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ORIGINS OF THE COMMONWEALTH  
OF PUERTO RICO IN THE CONTEXT OF  
UNITED STATES STRATEGIC INTERESTS IN THE CARIBBEAN  
(1938-1950)

by

Francisco J. González Sosa

A thesis submitted in partial  
fulfillment of the requirements for the  
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Chairperson

## ABSTRACT

### ORIGINS OF THE COMMONWEALTH OF PUERTO RICO IN THE CONTEXT OF UNITED STATES STRATEGIC INTERESTS IN THE CARIBBEAN (1938-1950)

González Sosa, Francisco J, M.A. *Mankato State University*. Mankato, Minnesota. 1995. 80pp.

The purpose of this paper is to explore the political and military considerations that provided the frame of reference for the promulgation of the Commonwealth of Puerto Rico in 1952. Since 1492 possession of this island has been coveted by nations with vital interest in the Caribbean region. To the United States, who conquered the island in 1898, Puerto Rico formed the backbone of the defense perimeter for the Panama Canal and adjacent shipping lanes. Experience during World War II and the subsequent threat from the Soviet Union reinforced the military value of the island. The importance of the geostrategic location of the island to the United States was the crucial factor that determined the type of political system that substituted fifty years of U.S. colonial rule with a measure of self-government. The leadership of Luís Muñoz Marín and the moderate ideology of his Partido Popular Democrático (Popular Democratic Party) proved to be the best vehicle for the implementation of the reforms that would guarantee both the preservation of U.S. sovereignty over Puerto Rico and the improvement of the welfare of the people of the island.

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## CHAPTER I

### INTRODUCTION

The Island of Puerto Rico is located in the middle of the Antillean archipelago that runs between Florida and South America. With a territorial extension of only 3,423 square miles, Puerto Rico is the smallest of the Greater Antilles which also includes the islands of Cuba, Jamaica and Hispaniola. The mountainous terrain is the dominant topographic feature, while the tropical climate and abundant rainfall provide an ideal environment for many species of plants. However, due to the isolation from the continental land masses, Puerto Rico contains few native animal species (mostly reptiles and birds). These factors influenced the economic development and the pattern of settlement that evolved on the island.<sup>1</sup>

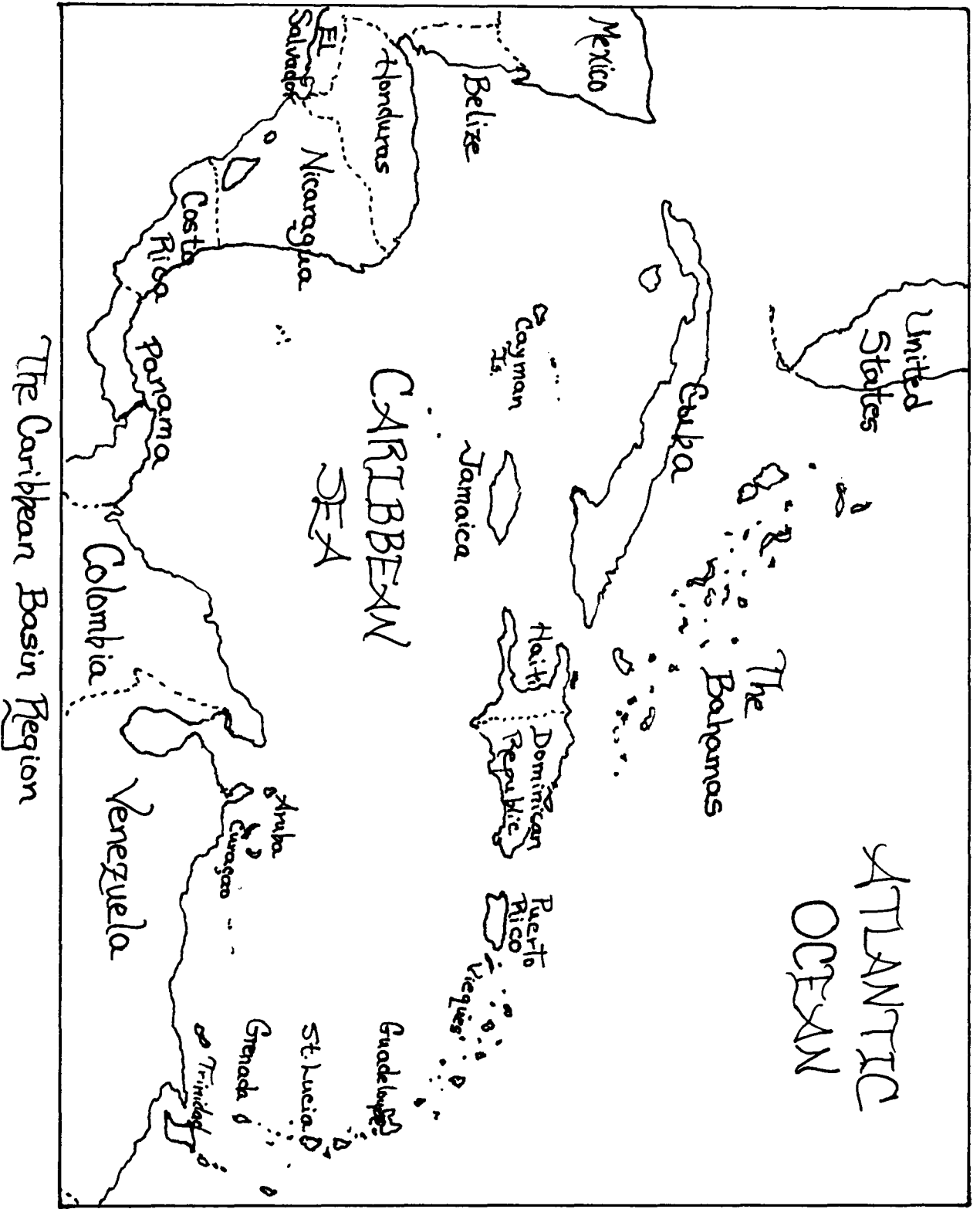
The first evidence of humans in the Greater Antilles date from around the 1st. century AD, when groups of hunter-gatherers, believed to have come from the Florida Peninsula, settled along the coasts and rivers of the islands. Later arrivals were the Arawak or Taino Indians who emigrated into the area from the northern coast of South America around the year 500 AD, eventually displacing the earlier inhabitants. The Arawak were an agricultural people, with a relatively complex social organization. They were the first Native Americans encountered by Christopher Columbus when he landed in Guanahaní (San Salvador, one of the Bahamas Islands) on October 12, 1492.

During his next voyage to the Caribbean, Columbus landed on Boriquén (the Arawak name for Puerto Rico) on November 19, 1493. The explorer

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<sup>1</sup> For a review of the history of Puerto Rico until 1898, see Loida Figueroa, Breve historia de Puerto Rico, 2 vols. (Río Piedras, Puerto Rico: Editorial Edil, 1979).





The Caribbean Basin Region

claimed possession of the island for the Kingdom of Spain, but did not establish any outpost or try to investigate the interior. No attempts were made to colonize the island until 1508, when Juan Ponce de León built a fort near present-day San Juan. Ponce de León befriended Agüeybaná, a powerful chieftain in Boriquén, and relations between the Spanish newcomers and the Arawaks were at first cordial. The colonists dedicated themselves mostly to the mining of gold which they found in limited supply. As gold output dwindled, the colonists increased their increased demands for land, food and forced labor from the indigenous inhabitants. Such exploitation ignited an Indian revolt in 1510 that was put down with difficulty. Many among the defeated Arawaks withdrew into the mountains of the interior while others left to join the Carib Indians who lived in the islands of the Eastern Caribbean, still free of European domination.

The period following the Arawak uprising was characterized, paradoxically, by the rapid decline of the Spanish settlements in Puerto Rico. The Spaniards left because they exhausted the gold deposits and decimated their Indian labor force. The Arawaks died in large numbers as a result of the spread of diseases, overwork and destruction of their social order. African slaves were introduced in 1513, mostly to work in the fledging sugar cane plantations, but they could not completely satisfy the need for labor. The news of the conquest of Mexico and Peru produced a severe loss of population, as many settlers abandoned the island for the greater riches of the new parts of the Spanish empire.

Despite the lack of economic importance and rapid depopulation, the Spanish government understood the strategic value of Puerto Rico as a military outpost for protecting the Armadas, the galleon fleets that every year sailed from Panama carrying valuable cargo from South America and Mexico to Spain. Other European nations also realized the advantages of controlling

Puerto Rico and, beginning with the French in 1528, launched intermittent attacks on the island. In response the Spanish authorities commenced to build a series of fortresses to defend San Juan, the main port and city. Due to the poor state of the economy local taxes alone could not finance the military constructions and support the garrison, and in 1582 a subsidy from the Mexican treasury (the situado), was authorized to pay the cost of defending Puerto Rico. The fact that the island was an economic liability to the treasury was more than compensated by the military advantage it gave the Spanish against the European rivals encroaching into their territories.

These defenses were tested time and again by continued attacks from the English (the notorious Francis Drake in 1595 and the Earl of Cumberland in 1598), the Dutch (in 1625) and assorted pirate raids during the next two centuries. By the end of the 18th century the defenses of San Juan consisted of a wall around the entire city, the large fortresses of San Felipe del Morro and San Cristóbal and several smaller redoubts (San Antonio, San Gerónimo and Isla de Cabras), all garrisoned by around 2,500 regular troops with ample artillery.

The emphasis on the military readiness did not translate into an improvement of the economic and social situation of the island. Small-scale production of sugar, tobacco, ginger, rice and assorted tropical fruits generated only limited income. Hides and salted meat also became important exports during the seventeen and eighteen centuries, mostly to supply passing ships. But again, the income was meager. Compared to the gold and silver producing zones of the mainland, Puerto Rico became a marginal area in the Spanish empire.

However, during this period of isolation and backwardness, the people of

Puerto Rico developed distinct cultural and ethnic characteristics. Spanish intermarriage with the Arawaks and with the African slaves gave rise to a racially mixed population. Although modified by the incorporation of Indian and African traits, Spanish culture remained predominant. Spaniards imposed their religion, government and economic system on the island. High officials in the Church and government, plus wealthy merchants and landowners occupied the privileged positions in society. The poor consisted of free peasants, slave plantations laborers and marginal day laborers.

The United States War of Independence (1775-1783) and the French Revolution (1789) set the stage for a series of profound social, political and economic changes in Spain and across the Spanish empire in the Americas. The sugar industry in Puerto Rico developed in earnest, as well as the production of coffee. Liberalization of the rigid trade policies increased exports to not only the the rest of the Spanish empire, but also to the new markets of the United States. The improving economy and the intellectual influence of the revolutions in North America and Europe contributed to a more precise definition of Puerto Ricans as distinct people. This sentiment was enhanced by the defeat in 1797 of a final British attempt to conquer the island. During the battle the local militia claimed their share of the victory when they rescued the outnumbered regular Spanish garrison. Despite their victory, however, a Creole move toward reform and autonomy was cut short by other developments.

The outbreak of the Wars of Independence in Mexico and South America in 1810 ironically strengthened the ties of the island to Spain. Many royalists fled to the island from Venezuela, Peru and Mexico, bringing not only their property and skills but also their unconditional pro-Spanish allegiance. By 1824 the Spanish empire in the Western Hemisphere comprised only Cuba and Puerto

Rico. Once the mainland had become independent, the elaborate fortifications on the island suddenly became obsolete. Rather than be concerned about external threats, the military garrison in Puerto Rico began to worry more about internal unrest. Since the colonial authorities viewed any requests for reforms with suspicion, they blocked even minor changes. The governor, always a military man appointed by the Crown, had almost unlimited powers to rule by decree. Furthermore, the fear that the political unrest in Spain would reach Puerto Rico also worked against the development of reform in the administration of the colonies.<sup>2</sup>

By the late nineteenth century the reformists elements among the Puerto Rican political leadership managed to obtain from Spain the granting of greater powers of self-government. The Carta Autonómica (Autonomic Charter) of 1897 allowed for the election of a legislative body who was in control of virtually all aspects of the administration of the island, except for matters of defense and some international relations. The Spanish government granted the requests for reform to Puerto Rico to avoid a repetition of the unrest in Cuba, where a violent rebellion launched to achieve the independence of that island began in 1895. The Carta Autonómica was also extended to Cuba, in the hope that this would help pacify the country, but the main revolutionary forces there would not agree to anything short of total independence from Spain.

