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**Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).**

**Cessation of the transmission of information under Article 73 e of the Charter on Puerto Rico: report of the Committee on Information from Non-Self-Governing Territories (A/2465) (*continued*)**

[Item 34 (b)]\*

1. Mrs. BOLTON (United States of America) said she wished to clarify a number of points raised by some speakers at the previous meeting. The Governor of Puerto Rico had been erroneously quoted in stating in his letter to the President of the United States that the Congress of the United States retained full jurisdiction to legislate with respect to Puerto Rico without the consent of its people, to override its laws, change its form of government, and alter its relations to the United States. The Governor had, in fact, stated that the Congress of the United States had retained full jurisdiction until the Commonwealth of Puerto Rico had begun to function on 25 July 1952, but not since then.

2. United States laws and such compacts as that country might enter into were subject to the interpretation of the United States and of the parties concerned, in that particular case the people of Puerto Rico. In a spirit of co-operation, the United States Government had brought its interpretation, which was also that of the people of Puerto Rico, before the Fourth Committee. It did not feel justified in engaging in a debate as to the significance of United States laws, less so after they had been interpreted by the United States courts, and had not thought it proper to pay attention to certain distortions that had been circulated in connexion with the compact concluded between the United States and Puerto Rico.

3. Two facts stood out in all the documentation transmitted by the United States to the United Nations. First, the Puerto Rican people had organized themselves politically under a constitution of their own adoption whereby a republican form of government had been created, stemming from the sovereignty of the people. Secondly, there existed between the people of Puerto Rico and the United States a bilateral compact

of association which had been accepted by both and which, in accordance with judicial decisions, could not be amended without common consent.

4. The nature of the relations established by that compact, far from preventing the existence of the Commonwealth of Puerto Rico as a fully self-governing entity, gave the necessary guarantees for the untrammelled development and the exercise of political authority by that State. The authority of the Commonwealth of Puerto Rico was not more limited than that of any state of the Union; in fact in certain respects it was much wider. In accordance with the principle of federation, the people who had created and organized state governments in accordance with their own state constitutions had also relinquished to the Federal Government certain attributes of authority which the state governments did not possess. The people of Puerto Rico had agreed that the Government of the United States should have, concerning Puerto Rico, the functions and authority that the United States Government had concerning the states of the Union. To say that the fact negated self-government in Puerto Rico would be tantamount to saying that self-government did not exist in the forty-eight states of the Union. The functions of the Federal Government in Puerto Rico were carried out under the same laws and within the same constitutional limitations as in the states. That the participation of the people of Puerto Rico in the Federal Government was not the same as that of the people of any state of the Union was easily understandable since the obligations of the people of Puerto Rico towards the Federal Government, especially in matters of a fiscal nature, were not the same as those of the people of the forty-eight states. For the people of Puerto Rico to participate equally with the people of the forty-eight states in the affairs of the Federal Government, Puerto Rico would have to become constitutionally integrated permanently as a state of the Union, with all the corresponding obligations. That proposal had been before the people of Puerto Rico, who had not chosen it.

5. In the creation of the present association between the people of Puerto Rico and the United States, the people of Puerto Rico did not follow such known types of political relations as independence or full integration into the Union. On the contrary, the criterion followed had been to create such relationships as would ensure for the people of Puerto Rico the best opportunities to develop socially, economically and culturally, taking into consideration their geographic and demographic circumstances. It was in that light that the term "political and economic union" used by Mr. Fernós Isern should be viewed.

6. There were no trade barriers between Puerto Rico and the United States, any more than there were between any two states of the Union. Although it might have been fair, in order not to give undue advantage

\* Indicates the item number on the agenda of the General Assembly.

to Puerto Rican producers over mainland producers, to have the same provisions of law apply to wages in Puerto Rico as in the United States, Puerto Rico benefited by special treatment in that respect, and was thus placed in a competitive position in relation to the United States market, to which it had free access.

