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NON-SELF-GOVERNING TERRITORIES

Cessation of the transmission of information:

Communication from the Government of the

United States of America concerning Puerto Rico

53-09248

The following communication from the United States Mission to the United Nations, dated 19 January 1953, was received by the Secretary-General of the United Nations:

"The Representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to refer to Resolution 222, (III), adopted by the General Assembly on November 3, 1948. This resolution states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any non-self-governing territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 (e) of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the government of the metropolitan country.

"Since 1946, the United States has transmitted annually to the Secretary-General information on Puerto Rico pursuant to the terms of Article 73 (e) of the Charter. However, on July 25, 1952, a new constitution establishing the Commonwealth of Puerto Rico entered into force. In the light of the change in the constitutional position and status of Puerto Rico, the United States Government considers that it is no longer necessary or appropriate for the United States to continue to transmit information on Puerto Rico under Article 73 (e). Therefore, the United States Government has decided that with the submission of information for the period July 1, 1951 to June 30, 1952, it will cease to transmit information on Puerto Rico.

"There will be transmitted to the Secretary-General, under separate cover, for the information of the Members of the United Nations, the text of the Constitution of the Commonwealth of Puerto Rico and other appropriate information as called for under the terms of General Assembly Resolution 222 (III)."

The text of the Constitution and other information referred to in the above-cited letter have been transmitted to the Secretary-General by the Permanent Representative of the United States to the United Nations and were accompanied by the following letter dated 20 March 1953 :

"I have the honor to refer to the United States Representative's note UN-1727/89, dated January 19, 1953, notifying you that as a result of the entry into force on July 25, 1952 of the new Constitution establishing the Commonwealth of Puerto Rico, the United States Government has decided to cease to transmit information on Puerto Rico under Article 73 (e) of the Charter.

"The attainment by the People of Puerto Rico of their new Commonwealth status is a most significant step. This is the kind of progress to self-government contemplated by the United Nations Charter. This is the democratic pattern of the free world - of goals set and hopes realized. The people of Puerto Rico expressed their view by resolution at their Constitutional Convention in the following words: 'Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization.'

"I invite your attention in particular to the enclosed letter of Governor Munoz Marin of the Commonwealth of Puerto Rico in which, after requesting the termination of the transmittal of information under Article 73 (e) with respect to Puerto Rico, and after recounting the development of the Island's political progress, he says: 'The people of Puerto Rico are firm supporters of the United Nations and this great organization may confidently rely upon us for a continuation of that good will.'

"Let me add that the people of Puerto Rico at this moment are proudly cooperating to the utmost in the United Nations effort to repel aggression in Korea. The men of Puerto Rico who are bearing the hardships of battle with other United Nations troops have, by their courage and determination, demonstrated their strong love for freedom.

"There are enclosed for the information of the Members of the United Nations the following documents in compliance with the terms of Resolution 222 (III) of the General Assembly:

- (1) Text of the Constitution of the Commonwealth of Puerto Rico,
- (2) Memorandum by the Government of the United States of America Concerning the Cessation of Transmission of Information Under Article 73 (e) of the Charter with Regard to the Commonwealth of Puerto Rico.

- (3) Copy of the letter dated January 17, 1953, from the Governor of Puerto Rico to the President of the United States."

The documents transmitted by the Permanent Representative of the United States to the United Nations are reproduced in the following Annexes I, II and III.

ANNEX I

THE CONSTITUTION OF THE COMMONWEALTH  
OF PUERTO RICO 1/

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

In so doing, we declare:

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

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

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

1/ The Constitution of the Commonwealth of Puerto Rico was drawn up by a Constitutional Convention at San Juan, Puerto Rico, on 6 February 1952 and entered into force on 25 July 1952. In the November 1952 elections held in Puerto Rico, amendments were adopted to Section 5 of Article II and Section 3 of Article VII which entered into force on 29 January, 1953. The text herein reproduced incorporates the said amendments.

ARTICLE I  
THE COMMONWEALTH

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

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

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

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

ARTICLE II

BILL OF RIGHTS

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

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

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

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

Section 5. Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child non-educational services established by law for the protection or welfare of children. Compulsory attendance at elementary public schools to the extent permitted by the facilities of the state as herein provided shall not be construed as applicable to those who receive elementary education in schools established under non-governmental auspices.

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

Section 7. The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto Rico shall be denied the equal protection of the laws. No laws impairing the obligation of contracts shall be enacted. A minimum amount of property and possessions shall be exempt from attachment as provided by law.

Section 8. Every person has the right to the protection of law against abusive attacks on his honor, reputation and private or family life.

Section 9. Private property shall not be taken or damaged for public use except upon payment of just compensation and in the manner provided by law. No law shall be enacted authorizing condemnation of printing presses, machinery or material devoted to publications of any kind. The buildings in which these objects are located may be condemned only after a judicial finding of public convenience and necessity pursuant to procedure that shall be provided by law, and may be taken before such a judicial finding only when there is placed at the disposition of the publication an adequate site in which it can be installed and continue to operate for a reasonable time.

Section 10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

Wire-tapping is prohibited.

No warrant for arrest or search and seizure shall issue except by judicial authority and only upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons to be arrested or the things to be seized.

Evidence obtained in violation of this section shall be inadmissible in the courts.

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

In all prosecutions for a felony the accused shall have the right of trial by an impartial jury composed of twelve residents of the district, who may render their verdict by a majority vote which in no case may be less than nine.

No person shall be compelled in any criminal case to be a witness against himself and the failure of the accused to testify may be neither taken into consideration nor commented upon against him.

No person shall be twice put in jeopardy of punishment for the same offense.

Before conviction every accused shall be entitled to be admitted to bail.

Incarceration prior to trial shall not exceed six months nor shall bail or fines be excessive. No person shall be imprisoned for debt.

Section 12. Neither slavery nor involuntary servitude shall exist except in the latter case as a punishment for crime after the accused has been duly convicted. Cruel and unusual punishments shall not be inflicted. Suspension of civil rights including the right to vote shall cease upon service of the term of imprisonment imposed.

No ex post facto law or bill of attainder shall be passed.

Section 13. The writ of habeas corpus shall be granted without delay and free of costs. The privilege of the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of rebellion, insurrection or invasion. Only the Legislative Assembly shall have the power to suspend the privilege of the writ of habeas corpus and the laws regulating its issuance.

The military authority shall always be subordinate to civil authority.

Section 14. No titles of nobility or other hereditary honors shall be granted. No officer or employee of the Commonwealth shall accept gifts, donations, decorations or offices from any foreign country or officer without prior authorization by the Legislative Assembly.

Section 15. The employment of children less than fourteen years of age in any occupation which is prejudicial to their health or morals or which places them in jeopardy of life or limb is prohibited.

No child less than sixteen years of age shall be kept in custody in a jail or penitentiary.

Section 16. The right of every employee to choose his occupation freely and to resign therefrom is recognized, as is his right to equal pay for equal work, to a reasonable minimum salary, to protection against risks to his health or person in his work or employment, and to an ordinary workday which shall not exceed eight hours. An employee may work in excess of this daily limit only if he is paid extra compensation as provided by law, at a rate never less than one and one-half times the regular rate at which he is employed.

Section 17. Persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, shall have the right to organize and to bargain collectively with their employers through representatives of their own free choosing in order to promote their welfare.

Section 18. In order to assure their right to organize and to bargain collectively, persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, in their direct relations with their own employers shall have the right to strike, to picket and to engage in other legal concerted activities.

Nothing herein contained shall impair the authority of the Legislative Assembly to enact laws to deal with grave emergencies that clearly imperil the public health and safety or essential public services.

Section 19. The foregoing enumeration of rights shall not be construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy. The power of the Legislative Assembly to enact laws for the protection of the life, health and general welfare of the people shall likewise not be construed restrictively.

### ARTICLE III

#### THE LEGISLATURE

Section 1. The legislative power shall be vested in a Legislative Assembly, which shall consist of two houses, the Senate and the House of Representatives, whose members shall be elected by direct vote at each general election.