These reforms were hardly in place when the coming of the Spanish-American War forever changed the island. Following the declaration of war on April 25, 1898, between Spain and the United States over the Cuban

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<sup>2</sup> Between 1833 and 1878 Spain experienced two major civil wars, several regional insurrections and coups, the substitution of the Queen by an Italian prince, this followed by the proclamation of a republic, before reverting again to a constitutional monarchy. For more information see Antonio Ballesteros y Beretta, Historia de España e influencia en la historia universal, (Barcelona, Spain: Salvat, S.A., 1943).

independence issue, Puerto Rico was subjected again to attack by a foreign power, this time a stronger nation than those of past centuries. After a short campaign, most of the island was occupied by U.S. forces and eventually ceded to the United States by the Treaty of Paris. This agreement initiated the close political, cultural and economic relationship between Puerto Rico and the United States which continues to the present. From the earliest days of the new rule over the island, however, it became clear that, despite the hopes of the leading politicians and civic leaders in Puerto Rico, the United States presence was not a prelude to independence but merely the exchange of one colonial master for another.

From 1900 to 1940 the United States lacked a coherent policy toward the island. Debate among U.S. functionaries centered on the issue of eventual statehood for Puerto Rico. Some felt that after a period of cultural and political "Americanization" this could be accomplished, while others pointed out that the racial and cultural differences were too strong and the economy of the island too weak to warrant incorporation into the Union. Symptomatic of this ambivalence was the fact that U.S. citizenship was not granted to Puerto Ricans until 1917, at the same time that a very limited form of self government (the Jones Act) was introduced. The Jones Act was designed to substitute the Spanish laws still in effect. While granting some powers to a legislative body, the governor (appointed by the President) could not only veto any legislative actions but could, in effect, rule by decree. The Federal government, both Congress and the President, retained control over most economic and administrative affairs of the island. The political parties that developed in Puerto Rico during this period were mostly concerned with changing the colonial relationship between the U.S. and the island by achieving either statehood or

independence.

At the end of World War II the status situation of Puerto Rico became a dilemma to U.S. policy makers. For the United States to maintain a colonial possession provided the Soviet Union with an important propaganda weapon which the Soviet delegates to the United Nations did not hesitate to use. But at the same time the U.S. considered Puerto Rico a strategic asset, whose military installations proved to be very valuable during the war, and that were expected to be employed again in case of a similar attack from the Soviet Union. For this reason, the U.S. military wanted to retain unrestricted control of the island. This dilemma was solved by the emergence of a new political force, Luís Muñoz Marín and his Partido Popular Democrático (Popular Democratic Party), that successfully steered Puerto Rico toward the present Commonwealth status, a form of political autonomy which was acceptable to most Puerto Ricans as well as to the United States. The genesis of this Commonwealth position and how the Puerto Rican leaders involved in this process found common ground with U.S. military and political officials will be the focus of this paper.

Several publications dealing with the origins of the Commonwealth have focused on the political process in both Washington and Puerto Rico, the juridical and constitutional issues that guided the development of this formula, or the socio-economic background of the relationship between the island and the U.S., without describing the reasons why the U.S. was concerned with maintaining a presence in Puerto Rico. The climate of confrontation with the Soviet Union and how that was perceived by U.S. policymakers helped to shape to a considerable degree the development of the Commonwealth alternative. Gordon K. Lewis in his influential book Puerto Rico: Freedom and

Power in the Caribbean<sup>3</sup> sets out to describe both the societal evolution in the island since 1898 and also how the resulting model of Puerto Rican-U.S. relations fits into the changing world of nationalist and decolonization movements then (1963) sweeping not only the Caribbean area but much of the developing world.

The author states that :

[t]he Puerto Rican experience . . . raises problems of some urgency in the modern world . . . Is the welfare-state ideology (all contemporary nationalist movements espouse it) in itself sufficient to withstand the emergence of a Westernized class society . . .? Will the new colonial nationalisms repeat the errors of Western nationalism? Can 'democracy' emerge and survive in situations profoundly different from those surrounding its original rise in England, France and the United States? . . . What fresh relationships between politics and culture will arise?<sup>4</sup>

Lewis regards the process that led to the proclamation of the Commonwealth in 1952 "as simply the end result of of a sixty-year old process whereby Congress has progressively handed over successive shares of the Congressional governing power to the island,"<sup>5</sup> at the same time retaining the power to revoke all laws approved by the Commonwealth, including the Constitution of 1952 itself. Concluding that Puerto Rico remains basically a U.S. colony, Lewis indicates that only independence could allow Puerto Rico to fully develop socially and economically. The author, however does not discuss the national interests (political, economic or military) that compelled the U.S. to maintain the final say on all matters regarding Puerto Rico.

Arturo Morales Carrión reviews the advent of the Commonwealth in his

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<sup>3</sup> Gordon K. Lewis. Puerto Rico: Freedom and Power in the Caribbean (New York: Monthly Review Press, 1963).

<sup>4</sup> Ibid., 22.

<sup>5</sup> Ibid., 415.



comprehensive work Puerto Rico: A Political and Cultural History<sup>6</sup> giving a detailed account of the political career of Luís Muñoz Marín and the rise of his Partido Popular Democrático, and how the desire for social and economic reform in Puerto Rico supported the overhaul of the colonial political system then in place. Morales Carrión also describes the attitude in Congress to the various proposals made during the 1940's to achieve such reform. He explains as well how the strategic military location of Puerto Rico during World War II shaped the political discourse during the war. The author, however, does not present the continuing military importance of the island after 1945 as one of the driving factors behind the granting of Commonwealth status. Instead, he focuses on the political need to accommodate the situation of Puerto Rico to the post-war impetus toward ending colonialism:

[i]f in 1940-1945 Puerto Rico had played the role of a Caribbean Malta, from 1952 onwards it became a bastion of democratic thought and action in the Caribbean. Many in the Caribbean and in Latin America traditionally favored independence; but others admired the way Muñoz and his associates were transforming a heritage of poverty and want while progressively achieving growing powers *vis-a-vis* the most powerful nation in the world.<sup>7</sup>

The author's main point is that after the approval of the Commonwealth, the United States was able to convince many Latin American countries that Puerto Rico no longer was a colony but an equal partner in an association with the U.S. With their support, the U.S. managed to have the island withdrawn from the United Nations list of colonial territories, an important diplomatic success.

The essays collected in Puerto Rico: The Search for a National Policy<sup>8</sup> and edited by Richard J. Bloomfield represent the range of ideological opinions

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<sup>6</sup> Arturo Morales Carrión, Puerto Rico: A Political and Cultural History (New York: W. W. Norton & Co., Inc., 1983).

<sup>7</sup> *Ibid.*, 282.

<sup>8</sup> Richard J. Bloomfield, ed., Puerto Rico: The Search for a National Policy, (Boulder, Westview Press, 1985).

regarding the development of the Commonwealth status. The editor indicates the relevance the political situation of Puerto Rico " . . . as it represents a dichotomy between American ideals and institutional reality. Puerto Rico is an anomaly in the U.S. political system."<sup>9</sup> Characterizing the island as a colony, he contends that because the U.S. succeeded in removing the island from the United Nations' list of non self-governing territories in 1953 does not mean that the status situation was permanently resolved. This is the common thread that runs through all the issues presented by all the contributors to this book.

The editor contends that the Commonwealth formula was the product of a compromise that would simultaneously satisfy the diplomatic needs of the U.S. (i.e, at the United Nations and to improve relations with Latin America), the desire of Congress to maintain ultimate control over the island, and the genuine desire for political self-determination and economic improvement that the people of Puerto Rico demanded. Such an arrangement was bound to face opposition sooner or latter as the original premises upon which the compromise was crafted changed or became obsolete. For example, the economy of Puerto Rico in 1980 was totally different from that of 1940, and the focus of U.S. policy toward Latin America shifted from a desire to obtain diplomatic support at the U.N. to striving to defeat leftist revolutionary movements in Central and South America. However, neither the editor nor the contributors comment on the role that the island has as the key link in the defense perimeter of the United States against any possible Soviet military incursions in the Caribbean region.

Gerardo Navas Dávila in La dialéctica en el desarrollo nacional: el caso de Puerto Rico<sup>10</sup> presents another interpretation of the path that eventually led to

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<sup>9</sup> Ibid., 1.

<sup>10</sup> Gerardo Navas Dávila, La dialéctica del desarrollo nacional: el caso de Puerto Rico, (Río Piedras, Puerto Rico, Editorial Universitaria, 1978).

the establishment of the Commonwealth. The author describes the national character, the concepts of identity and national conscience, of Puerto Rico as determining factors in the formulation of the Commonwealth status as the pragmatic ideological solution to the colonial system created by the U.S. since 1898. In this analysis the strategic and military value of the island is at best of secondary concern to the economic aspect of the U.S.-Puerto Rican relationship. Navas Dávila proposes that until 1947 Luís Muñoz Marín and the Partido Popular Democrático were really trying to improve the economic and social picture of Puerto Rico and terminate the stranglehold that U.S. owned companies had on the sugar industry (the main economic activity), in order to prepare the island ultimately for political independence. The author states that "[f]aced with an American imperialism that, while "tame" on political issues, was 'aggressive,' 'crafty' and 'intelligent' on economic issues, Muñoz realizes the impossibility of an economically viable independence"<sup>11</sup> (this author's translation).

To Navas Dávila the creation of the Commonwealth is the product of the need to respond to the concerns of both U.S. interests and local elites, and to preserve their economic power by allowing a degree of political autonomy at the same time that ultimate control remained in U.S. hands. The reason why Muñoz Marín accepted this arrangement is because he was certain that this was the only achievable alternative to the status quo.

In contrast to the above positions, this work will concentrate on the place of Puerto Rico in the Cold War. The Commonwealth option satisfied U.S. leaders because they retained sovereignty over the island and direct access to

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<sup>11</sup> "Frente a un imperialismo americano que, aunque "bobo" en lo político, era "agresivo", "hábil" e "inteligente" en lo económico, Muñoz admite la imposibilidad de una independencia económicamente viable.", Ibid., 98.

important military bases. The Commonwealth option also provided enough autonomy to minimize the accusations of colonialism hurled at the U.S. from the Soviets and others at the United Nations. On the other hand, Luís Muñoz Marín accepted the Commonwealth because it provided an opportunity to concentrate on the island's social and economic problems. Under the Commonwealth, Puerto Ricans might still shape their own society. To Muñoz Marín complete independence would have been too costly to achieve and thus would have undermined programs for the alleviation of poverty.

## CHAPTER II

## INTERNATIONAL SETTING

Even before the end of the hostilities in Europe in 1945, the United States and the Soviet Union had already begun to shift their policies, from wartime allies to future adversaries.<sup>1</sup> The onset of the Cold War between 1945 and 1948 was marked with events that included the Berlin blockade, the civil war in Greece, the Soviet-sponsored unrest in Turkey and Iran, the triumph of Communism in China and the continuing repression of the Eastern European countries then under Soviet occupation. In 1946 and 1947 U.S. President Harry S. Truman granted military aid to Greece and Turkey in order to stop any Communist take-over of those weak states. This small beginning led to a world-wide policy of "containment", which the U.S. maintained for the next 45 years.<sup>2</sup>

U.S. military supplies, training and economic aid were sent to the war-torn countries of Western Europe, Asia and the Middle East, the places where conflict with the Soviet Union was most likely to take place. However, the international situation was further complicated by the rising tide of nationalism and demand for independence emanating from the crumbling European colonial empires. In Africa, the Americas and Asia, the demands for recognition of the national identities of the colonial territories were common and rapidly increasing. This trend toward sovereignty and the end of foreign rule over large areas of the world first became evident in Southeast Asia, where strong pro-

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<sup>1</sup> Martin F. Herz, The Beginning of the Cold War, (Bloomington, Indiana: Indiana University Press, 1966), 130-140.

