The original documents are located in Box 7, folder "Puerto Rico - Ad Hoc Advisory Committee (1)" of the Norman Ross Files, 1974-75 at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Norman E. Ross, Jr. donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

[1973]

MATERIALS FOR THE AD HOC ADVISORY GROUP ON PUERTO RICO

GERALD R. FORD LIBRARY

MATERIALS FOR THE AD HOC ADVISORY

GROUP ON PUERTO RICO

I CHARTER OF THE AD HOC ADVISORY GROUP ON PUERTO RICO

II PUERTO RICAN FEDERAL RELATIONS ACT OF 1952

III FEDERAL DOCUMENTS

1 - Public Law 600 (Act of July 3, 1950 ch. 446, 64 Stat. 314, 48 U.S.C. 731 b-e)

2 - Public Law 88-271 of 1964 creating the United States - Puerto Rico Commission on the Status of Puerto Rico

3 - Report of the United States - Puerto Rico Commission on the Status of Puerto Rico

4 - Report of the Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico (1971)

IV PUERTO RICAN DOCUMENTS

5 - Constitution of the Commonwealth of Puerto Rico

6 - Joint Resolution No. 1 of 1962

7 - Plebiscite Law of 1966

V UNITED NATIONS DOCUMENTS

8 - Chapter XI, Charter of the United Nations

9 - United Nations General Assembly Resolution 748 (VIII), November 27, 1953

10 - United Nations General Assembly Resolution 1514 (XV), December 14, 1960

11 - United Nations General Assembly Resolution 1541 (XV), December 15, 1960

12 - United Nations Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Resolution regarding Puerto Rico of August 28, 1972.

13 - United Nations Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Resolution regarding Puerto Rico of August 30, 1973.

GERALD R. FORD LIBRARY

VI OFFICIAL CORRESPONDENCE

14 - Copy of letter from Governor Luis Muñoz Marín to President John F. Kennedy dated July 10, 1962.

15 - Copy of letter from President John F. Kennedy to Governor Luis Muñoz Marín dated July 24, 1962.

16 - Letter from Resident Commissioner Jaime Benítez to Mr. James Falk dated March 27, 1973.

17 - Letter from Mr. Kenneth R. Cole, Jr. to Governor Rafael Hernández Colón dated July 17, 1973.

GERALD R. FORD LIBRARY

CHARTER OF THE AD HOC ADVISORY GROUP ON PUERTO RICO

1973

GERALD R. FORD LIBRARY

CHARTER

Ad Hoc Advisory Group on Puerto Rico

The President and the Governor of Puerto Rico have created a new Ad Hoc Advisory Group pursuant to the 1967 plebiscite on the status of Puerto Rico. The Group has 14 members--seven appointed by the President of the United States of America and seven appointed by the Governor of the Commonwealth of Puerto Rico. There will be one co-chairman named by each side.

A. The Advisory Group's official designation is the Ad Hoc Advisory Group on Puerto Rico.

B. In order to implement the express desires of the people of Puerto Rico freely made in the plebiscite of 1967, this Ad Hoc Advisory Group will be charged further to develop the maximum of self-government and self-determination within the framework of Commonwealth--a common defense, a common market, a common currency, and the indissoluble link of United States citizenship.

C. A period of 18 months is necessary for the Committee to carry out its purposes.

D. The General Services Administration is the agency responsible for providing the necessary support for the Committee.

E. The Advisory Group reports jointly to the President of the United States of America and the Governor of the Commonwealth of Puerto Rico.

F. The Advisory Group will inquire into and report and recommend on the extent to which the statutory laws and administrative regulations of the United States should apply in Puerto Rico.

As part of this Charter, the Group must study alternate forms of participation in the Federal decisions affecting

GERALD R. FORD LIBRARY

the people of Puerto Rico which the people of Puerto Rico ought to consider together with the Presidential vote recommended by the first Ad Hoc Advisory Group.

In keeping with the plebiscite law, no change in the relationship recommended by the Group, together with the recommendations of the first Ad Hoc Advisory Group would be made unless previously approved by the people of Puerto Rico.

G. The estimated annual operating cost is $300,000 to be provided on an equal basis by the United States and the Commonwealth of Puerto Rico.

H. There will be approximately 15 committee meetings with a frequency of approximately one per month.

I. This Charter is filed on the 20th day of September 1973.

GERALD R. FORD LIBRARY

PUERTO RICAN FEDERAL RELATIONS ACT

GERALD R. FORD LIBRARY

Puerto Rican Federal Relations Act

SECTION ANALYSIS

1. Application of Act.
2. Privileges and immunities.
3. Taxes and duties.
5. Citizens of United States.
5a. Citizens of Puerto Rico.
5b. Citizenship of persons born in Puerto Rico.
5b. Application of Nationality Act of 1940.
6. Government expenses payable by Treasurer of Puerto Rico.
7. Public property; transfers between United States and Puerto Rico.
8. Harbors, navigable waters, and submerged land.
9. Application of laws of United States; internal revenue taxes covered into Treasury of Puerto Rico.
10. Judicial process; citizenship and oath of officials.
11. Reports to Government of United States.
36. Resident Commissioner to the United States.
37. Legislative powers.
38. Commerce and safety appliance acts not applicable.
41. United States District Court.
42. —Relationship to courts of Puerto Rico; proceedings in English.
44. —Jurors.
45. —Disposition of fees, fines, costs, and forfeitures.
47. —Fees and mileage of jurors and witnesses.
48. Habeas corpus; mandamus; suits to restrain assessment or collection of taxes.
54. Acknowledgment of deeds and instruments.
58. Federal laws continued; Organic Act of 1900; inconsistent laws repealed.

§ 1. [Application of Act]

That the provisions of this Act shall apply to the Island of Puerto Rico and to the adjacent islands belonging to the United States and waters of those islands; and the name Puerto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.—Mar. 2, 1917, c. 145, § 1, 39 Stat. 951; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Codification.

The complete text of the Organic Act of 1917, Act Mar. 2, 1917, c. 145, 39 Stat. 951, is set out under "Historical Documents" in this volume. Under section 5 of Public Law 600, Act July 3, 1950, c. 446, 64 Stat. 320, the following sections of said Organic Act of 1917 were repealed at the time the Constitution of Puerto Rico became effective on July 25, 1952: Sections 2(part), 4, 12, 12a, 13, 14, 15, 16, 17, 18, 18a, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37(part), 38(part), 39, 40, 49, 49b, 50, 51, 52, 53, 56, and 57.

Under sections 2 and 4 of Public Law 600, except as provided in said section 5 thereof, the remaining sections of the Organic Act of 1917 are now covered by the "Puerto Rico Federal Relations Act."

The following sections of the Organic Act of 1917 were repealed by acts other than Public Law 600: Section 5c was repealed by Act Oct. 14, 1940, c. 876, § 504, 54 Stat. 1137. Sections 43, 46, 49a, and 55 were repealed by Act June 25, 1948, c. 646, § 39, 62 Stat. 992. There were two sections numbered 5b, and it is not clear whether both or only one were repealed by Act June 27, 1952, c. 477, 66 Stat. 279.

It thus appears that the "Puerto Rican Federal Relations Act" covers now the following sections of the Organic Act of 1917, as amended, which are set out below: 1, 2(part), 3, 5, 5a, 5b(query), 6, 7, 8, 9, 10, 11, 36, 37(part), 38 (part), 41, 42, 44, 45, 47, 48, 54, and 58.

In the English text, the spelling "Porto Rico" has been changed to "Puerto Rico" upon authority of Joint Resolution of Congress, May 17, 1932, c. 190, 47 Stat. 158.

Decisions prior to the effective date of the Puerto Rican Federal Relations Act will be found under the corresponding sections of the Organic Act of 1917.

Prior law.

Organic Act 1900, § 1.

Cross references.

Application of the Constitution, see art. I, § 3, thereof.

§ 2. [Privileges and immunities]

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.— Mar. 2, 1917, c. 145, § 2, last paragraph, added Aug. 5, 1947, c. 490, § 7, 61 Stat. 772; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Partial repeal.

The remaining provisions of section 2 of the Organic Act of 1917 were repealed by Act July 3, 1950, c. 446, § 5, 64 Stat. 320, eff. July 25, 1952, and are now covered by Constitution, art. II, §§ 1, 3, 4, 7, 9–16, and art. VI, § 3.

ANNOTATIONS

1. **Natural persons.** Clause concerning rights, privileges, and immunities of United States citizens contained in amendment made in 1947 to Organic Act,

applies only to natural persons, not to juridical persons. Sartorious & Co. v. Descartes, 1956, 79 P.R.R. 119.

2. Right to counsel. Neither under former provisions of section 2 of the 1917 Organic Act, nor under the sixth amendment to the Constitution of the United States, was the defendant, who was accused of murder in 1943, and who was interrogated by district attorney to determine whether there was probable cause for issuance of an information charging him with the crime, entitled to representation by counsel, since district attorney was not acting in his (former) judicial capacity as a magistrate, but only as a prosecutor. Rivera-Escute v. Delgado, 1960, 282 F.2d 335, cert. denied 365 U.S. 883, 81 S.Ct. 1033, 6 L.Ed.2d 193.

Representation by counsel prior to trial is not an absolute requirement of due process of law; and there is no inflexible rule that regardless of the particular circumstances involved an accused in either state or federal prosecutions is denied due process of law by the refusal of his request to confer with counsel during police questioning. Id.

Refusal by the prosecuting authorities of a request by one accused of crime to retain counsel violates due process not only when the accused is deprived of counsel at the trial on the merits but also when he is deprived of counsel for any part of the pre-trial proceedings, provided that he is so prejudiced thereby as to infect his subsequent trial with an absence of "that fundamental fairness essential to the very concept of justice"; and thus whether lack of counsel during pre-trial proceedings constitutes denial of due process of law must necessarily depend upon the circumstances of each particular case. Id.

Where 19-year-old defendant, accused of crime, had been to school up to the fourth grade and was not in wholly unfamiliar surroundings when he confessed for he had had previous encounters with the law, where he was of sufficient intelligence, notwithstanding the fact that a psychiatrist had classified him as a moron, to understand the warning given to him by the district attorney and to realize fully what he was doing when he made his statement, had made no request for counsel at the time of his arrest, and there was no physical or psychological coercion of any sort, no prolonged interrogation or incarceration before confession, and no promise of any reward for confession, and he was given full warning of his rights which he had intelligence enough to understand, failure to provide counsel at the time of arrest or at the interrogation at which the district attorney obtained the confession was not a denial of due process of law. Id.

§ 3. [Taxes and duties]

That no export duties shall be levied or collected on exports from Puerto Rico, but taxes and assessments on property, income taxes, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Puerto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Puerto Rico or any municipal government therein as may be provided by law, and to protect the public credit; and all bonds issued by the government of Puerto Rico, or by its authority, shall be exempt from taxation by the Government

of the United States, or by the Government of Puerto Rico or of any political or municipal subdivision thereof, or by any State, Territory, or possession, or by any county, municipality, or other municipal subdivision of any State, Territory, or possession of the United States, or by the District of Columbia.

And it is further provided, That the internal-revenue taxes levied by the Legislature of Puerto Rico in pursuance of the authority granted by this Act on articles, goods, wares, or merchandise may be levied and collected as such Legislature may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the Island; Provided, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in Puerto Rico. The officials of the Customs and Postal Services of the United States are hereby directed to assist the appropriate officials of the Puerto Rican government in the collection of these taxes.—March 2, 1917, c. 145, § 3, 39 Stat. 953; amended Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096; March 4, 1927, c. 503, § 1, 44 Stat. 1418; Aug. 26, 1937, c. 831, 50 Stat. 843; Aug. 17, 1950, c. 731, 64 Stat. 458; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319; Aug. 3, 1961, P.L. 87–121, § 1, 75 Stat. 245.