Section 2. The Senate shall be composed of twenty-seven Senators and the House of representatives of fifty-one Representatives, except as these numbers may be increased in accordance with the provisions of Section 7 of this Article.

Section 3. For the purpose of election of members of the Legislative Assembly, Puerto Rico shall be divided into eight senatorial districts and forty representative districts. Each senatorial district shall elect two Senators and each representative district one Representative.

There shall also be eleven Senators and eleven Representatives elected at large. No elector may vote for more than one candidate for Senator at Large or for more than one candidate for Representative at Large.

Section 4. In the first and subsequent elections under this Constitution the division of senatorial and representative districts as provided in Article VIII shall be in effect. After each decennial census beginning with the year 1960, said division shall be revised by a Board composed of the Chief Justice of the Supreme Court as Chairman and of two additional members appointed by the Governor with the advice and consent of the Senate. The two additional members shall not belong to the same political party. Any revision shall maintain the number of senatorial and representative districts here created, which shall be composed of contiguous and compact territory and shall be

organized, insofar as practicable, upon the basis of population and means of communication. Each senatorial district shall always include five representative districts.

The decisions of the Board shall be made by majority vote and shall take effect in the general elections next following each revision. The Board shall cease to exist after the completion of each revision.

Section 5. No person shall be a member of the Legislative Assembly unless he is able to read and write the Spanish or English language and unless he is a citizen of the United States and of Puerto Rico and has resided in Puerto Rico at least two years immediately prior to the date of his election or appointment. No person shall be a member of the Senate who is not over thirty years of age, and no person shall be a member of the House of Representatives who is not over twenty-five years of age.

Section 6. No person shall be eligible to election or appointment as Senator or Representative for a district unless he has resided therein at least one year immediately prior to his election or appointment. When there is more than one representative district in a municipality, residence in the municipality shall satisfy this requirement.

Section 7. If in a general election more than two-thirds of the members of either house are elected from one political party or from a single ticket, as both are defined by law, the number of members shall be increased in the following cases:

(a) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained less than two-thirds of the total number of votes cast for the office of Governor, the number of members of the Senate or of the House of Representatives or of both bodies, whichever may be the case, shall be increased by declaring elected a sufficient number of candidates of the minority party or parties to bring the total number of candidates of the minority party or parties to nine in the Senate and to seventeen in the House of Representatives. When there is more than one minority party, said additional members shall be declared elected from among the candidates of each minority party in the proportion that the number of votes cast for the candidate of each of said parties for the office of Governor bears to the total number of votes cast for the candidates of all the minority parties for the office of Governor.

When one or more minority parties shall have obtained representation in a proportion equal to or greater than the proportion of votes received by their respective candidates for Governor, such party or parties shall not be entitled to additional members until the representation established for each of the other minority parties under these provisions shall have been completed.

(b) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained more than two-thirds of the total number of votes cast for the office of Governor, and one or more minority parties shall not have elected the number of members in the Senate or in the House of Representatives or in both houses, whichever may be the case, which corresponds to the proportion of votes cast by each of them for the office of Governor, such additional number of their candidates shall be declared elected as is necessary in order to complete said proportion as nearly as possible, but the number of Senators of all the minority parties shall never, under this provision, be more than nine or that of Representatives more than seventeen.

In order to select additional members of the Legislative Assembly from a minority party in accordance with these provisions, its candidates at large who have not been elected shall be the first to be declared elected in the order of the votes that they have obtained, and thereafter its district candidates who, not having been elected, have obtained in their respective districts the highest proportion of the total number of votes cast as compared to the proportion of votes cast in favor of other candidates of the same party not elected to an equal office in the other districts.

The additional Senators and Representatives whose election is declared under this section shall be considered for all purposes as Senators at Large or Representatives at Large.

The measures necessary to implement these guarantees, the method of adjudicating fractions that may result from the application of the rules contained in this section, and the minimum number of votes that a minority party must cast in favor of its candidate for Governor in order to have the right to the representation provided herein shall be determined by the Legislative Assembly.

Section 8. The term of office of Senators and Representatives shall begin on the second day of January immediately following the date of the general election in which they shall have been elected. If, prior to the fifteen months immediately preceding the date of the next general election, a vacancy occurs in the office of Senator or Representative for a district the Governor shall call a special election in said district within thirty days following the date on which the vacancy occurs. This election shall be held not later than ninety days after the call and the person elected shall hold office for the rest of the unexpired term of his predecessor. When said vacancy occurs during a legislative session, or when the Legislative Assembly or the Senate has been called for a date prior to the certification of the results of the special election the presiding officer of the appropriate house shall fill said vacancy by appointing the person recommended by the central committee of the political party of which his predecessor in office was a member. Such person shall hold the office until certification of the election of the candidate who was elected. When the vacancy occurs within fifteen months prior to a general election, or when it occurs in the office of a Senator at Large or a Representative at Large the presiding officer of the appropriate house shall fill it, upon the recommendation of the political party of which the previous holder of the office was a member, by appointing a person selected in the same manner as that in which his predecessor was selected. A vacancy in the office of a Senator at Large or a Representative at Large elected as an independent candidate shall be filled by an election in all districts.

Section 9. Each house shall be the sole judge of the election, returns and qualifications of its members; shall choose its own officers; shall adopt rules for its own proceedings appropriate to legislative bodies; and with the concurrence of three-fourths of the total number of members of which it is composed, may expel any member for the causes established in Section 21 of this Article, authorizing impeachments. The Senate shall elect a President and the House of Representatives a Speaker from among their respective members.

Section 10. The Legislative Assembly shall be deemed a continuous body during the term for which its members are elected and shall meet in regular session each year commencing on the second Monday in January. The duration of regular sessions and the periods of time for introduction and consideration of bills shall be prescribed by law. When the Governor calls the Legislative Assembly into special session it may consider only those matters specified

in the call or in any special message sent to it by him during the session. No special session shall continue longer than twenty calendar days.

Section 11. The sessions of each house shall be open.

Section 12. A majority of the total number of members of which each house is composed shall constitute a quorum, but a smaller number may adjourn from day to day and shall have authority to compel the attendance of absent members.

Section 13. The two houses shall meet in the Capitol of Puerto Rico and neither of them may adjourn for more than three consecutive days without the consent of the other.

Section 14. No member of the Legislative Assembly shall be arrested while the house of which he is a member is in session, or during the fifteen days before or after such session, except for treason, felony or breach of the peace. The members of the Legislative Assembly shall not be questioned in any other place for any speech, debate or vote in either house or in any committee.

Section 15. No Senator or Representative may, during the term for which he was elected or chosen, be appointed to any civil office in the Government of Puerto Rico, its municipalities or instrumentalities, which shall have been created or the salary of which shall have been increased during said term. No person may hold office in the Government of Puerto Rico, its municipalities or instrumentalities and be a Senator or Representative at the same time. These provisions shall not prevent a member of the Legislative Assembly from being designated to perform functions ad honorem.

Section 16. The Legislative Assembly shall have the power to create, consolidate or reorganize executive departments and to define their functions.

Section 17. No bill shall become a law unless it has been printed, read, referred to a committee and returned therefrom with a written report, but either house may discharge a committee from the study and report of any bill and proceed to a consideration thereof. Each house shall keep a journal of its proceedings and of the votes cast for and against bills. The legislative proceedings shall be published in a daily record in the form determined by law. Every bill, except general appropriation bills, shall be confined to one subject, which shall be clearly expressed in its title, and any part of an act whose subject has not been expressed in the title shall be void. The general appropriation act shall contain only appropriations and rules for their

disbursement. No bill shall be amended in a manner that changes its original purpose or incorporates matters extraneous to it. In amending any article or section of a law, said article or section shall be promulgated in its entirety as amended. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Section 18. The subjects which may be dealt with by means of joint resolution shall be determined by law, but every joint resolution shall follow the same legislative process as that of a bill.

Section 19. Every bill which is approved by a majority of the total number of members of which each house is composed shall be submitted to the Governor and shall become law if he signs it or if he does not return it, with his objections, to the house in which it originated within ten days (Sundays excepted) counting from the date on which he shall have received it.

