorandum approved by the Executive Souncil of the Puerto Rico Free Federation of Labor in relation to H. R. 7674.

I appreciate your sending me this information. When hearings are scheduled on this bill, I will see that a copy of your memorandum is placed in the record.

With best wishes, I am,

Sincerely and fraternally,

WALTER J. MASON,
Member, National Legislative Committee, American Fedcration of Labor.

PORTIDO ESTADISTA PUERTORRIQUEÑO,
 COMITE TERRITORIAL,
San Juan, P. R., May 19, 1950.

HON J. HARDIN PETERSON,
*Chairman Subcommittee on Public Lands,
 House Office Building, Washington, D. C.*

DEAR MR. PETERSON: By direction of Mr. Celestino Irate, chairman of the Puerto Rican Statehood Party, I have the honor to transmit herewith a certified copy of a resolution unanimously adopted by the Territorial Committee of said party, at its regular session held at this city, on March 19, 1950, with reference to S. B. 3336 and H. B. 7674, both entitled "To Provide for the organization of a constitutional government by the people of Puerto Rico."

Said resolution, although it clearly refers to the members of the Legislature of Puerto Rico, affiliated to our party, embodies the policy adopted by us with reference to the above-mentioned bills.

Your cooperation is respectfully requested for the attainment of the purposes set forth in said resolution.

Very truly yours,

E. ORTIZ REYES,

Executive Secretary, Puerto Rican Statehood Party.

I, Eduardo Ortiz Reyes, executive secretary of the Puerto Rican Statehood Party, do hereby certify:

That the following resolution was unanimously adopted by the Territorial Committee of the Puerto Rican Statehood Party at its regular meeting held at San Juan, P. R., on March 19, 1950:

"RESOLUTION

"Whereas the terms 'in the nature of a compact' and 'pursuant to a constitution of their adoption' inserted in the third paragraph of section 1 of the bill to provide for the organization of a constitutional government by the people of Puerto Rico, clearly implies in international law a waiver by the United States of its right to full sovereignty over the Territory of Puerto Rico; and

"Whereas the text of said bill embodies no promise whatsoever to the effect that, upon the proper legal proceedings, Puerto Rico will be admitted as a State of the Union; and

"Whereas contrary to that aspiration of the people of Puerto Rico, said bill embodies the organization of a vassal state of a partially sovereign nature; and

"Whereas such a system of government is alien to the spirit of the American system, and places the people of Puerto Rico, not only in a position of obvious political inferiority, but also in a position which is extremely dangerous with respect to the economic future of this island, and the future economic relations thereof with the United States; and

"Whereas the enactment of said bill would cast doubts upon the good faith of the United States with regard to its moral and political obligations toward the people of Puerto Rico, and would impair its good name before the other sovereign peoples of the civilized world: Therefore be it

"Resolved by the Territorial Committee of the Puerto Rican Statehood Party, met in regular session on this the 19th day of March 1950, in San Juan, P. R.:

"1. That its members in the Legislature of Puerto Rico be required to oppose the recommendation of said bill.

"2. That should the legislative majority abide by their determination to press the enactment of such measure by the Congress of the United States, they propose an amendment to the third paragraph of section 1, so that it will read as follows:

"Fully recognizing the principle of government by consent, this act is now adopted to authorize the Territory of Puerto Rico to organize a government pursuant to a constitution of its own adoption: *Provided, however,* That the enactment of this act shall in no way be construed as affecting the sovereign right of the United States over the Territory of Puerto Rico, nor the right of said Territory eventually to request admission and to be admitted as a new State of the United States of America."

"3. That should said amendment not be adopted, they abstain from voting any motion to recommend the enactment of said bill—reserving the right to state their points of view against the bill at the public hearings which will be held before the proper congressional committee—and cause said stand to be spread upon the journal through an explanatory vote."

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the Puerto Rican Statehood Party, at my office in San Juan, P. R., on this the 19th day of May A. D. 1950.

[SEAL]

EDUARDO ORTIZ REYES,

Executive Secretary, Puerto Rican Statehood Party.

SAN JUAN, P. R., May 25, 1950.

Hon. J. HARDIN PETERSON,

House of Representatives, Washington, D. C.

MY DEAR MR. PETERSON: Several days ago I had the honor of addressing the enclosed letter to, collectively, all the members of the Public Lands Committee. Independently of the final action which that body may take respecting my petition, I sincerely deem it my duty to send it directly to you, for your individual consideration, not only as a member of said committee but also as a distinguished

Member of the House of Representatives. Please consider it, therefore, as addressed personally to you.

Your attention to the principles involved in it and your corresponding favorable action will certainly be a worthy contribution to the cause of justice.

Sincerely yours,

R. ARJONA SIACA.

MAY 18, 1950.

To the honorable the Members of the Committee on Interior and Insular Affairs, Senate of the United States, Washington, D. C.

MY DEAR SENATORS: Moved by a spirit of cooperation with that committee in the loyal fulfillment of its duty to both the people of the United States and the people of Puerto Rico, I address this letter to all its distinguished members. Please consider it as an appeal to your civic conscience, with the hope that elemental political justice be not denied to the Puerto Rican people by limiting to Washington, D. C., and not holding also in Puerto Rico, hearings regarding the pretended constitution bill now under your consideration.

There are, sirs, many distinguished citizens in this island, who, despite their deep respect for the opinion of the official authors and supporters of the bill, dare to sustain a contrary view regarding it, and are ready to show that, instead of being a serious measure toward the solution of a really unconcealable political problem, it could be considered—with less candorous judgment—as an act disdainful of the enlightened constitutional traditions of the United States. But almost all of these last mentioned citizens are unable to afford the expenses of appearing in Washington to cooperate with you, in arriving at an adequate and just solution of the problem, a solution which would be worthy of the Nation's historic and contemporaneous place in the world's struggle for the survival of American principles of liberty and democracy.

Should those citizens be denied the opportunity to be heard in Puerto Rico, the result would be not only to deprive the committee of their more effective personal cooperation with it, to that end, but to make more onerous their poverty and more odious a situation so unbalanced in favor of the powerful bureaucrats of our overcentralized quasi-monopolistic one-party government, who, while dodging public discussion of the matter in Puerto Rico, are financially able to appear personally before you, at Washington, in support of the measure, covering their expenses out of their considerable personal incomes or from a lavishly prodigal public treasury, wholly at their limitless command.

I am morally certain that the people of the whole Nation would consider such a result contrary to the lofty concepts of justice for all which are the basis of the Nation's outstanding position in the world, particularly in its dealings with communities, as in the present case, subjected to its official might. That result would, furthermore, be more abhorrent, if it should spring from a hasty or ill-advised metropolitan action regarding the basic process of all civilized, mature communities; the constitutional genesis, which is vital and supreme to all Americans; to all, without distinctions.

I assume that in regard to proposed Federal legislative action, specifically or exclusively affecting your respective States, you would not think of holding hearings only in the Nation's Capital; and that, either officially or personally, you would also effectuate them in your own constituencies, where it would be easier for your constituents, the less fortunate ones I mean, to appear before you and express their ideas about the measure. The so-called constitution bill affects, profoundly, and almost exclusively, the people of Puerto Rico. As a fellow citizen I therefore sincerely appeal to your spirit of justice and entreat you to apply the Golden Rule—which should by no means be exiled from political processes, in dealing with the paramount problem of the Puerto-Ricans.

Very respectfully,

R. ARJONA SIACA.

COMMUNITY SERVICE ORGANIZATION,
Los Angeles 33, Calif., May 26, 1950.

PUBLIC LANDS COMMITTEE,

House of Representatives, Washington, D. C.

GENTLEMEN: The Community Service Organization, a civic group which encourages fuller citizen participation in public affairs urges this committee to

present a favorable report to Congress on the very worthy cause of extending constitutional government to Puerto Rico which is contained in H. R. 7674.

For your information, we are enclosing a copy of a sheet taken from the Congressional Record describing the work of the Community Service Organization.

Yours very truly,

HENRY NAVA, *Chairman.*

PARTIDO ESTADISTA, PUERTORRIQUEÑO,
COMITE TERRITORIAL,
San Juan, P. R., May 31, 1950.

Hon J. HARDIN PETERSON,
*Chairman, Subcommittee on Public Lands,
House Office Building, Washington, D. C.*

SIR: I have the honor to transmit herewith a certified copy of a resolution unanimously adopted by the Territorial Committee of the Statehood Party of Puerto Rico, at its session held at San Juan, P. R., on May 30, 1950, requesting once more an opportunity to be heard in connection with Senate bill 3336.

Very respectfully yours,

EDUARDO ORTIZ REYES,
Executive Secretary Puerto Rican Statehood Party.

I, Eduardo Ortiz Reyes, executive secretary of the Puerto Rican Statehood Party, do hereby certify:

That the following resolution was unanimously adopted by the Territorial Committee of the Puerto Rican Statehood Party, at its meeting held on the 30th day of May 1950 at San Juan, P. R.:

"RESOLUTION

"Whereas the fact that the Committee of Interior and Insular Affairs of the United States Senate has terminated hearings on S. 3336 without affording an opportunity to be heard to all persons interested in said bill, which purports to authorize Puerto Rico to adopt its own constitution, has caused surprise and dissatisfaction in Puerto Rico, and, very particularly, in the Statehood Party of Puerto Rico, composed of American citizens who have consistently defended the democratic principles of government proclaimed by the United States and the implementation in Puerto Rico of the American institutions;

"Whereas the action of said Committee of Interior and Insular Affairs in recommending approval of the bill without hearing this section of public opinion, which had expressed officially its desire to appear in opposition to such measure, is contrary to American democratic tradition;

"Whereas the Statehood Party of Puerto Rico would like to express its points of view with reference to said bill which affects the future of Puerto Rico, in order that the Congress of the United States should have before it, should know, and should fully comprehend the real scope of such legislation;

"Whereas the Congress of the United States has at times shown its concern about hearing all persons affected by any proposed legislation before approval thereof, and particularly the people of Puerto Rico when such pending legislation may affect them collectively;

"Whereas the importance and the extent of S. 3336, from the point of view of constitutional and international law, and its economic implications, require that a most careful study thereof should be made by all citizens capable of grasping, without prejudice or emotional bias, its real meaning before the bill is submitted to a public referendum: Now, therefore

"The Statehood Party of Puerto Rico genuinely expressing the feeling and desires of Puerto Rican public opinion, as manifested by the local press, emphatically and with all due respect requests, upon the basis of its constitutional right of petition, that the corresponding committees of the Congress charged with the study and recommendation of S. 3336, give this party the opportunity of appearing before such committees and expressing its points of view with respect to the above-mentioned bill. This party hopes and expects that the hearings here requested shall preferably be held in Puerto Rico, but, if not possible, then in the

United States, inasmuch as the importance of the proposed legislation requires a most careful study of its various political, economical, and social aspects."

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the Statehood Party of Puerto Rico, at my office in San Juan, P. R., on this the 31st day of May A. D. 1950.

[SEAL]

EDUARDO ORTIZ REYES,
Executive Secretary, Statehood Party of Puerto Rico.

NEW YORK 5, N. Y., June 3, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Public Lands Committee,
House of Representatives, Washington, D. C.*

DEAR MR. PETERSON: On the 23d of May 1950 I wrote to Hon. Commissioner Fernós-Isern suggesting an amendment to the bill for a constitution of Puerto Rico, to the effect that native-born Puerto Ricans not residents of the island be given the right to be represented and vote in such a referendum. He suggested I address you because your committee plans to hold additional hearings for Congressmen.

When I was counsel to the Senate Committee on Territories and Insular Affairs studying the social, economic, and political conditions of Puerto Rico (Chavez committee) during the last war, and while the Tydings bill for independence and the Langer bill for statehood were pending, I prepared such an amendment for such bills.

I have always considered such a provisions fundamental, for the simple reason that such a constitution is a step forward either to eventual statehood or eventual independence, and because one-fourth of the entire population temporarily resides out of the island. I say temporarily because practically all of us, from Governor Muñoz down to the humblest islander, eventually return to the native island. This number has variously been estimated at from a low of 350,000 to a high of 600,000.

In my letter to Dr. Fernós-Isern I stated that I did not wish to enter into the merits of the proposed amendment. I only suggested to him, and I now suggest to you, that we be given the opportunity to be heard and then we can go into them. This was not done in the Senate Lands and Interior Committee's hearings and therefore I wrote to Senators Chavez, Taft, Brewster (all members of the Chavez committee), and to other Senators such as Senator Langer, asking them either to offer such an amendment or in the alternative to have the bill recommitted.

My intention is not to delay the approval of the bill. Back in the days when I was counsel to said committee, the then Senator Homer T. Bone and I several times discussed the idea of proposing that instead of approving the then pending bill for the amendment of the organic act, a constitution be drafted and introduced, following the classic formulas used theretofore by the several States. But the time was not ripe, and you can see that although the idea is not new it is better, because it is to be drafted by the Puerto Ricans themselves.

Therefore, I respectfully but urgently submit that it is not only advisable but compelling that we be given the opportunity to be heard, and to that end you should make it public through the medium of the press.

Sincerely yours,

RAFAEL BOSCH.

FEDERACION DE PROPIETARIOS DE PUERTO RICO,
San Juan, P. R., June 5, 1950.

COMMITTEE ON PUBLIC LANDS,
*House of Representatives, United States Congress,
Washington, D. C.*

GENTLEMEN: The Property Owners' Federation of Puerto Rico, an organization representative of taxpayers of the island of Puerto Rico, respectfully requests that section 3 of H. R. 7674, March 13, 1950, entitled "To Provide for the organization of a constitutional government by the people of Puerto Rico," introduced by Mr. Fernós-Isern; be amended so as to read as follows:

"Sec. 3. The constitution of Puerto Rico shall create a government republican in form and shall include a bill of rights, and also shall contain the necessary taxing power and debt limitation."

Reasons for this petition are based on the following fundamentals:

1. The population of Puerto Rico is composed mostly by poor people, there not being limitation for voters as taxpayers, and they could be influenced with opposite government philosophies, to the one sustained by our Nation, the United States, and by our insular government, by this, the right to hold property and free enterprise could become in danger by the levying of high and discriminatory taxation.

2. That similar limitations are contained in the constitutions of several States of the Union.

3. The actual Organic Act of Puerto Rico only contains limitation as to the amount that can be borrowed by the government of Puerto Rico, and its municipalities, to a certain percent of the assessed value of all property in the island. There are no limitations as to tax rate on property taxes that have been raised from 1.20 percent to 3.31 percent on each \$100 of assessed valuation in the municipality of San Juan, there is also no limitation on the assessment value, it being based on the real market value this being done actually by scientific methods.

We are having a normal tax on income tax of 7 percent in excess of the credits of \$800 in the case of a single person and \$2,000 in the case of a married person, plus a graded surtax beginning with 5 percent on the first \$2,000 in excess of said credits and up to 72 percent in excess of \$200,000.

There are no possibilities for taxpayers to discuss the constitution ordered to be drafted according to H. R. 7674, or to be heard in any way before it is submitted to the electors, and the only way we see opened to the taxpayers to participate in the study of such so important document is the inclusion of limitation contained in this petition which we submit to you to be included in section 3 of the bill.

Cordially yours,

PROPERTY OWNER'S FEDERATION OF PUERTO RICO,
V. L. GIMENEZ, *Secretary.*

SENADO DE PUERTO RICO,
San Juan, P. R., June 5, 1950.

Hon. J. HARDIN PETERSON,

Chairman, Public Lands Committee, House of Representatives,

Washington, D. C.

MY DEAR CONGRESSMAN: In connection with H. R. 7674, the Territorial Committee of the Republican Party of Puerto Rico adopted a resolution authorizing me to file before the Public Lands Committee a statement containing the party's points of view and opinion with respect to the organization of a constitutional government by the people of Puerto Rico provided for in the said bill.

Our objections to the bill are as follows:

The Territorial Committee of the Republican Party of Puerto Rico, which party carried to the polls 88,189 voters at the elections held on November 5, 1948, believes, in the first place, that it is basically wrong that through the passage of said bill the impression be given to the people of Puerto Rico and to the outside world that Puerto Rico is in fact adopting its own "constitution," or that "the people of Puerto Rico are organizing a government pursuant to a constitution of their own adoption," as free peoples with sovereignty of their own have done whenever they have exercised their unrestricted right to structure their fundamental law.