HISTORY

Amendment—1961.

Struck out limitations on debt-incurring liability of Puerto Rico and its municipalities.

Effective date of 1961 amendment.

Section 2 of Act of Congress Aug. 3, 1961, P.L. 87-121, provided:

"Section 1 of this Act [amending this section] shall take effect upon a majority of the qualified electors of Puerto Rico having voted in a referendum pursuant to section 1 of article VII of the constitution of the Commonwealth of Puerto Rico, to include provisions in the Commonwealth constitution, in lieu of the provisions of section 3 of the Puerto Rican Federal Relations Act specified herein, limiting the debt-incurring capacity of the Commonwealth and of its municipalities (as proposed in the concurrent resolution of the legislative assembly of the Commonwealth)."

Pursuant to this 1961 amendment, and to the conditions stipulated in section 2 of said Act of Congress Aug. 3, 1961 (quoted above), relating to the effective date thereof, an amendment to Art. VI, § 2 of the Puerto Rican Constitution, limiting the debt-incurring liability of the Commonwealth of Puerto Rico and its municipalities, was adopted by the voters at a referendum held on December 10, 1961, such referendum having been provided for by Puerto Rican Act Sept. 29, 1961, No. 1. For the amendment, see Puerto Rican Const. Art. VI, § 2, set out herein.

Prior law.

Organic Act, 1900, § 38.

Bonds not included.

Under Act Aug. 3, 1935, c. 435, 49 Stat. 516, refunding bonds of the Government of Puerto Rico were not to be included in computing the public indebtedness under this section, until six months after their issue.

Under Act Aug. 13, 1935, c. 516, 49 Stat. 611, bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking and issued and sold to the United States of America or any agency or instrumentality thereof, were not to be considered public indebtedness within the meaning of this section.

Cross references.

Duties on foreign imports; interchange of merchandise with United States; see Organic Act, 1900, §§ 2, 3.

Municipal debt, statutory limitation, see section 929a of Title 21.

Power to impose and collect taxes and to contract debts; uniformity of taxation, see Constitution, art. VI, §§ 2, 3.

Taxes and duties paid into Treasury of Puerto Rico, see section 9 of this act and Organic Act, 1900, § 4.

§ 5. [Citizens of United States]

That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", and all natives of Puerto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States; *Provided,* That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, , being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Puerto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the Executive Secretary of Puerto Rico; *And provided, further,* That any person who is born in Puerto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon

reaching his majority, or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Puerto Rico, setting forth therein all the facts connected with his or her birth and residence in Puerto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.—Mar. 2, 1917, c. 145, § 5, 39 Stat. 953; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

History

Subsequent provisions.

The Nationality Act of 1940, Act Oct. 14, 1940, c. 876, §§ 202, 322, 54 Stat. 1139, 1148, repealed by the Immigration and Nationality Act of June 27, 1952, c. 477, § 403, 66 Stat. 280, provided:

"Sec. 202.—All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

"Sec. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of former section 5, Act of March 2, 1917 (U.S.C., title 8, sec. 5), and in section 5a, of the said Act, as amended by former section 2 of the Act of March 4, 1927 (U.S.C., title 8 sec. 5a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States."

Section 302 of the Immigration and Nationality Act of June 27, 1952, c. 477, 66 Stat. 236, 8 U.S.C. § 1402, provided: "All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are citizens of the United States at birth."

Prior law.

Organic Act, 1900, § 7.

Cross references.

Citizen of the Commonwealth of Puerto Rico, see Constitution, art. IX, § 5.

§ 5a. [Citizens of Puerto Rico]

That all citizens of the United States who have resided or who shall hereafter reside in the island for one year shall be citizens of Puerto Rico: *Provided,* That persons born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, who did not avail themselves of the privilege granted to them of becoming citizens of the United States, shall have a period of one year from the approval of this Act to make the declaration provided for in the

aforesaid section: *And provided, further*, That persons who elected to retain the political status of citizens of Puerto Rico may within one year after the passage of this Act become citizens of the United States upon the same terms and in the same manner as is provided for the naturalization of native Puerto Ricans born of foreign parents.—Mar. 2, 1917, c. 145, § 5a; added Mar. 4, 1927, c. 503, § 2, 44 Stat. 1418; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Organic Act, 1900, § 7.

Cross references.

Citizen of the Commonwealth of Puerto Rico, see Constitution, art. IX, § 5.
Citizens of Puerto Rico, see section 7 of Title 1.
Determination of domicile, see section 8 of Title 1.

§ 5b. [Citizenship of persons born in Puerto Rico]

All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States; *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country; *And provided, further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled "An Act relative to the naturalization and citizenship of married women", as amended.—Mar. 2, 1917, c. 145, § 5b; added June 27, 1934, c. 845, 48 Stat. 1245.

HISTORY

Partial repeal.

The second proviso of this section was repealed by Act Oct. 14, 1940, c. 876, § 504, 54 Stat. 1137.

Possible repeal.

Section 403(a)(14) of the Immigration and Nationality Act of June 27, 1952, c. 477, 66 Stat. 279, provided: "The following Acts and all amendments thereto and parts of Acts and all amendments thereto are repealed: * * * (14) Section 5b of Act of March 2, 1917 (39 Stat. 951; 48 Stat. 1245; 48 U.S.C. 733a-1)."

It should be noted that "48 Stat. 1245" in this provision refers to section 5b of the 1917 Organic Act as added in 1934, set out above, while "48 U.S.C. 733a-1" in the same quotation refers to section 5b of the 1917 Organic Act as added in 1948, set out below.

§ 5b. [Application of Nationality Act of 1940]

Section 404(c) of the Nationality Act of 1940 (U.S.C., title 8, sec. 804(c)), shall not be applicable to persons who acquired citizenship under the provisions of sections 5 and 5a of this Act.—Mar. 2, 1917, c. 145, § 5b; added June 25, 1948, c. 649, 62 Stat. 1015, retroactive to Oct. 13, 1945.

HISTORY

Possible repeal.

See note under section 5b as added in 1934, set out above.

§ 6. [Government expenses payable by Treasurer of Puerto Rico]

That all expenses that may be incurred on account of the Government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall except as otherwise specifically provided by the Congress, be paid by the Treasurer of Puerto Rico out of the revenue in his custody.—Mar. 2, 1917, c. 145, § 6, 39 Stat. 953; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Organic Act, 1900, § 12.

§ 7. [Public property; transfers between United States and Puerto Rico]

That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Puerto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the Government of Puerto Rico, to be administered for the benefit of

The People of Puerto Rico; and the Legislature of Puerto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: *Provided*, That the President may from time to time, in his discretion, convey to The People of Puerto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Puerto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Puerto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.—Mar. 2, 1917, c. 145, § 7, 39 Stat. 954; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Additional provisions.

Disposal of surplus property, see Act June 30, 1949, c. 288, § 203, 63 Stat. 385, 40 U.S.C. § 484.

Transactions by military and civil defense agencies as to real property in Puerto Rico, see Act Sept. 28, 1951, c. 434, §§ 601–604, 65 Stat. 365, 40 U.S.C. §§ 551–554.

Prior law.

Organic Act, 1900, § 13.

Cross references.

Docks and harbors, see section 381 et seq. of Title 23.

Mines, see section 111 et seq. of Title 28.

Public lands; transactions with federal government, see sections 1 et seq. and 41 et seq. of Title 28.

Public waters, see section 501 et seq. of Title 12 and section 1311 et seq. of Title 31.

§ 8. [Harbors, navigable waters, and submerged land]

That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the Island of Puerto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes be, and the same are hereby, placed under the control of the Government of Puerto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: *Provided*, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said Island and waters and to

its adjacent islands and waters; *Provided, further*, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged land in and surrounding said Island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States; *And provided, further*, That the Act of Congress approved June eleventh nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Puerto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.—Mar. 2, 1917, c. 145, § 8, 39 Stat. 954; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Cross references.

Docks and harbors, see section 381 et seq. of Title 23.

Mines, see section 111 et seq. of Title 28.

Public lands; transactions with federal government, see sections 1 et seq. and 41 et seq. of Title 28.

Public waters, see section 501 et seq. of Title 12 and section 1311 et seq. of Title 31.

ANNOTATIONS

Admiralty and maritime law, 1
Jurisdiction over local waters, 3
Marine workers, 2

1. Admiralty and maritime law. Action for injuries, instituted by longshoreman who was injured in Puerto Rican waters by reason of the unseaworthiness of a vessel owned by one who was not his employer, was not dismissible on ground that maritime law of unseaworthiness was not applicable in Puerto Rican waters. Waterman Steamship Corporation v. Rodríguez, 1961, 290 F.2d 175.

A general rule of maritime law which Congress in the exercise of its constitutional power has expressly made applicable to Puerto Rican waters in common with all other American waters, could not be supplanted by Puerto Rican legislation, such as Workmen's Compensation Act, 11 L.P.R.A. § 1 et seq. Id.

Under sections 7, 8, and 37 of the 1917 Organic Act and the Puerto Rican Federal Relations Act, the rules of the admiralty and maritime law of the United States are presently in force in the navigable waters of the United States in and around the island of Puerto Rico to the extent that they are not locally inapplicable either because they were not designed to apply to Puerto Rican waters or because they have been rendered inapplicable to these waters by inconsistent Puerto Rican legislation. Guerrido v. Alcoa Steamship Co., 1956, 234 F.2d 349.

2. Marine workers. If Congress sees fit it may supplant the local legislation (Workmen's Accident Compensation Act, 11 L.P.R.A. § 1 et seq.) as it applies

to local navigable waters by making the Jones Act, 46 U.S.C. § 688, and the general maritime law of unseaworthiness specifically applicable in Puerto Rican waters, but it is not the function of the court to do so. Fonseca v. Prann, 1960, 282 F.2d 153.

Congress, in the valid exercise of the powers conferred upon it by U. S. Const. Art. IV, § 3, clause 2, gave the Legislature of Puerto Rico, under sections 7, 8 and 37 of the Organic Act of 1917, power to enact legislation inconsistent with the Jones Act, 46 U.S.C. § 688, and the general maritime law, and the Legislature has exercised its power in its Workmen's Accident Compensation Act, 11 L.P.R.A. § 1 et seq. Id.

Neither the Jones Act, 46 U.S.C. § 688, nor the general maritime law of unseaworthiness are inherently inapplicable in Puerto Rico, but there is nothing in the said Jones Act specifically making its provisions applicable in the territorial waters of Puerto Rico and the court is not aware that Congress has ever taken action to make the general maritime law of unseaworthiness apply in those waters. Id.

In sections 7, 8 and 37 of Organic Act of 1917, Congress intended to clothe the Government of Puerto Rico with power to provide for the application of its Workmen's Compensation Act to injuries suffered by employees on local navigable water. Id.

Congress doing what it could not constitutionally do in the case of a State, delegated to Puerto Rico the power to legislate respecting marine workers injured in the territorial waters of Puerto Rico. Flores v. Prann, 1959, 175 F.Supp. 140.

3. Jurisdiction over local waters. There is no basic principle of the United States Constitution preventing Congress from giving Puerto Rico jurisdiction over its own waters. Fonseca v. Prann, 1960, 282 F.2d 153.

§ 9. [Application of laws of United States; internal revenue taxes covered into Treasury of Puerto Rico]

That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal-revenue laws other than those contained in the Philippine Trade Act of 1946: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the Island shall be covered into the Treasury of Puerto Rico.—Mar. 2, 1917, c. 145, § 9, 39 Stat. 954; amended Apr. 30, 1946, c. 244, § 513, 60 Stat. 158; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Amendments—1955.

The Act of Congress of Aug. 1, 1955, c. 438, § 308, 68 Stat. 427, amended this section by inserting "or the Philippine Trade Agreement Revision Act of 1955" after "the Philippine Trade Act of 1946".