When the Governor returns a bill, the house that receives it shall enter his objections on its journal and both houses may reconsider it. If approved by two-thirds of the total number of members of which each house is composed, said bill shall become law.

If the Legislative Assembly adjourns sine die before the Governor has acted on a bill that has been presented to him less than ten days before, he is relieved of the obligation of returning it with his objections and the bill shall become law only if the Governor signs it within thirty days after receiving it.

Every final passage or reconsideration of a bill shall be by a roll-call vote.

Section 20. In approving any appropriation bill that contains more than one item, the Governor may eliminate one or more of such items or reduce their amounts, at the same time reducing the total amounts involved.

Section 21. The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two-thirds of the total number of members of which it is composed, to bring an indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the

the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three-fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached, however, may be liable and subject to indictment, trial, judgment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude. The Chief Justice of the Supreme Court shall preside at the impeachment trial of the Governor.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two houses, upon written request of two-thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

Section 22. The Governor shall appoint a Controller with the advice and consent of a majority of the total number of members of which each house is composed. The Controller shall meet the requirements prescribed by law and shall hold office for a term of ten years and until his successor has been appointed and qualifies. The Controller shall audit all the revenues accounts and expenditures of the Commonwealth, of its agencies and instrumentalities and of its municipalities, in order to determine whether they have been made in accordance with law. He shall render annual reports and any special reports that may be required of him by the Legislative Assembly or by the Governor.

In the performance of his duties the Controller shall be authorized to administer oaths, take evidence and compel, under pain of contempt, the attendance of witnesses and the production of books, letters, documents, papers, records and all other articles deemed essential to a full understanding of the matter under investigation.

The Controller may be removed for the causes and pursuant to the procedure established in the preceding section.

#### ARTICLE IV

#### THE EXECUTIVE

Section 1. The executive power shall be vested in a Governor, who shall be elected by direct vote in each general election.

Section 2. The Governor shall hold office for the term of four years from the second day of January of the year following his election and until his

successor has been elected and qualifies. He shall reside in Puerto Rico and maintain his office in its capital city.

Section 3. No person shall be Governor unless, on the date of the election, he is at least thirty-five years of age, and is and has been during the preceding five years a citizen of the United States and a citizen and bona fide resident of Puerto Rico.

Section 4. The Governor shall execute the laws and cause them to be executed. He shall call the Legislative Assembly or the Senate into special session when in his judgment the public interest so requires.

He shall appoint, in the manner prescribed by this Constitution or by law, all officers whose appointment he is authorized to make. He shall have the power to make appointments while the Legislative Assembly is not in session. Any such appointments that require the advice and consent of the Senate or of both houses shall expire at the end of the next regular session.

He shall be the commander-in-chief of the militia.

He shall have the power to call out the militia and summon the posse comitatus in order to prevent or suppress rebellion, invasion or any serious disturbance of the public peace.

He shall have the power to proclaim martial law when the public safety requires it in case of rebellion or invasion or imminent danger thereof. The Legislative Assembly shall meet forthwith on their own initiative to ratify or revoke the proclamation.

He shall have the power to suspend the execution of sentences in criminal cases and to grant pardons, commutations of punishment, and total or partial remissions of fines and forfeitures for crimes committed in violation of the laws of Puerto Rico. This power shall not extend to cases of impeachment.

He shall approve or disapprove in accordance with this Constitution the joint resolutions and bills passed by the Legislative Assembly.

He shall present to the Legislative Assembly, at the beginning of each regular session, a message concerning the affairs of the Commonwealth and a report concerning the state of the Treasury of Puerto Rico and the proposed expenditures for the ensuing fiscal year. Said report shall contain the information necessary for the formulation of a program of legislation.

He shall exercise the other powers and functions and discharge the other duties assigned to him by this Constitution or by law.

Section 5. For the purpose of exercising executive power, the Governor shall be assisted by Secretaries whom he shall appoint with the advice and consent of the Senate. The appointment of the Secretary of State shall in addition require the advice and consent of the House of Representatives, and the person appointed shall fulfill the requirements established in Section 3 of this Article. The Secretaries shall collectively constitute the Governor's advisory council, which shall be designated as the Council of Secretaries.

Section 6. Without prejudice to the power of the Legislative Assembly to create, reorganize and consolidate executive departments and to define their functions, the following departments are hereby established: State, Justice, Education, Health, Treasury, Labor, Agriculture and Commerce, and Public Works. Each of these executive departments shall be headed by a Secretary.

Section 7. When a vacancy occurs in the office of Governor, caused by death, resignation, removal, total and permanent incapacity, or any other absolute disability, said office shall devolve upon the Secretary of State, who shall hold it for the rest of the term and until a new Governor has been elected and qualifies. In the event that vacancies exist at the same time in both the office of Governor and that of Secretary of State, the law shall provide which of the Secretaries shall serve as Governor.

Section 8. When for any reason the Governor is temporarily unable to perform his functions, the Secretary of State shall substitute for him during the period he is unable to serve. If for any reason the Secretary of State is not available, the Secretary determined by law shall temporarily hold the office of Governor.

Section 9. If the Governor-elect shall not have qualified, or if he has qualified and a permanent vacancy occurs in the office of Governor before he shall have appointed a Secretary of State, or before said Secretary, having been appointed, shall have qualified, the Legislative Assembly just elected, upon convening for its first regular session, shall elect, by a majority of the total number of members of which each house is composed, a Governor who shall hold office until his successor is elected in the next general election and qualifies.

Section 10. The Governor may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution.

ARTICLE V

THE JUDICIARY

Section 1. The judicial power of Puerto Rico shall be vested in a Supreme Court, and in such other courts as may be established by law.

Section 2. The courts of Puerto Rico shall constitute a unified judicial system for purposes of jurisdiction, operation and administration. The Legislative Assembly may create and abolish courts, except for the Supreme Court, in a manner not inconsistent with this Constitution, and shall determine the venue and organization of the courts.

Section 3. The Supreme Court shall be the court of last resort in Puerto Rico and shall be composed of a Chief Justice and four Associate Justices. The number of Justices may be changed only by law upon request of the Supreme Court.

Section 4. The Supreme Court shall sit, in accordance with rules adopted by it, as a full court or in divisions. All the decisions of the Supreme Court shall be concurred in by a majority of its members. No law shall be held unconstitutional except by a majority of the total number of Justices of which the Court is composed in accordance with this Constitution or with law.

Section 5. The Supreme Court, any of its divisions, or any of its Justices may hear in the first instance petitions for habeas corpus and any other causes and proceedings as determined by law.

Section 6. The Supreme Court shall adopt for the courts rules of evidence and of civil and criminal procedure which shall not abridge, enlarge or modify the substantive rights of the parties. The rules thus adopted shall be submitted to the Legislative Assembly at the beginning of its next regular session and shall not go into effect until sixty days after the close of said session, unless disapproved by the Legislative Assembly, which shall have the power both at said session and subsequently to amend, repeal or supplement any of said rules by a specific law to that effect.

Section 7. The Supreme Court shall adopt rules for the administration of the courts. These rules shall be subject to the laws concerning procurement, personnel, audit and appropriation of funds, and other laws which apply generally to all branches of the government. The Chief Justice shall direct the administration of the courts and shall appoint an administrative director who shall hold office at the will of the Chief Justice.

Section 8. Judges shall be appointed by the Governor with the advice and consent of the Senate. Justices of the Supreme Court shall not assume office until after confirmation by the Senate and shall hold their offices during good behavior.. The terms of office of the other judges shall be fixed by law and shall not be less than that fixed for the term of office of a judge of the same or equivalent category existing when this Constitution takes effect. The other officials and employees of the courts shall be appointed in the manner provided by law.

Section 9. No person shall be appointed a Justice of the Supreme Court unless he is a citizen of the United States and of Puerto Rico, shall have been admitted to the practice of law in Puerto Rico at least ten years prior to his appointment, and shall have resided in Puerto Rico at least five years immediately prior thereto.

Section 10. The Legislative Assembly shall establish a retirement system for judges. Retirement shall be compulsory at the age of seventy years.