It is a misnomer to refer in the said bill to a "constitution" to be adopted by the people of Puerto Rico when according to the bill itself the so-called constitution will require the approval of both the President and Congress, and furthermore, when Congress, after the constitution goes in effect, will still retain and have the same plenary powers it now has to legislate for Puerto Rico.

The Republican Party of Puerto Rico believes that what Congress is in fact doing with the passage of such a bill is delegating its power to the people of Puerto Rico to amend the present organic act, without relinquishing and on the contrary, retaining and preserving, all of the sovereign authority which Congress has over this island in accordance with article 4, section 3, of the Constitution of the United States as repeatedly construed by the Supreme Court. This is evidenced by the fact that under sections 4 and 5 of the bill numerous provisions of the present organic act are retained under the name of "Puerto Rico Federal Relations Act," many of which provisions clearly reiterate Congress'

paramount powers over Puerto Rico. For these reasons it is believed that to say that Puerto Rico will adopt its own constitution, is to give out the deceiving and accommodating impression of creating and giving to the people of Puerto Rico a sovereignty which in fact is neither created nor given. We, therefore, would like to go on the record as protesting most strongly and vigorously against the adoption of the bill with such a deceiving concept.

We must here state that if said measures be given their true name, and be thus designated "the Organic Act of Puerto Rico," the same would be most acceptable to our party, for in substance it must be admitted that Congress is thereby enlarging our power of local self-government, which certainly is most welcome under the present circumstances.

We object also to the fact that in the bill the people of Puerto Rico are not guaranteed a fair opportunity to vote in favor or against the so-called constitution. Section 2 of the bill provides that the adoption of the constitution shall be expressed by the people of Puerto Rico "in accordance with procedures prescribed by the laws of Puerto Rico * * *," thus leaving the matter entirely to the local legislature. We suggest that the bill be amended to include safeguards for this fair opportunity, and, specifically, to provide that all qualified voters in Puerto Rico shall be entitled to cast their votes directly upon the question of acceptance or rejection of the proposed constitution. In this connection our objection is that the bill, as it is, leaves the matter of the method for voting on the adoption of the constitution completely in the hands of the Legislature of Puerto Rico. The party which has absolute control of both the Senate and House of Representatives of Puerto Rico obtained 392,033 votes out of a total of 873,085 qualified and registered voters in Puerto Rico. The 1950 census discloses a population of over 2,200,000 persons. It would be only fair for the bill to guarantee and safeguard beforehand by its own provisions the proper method to be followed in the adoption of the constitution.

We also object to that part of the bill which provides that upon its acceptance by the people of Puerto Rico and upon the adoption of the so-called constitution, the President of the United States is authorized to transmit the said constitution to the Congress for final approval. The provision of section 2 of the bill that "upon the acceptance of this act by the people of Puerto Rico * * *" clearly implies that the decision as to whether or not the bill finally becomes a law is left to the people of Puerto Rico and the decision is to be made through a referendum. Our objection on this score is of a procedural nature. We believe that Congress may not approve a statute for Puerto Rico the effectiveness of which is conditioned to its acceptance by the people of Puerto Rico. It seems clear that Congress may not delegate such power to be exercised directly by the people of Puerto Rico. The courts have consistently held that the State legislature may not leave to the people of the State the decision on whether a general law approved by it shall become effective or shall have the force of law. The position assumed by the courts in this connection has been that such measures constitute an undue delegation of legislative power. It is our view that section 2 is objectionable in this respect.

Our last objection to the bill is the fact that it does not contain a statement of motives. Through different channels we have been advised that if the bill is approved it will not affect in any manner the opportunities of statehood for the island. We have been led to believe that in the opinion of the sponsors of this measure in the Senate and in the House, if the bill becomes a law it will in no way interfere with or control any future action by the Congress of the United States with respect to statehood for Puerto Rico. Similarly, the general view which seems to prevail, and which in our opinion is correct, is that the plenary powers that Congress has over Puerto Rico will not be affected or limited by the approval of this bill. These and probably many other important and material questions which may later come up should be clarified at this time either by means of a statement of motives or in the committee's report which will be made in connection with the bill. Clarifying all these concepts at this time will indeed be most helpful in the future.

Very respectfully,

CELESTINO IRIARTE,
Chairman, Republican Party of Puerto Rico.

PUERTO RICO LIBRE,
San Juan, P. R., June 6, 1950.

Mr. J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
House of Representatives,
House Office Building,
Washington, D. C.*

SIR: In accordance to your announcement, made public in a dispatch to *El Mundo*, of this city, dated June the 4th instant, to the effect that any statements for or against H. R. 7674, received by you before June 8, shall be read to that committee in the course of the hearings, I am submitting our declaration, original and one copy, which I commend to your attention.

With advanced thanks for your consideration of this script, I beg to remain,
Very respectfully,

J. ENAMORADO CUESTA,
Director-Editor.

SAN JUAN, P. R., June 5, 1950.

HON. J. HARDIN PETERSON,
*Chairman, and Members of the Committee on Public Lands of the
House of Representatives of the United States of America,
Washington, D. C.*

MR. CHAIRMAN AND MEMBERS: The undersigned is prompted to submit this testimony, written in the English language only for the sake of expediency, with excuses for its poor handling, against H. R. 7674, submitted to that high body by Dr. Antonio Fernós-Isern, Resident Commissioner of Puerto Rico at Washington, upon the strength of your promise, made public in a dispatch to the newspaper *El Mundo* at San Juan, dated the 4th instant, to the effect that "any statement for or against the project reaching the committee before June 8, shall be read in the hearings."

Notwithstanding the fact that I am convinced beforehand that the project is going to be favorably recommended by you gentlemen and that it is probably going to be adopted by the United States Congress upon presentation, I consider it my duty, first as a Puerto Rican, and then as a honest man opposed to the present Government of the United States in Puerto Rico, but not an enemy to its people, to warn their authorized representatives against an action which perhaps yourselves, perhaps your successors in office, may feel in years to come, was hastily taken and that it had better not been taken at all.

I am testifying in the name of the United Front for Independence, which is now in the process of organization in this island. For over 12 years I was affiliated to the Nationalist Party of Puerto Rico, which ignores these proceedings, and was a candidate to our legislature in the 1932 election, the only one in which that party has taken part. I was a founder of the Independentist Party, which opposes the bill and which polled 63,082 votes in the November 1948 election, and of the Congress for Independence, which later evolved into that party, back in 1946. And for the last 8 years I have owned and edited the weekly (now fortnightly) newspaper *Puerto Rico Libre*, which advocates the United Front for Independence, the oldest printed organ of the independence movement, read indistinctly by all those who advocate independence as the ultimate solution to the problem of our political status. I was attached to the delegation sent by the Nationalist Party to the Ninth Inter-American Conference held in Bogotá in April 1948.

I am not deposing before this committee purely for sentimental reasons, although I consider untenable the position that sentiment does not count in politics, but I am testifying in order to reason our opposition to this project.

We people who wish Puerto Rico to be a free and independent republic, friendly to all America and to the whole world, for that matter, do so, first of all on the strength of the exercise of our right, i. e., upon the basis of justice. The question of justice has, as every other human problem, an economic basis. And our economic reasons for wanting to be a free and independent country are many, substantial and clear cut. In the first place and for over a century, we have distinctively constituted a nation. With that as a paramount reason, we will go into the economic reasons.

Our economy has been based, is based at present and everything tends to prove that it is going to be based for a long time, upon agriculture. As a country providing raw products to a rich, highly industrialized, powerful neighbor as the

United States, upon conditions which are practically compulsory, our people have been, are and shall continue to be, if and when H. R. 7674 is adopted and enforced, forced to a meager existence, under the exploitation of foreign capital. This position will prevent us, as it has done up to the present, from reaping the benefit involved in processing our own raw products, as is best exemplified right now, with our raw sugar, which the Congress, the Executive and the courts of the United States, prevent us from refining, because that plain right is curtailed to us by pressure from the United States Sugar Trust. But that is not the only reason for our rejecting that disadvantageous position. At present, as in the past, and as it will continue to be for no one knows how long should H. R. 7674 be adopted and accepted by our legislature, we shall be deprived of the right to freely cater to the open markets of the world with our processed or raw produce, such as sugar, rum, molasses, coffee, tobacco and its finished products, cotton, copra, fruit and the infinitude of products which our soil is capable of producing, as well as the produce of the new industries we may be able to develop.

Now gentlemen, those who argue that, H. R. 7674 has been drafted precisely to avoid the conditions described, are sponsoring a tremendous error. Experience tells us that we cannot develop any industry which will place finished products in the world market, without their conflicting at once with similar industrial enterprises in the United States. This is proven by the fact that we cannot attend even to our own market needs, on that account. Here are a few examples: soap, matches, men's and women's garments, shoes, dairy products, cigars and cigarettes, beer and wines, fruit, canned vegetables, fish and meat products, essences and perfumes, glass products, paper and cardboard products, medicines and drugs, sweets, candy and preserves, and many others, could all be produced in Puerto Rico, with our own basic raw products and trained labor. The experience has been, that every time that our private capital has engaged in the production of these articles, competition from United States producers has pushed them to bankruptcy, through the well known process of dumping and taking transitory losses. The case has been repeated now with Government-owned industries: examples, the glass, paper and shoe factories, owned and operated by the Development Company of Puerto Rico.

And it is this very system, which H. R. 7674 is going to perpetuate in our country, we do not know for how long.

Now, some may argue that we should strive, that you should help us strive, to counter these obstacles, so that we might keep on being a part of the United States, although at present we are merely possessed by the United States. And we shall tell them that there would be many and very good reasons for that, if Puerto Rico were a State or a Territory of the United States, if it were geographically situated within the natural limits of the United States, and if its people would have grown out of the same human roots as the United States did. But, are there any of those reasons concurrent in our case? No; not a single one.

And here we come to our "sentimental" reasons, which after all come to be paramount. The fact is, gentlemen, that in the same way and by the same token that the honorable chairman of this committee would, under no consideration, wish to cease to be a citizen of his native Florida, nay more, cease to be a citizen of the United States, we Puerto Ricans must refuse to cease being citizens of Puerto Rico and even go to the extent of declining the honor to become full fledged, which we are not now, citizens of the United States. Your case holds no comparison to ours, gentlemen. You are all citizens of the United States, from identical stock, with a common language, uses and culture, irrespectively of whether you were born in Florida, Wyoming, California, or Vermont. We are far from being in that position. We shall never be in it, for that matter, except that we were physically uprooted from our native island country, and transplanted here, and that two or three millions of United States-born citizens, were similarly transplanted to our island. But then, we would no longer be ourselves. We would simply have committed collective suicide as a people. That is clear, I hope. Assimilation is an impossibility in our case, gentlemen.

Now, these are our reasons. But there are plenty of reasons for your going carefully about the adoption of this H. R. 7674, which concern you alone, as citizens of the United States and as the authorized representatives of that people, whose trust you hold.

We are not testifying before this committee to mince words, gentleman, but to speak plain facts and try to substantiate them. The reasons which you should

carefully weigh—all pros and cons—before you recommend this bill are many, as I said. But one of them is paramount. It is the question of loyalty. To what extent you may exact and expect loyalty as a people from us is purely a matter of speculation. If the bill is to have your implicit and decided approval, this matter should be one of fact, and fact, gentlemen, is bound to be otherwise in our case. This does not reflect upon our morality as a people. It is only a question of the province of the will, which neither you nor the Congress of the United States, its courts, all of its armed forces, and their industrial power has any force to change.

If I may, I shall cite as an exemplary one my own case. As a boy, I attended grammar school under American teachers and under the system of education which your Government imposed upon us. For 11 years I worked in the United States Customs and Immigration Services, where my record was above reproach and my only troubles were of the political order. I graduated in an officer's school during World War I, and saw service in Puerto Rico and at the Canal Zone, remained in the Officers' Reserve Corps and attained the grade of a captain of infantry. I voluntarily resigned my commission in 1930, giving political reasons for my resignation. And as I am bound to speak truth, gentlemen, I must tell you, without the least malice toward you or your people, that I would willingly and fervently take up arms against United States domination of Puerto Rico, were that possible. Inclusively, I would welcome the aid of any enemy of the United States or of any friendly nation for the purpose of freeing Puerto Rico from United States rule. For I hold no split loyalties; my only loyalty is, wholly and undivided, to the people of Puerto Rico, which, naturally, do not include the 68 privileged heads of families whose yearly income, according to the book just published by Professor Perloff, runs over the \$50,000 mark, neither the few hundred individuals who aid and abet them in exploiting and squeezing the lifeblood of the mass of our peasants and workers. The citizenship of the United States, which I was compelled to swear to in order to obtain a commission in your Army, even although I was a born Puerto Rican, I abjured of together with that commission and do not in the least feel bound by it.

You cannot expect less of a man who took at heart the study of the lives of men like Tom Payne, Patrick Henry, Thomas Jefferson and George Washington, along with those of our own Latin American, including Puerto Rican, fighters for freedom and justice.

Do not make the mistake of thinking, gentlemen, that I am the exception. I could give dozens of names of men even now in the Government's service who think and feel like me and will act likewise if and when circumstances require it. That, of course, you should not expect me to do.

A quick recount of the vote cast, and not cast, in the last election, will give you a clearer understanding of the true situation and give me broader grounds for asking you to consider this declaration against the approval of H. R. 7674.

The Independentist Party vote amounted to.....	63, 082
Voters abstaining from casting their votes at the election amounted to	263, 237
The Popular Party's vote amounted to 387,280. Now, a conservative estimate of those Popular electors who advocate independence, would be that of 50 percent, which would permit us to add to the votes in favor of independence, no less than.....	193, 640
Which would give us a total estimate of the electors in favor of independence. of	519, 959
.. for the 1948 election.	

If we deduct this number of the total registered as qualified electors, of 895,879 the result will be a clean majority over all other parties, of 375,920; almost as large as the total vote for the Popular Party.

Election officials claimed, however, that among the electors who abstained, no less than 100,000 did so on account of their leaving the country between the date of registration and election day, which, being deducted from the majority, would still leave a plurality in favor of independence of 275,920.

Against this claim, we must record the fact the Nationalist Party carried on an intense campaign against the election, advising the people not to vote, in order to refrain from cooperating with the government, which was known to create an attitude of malcontent in many thousands of voters.

Juggle these figures as you may, the fact remains that out of a total electorate of nearly 900,000, only 387,280 voted the Popular Party's ticket and that

this party is therefore claiming now a unanimity which never existed. The pro-independence voters were unorganized and dispersed, which accounts for the fact of their not winning any legislative or municipal posts in the election. Organization, however, is now proceeding apace and conditions may be reversed in the next election, which, it appears, will be held precisely to vote on the acceptance of H. R. 7674 by the people of Puerto Rico.

This fact may at first sight appear as a factor in favor of our viewpoint. That is only a delusion. In a country like ours, with its long colonial tradition, a project that comes with the earmarks of approval not only of the local government, but also with those of the United States Government, is certain to influence mass psychology in its favor. This is a fact.

Now, gentlemen, the die is cast; either you decide that the adoption of H. R. 7674 in this double-time fashion, almost railroaded through Congress, is something not in accord with democratic usages and tradition and that nothing would be lost by letting things take a more thoughtful course, except the time and labor of Dr. A. Fernós-Isern, who after all is well paid for it, thus giving a chance to hundreds of thousands of honest Puerto Rican citizens which in our knowledge constitute the majority of our people, and so save your responsibility to future generations of United States citizens, as well as of Puerto Ricans; or you give way to pressure exercised by the Department of State, the Resident Commissioner and his friends, the Governor of Puerto Rico, the judges of our "supreme" court, and petty officials and office seekers—something very current and considered natural in United States politics, but very undemocratic just the same—and leave the problem of our status for future Congresses to solve, with a background of confusion and uncertainty about the way this bill was passed. It is up to you.

As for us, we know that whatever is to be done, and, in the worst of cases, if the bill is passed in that hasty and "get there quicker" fashion, that is going to be only an ephemeral and transitory evil, for we have boundless faith in the final triumph of our just case, which may be demurred, but not frustrated. For justice, true democracy, and freedom are here in this earth to stay, the power of empires to the contrary notwithstanding.

Very respectfully,

J. ENAMORADO CUESTA, *Editor-Director.*

SAN JUAN, P. R., June 6, 1950.