Prior law.

Organic Act, 1900 §§ 4, 14.

FORD LIBRARY GERALD

Similar provisions.

Provisions similar to the proviso of this section are found in 26 U.S.C., Internal Revenue Code, § 7652(a)(3).

Consent to federal laws on distilled spirits.

Act May 6, 1959, No. 3, p. 13, provided:

"WHEREAS, Public Law 859 of the Eighty-fifth Congress amended Section 5314 of the U. S. Internal Revenue Code of 1954 so as (a) to authorize the importation into the United States free from federal taxes of certain distilled spirits and alcoholic products produced or manufactured in Puerto Rico, (b) to provide that the costs and administration in Puerto Rico of the provisions on exemption of industrial alcohol shipped to the United States be charged against and retained out of the taxes collected on shipments under the internal revenue laws of the United States on commodities of Puerto Rican manufacture shipped to the United States for consumption or sale, and (c) to legalize the practice which permits the withdrawal from a federal bonded warehouse, tax free, of industrial alcohol for use in Puerto Rico, provided it is so authorized by law of the Commonwealth of Puerto Rico;

"WHEREAS, Public Law 859 provides that the foregoing amendments embodied in subsection (a) of said Section 5314 are not to be applicable in the Commonwealth of Puerto Rico unless the Legislative Assembly shall expressly consent thereto in the manner prescribed in the Constitution of Puerto Rico for the enactment of laws;

"WHEREAS, in order that certain distilled spirits and alcoholic products produced or manufactured in Puerto Rico may be brought into the United States free from federal taxes, it is necessary to grant such consent so that the amendments embodied in Public Law 859 become effective in Puerto Rico;

"WHEREAS, it is in the public interest that said provisions be operative in Puerto Rico; therefore,

"*Be it enacted by the Legislature of Puerto Rico:*

"To express its consent that the provisions embodied in subsection (a) of Section 5314 of the U. S. Internal Revenue Code of 1954, as amended by Public Law 859, be effective in Puerto Rico on and after July 1, 1959."

Consent to federal processing tax on refined sugar.

J. Res. No. 97, app. June 22, 1956, provided:

"WHEREAS, pending approval by the United States President is H.R. 7030, passed by both Congressional Houses, to amend and extend for four years more the Sugar Act of 1948 [Public Law 545, app. May 29, 1956];

"WHEREAS, section 9 of the Puerto Rican Federal Relations Act provides that United States internal revenue laws shall not have force and effect in Puerto Rico;

"WHEREAS, the Sugar Act, whose effectiveness is now extended, provides for benefit payments to farmers and at the same time levies a tax on sugar refining;

"WHEREAS, the Congress Senate and House Conference Committee has pointed out to the possible conflict between the extension of this act applicable to Puerto Rico and the provisions of section 9 of the Puerto Rican Federal Relations Act, and has suggested action by the Legislature of Puerto Rico towards solving this possible conflict which might hinder the normal development of the sugar program in Puerto Rico;

"WHEREAS, considering that Puerto Rican cane growers will continue to receive said benefit payments, it is but fair and reasonable that sugar refined in Puerto Rico should remain subject to the same processing tax as that refined in the Continent; therefore,

"*Be it resolved by the Legislature of Puerto Rico:*

"To express its acquiescence in and consent to the continuation of the levying and collecting in Puerto Rico, under the said federal act, in accordance therewith and for the period of its effectiveness, of the processing tax on refined sugar for the United States Treasury."

Narcotic drugs and marihuana.

By J.R. No. 1, app. July 25, 1956, the Legislature of Puerto Rico expressed its consent that sections 4701–4707 and 4771–4776 of the U. S. Internal Revenue Code of 1954, as amended, take effect in Puerto Rico on and after the effective date of Public Law No. 728 of the 84th Congress.

Cross references.

Commerce and safety acts not applicable, see Federal Relations Act, § 38.

Internal Revenue taxes on shipments between Puerto Rico and the remainder of the United States, see 26 U.S.C., Internal Revenue Code of 1954, §§ 7652, 7653.

Taxes and duties paid into Treasury of Puerto Rico, see Organic Act, 1900, § 4.

ANNOTATIONS

Application of Constitution of United States, 1
Application of federal statutes, 2
Income tax laws, 3
General principles, 4
Income tax laws, 3

1. Application of Constitution of United States. Due process provisions, see annotations under Const., art. II, § 7.

Since several provisions are contained in 32 L.P.R.A. §§ 1793–1796, 1798, 1801, and 1802, to the effect that Puerto Rican courts shall enforce judgments rendered by courts in the United States and foreign countries, it was not decided in this case whether the "full faith and credit" clause of the Federal Constitution is applicable in Puerto Rico, nor whether the federal act (28 U.S.C. § 1738) which made said clause applicable to territories of the union is applicable here. Lichtig v. Lichtig, 1960, 81 P.R.R. 716.

Where a court of a state which decrees a divorce without making any determination for the support of the minor had in the marriage dissolved may, in accordance with the law of the state and its express retention of jurisdiction in its own divorce decree, make subsequent findings as to the custody and support of the minor, the constitutional provision as to full faith and credit operates in the sense that when the court of another state has jurisdiction over the matter and over the persons, it may subsequently pass upon the custody and support in the same manner and to the same extent as the court which rendered the original divorce decree in question. Amill v. Amill, 1961, 83 P.R.R. 89.

2. Application of federal statutes. Under sections 9 and 58 of the Federal Relations Act, the following federal statutes have been held to be applicable in the Commonwealth of Puerto Rico:

A. Applicable:

Fair Labor Standards Act, 29 U.S.C. § 201 et seq. Mitchell v. Rubio, 1956, 139 F.Supp. [illegible].

Marihuana Tax Act, 26 U.S.C. § 2590 et seq. Sánchez v. United States, 1958 256 F.2d 73.

Narcotic Drugs Import and Export Act, 21 U.S.C. §§ 171, 173, 174 184. Rios v. United States, 1958, 256 F.2d 68.

Smith Act, 18 U.S.C. § 2385, Carrión v. González, 1954, 125 F.Supp. 819; United States v. Carrión, 1956, 140 F.Supp. 226.

Taft-Hartley Act (Labor Management Relations Act), 29 U.S.C. § 141 et seq. United States v. Rodríguez, 1955, 131 F.Supp. 957; see also Cosentinto v. International Longshoremen's Ass'n., 1954, 126 F.Supp. 420.

B. Inapplicable:

Federal Firearms Act, 15 U.S.C. § 901; United States v. Ríos, 1956, 140 F.Supp. 376.

3. —Income tax laws. American citizenship was a sufficient basis for imposition of United States income tax for tax years 1951 to 1956, inclusive, upon income received during those years by taxpayer in Dominican Republic from public works contracts with that Republic, where taxpayer, who was born in Puerto Rico in 1886 and became an American citizen under Organic Act of 1917, established residence and domicile in Dominican Republic in 1944 and continues to be domiciled there, but continued to be an American citizen during all of the said tax years. United States v. Rexach, 1960, 185 F.Supp. 465.

This section, exempting Puerto Rico from operation of Federal income tax laws other than those contained in Philippine Trade Act of 1946 has nothing to do with Puerto Ricans who are American citizens and who derive income from sources in foreign countries. Id.

4. General principles. Loan contract between purchasers of United States Savings Bonds and United States Government is a federal contract, and it is governed by federal laws and regulations. Barrios v. Heirs of Manzano, 1957, 79 P.R.R. 895.

As regards the applicability to the Commonwealth of Puerto Rico of the statutory laws of the United States, this section 9 of the Federal Relations Act may be safely accorded a function which is substantially similar to the function of the Interstate Commerce Clause of the U. S. Constitution as regards the relations between the Federal Government and the governments of the different states of the Union. United States v. Ríos, 1956, 140 F.Supp. 376.

§ 10. [Judicial process; citizenship and oath of officials]

That all judicial process shall run in the name of "United States of America, *ss*, the President of the United States," and all penal or criminal prosecution in the local courts shall be conducted in the name and by the authority of "The People of Puerto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States, and the laws of Puerto Rico.—Mar. 2, 1917, c. 145, § 10, 39 Stat. 954; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Organic Act, 1900, § 16.

Cross references.

Oath of office and process in criminal actions, see Constitution, art. VI, §§ 16, 18.

ANNOTATIONS

1. Requisites. This section does not require that a search warrant be issued in the name and by the authority of the People of Puerto Rico. People v. Vélez, 1961, 83 P.R.R. 467.

2. Definitions. The term "penal or criminal prosecutions" as the same is used in this section means the formal information filed against an offender by any of the means established in criminal procedure. People v. Vélez, 1961, 83 P.R.R. 467.

§ 11. [Reports to Government of United States]

That all reports required by law to be made by the Governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the Government of Puerto Rico in the jurisdiction of such department.—Mar. 2, 1917, c. 145, § 11, 39 Stat. 955; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Act July 15, 1909, c. 4, § 2, 36 Stat. 11, see Organic Act of 1900 and Related Statutes, ante.

§ 36. [Resident Commissioner to the United States]

That the qualified electors of Puerto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the third day of January following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of $12,500 per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of $500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall

be eligible to election as Resident Commissioner who is not a *bona fide* citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.—Mar. 2, 1917, c. 145, § 36, 39 Stat. 963; amended June 5, 1934, c. 390, § 5, 48 Stat. 879; affected by Acts Mar. 4, 1925, c. 549, § 4, 43 Stat. 1301; Aug. 2, 1946, c. 753, § 601(a), 60 Stat. 850; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Changes effected by later laws.

As originally enacted in 1917, this section fixed the salary of the Resident Commissioner at $7,500, and this section has never been specifically amended to change the salary. The 1925 act cited above, which is found in 2 U.S.C. § 31, fixed the salaries of Senators, Representatives in Congress, Delegates, and the Resident Commissioner from Puerto Rico at $10,000, and the 1946 amendment of said 1925 act raised these salaries to $12,500. Act of Congress of Mar. 2, 1955, c. 9, § 4, 69 Stat. 11, amended 2 U.S.C. § 31 to increase the salary of the Resident Commissioner from Puerto Rico to $22,500 per annum. This was increased to $30,000 per annum by Act Aug. 14, 1964, P.L. 88-426, § 204, 78 Stat. 415.

The provisions of this section as to allowances for stationery and clerk hire are covered by 2 U.S.C. §§ 46b, 46f, 60g.

Prior law.

Organic Act, 1900, § 39.

Cross references.

Expense allowance for Resident Commissioner, see section 518 of Title 3.

§ 37. [Legislative powers]

That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Puerto Rico or municipality or district thereof, in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.—Mar. 2, 1917, c. 145, § 37, first paragraph, 39 Stat. 964; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Partial repeal.

The last paragraph of section 37 of the Organic Act of 1917 was repealed by Act July 3, 1950, c. 446, § 5, 39 Stat. 320, eff. July 25, 1952.

Prior law.

Organic Act, 1900, § 32.

Cross references.

Changes in executive departments, see Constitution, art. III, § 16; art. IV, § 6.
Powers as to municipalities, see Constitution, art. VI, § 1.

ANNOTATIONS

1. Delegation of legislative powers. Inherent and essential powers of the Legislature may not be delegated to administrative agencies. 1958 Op. Sec. Jus. No. 11.

Delegations of powers should be express and not implied; since authorization by the Legislature (2 L.P.R.A. § 225) was deemed necessary to contract for the publication of the laws of Puerto Rico, a new authorization is needed to allow the Instituto de Cultura Hispánica to publish our Civil Code. 1958 Op. Sec. Jus. No. 23.

2. Limitations. The Legislative Assembly has power to modify the prescriptive period of the actions. Agostini v. Superior Ct.; P. R. Lighterage, Int., 1961, 82 P.R.R. 213.

