

75TH CONGRESS
1ST SESSION

H. R. 4885

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1937

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on Insular Affairs and ordered to be printed

A BILL

To enable the people of Puerto Rico to draft a constitution through a constitutional convention; to submit such constitution in referendum to the people of Puerto Rico; to provide for the establishment of independence if the people of Puerto Rico approve the constitution; and for other purposes.

Whereas, as a result of the treaty ending the Spanish-American War, a war undertaken in the name of liberty, the island of Puerto Rico, the island of Cuba, and the Philippine Archipelago came within the jurisdiction of the United States and under the authority of Congress;

Whereas, in assuming this responsibility, three duties devolved upon Congress: (1) To establish civil government, (2) to promote the welfare of the inhabitants, and (3) to take final action at the proper time as to the definite and permanent political status of these islands and their peoples;

BEST AVAILABLE COPY

Whereas these three duties have been discharged with regard to the island of Cuba and the Philippine Archipelago;

Whereas, in the discharge of the first of these duties with respect to Puerto Rico, Congress in 1900 and in 1917 established and developed forms of civil government by delegating certain powers to the people of Puerto Rico;

Whereas, in the discharge of the second of these duties with respect to Puerto Rico, Congress in 1900 established a limitation of five hundred acres on the control of lands by agricultural corporations in order to protect the welfare of the people of Puerto Rico against land monopoly;

Whereas, in the discharge of the second of these duties with respect to Puerto Rico, Congress has from time to time enacted legislation and made appropriations intended to promote the welfare of Puerto Rico;

Whereas, in spite of this discharge of its first two duties by Congress with respect to Puerto Rico, a situation has nevertheless developed in Puerto Rico, and grows increasingly serious, whereby it has become evident that the relationship established between the Government of the United States and the people of Puerto Rico by the Treaty of Paris is not beneficial or satisfactory either to the people of Puerto Rico or to the people of the United States;

Whereas the former suffer from a system, based largely on the violation of the congressional enactment of 1900 in restraint of land monopoly, in which absentee ownership continuously saps the economic strength of the island;

Whereas the people of Puerto Rico, not having an executive control in the government of the island, have lacked the power to check developing economic evils;

Whereas, on the other hand, taxpayers over the whole United States are called upon to mitigate the results of this system, which is in no way beneficial to them, by frequent appropriation of funds from the Federal Treasury;

Whereas this obviously gives rise to an injustice to the people of the United States and to the people of Puerto Rico;

Whereas to correct this injustice Congress is now called upon to discharge its third duty with respect to Puerto Rico, as it has already discharged it with respect to other territory that came under the jurisdiction of the United States as a result of the Treaty of Paris—that is, to determine the final and permanent political status of the island and its people in a manner that shall be mutually beneficial to the island and to the Nation;

Whereas Congress has full authority under the Constitution and the laws to make such determination, with Presidential approval, and without intervention by the people of Puerto Rico; and

Whereas, in honoring the principle of democracy upon which the people of the United States have reared their national existence, it is deemed fair that the people of Puerto Rico shall have nevertheless a voice and a vote in determining under what conditions their whole future life is to be established:
Therefore

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That it is hereby declared to be the policy of Congress to grant
- 4 independence to the people of Puerto Rico under a consti-
- 5 tution meriting their approval, in the framing and approval

1 of which the Government of the United States shall intervene
2 only for the protection of the legitimate rights of the United
3 States in the premises.

4 It is hereby likewise declared to be the policy of Con-
5 gress that if the people of Puerto Rico do not desire their
6 independence they may in the manner provided in section
7 4 of this Act express their will in this respect.

8 It is furthermore declared to be the policy of Congress
9 to maintain with the people of Puerto Rico, if they choose
10 independence, a mutually fair and beneficial commercial
11 relationship, evolved through the instrumentalities provided
12 for in sections 5 and 12 of this Act.

