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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)**

[Item 34 (b)]\*

1. Mrs. BOLTON (United States of America) said that in 1948 the people of Puerto Rico had held a national election in which was debated the issue of what kind of government they should have. Alternatives supported by opposing political parties had been that Puerto Rico should become a state in the Federal Union of the United States, an independent State, or a commonwealth associated with the United States. By an overwhelming vote the people of Puerto Rico had chosen the latter solution.

2. Subsequently the Resident Commissioner, Mr. Fernós Isern, had caused legislation to be introduced in the United States Congress, the result of which had been the adoption by the Congress of Public Law 600, authorizing the people of Puerto Rico to draft and adopt their own constitution. A constitutional convention had then been convened in Puerto Rico and in due course the new Constitution had been ratified by the Congress of the United States and by the Puerto Rican people, again by an overwhelming majority.

3. A fundamental feature of the new Constitution was that it was in the nature of a compact between the United States Congress and the Puerto Rican people. The United States district court for Puerto Rico, which was a Federal court, had ruled that neither the Congress of the United States nor the people of Puerto Rico could unilaterally amend Public Law 600 or the Puerto Rican Federal Relations Act without the consent and approval of the other party. That decision had been upheld in the United States district circuit court of appeals.

4. In conclusion, she introduced Mr. Fernós Isern, Resident Commissioner for Puerto Rico in the United States House of Representatives, whom she described as the principal architect of the new Constitution of the Commonwealth.

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

5. Mr. MENDOZA (Guatemala), speaking on a point of order, asked whether Mr. Fernós Isern was an accredited member of the United States delegation.

6. Mrs. BOLTON (United States of America) answered in the affirmative.

7. Mr. FERNOS ISERN (United States of America), speaking on behalf of the Puerto Rican Government, described the steps taken by the people of Puerto Rico that had led to the establishment of the Commonwealth of Puerto Rico on 25 July 1952. In the general elections of November 1948 they had elected the party that proposed the political status now achieved by the people, thereby rejecting the programmes of two political parties which wanted respectively complete separation from the United States and integration into the Federal Union of the United States. On 13 March 1950 the Resident Commissioner of Puerto Rico in the United States had introduced in the Congress of the United States a bill to establish the status upon which the people of Puerto Rico had decided. On the enactment of that legislation by the Congress of the United States the people of Puerto Rico, in a referendum held on 4 June 1951, had accepted the terms of the compact embodied in that law, which set forth the basis for the political organization of the people of Puerto Rico. On 27 August 1951 delegates had been elected, in accordance with the laws of Puerto Rico, to a constitutional convention to draft the Constitution of the Commonwealth of Puerto Rico. The Constitution approved by the Constitutional Convention had been ratified by the people of Puerto Rico on 3 March 1952. On 3 July 1952 the Congress of the United States had approved the joint resolution which ratified the Constitution of Puerto Rico, subject to the acceptance by the Constitutional Convention of Puerto Rico of certain stipulations to be submitted to it for approval or rejection. Subsequently, the Constitutional Convention had approved the stipulations of the Congress. Finally, on 25 July 1952 the Governor of Puerto Rico proclaimed the Constitution of the Commonwealth of Puerto Rico.

8. By the terms of its Constitution, the Commonwealth of Puerto Rico was a free associated State. It was therefore a State duly constituted by the people of Puerto Rico in their own territory, in the exercise of their natural right, with a republican form of government.

9. Puerto Rico was a free State inasmuch as it was not subject to any superior authority. Although it functioned in accordance with the terms of a political and economic compact solemnly entered into with the United States of America, its authority emanated from the sovereignty of the people of Puerto Rico. The executive, legislative and judicial branches were responsible exclusively to the people of Puerto Rico.

10. Puerto Rico was a State associated with the United States by virtue of the fact that the people

of Puerto Rico, upon constituting themselves a commonwealth, had agreed that the exercise of certain aspects of political authority, with corresponding responsibilities, should remain with the Government of the United States. Those powers and responsibilities were, generally speaking, the ones which the people of the United States delegated to the Federal Government and which were not reserved to the Member states of the Federal Union. However, the Federal Government did not enjoy, as in the case of the states of the Union, power to tax the inhabitants of Puerto Rico. Constitutionally, Puerto Rico was not part of the Federal Union, but was associated with the Union by virtue of a bilateral compact.

11. The Commonwealth functioned by virtue of its own Constitution within the framework of its political and economic association with the United States, in accordance with the provisions of the compact upon which the association was formed. The Constitution of the Commonwealth of Puerto Rico proclaimed the political sovereignty of the people of Puerto Rico. That Constitution and the terms of the association had both been sanctioned by the people of Puerto Rico in a series of referenda and ratified by the Congress of the United States.