<sup>2</sup> Miroslav Nincic, United States Foreign Policy: Choices and Tradeoffs (New York: CQ, Inc., 1988), 31-35.

independence movements were active. The Philippines obtained their independence from the United States on July 4, 1946., as previously agreed before World War II.<sup>3</sup> In 1947 Britain dismantled their Viceroyalty of India and stood aside as nationalists forces created the states of India, Pakistan, Ceylon (Sri Lanka), and Burma (Myanmar). In the Dutch East Indies a guerrilla campaign against the Netherlands resulted in the granting of independence in 1949 to the Republic of Indonesia. The most violent and tragic episode of this period, was the the large-scale warfare that erupted in 1946 in Indochina between the Vietnamese and the ruling French authorities. Following these examples, nationalist leaders in Africa and the Americas also demanded self-determination. The United States policy in this post-war era sought to balance the demands of Cold War distrust for revolutionary unrest, that might be exploited by the Soviets, with the ideological commitment and sympathy felt toward colonial societies wanting political self-determination. Also, as all the colonial powers were allies or close friends of the U.S., President Truman did not want to undermine their positions, even if the United States was openly critical of colonialism.<sup>4</sup>

This overall strategic situation was reflected in the debate on how to proceed regarding any proposed modifications to the current political relationship between the United States and Puerto Rico. The possibility that the naval and air installations in the island might not be available in case of a global conflict with the Soviet Union, was a major concern for U.S. military planners. The reason for the continued importance of the Puerto Rican facilities

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<sup>3</sup> This was approved by Congress with the passage of the Tydings-Mcduffy Act in 1934,. See Carmelo Rosario Natal, Luís Muñoz Marín y la independencia de Puerto Rico (1907-1946). (San Juan: Puerto Rico, First Book Publishing, 1994) 80-82

<sup>4</sup> Robert J. Donovan, Tumultuous Years: The Presidency of Harry S. Truman, 1945-1953. (New York: Norton, 1982) 22-23.

was the Soviet Navy's post-war emphasis on submarine warfare and the role that submarines expected to play in a confrontation with the United States.

The U.S. military was influenced by the course of operations during World War II, and by the actions of German U-Boats (submarines) in the Caribbean and Middle Atlantic in particular. After Germany declared war on the U.S., following the Japanese attack on Pearl Harbor in December 1941, Admiral Dönitz, commander of the U-Boat service, set into motion Operation Paukenschlag (Drumbeat), a raid by 5 submarines against Allied shipping along the Eastern seaboard of the U.S that between January 12 and February 6, 1942, sank 25 merchant ships.<sup>5</sup> This was followed in March of the same year by Operation Neuland, the attempted destruction by U-Boats of the oil refinery at the island of Aruba, largest in the world and critical for the processing of crude oil from Curaçao and Venezuela.<sup>6</sup> During the first six months of 1942, the U-Boat offensive resulted in the loss of 397 ships sunk in the home waters of the U.S. Navy.<sup>7</sup> British Prime Minister Winston Churchill, whose country depended on overseas supplies, was alarmed at these losses and wrote to U. S. President Franklin D. Roosevelt on March 12, 1942 stating:

The situation is so serious that a drastic action of some kind is necessary, and we very much hope that you will be able to provide additional escort forces to organize immediate convoys in the West Indies-Bermuda area by withdrawing a few of your destroyer strength from the Pacific.<sup>8</sup>

U.S. strategists were also extremely concerned with these developments. In June of 1942 General George Marshall wrote to Admiral King, who was in charge of U.S. Navy operations in the Atlantic, about the effects of the German

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<sup>5</sup> Michael Gannon, Operation Drumbeat (New York, Harper & Row Publishers, 1990), 296

<sup>6</sup> César de Windt Lavandier, La Segunda Guerra Mundial y los submarinos alemanes en el Caribe. (San Pedro de Macorís, Dominican Republic: Ediciones U.C.E., 1982), 72-76.

<sup>7</sup> Gannon, Operation, 388-389

<sup>8</sup> Lieut. Col. Eddy Bauer, ed. Illustrated World War II Encyclopedia (Westport, Connecticut: H.S. Stuttman Inc., 1978), vol. 6, 730.

attacks:

The losses by submarines off our Atlantic seaboard and in the Caribbean now threaten our entire war effort. The following statistics bearing on the subject have been brought to my attention: Of the 74 ships allocated to the Army for July by the War Shipping Administration, 17 have already been sunk. 22% of the bauxite fleet has already been destroyed. *20% of the Puerto Rican fleet has been lost* (emphasis added). Tanker sinkings have been 3.5% per month of tonnage in use. We are all aware of the limited number of escort craft available, but has every conceivable improvised means been brought to bear on this situation? I am fearful that another month of two of this will so cripple our means of transport that we will be unable to bring sufficient men and planes to bear against the enemy in critical theaters to exercise a determining influence on the war.<sup>9</sup>

The tide finally began to turn against the U-Boats by 1943, due to a combination of factors: improved coordination between U.S. and Allied forces, increased number of aircraft and ships for patrol and convoy escort duties, introduction of advanced technologies such as radar and sonar for the detection of submarines, availability of intelligence derived from the breaking of the ENIGMA code (allowing the Allies to read secret German military messages), increased production of ships in the U.S. to replace losses, and the construction of a series of military bases in the Caribbean and South America to provide continued protection to Allied ships in the region.<sup>10</sup>

The fact was that the United States in 1941 and 1942 was caught unprepared to meet the U-Boat threat, and that most of the naval forces available at the time were diverted to the war against Japan in the Pacific with few left for Atlantic duty. Also, the U.S. could not completely count on the help from Britain, its only ally with a significant navy, whose forces were already stretched to the limit in other theaters of war. This weakness of the U.S. forces in the Caribbean at this time raised the prospect of a German invasion of the

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<sup>9</sup> Ibid, 730.

<sup>10</sup> Richard Natkiel, Atlas of The 20th Century, (New York: Facts on File, Inc., 1982), 156-157.



islands as a steppingstone for an attack against either Latin America or the U.S. itself. The U-Boat exploits were also a great asset for German propaganda efforts aimed at encouraging the always latent anti-U.S. sentiments among many sectors of the Latin American population. To coordinate those efforts the Germans utilized the Spanish fascist Falange organization.<sup>11</sup>

After World War II the U.S. planned for a possible repetition of a large-scale submarine offensive, but this time launched by from the Soviet Navy. The U.S. was aware that the Soviets had concluded that, while they possessed strong land and air forces, their naval strength compared to that of the Western Allies was insignificant. Soviet Premier Josef Stalin decided on a program to build a modern navy, but realizing that this would take years to complete, he ordered the creation of a strong submarine force (using captured German technology) as a way to have a credible naval offensive capability in the interim.<sup>12</sup>

Soviet naval planners had studied closely German U-Boat operations, and were aware of their devastating effects on Allied shipping. Admiral Sergei Gorshkov, Commander-in-Chief of the Soviet Navy, described the impact of the German submarines on the disposition of the numerically-superior Allied navies:

More than 2,000 British and American anti-submarine warfare combatants and specially configured merchantmen and several thousand aircraft were in operation against the German U-Boats in the Atlantic Theater. For each German U-Boat, there were 25 British and U.S. warships and 100 aircraft, and for every German submariner at sea there were 100 British and American anti-submariners. A total of six million men were thrown into the antisubmarine war. One can hardly find a similar ratio of attacking to defending forces among all the other branches of the armed forces!<sup>13</sup>

<sup>11</sup> For more information see Allan Chase, Falange: The Axis Secret Army in the Americas, (New York: G.P. Putnam's Sons, 1943).

<sup>12</sup> Stewart Menaul, The Illustrated Encyclopedia of the Strategy, Tactics, and Weapons of Russian Military Power, (New York: St. Martin's Press Inc., 1980), 97-99.

<sup>13</sup> Adm. Sergei Gorshkov, Red Star Rising At Sea, (U.S. Naval Institute, Annapolis: Naval Institute Press, 1974), 100.

In his final analysis of the submarine war, Adm. Gorshkov concluded that the main reason why the U-Boats ultimately failed to stop the flow of supplies across the Atlantic was that the Germans underestimated the capabilities of the submarine and had not built enough units at the start of the war to press their initial success. Time proved to be on the side of the Allies, allowing them to develop countermeasures to defeat the U-Boats.<sup>14</sup> The Soviet Navy was determined not to make this same mistake, and had an inventory of close to 300 submarines by the early 1950's.<sup>15</sup>

In view of the increased demands for the deployment of military forces and economic resources in other areas of the world where confrontation with the Soviets appeared imminent, the U.S. decided to shoreup its position in Latin America and the Caribbean by increasing its political and military ties to the countries of the region. An "Inter-American Conference for the Maintenance of Peace and Security" was held from August 15 to September 2, 1947, at Petrópolis in Brazil, attended by representatives of 21 American states for the purpose of drafting a treaty of collective self-defense for the Western Hemisphere. The resulting Treaty of Reciprocal Assistance, also known as the Rio Pact, was signed on September 2, 1947, and stated that all parties to the treaty were obliged to come to the assistance of any state in the Hemisphere in case of an attack.<sup>16</sup> To complement the Rio Pact, the U.S. Congress approved the Mutual Defense Act of 1949, that allowed the sale of surplus military equipment to countries in Latin America.<sup>17</sup> It was expected that these

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<sup>14</sup> Adm. Gorshkov, Red Star, 108.

<sup>15</sup> Menaul, Russian Military Power, 99.

<sup>16</sup> Raymond Dennett and Robert Turner, eds., Documents on American Foreign Relations, vol. ix (Boston: Princeton University Press, 1949), 531-540.

<sup>17</sup> U.S. Congress, House, Committee on International Relations, selected Executive Session Hearings of the Committee, 1943-1950. vol. 6, Military Assistance Programs, Part 2 (Washington, D.C., U.S. Printing Office, 1976), 50-64.

agreements would result in the improvement of Latin American armed forces to defend their territories against foreign aggressors safeguarding the raw materials and strategic shipping lanes (like the Panama Canal) vital to U.S. industries and lessening the need for the deployment of U.S. forces to accomplish these tasks.<sup>18</sup>

On the wider diplomatic front, the U.S. was also concerned with the utilization of the newly-created (1945) United Nations Organization as a forum for the debate over the future of colonial territories and, as the decolonization movement gained momentum, this issue came to the forefront of discussions. The United Nations Charter included three chapters dealing with these territories. Chapters XI, XII and XIII outlined the duties and obligations of colonial powers toward subject territories, and the mechanisms to encourage more autonomy for the same with the purpose of achieving eventual independence.<sup>19</sup> Under the terms of the UN Charter, the United States was compelled to submit periodic reports on the conditions of its territories (which by 1946, included Puerto Rico, the U.S. Virgin Islands, Alaska, Hawaii, Guam, Samoa, and the former Japanese possessions in the Marianas and Marshall island groups in the Pacific). Many officials resented this outside intervention in the internal affairs of the U.S.<sup>20</sup> They also maintained that these territories were not oppressed and in fact had prospered under U.S. rule, thus rationalizing that the United States was not really a "colonial" power.

The Soviet Union and the Eastern Bloc countries also joined the emerging

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<sup>18</sup> Ibid., 471-475.

<sup>19</sup> Duties of The United Nations Trusteeship Council included gathering information and monitoring the development of these territories. See United Nations. T/P.V.1, March 26, 1947.

<sup>20</sup> This was the a commonly held opinion among government, business, educational and church circles that had any contact or interest in these U.S. dependencies (see Rexford G. Tugwell, The Stricken Land, 20-25 and elsewhere; and Theodore Roosevelt, Colonial Policies of the United States (New York: Arno Press, 1930).

nations of the world in criticizing the U.S. for the presence of non-independent territories under its control. As was the case regarding the colonies of European nations, the Soviet position was stated both in ideological terms (that is, colonialism as an expression of the capitalist system), and also as a product of racist attitudes as applied to the ethnically different groups ruled by European and U.S. colonial authorities.<sup>21</sup> Besides adopting this position at the United Nations, the Soviet Union also engaged in more active ways to undermine colonial rule. For example, the Soviets supplied weapons and equipment to the Chinese Communist movement, engaged until 1949 in a bloody civil war to take over China from the pro-U.S. Nationalist government. Once victorious, the Communist leadership of China passed on much of this material to Vietnamese insurgents in Indochina. Also, the program of indoctrination, propaganda and the granting of scholarships to students from "colonial" parts of the world (discontinued by Stalin during World War Two) was reactivated and expanded, to include more activities in Asia, Africa and Latin America.<sup>22</sup> However in the 1940's, little meaningful support to revolutionary movements in those lands could be given, due to the more pressing demands on Soviet economic and military resources of the Cold War and the need to repair the extensive war damage caused by the German invasion.