§ 38. [Commerce and safety appliance acts not applicable]

The Interstate Commerce Act and the several amendments made or to be made thereto, the Safety Appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, shall not apply to Puerto Rico.—Mar. 2, 1917, c. 145, § 38, second paragraph, 39 Stat. 964; amended Mar. 4, 1927, c. 503, § 6, 44 Stat. 1420; June 24, 1948, c. 610, § 7, 62 Stat. 580; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Partial repeal.

The first and third paragraphs of section 38 of the Organic Act of 1917 were repealed by Act July 3, 1950, c. 446, § 5, 64 Stat. 320, eff. July 25, 1952, and are now covered by Constitution, art. VI, § 13.

Prior law.

Organic Act, 1900, § 32; May 1, 1900, J.R. No. 23, § 2, 31 Stat. 716.

§ 41. [United States District Court]

The United States District Court for the District of Puerto Rico shall, in addition to its other jurisdiction, have jurisdiction for the

naturalization of aliens and Puerto Ricans, and, for this purpose, residence in Puerto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Puerto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid. The salaries of the judge and officials of the United States District Court for the District of Puerto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said United States District Court for the District of Puerto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Puerto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court without extra compensation.—Mar. 2, 1917, c. 145, § 41, 39 Stat. 965; amended Mar. 4, 1921, c. 161, § 1, 41 Stat. 1412; Dec. 13, 1926, c. 6, § 1, 44 Stat. 919; Mar. 26, 1938, c. 51, § 2, 52 Stat. 118; July 31, 1946, c. 704, § 1, 60 Stat. 716; June 25, 1948, c. 646, § 20, 62 Stat. 989; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Organic Act, 1900, § 34; Mar. 2, 1901, c. 812, § 3, 31 Stat. 953.

Cross references.

Commonwealth of Puerto Rico included in definition of "States" in diversity of citizenship jurisdiction, see 28 U.S.C. § 1332(b), as amended by Act of Congress of July 26, 1956, P.L. 808, 70 Stat. 658.

ANNOTATIONS

1. Jurisdiction generally. The terms of the compact, under which the Commonwealth government was established, did not disturb the jurisdiction of the federal courts, as provided in the Judicial Code, Title 28 U.S.C. Mora v. Mejias, 1953, 206 F.2d 377.

Under this section District Court has jurisdiction if all the parties on either side of controversy are not domiciled in Puerto Rico. Firpi v. Pan American World Airways, Inc., 1959, 175 F.Supp. 188.

Also, under this section, District Court would have jurisdiction over a controversy between two citizens of same state, if all the parties on either side of controversy were not domiciled in Puerto Rico. Id.

This special jurisdiction not vested in other District Courts was in no wise affected by the Act of July 25, 1958, which only purported to amend 28 U.S.C. §§ 1331 and 1332. Id.

Where the only possible basis for jurisdiction of District Court for the District of Puerto Rico in civil action commenced by residents of New York in that court was diversity of citizenship of the parties under this section or 28 U.S.C. § 1332(a)(1), and, in the complaint, allegations were insufficient to establish jurisdiction on the basis of either of such sections, amendment of the complaint would be granted to correct such defective allegations. Garcia et al. v. Bernabé, 1961, 288 F.2d 60.

2. Three-judge court. See Mora v. Mejías, 115 F.Supp. 610.

§ 42. [—Relationship to courts of Puerto Rico; proceedings in English]

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.

All pleadings and proceedings in the District Court of the United States for Puerto Rico shall be conducted in the English language.—Mar. 2, 1917, c. 145, § 42, 39 Stat. 966; amended Feb. 13, 1925, c. 229, § 13, 43 Stat. 942; Jan. 31, 1928, c. 14, § 1, 45 Stat. 54; June 25, 1948, c. 646, § 21, 62 Stat. 990; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Organic Act, 1900, § 34.

Cross references.

Appeal to federal courts, see 28 U.S.C. § 1258, set out as a note under 4 L.P.R.A. § 31.

§ 44. [—Jurors]

That the qualifications of jurors as fixed by the local laws of Puerto Rico shall not apply to jurors selected to serve in the District Court of the United States for Puerto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Puerto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.—Mar. 2, 1917, c. 145, § 44, 39 Stat. 966; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Act June 25, 1906, c. 3542, 34 Stat. 466.

Cross references.

Federal jurors generally, see 28 U.S.C. § 1861 et seq.

ANNOTATIONS

1. Selection and composition of jury. The provision of this section requiring a sufficient knowledge of the English language does not result in a jury which is not representative of the Puerto Rican community, since from the evidence introduced and the judicial knowledge of the court all cohesive groups—economic, racial, religious, and social—are adequately represented in the jury panel and a substantial percentage of persons in each group has a sufficient knowledge of the English language. United States v. Carrión, 1956, 140 F.Supp. 226.

§ 45. [—Disposition of fees, fines, costs, and forfeitures]

That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Puerto Rico; *Provided*, That $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.—Mar. 2, 1917, c. 145, § 45, 39 Stat. 966; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Prior law.

Act Mar. 2, 1901, c. 812, § 2, 31 Stat. 953, see Organic Act of 1900 and Related Statutes, ante.

§ 47. [—Fees and mileage of jurors and witnesses]

That jurors and witnesses in the District Court of the United States for Puerto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said court. But no constructive double mileage fees shall be allowed by reason of any person being summoned

both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid $3 per day and such witnesses $1.50 per day while in attendance upon the court.—Mar. 2, 1917, c. 145, § 47, 39 Stat. 967; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Subsequent provisions.

This section, which was formerly set out as 48 U.S.C. § 871, was omitted from the United States Code as covered by 28 U.S.C. §§ 1821, 1825, and 1871.

Prior law.

Act Mar. 2, 1901, c. 812, § 4, 31 Stat. 953, see Organic Act of 1900 and Related Statutes, ante.

§ 48. [Habeas corpus; mandamus; suits to restrain assessment or collection of taxes]

That the Supreme and District Courts of Puerto Rico and the respective judges thereof may grant writs of *habeas corpus* in all cases in which the same are grantable by the judges of the District Courts of the United States, and the District Courts may grant writs of mandamus in all proper cases.

That no suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the District Court of the United States for Puerto Rico.—Mar. 2, 1917, c. 145, § 48, 39 Stat. 967; amended Mar. 4, 1927, c. 503, § 7, 44 Stat. 1421; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Pending suits.

Under Act of Congress of April 23, 1928, collections and assessments restrained in suits pending March 4, 1927, shall be enforced by the Treasurer of Puerto Rico by suits at law instead of by summary administrative proceedings.

Prior law.

Organic Act, 1900, § 35.

Cross references.

Habeas corpus generally, see section 1741 et seq. of Title 34.

Habeas corpus jurisdiction of Supreme Court of Puerto Rico, see Constitution, art. V, § 5.

Mandamus, see section 3421 et seq. of Title 32.

Taxes, restraining assessment and collection, see section 3524 of Title 32.

§ 54. [Acknowledgment of deeds and intruments]

That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Puerto Rico before any notary public appointed therein by proper authority, or any officer therein who has *ex officio* the powers of any notary public; *Provided*, That the certificate by such notary shall be accompanied by the certificate of the Executive Secretary of Puerto Rico to the effect that the notary taking such acknowledgement is in fact such notarial officer.—Mar. 2, 1917, c. 145, § 54, 39 Stat. 968; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Codification.

Executive Secretary changed to Secretary of State, see Constitution, art. IV, §§ 5, 6.

Prior law.

Mar. 22, 1902, c. 273, 32 Stat. 88.

§ 58. [Federal laws continued; Organic Act of 1900; inconsistent laws repealed]

That all laws or parts of laws applicable to Puerto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Puerto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes", approved April twelfth, nineteen hundred, and hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.—Mar. 2, 1917, c. 145, § 58, 39 Stat. 968; continued in effect July 3, 1950, c. 446, § 4, 64 Stat. 319.

HISTORY

Organic Act, 1900.

The provisions of the Organic Act of April 12, 1900, continued by this section are found in sections 2, 3, 4, 9, and 11 thereof.

ANNOTATIONS

1. Application of federal statutes. See annotations under Federal Relations Act, § 9.

NOTE

Section 41 (48 U.S.C. 863) was repealed by Pub. L. 91-272, Sec. 13, June 2, 1970, 84 Stat. 298

Section 44 (48 U.S.C. 867) was repealed by Pub. L. 90-274, Sec. 103 (g), March 27, 1968, 82 Stat. 63

GERALD R. FORD LIBRARY

PROVISIONS OF THE FORAKER ACT CONTINUED IN EFFECT UNDER SEC. 58 OF THE PUERTO RICAN FEDERAL RELATIONS ACT

GERALD R. FORD LIBRARY

PROVISIONS OF THE FORAKER ACT CONTINUED IN EFFECT UNDER SEC. 58

[Primarily, these provisions create an economic union between Puerto Rico and the United States].

(48 U.S.C. 738)

FREE INTERCHANGE OF MERCHANDISE WITH UNITED STATES (FREE TRADE)

All merchandise and articles coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry free of duty and in no event shall any tariff duties be collected on said merchandise or articles (April 12, 1900, ch. 191, 3, 31 Stat. 77; May 17, 1932, ch. 190, 47 Stat. 158).

(48 U.S.C. 739)

DUTIES ON FOREIGN IMPORTS INTO PUERTO RICO (CUSTOMS UNION)

The same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries (April 12, 1900, ch. 191, 2, 31 Stat. 77; August 5, 1909, ch. 6, 1, 36 Stat. 71, 74; May 17, 1932, ch. 190, 47 Stat. 158).

(48 U.S.C. 740)

DUTIES ON TAXES TO CONSTITUTE FUND FOR BENEFIT OF PUERTO RICO; PORTS OF ENTRY (CUSTOM UNION)

The duties and taxes collected in Puerto Rico in pursuance of the provisions of this chapter, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Puerto Rico, shall be paid into the treasury of Puerto Rico to be expended as required by law for the government and benefit thereof, and the Secretary of the Treasury shall designate the several ports and subports of entry in Puerto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Puerto Rico by the provisions of this chapter, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions of law (April 12, 1900, ch. 191, 4, 31 Stat. 78; May 17, 1932, ch. 190, 47 Stat. 158).

(48 U.S.C. 744)

COASTING-TRADE LAWS

The coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States (April 12, 1900, ch. 191, 9, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158).

(48 U.S.C. 755)

COINS; REDEMPTION; EXCHANGE; RECOINAGE; LEGAL TENDER (MONETARY UNION)

For the purpose of retiring the Puerto Rican coins in circulation in Puerto Rico on April 12, 1900, and substituting therefor the coins of the United States, the Secretary of the Treasury is authorized to redeem, on presentation in Puerto Rico, all the silver coins of Puerto Rico known as the peso and all other silver and copper Puerto Rican coins in circulation in Puerto Rico on such date, not

[1] Provisions of law above referred to are to be found in the following pages, as given by United States Code.

GERALD R. FORD LIBRARY

including any such coins that may be imported into Puerto Rico after the 1st day of February 1900, at the rate of 60 cents in the coins of the United States for 1 peso of Puerto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The expense of the United States, under the direction of the Secretary of the Treasury into such coins of the United States now authorised by law as he may direct. No coins shall be a legal tender, in payment of debts contracted for any amount in Puerto Rico, except those of the United States, and except those owing prior to April 12, 1900, which shall be payable in the coins of Puerto Rico in circulation at that date, or in the coins of the United States at the rate of exchange herein mentioned (April 12, 1900, ch. 191, 11, 31 Stat. 80; May 17, 1932, ch. 190, 47 Stat. 158).