Hon. J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
United States House of Representatives, Washington, D. C.*

MY DEAR MR. PETERSON: I am sorry that it has been impossible for me to answer before, your cordial letter of the 27th of May, for the courtesy of which I am personally so greatly in debt with you. It is really very deplorable that the House of Representatives of the United States may consider itself justified in approving a constitutional bill for Puerto Rico (clearly in the nature of an enabling act and partaking, simultaneously, of the nature of a compact or treaty) without hearings in the island.

I note, from the text of your letter, that the members of the committee are moved by the consideration that a matter of such importance as that which is the apparent object of the bill should not be delayed indefinitely. As a Puerto Rican I sincerely appreciate the good will for the people of the island which that reason implies.

But good intentions are not always good justifications. And I cannot but think that, after 50 years of the present regime, Congress should not feel compelled, by any circumstances, to act in such a hurry, if that haste is to be responsible, as in this case, for such a confusing, highly complicated—despite its apparent simplicity—source of deep preoccupations and unnecessary legislative action, which is subject to so many well-founded and serious criticisms, when, even with the same haste, but with a fairer and clearer mind, a less complicated, simpler, more logical, and juridically less censurable measure could be approved—toward the same apparent purpose—almost without opposition from any section of public opinion in the island.

As I expressed in a recent letter to Senators O'Mahoney and Butler:

"I personally object to the bill as a whole, because it is, in my humble judgment, plainly unnecessary for the accomplishment of its apparent purpose, juridically confusing, and radically divergent from universally accepted consti-

tutional principles and historic American constituent processes. But from the press reports I infer that the committee's action is based on the fact that the bill, as recommended, provides for its previous submission, in a referendum for acceptance, directly to the people of Puerto Rico; and, if such is the case, without altering in the least my position, I consider that said provision, eliminating the acceptance of the bill by only a legislative fiat, is now the only guaranty of an opportunity for a full and public consideration of the matter by the people of the island. It will certainly tend to safeguard the purity of the whole process, so that—considering its avowed constitutional purpose—it will develop in faithful accordance with the Nation's best democratic postulates.

"Viewing the matter realistically, I am, therefore, of the opinion that, if there is any generally unknown *raison d'état* to make the approval of the bill imperative, the permanence of said provision in the bill will unequivocally show the Senate's real intention that our people here shall express directly its will in a matter of such importance to their native land."

It would be better, though, and certainly more in accordance with the universal good name and prestige of the highest—and mightiest—deliberative body in the world—which is to say the Congress of the United States—for all its members to consider the apparent purpose of the bill more prudently, not so precipitately, and to avoid, in that way, the possibly disturbing consequences which might come from its hasty approval. Toward that end, I would have given—if hearings would have been held in Puerto Rico—and am willing to give, my humble cooperation to the committee, as well as to the honorable members of the House and Senate who would, individually, consider it of any usefulness in arriving at a more judicious decision in the matter.

But I am unable to write now a comprehensive brief about it. I hope, nevertheless, that it may be possible for me to write it in the near future. In that case I will be very pleased, and it will be a real honor for me, to send it to you and to your distinguished colleagues in the committee.

Allow me, sir, to remain

Sincerely yours,

R. ARJONA-SIACA.

PUBLICIDAD BARBOSA,
San Juan, P. R., June 7, 1950.

HON. J. HADDIN PETERSON,
*Chairman, and Members Committee on Public Lands,
House of Representatives, Washington, D. C.*

GENTLEMEN: This is a memorandum for you to be made a part of the record of the public hearings against H. R. 7674 as introduced by Resident Commissioner from Puerto Rico Dr. Antonio Fernós-Isern. I appear before you as a free lancer, who as a newspaperman and as a political counselor of my people, I have preached American ideals to them, and have been a constant advocate of statehood for Puerto Rico. I served in the First World War as a first lieutenant, United States Infantry, at the age of 26, have occupied several government positions, such as member of the municipal assembly of San Juan; associate member of the horse-racing commission; secretary on public relations to the city manager of San Juan; assistant subcommissioner of commerce; managing editor of the governments magazine, *Revista de Agricultura y Comercio*; managing editor of the daily newspaper, *El Tiempo* (the Times), the only English and Spanish daily ever published in the island for 24 consecutive years; and today as managing editor of a 5-day-in-the-week radio newspaper with editorial comments, *El Sol*, and counselor for many years to the Puerto Rico Statehood Association and the Puerto Rico Statehood Party. I am a Roman Catholic, Republican, and member of the American Legion.

MEMORANDUM AGAINST H. R. 7674

This H. R. 7674 creates a new form of government for Puerto Rico. This government is organized through two different statutes. One is the constitution which is drafted and adopted by the people of Puerto Rico which gives our people absolute self-government in local matters. As Congress enables our people to draft and adopt its own constitution, thus recognizing our people the right of sovereignty on all interior or local government, the government organized under the provisions of this constitution is placed out of the constitutional jurisdiction of the United States or of Congress. According to the wording of the

bill, the constitution drafted and adopted by the people of Puerto Rico, once approved by Congress, it shall become in force and it will be considered as a compact between the United States and Puerto Rico. This provision of the bill takes us to a logical and legal conclusion that is: The constitution is not a mere organic act as heretofore enacted by Congress, but the real McCoy, which can only be amended or repealed by the people of Puerto Rico which drafted and adopted it. Although article IV, section 3, paragraph 2, of the Constitution of the United States provides "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State," it is our opinion that this power cannot be exercised by any future Congress, for the constitution is to be considered a "compact" and in that case one particular Congress has exercised the rights of absolute sovereignty over territories as bestowed upon that body by article IV of the Constitution of the United States. A "compact" is a compromise between the sovereign, in this case the Congress of the United States, and the people ruled by that sovereign, in this case the people of Puerto Rico, which cannot be recalled in the future by the sovereign power. Therefore the constitution in our opinion can only be amended or recalled by the people of Puerto Rico and the government thus created by such constitution is out of the constitutional jurisdiction of the United States or of Congress.

The other statute is the law of Federal relations which is what remains of the present organic act, after all the articles organizing a territorial form of government for Puerto Rico are repealed. This law of federal relations with Puerto Rico, as adopted by both Puerto Rico and the United States by mutual agreement of both parties concerned, gives the United States the right to exercise power of sovereignty over all other aspects of sovereignty of the new created state arising from the constitution adopted by the people of Puerto Rico. This statute or law of federal relations between Puerto Rico and the United States which leave those relations as they are today, is the only bond existing between the two countries. The terms of this law can be changed at any time by mutual agreement of the two parties concerned. In the case of the constitution it could be amended only by the people of Puerto Rico that adopted it.

This clearly shows that Puerto Rico has ceased to be organized by Congress as a territory. That a new form of government is organized in the island by reason of the constitution adopted by the people. That this new form of government is neither that of a State of the Union, nor that of a free and sovereign republic, nor that of a territory. Then that special form of state created in Puerto Rico must have a name, and it certainly has one. It is called by European scholars, a servant state, and by American jurists a vassal state. Such a form of government is rare and foreign to the American form of government established by the American Constitution.

This special piece of legislation, H. R. 7674, is obscure, creates confusion, and it is misleading. It gives free hand to Puerto Rico in all local affairs, and at the same time challenges the right of a former Congress to interfere with its constitutional rights to govern or dispose of territories or possessions of the United States, or even the power of legislation in local matters by calling the constitution a compact between the United States and Puerto Rico. It leaves untouched the actual relations between the Federal Government and Puerto Rico, safeguarding our American citizenship and the right of Congress to legislate in all Federal matters in Puerto Rico. This is all a mess which very few understand and which does not solve any of the fundamental problems which today gravitate upon the people of Puerto Rico.

Why should the people of Puerto Rico demand a constitution when it does not bring any real change in solving the many problems that they confront? That is the logical question that must arise in every one of you. And I will try to answer it for you. This H. R. 7674 is not a piece of legislation demanded by the people of Puerto Rico. The people were promised, during last electoral campaign, an enabling act for a constitution which should be drafted either for statehood or for independence. The people were to decide by means of a plebiscite whether the drafting of said constitution was to be that of a State of the Union or that of a free and sovereign republic. But the people never were told about any such constitution as provided in H. R. 7674. Whoever pretends Congress to believe that such a question was brought before the people during last election, it should be taken, under my word of honor, as a misleading statement. The only real purpose of this bill is to protect the new industries established in Puerto Rico on what our Gov. Luis Muñoz-Marín calls Operation Boot Straps. Instead of using the millions of dollars in the Insular treasury to combat the disease of

tuberculosis, which carries the highest percentage of death in the island; instead of putting up schools for 350,000 school children out of schools today; instead of providing hospitals for the care of the poor when in sickness; instead of caring for old-age people and unemployed with direct aid from government funds; instead of caring for thousands of persons afflicted with mental sickness; the government has established a social form of government, investing millions of dollars in fostering new industries with public funds, wholly and in part financed by the insular treasury or public money. All these industrial enterprises have been complete failures with the exception of the cement plant. All others are run with heavy losses to the people. The reason for it? The mass production of American products similar to those produced in the new industries in the island, which are imported free of any local taxes except those branded as luxuries.

The law of federal relations within H. R. 7674 conserves to the government of Puerto Rico the right that today has, to levy taxes on imports, a right which the Constitution denies to the individual States in the Union or to incorporated Territories. Today, the government of Puerto Rico is very cautious in exercising this right for any legislation enacted by our insular legislature can be amended or repealed by action of Congress. The only product taxed today pursuant to that right on imports is coffee. But with the adoption of H. R. 7674 by Congress, and according to the free hand given Puerto Rico under its new political status, we could, and would tax all products coming from the United States to Puerto Rico in order to protect our new industries.

In that way, our Government expects to keep out of the Puerto Rican's market competition from similar products manufactured in the United States, as Congress, as a result of our new political status as drafted in H. R. 7674, could not amend nor repeal legislation enacted by our insular legislature. That is the only aim and purpose of this H. R. 7674. An example, with official figures would illustrate what is meant by this H. R. 7674 rather than words. It follows:

In the fiscal year 1947-48 Puerto Rico consumed 3,958,181 gallons of beer produced in the island against 1,870,317 gallons of imported American beer. In the fiscal year 1948-49 Puerto Rico consumed 2,570,207 gallons of beer produced in the island as against 4,214,102 gallons of imported American beer.

A referendum on the H. R. 7674 offered to the people of Puerto Rico is a gratifying gesture from Members of Congress to prove the good faith in which they act toward our people in placing in our hands principles of pure democracy. We as a people appreciate that offer. But what is the rush to put over this measure at this time when not even the hearings were ever known to the people but a few hours before they were opened and closed? Why, if the House and Senate committees notified the government of Puerto Rico on time that the hearings were to be had, the government officials never notified the public but selected its own "exhibits" to appear before the committees at the hearings? Why should not the members of the committees benefit with the direct cross-examination of other persons appearing before your Committee on Public Lands, instead of limiting the appearance by memorandums? Why on the ground that neither independence nor statehood are in issue on H. R. 7674, should the committee be deprived of the most important information which your committee needs to get to the bottom of the hill?

A referendum on the H. R. 7674 made in Puerto Rico by the insular government which is interested in the bill, and with Gov. Muñoz-Marín who sponsors the said legislation putting whatever power he has to win the referendum, is not a fair proposition to those opposing the bill. It would be useless if the insular legislature which is to approve certain legislation to put forth the referendum, should let political insignias be placed at the head of the ticket, the people would be misled as to the real meaning of the election. During prohibition no party insignias was allowed in the ticket calling for a referendum. The political party in power, which included in its registration almost all the distillery magnates, was against prohibition, but as no party insignias was allowed on the ticket, the people voted for prohibition defeating the party in power. I am sure that if Congress should act in this direction, something should be provided so that no political insignias should appear in the referendum ticket in case the bill should become a law. This suggestion should not be interpreted as favoring the bill.

In conclusion, I honestly believe that H. R. 7674 will not solve any of the problems gravitating on the people of Puerto Rico. It has a European savor branded for colonial empires. In the long run it will bring hard feeling between the United States and the good people of Puerto Rico.

Sincerely yours,

PEDRO JUAN BARBOSA.

JUNE 8, 1950.

Congressman HARDIN PETERSON,
*Chairman, Committee on Public Lands,
 House of Representatives, Washington, D. C.*

DEAR SIR: As per telephone conversation this morning, I respectfully submit statement to be inserted in Congressional Record. Since it was impossible to appear in person, because of the reasons stated by you, in the name of the committee which I represent—the Puerto Rican Committee for Political Action—we hope you and your committee give this document due consideration.

Copies of this statement have been sent simultaneously to the United Press, Associated Press, as well as to all papers in Puerto Rico.

Thanking you in advance for your help.

Remain respectfully,

GIL GERENA

(For Puerto Rican Committee for Political Action).

Mr. Chairman, gentlemen, as a delegate of the Puerto Rican Political Action Committee of New York City, representing thousands of Puerto Ricans in the United States, we wish to formally present our position in relation to H. R. 7674.

First of all, we shall consider whether such a bill conforms to the aspirations of the people of Puerto Rico and meets the moral, political, and historical responsibilities assumed by the United States when it invaded Puerto Rico in 1898. To find the answer to this question, we must go back 52 years.

Puerto Rico in 1898, after a struggle of three centuries against Spain, had obtained complete sovereignty under the autonomous charter granted by Spain in 1897. Under that charter, Puerto Rico had complete home rule. It had a parliamentary form of government, enjoying the rights to make treaties with foreign countries and to enact its own tariff laws. It should be noted that this autonomous charter could not be altered or revoked without the consent of the people of Puerto Rico.

At that time the economic situation of Puerto Rico was a privileged one. There were more than 60,000 small landowners, out of which more than 40,000 have disappeared in the last 52 years. Today about 60 percent of the best arable land is in the hands of United States owners.

Puerto Rico carried on commercial relations with all foreign powers. Its coffee was the toast of all European countries up to 1900. Today Puerto Rico has to import coffee from a non-coffee-growing country—the United States of America.

Puerto Rico had gold reserves in its national and municipal treasuries enough for municipalities to make occasional loans to Spain. Puerto Rico had its own national banking system which issued legal tender. Today, the National City Bank, the Irving Trust Co., the Chase National Bank, and other smaller North American banks control the financial resources of Puerto Rico. It is important to note that at that time Puerto Rico had little or no unemployment. In 1950 there are 350,000 unemployed workers. This does not include the thousands who are forced to migrate to the United States because of the economic condition. This figure of 350,000 unemployed is equivalent to Puerto Rico's population what 21,000,000 unemployed would mean to the population of the United States. Toward the end of the nineteenth century, Puerto Rico produced some of the most renowned international figures. To mention a few: Eugenio María de Hostos, Dr. Emeterio Betances, Vizcarrondo, Dr. Agustín Stahl, Juan Morel Campos. These men were outstanding in the fields of science, music, and literature without the aid of North American civilization. This will give a bird's-eye view of Puerto Rico at the end of the nineteenth century.

In 1898, when Gen. Nelson A. Miles invaded the island of Puerto Rico he made this solemn pledge: "To bestow upon you the immunities and blessings of the liberal institutions of our Government, to promote your prosperity, to give to all the advantages and blessings of enlightened civilization founded on the principles of liberty."

To make a fair judgment of the fulfillment of those promises, let's get a clear picture of Puerto Rico in 1950, 52 years after the invasion. Under the present status, Puerto Rico belongs to but is not a part of the United States. The insular government is based on the organic act—the Jones Act of 1917—which can be amended or annulled by the United States Congress without the consent of the people of Puerto Rico.

At present, all laws passed by the Legislature of Puerto Rico can be amended, suspended, or revoked by Congress. The President of the United States exercises

complete veto power over all legislation approved by the Legislature of Puerto Rico. The President of the United States appoints the judges of the supreme court, the judge of the Federal court, the auditor of Puerto Rico, and all Federal officials. The United States of America, through Congress, the Supreme Court, and its Federal officials have exclusive and absolute power and jurisdiction over all legislation in such vital matters as navigation, conscription in time of peace and war, air law, bankruptcy, radio, immigration; in a word, complete domination over the life of every Puerto Rican. On the economic aspect, the colonial status of Puerto Rico provided for legislation which forbids Puerto Rico to carry on commerce with any other country except the United States. The Puerto Rican people have been condemned to a one-crop economy—sugar. Sugar production is controlled by the system of quotas by Congress. The Supreme Court has just upheld the constitutionality of the Sugar Act of 1948, which forbids Puerto Rico to refine more than 15 percent of its sugar production. Puerto Rico is the sixth market in the world for United States produce and the second in the Western Hemisphere. Because Puerto Rico must sell and buy from the United States at prices fixed in the United States, there is a balance of trade of \$138,000,000 profit annually for the North American corporations.