Regarding the nations of Latin America, the cultural and ethnic region of the Western Hemisphere to which Puerto Rico belongs, the position of the individual republics varied. At the United Nations and on other international stages, the position almost unanimously adopted was that the state of Puerto

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<sup>21</sup> This standard Soviet position regarding colonialism remained essentially the same throughout the cold War period, and was reflected in many UN resolutions. One example is United Nations General Assembly, Document A/P.V. 106, November 1, 1947, that proposed stronger UN involvement in the administration of colonial territories.

<sup>22</sup> Herz, Beginning of the Cold War, 43-45.

Rico was a purely internal affair of the United States, and that they would support any course taken by the people of Puerto Rico and approved by the United States.<sup>23</sup> Only Mexico and Argentina periodically broke ranks with the rest of Latin America to demand that Puerto Rico be granted sovereignty and independence.<sup>24</sup>

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<sup>23</sup> Again, there are many examples of this voting record of the Latin American countries at the United Nations: defeat of UN General Assembly Resolution A/P.V. 106, (previously cited) is one example.

<sup>24</sup> This was caused by the traditional distrust of U.S. intentions and policies toward Latin America expressed by Mexico, and by U.S. opposition to then President Juan D. Perón of Argentina. See Benjamin Keen and Mark Wesserman, A History of Latin America, (Boston: Houghton Mifflin, 1988), 527-536.

## CHAPTER III

POLITICAL AND SOCIAL SETTING IN PUERTO RICO  
1898-1938

The events of 1938 mark a turning point in Puerto Rico's political history. In that year, Luís Muñoz Marín, the chief architect of the Commonwealth formula, first organized a political party that captured the imagination of the Puerto Rican people. The growing popularity of Muñoz Marín's party provided the domestic and international base of support that made Commonwealth an acceptable solution in 1950. His achievement stands in marked contrast to the preceding 40 years of U.S. colonial administration when U.S. policies, actions and attitudes generated considerable discontent among the people of Puerto Rico.

The first few years of U.S. rule can be characterized as a period of adjustment for Puerto Ricans to the new political, social, economic and cultural realities now in place in the island. Foremost on the minds of the local political leadership was the debate on what shape the relationship between Puerto Rico and the the United States should take. Political parties were formed based upon the three general tendencies developed during the Spanish rule: closer ties to the colonial power (then as an overseas province of Spain and now as a potential state of the Union), outright sovereignty as an independent republic; or some type of autonomy as an intermediate step between the first two options.

Those who favored autonomy, however, were in the unique position to be able to support their ideas with experience. The autonomists had at one point achieved their goal. Their leader was a prominent writer and journalist who arguably was the most experienced and highly regarded political figure in the

island at the time. Through his efforts his party had managed to negotiate the granting by Spain in 1897 of a Carta Autonómica (Autonomic Charter), guaranteeing a measure of limited self-government to Puerto Rico. His name was Luís Muñoz Rivera, father of Luís Muñoz Marín.

Luís Muñoz Rivera was born in the small town of Barranquitas on November 6, 1859, to a moderately affluent family. His father, who owned a general store, wanted him to eventually take over the business but Muñoz Rivera preferred to pursue a career in poetry and journalism. His political activities began in earnest in 1887 when he joined the newly created Partido Autonomista (Autonomist Party) whose leader, Ramón Baldorioty de Castro, advocated the creation of a type of self-government loosely based on that of Canada's.<sup>1</sup>

Support for such an arrangement was widespread among liberal intellectuals and the criollo (native Puerto Ricans, as opposed to the peninsulares or those born in Spain) professional and small landowner classes. Conservative peninsulares, fearful of losing their power and influence to the criollos, accused the autonomists of secretly planning the independence of the island. They succeeded in convincing the newly arrived governor of the island, General Romualdo Palacio González, that an anti-Spanish uprising was about to be launched by the members of the Partido Autonomista. General Palacio initiated a series of repressive actions known as los composites (and old term used in Cuba to describe forced confessions) that included the arrest and torture of those he considered to be enemies of the Spanish regime. The principal leaders of the autonomist movement were imprisoned in San Juan and threatened with execution. Many others were

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<sup>1</sup>Morales Carrión, Puerto Rico, 116-117.

jailed throughout the countryside, including people with no political convictions accused as "revolutionaries" by personal enemies.<sup>2</sup>

During this period, Muñoz Rivera was collaborating with other liberal leaders demanding the removal of the governor. Their continuous complaints finally convinced the Spanish government to recall General Palacio, who returned to Spain after only four months in office. However, the componetes had effectively destroyed the old organization of the autonomists, even with their principal leaders free again.

Luís Muñoz Rivera launched La Democracia, a newspaper that became a platform for his political activities. In 1891 he began publishing a series of articles in favor of forming an alliance or pact with any of the democratic parties in Spain willing to accept his doctrine in favor of autonomy for Puerto Rico.<sup>3</sup> Muñoz Rivera personally preferred to deal with the Partido Liberal Fusionista (Liberal Fusionist Party) led by Práxedes Mateo Sagasta, who in the past had declared his support for reforms in the administration of the colonies.

Between 1891 and 1895, Muñoz Rivera matured as a political leader as he tried to win over the rank and file of the Partido Autonomista to his plan for a merger with the fusionistas in Spain. At the same time, he considered what type of autonomous government would be both politically acceptable to the people of the island and to Sagasta once his party attained power in Spain. By 1895 Spain was facing armed rebellions in its principal overseas territories of Cuba and the Philippines. In Cuba, the revolt was launched by the poet and

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<sup>2</sup> Lidio Cruz Monclova, Historia del año 1887, 3rd ed., (Río Piedras, Puerto Rico, Editorial Universitaria U.P.R., 1970), 270-275.

<sup>3</sup> The Spanish electoral system at that time was based on an 1878 law that guaranteed the right to vote for representatives to the national parliament (the Cortes) to all tax-paying male citizens of at least 25 years of age in Spain and its overseas territories. See Figueroa, Breve historia, 1:420.



writer José Martí, who is considered a national hero in his country. He was also concerned that the United States would interfere in the conflict and replace Spain as colonial master of Cuba.<sup>4</sup> This placed the Spanish government under great economic strain and heightened tensions with the United States, which openly supported the rebels.<sup>5</sup> Meanwhile in Puerto Rico the Partido Autonomista leadership appointed Muñoz Rivera as leader of a commission entrusted to go to Spain and begin talks with national parties that might favor autonomy for the island. The commission arrived in Madrid on October 8, 1896, and began negotiations that eventually led to an agreement with Sagasta and the Partido Liberal Fusionista.

An unexpected series of events rewarded the foresight of the Puerto Rican autonomist leadership. In October of 1897 Práxedes Mateo Sagasta was appointed Prime Minister by Queen María Cristina, and without delay set out to fulfill his promise to Muñoz Rivera. The Carta Autonómica (Autonomic Charter) of 1897 gave Puerto Rico full representation in the Cortes, the Spanish Parliament, and extensive rights to make commercial treaties and to control trade and tariffs. The island was to continue to be ruled by a governor appointed from Spain, but a new legislature consisting of a Chamber of Deputies and an Administrative Council was to have control over internal affairs. The first elections for the legislature were held on March 27, 1898, and the autonomists captured a majority of the seats.<sup>6</sup> Luís Muñoz Rivera became the highest ranking Puerto Rican in the government, but the start of the Spanish-American War on April 25, 1898 cut short the experience of self-

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<sup>4</sup> See José Martí, Obras completas, (Havana, Cuba: Editorial Lex, 1946).

<sup>5</sup> Alden March, The History and Conquest of the Philippines and Our Other Island Possessions, (Chicago: Audubon Publishing Co., 1899), 134-154.

<sup>6</sup> Figueroa, Breve historia, 2:127-144.

government for the island.

The United States declared war on Spain after the warship Maine was sunk by an explosion in Havana, Cuba. The U.S. blamed the attack on the Spanish authorities and war was declared on April 26, 1898. After a short campaign, the U.S. military defeated the land and naval forces of Spain and by the terms of the Treaty of Paris<sup>7</sup> Puerto Rico was ceded to the United States, together with the Philippines and Guam.

The first government of the island was a military regime under General Nelson A. Miles. Gen. Miles had led the campaign for the conquest of Puerto Rico, and lasted in office until 1900. In that year Congress approved the Foraker Act<sup>8</sup> that replaced the military government with a civilian one.

The government of Puerto Rico under the short-lived (1900-1917) Foraker Act consisted of a governor appointed by the President of the United States, a bicameral legislature formed by an Executive Council (appointed also by the President) and a House of Delegates elected by the people. Also there would be an elected Resident Commissioner as representative of the people of Puerto Rico before Congress; he could speak, but had no vote. The laws passed by the House of Delegates were subject to the Governor's and Congressional vetoes.

Luís Muñoz Rivera was elected Resident Commissioner in 1910, and went to Washington with the same agenda for greater self-government powers for the island that he had taken to Madrid fourteen years earlier in 1896. His family, including young Luís, born in 1898, accompanied him. By 1915 Muñoz Rivera had succeeded in convincing a number of Congressmen and the administration

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<sup>7</sup> Treaty of Peace between the United States and Spain, signed at the City of Paris, on December 10, 1898, art. II, VIII. (Washington, DC: Government Printing Office, 1899).

<sup>8</sup> Named after Senator Joseph B. Foraker from Ohio. For further information see Morales Carrión, Puerto Rico, 156-159.

of President Woodrow Wilson about the need for reform in the island. He continued to point out that the Foraker Act did not provide for U.S. citizenship or voting representation in Congress, in contrast to the Carta Autonómica. Also the Carta authorized greater powers to regulate commerce and taxation. However, no concrete action was taken by Congress and at the end of the session Muñoz Rivera, in failing health, returned to Puerto Rico.

Again, international political and military events made possible further political changes in the island. The entry of the United States into World War I (1914-1918) on the side of Britain and France was imminent, and President Wilson was concerned that Germany might foment anti-U.S. unrest in Latin America.<sup>9</sup> Under these conditions Congress finally approved the Jones Act<sup>10</sup> on February 20, 1917. The war on Germany was declared just a few weeks later.

The Jones Act created a new, and fully elective bicameral legislature for Puerto Rico. It would have an upper house, the Senado (Senate) with nineteen members, and a lower house, the Cámara de Representantes (House of Representatives) with thirty-nine members. All males twenty one years or older were allowed to vote. The governor, who has veto power over all acts passed by the legislature, continued to be appointed by the President of the United States, as were (among others) the Attorney General and the Auditor. The Commissioner of Education was also appointed by the President. This is consistent with the policy set in Washington that the mission of the public education system should be to make the future generations of Puerto Rico into

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<sup>9</sup> The President had learned of a German offer to Mexico (the Zimmerman note) to form an alliance against the United States. Mexico would have received Arizona, Texas and New Mexico at the end of the war. See Marshall Dill Jr., Germany, A Modern History, (Ann Arbor, Michigan: University of Michigan Press, 1970), 226.