Section 11. Justices of the Supreme Court may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution. Judges of the other courts may be removed by the Supreme Court for the causes and pursuant to the procedure provided by law.

Section 12. No judge shall make a direct or indirect financial contribution to any political organization or party, or hold any executive office therein, or participate in a political campaign of any kind or be a candidate for an elective public office unless he has resigned his judicial office at least six months prior to his nomination.

Section 13. In the event that a court or any of its divisions or sections is changed or abolished by law, the person holding a post of judge therein shall continue to hold it during the rest of the term for which he was appointed and shall perform the judicial functions assigned to him by the Chief Justice of the Supreme Court.

## ARTICLE VI

### GENERAL PROVISIONS

Section 1. The Legislative Assembly shall have the power to create, abolish, consolidate and reorganize municipalities; to change their territorial limits;

to determine their organization and functions; and to authorize them to develop programs for the general welfare and to create any agencies necessary for that purpose.

No law abolishing or consolidating municipalities shall take effect until ratified in a referendum by a majority of the qualified electors voting in said referendum in each of the municipalities to be abolished or consolidated. The referendum shall be conducted in the manner determined by law, which shall include the applicable procedures of the election laws in effect when the referendum law is approved.

Section 2. The power of the Commonwealth of Puerto Rico to impose and collect taxes and to authorize their imposition and collection by municipalities shall be exercised as determined by the Legislative Assembly and shall never be surrendered or suspended. The power of the Commonwealth of Puerto Rico to contract and to authorize the contracting of debts shall be exercised as determined by the Legislative Assembly.

Section 3. The rule of taxation in Puerto Rico shall be uniform.

Section 4. General elections shall be held every four years on the day of November determined by the Legislative Assembly. In said elections there shall be elected a Governor, the members of the Legislative Assembly, and the other officials whose election on that date is provided for by law.

Every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law. No person shall be deprived of the right to vote because he does not know how to read or write or does not own property.

All matters concerning the electoral process, registration of voters, political parties and candidates shall be determined by law.

Every popularly elected official shall be elected by direct vote and any candidate who receives more votes than any other candidate for the same office shall be declared elected.

Section 5. The laws shall be promulgated in accordance with the procedure prescribed by law and shall specify the terms under which they shall take effect.

Section 6. If at the end of any fiscal year the appropriations necessary for the ordinary operating expenses of the government and for the payment of interest on and amortization of the public debt for the ensuing fiscal year

shall not have been made, the several sums appropriated in the last appropriation acts for the objects and purposes therein specified, so far as the same may be applicable, shall continue in effect item by item, and the Governor shall authorize the payments necessary for such purposes until corresponding appropriations are made.

Section 7. The appropriations made for any fiscal year shall not exceed the total revenues, including available surplus, estimated for said fiscal year unless the imposition of taxes sufficient to cover said appropriations is provided by law.

Section 8. In case the available revenues including surplus for any fiscal year are insufficient to meet the appropriations made for that year, interest on the public debt and amortization thereof shall first be paid, and other disbursements shall thereafter be made in accordance with the order of priorities established by law.

Section 9. Public property and funds shall only be disposed of for public purposes, for the support and operation of state institutions, and pursuant to law.

Section 10. No law shall give extra compensation to any public officer, employee, agent or contractor after services shall have been rendered or contract made. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment. No person shall draw a salary for more than one office or position in the government of Puerto Rico.

Section 11. The salaries of the Governor, the Secretaries, the members of the Legislative assembly, the Controller and Judges shall be fixed by a special law and, except for the salaries of the members of the Legislative Assembly, shall not be decreased during the terms for which they are elected or appointed. The salaries of the Governor and the Controller shall not be increased during said terms. No increase in the salaries of the members of the Legislative Assembly shall take effect until after the expiration of the term of the Legislative Assembly during which it is enacted. Any reduction of the salaries of the members of the Legislative Assembly shall be effective only during the term of the Legislative Assembly which approves it.

Section 12. The Governor shall occupy and use, free of rent, the buildings and properties belonging to the Commonwealth which have been or shall hereafter be used and occupied by him as chief executive.

Section 13. The procedure for granting franchises, rights, privileges and concessions of a public or quasi-public nature shall be determined by law, but every concession of this kind to a person or private entity must be approved by the Governor or by the executive official whom he designates. Every franchise, right, privilege or concession of a public or quasi-public nature shall be subject to amendment, alteration or repeal as determined by law.

Section 14. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title.

Corporations not organized in Puerto Rico, but doing business in Puerto Rico, shall be bound by the provisions of this section so far as they are applicable.

These provisions shall not prevent the ownership, possession or management of lands in excess of five hundred acres by the Commonwealth, its agencies or instrumentalities.

Section 15. The Legislative Assembly shall determine all matters concerning the flag, the seal and the anthem of the Commonwealth. Once determined, no law changing them shall take effect until one year after the general election next following the date of enactment of said law.

Section 16. All public officials and employees of the Commonwealth, its agencies, instrumentalities and political subdivisions, before entering upon their respective duties, shall take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth of Puerto Rico.

Section 17. In case of invasion, rebellion, epidemic or any other event

giving rise to a state of emergency, the Governor may call the Legislative Assembly to meet in a place other than the Capitol of Puerto Rico, subject to the approval or disapproval of the Legislative Assembly. Under the same conditions, the Governor may, during the period of emergency, order the government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the government.

Section 18. All criminal actions in the courts of the Commonwealth shall be conducted in the name and by the authority of "The People of Puerto Rico" until otherwise provided by law.

Section 19. It shall be the public policy of the Commonwealth to conserve, develop and use its natural resources in the most effective manner possible for the general welfare of the community; to conserve and maintain buildings and places declared by the Legislative Assembly to be of historic or artistic value; to regulate its penal institutions in a manner that effectively achieves their purposes and to provide, within the limits of available resources, for adequate treatment of delinquents in order to make possible their moral and social rehabilitation.

## ARTICLE VII

### AMENDMENTS TO THE CONSTITUTION

Section 1. The Legislative Assembly may propose amendments to this Constitution by a concurrent resolution approved by not less than two-thirds of the total number of members of which each house is composed. All proposed amendments shall be submitted to the qualified electors in a special referendum, but if the concurrent resolution is approved by not less than three-fourths of the total number of members of which each house is composed, the Legislative Assembly may provide that the referendum shall be held at the same time as the next general election. Each proposed amendment shall be voted on separately and not more than three proposed amendments may be submitted at the same referendum. Every proposed amendment shall specify the terms under which it shall take effect, and it shall become a part of this Constitution if it is ratified by a majority of the electors voting thereon. Once approved, a proposed amendment must be published at least three months prior to the date of the referendum.

Section 2. The Legislative Assembly, by a concurrent resolution approved by two-thirds of the total number of members of which each house is composed, may submit to the qualified electors at a referendum, held at the same time as a general election, the question of whether a constitutional convention shall be called to revise this Constitution. If a majority of the electors voting on this question vote in favor of the revision, it shall be made by a Constitutional Convention elected in the manner provided by law. Every revision of this Constitution shall be submitted to the qualified electors at a special referendum for ratification or rejection by a majority of the votes cast at the referendum.

Section 3. No amendment to this Constitution shall alter the republican form of government established by it or abolish its bill of rights. Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, Eighty-first Congress, adopted in the nature of a compact.

## ARTICLE VIII

### SENATORIAL AND REPRESENTATIVE DISTRICTS

Section 1. The senatorial and representative districts shall be the following:

I. SENATORIAL DISTRICT OF SAN JUAN, which shall be composed of the following Representative Districts: 1.- The Capital of Puerto Rico, excluding the present electoral precincts of Santurce and Río Piedras; 2.- Electoral zones numbers 1 and 2 of the present precinct of Santurce; 3.- Electoral zone number 3 of the present precinct of Santurce; 4.- Electoral zone number 4 of the present precinct of Santurce; and 5.- Wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico.