A one-crop economy has produced devastation, hunger, permanent unemployment among the people of Puerto Rico. The so-called program of industrialization of the present Puerto Rican Government is a failure for the Puerto Ricans and very profitable for Wall Street corporations. The Textron Corp. pays Puerto Rican workers a wage of 25 cents an hour. They have a tax exemption period of 12 years. This creates a continuation of the impoverishment of the Puerto Rican worker and increased profits for the Textron Corp. The Caribe-Hilton Hotel cost the people of Puerto Rico \$7,000,000. The workers get paid a miserable wage. Caribe-Hilton Corp. will not pay taxes for 12 years. Hilton gets richer while the Puerto Rican worker gets poorer.

Puerto Rican businessmen have tried to create industries. Dumping of United States products has strangled native manufacturers. Let me cite an example. India beer, a native product, faces the competition of 13 brands of United States beer. The same thing is true of native manufacture in the fields of gloves, soap, furniture, tapestry, china, cement, shoes, glass, ceramics, ties, and shirts. Not one of these industries has been a success. The United States monopolies have strangled them all.

The program of industrialization is not based on the creation and aid to native industry, but on the invitation to Wall Street capital, tax-exempt without protective tariff for Puerto Rico.

Leading economists in Puerto Rico have found out that since 1940 the cost of living on the island has risen 300 percent. Although at present there are 350,000 unemployed, unemployment-insurance, social-security, and minimum-wage laws do not apply to Puerto Rico, while all the detrimental laws like the Taft-Hartley law and the gag laws which are a replica of the Mundt-Nixon bill.

We wish to bring to the attention of this committee the fact that the present government of Puerto Rico does not really represent the will of the majority of the Puerto Rican people. This can be seen from the figures of the 1948 elections which reveal the following:

Eligible voters.....	900,000
Registered voters.....	800,000
Popular Democratic Party.....	390,000
Independista Party.....	67,000
Socialist-Republican coalition.....	170,000
Political abstention.....	200,000

Thus, out of 900,000 possible votes, only 390,000 Puerto Ricans voted for the Popular Democratic Party, leaving 510,000 voters who oppose the present government. The majority of this opposition is the voice of the pro-independence forces. Let us not forget that Mr. Muñoz-Marín came to power in 1940 on the pledge to get "Bread, land, and liberty." The pledges made by General Miles have been violated, and the pledges made in 1940 by Mr. Muñoz-Marín and the Popular Democratic Party have also been violated. Now, Mr. Chairman and gentlemen, this is the status of Puerto Rico for the past 52 years. Do these conditions conform to the promises made by General Miles in 1898?

It is not to be expected that the Puerto Rican people should withstand colonialism complacently. Colonialism has brought only hunger, impoverishment, and persecution to the people of Puerto Rico. The present law which rules Puerto Rico—namely, the organic act—creates the executive, legislative, and

judicial departments which facilitate the colonial exploitation of a nation for the benefit of absentee landlords. I have come here to express absolute opposition to H. R. 7674, which is not a solution to the problems of the people of Puerto Rico. The solution for Puerto Rico is outright recognition of independence of Puerto Rico with economic guaranties. Dr. Fernós-Isern, the author of H. R. 7674, on Tuesday March 14, 1950, declared:

"The Federal provisions of the present organic act would be reaffirmed under my bill."

This means that the colonial status of Puerto Rico would be "reaffirmed" under H. R. 7674. I have passed before you facts which prove, first, that colonialism is detrimental to Puerto Rico; second, that H. R. 7674 will perpetuate and increase the horrible conditions that the colonial status imposes upon the people of Puerto Rico.

Mr. Chairman and gentlemen, your Government speaks loudly for democracy; your government speaks for freedom of peoples of other lands, of lands far away; yet, right in your own back yard you subject a nation of 2,000,000 people to the most merciless exploitation and slavery ever known. You have a moral responsibility before the world to prove that you really believe in that freedom and democracy. For 52 years the Puerto Rican nation has made clear that they oppose United States intervention. The Puerto Rican people have unanimously declared their opposition to the colonial status. The Puerto Rican people, whether living in Puerto Rico or in the United States struggling for economic betterment, have made clear to the men in power in your Government that they want and are determined to obtain one thing: independence and the right to live as a free country.

Therefore, Mr. Chairman and gentlemen of this committee, I urge you to vote down H. R. 7674 and to pass Congressman Marcantonio's bill.

[Translation]

SAN LORENZO, P. R., June 12, 1950.

Hon. J. HARDIN PETERSON,

*Chairman, Committee on Public Lands,
House of Representatives, Washington, D. C.*

MY DISTINGUISHED REPRESENTATIVE: I do not oppose the bill for the constitution, to draft and approve our own constitution for more self-government, but I reproach the Governor of Puerto Rico, Luis Muñoz-Marín, for his statement when he said before the Committee on Public Lands that he had carried the elections on the basis of asking for more self-government for Puerto Rico. I swear before you and before the not less distinguished members who form that committee, since I should not lie, taking into consideration your generosity and my most profound consideration, that the Popular Democratic Party held a general convention only to proclaim Mr. Muñoz-Marín as a candidate for Governor of Puerto Rico.

Propaganda on more self-government was silenced by Mr. Muñoz-Marín as well as by Mr. Fernós in radio, public platform, the press etc., and no reference to that matter in the general convention of the Popular Democratic Party held in August 1948, if I am not mistaken, in the Muñoz-Rivera Park of San Juan, P. R.

I wish more freedom for our future State of Puerto Rico within the American Union, but I believe that freedom should be attained through elections where only those voters that feel free should take a part and not those slaves that live free on property of the government of Puerto Rico. More so, such elections should have a meaning of citizenship, because the subject matter is a constitution where such a transcendent matter is involved. So, I expect that you and the other distinguished members of that committee may report favorably to the House of Representatives a rule according to which the voter must know how to read and write and must not live on property belonging to the insular or Federal Government. In that way and, only in that way, the same opportunity is given to all the parties legally organized in the island.

Freedom is a sentiment which beats in the heart of every man that loves liberty and is not the exclusive property of a few who hold, as slaves, a part of the people. And, when that liberty is administered by that minority of bureaucrats, it turns tyrannical and abusive politically and economically, as much for anyone who gives as for those who receive it.

That idea of more government was outlined by the Resident Commissioner in Washington 2 years before the elections of 1948; and, since that time until now nothing else has been said about it. In other words, it has been the personal product of Mr. Fernós and his substitute, Mr. Muñoz-Marín.

Mr. Muñoz-Marín also said that in order that the Federal Government may not impose taxes in Puerto Rico that taxation without representation is tyranny, but to this, I reply to Mr. Muñoz-Marín that he wants our father, the United States of America, to be prodigal and the son to be stingy as your mother, England, was stingy.

The rules to carry out the elections after our local constitution may be adopted should not be made by our legislature, but by the Congress of the United States, which should be the most just arbiter in the electoral struggle.

Respectfully,

JOSE L. MAQUIVAR ALCALA.

SANTURCE, P. R., June 14, 1950.

To: Hon. J. HARDIN PETERSON,
Chairman, Public Lands Committee,
House of Representatives, Washington, D. C.
 From: Juan J. Gómez,
San Juan, P. R.

Re: Pending legislation authorizing Puerto Rico to write its local constitution.

Permit me to express my points of view in regard to the afore-named matter.

I would have preferred, as a citizen, to be able to appear personally before the committee and submit my points of view. But you have decided to stay at Washington and have letters written to you rather than to have hand-to-hand talks with the "commoners." This attitude of yours has been labeled by someone down here as "undemocratic." I do not see the use of trying to beat your skin so harshly; I prefer to speak of it as "unpragmatic" or as "unpractical." For no matter how lengthy I might make this letter, your reactions to it will not have the chance of being counterbalanced by maybe convincing considerations. If we are to be allowed to have a "cake," we would naturally like to have the opportunity to consider beforehand with the baker the sort of the confection, rather than to be limited to decide whether we like the cake or not after it has been baked. We are aware of the fact, of course, that, collectively at least, we are your pupils, and that at the long run the best thing for us to do is to "jump the rope" the way you feel like turning it.

As to the bill enacted and the dispositions lately introduced, I wish to recognize it to be a clever way of dealing, meanwhile and meagerly, with the really intricate political and economic problem of Puerto Rico. It shows a marked improvement of attitude from official United States with regard to Puerto Rico, and it will undoubtedly do some real good to you Americans and to us Puerto Ricans, both domestically and internationally.

But the bill has a major flaw. It is being fostered as a sort of compact between the States and Puerto Rico. A compact purports the connotation of free determination as to conditions set up equally by mature parts. You surely know that this is not the actual climate—neither de facto nor de jure—under which we are supposed to be compacting.

We were a constituted commonwealth when General Miles came in in 1898. We had been democratically fighting Spain for our human individual and collective rights, which were considered by us with the same regard and in the same way that you Americans always did and do and had them written down in your Constitution. It was not and it is not a question of being politically in or out of a group. It is rather the want of the solemn recognition of the right and faculty of our people to decide freely by itself whether we stay connected with you as we are—"something how"—whether we apply to be admitted as an equal in a greater commonwealth—"statehood"—or whether we go on as a separate though interdependent community—"independence." I hope that you will see clearly into the moral and material make-up of this attitude.

From my humble point of view, the legislation being considered would be complete and far-reaching if it contained a facultative disposition embodying the following:

"Constituency clause: So many years after this law has been put into force, the people of Puerto Rico is empowered by this act to establish itself as a free nation if it so decides democratically, and to readjust in agreement with the Government of the United States the economic relations and of other sort to prevail therefrom between both nations. This disposition will not be in any way construed as a curtailment or as a promise otherwise in regard to the admittance of Puerto Rico as a State of the Union, if Puerto Rico so decides democratically."

I have not brushed up my construction, but the principle is nevertheless right in it. Don't you think that now, after World War II, after India, Java, Indochina, etc., the time is come for this major stand in regard to Puerto Rico?

I hope that you yourself will read this letter, and I pray the Almighty that you consider it constructively. So let it be.

Most respectfully yours,

JUAN J. GOMEZ.

SAN JUAN, P. R., June 14, 1950.

HON. J. HARDIN PETERSON,
*Chairman, Committee on Public Lands,
House of Representatives, Washington, D. C.*

DEAR JUDGE PETERSON: I respectfully request that an opportunity be given to opposition to Dr. Fernós' bill on a so-called constitution for Puerto Rico, to appear to testify before your committee against the bill.

I address this letter to you as a Puerto Rican and as a brother attorney. I have been in active practice for many years; have been president of the Puerto Rico Bar Association and know of your reputation as a man of a profound sense of justice.

Those in favor of the bill were given all kinds of opportunities to appear on behalf of the measure. Those against the bill have been denied all kinds of opportunities. Why is that? Is that fair? Is that American? Is that in consonance with the avowed purposes of the bill?

The fact that there is a referendum clause in the bill has nothing to do with the denial to opposition of the opportunity to appear before you to express their views on same and offer amendments.

With the hope that you will do justice to us,

Respectfully yours,

FRANCISCO M. SUSONI, JR.,
Member Executive Board, Puerto Rico Independence Party.

SAN JUAN, P. R., June 25, 1950.

HON. J. HARDIN PETERSON,
*House of Representatives of the United States,
Washington, D. C.*

MY DEAR MR. PETERSON: S. 3336 is already pending before the House of Representatives. The Senate approved said bill with the haste that it considered desirable. It was also, in the same way, reported and recommended favorably by the Public Lands Committee of the House. No hearings were held in Puerto Rico. Not only I could not attend hearings at Washington, but was unable to send on time a written expression of my views concerning the whole situation involved in the bill. In an effort to cooperate in the matter with the Senate, the House, and the President before final action, my colleague Rafael Pérez-Marchand, Esq., and I, have been able, at the last moment, to write to both legislative bodies—through their presiding officers—and to the President, the letter of which I have the pleasure of enclosing a copy herewith.

I do not know if there is still time to avoid the commission of what we believe, in view of what is stated in its text, a very serious error. We are satisfied, though, of our effort to avoid its commission.

Due to the unquestionable national importance of the whole situation, may we ask that you give our letter, which we consider addressed also to each one of the Members of the House of Representatives and to the American people, careful consideration and perusal?

Sincerely,

RAFAEL ARJONA-SIACA.

JUNE 24, 1950.

TO the honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C.

SIR: We refer to Senate bill 3336, which is now before the House, and, conscious of the fact that we are not writing for the immediate present alone but for posterity as well, do allow us at the outset to identify ourselves unreservedly,

in order to dissipate any misunderstanding which might be created by interested misinformation from any source.

The undersigned are practicing lawyers, who have had the honor of serving Puerto Rico for many years, in prominent official positions in the judicial, executive, and legislative departments of the insular government. Our respective professional offices are at San Juan and Rio Piedras.

Both have, since youth, unstintingly favored statehood as the solution for the political problem of Puerto Rico, and were militant members of the party upholding that solution when most of the present-day supporters of the Constitution bill favored independence, most stridently and passionately, as the only solution to that problem. It is needless to say that statehood was then generally unpopular while independence was the most popular of both solutions.

Statehood was to us then a most cherished ambition, and we dedicated more than 30 years of energetic, forceful, fighting in behalf of that solution, fully aware of its paramount significance to our people in the island and to the Nation; but, under the weight of circumstances, we had to arrive, at last, at the inescapable conclusion that the Government of the United States will never grant to the Latin, Spanish-speaking community of Puerto Rico, the privilege of becoming a member of the Union, on a plane of equality with every one of the member States. Whether our conclusion is right or wrong, it is a fact that a legion of sensible arguments and the inexorable logic of reality, which we vainly tried to reconcile with our ideal, finally created in our minds an insurmountable barrier to our hopes.

Convinced, as we came to be, of the sheer futility of our prolonged efforts in favor of statehood, we heard, in the depth of our souls, the unslenceable voice of personal dignity, and confronted the inevitable dilemma: either the Puerto Rican people go on, indefinitely, with hands extended in a dishonorable gesture, begging, before the closed doors of Congress, to be admitted as an equal member in the Federal family of States, not having the legal right to demand it, or the people of Puerto Rico assume the position that all colonial peoples have assumed in the course of human history; that of demanding from their self-appointed masters the inalienable right to become a sovereign state in the family of nations.

Considering that any intermediate status would not be a just or honorable solution, because it would leave our people in a subservient and juridically unequal status inside the Federal Republic, as well as in the international scheme of life, we resolutely abandoned our old political ties to join our humble efforts with those of our island's countrymen advocating a status of national sovereignty.

We did it openly. We have maintained it openly. And we have parted ways with those who, for the sake of transitory benefits, have entangled our situation in a turmoil of confusion, to prevail upon our people and delude the friends of Puerto Rico in the Federal administration. We know only too well that by so doing we have thrown overboard every opportunity of official public service while this local transitory governmental situation lasts, but we conscientiously decided, without hesitancy, that it is far more honorable to taste the bitter bread of voluntary political exile, and its concomitant privations, than to be participants in the favors and glorifications which the orgy of governmental power and prodigality, now characteristic of our local politics, has let loose in Puerto Rico during these past years.

No doubt that, for this, we are looked upon as too idealistic or anachronic in our ways of thought. Yet, we deem our position preferable to that of those who consider obsolete the ideals of personal dignity and spiritual integrity, without which no material civilization can for long subsist. And we shall confidently wait for the dictates of history. Those who now neither want statehood nor independence and, for the sake of transitory advantages, have recanted and betrayed the ideals upon which they laid the foundation of their present official might, are today the high priests of a bastard colonial philosophy; they want all the prerogatives of statehood, without any of statehood's responsibilities; they welcome all of sovereignty's attributes, without the burdens inherent to the exercise of sovereignty; they are decidedly bent upon the perpetuation of a system that will ever lean upon and live by the munificence of the American taxpayer, without participating in his burdens. Why wonder, then, that they cherish the spurious hope that sovereignty may be handed graciously to our people, without payment of its price in sweat and privations, austerity and discipline—if not in tears and lives?