<sup>10</sup> For the complete text of the Jones Act, see Albert P. Blaustein and Eric B. Blaustein, eds., Constitutions of Dependencies and Special Sovereignities, "Commonwealth of Puerto Rico", (Dobbs Ferry, New York: Oceana Publications, Inc., 1977)

better U.S. citizens. Great emphasis was placed on the displacement of Spanish by English as the language of instruction in schools.<sup>11</sup> Another provision was the granting of U.S. citizenship to the people of Puerto Rico (incidentally, making them eligible for conscription into military service during the coming war). There were no changes in economic, judicial or military relationship between the island and the U.S. as defined by the Foraker Act. All laws passed by the Puerto Rican legislature had to be sent to the President for review at the end of the legislative session. Congress could also review and overturn any laws approved in Puerto Rico. Defense, interstate and international trade, control of coastal waters and navigable rivers, among other matters, remained under the direct control of the Federal government. The retention of such powers indicated the intention of the U.S. to intervene in the island's politics should U.S. authorities see the need.

Luís Muñoz Rivera died in San Juan on November 15, 1916 without having any knowledge of the passage of the Jones Act. To the last he maintained that the struggle for a better Puerto Rico laid in the attainment of self-government and good relations with the United States.<sup>12</sup> The Jones Act would remain essentially unchanged as the organic law of the island until 1949.

Changes in the economic development of Puerto Rico during this period were as profound as those in the political arena. The most important change took place in agriculture when sugar increasingly became the principal crop replacing coffee, which had been the main export during Spanish rule. Before 1898 close to forty percent of the cultivated land was dedicated to coffee production, as the Puerto Rican variety was very popular in Europe. However,

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<sup>11</sup> For more information see Aida Negrón de Montilla, La americanización en Puerto Rico y el sistema de educación pública: 1900-1930, (Río Piedras, Puerto Rico: Editorial U.P.R., 1976).

<sup>12</sup> Morales Carrión, Puerto Rico, 196.

the European markets had high tariffs on U.S. products, that were now applied to Puerto Rico, and in the United States the cheaper, less flavorful Brazilian coffee was preferred.<sup>13</sup> In 1899 hurricane San Ciriaco hit the island taking a heavy toll of life and property and also caused great damage to the coffee plantations.

Probably the most important factor in explaining the ascent of sugar was the investment in mills and land from U.S. corporations, as it could enter the mainland markets duty-free. Sugar quickly became the most important sector of the economy. Production increased from 66,073 tons in 1895 to 866,109 tons in 1930, while at the same time, coffee production declined from 39,683,160 lbs. to 1,278,266 lbs.<sup>14</sup>

This change from coffee to sugar led to the decline of the small holdings in agriculture, as the sugar industry became increasingly dominated by technologically advanced operations and large landowners. The plight of the small farmer and the agricultural worker, the jíbaro, would become a central aspect of the political climate of the 1930's.

Although both the Foraker and the Jones Acts provided for a series of specific reforms in public services and agriculture, not enough was done to solve the many problems facing the people of Puerto Rico. Since the early 1900's, the political parties of the island were centered on the one vital issue that clouded any discussion on the future of Puerto Rico: the status question. The merits of either statehood or independence as a solution to the many ills of the country were ceaselessly debated, but little concrete action was taken to

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<sup>13</sup> James L. Dietz, Economic History of Puerto Rico, (Princeton: Princeton University Press, 1986), 99-103.

<sup>14</sup> *Ibid.*, 102-105.

address the immediate economic and social issues as common sense would seem to dictate.

This was the political climate to which Luís Muñoz Marín returned home. The young Muñoz had spent most of his formative years living in the United States, attending Georgetown University and serving as assistant to his father while Muñoz Rivera was Resident Commissioner in Washington. After his father's death, Muñoz Marín had stayed in the U.S., living in New York and writing for several newspapers and magazines. However, he continued to follow the political developments back in Puerto Rico.

On his visit to the island in 1920 Muñoz Marín first became directly involved in the local political process. During his years in the U.S. he had become influenced by Fabian socialism and was initially drawn to the Partido Socialista (Socialist Party) founded by labor organizer Santiago Iglesias Pantín. Born in Spain, Iglesias Pantín began to organize workers in his native country, and Cuba, before coming to Puerto Rico in 1896. After the U.S. conquest of the island, he formed links with the American Federation of Labor (A.F.L.), and founded the Partido Socialista in 1915. The platform of the party rested on the principle that the plight of the workers would be alleviated if the labor laws of the U.S. were implemented by the island. Such implementation would be facilitated by statehood. However, Muñoz Marín could neither support statehood nor abandon his father's idea of autonomy, with eventual independence. He once again departed for the U.S. to continue his literary career.<sup>15</sup>

While the Partido Socialista and the Partido Republicano (founded in 1900

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<sup>15</sup> Carmelo Rosario Nadal, Luís Muñoz Marín y la independencia de Puerto Rico (1907-1946), (San Juan, Puerto Rico, First Book Publishing, 1994), 42.

by Rosendo Matienzo Cintrón and José Barbosa with an agenda of complete assimilation of Puerto Rico to U.S. culture, economy and political system) supported statehood, the Partido Unionista envisioned independence as the ultimate goal. As one of the major parties of the island, the Partido Unionista had won the legislative elections of 1917 and 1920 but had downplayed its demands for independence in favor of first modifying the colonial government. The Unionista Resident Commissioner in Washington, Felix Córdova Dávila, promoted the idea in Congress of an elective governor. In general, the pro-independence forces were committed to work within the established political system, as they were confident that the U.S. would eventually concede independence to the island if a majority of the people requested so. The radicalization of the pro-independence movement and the rise of Pedro Albizu Campos and the Partido Nacionalista (Nationalist Party), came as a direct consequence of the actions of the new governor appointed by the administration of President Harding.<sup>16</sup>

Emmet Montgomery Reilly became governor in 1921, having little or no experience in public administration and knowing next to nothing about Puerto Rico.<sup>17</sup> In his inaugural speech he made it clear that those who demanded independence (i.e., the Unionistas) were "anti-American", that English and "American" culture should eventually supplant Spanish and the local culture, and reiterated that as long as the United States existed, Puerto Rico would never be independent.<sup>18</sup> Governor Reilly's ideological mixture of extreme conservatism, superpatriotism, fundamentalist Protestantism, and disdain for

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<sup>16</sup> Negrón de Montilla, La americanización, 212-213.

<sup>17</sup> Emmet M. Reilly was a mortgage broker from Kansas City, and his appointment was basically a reward for his support and friendship with President Harding.

<sup>18</sup> Negrón de Montilla, La americanización, 192-198.

the people of Puerto Rico aroused strong opposition not only among the Unionistas but also the Socialistas and many other sectors of society.

Eventually Reilly was recalled to Washington in 1922 at the request of the Unionista-dominated legislature. The recall occurred after a barrage of articles, editorials and letters (including some from Luís Muñoz Marín, writing from New York) protesting his actions. But now the Unionistas were determined to alter their position on the question of the status to avoid future charges of "anti-Americanism." Their new platform referred only to obtaining a greater degree of self-government. This led those who still favored independence to split away from the party and form a new organization, the Partido Nacionalista de Puerto Rico on September 17, 1922.

The first political parties formed under U.S. rule to advocate independence were led by old leaders such as José de Diego, who had led the same struggle against the old Spanish regime. However, in 1919 several new organizations, such as the Juventud Nacionalista (or Nationalist Youth), founded by university students, and the Asociación Nacionalista (or Nationalist Association), founded by professionals and intellectuals, also advocated independence. These groups were formed as resistance movements against forced Americanization. For example, the leader of the Partido Nacionalista, Pedro Albizu Campos<sup>19</sup>, equated independence with a rejection of "American" culture and influence and a return to the Spanish traditions of the past. He also believed that it was unlikely that the U.S. would grant the island independence in the future. Albizu

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<sup>19</sup> Pedro Albizu Campos (1891-1965) was born in Ponce. He attended Harvard University and obtained a law degree in 1917. He also served as an officer in the Puerto Rican regiment raised by the U.S. Army during World War I. Disillusioned with the Partido Unionista, he became a founding member of the Partido Nacionalista and latter its leader in 1930. For more information see Cesáreo Rosa-Nieves and Esther M. Melón, Colecciones Puertorriqueñas, "Biografías puertorriqueñas: perfil histórico de un pueblo", (Sharon, Connecticut, Troutman Press, 1979), 15-17



Campos was convinced of the need for an armed uprising to free the country. Numerous acts of violence and murder took place starting in 1932 as the Nacionalistas battled against their political enemies and the police.<sup>20</sup> This led to an intense polarization of society, driven by the heavy-handed actions of the police and U.S. authorities.

On the other hand, the traditional parties that controlled the legislative branch of the island's limited self-governing system were in disarray. The Partido Unionista, weakened by its internal ideological differences, had disappeared. The old Unionista leadership had reformed under the name of Partido Liberal (Liberal party), but it no longer was a major party. The Republicanos and the Socialistas, both supporters of statehood for the island, had agreed on an united front for the elections of 1932. This common goal, plus the fact that these parties were closely allied to the big industrial and sugar interests, made their joint Coalición (Coalition) a favorite with the U.S. authorities in Puerto Rico.<sup>21</sup>

Luís Muñoz Marín made his definitive return to the island in 1931. He was determined to remain involved in the political process of the island, and joined the newly-formed Partido Liberal. The Liberales at this time struggled to reorganize and reach a consensus regarding the status question. Ideologically the party clearly agreed on opposing the continued dominance of the island's economy by large U.S.-based corporations and dissatisfaction with the current administrative arrangements. But a wide variety of proposed solutions fragmented the party. There were strong pro-statehood and pro-autonomy

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<sup>20</sup> Miñi Seijó Bruno, La insurrección nacionalista en Puerto Rico-1950, (Río Piedras, Puerto Rico, Editorial Edil, 1989), 13-18.

<sup>21</sup> José M. Tous Rodríguez, Desarrollo histórico-político y jurídico del Estado Libre Asociado de Puerto Rico, (San Juan, Puerto Rico: By the author, Banco de Ponce Building, 1977), 130-136.

factions while the leadership traditionally favored independence. Muñoz Marín quickly became identified with the pro-independence group, and was selected to run as candidate for the Senado in the coming elections.

The elections of 1932 came at a time of great economic distress in Puerto Rico. Conditions on the island took a turn for the worse with the onset of the Great Depression in 1929, aggravated in September of 1932 by the effects of hurricane San Ciprián (that almost completely destroyed what remained of the coffee and tobacco industries, and heavily damaged the sugar crop). There were a number of strikes among the sugar cane workers demanding better conditions and higher wages. As the corporations refused to negotiate, the workers became more receptive to the Partido Nacionalista.

The Coalición of Republicanos and Socialistas won the elections of 1932, although the Liberales became the strongest single party and Muñoz Marín was elected as senator-at-large. He later was appointed as representative of the Partido Liberal in Washington, where he promptly became acquainted with many influential figures of the new Democratic administration of President Franklin D. Roosevelt .

The increasingly vociferous Nacionalistas blamed the deepening of the economic crisis on the colonial subjugation of the island by the United States. On October 24, 1935 a group of Nacionalistas clashed with the police outside the campus of University of Puerto Rico in Río Piedras. Three Nacionalistas were killed and one policeman wounded. At the funeral, Albizu Campos stated that their deaths would be avenged, and declared war on the chief of police, Colonel Francis E. Riggs. On February 23, 1936, two Nacionalistas shot and killed Col. Riggs but were captured shortly after. Then, while under police custody, both men were executed.