II. SENATORIAL DISTRICT OF BAYAMÓN, which shall be composed of the following Representative Districts: 6.- The municipality of Bayamón; 7.- The municipalities of Carolina and Turjillo Alto; 8.- The present electoral precinct of Río Piedras, excluding wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico; 9.- The municipalities of Cataño, Guaynabo and Toa Baja; and 10.- The municipalities of Toa Alta, Corozal and Naranjito.

III. SENATORIAL DISTRICT OF ARECIBO, which shall be composed of the following Representative Districts: 11.- The municipalities of Vega Baja, Bega Alta and Dorado; 12.- The municipalities of Mantí and Barceloneta; 13.- The municipalities of Ciales and Morovis; 14.- The municipality of Arecibo; and 15.- The municipality of Utuado.

IV. SENATORIAL DISTRICT OF AGUADILLA, which shall be composed of the following Representative Districts: 16.- The municipalities of Camuy, Hatillo and Quebradillas; 17.- The municipalities of Aguadilla and Isabela; 18.- The municipalities of San Sebastian and Moca; 19.- The municipalities of Lares, Las Marias and Maricao; and 20.- The municipalities of Anasco, Aguada and Rincón.

V. SENATORIAL DISTRICT OF MAYAGUEZ, which shall be composed of the following Representative Districts: 21.- The municipality of Mayaguez; 22.- The municipalities of Cabo Rojo, Hormigueros and Lajas; 23.- The municipalities of San German and Sabana Grande; 24.- The municipalities of Yauco and Guanica; and 25.- The municipalities of Guayanilla and Penuelas.

VI. SENATORIAL DISTRICT OF PONCE, which shall be composed of the following Representative Districts: 26.- The first, second, third, fourth, fifth and sixth wards and the City Beach of the municipality of Ponce; 27.- The municipality of Ponce, except for the first, second, third, fourth, fifth and sixth wards and the City Beach; 28.- The municipalities of Adjuntas and Jayuya; 29.- The municipalities of Juana Diaz, Santa Isabel and Villalba; and 30.- The municipalities of Coamo and Orocovis.

VII. SENATORIAL DISTRICT OF GUAYAMA, which shall be composed of the following Representative Districts: 31.- The municipalities of Aibonito, Barranquitas and Comerio; 32.- The municipalities of Cayey and Cidra; 33.- The municipalities of Caguas and Aguas Buenas; 34.- The municipalities of Guayama and Selinas; and 35.- The municipalities of Patillas, Maunabo and Arroyo.

VIII. SENATORIAL DISTRICT OF HUMACAO, which shall be composed of the following Representative Districts: 36.- The municipalities of Humacao and Yabucoa; 37.- The municipalities of Juncos, Gurabo and San Lorenzo; 38.- The municipalities of Naguabo, Ceiba and Las Piedras; 39.- The municipalities of Fajardo and Vieques and the Island of Culebra; and 40.- The municipalities of Río Grandes, Loíza and Luquillo.

Section 2. Electoral zones 1, 2, 3 and 4 included in three representative districts within the senatorial district of San Juan are those presently existing for purposes of electoral organization in the second precinct of San Juan.

## ARTICLE IX

### TRANSITORY PROVISIONS

Section 1. When this Constitution goes into effect all laws not inconsistent therewith shall continue in full force until amended or repealed, or until they expire by their own terms.

Unless otherwise provided by this Constitution, civil and criminal liabilities, rights, franchises, concessions, privileges, claims, actions, causes of action, contracts, and civil, criminal and administrative proceedings shall continue unaffected, notwithstanding the taking effect of this Constitution.

Section 2. All officers who are in office by election or appointment on the date this Constitution takes effect shall continue to hold their offices and to perform the functions thereof in a manner not inconsistent with this Constitution, unless the functions of their offices are abolished or until their successors are selected and qualify in accordance with this Constitution and laws enacted pursuant thereto.

Section 3. Notwithstanding the age limit fixed by this Constitution for compulsory retirement, all the judges of the courts of Puerto Rico who are holding office on the date this Constitution takes effect shall continue to hold their judicial offices until the expiration of the terms for which they were appointed, and in the case of Justices of the Supreme Court during good behavior.

Section 4. The Commonwealth of Puerto Rico shall be the successor of the People of Puerto Rico for all purposes, including without limitation the collection and payment of debts and liabilities in accordance with their terms.

Section 5. When this Constitution goes into effect, the term "citizen of the Commonwealth of Puerto Rico" shall replace the term "citizen of Puerto Rico" as previously used.

Section 6. Political parties shall continue to enjoy all rights recognized by the election law, provided that on the effective date of this Constitution they fulfill the minimum requirements for the registration of new parties contained in said law. Five years after this Constitution shall have taken effect the Legislative Assembly may change these requirements, but any law

increasing them shall not go into effect until after the general election next following its enactment.

Section 7. The Legislative Assembly may enact the laws necessary to supplement and make effective these transitory provisions in order to assure the functioning of the government until the officers provided for by this Constitution are elected or appointed and qualify, and until this Constitution takes effect in all respects.

Section 8. If the Legislative Assembly creates a Department of Commerce, the Department of Agriculture and Commerce shall thereafter be called the Department of Agriculture.

Section 9. The first election under the provisions of this Constitution shall be held on the date provided by law, but not later than six months after the effective date of this Constitution. The second general election under this Constitution shall be held in the month of November 1956 on a day provided by law.

Section 10. This Constitution shall take effect when the Governor so proclaims, but not later than sixty days after its ratification by the Congress of the United States.

(Signed):

Antonio Fernós Isern  
María Libertad Gómez  
Víctor Gutiérrez Franqui  
Luis Muñoz Marín  
Celestino Iriarte Miró  
Lino Padrón Rivera  
Samuel R. Quiñones Quiñones  
Ernesto Ramos Antonini  
Luis A. Negrón López  
Jaime Benítez Rexach  
Yldefonso Solá Morales  
Benjamín Ortiz Ortiz  
Cruz Ortiz Stella  
Santiago R. Palmer Díaz  
José Trias Monge  
Alvaro Rivera Reves  
José Villares Rodríguez  
Ruben Gaztambide Arrillaga  
Ernesto Carrasquillo Quiñones  
Santiago Polanco Abreú  
Heraclio H. Rivera Colón  
José Mimoso Raspaldo

Alfonso Román García  
Jorge Font Saldaña  
José M. Dávila Monsanto  
Francisco L. Anselmi Rodríguez  
Bernardo Méndez Jiménez  
Angel Sandín Martínez  
Sigfredo Vélez González  
Luis Alfredo Colón Velázquez  
Juan Dávila Díaz  
Manuel Acevedo Rosario  
Andrés Rivera Negrón  
Arcilio Alvarado Alvarado  
Enrique Alvarez Vicente  
Francisco Arrillaga Gaztambide  
Carmelo Avila Medina  
José B. Barceló Oliver  
Ramón Barreto Pérez  
Ramón Barrios Sánchez  
Francisco Berio Suárez  
Virgilio Brunet Maldonado  
Agustín Burgos Rivera  
Mario Canales Torresola

Angel M. Candelario Arce  
Dionisio Casillas Casillas  
José A. Cintrón Rivera  
Lionel Fernández Méndez  
Luis A. Ferré Aguavo  
Alcídes Figueroa Oliva  
Leopoldo Figueroa Carreras  
Ernesto Juan Fonfrías Rivera  
Juan R. García Delgado  
Miguel A. García Méndez  
Jenaro Gautier Dapena  
Fernando J. Géigel Sabat  
José R. Gelpí Bosch  
Darío Goitía Montalvo  
Héctor González Blanes  
Andrés Grillasca Salas  
Jesús Izcoa Moure  
Lorenzo Lagarde Garcés  
Ramón Llobet Díaz  
Ramiro Martínez Sandín  
Juan Meléndez Báez  
Ramón Mellado Parsons  
Armando Mignucci Calder  
Pablo Morales Otero