12. The Commonwealth of Puerto Rico was democratic; universal suffrage by secret ballot was guaranteed to both men and women under the Constitution and there were no property or literacy requirements. General elections were held every four years. Representation in the legislative body was assured to all minority parties on a quasi-proportional basis. The legislative, executive and judicial branches were completely independent of each other and responsible only to the people of Puerto Rico. The Chief Executive could be impeached by the legislative branch. The Constitution fully guaranteed freedom of speech and of the Press. It also protected citizens against the invasion of their right to privacy, their right to trial by jury in all cases of serious offences, and their right of *habeas corpus*, and guaranteed the right to life, to property and to liberty, of which no one could be deprived without due process of law.

13. The specific terms of the association between the Commonwealth of Puerto Rico and the United States were embodied in the Puerto Rican Federal Relations Act. Provisions of law which had originally been enacted by unilateral action of the United States Congress and which Puerto Rico wished to preserve now became, by virtue of the compact, bilateral stipulations forming the association between Puerto Rico and the United States. Such provisions were the framework of political and economic relations within which the Commonwealth of Puerto Rico existed. Since the Puerto Rican Federal Relations Act was a part of the compact it could not be amended except by mutual agreement between the people of Puerto Rico and the United States. As the United States representative had just stated, the United States Federal courts had tested that principle and upheld it.

14. Mr. Fernós Isern drew attention to the fundamental aspects of the political union between the United States and Puerto Rico. The privileges and immunities of citizens of the United States were to be respected in Puerto Rico as though Puerto Rico were a member state of the Federal Union and subject to the provisions of article IV, section 2, paragraph 1, of the

Constitution of the United States, which stated: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The citizens of Puerto Rico were citizens of the United States. As interpreted by the Supreme Court of the United States, the United States citizenship with which Puerto Ricans were invested meant that for international purposes the citizens of Puerto Rico were citizens of the United States, and that a Puerto Rican citizen could freely enter the United States with all the constitutional guarantees relating thereto; upon acquiring residence in a state of the Union he automatically became a citizen of the state within which he resided. Citizens of the United States, after having resided in Puerto Rico for one year, automatically became citizens of Puerto Rico. All the public domain—including ports, navigable waterways, submerged lands, and adjacent islands and waters—was under the control of the people of Puerto Rico and therefore of the Commonwealth of Puerto Rico, with the exception of certain old fortifications originally belonging to the Spanish Crown which had been reserved in 1900 for use by the Federal Government, and of other Federal property acquired by purchase. The Commonwealth of Puerto Rico exercised complete authority over its internal affairs. On the other hand, the functions of the United States Government in Puerto Rico were subject to the same constitutional limitations as in the states of the Union. The Congress of the United States had thus agreed that Puerto Rico would be free of control or intervention in its internal affairs. Puerto Rico was, furthermore, exempted from United States laws which were locally inapplicable, which included laws contrary to the terms of the compact, and expressly, from United States tax laws. Puerto Rico freely elected a Resident Commissioner to the United States, who represented Puerto Rico before all departments of the Government of the United States. The Resident Commissioner enjoyed the privileges of membership without vote in the House of Representatives of the United States Congress.

15. Outlining the principal provisions for the economic union between Puerto Rico and the United States, most of which had been established in 1900, he stated that foreign products entering Puerto Rico paid the same customs duties as upon entering the continental United States. The sole exception was coffee, which entered the continental United States duty free but which was subject to customs duty in Puerto Rico to protect Puerto Rican coffee in the local market. Customs duties collected in Puerto Rico were paid into the Puerto Rican Treasury. There were no customs duties between Puerto Rico and the United States. United States products exported to Puerto Rico were free from internal revenue taxes in the United States but subject, in Puerto Rico, to the same taxes as Puerto Rican products. Such taxes were paid into the Commonwealth Treasury. On the other hand, Puerto Rican products exported to the United States were subject, before leaving Puerto Rico, to a countervailing tax equal to the taxes imposed in the United States upon domestic products in the same category. The proceeds of such taxes were paid into the Puerto Rican Treasury. The United States Government collected a processing tax on sugar refined in Puerto Rico equal to the tax collected in the continental United States on domestically refined sugar. The tax was paid into the Federal Treasury, which

paid Puerto Rican sugar-cane growers the same subsidy for each hundredweight of sugar as sugar-cane growers in the United States. Within the system of marketing quotas to which domestic and imported sugar were subject in the United States, Puerto Rico had a sugar quota higher than that of any other domestic region except the beet-producing area, which comprised not less than eight states of the Union.