These events caused great concern in the U.S. government. The authorities were determined to arrest Albizu Campos and crush the Nacionalista movement. In Puerto Rico there was general disapproval of the killing of Col. Riggs, but also of the actions of the police. Albizu Campos and the top leadership of the Partido Nacionalista were arrested, convicted of conspiring to overthrow the U.S. authority in the island, and sent to a Federal penitentiary in Atlanta, Georgia. The rank-and-file Nacionalistas were now more than ever determined to continue their struggle. To prove that even without their leaders they remained a visible force, the party organized a march on Albizu Campos' hometown of Ponce on March 21, 1937. After first approving of the march, the U.S. authorities reversed themselves and ordered the police to disperse the marchers. The police then fired into the crowd killing twenty-one people.<sup>22</sup>

The upheaval caused by the political violence between the Nacionalistas and the colonial government did not go unnoticed in Washington. Senator Millard E. Tydings of Maryland, a close friend of the slain police chief Riggs, introduced a bill on April of 1936 to grant independence to Puerto Rico but with punitive conditions. The Tydings Bill allowed for a referendum on whether or not the people of Puerto Rico wanted independence. If the answer was yes, then a constitutional convention will draw a constitution that would need to be approved by the President of the United States and then voted on by the people. After a four year transition period, the island would be independent. However, once Puerto Ricans voted in favor of independence, all Federal welfare and economic assistance programs will cease. The provisional

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<sup>22</sup> This incident became known in Puerto Rico as "la Masacre de Ponce" or Ponce's Massacre. For an eyewitness account, see Rafael V. Pérez Marchand, Reminiscencia histórica de la Masacre de Ponce, (San Lorenzo, Puerto Rico, Partido Nacionalista, 1972).

government of Puerto Rico was expected to assume all costs for the administration, defense and welfare of the people of the island. On top of this, Puerto Rico would be faced with full tariffs on its exports to the U.S. at the end of the four year transition period. The introduction of this bill sparked widespread debate in the island about the status situation and forced the major political leaders to take a stand on the issue of independence.<sup>23</sup>

The Partido Liberal was faced with a growing rift between the old leader, Antonio Barceló, and Muñoz Marín. Barceló wanted to seize the opportunity and support the Tydings Bill despite the economic hardship that would befall the island if independence was achieved under those terms. Muñoz Marín, however, considered that such a choice would impoverish Puerto Rico even more, particularly the already poor. Also, he considered that in the upcoming elections the Partido Liberal and the whole ideal of independence will now be associated with the Tydings Bill:

The moment the Tydings Bill was presented the election were lost...They were lost because it compels the sugar industry to spend all the money that may be necessary to defeat the only party (the Nationalists don't count) that stands for independence in Puerto Rico in an unequivocally [sic] way. The Tydings Bill has created, through its unfair picture of economic ruin, a terror in the minds of thousands of persons of the middle class and of the working class. This picture can be wiped out by the reality, but not in four months...But have to save our people from falling into the worst possible reaction for many years to come.<sup>24</sup>

The Liberales lost to the Coalición in the 1936 elections by a wide margin, a defeat blamed by the leadership on the official pro-independence stance of the party. They eventually decided to drop their support for independence, and expel those who refused to accept the new party line. Muñoz Marín could not conceive abandoning the ideal of independence, and broke away from the

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<sup>23</sup> Rosario Nadal, Luis Muñoz Marín y la independencia, 82-84.

<sup>24</sup> Excerpt from a letter from Muñoz Marín to journalist Ruby Black, July 15, 1936. Ibid., 90.

Partido Liberal.

On July 22, 1938, Luís Muñoz Marín founded the Partido Popular Democrático (Popular Democratic Party), or PPD. Independence remained the ultimate goal for Muñoz Marín, but the party would concentrate first on resolving the many colonial problems of Puerto Rico. He set out to address the terrible situation of the jíbaro, the rural peasant, and make this the centerpiece of the his party's work. Muñoz Marín realized that only the Federal government could provide the technical and financial support needed to implement his plan, and was encouraged by the progress of the New Deal programs created by the administration of President Franklin D. Roosevelt. The PPD program envisioned land reform and the enforcement of the laws banning the ownership by corporations of more than five-hundred acres of lands (many individual sugar companies owned in fact thousands of acres of prime cultivable land). The equalization of income by means of progressive tax reform, increased minimum wages and increased public assistance programs for the elderly and disabled were other proposed measures. Lastly, the party proposed the expansion of the economy as a whole by means of increased investment and diversification in industry and agriculture.

In more than one respect, the activities of Muñoz Marín during this time mirror those of his father Luís Muñoz Rivera fifty years earlier. Both father and son were convinced that autonomy was the best alternative for improving the economic and social condition of the island in the short run while leaving the door open for future moves towards independence. Also, both men were committed to finding a political middle ground that could equally accommodate the aspirations for reform of the people of Puerto Rico and the concerns and interests of the colonial ruler. This was reflected in their opposition to violence

or revolution as an instrument of political struggle.

Another similarity was that for both Spain and the U.S. events in the international arena focused attention on the political situation of Puerto Rico. While in the early 1940's the United States was concerned with the possibility expansion of German (and, after 1945, Soviet) power into the Caribbean and Latin America as a result of social and nationalist upheavals, in the 1890's Spain was equally alarmed with the prospects of U.S. intervention in favor of Cuban and Puerto Rican pro-independence movements.

The PPD and Muñoz Marín campaigned feverishly during the months leading to the election of 1940. They chose the pava, the typical straw hat of the peasant, as their symbol and the words "Pan, Tierra, Libertad" ("Bread, Land and Liberty") as their slogan. The party was counting on mostly poor rural people as their base of support, and nobody was sure if they would vote. A common practice at the time was for local party bosses to give one or two dollars (a day's wages for many workers) to the peasants in exchange for their support. Muñoz Marín countered that he was only asking them to "loan" their votes to the PPD, and if he did not deliver on what was promised, they could turn his party out of office on the next election.<sup>25</sup>

Although the Populares came out of the election as the largest single party, they did not win a clear victory. However they did have enough seats in the legislature to began setting into motion their ambitious reform package. During World War II and its aftermath, however, the pace and scope of the internal sociopolitical development of the island would be affected by events in the international arena which were beyond the control of the Puerto Rican people.

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<sup>25</sup> Eugenio Fernández Méndez, Colecciones Puertorriqueñas, "Historia ilustrada de un pueblo", (Sharon, Connecticut, Troutman Press, 1979), 215.

## CHAPTER IV

## RESOLUTION OF THE STATUS QUESTION

By late 1940, Nazi Germany's war of conquest had led to the occupation of most of Western Europe. The fate of the Caribbean colonies of France, the Netherlands and Britain, countries either already conquered or at the brink of collapse, suddenly brought to the forefront of U.S. military planners the strategic importance of Puerto Rico.

Since early 1939 a series of strategic defense plans for the Western Hemisphere, code-named "Rainbow", were prepared to meet a concerted attack from the Axis powers (Germany, Italy and Japan). The formulation and adoption of a hemispheric defense policy was part of the main mission of the United States armed forces, which was the defense of the U.S. mainland against a military threat. Key to the overall military posture was the defense of the Panama Canal,<sup>1</sup> vital route of communication between the Atlantic and the Pacific. Since it was determined that the Canal could only be attacked from a base in the Western Hemisphere, the main thrust of the defense strategy was to prevent the establishment of an enemy base in Central or South America within range of the Panama Canal. As part of this objective, the U.S. Army concluded that an air base in Puerto Rico was vital to the defense of the eastern approaches to the Caribbean.

The military forces initially available in 1939 consisted only of a Navy radio station in San Juan, and the Army's 65th Infantry Regiment, a Puerto Rican

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<sup>1</sup> Carmen Gautier Mayoral, et al. ed., Puerto Rico en las relaciones internacionales del Caribe (Río Piedras, Puerto Rico, Ediciones Huracán, 1990), 162

regular unit. Immediately a new airfield (Ramey Field) was constructed in Aguadilla, and plans for Roosevelt Roads Naval Base in Ceiba completed. Rear Admiral B.H. Bieri described Puerto Rico's strategic importance to the Navy as follows:

- (a) Its central and forward position in relation to the Panama Canal and the east coast of the United States.
- (b) Its commanding position over all the approaches to the Caribbean.
- (c) It is the only outpost among the islands of the Caribbean, with the exception of the western part of Haiti and Trinidad, that could be developed into a main naval base.
- (d) If we are unable to use this base, the United States Fleet will need to anchor in Panama or at Chesapeake Bay.<sup>2</sup>

The deterioration in the European situation prompted a review of the "Rainbow" planning. The new plan, "Rainbow 4", pointed out the need for additional bases in Latin America in general, and the Caribbean in particular; the occupation of the European colonies in the Caribbean and military assistance to the states of the region. Greater military cooperation with Britain was later added. The military policy of the U.S. regarding Latin America continued under these guidelines throughout the war.

In the fall of 1940, President Roosevelt sent an investigation commission into the Caribbean. The Commission included Rexford G. Tugwell, a controversial member of the advisory committee that President Franklin D. Roosevelt created to manage the the social and economic programs of the New Deal. He held a number of positions in the Roosevelt administration and, from 1941 to 1946, served as governor of Puerto Rico.<sup>3</sup> The Commission concluded

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<sup>2</sup> Memoranda from Rear Admiral B.H. Bieri, "Assistant Plan Officer, U.S. Fleet, Headquarters of the Commander in Chief, Navy Dept., Washington D.C." to General A.C. Wademeyer. Quoted in Gautier Mayoral, Puerto Rico en las relaciones, 163.

<sup>3</sup> For more information on Tugwell's career before this appointment, see John F. Carter, The New Dealers. (New York: Simon and Schuster Inc., 1934)



that drastic social reforms were needed, together with military measures, in order to secure the area. Tugwell criticized not only the colonial administrations of Britain and France, but also the indifferent and ineffective rule of Puerto Rico by the U.S. colonial authorities.<sup>4</sup>

U.S. involvement in the Caribbean increased in September of 1940 after the Lend-Lease agreement with Britain, which involved the transfer of fifty destroyers to the Royal Navy in exchange for the right to build bases on British colonial territories. Air and naval facilities were built in Jamaica, Bahamas, Antigua, St. Lucia, Trinidad and British Guyana. These bases secured all entrances to the Caribbean, with the installations at Chaguaramas in Trinidad considered the most important due to their proximity to the vital bauxite and oil resources from northern South America and the Dutch islands of Aruba and Curaçao.

On September 19, 1941 President Roosevelt appointed Rexford G. Tugwell as governor of Puerto Rico. Tugwell had earlier expressed to President Roosevelt his concerns at the social situation of the Caribbean, and in particular of the U.S. treatment of Puerto Rico. Socioeconomic reform became the common thread that bound together Tugwell and Muñoz Marín. They both sought to remove the injustices of the past colonial administrations. Altruism aside, correcting economic exploitation was of utmost importance in securing Puerto Rico as a part of the U.S. war effort. Tugwell fit well the need for someone who could add administrative experience to strategic concern. When Tugwell became governor, Muñoz Marín had already begun enacting his campaign agenda. Most important was the creation of an Autoridad de Tierras (Land Authority) empowered to purchase lands held in excess of the 500-acre

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<sup>4</sup> Rexford G. Tugwell, The Stricken Land, (New York, Greenwood Press, 1946), 64-79.

limitation. Farm wages would include proportionate shares of the profit, and land would be redistributed to peasant families. Also, the PPD set in motion the basis for a reformed civil service, and the increased role of the government in the economic and social development of the island. The sudden rush of public initiative and power created deep resentment among the conservative elements of society. The Coalición, despite their power, could not stop the legislation. Their leadership maintained that the new legislation was both leftist and rightist, and that the governor was supporting the PPD in an effort to build a personal dictatorship.<sup>5</sup> Tugwell's anti-New Deal enemies in the United States joined the chorus, and in 1943, congressional committees sent subcommittees to the island to find out what was happening.

In February, 1943, Tugwell stated his case before the Senate Subcommittee on Territories and Insular Affairs, headed by Senator Dennis Chaves of New Mexico.<sup>6</sup> If his support of the Puerto Rican urge for reconstruction indicated "an imperfect understanding of a colonial governor's duties," Congress had also been at fault; for the Jones Act assigned duties "in controlling this possession to others than the governor." This act, he held, had the inherent quality of all older approaches to colonialism in that the home government reserves the right to prescribe what a people cannot do, because if they were free, they would do something unwise.<sup>7</sup> Since the act had been in force for twenty-six years, why had the United States failed to move decisively in reviewing the demands for political reform coming from the island? "Two million

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<sup>5</sup> Charles T. Goodsell, Administration of a Revolution, (Cambridge, Massachusetts, Harvard University Press, 1965), 24-25.

<sup>6</sup> U.S. Congress, Senate, Committee on Territories and Insular Affairs, Subcommittee Report on Economic and Social Conditions in Puerto Rico (Report No. 628, 78th Cong., 1st sess., 1943).