7. Reference had been made to the quota on Puerto Rican sugar marketed in the United States. Sugar marketing in the United States was subject to quota, not only as far as Puerto Rico was concerned but also as far as the forty-eight states and imports from foreign countries were concerned; as a result of that system the price of sugar had been stabilized. Thus Puerto Rico not only sold its sugar in the United States at the same price as was charged for United States domestic sugar, and was free from customs duties, but the Puerto Rican growers received benefit payments in the same way as the mainland producers. Should Puerto Rico separate from the United States it would have no claim, on the basis of its status, to those advantages.

8. The authority of the people of Puerto Rico in the conduct of their own government, under their own laws, was not in any way diminished by the fact that the functions of the Federal Government in Puerto Rico were conducted under the same laws as in the United States. In a federal system the fact that certain functions were reserved to the federal government did not mean that the governments of the several states did not possess full authority in all matters not delegated to the federal government. Again in that regard Puerto Rico was not in any position different from that of any state of the Union.

9. The Puerto Rican Federal Relations Act, to which reference had been made, had continued the provisions regarding political and economic union which the people of Puerto Rico had wished to maintain. It would be wrong, however, to hold that the creation of the Commonwealth of Puerto Rico did not signify a fundamental change in the status of that country. In its previous status there had been an organic act for Puerto Rico which only the United States Congress could amend. The present status of Puerto Rico was that of a people with a constitution of their own adoption, stemming from their own authority, which only they could alter or amend. The relationships previously established, also by a law of Congress, which only Congress could amend, had now become provisions of a compact of a bilateral nature whose terms might be changed only by common consent.

10. The Committee had before it the Constitution of Puerto Rico and Public Laws 600 of 1950 and 447 of 1952; if any interpretation of the status of Puerto Rico was needed, that offered by the parties concerned should prevail over isolated utterances, which could only lead to confusion.

11. As a member of the Congress which had taken a part in all the legislative processes that had culminated in the compact between the people of Puerto Rico and the United States, she could state that at all times the nature of the process, in the minds of the United States legislators, had been that of bilateral agreement. Even when the joint resolution approving the Constitution of Puerto Rico had been before Congress and some reservations had appeared to be necessary in order to clarify the fact that the Constitution of Puerto Rico would conform with the terms of the compact, such clarifications as were decided upon by

the Congress were submitted to the approval of the Constitutional Convention of Puerto Rico.

12. There was no reason to believe that the people of Puerto Rico were pained by the fact that the Resident Commissioner of Puerto Rico held a seat without full voting rights in the United States House of Representatives. Puerto Rico could obtain full representation in the United States Congress only if it were a state like one of the forty-eight and therefore subject to all pertinent provisions of the United States Constitution. In that case, however, the people of Puerto Rico would lose the fiscal advantages which they enjoyed as a result of their relationship to the United States. In that connexion she recalled the information given in document A/AC.35/L.121, annex II, concerning the present internal revenue and customs agreements between Puerto Rico and the United States, and emphasized that if Puerto Rico were admitted into the Union, its taxpayers would have to contribute over \$100 million annually to the United States Treasury, a sum which represented 10 per cent of its budget. For that reason the majority of the Puerto Rican people preferred Commonwealth status. They had expressed that preference emphatically in the election of 1948, the referenda on the Constitution and the election of 1952. At the latter election the party in power had received 429,064 votes out of 664,974 votes cast, a greater majority than ever before. In their existing status, moreover, the people of Puerto Rico, besides not being subject to Federal taxes, enjoyed the same advantages as their fellow-citizens in the forty-eight states, i.e., protection by the national Government, freedom to travel and settle in United States territory, and participation in, and the protection and services of, the Federal civilian and military establishments. Puerto Rico also benefited from many grants-in-aid and other Federal legislation.

13. It had been said that the United States Government had not provided the General Assembly with adequate information upon which it had based its decision to cease transmitting information on Puerto Rico. The Committee should note the full explanations contained in document A/AC.35/L.121 of 3 April 1953, and the large volume of information transmitted for the year 1 July 1951-30 June 1952, upon which the Secretariat's summary, document A/2414/Add.2 of 13 August 1953, was based.