13 CONVENTION TO FRAME CONSTITUTION FOR PUERTO RICO

14 SEC. 2. An election shall be held in Puerto Rico on
15 the second Tuesday of July 1938 to elect fifty-one dele-
16 gates at large to a constitutional convention. Within sixty
17 days thereafter the Governor of Puerto Rico shall proclaim
18 the results of such election and shall fix a date, not later
19 than October 1, 1938, upon which the convention shall meet
20 in the Capitol Building at San Juan to formulate and draft
21 a constitution for the government of the Republic of Puerto
22 Rico, which shall exercise jurisdiction over all the territory
23 in the West Indies ceded to the United States by article
24 II of the Treaty of Peace concluded between the United
25 States and Spain on the 10th day of December 1898. The

1 laws relating to qualifications of voters and safeguarding of
2 elections which governed the election of November 3, 1936,
3 shall apply to this election, with such modifications and addi-
4 tions as the President may by order prescribe in order to
5 carry out the purpose of securing a true expression of the
6 choice of the people of Puerto Rico.

7 SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF THE
8 UNITED STATES

9 SEC. 3. (a) Within three months after the first meet-
10 ing of the constitutional convention, the constitution drafted
11 and approved by such convention shall be submitted to the
12 Governor of Puerto Rico, who shall in turn submit it to the
13 President of the United States. If he approves the consti-
14 tution, he shall so certify to the Governor of Puerto Rico,
15 who shall so advise the constitutional convention.

16 (b) If the President disapproves the constitution, he
17 shall so advise the Governor of Puerto Rico, submitting his
18 objections thereto and alternative provisions. The Governor
19 shall in turn submit such message to the constitutional con-
20 vention for further action by it pursuant to the procedure
21 herein provided until the President and the constitutional
22 convention are in agreement. Failure of the President to
23 advise the Governor of his approval within sixty days after
24 submission of the constitution by the constitutional conven-
25 tion to the Governor shall be deemed equivalent to a certifi-

1 cation of approval by the President. Failure of the
2 constitutional convention to return the constitution to the
3 Governor within sixty days after receipt of a message from
4 the President submitting his objections and alternative pro-
5 visions shall be deemed equivalent to an approval by the
6 convention of such alternative provisions and the draft with
7 said provisions shall be submitted by the Governor of Puerto
8 Rico as approved by the convention to the President for
9 his certification.

X
10 SUBMISSION OF CONSTITUTION TO THE PEOPLE OF
11 PUERTO RICO

12 SEC. 4. Not less than two nor more than four months
13 after the President of the United States has certified his
14 approval of the constitution, on a date to be fixed by the
15 President, the constitution shall be submitted to the people
16 of Puerto Rico for ratification or rejection at an election at
17 which the qualified voters of Puerto Rico shall have an
18 opportunity to vote directly for or against such constitution.
19 The laws relating to qualifications of voters and safeguarding
20 of elections which governed the election of November 3,
21 1936, shall apply to this election, with such modifications and
22 additions as the President may by order prescribe in order
23 to carry out the purpose of securing a true expression of the
24 choice of the people of Puerto Rico. Within thirty days
25 after the election the Governor of Puerto Rico shall certify

1 the result to the President of the United States, together with
2 a statement of the votes cast and a copy of the constitution
3 voted upon, and shall proclaim such result. If a majority
4 of the votes cast shall be against the constitution, then the
5 constitutional convention shall frame a new constitution,
6 which shall be submitted to the Governor for transmission to
7 the President within six months after certification of the result
8 of the election, and the procedure provided in section 3 and
9 in this section shall be followed until a constitution framed
10 in accordance with this title receives the favorable vote of a
11 majority of the votes cast at an election: *Provided, however,*
12 That if in the third election held pursuant to this provision
13 a majority of the votes cast are against the constitution sub-
14 mitted, the operation of this Act shall thereupon terminate.