GERALD R. FORD LIBRARY

PUBLIC LAW 600 (ACT OF JULY 3, 1950, Ch. 446
64 STAT. 314; 48, U.S.C. 731 b-e)

See Documents on the Constitutional History of Puerto Rico (1964) pages153-154

GERALD R. FORD LIBRARY

REPORT OF THE UNITED STATES-PUERTO RICO
COMMISSION ON THE STATUS
OF PUERTO RICO
1966

See The Status of Puerto Rico,
Puerto Rico Booklets No. 5
(1967)

GERALD R. FORD LIBRARY

REPORT OF THE AD HOC ADVISORY GROUP
ON THE PRESIDENTIAL VOTE FOR PUERTO RICO,
AUGUST 1971.

See Publication

GERALD R. FORD LIBRARY

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

See Documents on the Constitutional History of Puerto Rico (1964) pages 168-192

GERALD R. FORD LIBRARY

JOINT RESOLUTION NO. 1 OF 1962

See Report of the Ad-Hoc Advisory Group on the Presidential Vote for Puerto Rico (1971) pages 19 - 20.

GERALD R. FORD LIBRARY

PLEBISCITE LAW OF 1966

See Report of the Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico (1971), pages 21-24

GERALD R. FORD LIBRARY

CHAPTER XI, CHARTER OF THE
UNITED NATIONS

GERALD R. FORD LIBRARY

Chapter XI

Declaration Regarding Non-Self-Governing Territories

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply..

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

GERALD R. FORD LIBRARY

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

748 (VIII) NOVEMBER 27, 1953

GERALD R. FORD LIBRARY

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

748 (VIII). CESSATION OF THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73*e* OF THE CHARTER IN RESPECT OF PUERTO RICO

The General Assembly,

Considering that, in resolution 222 (III) of 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers it essential that the United Nations be informed of any change in the constitutional status of any such Territory as a result of which the government responsible for the transmission, under Article 73*e* of the Charter, of information in respect to that Territory thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications[7] dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73*e* of the Charter.

Having studied the report[8] prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950,

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity,

---

[7] See document A/AC.35/L.121.

[8] See Official Records of the General Assembly, Eighth Session, Supplement No. 15, part I, section VII.

GERALD R. FORD LIBRARY

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1. *Takes note favourably* of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution;[9]

2. *Recognizes* that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3. *Expresses the opinion* that it stems from the documentation provided that the Association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4. *Recognizes* that, when choosing constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. *Recognizes* that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;

6. *Considers* that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7. *Takes note* of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73*e* of the Charter of information on Puerto Rico;

8. *Considers it appropriate* that the transmission of this information should cease;

9. *Expresses its assurance* that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

459th plenary meeting,
27 November 1953.

---

[9] *Ibid.*, page 6.

GERALD R. FORD LIBRARY

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION
1514 (XV), DECEMBER 14, 1960

GERALD R. FORD LIBRARY

DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND TERRITORIES

Resolution 1514 (XV) of the General Assembly, 14 December 1960.
GAOR, XV, Suppl. 16 (A/4684), pp. 66–67.

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operaton, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising

GERALD R. FORD LIBRARY

out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

GERALD R. FORD LIBRARY

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

1541 (XV), DECEMBER 15, 1960

GERALD R. FORD LIBRARY

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1541 (XV) - DECEMBER 15, 1960

"The General Asembly,

"Considering the objectives set forth in Chapter XI of the Charter of the United Nations,

"Bearing in mind the list of factors annexed to General Assembly resolution 742 (VIII) of 27 November 1953,

"Having examined the report of the Special Committee of Six on the Transmission of Information under Article 73e of the Charter, appointed under General Asembly resolution 1467 (XIV) of 12 December 1959 to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73e of the Charter and to report on the results of its study to the Asembly at its fifteenth session,

"1. Expresses its appreciation of the work of the Special Committee of Six on the Transmission of Information under Article 73e of the Charter;

"2. Approves the principles set out in section V, part B, of the report of the Committee, as amended and as they appear in the annex to the present resolution;

"3. Decides that these principles should be applied in the light of the facts and the circumstances of each case to determine whether or not an obligation exists to transmit information under Article 73e of the Charter."

ANNEX

PRINCIPLES WHICH SHOULD GUIDE MEMBERS IN DETERMINING WHETHER OR NOT AN OBLIGATION EXISTS TO TRANSMIT THE INFORMATION CALLED FOR IN ARTICLE 73e OF THE CHARTER OF THE UNITED NATIONS

Principle I

"The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type. An obligation exists to transmit information under Article 73e of the Charter in respect of such territories whose peoples have not yet attained a full measure of self-government.

Principle II

"Chapter XI of the Charter embodies the concept of Non-Self-Governing Territories in a dynamic state of evolution and progress towards a 'full measure of self-government'. As soon as a territory and its peoples attain a full measure of self-government, the obligation ceases. Until this comes about, the obligation to transmit information under Article 73e continues.

GERALD R. FORD LIBRARY

Principle III

"The obligation to transmit information under Article 73e of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law.

Principle IV

"Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

Principle V

"Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73e of the Charter.

Principle VI

"A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

"(a) Emergence as a sovereign independent state;

"(b) Free association with an independent state; or

"(c) Integration with an independent state.

Principle VII

"(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent state the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

"(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.

Principle VIII

"Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The

GERALD R. FORD LIBRARY

peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.

Principle IX

"Integration should have come about in the following circumstances:

"(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its people would have the capacity to make a responsible choice through informed and democratic processes;

"(b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes.

Principle X

"The transmission of information in respect of Non-Self-Governing Territories under Article 73e of the Charter is subject to such limitation as security and constitutional considerations may require. This means that the extent of the information may be limited in certain circumstances, but the limitation in Article 73e cannot relieve a Member State of the obligations of Chapter XI. The 'limitation' can relate only to the quantum of information of economic, social and educational nature to be transmitted.

Principle XI

"The only constitutional considerations to which Article 73e of the Charter refers are those arising from constitutional relations of the territory with the Administering Member. They refer to a situation in which the constitution of the territory gives it self-government in economic, social and educational matters through freely elected institutions. Nevertheless, the responsibility for transmitting information under Article 73e continues, unless these constitutional relations preclude the Government or parliament of the Administering Member from receiving statistical and other information of a technical nature relating to economic, social and educational conditions in the territory.

Principle XII

"Security considerations have not been invoked in the past. Only in very exceptional circumstances can information on economic, social and educational conditions have any security aspect. In other circumstances, therefore, there should be no necessity to limit the transmission of information on security grounds."

GERALD R. FORD LIBRARY

UNITED NATIONS SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES, RESOLUTION REGARDING PUERTO RICO OF AUGUST 28, 1972

GERALD R. FORD LIBRARY

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/AC.109/419
30 August 1972

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF THE LIST OF TERRITORIES TO WHICH THE DECLARATION IS APPLICABLE

Resolution adopted by the Special Committee at its 890th meeting on 28 August 1972

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Having considered the question of the list of Territories to which the Declaration is applicable,

Recognizing the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Instructs its Working Group to submit to it at an early date in 1973 a report relating specifically to the procedure to be followed by the Special Committee for the implementation of General Assembly resolution 1514 (XV) with respect to Puerto Rico.

GERALD R. FORD LIBRARY

UNITED NATIONS SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES, RESOLUTION REGARDING PUERTO RICO OF AUGUST 30, 1973.

GERALD R. FORD LIBRARY

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/AC.109/438
31 August 1973

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SPECIAL COMMITTEE RESOLUTION OF 28 AUGUST 1972 CONCERNING PUERTO RICO

Resolution adopted by the Special Committee at its 948th meeting on 30 August 1973

The Special Committee,

Having considered the question relating to its resolution of 28 August 1972 concerning Puerto Rico, 1/

Having heard the statements of representatives of the Puerto Rican Socialist Party and the Puerto Rican Independence Party, 2/

Reaffirming that, in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming also that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Considering the necessity of furthering the study of all pertinent aspects of the situation with respect to the procedure for the implementation of resolution 1514 (XV) regarding Puerto Rico,

---

1/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. I, para. 85.

2/ A/AC.109/PV.943 and 944.

GERALD R. FORD LIBRARY

Recalling its resolution of 28 August 1972 concerning Puerto Rico,

1. Reaffirms the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960;

2. Requests the Government of the United States of America to refrain from taking any measures which might obstruct the full and free exercise by the people of their inalienable right to self-determination and independence, as well as of their economic, social and other rights, and in particular to prevent any violation of these rights by bodies corporate under its jurisdiction;

3. Requests its Rapporteur, with the assistance of the Secretariat, to collect all pertinent information on the question, including the views of all the parties concerned, for the purpose of facilitating its consideration of the question in 1974;

4. Decides to keep the question under continuous review.

GERALD R. FORD LIBRARY

COPY OF LETTER FROM GOVERNOR
LUIS MUÑOZ MARIN TO PRESIDENT
JOHN F. KENNEDY DATED
JULY 10, 1962

GERALD R. FORD LIBRARY

COPY OF

LETTER OF GOVERNOR LUIS MUÑOZ MARIN TO PRESIDENT JOHN F. KENNEDY

July 10, 1962

My dear Mr. President:

On July 25 of this year, the people of Puerto Rico will celebrate the tenth anniversary of the establishment of the Commonwealth. The Commonwealth relationship was a creation of which both the United States and the people of Puerto Rico may well be proud. It was a new type of arrangement in the constitutional system of the United States; at that time ten years ago, it was a pioneering effort in the world to terminate colonialism by substituting for it not nationalism or independence, but freedom within the framework of a close and mutually beneficial association between a smaller and a larger community.

It took account of the basic democratic values involved, by incorporating the principles of self-determination and the right of people to be governed by their own consent, and did so in a realistic manner adapted to the political and economic practicalities of Puerto Rico's situation. We were aware then, and have become increasingly, and now acutely, aware that the arrangement was not perfect. The constitutional convention itself recognized from the beginning that there was room for growth and that this growth could and should be not towards independence or Federal statehood but within the genius of the creative Commonwealth idea itself.

I believe that it is now time for that growth to occur. An undue delay in this cannot but be hurtful to Puerto Rico and to the significance of Puerto Rico as a showcase and example of the attitude of the United States in a world where colonialism is obsolete and extreme nationalism is obsolescent.

In planning the growth of the Commonwealth, we should, I believe, proceed along the following lines:

(1) The indispensable principle of the Commonwealth is self-government for Puerto Rico in permanent association with the United States on the basis of common loyalty, common citizenship, mutual dedication to democracy and mutual commitment to freedom.

(2) The moral and juridical basis of the Commonwealth should be further clarified so as to eliminate any possible basis for the accusation, which is made by enemies and misguided friends of the United States and Puerto Rico, that the Commonwealth was not the free choice of the people of Puerto Rico acting in their soverign capacity, but was merely a different kind of colonial arrangement to which they consented.

GERALD R. FORD LIBRARY

(3) The governmental power and authority of the Commonwealth should be complete and any reservations or exceptions which are not an indispensable part of the arrangements for permanent association with the United States should be eliminated. Methods should be devised for forms of participation, appropriate to the commonwealth concept, by the people of Puerto Rico on Federal functions that affect them.

Certainly, the interest of the United States and of Puerto Rico would be greatly served by reaffirmation of our compact - including the guarantees of permanent association and common citizenship which practically all Puerto Ricans prize deeply - in a form which will leave no room for doubt as to the sovereign capacity of the people of Puerto Rico to give and receive these commitments.

Accordingly, it seems clear that the people of Puerto Rico should be consulted anew on governmental arrangements. The time has now come when the people, on the basis of their own experience, should consider how to perfect the commonwealth concept within their permanent association with the Federal Union. This represents my conviction, and I believe that of the vast majority of Puerto Ricans, on what should be done. However, so that no doubt may exist anywhere in the world as to the deep validity of the relationship, I believe that the Puerto Rican people should have an opportunity to indicate their preference clearly and directly for any other form of governmental relationship if they should prefer any such other form.