16. With the exception of the provisions on unemployment insurance, the United States social security system extended to Puerto Rico. Since social security was based on payments by both employers and workers and since Puerto Rico were not subject to Federal taxation, the decision whether to extend the United States social security system to Puerto Rico had been left to the Puerto Rican legislature, which had decided in favour of that extension. All operating expenses of the United States Government services in Puerto Rico, including defence, were paid by the United States Treasury. While in the service of the State, the National Guard of Puerto Rico was paid for jointly by the Commonwealth and the Federal Governments; when in Federal service, its expenses were borne exclusively by the Federal Treasury. The legislation regarding economic co-operation between the Federal Government and the states of the Union for road construction and the organization and maintenance of public housing, schools, public health services, school lunch-room services, and credit and employment services had been extended to Puerto Rico. All such joint programmes, operating with financial assistance from the Federal Government, were administered by the Commonwealth Government. Commonwealth Government bond issues were exempted from all taxes in the United States.

17. Amendments to the Constitution of Puerto Rico might be adopted only by the people of Puerto Rico and were not subject to subsequent approval by the United States Congress.

18. A minority political party, the Puerto Rican Independence Party, maintained that Puerto Rico had not yet achieved a full measure of self-government. According to it the United States Congress retained the following powers: the power to revoke or amend the Constitution of the Commonwealth; the power to repeal or unilaterally amend Public Law 600 and the Puerto Rican Federal Relations Act, upon which the compact between the two peoples rested; thirdly, the power to repeal, amend or suspend any law approved by the Legislative Assembly of Puerto Rico; and lastly, the power to enact, without restriction, legislation concerning the internal as well as the external affairs of Puerto Rico. That was obviously a mistaken interpretation and it was clear that its advocates lacked the necessary political or juridical authority to propound it. Only the people of Puerto Rico and the United States Government had effective authority to interpret the compact. The Independence Party had maintained its views throughout the referenda held to approve the Constitution and the compact and, again, during the general elections in 1952, but they had been decidedly rejected by the Constitutional Convention and the Puerto Rican electorate.

19. Contrary to the stand taken by the Independence Party, as well as that of the nationalist and communist groups, the people of Puerto Rico held that the Constitution and the laws of the Commonwealth could be

amended, suspended or repealed only by their authority and that the compact between the United States and Puerto Rico could be amended or repealed only by mutual consent. As in the case of the states of the Union, Congress had no power to enact legislation with regard to Puerto Rican domestic affairs. Under the provisions of the compact such matters came under the sovereign jurisdiction of the people of Puerto Rico. In external matters the United States Congress was subject to the same constitutional restrictions in the case of Puerto Rico as in the case of the states of the Union. That was also the understanding of the Government of the United States.

20. Since the political authority of the Commonwealth in domestic affairs was limited only by its own Constitution emanating from the will of the people, the Government of Puerto Rico had complete authority to deal with all economic, social or cultural problems. The task of breaking up large corporate land holdings and reducing absentee landlordism, which had been undertaken under Federal legislation, was continuing under the laws of the Commonwealth. A realistic education policy had been drawn up under which Spanish was retained as the language of instruction in the schools, thus preserving Puerto Rico's cultural traditions, while English had been added as essential to the full development of all aspect of Puerto Rican life. In the field of labour legislation a minimum-wage law and provisions on unemployment insurance for sugarcane workers had been enacted. Such legislation expressed Puerto Rico's own policies. The laws had been adopted by the people of the Commonwealth exercising their own exclusive authority and responsibility in such matters.

21. Thus the Commonwealth of Puerto Rico, with its citizens free from Federal taxes and with the co-operation of the United States Government in social, economic and educational matters—but without any restriction on its autonomy—could devote all its resources to social, economic and cultural development based on its own policies and its own philosophy of government. The Commonwealth Government could plan such development since it had full authority over the tax-paying potential of its citizens. Transformation into an industrial society with a high standard of living was possible because Puerto Rico had free access to the world's richest consumer market. The United States had recognized that its relations with Puerto Rico were based on self-determination and the principle of mutual consent, and the way was open for the will of the Puerto Rican people to express itself as it saw fit through democratic electoral processes.

22. The Commonwealth of Puerto Rico was the result of a people's creativeness and brought into the international community a new form of political relationship and of association between peoples. The last vestige of colonialism had disappeared in Puerto Rico and a people of America had entered into the enjoyment of freedom in harmony with their cultural values and economic needs and the requirements of social justice.

23. In reply to a request by Mr. WINIEWICZ (Poland), the CHAIRMAN said that, if there were no objections, the Federal Relations Act would be circulated to the members of the Committee.

*It was so decided.*

The meeting rose at 11.40 a.m.