15 NEGOTIATION OF A PROPOSED COMMERCIAL AGREEMENT

16 BETWEEN THE UNITED STATES AND PUERTO RICO

17 SEC. 5. (a) If a majority of the votes cast at an elec-
18 tion held pursuant to section 4 shall be for the constitution
19 submitted, a commission of ten members, five designated
20 by the constitutional convention and five by the President
21 of the United States, shall meet in the city of Washington
22 within sixty days after the certification of the election in
23 order to formulate and draft a proposed commercial agree-
24 ment between the United States and the independent
25 Republic of Puerto Rico, as hereinafter provided.

1 (b) A draft of such proposed agreement, concurred in
2 by both a majority of the commissioners designated by the
3 President of the United States and a majority of the com-
4 missioners designated by the constitutional convention, shall
5 be certified by the Commission to the President and to the
6 constitutional convention. If the President approves the
7 draft he shall so certify to the Governor of Puerto Rico,
8 who shall so advise the constitutional convention. There-
9 upon, if the constitutional convention approves the draft it
10 shall so advise the Governor of Puerto Rico, who in turn
11 shall so advise the President.

12 (c) If the President disapproves the draft, he shall so
13 advise the Governor of Puerto Rico submitting his objections
14 thereto and alternative provisions. The Governor shall in
15 turn submit such message to the constitutional convention
16 for further action by it pursuant to the procedure herein
17 provided. If the constitutional convention disapproves the
18 draft in the form approved by the President, or the alterna-
19 tive provisions submitted by him, it shall so advise the
20 Governor of Puerto Rico, stating its objections and sub-
21 mitting alternative provisions of its own. The Governor shall
22 in turn submit such message to the President for further
23 action pursuant to the procedure herein provided. Such
24 procedure shall be followed until the President and the con-
25 stitutional convention are in agreement. Failure of the

1 President to advise the Governor of his approval or dis-
2 approval of a draft within sixty days after its certification
3 by the commission or of the alternative provisions of the
4 constitutional convention within sixty days after its sub-
5 mission by the constitutional convention to the Governor,
6 as the case may be, shall be deemed equivalent to a certifica-
7 tion of approval by the President. If, within sixty days after
8 receipt from the Governor of a draft approved by the Presi-
9 dent or of alternative provisions submitted by him, the con-
10 stitutional convention fails to advise the Governor of its
11 approval or disapproval, the draft in the form approved by
12 the President or such alternative provisions, as the case
13 may be, shall be deemed approved by both the President
14 and the convention.

15 ELECTION OF GOVERNMENT OF PUERTO RICO AND INDE-
16 PENDENCE OF PUERTO RICO

17 SEC. 6. Within thirty days after such approval, the
18 Governor shall issue a proclamation for the election of officers
19 of the independent Government of Puerto Rico provided for
20 in the constitution approved by the people of Puerto Rico
21 pursuant to section 4. The qualifications for voting and
22 the safeguards for such election shall be as provided in
23 such constitution, but no citizen who has filed a declaration
24 of intention to retain his American citizenship pursuant to
25 section 7, or for whom the period prescribed by such sec-

1 tion within which to file his declaration has not expired, shall
2 be entitled to vote in such election. The election shall
3 take place not earlier than three months and not later than
4 six months after the proclamation of the Governor, on a
5 date fixed in such proclamation. Within thirty days after
6 such election the Governor of Puerto Rico shall certify the
7 result of the election to the President of the United States,
8 who shall thereupon issue a proclamation announcing the re-
9 sult of the election, withdrawing and surrendering all right
10 of possession, supervision, jurisdiction, control, or sover-
11 eignty then existing and exercised by the United States in
12 and over the territory and people of Puerto Rico, including
13 all military and other reservations of the Government of
14 the United States in Puerto Rico and, on behalf of the
15 United States, recognizing the independence of Puerto Rico
16 as a separate and self-governing nation and acknowledging
17 the authority and control over the same of the government
18 instituted by the people thereof, under the constitution then
19 in force. Upon the issuance of such proclamation by the
20 President the existing government of Puerto Rico shall
21 terminate and the new government shall enter upon its
22 rights, privileges, power, and duties as provided under the
23 constitution, which shall thereupon take effect. The present
24 government of Puerto Rico shall provide for the orderly
25 transfer of the functions of government.