We have given deep and serious consideration to the economic aspects of the Puerto Rican situation, and sincerely regret that we here lack the space to demonstrate the basic fallacy of the economic theory upon which the tycoons of

our local government are acting. But should we be wrong, we do not hesitate in proclaiming that if emancipation would entail personal or collective privations or sufferings, they would be the decent price that the Puerto Rican people would pay, as every other people in the eternal process of history has had to pay, for its freedom and sovereignty. We consider that sacrifices will be unavoidable and have never expected to be an exception to that invariable human law. We are not so naive as to believe that we shall enjoy the fruits of collective freedom by waiting, as mere weaklings, for the laws of history to break down as an exception in our favor.

We are presented as anti-Americans because we think as above-stated. To that we answer: Americans are the prototype of freedom-loving people; they are the archetype of democracy. The principle of juridical and political equality—full, dignified, true and not sham equality—is consubstantial with, and inherent to, the people of America. We strive to see that the Puerto Rican people be acknowledged their right to the enjoyment of those attributes in the only way consonant with reality, and care not if we are accused of anti-Americanism by those who are themselves the living antithesis of real, enlightened, and decent American ideals.

Our political thought, our political tendencies and our aspirations, are no more anti-American than they are anti-French or anti-English. The vision of our assumption of sovereign powers outside the Federal Republic—given the impossibility of assuming them inside the federation as an equal member State—carries with it the implied responsibilities of a real solidarity of material and spiritual values between our people and the great Nation whose destiny was to be so entwined with ours in the august mission of creating our own nationality. And it is our dream that the American people and the people of Puerto Rico continue to live and move closely united in the cause of freedom and democracy, inspired by Christian principles of life and civilization, to the end of time. Considering the foregoing, is it conceivable that the United States could count on a more sincere friendship and cooperation from any other political entity in the world?

These facts must be perfectly understood: We honestly believe, for obvious reasons, that the United States, for many years to come, will not admit Puerto Rico into the Union with a status equal to that of each and all of the other States; and, because of our acknowledged political maturity, we resent that the people of Puerto Rico be forced to remain under the rule of a master; we do not want our people submitted to a position of political and juridical inferiority, which will never cease to be a stigma of serfdom, and, as such, unjust, unfair, and unwarranted. We consider that, so long as the Congress of the United States be unwilling to grant to Puerto Rico the opportunity of becoming an equal member of the Union, it is unworthy of the democratic tradition upon which the greatness of the Nation is founded, to continue to hold the Puerto Rican people under political vassalage, whatever be the name given to the powers and organization that will govern the island under its mighty but unwarranted rule. We hold that, the premises considered, there is no other decent way out, both honorable to the Federal Republic and honorable to us, than to let our people enjoy its inherent right to establish our own sovereign state, juridically and politically on a par with every other state in the world.

Such would be the true measure of American constructive democracy, with ill will toward none and with friendly, Christian understanding in the service of humanity. Nothing would enhance the prestige of the United States more, before free America and the world, than to give us now the fair opportunity to decide for ourselves; honorably and rightfully within, or honorably and rightfully outside the Union.

Upon the aforesaid, we object to the so-called constitution bill for Puerto Rico, because, in the light of events, it is in no way responsive, historically or politically, to the hour we live, and amounts to a travesty of the seriousness of the problem which the bill so lightly approaches.

We contend and submit that:

1. The proposed bill is juridically deceptive.
2. The proposed bill is politically evasive.
3. The proposed bill shelters a hidden purpose.
4. The proposed bill parts from a false conception of our political reality.
5. The proposed bill will not delude or deceive the world's opinion and can be greatly damaging to the prestige of the United States of America.

It is well to remember here one of the truisms of American history, consecrated by the founders of the Nation in the Declaration of Independence: the

right to liberty is inalienable. Individual liberty does not fully exist when the individual lives under a regime of political or juridical oppression, when the people are collectively submitted, in their own native land, as is the case of Puerto Rico, to a status of political inferiority which is plainly undemocratic in some of its more outstanding phases. And this, no matter what the individual's economic fortune or what the master's generosity may at times appear to be. The right to freedom, in a status of collective equality—politically and juridically at least—cannot be bargained or alienated. No political party, no government is entitled to do it. Every step to the contrary is spurious and incompatible with self-respect.

The President and the Congress of the United States have before the world, the responsibility of not allowing themselves to be led or pushed through an inglorious path by anybody, no matter what the interests at stake.

A. THE BILL IS DECEPTIVE

1. The bill expresses that its purpose is to enable the people of Puerto Rico to "organize a government pursuant to a constitution of their own adoption" (sec. 1, S. 3336).

A constitution is, to all purposes, the fundamental law in accordance with which governments operate; its provisions define, establish, and limit the fundamental powers of government, assigning them to the respective departments; and, in the American sense of the word, it emanates from the people, the only depository of political power.

In the light of what a constitution is, the bill fails in its expressed purpose: It does not enable the people of Puerto Rico to organize their government on the basis of a true constitution.

2. According to S. 3336 the people of Puerto Rico may organize the departments of their government, but—

(a) the full legislative power which Congress has now and reserves, over the people of Puerto Rico, will remain in force exactly as at present.

(b) The people of Puerto Rico, in drafting their so-called constitution must abide by that power and not touch it in the least.

(c) Congress will, therefore, substantially, form a part of the insular legislative power, above and outside the so-called constitution to be adopted by the people of Puerto Rico.

Under the bill, the people of Puerto Rico will establish a local legislature, to act, precariously, as a mere agent of Congress, its powers in local affairs to be exercised under the congressional will and the dictates from Washington. This means no more than that, the authority given to the Puerto Rican people, under the miscalled constituent power granted by the bill, goes no farther than to reorganize the structure of the present legislative power, but subject at all times to Federal legislation, even as to petty local matters.

(d) The people of Puerto Rico are precluded also from a full organization of their judicial department, the decisions of all insular courts remaining removable and appealable to and reviewable by, Federal courts, not according to local laws but to the permissive laws of Congress.

(e) Even as to local judicial matters, all judicial process shall run in the name of "The United States of America, SS. the President of the United States," and the people of Puerto Rico, in the development of the constituent (sic) procedure established by the bill, are likewise limited to the extent that it is not in the name of the people of Puerto Rico but in that of the United States, that the issuance of judicial process in all local judicial matters will run.

An inescapable consideration now suggests itself: Congress will remain an untouchable part of the governmental machinery of Puerto Rico, even in local matters, under the pseudo constitution which is the object of the bill. By the same token, the President of the United States, without whom Congress cannot legislate, remains also an integral part thereof. And this without any possible alternative to the people of Puerto Rico.

3. The bill expressly provides that, after its acceptance by the people of Puerto Rico, the local legislature is to call a "constitutional" convention to draft the "constitution" of the insular government; but

(a) As we have endeavored to show, the government organized by that constituent procedure will be of a double character: It will function with governmental departments created by the popular will, according to the constitutional process provided by the bill, but under the direct supervision, hegemony, and supremacy of the Federal Government, which thus becomes implemental to and

a part of our local governmental structure, without our constitutional will and obviously outside our constitution.

It will be a novel and exceptional situation, indeed. Our local government is to be supposedly organized by the exercise of local constituent powers, yet it will be quite mixedly integrated and operated: by our people, acting directly in their own constitutional convention, and by the Federal authorities in whose integration our people have no intervention whatsoever.

Such is no more than a hybrid combination of democracy and autocracy, the product of mere wishful thinking in matters of the greatest concern; and it will not prove to be an authentic work of sound statesmanship. The people of Puerto Rico are given the power to make their own "constitution" but they must subject themselves to the strait-jacket of the above-stated limitations and know beforehand a humiliation that their "constitution" may be at any time altered, revoked, or even superseded by Federal legislation. Is this not ridiculous? Is it not a mockery?

The transitory present state of local political affairs in Puerto Rico is a poor basis and the poorest excuse for the derision which our people have undeservedly been made the target of by S. 3336; but suffice to say that it will not now or ever fool the world.

4. The bill also states: "* * * this act is now adopted in the nature of a compact, so that the people of Puerto Rico may organize a government pursuant to a constitution of their own will."

What does the phrase "in the nature of a compact" mean? If it means anything at all, a compact is a solemn agreement or contract respecting some right which is the object of the agreement; a bilateral transactions in which the parties to it assume and acquire reciprocal obligations and rights. In a higher sense it means, and is generally taken to mean, contracts or agreements between nations states.

Considering the parties to the "compact," the phrase should carry a clear and precise meaning, and the bill, once approved by Congress and accepted by the people of Puerto Rico, should be looked and acted upon as a covenant or agreement between the people of the United States and the people of Puerto Rico. But here, a most transcendental question comes to the surface: What kind of covenant, or agreement, or contract? Is the Government of the United States definitely bound by the provisions of the act here under scrutiny? In what form and to what extent is it bound?

Every one of the learned Members of the Senate and House of Representatives knows that the hands of future Congresses cannot be tied by any previous Congress, no matter what may be the subject of consideration under their legislative powers. It is a truism of American constitutional law that "no Congress can bind any future Congress." If, then, the powers of Congress over Puerto Rico cannot be in the least compacted, covenanted, contracted, bargained, or in any way affected by this legislation, why the farce? Why the attempt to shirk realities by the roundabout way of calling S. 3336 a statute "in the nature of a compact?"

The Congress of the United States assumes the power, at any time, to modify, alter, revoke, and even supersede, expressly or implicitly, the laws resulting of the present bill, without even consulting the will of the people of Puerto Rico. It therefore is not fair nor equitable to pretend that it represents a measure of American democracy. No self-respecting people to whom the right of organizing their government were officially recognized under and by virtue of a law, would voluntarily consent to be a party to such a derisive and irritating "compact." The procedure is indeed reminiscent of the indentured servants agreements by which the master reserved unto himself the power to do as he wished, at any time, about the matter agreed upon, and the serf had to be content with having signed a pompous undertaking whereby he had forever submitted to the lordly exercise of his master's will, without recourse.

No one in the broad world, sufficiently informed of our colonial problem, will be deceived by terminology; mere semantics will not alter the fundamentals of American constitutional law. The bitterness of our present situation, which the bill intends to cloak by a wrongly called constitution to be adopted by the Puerto Ricans, will remain as crude as ever. Words devoid of practical meaning will not mitigate it, but contribute to its confusion. The bill is not a compact, nor is it a statute in the nature of a compact.

Yet it is possible that there be a hidden purpose in presenting the bill to the world as an agreement with the people of Puerto Rico, that may be taken in the future to mean that, by its acceptance, our people have consented to remain in-

definitely as a colonial possession or property "belonging to but forming no part of the United States," crippled in their collective political attributes; and that approval of the bill in its present disguise may preclude the Puerto Ricans from continuing their struggle for a final, truly democratic solution of their political problem by their self-appointed masters. It may be also that the real purpose of that statute is to lead the world to believe the sinister fact that the Puerto Ricans have accepted voluntarily—in the form of a compact—the colonial yoke. That would be tantamount to a moral crime, and the stain of it will resist all efforts to minimize its effects on the fabric of American constitutional principles.

The proposed "constitution" is bound to prove itself meaningless, for, as a matter of fact, thousands upon thousands of true American citizens in Puerto Rico will continue with their incessant fight against colonialism, no matter what the name given to laws conceived for that purpose. No one should be misled. Collectively, and so long as colonialism in any form exists in Puerto Rico, its people will be outside Republican America.

It is unjust and unfair, and a discredit to the United States, that we continue to be a part of Colonial America. The Nation universally recognized as the champion of democracy should not consent to be a party to such political scheme. We want our land, and our people in that land, not only integrated to the America of personal freedoms and civil liberties, as at present, but to the greater America of sovereign peoples, who are politically free and juridically equal. In all fairness and justice, our only alternative should be: honorably and rightfully inside the Union, if possible; or outside the Union, as honor and right demand.

We may be delayed, but we shall not abandon the road we have chosen, and phrases fraught with confusion will not stop us on that road.

B. THE BILL IS POLITICALLY EVASIVE

The people of Puerto Rico have been repeatedly recognized as politically mature, and their full capacity for self-government has been reiterated. No other community in the world surpasses the Puerto Rican people on that score.

That being the case, the Government of the United States has no justification whatsoever to hold and subject our people to the present undemocratic regime. Lest we be challenged in the qualification of our present political status under the magnanimous but autocratic hands of the Federal State's authorities, we quote a resolution adopted by the Insular Bar Association, in its 1944 annual convention:

"1. The Federal Congress legislates for the people of Puerto Rico, who have no right to participate in the election of its members.

"2. In the same way, coastwise shipping laws, framed by legislators not elected by the people of Puerto Rico, have been imposed upon them.

"3. Tariff laws have been forced upon the people of Puerto Rico by legislators not elected by them (taxation without representation).

"4. Federal penal laws have been forced over the people of Puerto Rico, who do not understand them because they are approved and promulgated in English, such laws being passed by legislators not elected by the people of the island.

"5. Every act of our local government can be annulled by the Federal Congress in whose election the people of Puerto Rico do not participate.

"6. A military service law has been extended to the people of Puerto Rico, imposing the enlistment of our able-bodied men through Federal regulations. In the same way all Federal laws concerning prices, rationing, or transportation have been extended to the island. Aside from the decided will of our people to fight with all their resources against the enemies of democracy, the fact remains that these laws have not been passed by representatives of our people, and that the Puerto Ricans cannot—unlike continental Americans—find relief through their legislators when oppressed by such laws. Laws are made for our people without their least participation, in the democratic lawmaking process, and they must without appeal accept them even if they are not the work of their legitimate representatives.

"7. The continental community derives loss or gain (as the case may be) from the foreign relation of the United States, these expressed in International treaties and agreements which the President, through his delegates, negotiates, and which the Federal Senate ratifies or not. Such treaties and agreements are made by a President elected by the people and confirmed by a Senate, likewise popularly chosen. With Puerto Rico, the case is very different. Many of these treaties or agreements affect our island adversely, yet the people of Puerto Rico have no part, either direct or indirect, in the election of the men who make and ratify such treaties.

"8. The Government of the United States sets up Naval and Military Establishments in the States of the Union through legislation which includes the right of condemnation, such laws being passed by representatives of the American people. The Government of the United States has set up Naval and Military Establishments in Puerto Rico—establishments which constitute "enclaves" or "sancta sanctorum" by their characteristic extraterritoriality. The people of Puerto Rico, who have suffered mass condemnations, had no voice in the election or appointment of the legislators, judges, and executive officers who passed, interpreted, and executed the laws by which such condemnations are effected, such establishments are built, and such territorial subtraction from the meager sovereignty of Puerto Rico is consummated.

"9. The constitutional rights of freedom of speech, of religion, of assembly, and of petition have been guaranteed to the people of Puerto Rico. These rights and liberties are, in the civic life of a country which cannot elect or appoint all of its Government officials, practically useless. The chief purpose of the freedom of speech is the creation of public nuclei, strong enough to gather around them the responsible adults of the country, so that governments may be formed and oriented according to the general opinion; but, if the people have no way of enforcing their opinion because they do not elect the men who govern them, and if these men are not responsible to the people, such freedom of speech is nothing more than high-sounding pomposity—the mere toy of an empty and futile policy."

Despite the present elective character of our insular governership, the appointment by the Governor of all the members of his cabinet and the proposed organization of the local government through the ill-named "constitutional" process embodied in the bill, the situation will remain basically the same. Could anyone gainsay that it is essentially undemocratic?

Our contention is, therefore, unequivocal: The United States should, in due justice, grant as the democratic prerogatives appertaining to a State, so that we may participate in the election of the President and the Congress, and share in the integration of the Federal judiciary which exercises jurisdiction over us, or the people of the United States should, in the alternative, enable our people to organize a local government by adopting not a shadow of, but a whole and integrated constitution, a true supreme law for this land, in the manner that each of the Thirteen Original Colonies did. That is what every civilized and self-respecting people have a right to do; what the Puerto Ricans are entitled to, under the United Nations Charter.

The bill under consideration evades that situation. Its flagrant injustices cannot be hidden from the public eye. The Government of the United States should not permit that it be carried away from the clear path of justice and fairness into the inglorious jungles of political chicanery. This is no time to evade a question which the Congress and the President of the United States may readily solve with honor and glory to the American people.