Luis Muñoz Rivera  
Eduardo Negrón Benítez  
Abraham Nieves Negrón  
Mario Orsini Martínez  
Norman E. Parkhurst  
Francisco Paz Granela  
Ubaldino Ramírez de Arellano Quiñones  
Ramón María Ramos de Jesús  
Antonio Reves Delgado  
Dolores Rivera Candelaria  
Alego Rivera Morales  
Carmelo Rodríguez García  
Carlos Román Benítez  
Joaquín Rosa Gómez  
Alberto E. Sánchez Nazario  
Luis Santaliz Capestany  
Juan B. Soto González  
Rafael Torrech Genovés  
Lucas Torres Santos  
Pedro Torres Díaz  
Augusto Valentín Vizcarrondo  
Baudilio Vega Berríos  
José Veray Hernández

## ANNEX II

### MEMORANDUM BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE CESSATION OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 (e) OF THE CHARTER WITH REGARD TO THE COMMONWEALTH OF PUERTO RICO

#### Introduction

1. The United States Government, in pursuance of Article 73(e) of the Charter of the United Nations, has, in accordance with Resolution 66(I) adopted by the General Assembly of the United Nations on December 14, 1946, transmitted annually to the Secretary-General since 1946 information on Puerto Rico. During this period successive advances have been made in the growth and development of self-governing institutions in Puerto Rico and in the vesting of powers of government in the Puerto Rican people and their elected representatives. This process has reached its culmination with the establishment of the Commonwealth of Puerto Rico and the promulgation of the Constitution of this Commonwealth on July 25, 1952.
2. With the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government. Accordingly, the Government of the United States has decided that it is no longer appropriate for it to submit information on Puerto Rico pursuant to Article 73(e) of the Charter.
3. Resolution 222(III), adopted by the General Assembly on November 3, 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any non-self-governing territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73(e) of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the government of the metropolitan country.
4. As a result of the change in the constitutional position and status of Puerto Rico as described in this memorandum, the Government of the United

States considers it unnecessary to transmit further information under Article 73(e) of the Charter concerning the Commonwealth of Puerto Rico. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in pursuance of Resolution 222(III), this memorandum has been prepared and, together with a copy of the Constitution of the Commonwealth of Puerto Rico and a letter from the Governor of Puerto Rico is transmitted to the Secretary-General for circulation to the Members of the United Nations for their information.

Constitutional Development of Puerto Rico Under  
United States Administration

5. Puerto Rico has been administered by the United States since 1398 when Spain ceded its sovereignty to the island under terms of the Treaty of Paris. Puerto Rico had a military government until 1900 when the United States Congress enacted the first organic law providing for a civil form of government. The establishment of the Commonwealth in July 1952 marks the culmination of a steady progression in the exercise of self-government initiated by the first organic law.

6. The first organic law, known as the Foraker Act, provided for a Governor appointed by the President of the United States, with the advice and consent of the Senate of the United States, a legislative assembly in which the lower house was elected but the upper house was composed of the heads of executive departments of the government and five other persons, all appointed by the President with the advice and consent of the Senate; and a supreme court, the members of which were also appointed by the President with the advice and consent of the Senate, justices of the lower courts being appointed by the Governor with advice and consent of the upper house of the legislature. The act provided for Puerto Rico's representation before all departments of the Federal Government by a popularly elected Resident Commissioner. The Resident Commissioner has a seat in the House of Representatives of the Congress of the United States.

7. In 1917, the scope of self-government was increased with enactment by the Congress of a second organic law known as the Jones Act. Under it, the people

of Puerto Rico elected both houses of their legislature, and the popularly elected upper house advised and consented to the Governor's appointment of justices of the lower courts. The President retained authority to appoint the Governor, the justices of the supreme court, the heads of the departments of justice and education, and the auditor, but all other heads of executive departments were appointed by the Governor. The people of Puerto Rico became citizens of the United States. The protection of a bill of rights patterned on the bill of rights of the United States Constitution was extended to Puerto Rico. Provision for representation before the various departments of the Federal Government remained. The legislature could repass a bill over the Governor's veto, but if the Governor did not then approve it, it did not become law unless it received the approval of the President.

8. In 1946, the President appointed as Governor, with the advice and consent of the Senate, a Puerto Rican who had formerly been Resident Commissioner from Puerto Rico. This was the first time that a Puerto Rican had been appointed Governor.

9. In 1947, the Congress authorized the people of Puerto Rico to elect their Governor, beginning with the general election in 1948, and provided a line of succession in the event of a vacancy in the position of Governor or of the Governor's temporary absence or disability. The elected Governor was authorized to appoint all the members of his cabinet, the heads of the executive departments, including the attorney general and commissioner of education. No change was made at that time in the provisions respecting appointment of the auditor and justices of the supreme court.

#### Development and Adoption of the Constitution of

#### the Commonwealth of Puerto Rico

10. In 1948, the candidates for Governor and Resident Commissioner from Puerto Rico, who were elected by very substantial majorities, ran on a platform calling for the adoption by the people of Puerto Rico of a constitution of their own drafting, within the framework of a continuing relationship with the United States to which the people of Puerto Rico would consent. In that election, the candidates who advocated statehood for Puerto Rico and independence for Puerto Rico were defeated. An overwhelming number of candidates for the

legislature who ran on the same program as the successful candidates for Governor and Resident Commissioner were also elected. In accordance with the expressed wishes of the people of Puerto Rico, there was introduced in the Congress a bill to provide for the organization of a constitutional government by the people of Puerto Rico. It was enacted on July 13, 1950 as Public Law 600, 81st Cong. (64 Stat. 319).

11. That law expressly recognized the principle of government by consent, and declaring that it was "adopted in the nature of a compact", required that it be submitted to the voters of Puerto Rico in an island-wide referendum for acceptance or rejection. If the act were approved by a majority of participating voters, the Legislature of Puerto Rico was authorized to call a constitutional convention to formulate a constitution, which would become effective upon its adoption by the people if approved by the Congress after a finding by the President that it conformed with the applicable provisions of the act and of the Constitution of the United States. Those provisions of the Organic Act which related to matters of local government would thereupon be repealed, while the remaining provisions of the Organic Act, relating to such matters as Puerto Rico's economic relationship to the United States, the force and effect of applicable Federal laws, and continued representation in Washington, would thenceforth be known as the Puerto Rican Federal Relations Act. The Congress made only two stipulations with respect to the content of the constitution to be adopted; that it provide a republican form of government and that it include a bill of rights.

12. Four political parties participated in the campaign preceding the referendum: two advocated approval of Public Law 600, 81st Congress, one opposed it, and one was divided in its position. On June 4, 1951, 506,185 persons, 65.08 percent of the 777,675 qualified voters of Puerto Rico, participated in the referendum, and 76.5 percent of those voting approved the act. On August 27, 1951, ninety-two delegates were elected to a constitutional convention, representing the Popular Democratic, the Statehood and the Socialist parties. The convention met in September 1951, and concluded its painstaking work in February 1952. An official English and an official Spanish version of the constitution were adopted, and the text was published in the four daily newspapers of Puerto Rico in both languages. Copies of the document were distributed throughout the Island.

13. On March 3, 1952, the constitution was submitted for adoption or rejection. Of the 783,610 qualified voters, 456,471 participated in the referendum. Of these, 373,594 or 81.84 percent of those voting supported adoption of the constitution; only 82,877 or 18.16 percent of those voting disapproved it. All of the elections and referenda held in Puerto Rico in connection with the development of the constitution were on the basis of universal adult suffrage without property or literacy requirements. Puerto Rico has had universal adult suffrage since 1929. There have been no property requirements since 1906 and the last literacy requirements were removed in 1935.