<sup>7</sup> *Ibid.*, 10-12.

people" he stated "cannot permanently be kept in the twilight colonialism."<sup>8</sup>

According to Tugwell, the infighting, divisionism and increasing radicalization of the political process in Puerto Rico could be traced back to the U.S. Congress' unwillingness to provide a clear policy regarding the future of the island. The U.S. was neither preparing the island for statehood or independence, nor proposing to modify the Jones Act in order to grant more autonomy in order that the people of Puerto Rico could effectively work to improve their own situation. The legislature of Puerto Rico, in his opinion, was under the tutelage of Congress, and Congress had to decide whether to move towards independence or to grant greater autonomy. In either case, the United States was responsible for creating conditions for its success. He advocated an immediate modification of the Jones Act to provide for an elective governor, as this would reduce the power of the political parties and provide leadership to the legislature.<sup>9</sup>

The likelihood of political reforms had to be taken in the context of the current war situation. Since the Japanese attack on the military installations at Pearl Harbor in Hawaii in late 1941, the Axis armed forces had inflicted heavy losses on the U.S. The Japanese now occupied the U.S. Pacific territories of the Philippines, Guam and Wake Island and they were threatening Alaska with invasion. At the same time German U-Boats were inflicting heavy losses on merchant vessels plying the sea lanes of the Caribbean and the Mid-Atlantic. With the island effectively under blockade from the German submarines,<sup>10</sup> and the U.S. military buildup in Puerto Rico barely getting under way, there was

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<sup>8</sup> Morales Carrión, Puerto Rico, 252.

<sup>9</sup> Tugwell, The Stricken Land, 540-541.

<sup>10</sup> By September 1942 arriving cargo tonnage was just 7 percent of the usual monthly rate. The total cargo tonnage delivered to the island in 1942 was less than two thirds of what was delivered in 1940. See Goodsell, Administration of a Revolution, 21.

the distinct possibility that internal unrest might erupt.

Governor Tugwell was most concerned with the activities of the large and influential Spanish community in the island. There were an estimated six thousand Spanish citizens, many of them residents of Puerto Rico at the time of the Spanish-American War of 1898 who refused to accept U.S. citizenship in 1917 when the Jones Act came into effect. This community had many interests in business and commerce, and in general supported the Fascist regime of General Franco in Spain.<sup>11</sup>

While officially neutral, the Franco regime, which controlled Spain since 1939 after defeating the democratically-elected Spanish Republican government in the Civil War, actively assisted the Axis powers. Franco had sent troops (mostly members of the Falange, the Spanish Fascist party) to participate in the German invasion of the Soviet Union, and also provided bases for the U-Boats. Of more immediate concern were the activities of the overseas branch of the Falange, as the Germans were allowed to use this network of Franco sympathizers to gather intelligence throughout Latin America.<sup>12</sup>

In Puerto Rico the local Falange branch was under surveillance by the authorities, and in 1941 the members accepted outwardly the dissolution of the organization. However, the Falangistas remained committed to the return of the island to Spain as a prelude of the rebirth of the Spanish Empire in the Americas. This, combined with their strong rejection of the imposition of U.S. social, political and cultural values on people of Spanish stock, such as Puerto Ricans, raised the possibility that elements of the banished Nacionalista movement might be attracted to the Falange agenda. The U.S. could hardly

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<sup>11</sup> Tugwell, The Stricken Land, 161-162.

<sup>12</sup> Allan Chase, Falange: The Axis Secret Army in the Americas, (New York, G.P. Putnam's Sons, 1943), 125-150.

afford the disruption to their operation in the Caribbean that would occur if, due to combination of economic hardship and lack of political freedoms, the people of Puerto Rico would join a German-supported Nacionalista revolt.

Both Tugwell and Muñoz Marín realized that the war-time scarcity and isolation would make it even more difficult to find solutions to the problems of the island. They outlined the measures that needed to be taken in Puerto Rico. They insisted on the need for agricultural improvement, for industrialization, and for a policy to supersede the old colonialism. An elective governor was a beginning, as had been suggested by the appointed Tugwell. The long period of inaction in Congress should come to an end, and the Puerto Rican electorate must be allowed to express itself.<sup>13</sup>

The war generated problems, but also opportunities. The drive for reform and reconstruction created a new sense of purpose and reduced the clashes between the executive and the legislative branches. Federal expenditures helped the economy. Income directly traceable to war activities of the federal government rose from \$8.1 million in 1940 to \$106.4 million in 1944.<sup>14</sup> The rum and tobacco industries also benefited from the absence of competition from Europe. In particular, the U.S. liquor market proved to be a bonanza for Puerto Rican rum producers. In five years, their net income rose from \$1.6 million to \$14.3 million. Another improvement was the diversification of the economic base, as manufacturing was becoming relatively more important than in previous years. Finally, by late 1943 the German U-Boats were becoming less effective in disrupting the flow of shipping into the Caribbean, this due mostly to the increase in U.S. and Allied naval and air power in the region.

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<sup>13</sup> Tugwell, The Stricken Land, 686.

<sup>14</sup> Daniel Creamer, The Net Income of the Puerto Rican Economy, 1940-1944. (Río Piedras, Puerto Rico, n.d.), 21-22. In Morales Carrión, Puerto Rico, 253.

By 1944 the military situation looked more favorable to the U.S, and the island's economy slowly but steadily improved. Muñoz Marín and the PPD looked forward to the coming elections. A convincing electoral victory would not only allow the Populares to accelerate their social and economic plans, but would also give them greater authority in their future attempts to seek greater autonomy. The PPD maintained that the status was not an issue for them in the elections, but had pledged to wait until after the end of the war to conduct a referendum.

During the elections of 1944, the PPD obtained an extraordinary victory that included the absolute control of the legislature for the first time.<sup>15</sup> The Populares controlled all the seats in the Senado, and thirty four of the thirty five seats in the Cámara de Representantes. The preponderance of the PPD established with this election would last until 1968.<sup>16</sup>

From 1943 to 1945, several projects were presented in Congress, at the urging of Governor Tugwell, to reform the political and administrative framework of the island.<sup>17</sup> One of these bills, S.952, proposed the independence of the island and was initially backed by the PPD. However, despite the realization that the status quo needed to be changed, concern over the fate of U.S. military installations weighted heavily against granting independence to Puerto Rico. At the hearings for this bill, the Assistant Secretary of War stated that from a military point of view "it would be easier if we had sovereignty over any area, to make our military dispositions over the area".<sup>18</sup> Senator Robert A. Taft expressed

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<sup>15</sup> Bolívar Pagán, Historia de los partidos políticos puertorriqueños: 1898-1956, (San Juan, Puerto Rico, Librería Campos, 1959), 49-53.

<sup>16</sup> Morales Carrión, Puerto Rico, 306-307.

<sup>17</sup> Tugwell, The Stricken Land, 91-96.

<sup>18</sup> U.S. Congress, Senate, Committee on Territories and Insular Affairs. Hearings on S.952, A Bill to Provide for the withdrawal of the sovereignty of the United States Over the Island of Puerto Rico and for the recognition of its Independence. 78th Cong., 1st sess., 1943, 9.

that the best alternative would be "to consider also the question of some kind of autonomous government under which we would retain control of foreign relations and military control of the island. I think the (War) department, in making their general study of this question, might consider whether that condition was not more consistent with the military needs than complete independence..."<sup>19</sup> The Senator also recognized that the demands similar to those of the people of Puerto Rico for more self-government "may be repeated hundredfold all over the world after the war, in the post-war settlement... Many islands throughout the world will have semi-autonomous status. This is only one phase of the problem..."<sup>20</sup>

President Roosevelt was persuaded by Tugwell's arguments and supported reforming the government of Puerto Rico, but in such a manner that the U.S. military presence would not be compromised. In a message to the House Committee on Insular Affairs, Pres. Roosevelt outlined the position of his administration regarding the future political situation of the island:

During the 45 years of our sovereignty (over Puerto Rico), the elements of world military and naval strategy have changed also. When the island was brought under our flag, the Panama Canal had not yet been dug, and the airplane had not yet been invented. The Caribbean was something of a backwater in the broad current of world affairs. When the present war became imminent, however, it was obvious that the chain of islands running in a great arc from Florida to the shoulder of South America, enclosing the Caribbean Sea, formed a vast natural shield for the Panama Canal... And of this island shield, Puerto Rico is the center. Its possession or control by any foreign power -or even the remote threat of such a possession- would be repugnant to the most elementary principles of national defense.

It has long been the policy of the Government of the United States progressively to reinforce the machinery of self-government in its territories and island possessions. The principles for which we are now fighting require that of all our citizens -whether continental or overseas- to the greatest possible degree of home rule and also of participation in the benefits and responsibilities of our Federal system.

Puerto Ricans of all political parties, however divergent their views as to the

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<sup>19</sup> Ibid., 20.

<sup>20</sup> U.S. Congress, Hearings on S.952, 21.

political future of the island, are united in asking for the right to elect their own Governor. I believe that they are entitled to it...The fiscal relationship of the insular government to the Federal Government would not be altered, nor would the ultimate power of Congress to legislate for the Territory.<sup>21</sup>

Congress failed to act on any of the proposed bills, but the hearings had served as way to discuss the possible alternatives for reform in Puerto Rico. Clearly, the interest of the military in maintaining their presence on the island was the overriding factor for the United States. Both Congress and President Roosevelt believed that independence would interfere with the unimpeded use of the island by the military, but also realized that the current administrative situation was intolerable to most Puerto Ricans. Statehood was out of the question because there was no support for it either in Washington (few in Congress were willing to accept an economically depressed territory as a state, much less one with different language, culture and ethnic composition), or in Puerto Rico (where the majority party, the PPD was still officially pro-independence). Some type of autonomy emerged as the only viable alternative to the problem of the status. At the end of World War II, the U.S. was ready to act. Sensing this change in political climate, Tugwell decided to hasten the process of reform by announcing in December of 1945, his intent to resign from the governorship expecting that President Harry S. Truman (who succeeded Roosevelt after the latter's death earlier in 1945) would appoint a Puerto Rican to the post.

On July 25, 1946, President Truman took a momentous step forward in U.S.-Puerto Rican relations. He appointed the first Puerto Rican ever, Jesús T. Piñero, as Governor of the island. Ten months later, on May 2, 1947,

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<sup>21</sup> U.S. Congress, House, Committee on Interior and Insular Affairs. To amend the act to provide a civil government for Puerto Rico. 79th Congress, 1st Session., 26 August 1944.



Representative Fred L. Crawford of Michigan, introduced legislation to make the governorship of Puerto Rico an elective office.<sup>22</sup> The U.S. government was beginning to implement the first basic reforms that Tugwell and Muñoz Marín had requested since 1941. On August 5, 1947, President Truman signed this bill, Public Law 362, that also provided for the Puerto Rican Governor to name all the Secretaries for the Cabinet with the advice and consent of the Insular Senate.<sup>23</sup> Another important part of this law was the creation of the position of "Coordinator of Federal Agencies in Puerto Rico", a functionary appointed by the President and confirmed by the U.S. Senate, to supervise the administration of Federal programs in the island. Clearly, the intention was to retain a measure of control from Washington at the same time that greater autonomy was conceded to the island.

At this time, however, the PPD had to resolve an internal debate between the proponents of independence and those of autonomy. Muñoz Marín himself had undergone a transformation in his philosophical approach to the status question. In 1938 he left the Partido Liberal after it abandoned the ideal of independence. Ten years later Gilberto Concepción de Gracia (a Popular leader who had initially followed Albizu Campos) threatened to do the same to the PPD. Concepción de Gracia pressed Muñoz Marín to reiterate that independence remained the official goal of the party, but Muñoz Marín replied that he was more concerned with solving the problems of the island and the status issue realistically. The pro-independence wing of the PPD then split and formed, on October 27, 1946, the Partido Independentista Puertorriqueño

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<sup>22</sup> U.S. Congress, House, Elective Governorship for Puerto Rico, 80th Cong., 1st sess., H.R. 3309, Congressional Record (2 May 1947).

<sup>23</sup> For the full text of Public Law 362, see Albert P. Blaustein and Eric B. Blaustein, Constitutions of Dependencies and Special Sovereignities: Commonwealth of Puerto Rico. (Dobbs ferry, New York: Oceana Publications, Inc., 1977).