It is my intention to request the Commonwealth Legislature to enact a law pursuant to which proposals to perfect the Commonwealth within its association with the United States would be submitted to the people of Puerto Rico.

It is my purpose also to recommend that advocates of both independence and of federated statehood for Puerto Rico should be afforded the opportunity in the legislation to present these alternatives to the electorate, so that no doubt whatever may be entertained in Puerto Rico, in the United States or elsewhere that the basic United States principle of self-determination has been thoroughly carried out.

This will be a forceful, practical and opportune reminder of a fundamental American doctrine, and it will provide a basis for another great symbolic and practical forward movement in the relations of the United States and Puerto Rico, I am confident that we may rely upon your support.

GERALD R. FORD LIBRARY

COPY OF LETTER FROM PRESIDENT
JOHN F. KENNEDY TO GOVERNOR
LUIS MUÑOZ MARIN DATED
JULY 24, 1962

GERALD R. FORD LIBRARY

COPY OF PRESIDENT KENNEDY'S REPLY TO GOVERNOR MUÑOZ MARIN

July 24, 1962

Dear Governor Muñoz:

I have your letter advising me of the celebration on July 25 of the tenth anniversary of the Commonwealth of Puerto Rico. This is indeed a great occasion. The achievements of the Puerto Rican people in this short period have been remarkable. Puerto Rico has furnished an example to the world of the benfits that can be achieved by close collaboration between a larger and a smaller community within the framework of freedom and mutual agreement. I am confident that I speak for the people of the United States as well as their Government in expressing my pride and pleasure at Puerto Rico's achievements.

I am aware, however, as you point out, that the Commonwealth relationship is not perfected and that it has not realized its full potential, and I welcome your statement that the people of Puerto Rico are about to begin the consideration of this with the purpose of moving towards its maximum development, I am in full sympathy with this aspiration. I see no reason why the Commonwealth concept, if that is the desire of the people of Puerto Rico,should not be fully developed as a permanent institution in its association with the United States, I agree that this is a proper time to recognize the need for growth and,both as a matter of fairness to all concerned and of establishing an unequivocal record, to consult the people of Puerto Rico, as you propose to do, so that they may express any other preference, including independence, if that should be their wish.

GERALD R. FORD LIBRARY

LETTER FROM THE RESIDENT COMMISSIONER FROM PUERTO RICO,

HON. JAIME BENITEZ TO MR. JAMES H. FALK DATED

MARCH 27, 1973

GERALD R. FORD LIBRARY

JAIME BENITEZ
Resident Commissioner, Puerto Rico

COMMITTEE:
EDUCATION AND LABOR

SUBCOMMITTEES:
SPECIAL EDUCATION
GENERAL LABOR
EQUAL OPPORTUNITY

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE
2317 Longworth House Office Building
Washington, D.C. 20515
Area Code 202: 225-2615

DISTRICT OFFICES:
Box 5521
San Juan, Puerto Rico 00903
Area Code 809: 724-0171

Box 1122
Ponce, Puerto Rico 00731
Area Code 809: 843-3540

March 27, 1973

Mr. James H. Falk
Assistant Director
Domestic Council
The White House
Washington, D. C.

My dear Mr. Falk:

I appreciate the opportunity to confer with you, Mr. Fairbanks, and Mr. Rondón on March 14, 1973. In accordance with our conversation, I shall, in this letter, attempt to summarize the suggestion which I made. My suggestion pertains primarily to action which the United States and the Commonwealth of Puerto Rico might take as the next step in the progressive development of a relationship with the United States which the people of Puerto Rico hold very dear. In our estimation the Puerto Rican Federal Relations Act of 1952 which sets the terms of this relationship, is anachronistic.

Background

As you know, the United States and the Commonwealth are jointly committed to such progressive development. It was implicit in Public Law 600 - 81st Congress (July 3, 1950), which was expressly adopted "in the nature of a compact," which recognized the right of the people of Puerto Rico to "organize a government pursuant to a

GERALD R. FORD LIBRARY

constitution of their own adoption." A part of this compact was the Federal Relations Act which continued in effect certain provisions of law dating back to 1900 as amended in subsequent years, governing the relations between Puerto Rico and the United States. The evolutionary and creative nature of Commonwealth, inherent in the whole history of the relationship itself, was underscored by several specific modifications of the federal relationship, effected by Act of Congress and of the people of Puerto Rico, jointly. In addition, this evolutionary concept is reflected in a series of initiatives which beginning with a resolution of the Legislative Assembly of Puerto Rico in 1962 have not as yet come to fruition.

In 1964, both governments joined in the creation of a United States-Puerto Rico Commission on the Status of Puerto Rico. (Public Law 88-271, February 24, 1964, enacted by the Congress, and Law No. 9, April 13, 1964, enacted by the Legislative Assembly of the Commonwealth.) The function of this Commission was to "study all factors ... which may have a bearing on the present and future relationship between the United States and Puerto Rico."

In 1966, the Status Commission issued its report, proposing a plebiscite on the status of Puerto Rico, in which the people of Puerto Rico would express their choice between Commonwealth, Statehood

GERALD R. FORD LIBRARY

and Independence. It was explicitly understood that, as provided in the 1962 Resolution of the Legislative Assembly of Puerto Rico, a vote for Commonwealth would constitute a vote, not for a static form of that relationship as it existed at the time, but a vote to "maintain ... further growth of the Commonwealth." The Status Commission recommended that if the people voted for Commonwealth, so defined, "a joint advisory group or groups would be convened to consider these proposals."

The Plebiscite of 1967

In a plebiscite held July 23, 1967, pursuant to an Act of our legislature and following the recommendations of the Status Commission, more than 60% of the voters cast their ballots in favor of the Commonwealth alternative as against action leading towards Statehood or towards Independence. Specifically the plebiscite act and the ballot provided that a vote for Commonwealth involved "the reaffirmation of the Commonwealth ... as an autonomous community permanently associated with the United States and for of the development of Commonwealth "to a maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble link of the citizenship of the United States.".

Unfortunately, no effective action has been taken to implement

GERALD R. FORD LIBRARY

the plebiscite mandate. President Johnson expressed his readiness to appoint a joint advisory or advisory groups to implement the plebiscite decision. Local political problems prevented Governor Roberto Sánchez Vilella, from following up President Johnson's invitation made on August 17, 1967. Two years later, his successor, Governor Luis A. Ferré, leader of the statehood party, did act, but, contrary to the advice of the proponents of Commonwealth, he limited the scope of the advisory group to one item --the Presidential vote for Puerto Rico. That limitation was challenged in court by the Popular Democratic Party, whose position was that all measures conducive to a maximum of self-government had to be considered jointly. Five of the eight participating judges stated that such restriction violated the clear intent of the Plebiscite Law, --the other three did not express themselves on these grounds-- but a majority of the court held (5 to 3), on procedural grounds, that no legal remedy was available. See 98 DPR, pp. 339-475 (1970).

In accordance with Governor Ferré's initiative, an Advisory Group was appointed in April 1970 by joint action of President Nixon and the Governor. The Advisory Group reported in August 1971, recommending extension to the people of Puerto Rico of the right to vote for President and Vice President and proposing that this

GERALD R. FORD LIBRARY

recommendation be submitted to the people of Puerto Rico for approval or disapproval in a referendum.

The Commonwealth (Popular) Party has again taken the position that the 1967 plebiscite calls for the presentation to the people of all measures conducting to a maximum of self-government and not a single isolated item.

The mandate of the 1967 plebiscite remains unfulfilled to this moment.

The Need for Improvement of Commonwealth

In the November 7, 1972 elections, with the political status once again in the fore-front of basic issues, the citizenry endorsed fully the continuation of Commonwealth as well as its early improvement. The basic success of the Commonwealth idea constitutes a unique development in America. On the face of its achievements and its continuing popular support it deserves the fullest opportunity to be strengthened and safeguarded.

The very fact that Puerto Rico has not repeated the traditional patterns of territorial incorporation or of nationalistic movements but has chosen to brave the unchartered seas of innovation renders Commonwealth particularly vulnerable to honest misunderstandings and to vicious attacks.

GERALD R. FORD LIBRARY

At present, in the light of the experiences and ideologies of the former European colonies and the rhetoric of colonial liberation prevalent in Africa, Asia, Latin America and the Caribbean, progress and freedom in Puerto Rico are, and dialectically are almost bound to be, under constant attack. For we represent a basic commitment to rationality; to the realities and not the cliches of freedom; to improvement under law; and to good will among men. But such a commitment runs counter to the experiences, doctrines and tactics of the so-called third world. Commonwealth is not a story which has the quick, superficial appeal of formal independence, nor is it an easy course to create or to follow. It represents a style of heroic maturity which one can only hope will come into its own soon.

Puerto Rico's preeminent merit is that it has remained loyal to humane values and to the democratic process while struggling with difficult realities. But it would be illusory to suppose that Puerto Rico's own political process may remain static while everything changes in its surrounding world.

As an emerging society and as a post-colonial society, Puerto Rico cannot escape the tensions of the past and the present decade. As recently as September 1972 the so-called De-Colonization Committee of the United Nations, prompted by Cuba, aided and abbetted by

GERALD R. FORD LIBRARY

nationalist and independence groups in Puerto Rico and under the leadership of Bulgaria, China, Czechoslovakia, Russia, Iraq, Ecuador, Tanzania, Mali, India, Yugoslavia, Sierra Leone and Syrian Arab Republic, endeavored to declare Puerto Rico a non-self governing territory. The resolution was finally watered down to provide for carrying out a study for the same purpose.

Pressures from this group of nations, however, and of many others who share their views or who cater to them, are bound to result in continuing and repeated attacks upon the United States and Puerto Rico. Only the reality of steady progress and development will enable us effectively to reply to these assaults and to demonstrate that they are unjustified.

The Suggested Action

A relatively simple and effective step could be taken now which would be in furtherance of the commitment of the United States and the Commonwealth. This would be the joint creation of another Advisory Group, selected by the President and the Governor of the Commonwealth. The mandate of this Advisory Group would be twofold: First, to delineate and clarify all measures conducting towards a maximum of self-government for the Commonwealth of Puerto Rico within its relationship with the United States. The experience of the

GERALD R. FORD LIBRARY

past twenty years permits the identification of several matters which ought to be settled in keeping with the principles heretofore accepted by the United States and Puerto Rico. Within these principles, one would hope to effect appropriate participation by the people of Puerto Rico in the powers exercised by the Government of the United States in matters affecting Puerto Rico as well as maximum autonomy for Puerto Rico's continued development as a self-governing community. Second, to recommend the most suitable, effective, and expeditious means for the formulation and joint consideration and adoption of specific measures for such development.

You will recall that, in our meeting, I illustrated some of the problems and possibilities that the Advisory Committee might consider: For example, possible changes in regulation of television and radio which is now exclusively committed to the F.C.C.; coastwise shipping laws; the special mechanism provided by statute for fixing minimum wages in Puerto Rico; and the possibility of devising some mutually satisfactory mechanism for improved Puerto Rico participation in federal laws and administration applicable in Puerto Rico.

Once the Advisory Committee has identified the basic themes it might complete its task by referring the matter to the President and to the Governor of the Commonwealth. The guiding objective

GERALD R. FORD LIBRARY

would be for them to consider and agree upon joint proposals to be submitted to the Congress and to the people of Puerto Rico. Or the Advisory Committee might wish to refer its conclusions to the people of Puerto Rico for subsequent formulation of specific proposals by them. Said proposals in turn would be submitted to the President and to the Congress, following the model of Public Law 600 --81st Congress. Alternatively the Committee itself might devise other modus operandi. In any case juridical modifications would have to be approved both by the Congress and by the people of Puerto Rico.