C. THE PROPOSED BILL SHELTERS A HIDDEN PURPOSE

The official communication of the Department of State, addressed to the Honorable Joseph C. O'Mahoney, chairman, Committee on Interior and Insular Affairs, United States Senate, favoring the bill, speaks to the point. In it the Honorable Jack K. McFall expresses the official attitude of the Secretary of State and says:

"The Department of State believes it to be of the greatest importance that the Puerto Rican people be authorized to frame their own constitution as provided for in S. 3336, in order that formal consent of the Puerto Ricans may be given to their present relationships to the United States.

"It is believed that, with their own constitution, the high degree of internal self-government which the Puerto Ricans today enjoy in their voluntary association with the United States. * * *

Several assertions contained in that letter are not consonant with reality.

1. It is not historically correct that the present association of the Puerto Ricans with the people of the United States is voluntary on our part.

(a) When in 1898 the American Armed Forces conquered this island, as an act of war, the President and Congress announced to the world that the Nation was not at war with the Kingdom of Spain for territorial aggrandizement; that the United States were solely moved by high humanitarian purposes in that struggle.

(b) The people of Puerto Rico were not consulted as to their political destiny, in or after 1898. Our local life has developed since then to a degree of unquestionable material progress, but all the while under and by virtue of Federal statutes legislated by the Congress of the United States for the Puerto Rican people.

(c) It has been repeatedly asserted that the extension to and acceptance by the people of Puerto Rico of the American citizenship had the effect of converting the relations between Puerto Rico and the United States into a "voluntary association." But this assertion overlooks the fact that our present status had its origin in an act of war, and can be sustained bona fide only by ignorance itself.

It is a historical fact, and we well remember, that our citizenship was to be, in President Taft's words: "Entirely disassociated from any thought of statehood." Can it be said, then, that Congress, by so doing, meant that the Puerto Ricans should accept American citizenship with the express knowledge that their status would be forever one of inferiority inside the Union? Our citizenship did not carry with it a promise of statehood; but did it simply represent a colonial citizenship? Not at all. There was no compromise in extending or accepting it, and Congress reserved absolute power to grant statehood or independence to the citizens integrating the island community. Under the organic law now in force these citizens have retained absolute freedom to choose statehood or independence in their future relations with the United States.

Moreover, there is this important aspect which must not be overlooked under any pretext whatsoever: American citizenship was accepted by the Puerto Ricans; but was it freely accepted? The same organic act in which citizenship was granted provided (sec. 10) that "all officials shall be citizens of the United States."

Under the Organic Act of 1917, then, teachers, judges, legislators, municipal mayors and councilmen, office clerks, grave diggers, dustmen, health inspectors, policemen, telegraph messengers, ward commissioners, government department heads, bureau directors, electoral inspectors, court secretaries and marshals, internal revenue collectors, appraisers, etc., etc., would have to tender the resignation of their positions and abandon the public service, if they did not become American citizens.

Even lawyers, doctors, engineers, pharmacists, nurses, etc. etc., would have to become American citizens to be allowed to practice their professions.

Furthermore, in that same act the following provision was contained (sec. 35): "That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter voters shall be citizens of the United States. * * *"

It all means that thousands upon thousands of young men and women, capable of rendering public service or practicing a profession, would neither be able to vote at the polls nor be eligible for public offices if they failed to accept the American citizenship, so graciously extended to them. That is, although born in Puerto Rico and living in their native land for the length of their lives, they were confronted with the inescapable and humiliating alternative of becoming pariahs, helots, political cadavers and exiles, deprived of the essential rights and attributes of citizenship, in their own land, if they dared choose to retain the humble citizenship of Puerto Rico. Can any one gainsay, in the light of known facts, that the citizenship of the United States was offered to the Puerto Ricans under frightening terms?

What difference is there, between that procedure and the totalitarian plebiscites held 20 years later? Totalitarianism was then an unknown concept, but, known as it came to be, and judging by its standards, the acceptance of citizenship under a congressional ukase had in reality the effect of such a plebiscite. Would it be a stinging irony to assert that, thus, Puerto Rico became the birthplace of the after known totalitarian plebiscites? We came to be American citizens by a more subtle process, devoid of armed paraphernalia, but essentially as compulsory.

This does not mean however, that, once we accepted to become citizens of the United States, we have in any way, form or measure, proven to be unworthy of or disloyal to our citizenship. Two World Wars have proven it. Indeed we ask the good God to help us never change that citizenship—be it by barter or by war—for the citizenship of any other nation in the world; but, of Him we pray that, if there must ever be a change, it be for the restored citizenship of our humble but beloved native land.

2. Our present colonial relations with the United States are repudiated by the people of Puerto Rico. Witness: the concurrent resolution approved in 1943 by the insular legislature, wherein the protest was thus expressed:

"Whereas in all political parties and civil and economic sectors of Puerto Rico the unanimous decision prevails that the colonial system of government should be totally and definitely abolished;

"Whereas the form of definite political status which, on the basis of this unanimous anticolonial conviction, the people of Puerto Rico are to have, should be democratically decided by the free vote of the people of Puerto Rico;

"Whereas, it is the unanimous desire of the people of Puerto Rico that, in accordance with their will set forth in the programs of the political parties, the permanent political status be decided as expeditiously as possible, immediately if feasible, or at latest when the war ends and peace is established, whichever shall be most compatible with the best conduct of the war against the totalitarian powers: Therefore

"Be it resolved by the Senate of Puerto Rico, the House of Representatives concurring:

"SECTION 1. That the Legislature of Puerto Rico, in the name and in representation of the people of Puerto Rico, by this Concurrent Resolution, lays before the President and the Congress of the United States of America the right of the people of Puerto Rico that the colonial system of government be ended and to decide, in special free and democratic elections, by the free will of the people of Puerto Rico themselves, their permanent political status, as expeditiously as possible, immediately is feasible.

"SEC. 2. That if the President and the Congress of the United States of America consider that in order to make effective this right and to act favorably regarding this petition, we should wait for the moment when victory is won and peace is being organized, the people of Puerto Rico will wait with patriotic resignation until that decisive moment for their natural aspirations."

The political relations between Puerto Rico and the United States were not born of the consent of the people of Puerto Rico, any wishful thinking to the contrary notwithstanding. We repudiated being a colony of Spain, just as the Thirteen Original Colonies did with reference to their English mother country, and now, as American citizens that we are, we do not want to be a colony of the United States. Nobody should be misled by any false representations to the contrary, come them from whatever source.

3. The Department of State asserts that it sponsors the "constitution" provided for in the bill, to obtain "the formal consent of the Puerto Ricans to their present voluntary relationship to the United States." The premise is false, and its purpose is undefendable. It circumvents the problem of our status instead of approaching it directly—the actual government officers in Puerto Rico are well known to be experts in that procedure. The bill confuses the mind of the laity by giving the name "constitution" to something which is anything but a constitution. It will be an imposition on, and abuse of, the ignorance of the masses in these matters, deceiving to the extreme of leading them to believe that they vote for the adoption, not of a sham but a true constitution.

The bill will produce no substantial changes in the actual structure of our government and its functional organization. It proposes merely formal variations, a fact which will be the more irritating because, by the will of Congress, not by the will of the Puerto Ricans, the actual relations of master and servant between the United States and Puerto Rico will remain intact. No matter what the efforts to conceal the facts, the present relations between the Puerto Ricans and the United States will continue as they are, not by the consent of the people of Puerto Rico but because in the bill Congress has expressly decreed their permanence; and the people of Puerto Rico have no choice in the matter, one way or the other.

The bill will merely prolong the relations which the Puerto Ricans are powerless to alter, whether they accept or reject the proposed "constitution."

A CORDIAL VOICE OF ADMONITION

Of course, the actual government of Puerto Rico is the richest and most prodigal in our history—an income of approximately 1,278 millions in less than 10 years, excluding loans—and its party commands almost all the resources of the island. In anticipation of the bill and to offer its sponsors an easy victory at the polls, about 200,000 names have been recently eliminated from the electoral lists by a legislative fiat. Very likely the Puerto Ricans will be made to appear before the world as having consented to a status of colonialism and inferiority unworthy of true American citizens. But it will not happen without our giving the best in us to avoid dishonor. Ours will be a civic fight, of course, but its resonance will circle the broad world, by all means.

AN APPEAL TO REASON

Congress could easily attain the purposes of the bill without forcing the Puerto Rican people to face such an unjust and unfair situation; for, should the administration really desire a change in the island's governmental structure, it should be brought about straightforwardly and without confusion. Then, there would be no opposition.

But, if such were the case, Federal legislation could easily be promulgated, amending the present organic law to enable the insular legislature to make whatever changes it would consider necessary in the formal structure of government for the better attainment of its ends. The apparent purpose of the bill would then be achieved in a simple, not confusing way and without opposition.

As loyal citizens speaking the truth without mental reservations or deceiving euphemisms, we appeal to the President of the United States, the Representatives, and Senators of the United States individually, as well as to the Senate and the House of Representatives of the United States, institutionally, not to give the S. 3336 final approval in its present form. We are well aware that, as Assistant Secretary of State McFall has stated, the bill has the administration's support; but, with a profound sense of respect, we submit that such support emanates from an honest but mistaken view of our situation as a whole.

We neither have nor claim the representation of any given group or party; we here express our personal thoughts and intend no more than to lay the case of Puerto Rico before you for the records of history. The prestige of the United States is involved in this matter, and, regardless of the ultimate results, we hereby appeal to the conscience of the American people.

Respectfully,

RAFAEL PÉREZ-MARCHANT.
RAFAEL ARJONA-SIACA.

[S. 3336, 81st Cong., 2d sess.]

[Rept. No. 2275]

AN ACT To provide for the organization of a constitutional government by the people of Puerto Rico

Whereas the Congress of the United States by a series of enactments has progressively recognized the right of self-government of the people of Puerto Rico; and

Whereas under the terms of these congressional enactments an increasingly large measure of self-government has been achieved: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, fully recognizing the principle of government by consent, this Act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

SEC. 2. This Act shall be submitted to the qualified voters of Puerto Rico for acceptance 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.

SEC. 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 Congress 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.

Upon approval by the Congress the constitution shall become effective in accordance with its terms.

SEC. 4. Except as provided in section 5 of this Act, the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the "Puerto Rican Federal Relations Act".

SEC. 5. At such time as the constitution of Puerto Rico becomes effective, the following provisions of such Act of March 2, 1917, as amended, shall be deemed repealed:

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

(2) Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49h, 50, 51, 52, 53, 56, and 57.

(3) The last paragraph in section 37.

(4) Section 38, except the second paragraph thereof which begins with the words "The Interstate Commerce Act" and ends with the words "shall not apply in Puerto Rico".

Sec. 6. All laws or parts of laws inconsistent with this Act are hereby repealed. Passed the Senate June 8 (legislative day, June 7), 1950.

Attest:

LESLIE L. BIFFLE, *Secretary.*

[H. Rept. No. 2275, 81st Cong., 2d sess.]

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

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 decli-

sively 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 for 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-Marín, 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 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.

One further point of clarification. This bill does not commit the Congress, either expressly or by implication, 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 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, our 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 lands 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 Ordinance enacted by the Congress for the government of 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.*

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 guaranties 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 "55" 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-Marín 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.

Sincerely yours,

OSCAR L. 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 proviso 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.

Section 27: Contains provisions relating to the election, number, qualifications, and term of office of members of the house of representatives of Puerto Rico, and prescribes the powers of the house of representatives.

Section 28: Provides for the division of Puerto Rico into representative and senatorial districts.

Section 29: Provides for quadrennial elections.

Section 30: Provides a 4-year term of office for senators and representatives, and prescribes the method of filling vacancies.

Section 31: Provides a per diem and mileage allowance for senators and representatives.

Section 32: Provides that the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members.

Section 33: Provides for regular and special sessions of the Legislature of Puerto Rico.

Section 34: Contains provisions relating to the legislative procedures to be followed in the Legislature of Puerto Rico, also contains provisions with respect to the approval or veto of legislation by the Governor of Puerto Rico, and approval or disapproval by the President of the United States of enactments of the Legislature of Puerto Rico.

Section 35: Prescribes the qualifications of voters.

Section 37: The portion of this section to be repealed prohibits the creation of additional executive departments by the Legislature of Puerto Rico, but permits the consolidation or abolition of departments with the consent of the President of the United States.

Section 38: Contains provisions relating to the organization and functions of the Public Service Commission of Puerto Rico.

Section 39: Contains provisions relating to the issuance of franchises and privileges, and other miscellaneous matters.

Section 40: Contains provisions relating to local courts of Puerto Rico.

Section 49: Provides for the appointment by the Governor of Puerto Rico of certain court officers not subject to Presidential appointment.

Section 49 (b): Contains provisions relating to the position of coordinator of Federal agencies in Puerto Rico.

Section 50: Contains provisions relating to the payment of salaries of officials of Puerto Rico.

Section 51: Contains provisions relating to the payment of salaries of municipal officials of Puerto Rico.

Section 52: Contains provisions relating to the continuation of incumbents of offices at the time the Organic Act of 1917 was passed.

Section 53: Permits the Governor of Puerto Rico to reorganize bureaus within various departments.

Section 56: Contains provisions relating to the continuance of the legislative and executive functions of the government of Puerto Rico until the Organic Act of 1917 becomes effective.

Section 57: Provides for the continuance of the laws and ordinances of Puerto Rico in force and effect at the time the organic act became effective until such time as they are altered, amended, or repealed pursuant to the legislative authority conferred upon the Legislature of Puerto Rico by the organic act.

DEPARTMENT OF STATE,
Washington, April 24, 1950.

HON. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

MY DEAR SENATOR O'MAHONEY: This is in further reply to your letter of April 1, 1950, which was acknowledged April 4, 1950, transmitting for the comment of the Department of State, a copy of S. 3336, to provide for the organization of a constitutional government by the people of Puerto Rico.

The Department of State believes it to be of the greatest importance that the Puerto Rican people be authorized to frame their own constitution as provided for in S. 3336, in order that the formal consent of the Puerto Ricans may be given to their present relationship to the United States.

It is believed that, with their own constitution, the high degree of internal self-government which the Puerto Ricans today enjoy in their voluntary association with the United States, will assume for them an added significance. Moreover, such action by our Government would be in keeping with the democratic principles of the United States and with our obligations under the Charter of the United Nations to take due account of the political aspirations of the people in our Territories and to develop self-government in them.

In view of the importance of "colonialism" and "imperialism" in anti-American propaganda, the Department of State feels that S. 3336 would have great value as a symbol of the basic freedom enjoyed by Puerto Rico, within the larger framework of the United States of America.

The Department has been informed by the Bureau of the Budget that bills providing for the drawing up and adoption of a constitution by the people of Puerto Rico (S. 3336 and H. R. 7674) would be fully in accord with the program of the President.

Sincerely yours,

JACK K. McFALL,
Assistant Secretary
(For the Secretary of State).

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., April 18, 1950.

HON. JOSEPH C. O'MAHONEY,
United States Senate, Washington, D. C.

MY DEAR SENATOR O'MAHONEY: This is in reply to your request of April 1, 1950, for a report on S. 3336, a bill to provide for the organization of a constitutional government for the people of Puerto Rico.

This bill, and the almost identical House bill, H. R. 7674, would permit people of Puerto Rico to draw up their own constitution within the existing relationship of Puerto Rico to the Federal Government. The people of Puerto Rico have exercised progressively greater powers of self-government, and enactment of legislation permitting them to adopt their own constitution would mark another significant step in the political progress of this island as a part of America. In view of these objectives, enactment of S. 3336 would be fully in accord with the program of the President.

Sincerely yours,

F. J. LAWTON, *Director.*

APPENDIX A

Pursuant to the provisions of clause 2a, rule XIII, of the Rules of the House of Representatives, proposed changes in existing law are indicated below with the matter proposed to be omitted in black brackets and the new matter proposed to be inserted in italics:

ACT OF CONGRESS OF MARCH 2, 1917, AS AMENDED (39 STAT. 951; 48 U. S. C. 731)

ORGANIC ACT

AN ACT To provide a civil government for Puerto Rico, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply to

the island of Puerto Rico and to the adjacent islands belonging to the United States, and waters of those islands; and the name Puerto Rico as used in this act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

BILL OF RIGHTS

Section 2. [That no law shall be enacted in Puerto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

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

[That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

[That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

[That no law impairing the obligation of contracts shall be enacted.

[That no person shall be imprisoned for debt.

[That the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor, whenever during such period the necessity for such suspension shall exist.

[That no *ex post facto* law or bill of attainder shall be enacted.

[Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

[Nothing contained in this Act shall be construed to limit the power of the Legislature to enact laws for the protection of the lives, health, or safety of employees.