14. On April 22, 1952, the President transmitted the Constitution to the Congress with his recommendation for approval, and by Public Law 447, 82nd Cong. (66 Stat. 327), signed by the President on July 3, 1952, the Congress approved the Constitution subject to certain conditions which were to be submitted for approval to the Puerto Rican Constitutional Convention. Public Law 447, in its preambular provisions, recalled that the Act of July 3, 1950 "was adopted by the Congress as a compact with the people of Puerto Rico, to become operative upon its approval by the people of Puerto Rico"; that the people of Puerto Rico had overwhelmingly approved this Act and that the Constitution of Puerto Rico had been drafted by a Constitutional Convention; that the Constitution was adopted by the people of Puerto Rico in a referendum; that the President of the United States had declared that the Constitution conformed fully with the applicable provisions of the Act of July 3, 1950 and the Constitution of the United States, that it contained a Bill of Rights, and provided for a republican form of government; and that the Congress of the United States had considered the Constitution and found that it conformed with the stipulated requirements. The operative part of Public Law 447 recorded the approval by the Congress of the United States of the Constitution of the Commonwealth of Puerto Rico subject to certain conditions, among which was that the following new sentence be added to Article VII: "Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, 81st Cong. adopted in the nature of a compact." The Puerto Rican Constitutional Convention considered and approved these conditions. On July 25, 1952, the Governor of Puerto Rico

proclaimed the establishment of the Commonwealth of Puerto Rico under its Constitution.

Principal Features of the Constitution of the Commonwealth

15. The Constitution of the Commonwealth, as it became effective with the approval of the Congress, provides that "Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America" (Art. I, Section 1). The Constitution of the Commonwealth is similar to that of a State of the Federal Union. It establishes a tri-partite form of government, with a popularly elected Governor, a popularly elected bi-cameral legislature and a judicial branch. The heads of all executive departments are appointed by the Governor, with the advice and consent of the Puerto Rican Senate; appointment of the Secretary of State also requires the consent of the House of Representatives. It should be noted that with the establishment of the Commonwealth neither the President nor the United States Senate participates in any way in the appointment of any official of the government of the Commonwealth.

16. The Legislative Assembly, which is elected by free, universal and secret suffrage of the people of Puerto Rico, has full legislative authority in respect to local matters. The Commonwealth has the power to impose and collect taxes, and to contract debts. Acts of the Legislative Assembly become law upon approval of the Governor, or, in the event that an act is vetoed by the Governor, upon its reenactment by two-thirds of the total number of members of which each house is composed. The President may no longer prevent a bill repassed over the Governor's veto from becoming law by disapproving it. The protection of a bill of rights is extended to persons in Puerto Rico. All public officials must take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth. Amendments to the Constitution may be proposed by the Legislative Assembly, and will be voted on at a referendum, becoming effective if ratified by a majority of the electors voting thereon. The Constitution does not restrict the substance of future amendments, except to provide that they shall be consistent with the act approving the Constitution, with the applicable provisions of the Federal Constitution with the Puerto Rican Federal Relations Act, and

with the act of Congress authorizing the drafting and adoption of a Constitution.

17. The judiciary of the Commonwealth is independent under the Constitution.

The justices of the Supreme Court are no longer appointed by the President but are appointed by the Governor with the advice and consent of the Senate of Puerto Rico. Justices hold office during good behavior and may be removed, after impeachment, for causes specified in the Constitution. The number of justices may be increased only by law at the request of the court itself.

No judge may make a direct or indirect financial contribution to any political organization or party, or hold any elective office therein, or participate in any political campaign or be a candidate for elective office unless he has resigned his judicial office at least six months prior to his nomination.

Although judgments of the Supreme Court of Puerto Rico may be appealed to the United States Court of Appeals, decisions of the United States Supreme Court have established that the Supreme Court of Puerto Rico is the final authority on the meaning of a Puerto Rican law and that its decision interpreting such a law may not be reversed unless the interpretation is "inescapably wrong" and the decision "patently erroneous"; it is not sufficient to justify reversal that the Federal Court merely disagree with the Puerto Rican Supreme Court's interpretation. There continues to be a Federal District Court in Puerto Rico, but its jurisdiction does not differ from the jurisdiction of Federal District Courts functioning within the boundaries of States.

18. Under the Constitution, there is full and effective participation of the population of Puerto Rico in the Government of Puerto Rico. Article II, section 1, provides that no discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas and requires the laws to embody these principles. Puerto Rico is divided by the Constitution into senatorial and representative districts for purposes of electing members of the Legislative Assembly, and provision is also made for election of senators and representatives elected at large. By a special procedure established by Article III of the Constitution, minority parties are assured of representation which recognizes their island-wide voting strength. Elections will be held every four years.

19. Article II, section 2, requires that the laws shall guarantee the expression of the will of the people by means of equal, direct, and secret

universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise. Article VI, section 4, provides that every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law and prohibits depriving a person of the right to vote because he does not know how to read or write or does not own property.

#### Present Status of Puerto Rico

20. The people of Puerto Rico continue to be citizens of the United States as well as of Puerto Rico and the fundamental provisions of the Constitution of the United States continue to be applicable to Puerto Rico. Puerto Rico will continue to be represented in Washington by a Resident Commissioner whose functions are not altered by the establishment of the Commonwealth. Matters of foreign relations and national defence will continue to be conducted by the United States, as is the case with the States of the Union.

21. At the request of the people of Puerto Rico and with the approval of the Government of the United States, Puerto Rico has voluntarily entered into the relationship with the United States which it has chosen to describe as a "commonwealth" relationship. The term "commonwealth" was adopted by Puerto Rico as the official English designation of the body politic created by the Constitution (the official Spanish title is "estado libre asociado"), to define the status of that body as "a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its Federal structure", and which "does not have an independent and separate existence" (Resolution No. 22 of the Constitutional Convention). By the various actions taken by the Congress and the people of Puerto Rico, Congress has agreed that Puerto Rico shall have, under that Constitution, freedom from control or interference by the Congress in respect of internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision. Those laws which directed or authorized interference with matters of local government by the Federal Government have been repealed.

22. In Hawaii, Alaska, Guam and the Virgin Islands of the United States the chief executive is appointed by the President with the advice and consent of the Senate, not popularly elected by the people; the executive officer immediately subordinate to the Governor is appointed by the President, either alone or with the advice and consent of the Senate, but not by the Governor; and judges of the highest courts exercising local jurisdiction are appointed by the President with the advice and consent of the Senate, not by the Governor. This is so provided by their respective organic acts as enacted by the Congress. This is not the case with respect to Puerto Rico. The people of Puerto Rico will participate effectively in their government through universal, secret and equal suffrage, in free and periodic elections in which differing political parties offer candidates, and which are assured freedom from undemocratic practices by the Constitution itself. These elections will be conducted in the future, as they have been in the past, without interference by the United States. The people of Puerto Rico have complete autonomy in internal economic matters and in cultural and social affairs under a Constitution adopted by them and approved by the Congress.

23. Under the Puerto Rican Federal Relations Act, there will still be free trade with the United States, only United States coins and currency will be legal tender in Puerto Rico, and the statutory laws of the United States not locally inapplicable will, with some exceptions, have the same force and effect in Puerto Rico as in the United States. United States internal revenue laws do not apply in Puerto Rico, and the people of Puerto Rico will continue to be exempt from Federal income taxes on the income they derive from sources within Puerto Rico. The proceeds of United States excise taxes collected on articles produced in Puerto Rico and shipped to the United States and the proceeds of customs collected on foreign merchandise entering Puerto Rico are covered into the Treasury of Puerto Rico for appropriation and expenditure as the legislature of the Commonwealth may decide.

24. The final declaration of the Constitutional Convention of Puerto Rico (Resolution No. 23), expresses the views of the people of Puerto Rico as to the status they have now achieved.

"When this Constitution takes effect, the people of Puerto Rico shall

"When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized into a commonwealth established within the terms of the compact entered into by mutual consent, which is the basis of our union with the United States of America.

....

"Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization."

#### Conclusion

25. The United States Government, therefore, has decided that, with the entry into force on July 25, 1952, of the new constitutional arrangements establishing the Commonwealth of Puerto Rico, it is no longer appropriate for the United States to continue to transmit information to the United Nations on Puerto Rico under Article 73(e) of the Charter. This conclusion constitutes a recognition of the full measure of self-government which has been achieved by the people of Puerto Rico.