If this suggestion appears to you and your associates to be feasible, the appropriate procedure would seem to be for the Governor of the Commonwealth, to write the President, formally inviting the joint appointment of an Advisory Group for this purpose. I shall, of course, be glad to discuss the suggestion with you and to have the benefit of any suggestions that you and other officials might make with respect to changes or otherwise.

Again, I express my thanks to you and your associates for your helpful consideration.

Cordially yours,

Jaime Benítez

cc: Mr. Richard Fairbanks
Mr. Fernando Rondón

GERALD R. FORD LIBRARY

LETTER FROM MR. KENNETH R. COLE, JR. TO THE GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO, HON. RAFAEL HERNANDEZ COLON DATED JULY 17, 1973

GERALD R. FORD LIBRARY

THE WHITE HOUSE

WASHINGTON

July 17, 1973

Dear Governor:

In response to your request transmitted through Resident Commissioner Jaime Benitez, the President shares your belief that this is an appropriate time, in the best interests of all American citizens, to establish another jointly-appointed, broadly representative Ad Hoc Advisory Group to explore an area of mutual concern in the relationship of Puerto Rico and the United States.

In order to determine the appropriate area of exploration by the Advisory Group and to give precise direction to their efforts, the President has asked Richard Fairbanks, Associate Director of the Domestic Council staff and me to go to Puerto Rico in the very near future to confer with you and your advisors on the important details of membership, timing and charter. We would hope that, inasmuch as the recommendations of the first Ad Hoc Advisory Group established pursuant to the findings of the Status Commission, regarding the Presidential Vote, are still outstanding, the recommendations would again be specifically addressed.

The President has asked me to convey to you his confidence that this group will produce useful recommendations toward a favorable resolution of its mandate in the mutual interest of both the United States and Puerto Rico and to extend to you his commitment to the continued progress and prosperity in the years to come of the Commonwealth of Puerto Rico.

With all good wishes,

Sincerely,

Kenneth R. Cole, Jr.

Kenneth R. Cole, Jr.
Director, Domestic Council

Honorable Rafael Hernandez-Colon
Governor of the Commonwealth
of Puerto Rico
La Fortaleza, San Juan, Puerto Rico

GERALD R. FORD LIBRARY

December 6, 1974

MEMORANDUM FOR: TOM KOROLOGOS

FROM: NORM ROSS

SUBJECT: President's Meeting with Senator Cook

Per our conversation, the following background material is provided.

Senator Cook will raise an issue concerning the future of an Ad Hoc Advisory Group on Puerto Rico of which he is Co-Chairman. The Advisory Group was initiated on September 27, 1973 jointly by the President and the Governor of Puerto Rico. The Advisory Group has 14 members 7 of which were appointed by former President Nixon and 7 appointed by Governor Hernadez-Colon. Senator Cook is Chairman of the United States delegation and the other members are Senators James L. Buckley and J. Bennett Johnston, Congressman Don Clausen and Thomas S. Foley, former Governor Richard Ogilvie and Paul Howell, a Texas oil man. The Adivosry Group is within about 90 days of completing an investigation of the extent to which the laws and administrative regulations of the United States should apply in Puerto Rico. The continuation of the Group or any recommendations from it should it be discontinued are politically sensitive issues in our relationships with Puerto Rico. Senator Cook feels that the Group should complete its work and write a report within the next 90 days and that there should be a Plebisite held by the Puerto Ricans on the issues involved in the report. By recommending that a Plebisite be held, the disposition of the issues would rest with the people of Puerto Rico.

NEROSS/ee

GERALD R. FORD LIBRARY

September 3, 1974

MEMORANDUM FOR: FRED SLIGHT

FROM: NORM ROSS

SUBJECT: Ad Hoc Advisory Group on Puerto Rico

When the Puerto Rican people voted for Commonwealth status in preference to Statehood in the plebiscite of 1967, they also chose to "perfect" Commonwealth through Advisory groups, which are jointly appointed by the President and the Governor of Puerto Rico. The President appointed the first such Advisory group jointly with former Governor Luis Ferre in 1970 to inquire into the question of the Presidential vote for Puerto Ricans. That group reported back favorably in 1971, but no action has been taken and the question is again being considered by a second Advisory Group initiated on September 27, 1973.

This second Advisory Group has been charged to investiggte "the extent to which the laws and administrative regulations of the United States should apply in Puerto Rico." The group has 14 members: 7 appointed by former President Nixon and 7 by Governor Hernadez - Colon. Senator Cook is Chairman of the United States delegation) the other members are Senators Buckley and Bennett Johnston, Congressmen Don Clausen and Foley, former Governor Richard Ogilvie and Paul Howell, a Texas oil man).

The current Ad Hoc Advisory Group will also make recommendations to the President on institutional arrangements, with the Executive Branch, which could be made to coordinate the politically sensitive matters involving Puerto Rico.

NROSS/eee

cc: White House Files

GERALD R. FORD LIBRARY

Save

FOR IMMEDIATE RELEASE JANUARY 4, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

- - - - - - -

CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Under the provisions of Section 14 of the Federal Advisory Committee Act (5 U.S.C. App. I), each advisory committee created by the President or any other officer of the Executive Branch and subject to the provisions of this Act -- in existence on the effective date of the Act, January 5, 1973 -- will terminate on January 5, 1975, unless renewed by the President or other appropriate officer.

During the period elapsed since the Federal Advisory Committee Act was enacted, all Federal advisory committees subject to that Act have been thoroughly examined and reexamined to determine whether they should be continued, modified, abolished, or allowed to terminate. In that period, more than 300 Federal advisory committees have been abolished or allowed to terminate.

All advisory committees created by the President before the effective date of the Act and subject to the provisions of the Act have been carefully examined. I have determined that those listed in Section 1 of this Order should be continued until January 5, 1977, unless terminated sooner. I have also determined that the advisory committees listed in Section 2 of this Order, created after the effective date of the Federal Advisory Committee Act -- expiring under the terms of that Act before January 5, 1977 -- should be continued until that date, unless terminated sooner.

NOW, THEREFORE, I, GERALD R. FORD, by virtue of the authority vested in me as President of the United States of America, particularly by the Federal Advisory Committee Act, do hereby order as follows:

Section 1. The following-listed advisory committees are hereby continued until January 5, 1977, unless otherwise sooner terminated --

(1) Citizens' Advisory Committee on Environmental Quality -- Executive Order No. 11472 of May 28, 1969, as amended (Council on Environmental Quality).

(2) Quetico-Superior Committee -- Executive Order No. 11342 of April 10, 1967 (Department of Agriculture).

(3) Advisory Council for Minority Enterprise -- Executive Order No. 11625 of October 13, 1971 (Department of Commerce).

GERALD R. FORD LIBRARY

more

(4) Consumer Advisory Council -- Executive Order No. 11583 of February 24, 1971, as amended (Department of Health, Education, and Welfare).

(5) President's Council on Physical Fitness and Sports -- Executive Order No. 11562 of September 25, 1970 (Department of Health, Education, and Welfare).

(6) Committee for the Preservation of the White House -- Executive Order No. 11145 of March 7, 1964, as amended (Department of the Interior).

(7) Citizens' Advisory Council on the Status of Women -- Executive Order No. 11126 of November 1, 1963, as amended (Department of Labor).

(8) President's Advisory Committee on the Environmental Merit Awards Program -- Executive Order No. 11667 of April 19, 1972 (Environmental Protection Agency).

(9) National Health Resources Advisory Committee -- Executive Order No. 11415 of June 24, 1968, as amended (General Services Administration).

(10) President's Committee on the National Medal of Science -- Executive Order No. 11287 of June 28, 1966, as amended (National Science Foundation).

(11) President's Commission on White House Fellowships -- Executive Order No. 11183 of October 3, 1964, as amended (Civil Service Commission).

Sec. 2. The following-listed advisory committees are hereby continued until January 5, 1977, unless terminated sooner --

(1) President's Export Council -- Executive Order No. 11753 of December 20, 1973 (Department of Commerce).

(2) President's Committee on Mental Retardation -- Executive Order No. 11776 of March 28, 1974 (Department of Health, Education, and Welfare).

(3) Federal Advisory Council on Occupational Safety and Health -- Executive Order No. 11807 of July 28, 1974 (Department of Labor).

(4) Energy Research and Development Advisory Council -- Presidential Announcement of June 29, 1973 (National Science Foundation).

(5) Ad Hoc Advisory Group on Puerto Rico -- Presidential Announcement of September 27, 1973 (Domestic Council).

Sec. 3. The department or agency listed after the advisory committees listed in Section 1 and Section 2 of this Order shall perform such functions with respect to the committee involved as may be required by the Federal Advisory Committee Act.

more

Sec. 4. Advisory committees created by the President before January 5, 1973, which are subject to the provisions of the Federal Advisory Committee Act, and which have not been continued by Section 1 of this Order, will, unless sooner terminated under the provisions of the Federal Advisory Committee Act, terminate as of January 5, 1975.

GERALD R. FORD

THE WHITE HOUSE,
JANUARY 4, 1975

# # # #

GERALD R. FORD LIBRARY

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: 12/17/74

TO: Mr. Hendricks

FROM: Mr. Larsen

FYI

Warm Regs.
Let's keep pushing
Thanks
Warren
12/18

OMB FORM 38
REV AUG 73

File

December 16, 1974

Mr. William Herbert
U.S. Civil Service Commission
1900 E Street, N.W.
Washington, D.C.

Dear Mr. Herbert:

This letter is in response to your recent inquiry concerning the status of the U.S.-Puerto Rico Ad Hoc Advisory Group employees in relation to Domestic Coucil's filing of the SF 113-A report, Monthly Report of Federal Civilian Employment.

Prior to June 30, 1974, the U.S.-Puerto Rico Ad Hoc Advisory Group was financed from the funds provided by the President's Emergency Fund. This fund was eliminated by Congress in the FY 1975 appropriation process.

On July 1, 1974, the Domestic Council provided the necessary funds and personnel vacancies to enable the advisory group to continue their operations. For this reason, the SF 113-A report submitted by the Domestic Council includes those employees formerly reported separately by the U.S.-Puerto Rico Ad Hoc Advisory Group.

Sincerely,

Phillip D. Larsen
Budget and Management
Officer

cc: B&MO Records
Domestic Council
B&MO Chron

B&MO:WSMITH:jl 12/16/74

GERALD R. FORD LIBRARY

File

EL MUNDO
Saturday, January 4, 1975

PUERTO RICAN DELEGATION WILL SUBMIT THEIR PRELIMINARY PROPOSAL TO PUBLIC HEARINGS

The preliminary proposal of the Puerto Rican delegation of the Ad Hoc Committee concerning the new relationship of Puerto Rico with the United States will be submitted to public hearings here before it is officially presented for consideration to the mainland delegation of the committee.

The proposals to be made by the Puerto Rican delegation to acquire greater autonomy for the Island within the sphere of American citizenship were being refined Friday by the Puerto Ricans in a place outside the metropolitan area.

It was disclosed that the public hearings will be held in Puerto Rico, will start soon and will only take a few weeks. In this way, the full committee will evaluate the Puerto Rican proposals and the entire preliminary proposal can be submitted to the U.S. Congress within three months. This was the prediction made by ex-Senator Marlow Cook, Co-Chairman of the Committee.

Congressman Phillip Burton, Chairman of the powerful Insular Affairs Subcommittee of the U.S. House of Representatives, arrived in Puerto Rico last week.

GERALD R. FORD LIBRARY

For the first time in history a Resident Commissioner has gained membership on this subcommittee with full voting authority on issues brought up before the committee.

Resident Commissioner Jaime Benitez, who received this honor, has met with Rep. Burton and the other members of the Puerto Rican delegation of the Ad Hoc Committee on three consecutive days. Burton made clear upon his arrival in Puerto Rico that he had come specifically to meet with Benitez and the Governor to acquaint himself with the details of the Ad Hoc Committee work plan.