14. Members of the Committee who had participated in the 1953 session of the Committee on Information from Non-Self-Governing Territories and those who had studied the documentation considered by that Committee were aware of the role played by Puerto Rico in technical assistance. In that connexion it was most unfortunate that the interest and enthusiasm of the former Assistant Secretary of State for Latin-American Affairs, Mr. Miller, with regard to Puerto Rico, his birthplace, should have been misconstrued. He had merely tried to emphasize what many other representatives of the United States and Puerto Rican Governments sincerely believed, namely, that Puerto Rico, with its Spanish language and cultural heritage, could help to forge stronger links of understanding between Latin America and the United States, and contribute to the advancement of the good-neighbour policy in the Caribbean area.

15. As to the comparison which had been drawn between Puerto Rico and Cuba, it was sufficient to recall

that, by their own freely expressed wish, the Puerto Rican people had chosen not to separate from the United States and become completely independent, and therefore had not assumed control over such matters as foreign affairs and national defence. But there were Members of the United Nations which were said to be independent but which did not control matters of foreign relations and national defence.

16. The Committee had been told that the Puerto Rican people had bartered their individuality in exchange for purely materialistic gains, with consequent loss of their dignity as a people. But Puerto Rico had developed its own concept of Commonwealth status precisely because it desired to retain its cultural heritage and the freedom to develop its own personality and the well-being of its people without sacrificing the economic foundation upon which those paramount values were based.

17. Mr. TRUJILLO (Ecuador) said that Ecuador, a small country whose people had succeeded in retaining their national characteristics and dignity through centuries of oppression, was steadfastly opposed to colonialism.

18. It was undeniable that when the peoples of antiquity and later the Arabs and Spaniards had carved out empires for themselves by conquest, they had at the same time conferred on the less-developed countries which they had conquered ways of life and thought unknown to them, from which a common culture had sprung. Thus with the Spanish and Portuguese conquests the light of Christian culture had been brought to the peoples of Latin America. In the case of the American continent, the colonial Powers—the United Kingdom and Spain, Portugal's attitude having been somewhat different—had failed to recognize the moment when their role had come to its end. The peoples of that continent had had to gain their independence by force of arms, and to shed their blood to achieve and maintain it. The peoples of Mexico and Venezuela especially had shown great heroism.

19. But a bloody struggle was not the only road to independence; it could also be won by peaceful means such as the establishment of domestic self-government and the implementation of economic and social programmes which would allow the dependent peoples to develop to a point at which the administering Power would recognize their self-government. While Ecuador was justly proud of its glorious struggle for independence, it respected such peaceful means, product of calmer thought and of international concepts which had matured more slowly. The Latin-American countries, being convinced that there was no longer any people on the American continent at a stage of development which would justify its being administered by another Power, had proclaimed at the Ninth International Conference of American States that there should no longer be any colonies on that continent and had taken upon themselves to assist the dependent peoples to win their freedom. That certainly did not mean that they would advocate the use of force: they appealed to the administering Powers to promote that development, and to open a door which those peoples would otherwise be constrained to break down.

20. Those principles placed on his delegation a duty to help the Puerto Rican people to consolidate the progress they had made. At the previous meeting the Guatemalan and Mexican representatives had reviewed that progress very critically, basing their case in part

on statements which the United States representative had shown to be incorrect. Their attitude could be attributed to the fact that they did not know the real situation in Puerto Rico, and had based their opinions on information supplied by persons whose feelings outran their impartiality. It should not be forgotten that the question of Puerto Rico's status was of lively concern to the whole population of the island, and that some political parties in that country had used it as a pretext for agitation. He himself had entertained previously some doubts on the subject, being then insufficiently informed as to the realities of the situation. Every State in Latin America had suffered from a lack of factual knowledge of the American continent and even of the situation of their closest neighbours. The attainment of their independence had brought in its train a kind of reaction which had made them hate everything connected with Spain—even though they had all belonged to a spiritual and cultural community profoundly influenced by Spain—and like everything foreign simply because it was foreign. That ignorance must not be allowed to persist; all States must learn to know one another, for knowledge was the first step to understanding, and mutual understanding was the basis of peace. During his stay in Puerto Rico, he had realized that the situation was quite different from what the propaganda of the Nationalist Party and of the Puerto Rican Independence Party had led him to believe.