[That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the Government of Puerto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

[That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[That the right to be secure against unreasonable searches and seizures shall not be violated.

[That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

[That slavery shall not exist in Puerto Rico.

[That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Puerto Rico.

[That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

[That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Puerto Rico shall be required as a qualification to any office or public trust under the Government of Puerto Rico.

[That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited.

That no money shall be paid out of the Treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

That the rule of taxation in Puerto Rico shall be uniform.

That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the Government of the Island on public works, except in cases of emergency.

That the employment of children under the age of fourteen years in any occupation injurious to health or morale or hazardous to life or limb is hereby prohibited.]

(Paragraph added by Act of Congress approved August 5, 1947:)

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

Section 3.—That no export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Puerto Rico and the municipalities of San Juan, Ponce and Mayagüez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality, and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States, or by the District of Columbia. In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted, but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted.¹

And it is further provided. That the internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the Island: *Provided*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.

Section 4.—That the capital of Puerto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.]]

¹ By Public, No. 236 (H. R. 8209), 74th Congress, approved August 3, 1935, refunding bonds of the Government of Puerto Rico shall not be included in computing the public indebtedness under this section, until 6 months after their issue, and

By Public, 264 (S. 1227), 74th Congress, approved August 13, 1935, bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness within the meaning of this section.

Section 5.²—That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", and all natives of Puerto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States; *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, _____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Puerto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the Executive Secretary of Puerto Rico; *And provided further*, That any person who is born in Puerto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority, or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Puerto Rico, setting forth therein all the facts connected with his or her birth and residence in Puerto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Section 5a.—That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Puerto Rico: *Provided*, That persons born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the aforesaid section: *And provided further*, That persons who elected to retain the political status of citizens of Puerto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Puerto Ricans born of foreign parents.

Section 5b.—All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled "An Act relative to the naturalization and citizenship of married women", as amended.

Section 5c.—That any person of good character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and born in Puerto Rico on or after April 11,

² Nationality Act of 1940—Public, No. 853—76th Congress—approved October 14, 1940, effective 90 days thereafter. "Sec. 202. All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

"Sec. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, Act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5 a, of the said Act, as amended by section 2 of the Act of March 4, 1927 (U. S. C., title 8, sec. 5 a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States."

1899, who has continued to reside within the jurisdiction of the United States whose father elected on or before April 11, 1900, to preserve his allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on April 11, 1899, and who, by reason of misinformation regarding his or her own citizenship status failed within the time limits prescribed by section 5 or section 5a hereof to exercise the privilege of establishing United States citizenship and has heretofore erroneously but in good faith exercised the rights and privileges and performed the duties of a citizen of the United States, and has not personally sworn allegiance to any foreign government or ruler upon or after attainment of majority, may make a sworn declaration of allegiance to the United States before any United States district court. Such declaration shall set forth facts concerning his or her birth in Puerto Rico, good character, attachment to the principles of the Constitution of the United States, and being well disposed to the good order and happiness of the United States, residence within the jurisdiction of the United States, and misinformation regarding United States citizenship status, and shall be accompanied by proof thereof satisfactory to the court. After making such declaration and submitting such proofs, such person shall be admitted to take the oath of allegiance before the court, and thereupon shall be considered a citizen of the United States.

Section 6.—That all expenses that may be incurred on account of the Government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States shall except as otherwise specifically provided by the Congress, be paid by the Treasurer of Puerto Rico out of the revenue in his custody.

Section 7.—That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the Government of Puerto Rico, to be administered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable. *Provided*, That the President may from time to time, in his discretion, convey to the people of Puerto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.³

Section 8.—That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the Island of Puerto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes be, and the same are hereby, placed under the control of the Government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: *Provided*, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said Island and waters and to its adjacent islands and waters: *Provided further*, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged land in and

³ This proviso is in force and effect except as to Federal property the title of which is vested in the War Department. Under the *Camp Taylor proviso* (46 Stat. 1191), approved February 20, 1931, it is provided: "Hereafter no real estate of the War Department shall be sold or disposed of without authority of Congress, and all acts in conflict herewith are repealed."

surrounding said Island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: *And provided further*, That the Act of Congress approved June eleventh, nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

Section 9. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect on Puerto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the Island shall be covered into the Treasury of Puerto Rico.

Section 10.—That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecution in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico" and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States, and the laws of Puerto Rico.

Section 11.—That all reports required by law to be made by the Governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the Government of Puerto Rico in the jurisdiction of such department.

EXECUTIVE DEPARTMENT

Section 12.—That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Puerto Rico." At the general election in 1948 and each such election quadrennially thereafter the Governor of Puerto Rico shall be elected by the qualified voters of Puerto Rico and shall hold office for a term of four years commencing on the 2d day of January following the date of the election and until his successor is elected and qualified. No person shall be eligible as Governor unless at the time of the election he is a citizen of the United States, is at least thirty years of age, is able to read and write the English language, and has been a bona fide resident of Puerto Rico during the immediately preceding two years. Such election shall be held in the manner now or hereafter provided by law for the election of the Resident Commissioner. The Governor shall reside in Puerto Rico during his official incumbency and maintain his office at the seat of Government. He shall have general supervision and control of all the departments and bureaus of the Government in Puerto Rico, so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Puerto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Puerto Rico and of the United States applicable in Puerto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Island or summon the *posse comitatus*, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of *habeas corpus*, or place the Island or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the Government of Puerto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.】

[Section 12a.—The Governor shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. The house of representatives of Puerto Rico shall have the sole power of impeachment. Impeachment shall require the concurrence of two-thirds of all of the members of the house of representatives. The senate of Puerto Rico shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation and the chief justice of the supreme court of Puerto Rico shall preside. No person shall be convicted without the concurrence of three-fourths of all the members of the senate. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the government of Puerto Rico. The person convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.]

[Section 13.—That the following executive departments are hereby created: A Department of Justice, the head of which shall be designated as the Attorney General; a Department of Finance, the head of which shall be designated as the Treasurer; a Department of Interior, the head of which shall be designated as the Commissioner of the Interior; a Department of Education, the head of which shall be designated as the Commissioner of Education; a Department of Agriculture and Commerce, the head of which shall be designated as the Commissioner of Agriculture and Commerce; a Department of Labor, the head of which shall be designated as the Commissioner of Labor; and a Department of Health, the head of which shall be designated as the Commissioner of Health. The heads of the executive departments set forth in the first sentence of this section shall be appointed by the Governor by and with the advice and consent of the senate of Puerto Rico. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is qualified, unless sooner removed by the Governor.

[Heads of departments shall reside in Puerto Rico during their official incumbency, and those appointed by the Governor shall have resided in Puerto Rico for at least one year prior to their appointment.

[The heads of departments shall collectively form a council to the Governor known as the Executive Council. They shall perform, under the general supervision of the Governor, the duties hereinafter prescribed, or which may hereafter be prescribed by law, and such other duties, not inconsistent with law, as the Governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the Governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided; *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.]

[Section 14.—That the Attorney General shall have charge of the administration of justice in Puerto Rico; he shall be the legal adviser of the Governor and the heads of departments and shall be responsible for the proper representation of the people of Puerto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Puerto Rico in which the people of Puerto Rico shall be interested or a party, and he may, if directed by the Governor or if in his judgment the public interest requires it, represent the people of Puerto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Puerto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.]

[Section 15.—That the treasurer shall give bond, approved as to form by the attorney general of Puerto Rico, in such sum as the legislature may require, not less, however, than the sum of \$125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Puerto Rico and the United States as depositaries of the government of Puerto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Puerto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depository of the government of Puerto Rico until the fore-

going conditions have been complied with. Interest on deposits shall be required and paid into the treasury.]

【Section 16.—That the commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law.】

【Section 17.—That the commissioner of education shall superintend public instruction throughout Puerto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties not inconsistent with this Act, as may be prescribed by law.】

【Section 18.—That the commissioner of agriculture and commerce shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce and other industries; the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the farmers of Puerto Rico; to improve their market conditions, and to advance their opportunities for profitable sale of their products, and shall perform such other duties as may be prescribed by law.】

【Section 18a.—That the Commissioner of Labor shall have charge of such bureaus and branches of government as have been or shall be legally constituted to foster and promote the welfare of the wage earners of Puerto Rico; to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.】

【Section 19.—That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.】

【Section 20.—That there shall be appointed by the President an auditor, at an annual salary of \$6,000, or such other sum not less than that payable to the head of any executive department as may be prescribed pursuant to section 50 of this Act, for a term of four years and until his successor is appointed and qualified. There shall be an assistant auditor and such other necessary assistants and employees as may be prescribed by law. The auditor shall appoint the assistant auditor. In case of the absence from duty, from any cause, of the auditor, the assistant auditor shall exercise all the powers and perform all the duties of the auditor during such absence; and in case of the absence from duty, from any cause, of both the auditor and the assistant auditor, the Governor of Puerto Rico shall designate an assistant who shall have charge of the office.

【The auditor shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of Puerto Rico and of the municipal funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to or held in trust by the government of Puerto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

【The auditor shall keep the general accounts of the government, be the custodian of and preserve the vouchers pertaining thereto. The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are extravagant, excessive, unnecessary or irregular.

【The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relation with his office.

【The auditor, with the approval of the governor, shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*,

That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

【In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, and compel witnesses to produce books, letters, documents, papers, records, and all other articles deemed essential to a full understanding of the matter under investigation.

【As soon after the close of each fiscal year as the account of said year may be examined and adjusted, the auditor shall submit to the governor an annual report of the fiscal concern of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States to be designated by the President as herein provided.

【The office of the auditor shall be under the general supervision of the governor.】

【Section 21.—That any person aggrieved by the action or decision of the Auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor, which appeal shall specifically set for the particular action of the Auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the Governor in such case shall be final, subject to such right of action as may be otherwise provided by law.】

【Section 22.—That there shall be appointed by the Governor, by and with the advice and consent of the Senate of Puerto Rico, an Executive Secretary at an annual salary of \$5,000, or such other sum as may be prescribed pursuant to section 50 of this Act, who shall record and preserve the minutes and proceedings of the Public-Service Commission hereinafter provided for and the laws enacted by the Legislature and all acts and proceedings of the Governor, and promulgate all proclamations and orders of the Governor and all laws enacted by the Legislature, and until otherwise provided by the Legislature of Puerto Rico perform all duties of Secretary of Puerto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Puerto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the Governor shall designate some officer or employee of the Government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.】

【Section 23.—That the Governor of Puerto Rico, within sixty days after the end of each session of the Legislature, shall transmit to the executive department of the Government of the United States, to be designated as herein provided for, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session.】

【Section 24.—In case of a vacancy in the office of the Governor, the person holding the position of attorney general at the time the vacancy occurs shall succeed to the office of the Governor, and to all the duties and emoluments for the remainder of the term. If for any reason the Governor is temporarily absent from Puerto Rico, or unable to perform his duties, the attorney general shall act as Governor, with all the powers and duties of the office during such temporary absence or disability. If in such event the attorney general is unable to act, the treasurer shall act as Governor, and if the treasurer is unable to act, such other person as may be provided by the laws of Puerto Rico shall act as Governor during such temporary absence or disability. In the event that because of death or any other reason a newly elected Governor is unable to take office, a temporary successor shall be elected by a majority vote of the full house and senate of Puerto Rico meeting at a joint session of the legislature at the next succeeding term thereof, who shall hold office until a successor is elected and qualified at a special election to be held within one hundred and twenty days from the date of adjournment of said session.】

LEGISLATIVE DEPARTMENT

【Section 25.—That all local legislative powers in Puerto Rico, except as herein otherwise provided, shall be vested in a Legislature which shall consist of two houses, one the Senate and the other the House of Representatives, and the two houses shall be designated "the Legislature of Puerto Rico."】

【Section 26.—That the Senate of Puerto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Puerto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two Senators, and in addition thereto there shall be elected five Senators at Large. No person shall be a member of the Senate of Puerto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Puerto Rico for at least two consecutive years, and, except in the case of Senators at Large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Puerto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, including confirmation of appointments; but appointments made while the Senate is not in session shall be effective either until disapproved or until the next adjournment of the Senate for the session. In electing the five Senators at Large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected.】

【Section 27.—That the House of Representatives of Puerto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Puerto Rico, as hereinafter provided. Each of the representative districts hereinafter provided for shall have the right to elect one Representative, and in addition thereto there shall be elected four Representatives at Large. No person shall be a member of the House of Representatives who is not over twenty-five years of age, and who is not able to read and write the Spanish or English language, and except in the case of Representative at Large, who has not been a *bona fide* resident of the district from which elected for at least one year prior to his election. In electing the four Representatives at Large, each elector shall be permitted to vote for but one candidate, and the four candidates receiving the largest number of votes shall be elected.】

【Section 28.—That for the purpose of election hereafter to the Legislature the Island of Puerto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Puerto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said Executive Council shall also divide the Island of Puerto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within thirty days after the approval of this Act, which report, when approved by the Governor, shall be final.】

【Section 29.—That the next election in Puerto Rico shall be held in the year nineteen hundred and seventeen upon the sixteenth day of July. At such election there shall be chosen Senators, Representatives, a Resident Commissioner to the United States, and two Public Service Commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year nineteen hundred and twenty, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year nineteen hundred and nineteen are hereby extended until the officials who may be elected to fill such offices in nineteen hundred and twenty shall have been duly qualified: *Provided, however,* That nothing herein contained shall be construed to limit the right of the Legislature of Puerto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.】

【Section 30.—The terms of office of senators and representatives elected at any general election shall be four years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the Government of Puerto Rico, and no such senator or representative shall be eligible for appointment to

any office created during his term of office until the expirations of two years after the date upon which his term of office shall have expired.】

【Section 31.—Until otherwise prescribed pursuant to section 50 of this Act, members of the senate and house of representatives of Puerto Rico shall receive compensation at the rate of \$7 per day for the number of days of each regular session and of each special session while in session and mileage for each regular session and each special session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their place of residence in their legislative districts to the capital and returning therefrom to their place of residence in their legislative districts by the usual routes of travel: *Provided*, That mileage for only one trip in going to and from each regular session and each special session shall be allowed: *And provided further*, That the members of the senate and house of representatives of Puerto Rico shall not be entitled to nor receive any emoluments, remuneration, compensation, or payment for services or expenses other than the \$7 per day compensation for services and 10 cents per kilometer for travel expense in this section authorized.】

【Section 32.—That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.】

【Section 33.—That regular sessions of the legislature shall be held annually, convening on the second Monday in February of each year and closing not later than April 15 following; the governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than fourteen calendar days, and no legislation shall be considered at such session other than that specified in the call therefor or in any special message by the governor to the legislature while in such session.】

【Section 34.—That the enacting clause of the laws shall be as to acts, “Be it enacted by the Legislature of Puerto Rico”, and as to joint resolutions “Be it resolved by the Legislature of Puerto Rico.” Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yeas-and-nays vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the Journal. If the President of the United States approves the same he shall sign it and shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law: *Provided*, That the President of the United States shall approve or disapprove an Act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor

within thirty days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Puerto Rico shall be reported to the Congress of the United States, as provided in section twenty-three of his Act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members presented, be entered on the Journal.

The session of each house and of the committees of the whole shall be open.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

No act of the Legislature except the general appropriation bills for the expenses of the Government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the Legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the Government only, introduced in either house of the Legislature after the first forty days of the session, shall become a law.

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members; *Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the Journal.

The Legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the Legislature from the Treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

Except as otherwise provided in this Act, no law shall extend the term of any public officer, permit any officer or employee to draw compensation for more than one office or position, or increase or diminish the salary or emoluments of any senator or representative during the term for which he is elected or appointed.

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in case of other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Every order, resolution, or vote to which concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, shall be passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

【Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

【The offense of corrupt solicitation of members of the Legislature, or of public officers of Puerto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

【In case the available revenues of Puerto Rico for any fiscal year, including available surplus in the Insular Treasury, are insufficient to meet all the appropriations made by the Legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the Governor.

【First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

【Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

【Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

【Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

【Fifth class. Appropriations for all other purposes shall next be paid.