RIGHT TO RETAIN AMERICAN CITIZENSHIP

1 SEC. 7. (a) Every citizen residing in Puerto Rico on the
2 date of the election approving the constitution pursuant to
3 section 4 and every citizen whose citizenship is based upon
4 legislation directed exclusively to Puerto Rico may retain
5 his American citizenship upon compliance with the provisions
6 of this section.

7
8 (b) Any such citizen residing in Puerto Rico who de-
9 sires to remain an American citizen shall file with the United
10 States District Court for the District of Puerto Rico, under
11 rules and regulations to be prescribed by said court, a
12 declaration duly acknowledged that he intends to retain his
13 American citizenship. Such declaration shall be made in
14 quadruplicate, one copy to remain among the records of said
15 court, one copy to be by it forwarded to the Secretary of
16 State of the United States, one copy to be by it transmitted
17 to the Governor of Puerto Rico, and one copy to be retained
18 by the declarant.

19 (c) Any such citizen residing elsewhere in the United
20 States may similarly file such a declaration of intention with
21 any official authorized to administer oath in naturalization
22 proceedings; and any such citizen residing outside the United
23 States, with a diplomatic or consular official of the United
24 States. Such official shall thereupon forward such declara-
25 tion to the United States District Court for the District of

1 Puerto Rico, under rules and regulations to be prescribed
2 by said court.

3 (d) Such declaration must be filed within six months
4 after the date of the election approving the constitution:
5 *Provided, however,* That such declaration need not be
6 filed by a minor child or person under legal disability before
7 six months after attaining majority, or after removal of
8 disability, as the case may be. Appropriate provision shall
9 be made for the filing of declaration which, under the pro-
10 visions of this subsection, may not be required until after
11 the date of the proclamation of independence.

12 (e) Any citizen referred to in subsection (a) who
13 fails to file such a declaration of intention within the ap-
14 plicable period specified in this section shall be deemed a
15 citizen of Puerto Rico, upon the proclamation of indepen-
16 dence of Puerto Rico or upon the expiration of the applicable
17 period, whichever happens later. Until such time, however,
18 all such citizens shall retain their American citizenship.
19 After such time, no such citizen shall regain American citi-
20 zenship except under the provisions of the naturalization
21 law.

22 (f) As used in this section the term "United States"
23 includes Puerto Rico, all other territories and possessions of
24 the United States, the Commonwealth of the Philippine
25 Islands, and the Canal Zone.

1 NOTIFICATION TO FOREIGN GOVERNMENTS

2 SEC. 8. Upon the proclamation and recognition of the
3 independence of Puerto Rico, the President shall notify
4 the governments with which the United States is in diplo-
5 matic correspondence thereof and invite said governments
6 to recognize the independence of Puerto Rico.

7 TRANSFER OF PROPERTY AND RIGHTS TO REPUBLIC OF
8 PUERTO RICO

9 SEC. 9. All the property and rights which may have
10 been acquired in Puerto Rico by the United States under
11 the treaty mentioned in section 2 of this Act, except such
12 land or any other property as has heretofore been designated
13 by the President of the United States for military and other
14 reservations of the Government of the United States and
15 except such land or other property or rights or interests
16 thereon as may have been sold or otherwise disposed of
17 in accordance with law are hereby granted to the govern-
18 ment of the Republic of Puerto Rico effective upon the
19 proclamation of independence of Puerto Rico.

20 PROCESSING TAXES

21 SEC. 10. The United States will pay to the government
22 of the Republic of Puerto Rico the aggregate sum of all
23 processing taxes collected in Puerto Rico by virtue of the
24 Act of May 9, 1934 (48 Stat. 670), which have not been
25 refunded to processors or expended or obligated for expendi-

1 ture in Puerto Rico for the benefit of agriculture prior to
2 the proclamation of independence.