21. After analysing Chapter XI of the Charter and reviewing the work done on the drafting of that Chapter at San Francisco, he emphasized that, as could be seen from a study of that work, the authors of the Charter had wished all colonial peoples to benefit by the provisions of Chapter XI; they had wanted to acknowledge that they had a fundamental obligation to promote those peoples' progress towards self-government. They had envisaged a protection similar to that conferred upon minors under private law until such time as the need for guardianship ceased to exist. In signing the Charter, the administering Powers had freely accepted that obligation and, deriving from it, another obligation—to transmit information in the terms prescribed by Article 73 e of the Charter.

22. The United States Government had transmitted such information on Puerto Rico up to the promulgation of the Constitution under which Puerto Rico had become a Commonwealth associated with the United States. Since Puerto Rico had become self-governing, the United States Government considered itself justified in ceasing to transmit, in respect of Puerto Rico, the information prescribed by Article 73 e. The study of the various items of the Standard Form for the transmission of information on the one hand, and of the legislation of Puerto Rico on the other, led without question to the conclusion that in fact the Puerto Rican Government had jurisdiction over every activity on which the administering Power had to transmit information. The twofold purpose of the provisions of Article 73 e, the verification and the promotion of the Non-Self-Governing Territories' progress towards a full measure of self-government, had thus been achieved.

23. Puerto Rico's place in world history dated from America's discovery by Christopher Columbus. It had been occupied without any difficulty or unpleasantness, and had for many centuries constituted a link between Spain and the American continent. The sugar industry had developed on the island with the encouragement of the United Kingdom, France and the Netherlands,

who had also resorted to piracy to supplement their trade—a common practice at that time when economic activity was based on a limited number of products.

24. In the nineteenth century the independence movements that had shaken America had awakened national consciousness in Puerto Rico, then under the authority of the Viceroy in Mexico, although it had not experienced the violence and bloodshed experienced by so many other countries. Except for a military uprising at the beginning of the nineteenth century, Puerto Rico's development had been peaceful; slavery had been abolished, and subsequently a charter of self-government had been granted in 1897. During that period some patriots had favoured association with Spain; others, complete independence. Unfortunately the war that had broken out between Spain and the United States had checked the development towards independence; an unequal battle had ensued between the United States armed forces—which, while they may not have understood the Latin temperament, had nevertheless never resorted to brutality, contrary to the unjust allegations made before the Committee—and the Puerto Ricans, who were numerous, cultured, and imbued with the desire to assert their personality, defend their language, culture and heritage and resist all efforts to break the ties linking them with Spain and consequently with the other Latin-American countries. That situation had continued until the United States had endowed the Puerto Ricans with a separate government, without, however, letting them be their own masters.

25. The struggle for self-government, which had gone on for more than fifty years, had been marked in 1917 by the enactment of a statute granting the population of Puerto Rico the right to elect the members of the legislative body. Puerto Rico had survived, without irreparable injury, the economic crisis that had lasted from approximately 1930 to 1940, a period of uneasiness when the youth of the world had sought an ideal which in some instances it had thought to find in nazism and fascism. The patriots of that time had endeavoured to achieve independence for their country through peaceful means, knowing that resort to force would seriously damage Puerto Rican interests. After the Second World War the voters had been called upon to choose between complete independence, the status of a state of the Federal Union and the compromise solution of a Commonwealth associated with the United States. The latter course had been chosen in 1948 through properly organized and completely democratic elections. The Puerto Rican people had then sent a representative to Washington—the Resident Commissioner of Puerto Rico—who had asked the United States to give Puerto Rico the status that it had chosen and had helped to prepare United States Public Law 600. That law had been accepted by the Puerto Rican people in a referendum held on 4 June 1951. The Constituent Assembly of Puerto Rico had then drafted a constitution which had been adopted on 3 March 1952, as the result of a second referendum, and approved on 3 July 1952 by the United States Congress. The creation of the Commonwealth of Puerto Rico had been solemnly proclaimed on 25 July 1952.