ANNEX III

LETTER DATED JANUARY 17, 1953 FROM MR. LUIS MUNOZ MARIN,  
GOVERNOR OF PUERTO RICO, TO THE PRESIDENT OF THE  
UNITED STATES

On July 25, 1952, the Commonwealth of Puerto Rico was formally installed in response to the wish of an overwhelming majority of the people of Puerto Rico pursuant to a compact between them and the Government of the United States. Puerto Rico became a Commonwealth in free and voluntary association with the United States, and its people have now attained a full measure of self-government. Accordingly, I respectfully suggest on behalf of the Commonwealth of Puerto Rico that the Government of the United States take steps to notify the United Nations of the status of Puerto Rico, that it is no longer a non-self-governing area, and that reports concerning it are no longer appropriate under Article 73(e) of the Charter.

This development has climaxed fifty-four years of growth in mutual understanding and mutual good will. Democratic rights in Puerto Rico have been progressively recognized as self-government has increased. Since 1917, the people of Puerto Rico elected all members of their legislature which had comprehensive powers to enact laws for Puerto Rico. Since 1948, the people of Puerto Rico also elected their own governor, and all other officials of Puerto Rico were locally elected or appointed by elected officials except the Auditor of Puerto Rico and the Justices of the Supreme Court. Until the Commonwealth of Puerto Rico began to function, the latter officials were appointed by the President of the United States with the advice and consent of the United States Senate. The Congress of the United States, however, retained full jurisdiction to legislate with respect to Puerto Rico without the consent of its people, to override its laws, to change its form of government and to alter its relations to the United States.

These reservations have been to a large extent formal. In the entire fifty-four years history of United States administration of Puerto Rico, Congress did not in any instance exercise its power to annul or amend an Act of the Puerto Rico legislature, nor did it modify the relations of Puerto Rico to the United States except progressively to extend self-government to its people in

response to their wishes. Even before 1948, the appointed Governor of Puerto Rico was a Puerto Rican whose selection was recommended by the majority political party of the island. After 1948, the appointed Auditor and Justices of the Supreme Court were Puerto Ricans, also appointed with the recommendation and approval of the majority party.

This political history has been accompanied by a mutually beneficial economic relationship. The people of Puerto Rico have received many services from the Government of the United States and have benefited by grants-in-aid. Puerto Ricans have not been subject to the payment of taxes and have been entirely free of imposts, duties or any form of exactions for the support of the Federal Government. At all times since the turn of the century we have enjoyed free trade with the United States, and since 1917 we have had the benefit of common citizenship. Despite the fact that our population has grown from 953,000 inhabitants in 1900 to 2,219,000 in 1950, our standard of living has substantially increased. For example, the average per capita income in 1930 was \$122.00 as compared with \$319.00 in 1950.

The people of Puerto Rico have been keenly aware of our basic economic problems due to the density of population and the poverty of natural resources. We are proud of the progress that we have made and are continuing to make by the utilization of our own talents and our democratic institutions. This progress would have been impossible, however, if it had not been for the sympathetic cooperation of the United States, manifested in a wide variety of ways, material and political. We have been helped in building sounder social and educational bases for the exercise of our political rights and for our own economic advancement. Our joint efforts in combatting illiteracy and improving health conditions have produced remarkable results. In 1900 the literacy rate in Puerto Rico was 20 percent as compared to 78 percent in 1950; and in the same period the death rate has dropped from 25.3 per thousand to 10 per thousand.

Although the relationship was one of freedom and justice in practice, the people of Puerto Rico were not satisfied to remain in a status which appeared to reflect the imposition upon a people of the will of another community. We are proud of our culture and background, and we cherish our individual dignity and our common heritage. We profoundly believe that our government should be solidly based upon our own will and our own free choice. Accordingly, for some years, as our democratic institutions developed and became firmly established, the people considered and debated the matter of their status.

Specifically, the people of Puerto Rico discussed three choices: independence, statehood within the Federal Union, or association with the United States as a free Commonwealth. At no time did we consider that our choice was restricted, or that any alternative was foreclosed to us or could not be achieved by peaceful means; and it should be said that at no time did the United States attempt, directly or indirectly, to interfere with our choice. On the contrary, President Truman said in a message to the Congress as long ago as October 1945.

"It is the settled policy of this Government to promote the political, social, and economic development of people who have not yet attained full self-government and eventually to make it possible for them to determine their own form of government\*\*\*. It is not time, in my opinion, to ascertain from the people of Puerto Rico their wishes as to the ultimate status which they prefer, and, within such limits as may be determined by the Congress, to grant to them the kind of government which they desire." And in his message to the Congress in January 1946, he said,

"This Government is committed to the democratic principle that it is for the dependent peoples themselves to decide what their status shall be." Each of the alternatives of independence, statehood, and association has been represented in Puerto Rico by a political party which favored it, and which actively campaigned for the support of the electorate and nominated candidates for the legislature and the governorship. In the 1948 elections the three alternatives were fully presented to the electorate by the three main political parties. The preference of the people, expressed in an election which was as democratic as any in the world, was unmistakably expressed in favor of the third alternative: a free Commonwealth associated with the United States on the basis of mutual consent. Their choice is aptly summed up in the Spanish name of the new body politic, "Estado Libre Asociado."

It was at the request of the officials of the Puerto Rican government acting pursuant to the mandate of the people that the Congress of the United States initiated the series of actions which resulted in the creation of the Commonwealth. On July 13, 1950, the 81st Congress enacted Public Law 600. This was, in effect, an offer by the Congress to the people of Puerto Rico, which we might accept or reject, to enter into a compact defining the status of

Puerto Rico and the relationships between the respective communities. The compact offered the people of Puerto Rico an opportunity to establish our own government and to remain in association with the United States on defined terms. It was the precise formula that the people, through their elected representatives, had requested.

According to its terms, Public Law 600 was submitted to the qualified voters of Puerto Rico in a referendum held on June 4, 1951 after months of intensive debate. The Law was accepted by the people of Puerto Rico by a vote of 387,016 to 119,169. Sixty-five percent of the eligible voters participated in the referendum. In this, as in all elections in Puerto Rico, all citizens of at least 21 years of age, male or female, without property or literacy requirements, were entitled to vote.

After acceptance of Law 600, a Constitutional Convention was elected on August 27, 1951 in an election where all the qualified voters had the right to participate. The Convention met at San Juan on September 17, 1951 and proceeded to draft a Constitution. On February 6, 1952 it approved the Constitution of the Commonwealth of Puerto Rico which it had drafted, by a vote of 88 to 3. On March 3, 1952 the qualified voters of Puerto Rico again went to the polls to express approval or disapproval of the Constitution drafted by the Convention. The Constitution was ratified in this referendum by a vote of 373,594 in favor of approval and 82,877 against approval.

Pursuant to the provisions of the Compact, the Congress of the United States on July 3, 1952 approved the Constitution of the Commonwealth of Puerto Rico. On July 11, 1952 the Constitutional Convention of Puerto Rico by resolution accepted amendments proposed by the Congress and took the final step in ratifying the Constitution of the Commonwealth. The Commonwealth was duly installed on July 25, 1952 and the flag of Puerto Rico was raised beside the flag of the United States.

The Commonwealth of Puerto Rico, therefore, represents the government that the people of Puerto Rico have freely adopted. It reflects our own decision as to the type of institutions and the kind of relationship to the United States which we desire. There can be no doubt that in the full sense of the term, in form as well as in fact, the people of Puerto Rico are now self-governing. We have chosen our institutions and relationship with the United States. We

have determined the nature and distribution of the powers of government. We have created our own Constitution under which we established our own government, the nature of which is described in Article I, Section 2 of the Constitution as follows:

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

Under this Constitution, of course, all of our officials are either elected by the people or are appointed by officials whom we elect. The legislative power of the Commonwealth under the compact and the Constitution essentially parallels that of the state governments. The laws enacted by the Government of the Commonwealth pursuant to the compact cannot be repealed or modified by external authority, and their effect and validity are subject to adjudication by the courts. Our status and the terms of our association with the United States cannot be changed without our full consent.

The people of Puerto Rico are firm supporters of the United Nations, and this great organization may confidently rely upon us for a continuation of that good will. The Government of the Commonwealth of Puerto Rico will be ready at all times to cooperate with the United States in seeking to advance the purposes and principles of the United Nations.

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