Friday morning Commissioner Benitez visited Governor Hernandez Colon to personally deliver a copy of the preliminary proposal. Benitez then went to the location of the Puerto Rican delegation meeting to take part in the final drafting of the proposal.

GERALD R. FORD LIBRARY

Good Riddance, 1974!

By JUAN M. GARCIA PASSALACQUA

(Garcia Passalacqua is a former La Fortaleza aide, attorney and consultant.)

THE SAN JUAN STAR — Friday, December 27, 1974

Ad Hoc Panel's Work May Be Hushed

By ED KONSTANT
STAR Washington Correspondent

obtain details of their discussions have not been successful. They have refused to make their deliberations public, insisting

working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each

Puerto Rico As A State

By JUAN M. GARCIA PASSALACQUA

(Garcia Passalacqua is a former La Fortaleza aide, attorney and consultant).

THE SAN JUAN STAR — Friday, December 13, 1974

THE SAN JUAN STAR — Saturday, December 28, 1974

Cook Will Remain On Ad Hoc Committee

By ED KONSTANT
STAR Washington Correspondent

Cook will be joining a new Washington branch of Shook, Hardy, and Bacon, a Kansas City law firm. It was not

FOCUS Opinion

It All Went Wrong

By HARRY TURNER
Editorial Page Editor

THE SAN JUAN STAR — Monday, December 30, 1974

Parte Puertorriqueña

EL MUNDO, Sábado 4 de Enero de 1975

Someterán a Vistas Públicas Anteproyecto Comité Ad Hoc

Por Salvador Guzmán
De la Redacción EL MUNDO

Puerto Rico comenzarán pronto y solamente tomarán un par

los asuntos que trate el organismo legislativo.

Someterán...

De la Primera Página

mité para tomar parte en los retoques finales a la presentación puertorriqueña.

La propuesta de una relación completa entorno a la mayor autonomía que se pide para

F.1-

AD HOC ADVISORY GROUP
ON PUERTO RICO
1016 16th Street, NW.
Washington, DC 20036

January 10, 1975

Mr. Norman E. Ross, Jr.
Domestic Council
The White House
Washington, D.C. 20500

Dear Mr. Ross:

Enclosed is a translation from El Mundo, a San Juan Spanish language paper, of an article appearing therein on January 8, 1975. The reporter alleges to have obtained an unofficial copy of the proposals being prepared by the Puerto Rican delegation.

The article also reports that the Puerto Rican delegation proposes to submit its proposals to public hearings in Puerto Rico prior to officially transmitting them to us. This procedure was rumored several days ago in a separate article.

Very truly yours,

Peter J. Gallagher
Executive Director

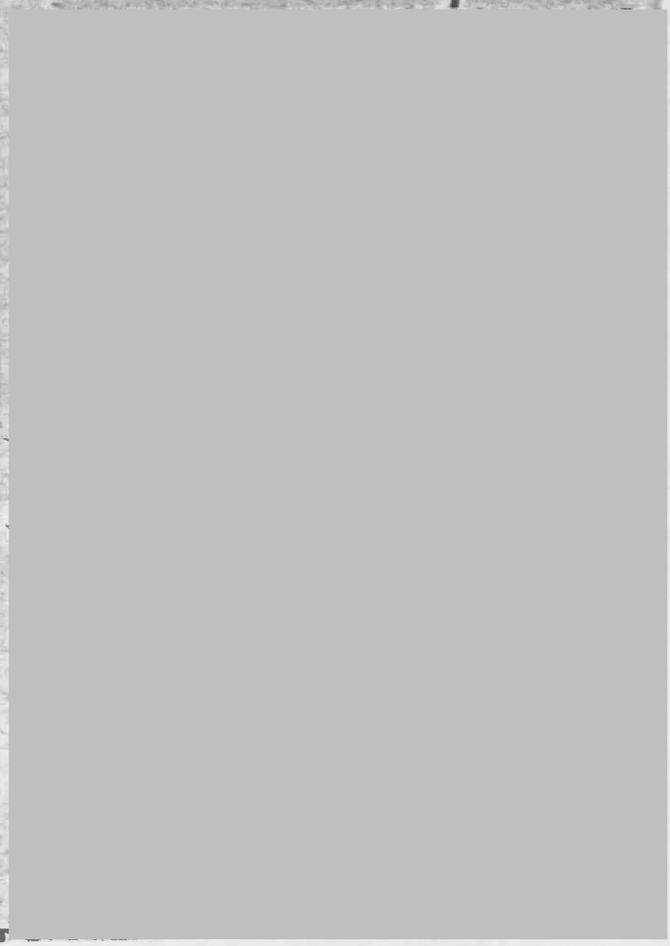
Encs.

GERALD R. FORD LIBRARY

1/13

THE SAN JUAN STAR—Thursday, January 9, 1975

Ad Hoc Unit Plans Additional Reports



El Mundo Page One
Wednesday, January 8, 1975

PUERTO RICAN MEMBERS OF THE AD HOC COMMITTEE RECOMMEND POWER TO VETO U.S. LAWS, CONTROL OF IMMIGRATION

Outstanding Points

* Will recommend that the Resident Commissioner have veto power over any federal law that applies to the Island, and which does not have a relationship of any kind with the rights and duties of citizens.

* Favors that the Puerto Rican legislature have the power to revoke the veto of the Resident Commissioner. The Puerto Rican Legislature could ask for the extension of a federal law to Puerto Rico, in the case that the Resident Commissioner vetoed it.

* Puerto Rico would have the power to restrict the entry of foreigners who are not citizens of Puerto Rico. The Island would establish its own system of immigration.

* Navigable waters that now are under Federal jurisdiction would be transferred to the control of the Government of Puerto Rico.

* Puerto Rico would make contributions to the Federal Treasury when the per capita income would make it feasible.

* A six member joint commission would be established that would study and make recommendations concerning the applicability of certain laws and regulations to the Island.

*****

(text)

The Puerto Rican delegation of the Ad Hoc Committee will recommend that the Resident Commissioner have veto power over any federal law that applies to the Island that does not have relation of any kind to the rights of citizens or with the principle of common defense.

The Puerto Rican delegation would also recommend that the Puerto Rican Legislature have the power to override the veto of the Resident Commissioner in Washington. That is, if the Commissioner objected to a federal law, the Legislature could accept it, there-

GERALD R. FORD LIBRARY

fore making it applicable to Puerto Rico.

Another of the important recommendations that the six (sic) Puerto Rican members of the committee will submit is that the Government of Puerto Rico be given the power to restrict the entry of foreigners who are not United States citizens. In other words, the Island would have the power to fix the quota of foreigners admissible in the country (Puerto Rico), and to authorize the entry of foreigners who are not authorized to enter by the federal authorities.

If the Puerto Rican electorate and the U.S. Congress accept the aforementioned recommendation, Puerto Rico would establish its own immigration system and every foreigner who lands at the International Airport or the docks in San Juan will have to identify himself to prove he is an American citizen.

The foregoing recommendations appear in the draft of the preliminary Pact of Permanent Association between Puerto Rico and the United States prepared by the Puerto Rican delegation to the Ad Hoc Committee, a copy of which El Mundo obtained.

The members of the Ad Hoc Committee will not make recommendations that could modify the three pillars on which rest the political relationship between the United States and Puerto Rico: common citizenship, common defense and common currency. Also, Puerto Rico will continue to be exempt from all federal taxation.

The preliminary proposal will be submitted to public hearings on the Island, so that the citizens can present their point of views, recommendations, suggestions or objections.

Then the preliminary proposal will be presented to the mainland delegation of the Ad Hoc Committee. The six (sic) members of the mainland delegation will study and analyze the document and will formulate their recommendations and suggestions to President Gerald Ford and Governor Rafael Hernandez Colon.

The new pact to be recommended should receive the approval of the Puerto Rican electorate in a referendum celebrated to that effect.

The Puerto Rican delegation to the Ad Hoc Committee will also recommend that the Commonwealth start to make economic contributions to the Federal Treasury "when the level of annual per capita income in the Commonwealth reaches 80% of the annual per capita income prevailing in the federal state with the lowest per capita income."

The preliminary proposal points out that the amount of this contribution will be determined jointly by the President of the United States and the Governor of Puerto Rico, taking into consideration among other factors the services and appropriations foreseen by the United States and by the Free Associated State, as well as those indexes of social welfare agreed on by the President and the Governor.

It provides that such contributions will be averaged in an ascending scale but on an adjustable basis for a period not to exceed 15 years; the objective being that at the end of said period the contribution of the Free Associated State be equivalent, but not greater, than the contribution of that state with the lowest per capita income among the federal states.

Another important recommendation the Puerto Rican members of the Ad Hoc Committee will make is that the navigable waters that are now under the jurisdiction of the Federal Government be transferred to the jurisdiction of the Island. The draft comments on this point as follows:

"That the harbor areas and navigable streams and bodies of water and submerged land underlying the same in and around the island of Puerto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes, be made and will continue to be property of the Free Associated State.

"Provided, That the laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce shall apply as they do now unless agreed to the contrary: Provided further, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or condi-

tions of any authorization, permits, or other powers heretofore lawfully granted or exercised until the present time, in or in respect of said waters and submerged land in and surrounding said Island and its adjacent islands by the Secretary of Defense or other authorized officer or agent of the United States."

The members of the Ad Hoc Committee will recommend the creation of a joint six member commission; three to be appointed by the President of the United States and three by the Governor. This commission would function in a permanent manner with the mandate to conduct studies and submit recommendations to Congress as well as to the Legislature of Puerto Rico concerning the advisability of retention, amendment or elimination of certain laws or of certain regulation.

It is recommended that the commission receive equal appropriations from the Government of the United States as well as from the Government of Puerto Rico.

The draft alludes to the land that was transferred to the control of the United States as a result of the change in sovereignty (in 1898) as follows:

"That all property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, 1898, and over which the United States retains title shall become property of the Free Associated State.

"Provided, That the United States may continue to use for public purposes that property designated at the present time for such purposes: Provided further, That the President may from time to time transfer to the people of Puerto Rico, such lands, buildings, or interests in lands or other property used by the United States as in his opinion are no longer needed for purposes of the United States. And the United States can from time to time accept from Puerto Rico through legislative concession, any lands, buildings, or other interests or property which may be needed for public purposes by the United States."

Concerning entry of non-citizen foreigners into Puerto Rico, the draft points out the following:

GERALD R. FORD LIBRARY

"That the movement of United States citizens or resident aliens of the United States or of Puerto Rico will proceed with total freedom from Puerto Rico to the United States, and from the United States to Puerto Rico upon passage of the Pact.

"That the laws and regulations of immigration will remain in effect in Puerto Rico as in the United States, except that the Government of Puerto Rico can in accordance with its own laws, fix the quota of foreigners admissible to Puerto Rico.

"That when the number of foreigners admitted to Puerto Rico has reached the quota fixed in accordance with the laws of Puerto Rico, additional foreigners can not be admitted to Puerto Rico, even when the quota for the United States is not filled, and except in cases required by common defense.

"That, notwithstanding the foregoing, Puerto Rico can, for scientific, professional, technical, cultural, industrial, agricultural or educational purposes, or for reasons of hospitality to political refugees, admit aliens even when its quota has been surpassed according to the laws of the United States. Aliens admitted in this manner will not acquire any right of residency in the United States, nor, on the basis of their admission to Puerto Rico, can they claim admission to the United States.

"That the respective authorities in the United States and in Puerto Rico will establish the capabilities and necessary regulations to duly facilitate compliance with the foregoing provisions while safeguarding the security and common defense of the United States and Puerto Rico."

#######

GERALD R. FORD LIBRARY

P.R. Admission To Carib Bank Rests On New Policy Analysis

By MARGARET HYMAN
United Press International

ed Puerto Rico's petition at their December meeting in Barbados and decided to refer it to the governors "for

On Federal Help