X 3 FINANCIAL ARRANGEMENTS ON INDEPENDENCE OF
4 PUERTO RICO

5 SEC. 11. Effective upon the proclamation of independ-
6 ence of Puerto Rico, the existing public debt of Puerto
7 Rico, insular and municipal, shall be, and hereby is, assumed
8 by the United States, and all claims of the United States
9 against residents of Puerto Rico then existing shall be, and
10 hereby are, transferred and set over to the Republic of Puerto
11 Rico. The Republic of Puerto Rico shall thereupon become
12 indebted to the United States for the amount of the debt
13 hereby assumed and the amount of the claims hereby trans-
14 ferred and set over.

X 15 TRADE RELATIONS AFTER THE INDEPENDENCE OF PUERTO
16 RICO

17 SEC. 12. Trade relations as existing between Puerto
18 Rico and the remainder of the United States immediately
19 prior to the proclamation of independence shall continue
20 in effect until such time as a commercial agreement between
21 the United States and the Republic of Puerto Rico regu-
22 lating such relations shall have been concluded and ratified
23 by both countries: *Provided, however,* That if no commercial
24 agreement between the United States and the Republic of
25 Puerto Rico shall have been concluded and ratified by both

1 countries within two years after the date of the proclamation
2 of independence, then beginning with the third year there
3 shall be levied on all articles imported from Puerto Rico
4 into the United States a duty of 20 per centum of that
5 required by the laws of the United States to be levied, col-
6 lected, and paid on like articles imported from foreign coun-
7 tries, beginning with the fifth year after the proclamation
8 of independence a duty of 40 per centum, beginning with
9 the seventh year a duty of 60 per centum, beginning with
10 the ninth year a duty of 80 per centum, and beginning with
11 the eleventh year a duty of 100 per centum: *Provided*
12 *further*, That if at any time prior to the ratification by
13 both countries of such a commercial agreement the Presi-
14 dent finds that the Republic of Puerto Rico has imposed
15 any tariff, customs, duties, or restrictions on imports from
16 the United States into Puerto Rico, the President is author-
17 ized by order to establish duties on articles imported into
18 the United States from Puerto Rico at the same rate as
19 may have been established by Puerto Rico on articles im-
20 ported into Puerto Rico from the United States: *And pro-*
21 *vided further*, That if the President finds that the Republic
22 of Puerto Rico has lowered the customs, tariffs, or duties
23 on imports from other countries into Puerto Rico from those
24 existing immediately prior to proclamation of independence,
25 there shall thereafter be levied on all articles imported from

1 Puerto Rico into the United States duties at the rate which
2 are required by the laws of the United States to be levied,
3 collected, and paid on like articles from foreign countries.
4 As soon after the proclamation of independence as prac-
5 ticable the President is requested to enter into negotiations
6 with the Republic of Puerto Rico for such agreement upon
7 the basis of the draft of a commercial agreement which has
8 secured the approval of the President and the constitutional
9 convention, pursuant to section 5.

10 PROVISION OF CERTAIN EXPENSES

11 SEC. 13. All necessary expenses of the elections, the con-
12 stitutional convention, and the commissioners designated by
13 the convention in the negotiation of the proposed commercial
14 agreement under this Act shall be provided by the Legisla-
15 ture of Puerto Rico, with the approval of the Governor.
16 The sum of \$10,000 is hereby appropriated to defray all
17 necessary expenses of the commissioners designated by the
18 President in the negotiation of the proposed commercial
19 agreement under this Act.

A BILL

To enable the people of Puerto Rico to draft a constitution through a constitutional convention; to submit such constitution in referendum to the people of Puerto Rico; to provide for the establishment of independence if the people of Puerto Rico approve the constitution; and for other purposes.

By Mr. CARTWRIGHT

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