【That in case there are not sufficient revenues for any fiscal year, including available surplus in the Insular Treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

【No appropriation shall be made, nor any expenditure authorized by the Legislature, whereby the expenditure of the Government of Puerto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the Treasury, unless the Legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year.】

【Section 35.—That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter voters shall be citizens of the United States twenty-one years of age or over and have such additional qualifications as may be prescribed by the Legislature of Puerto Rico: *Provided*, That no property qualifications shall ever be imposed upon or required of any voter.】

Section 36.—That the qualified electors of Puerto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the third day of January following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7,500⁴ per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Mem-

⁴ Increased to \$10,000 by the Act of March 4, 1925, and to \$12,500 by the Act of August 2, 1946, 60 Stat. 850.

bers of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

Section 37.—That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Puerto Rico or municipality or district thereof, in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

[No executive department not provided for in this Act shall be created by the Legislature, but the Legislature may consolidate departments, or abolish any department, with the consent of the President of the United States.]

Section 38.—[As amended by Act of Congress approved March 4, 1927, and Act of Congress approved: That all grants of franchises, rights, privileges, and concessions of a public or quasi public nature shall be made by a public service commission consisting of a public service commissioner, who shall be the president of the said commission, and to associated commissioners, to be appointed by the governor with the advice and consent of the Senate. The Public Service Commissioner shall be appointed for a term of three years, and until his successor shall be appointed and shall have qualified, and one of the said associated commissioners, first appointed, shall hold for a term of two years and one shall hold for a term of one year; and thereafter, each of said associate commissioners shall hold for a term of three years and until their successors shall have been appointed and shall have qualified: *Provided*, That the present elective members of the said commission shall continue to be members of said commission until their term of office expires as now provided by law and shall form the commission, together with the three members appointed by the governor as aforesaid, until the expiration of such period of their services and not thereafter. The public service commissioner shall devote his entire time to his duties as such commissioner. Until otherwise prescribed pursuant to section 50 of this Act—

(a) the salary of the public service commissioner shall be \$6,000 a year, and

(b) the compensation of the associated members shall be \$10 for each day's attendance at the sessions of the commission, but in no case shall they receive more than \$1,000 during any one year. The said commission is empowered and directed to discharge all the executive functions relating to public service corporations, heretofore conferred by law upon the executive council and such additional duties and functions as may be conferred upon said commission by the legislature. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor and shall be reported to Congress, which hereby reserves the power to annul or modify the same.]

The Interstate Commerce Act and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, shall not apply to Puerto Rico.

[The legislative assembly of Puerto Rico is hereby authorized to enact laws relating to the regulations of the rates, tariffs, and service of all public carriers in Puerto Rico, and the Public Services Commission hereby created shall have power to enforce such laws under appropriate regulation.]

[Section 39.—That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the Public Service Commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

【That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section three of the joint resolution approved May first, nineteen hundred, with respect to the buying, selling, or holding of real estate. That the Governor of Puerto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, nineteen hundred and seventeen, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of five hundred acres.】

JUDICIAL DEPARTMENT

【Section 40.—That the judicial power shall be vested in the courts and tribunals of Puerto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be as now provided until otherwise provided by law; *Provided, however,* That the Chief Justice and Associate Justices of the Supreme Court shall be appointed by the President, by and with advice and consent of the Senate of the United States, and the Legislature of Puerto Rico shall have authority, from time to time as it may see fit, not inconsistent with this Act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Puerto Rico.】

Section 41.—Puerto Rico shall constitute a judicial district to be called “the district of Puerto Rico.” The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of eight years and until his successor is appointed and qualified and whose salary shall be \$10,000 per annum.⁵ There shall be appointed in like manner a district attorney, and a marshal for said district, each for a term of four years unless sooner removed by the President. The district court for said district shall be called “The District Court of the United States for Puerto Rico,” and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of \$3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

Section 42.—That the laws of the United States relating to appeals, writs of error and *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 district court of the United States and the courts of Puerto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in

⁵ Salaries of district judges, including that of Puerto Rico, were increased to \$15,000 per annum by Public Law 567, 69th Congress.

February of each year, and special terms may be held at Mayagüez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

Section 43.—That writs of error and appeals from the final judgments and decrees of the Supreme Court of Puerto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

Section 44.—That the qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts insofar as locally applicable.

Section 45.—That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Puerto Rico: *Provided*, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

Section 46.—That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk, his deputies, interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in the United States courts.

Section 47.—That jurors and witnesses in the District Court of the United States for Puerto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said court. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid \$3 per day and such witnesses \$1.50 per day while in attendance upon the court.

Section 48.—That the Supreme and District Courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the District Courts of the United States, and the District Courts may grant writs of mandamus in all proper cases.

That no suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the District Court of the United States for Puerto Rico.

Section 49.—That hereafter all judges, marshals, and secretaries of courts now established or that may hereafter be established in Puerto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the Governor, by and with the advice and consent of the Senate of Puerto Rico.]

Section 49a.—That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeals herefrom.

Section 49b.—(1) There shall be an administrative officer whose official title shall be the "Coordinator of Federal Agencies in Puerto Rico", who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall hold office at the pleasure of the President for

the purpose of coordinating the administration of all Federal civilian functions and activities in Puerto Rico. He shall receive as compensation for his services an annual salary of \$10,000.

[(2) The Coordinator of Federal Agencies shall coordinate the administration of all Federal civilian functions and activities in Puerto Rico. The administrative heads of all Federal civilian agencies in Puerto Rico shall make such reports to the Coordinator of Federal Agencies as he shall require and he shall through the Secretary of the Interior make recommendations to the heads of such agencies with respect to their personnel, functions, and activities in Puerto Rico; the President may, however, by Executive order exempt any Federal agency from making such reports to the Coordinator of Federal Agencies. The Coordinator of Federal Agencies shall make recommendations for the better coordination of the Federal civilian functions and activities and may make recommendations for the elimination or reduction of those which duplicate or conflict with each other or with activities carried on by the Government of Puerto Rico. He shall report through the Secretary of the Interior to the President and to Congress concerning the administration of all Federal civilian functions and activities in Puerto Rico, specifying the recommendations made by him to the Federal agencies and the results of such recommendations. He shall advise the Secretary of the Interior, who shall advise the Bureau of the Budget and the Congress with respect to all appropriation estimates submitted by any civilian department or agency of the Federal Government to be expended in or for the benefit of Puerto Rico. He shall confer with the Governor of Puerto Rico with respect to the correlation of activities of Federal and insular agencies and all plans and programs and other matters of mutual interest.]

[(3) The President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which as contemplated by section 9 of this Act is inapplicable by reason of local conditions. The Coordinator of Federal Agencies may, from time to time, make recommendations to the President for such purpose. Any such recommendation shall show the concurrence or dissent of the Governor of Puerto Rico.]

[(4) The Coordinator of Federal Agencies, in the name of the President of the United States, shall have authority to request from the Governor of Puerto Rico, and the Governor shall furnish to him all such reports pertaining to the affairs, conditions, and government of Puerto Rico as the Coordinator of Federal Agencies shall from time to time request, for transmission to the President through the Secretary of the Interior.]

[(5) The President of the United States shall prescribe such rules and regulations as may be necessary to carry out the provisions of this section."]

[SEC. 50. Except as otherwise provided in this or any other Act, the salaries and office expenses of all officials of Puerto Rico, including deputies, assistants, and other help, as well as the chief justice and associate justices of the supreme court, shall be such and so paid out of the revenues of Puerto Rico as shall from time to time be appropriated by the Legislature of Puerto Rico approved by the Governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. All said salaries of the chief justice and associate justices shall be paid in equal monthly installments. In addition to his annual salary, the Governor shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Puerto Rico, with the furniture and effects therein, free of rental.]

[Until otherwise prescribed as provided in this section, the annual salary of the chief justice of the supreme court shall be \$10,500 and the annual salary of each associate justice of the supreme court shall be \$10,000.]

[Where any officer, during such time as his salary is fixed by this Act, is required to give a bond, the premium thereof shall be paid from the insular treasury.]

[Section 51.—That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the Legislature shall provide.]

[Section 52.—That wherever in this Act offices of the Insular Government of Puerto Rico are provided for under the same names as in the heretofore existing Acts of Congress affecting Puerto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed

by this Act, excepting the heads of those departments who are to be appointed by the Governor and who shall continue in office only until their successors are appointed and have qualified. The offices of Secretary of Puerto Rico and Director of Labor, Charities, and Correction are hereby abolished. Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this Act.]

【Section 53.—That any bureau or office belonging to any of the regular departments of the Government, or hereafter created, or not assigned, may be transferred or assigned to any department by the Governor with the approval of the Senate of Puerto Rico.】

【Section 54.—That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of any notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the Executive Secretary of Puerto Rico to the effect that the notary taking such acknowledgement is in fact such notarial officer.】

【Section 56.—That this Act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Puerto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Puerto Rico as herein provided, consist of the Attorney General, the Treasurer, the Commissioner of the Interior, the Commissioner of Education, the Commissioner of Health, and the Commissioner of Agriculture and Labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Puerto Rico by the provisions of this Act shall, until this said Senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted: *Provided, however*, That all appointments made by the Governor, by and with the advice and consent of the Executive Council as thus constituted, in the Executive Council as authorized by section thirteen of this Act or in the office of Executive Secretary of Puerto Rico, shall be regarded as temporary and shall expire not later than twenty days from and after the assembly and organization of the Legislature hereinbefore—*provided*, unless said appointments shall be ratified and made permanent by the said Senate of Puerto Rico.】

GOVERNMENT BY THE PEOPLE OF PUERTO RICO

【Section 57.—That the laws and ordinances of Puerto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the Legislative authority herein provided for Puerto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act as it may from time to time see fit.】

Section 58.—That all laws or parts of laws applicable to Puerto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Puerto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

APPENDIX B

(That part of the Organic Act of Puerto Rico which will remain in force and effect and which will be known as Puerto Rican Federal Relations Act after enactment of this measure is set forth below.)

THE PUERTO RICO FEDERAL RELATIONS ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the provisions of this Act shall apply to the Island of Puerto Rico and to the adjacent islands belonging to the United States, and waters of those islands—and the name Puerto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

Section 2. The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

Section 3.—That no export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds, and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Puerto Rico and the municipality of San Juan, Ponce, and Mayagüez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality, and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States or by the District of Columbia. In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico, shall not be counted, but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted.

And it is further provided, That the internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as such legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the Island: *Provided*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.

Section 5.—That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, “temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes,” and all natives of Puerto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

“I, _____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Puerto Rico and certain natives permanently residing in said island.”

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the Executive Secretary of Puerto Rico: *And provided further*, That any person who is born in Puerto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority, or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Puerto Rico, setting forth therein all the facts connected with his or her birth and residence in Puerto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Section 5a.—That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Puerto Rico: *Provided*, That persons born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the aforesaid section: *And provided further*, That persons who elected to retain the political status of citizens of Puerto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Puerto Ricans born of foreign parents.

Section 5b.—All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided, further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled, "An Act relative to the naturalization and citizenship of married women," as amended.

Section 5c.—That any person of good character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and born in Puerto Rico on or after April 11, 1899, who has continued to reside within the jurisdiction of the United States whose father elected on or before April 11, 1900, to preserve his allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain entered into on April 11, 1899, and who, by reason of misinformation regarding his or her own citizenship status failed within the time limits prescribed by section 5 or section 5a hereof to exercise the privilege of establishing United States citizenship and has heretofore erroneously but in good faith exercised the rights and privileges and performed the duties of a citizen of the United States, and has not personally sworn allegiance to any foreign government or ruler upon or after attainment of majority, may make a sworn declaration of allegiance to the United States before any United States district court. Such declaration shall set forth facts concerning his or her birth in Puerto Rico, good character, attachment to the principles of the Constitution of the United States, and being well disposed to the good order and happiness of the United States, residence within the jurisdiction of the United States, and misinformation regarding United States citizenship status, and shall be accompanied by proof thereof satisfactory to the court. After making such declaration and submitting such proofs, such person shall be admitted to take the oath of allegiance before the court, and thereupon shall be considered a citizen of the United States.

Section 6.—That all expenses that may be incurred on account of the Government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the Treasurer of Puerto Rico out of the revenue in his custody.

Section 7.—That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession, belongs, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the Government of Puerto Rico, to be admin-

istered for the benefit of the people of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: *Provided*, That the President may from time to time, in his discretion, convey to the people of Puerto Rico, such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

Section 8.—That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the Island of Puerto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes be, and the same are hereby, placed under the control of the Government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: *Provided*, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said Island and waters and to its adjacent islands and waters: *Provided, further*, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged land in and surrounding said Island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: *And provided, further*, That the Act of Congress approved June eleventh, nineteen hundred and six, entitled, "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

Section 9.—That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the Island shall be covered into the Treasury of Puerto Rico.

Section 10.—That all judicial process shall run in the name of "United States of American, SS, the President of the United States," and all penal or criminal prosecution in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States, and the laws of Puerto Rico.

Section 11.—That all reports required by law to be made by the Governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the Government of Puerto Rico in the jurisdiction of such department.

Section 36.—That the qualified electors of Puerto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the third day of January following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of

\$7,500 per annum.⁶ Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

Section 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Puerto Rico or municipality or district thereof, insofar as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

Section 38. The Interstate Commerce Act and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, shall not apply to Puerto Rico.

Section 41. Puerto Rico shall constitute a judicial district to be called "the district of Puerto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of eight years and until his successor is appointed and qualified and whose salary shall be \$15,000 per annum.⁷ There shall be appointed in like manner a district attorney, and a marshal for said district, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Puerto Rico", and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Puerto Ricans, and for this purpose residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or costs, the sum or value of \$3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the District Court of the United States for Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

⁶ Increased to \$10,000 by Act of March 4, 1925, and to \$12,500 by the Act of August 2, 1946 (60 Stat. 850).

⁷ As increased by Public Law 567, 69th Cong., 62 Stat. 897, 28 U. S. C., 1949 ed., sec. 135.

Section 42.—That the laws of the United States relating to appeals, writs of error and 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 district court of the United States and the courts of Puerto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

Section 43.—That writs of error and appeals from the final judgments and decrees of the Supreme Court of Puerto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

Section 44.—That the qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn, and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts insofar as locally applicable.

Section 45.—That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into a district court of the United States for Puerto Rico: *Provided*, That \$500 a year from such fees, fines, costs and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

Section 46.—That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk, his deputies, interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in the United States courts.

Section 47.—That jurors and witnesses in the District Court of the United States for Puerto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said court. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid \$3 per day and such witnesses \$1.50 per day while in attendance upon the court.

Section 48.—That the Supreme Court and District Courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the District Court of the United States, and the District Courts may grant writs of mandamus in all proper cases.

That no suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the District Court of the United States for Puerto Rico.

Section 49a.—That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeal therefrom.

Section 54.—That deeds and other instruments affecting land situated in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein

by proper authority, or any officer therein who has ex officio the powers of any notary public: *Provided*, That the certificate by such notary shall be accompanied by the certificate of the Executive Secretary of Puerto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

Section 58.—That all laws or parts of laws applicable to Puerto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Puerto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes," approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved March 2, 1917.

[PUBLIC LAW 600—81ST CONGRESS]

[CHAPTER 446—2D SESSION]

[S. 3336]

AN ACT To provide for the organization of a constitutional government by the people of Puerto Rico

Whereas the Congress of the United States by a series of enactments has progressively recognized the right of self-government of the people of Puerto Rico; and

Whereas under the terms of these congressional enactments an increasingly large measure of self-government has been achieved: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, fully recognizing the principle of government by consent, this Act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

SEC. 2. This Act shall be submitted to the qualified voters of Puerto Rico for acceptance 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.

SEC. 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 Congress 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.

Upon approval by the Congress the constitution shall become effective in accordance with its terms.

SEC. 4. Except as provided in section 5 of this Act, the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, is hereby continued in force and effect and may hereafter be cited as the "Puerto Rican Federal Relations Act."

SEC. 5. At such time as the constitution of Puerto Rico becomes effective, the following provisions of such Act of March 2, 1917, as amended, shall be deemed repealed:

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

(2) Sections 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 49, 49b, 50, 51, 52, 53, 56, and 57.

(3) The last paragraph in section 37.

(4) Section 38, except the second paragraph thereof which begins with the words "The Interstate Commerce Act" and ends with the words "shall not apply in Puerto Rico."

SEC. 6. All laws or parts of law inconsistent with this Act are hereby repealed.
Approved July 3, 1950.

(Whereupon, at 11:45 a. m., the committee proceeded to further business.)