26. Certain delegations, including the Guatemalan delegation, had asserted that Puerto Rico had not achieved complete autonomy in its internal affairs because the United States Congress still retained the right to revoke or amend the Puerto Rican Constitution and the compact binding that country to the United

States of America. Likewise the Committee of Americans for Puerto Rico's Independence had claimed that the Puerto Rican Government would remain under the absolute authority of Congress and therefore that it lived under the constant threat of dissolution should its decisions displease its creators. Those were erroneous allegations as could be seen from texts that proved beyond question that neither of the two parties—the Puerto Rican people or the United States Congress—could abrogate or alter the Constitution or the compact without the consent of the other party and that the Puerto Rican Government was responsible only to the people of Puerto Rico.

27. Thus Mr. Muñoz Marín, Governor of Puerto Rico, had stated in his letter to the President of the United States dated 19 January 1953 (A/AC.35/L.121, annex III) that while the United States Congress had retained until 25 July 1952 full jurisdiction to legislate with respect to Puerto Rico, override its laws, change its form of government and alter its relations to the United States, as from 25 July 1952 Puerto Rico's status and the terms of its association with the United States as a Commonwealth could not be altered without the consent of the Puerto Rican people. For example, the letters exchanged on 2 July 1953 between the Resident Commissioner of Puerto Rico in Washington and the Chairman of the Committee on Interior and Insular Affairs of the United States Senate showed that neither of the parties could denounce the provisions of Public Law 600 without the consent of the other, that the United States Congress was not empowered to revoke or to modify the Puerto Rican Constitution unilaterally and that the compact was based on mutual trust, which would in future continue to govern the relations between the two countries. The *Congressional Record* of 28 May 1952,<sup>1</sup> pages 6,903 to 6,905, also related a very revealing incident. A representative had presented an amendment which would empower Congress to alter the Puerto Rican Constitution. Mr. Muñoz Marín had immediately sent a telegram in protest stating that Puerto Rico, which had asked to become not a state of the Federal Union but a Commonwealth, could not accept a limitation under which its status would no longer be that of complete self-government, which had been generously granted to Puerto Rico under Public Law 600. The amendment had been rejected, which proved that Congress could not act with discretionary powers in that sphere but had to take into account the wishes of the Puerto Rican people.

28. The principle of mutual consent had not been established and recognized with respect to legislation alone: a Federal court of the United States had found, in the light of the provisions of the new Constitution of Puerto Rico, that an order issued by a Puerto Rican official concerning the sale price of rice in Puerto Rico was constitutional; it was stated in the grounds for the judgment that the Puerto Rican Government no longer derived its powers from authority delegated by the United States Government but that it enjoyed complete self-government by virtue of the new Constitution, which could not be modified by the Puerto Rican Government or the United States Congress without the consent of the other party. An appeal had been lodged against the judgment, but on 24 July 1953 the court of appeals had confirmed the decision of the court of

<sup>1</sup> See *United States Congress, Congressional Record, Proceedings and Debates of the 82nd Congress, Second Session, vol. 98, part 5, p. 6084 et seq.*

first instance inasmuch as Puerto Rico was not a state of the Federal Union but a State in the ordinary sense of the word, a political entity created by the Puerto Rican people itself and associated with the United States of America. A Boston magistrate, in a speech made on 30 April 1953 before the Alumni Association of the Law School of the University of Pittsburgh, had stated that the decisions of Puerto Rican courts interpreting local laws had the same authority as those of United States courts; their decisions, like those of United States courts, could be set aside only by the United States Supreme Court. He recalled the telegram sent by the President of the United States, on 25 July 1953, to the Puerto Rican people, congratulating them on the occasion of their attainment of self-

government and commemorating the anniversary of the establishment of the close collaboration that had always existed between Puerto Rico and the United States.

29. It was undeniable, therefore, that the executive, legislative and judicial authorities of the United States recognized Puerto Rico's complete autonomy with respect to internal affairs and that they agreed unanimously that the association between Puerto Rico and the United States was based on the principle of mutual consent.

30. He proposed that he should continue his statement at the beginning of the next meeting.

The meeting rose at 1 p.m.