(Puerto Rican Independence Party), or PIP.

Although Muñoz Marín was formerly a staunch defender of independence for the island, his close association with Governor Tugwell and the latter's commitment toward improving the situation of Puerto Ricans, plus the realization that with enough prodding (even after the previous failures of Congress to do something), the United States would eventually act on behalf of the island, convinced Muñoz Marín that some sort of autonomy within the Union would allow Puerto Rico to achieve a greater measure of self-government, while at the same time retaining economic benefits derived from free access to U.S. markets and Federal aid grants.<sup>24</sup>

In June of 1946 Muñoz Marín first openly discussed his new approach regarding the future status of the island in a series of articles published in the Puerto Rican daily El Mundo.<sup>25</sup> He considered that the changes in the world since the end of World War II meant that a new evaluation be made of the option available to the country. Emphasizing the interdependency of the world, especially of the democratic West led by the United States, he maintained that complete sovereignty was no longer needed as a tool to improve the condition of a people. Muñoz Marín was convinced that any future status should be considered principally by how the people would benefit in practice. Muñoz Marín was convinced that the economic and social situation of the island made statehood impossible, and that independence without special bilateral arrangements (unlikely to be granted by Congress) would also be impossible.

As leader of the PPD Muñoz Marín would very likely become the first

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<sup>24</sup> Surendra Bhana, The United States and the Development of the Puerto Rican Status Question: 1936-1968 (Lawrence, Kansas: The University Press of Kansas, 1975), 88-89.

<sup>25</sup> Thomas Aitken Jr., Poet in The Fortress, (New York, The American Library of World Literature, inc., 1964) 176-177.

elected governor of the island, after the election of 1948. By his clever separation for practical purposes of the issues of autonomy and the final political status of Puerto Rico, he managed to gather the support of Congress on the bills granting more self-government to the island. The attitude in Congress was one of paternalistic concern for the administration of Puerto Rico with the comfortable knowledge that ultimate control over the island still remained in Washington. U.S. officials and Muñoz Marín realized that the elective governor measure was but a first step down the road of greater reforms and changes concerning the relationship between the island and the United States.

In November 1948 the PPD, as anticipated, won the election by a wide margin. Luís Muñoz Marín became the first elected governor of Puerto Rico, and now would have the opportunity to elaborate on his concept of autonomy. Even if the Populares had wanted to sidestep the issue of the status in this election, the other political parties kept it alive. The pro-statehood forces gathered under the new Partido Republicano Estadista (Statehood Republican Party) and its leader the wealthy industrialist Luís A. Ferré. At the same time, the pro-independence PIP, under Concepción de Gracia, entered their first electoral contest.

Because the status question remained the focus of Puerto Rican politics, the PPD defined precisely their new autonomous alternative. Muñoz Marín insisted that:

The people of Puerto Rico should authorize with their votes the following request: that the Congress of the United states by law fulfills the self-governing of Puerto Rico to the utmost without becoming a State within the constitutional structure of the United states. That is, that the people of Puerto Rico be authorized to make its own constitution, in the same fashion that new States are authorized; that the economic relations between Puerto Rico and the United States continue essentially the same...This will establish the largest possible measure of self-government that some times under the name

of autonomy, some times under the name of Dominion, some times under other names, has been one of the solutions proposed through history in Puerto Rico.<sup>26</sup>

The proposal for such a status was offered to Congress early in 1950. The bill now under consideration would replace the Jones Act by a new document reaffirming the economic interdependence of Puerto Rico and the United States, and the Federal jurisdiction of several areas of government ( for example, defense, currency, coastal shipping, immigration). Also, the island would continue to have only the non-voting Resident Commissioner as representative to Congress, but in return no Federal taxes would be levied. Fernós Isern, the Resident Commissioner of Puerto Rico in Washington, worked in Congress to get the support needed for the realization of the constitutional goal. The proposed bill, H.R. 7674, recognized the principle of government by consent and stated that its passage would be regarded as having been adopted in the nature of a compact between the peoples of Puerto Rico and the United States.<sup>27</sup> This settled the basic characteristics of the Constitution that would then be drafted and presented for ratification to the people of Puerto Rico.

By July of 1950 both the Senate and the House, after reaching agreement on the bill, presented it to the President for his signature. On July 3, 1950, President Truman signed the bill into Public Law 600.<sup>28</sup> As part of this package, a referendum was expected to be held on July of 1951.

U.S. defense strategists were concerned with the future of the many military

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<sup>26</sup> Speech given by Luís Muñoz Marín during the acts of commemoration of the independence of the United States, on July 4, 1948. In Seijó Bruno, La insurrección nacionalista, 37.

<sup>27</sup> U.S. Congress, House, Commonwealth of Puerto Rico, 81st Cong., 2nd sess., H.R. 7674, Congressional Record, 13 March 1950, H3260.

<sup>28</sup> Fernós Isern, Estado Libre Asociado, 108-109.

installations in Puerto Rico. Indeed, Ramey Air Force Base in Aguadilla, Roosevelt Roads Naval Station in Ceiba and the Atlantic Fleet target range and practice area on Vieques Island were regarded as key and irreplaceable.<sup>29</sup> These bases had proven their value during World War II against the German submarines that preyed on Allied shipping in the area, and they would continue to be important against any possible Soviet threat to the Panama Canal and the Caribbean Sea trade routes. This strategic value is further reflected by the fact that the U.S. military requested expansion and modernization of existing facilities on the island. In the words of Secretary of the Navy James Forrestal:

(i)n developing its post-war plans, the Navy Department has found it necessary to give careful consideration to the requirements of the Atlantic Fleet for adequate training areas in the Caribbean area, particularly for amphibious operations and firing practice. Its studies demonstrate conclusively that this area will assume great strategic importance in the post-war era . . .<sup>30</sup>

Military leaders must have been satisfied that the political changes taking place on the island would not impair their activities. In a period of heightened security-consciousness, many legislators in Congress were reassured that the Navy and Army holdings and operations would remain unaffected on an island that guarded the entrance to the Caribbean.

While these discussion were taking place in Washington, new developments in Puerto Rico would dramatize the urgency for political reform. The leader of the Nacionalistas, Pedro Albizu Campos, after serving his ten year sentence in Federal prison, was freed and returned to a much changed island on December 15, 1947. He immediately set out to reorganize the party

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<sup>29</sup> Jorge Rodríguez-Beruff, Política militar y dominación: Puerto Rico en el contexto latino-americano (Río Piedras, Puerto Rico: Ediciones Huracán, 1988), 41-44.

<sup>30</sup> Letter from Secretary of the Navy James Forrestal to Secretary of the Interior Frederick Krug, May 27, 1947, quoted in Bhana, The United States and the Development, 108.

and to confront Muñoz Marín for the latter's abandonment of the ideal of independence. Albizu Campos also denounced the process initiated by the Public Law 600 as just the continuation of the same U.S. colonial control of the island under another guise.<sup>31</sup>

The Partido Nacionalista announced that it would not participate on the scheduled referendum, but while rejecting any further pro-independence political action, Albizu Campos was determined to achieve independence through revolutionary action. On October 29, 1950, he launched a general uprising against the Insular Government. The plan called for the Nacionalistas to stage a series of coordinated attacks on police stations and other government buildings across the island. Due to the fact that the police had infiltrated informants among the Nacionalistas, and since the party lacked training, organization and weapons, only a few groups actually carried out their orders. In the towns of Arecibo, Peñuelas and Jayuya the Nacionalistas were easily repulsed. An attempt to storm La Fortaleza (the official governor's residence), and assassinate Muñoz Marín also failed after a fierce gun battle that left four Nacionalistas dead.<sup>32</sup> Governor Muñoz Marín ordered the National Guard into action, but he did not request Federal troops. The largest action of the revolt took place in the town of Utuado. Albizu Campos planned to hold out in this small and inaccessible mountain village for at least a month, convinced that protests from countries opposed to colonialism at the United Nations would force the United States to grant the island independence.<sup>33</sup> As it was, the short-lived revolt was crushed by November 2. Albizu Campos was captured and

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<sup>31</sup> Seijó Bruno, La insurrección nacionalista, 39.

<sup>32</sup> Gregorio Hernández Rivera, only member of the Nacionalista group that survived the attack, declared that during the firefight he saw Muñoz Marín standing in front of a window and fired at him, missing just by inches. Interview on Seijó Bruno, La insurrección nacionalista, 164.

<sup>33</sup> Interview with Elio Torresola, second in command of the Partido Nacionalista, *Ibid.*, 139.

eventually sentenced again to federal prison in the United States. One last incident, that captured world-wide attention, was the attempt on the life of President Truman. During the attack on the Blair House, used temporarily by Truman as his official residence, one Nacionalista and one presidential guard were killed.<sup>34</sup>

The insurrection did not impede the political dialogue between the U.S. and Governor Muñoz Marín. The rapid and efficient suppression of the unrest by the local authorities made it clear that Albizu Campos and the Partido Nacionalista were a small discontented minority. Also the fact that Muñoz Marín himself was a target reaffirmed his own prestige as a moderate who was firmly committed to democracy and thus perceived as an enemy by the anti-U.S forces in the island. In fact, Congress seemed more determined than ever speed up the resolution of the status question, particularly since the unrest in Puerto Rico came at the same time as the start of the Korean Conflict in June of 1950, which worsened tensions between the U.S. and the Soviet Union.

The U.S. was determined to stop the expansion of the Soviet-supported communist regime of North Korea after the latter's invasion of the South, and at the same time deter the Soviets from further military aggression in Asia and elsewhere. It was determined that since, at least for the moment, the possibility of a world war was low the defense of the Caribbean was less important than the reinforcing of the U.S. troops engaged in Korea. Part of the ensuing build-up included the all-Puerto Rican 65th Infantry Regiment, that joined the action on September of 1950. The many commendations and awards earned by this unit also served to reassure the U.S. military, after the Nacionalista revolt, of the

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<sup>34</sup> On September 12, 1979 President Jimmy Carter pardoned Oscar Collazo, who had participated in this attack and had been sentenced to life in prison.

dependability of Puerto Ricans serving in the armed forces.<sup>35</sup>

On June 4, 1951, Puerto Ricans went to the polls and approved the referendum to select a Constituent Assembly in charge of drafting a constitution. Less than a year later, on March 3, 1952, the final document was endorsed by the people of Puerto Rico. This constitution created a new relationship between the United States and Puerto Rico, significantly different from the past arrangements under the Foraker and Jones Act. Apart from incorporating previously granted reforms, such as the elected governorship, the new arrangement provided for the establishment of an Estado Libre Asociado (Free Associated State), or Commonwealth based on a "compact" between the people of Puerto Rico and Congress. The definition of the Commonwealth then was that of special association with the United States,<sup>36</sup> that did not preclude future changes. The government of Puerto Rico could then negotiate with Congress the application of federal laws and regulations on the island. A common citizenship would provide the basic link with the United States.

However, even as the Commonwealth was hailed by the PPD as the best possible instrument to achieve both political self-determination and improve the economy of the island, Muñoz Marín should have realized that the old Carta Autonómica negotiated between his father and the Spanish government granted more autonomy to the island than this new constitution. The provisions of the Carta Autonómica, could only be changed with the approval of the Insular legislature. The Puerto Rican legislature, however, could modify laws passed by the Spanish Parliament to better reflect the conditions in the island. While

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<sup>35</sup> For further information on the 65th Inf. Reg. in Korea, see Brig. Gen. W.W. Harris, Puerto Rico's Fighting 65th U.S. Infantry, (San Rafael, Cal., Presidio Press, 1980). These are the memories of the commander of the regiment during this period.

<sup>36</sup> For the text of the Constitution of the Commonwealth of Puerto Rico, see appendix 2.



the Gobernador-General (Governor) was still appointed by the Spanish Crown, his functions were designed largely toward overseeing the readiness of the military. Since he lacked veto power, the Gobernador-General could do very little to oppose laws enacted by the autonomic government, except request arbitration by the Council of Ministers of the Kingdom. The Autonomic Government of 1897 led by Luís Muñoz Rivera had also the power to negotiate trade agreements with other countries, to control the territorial waters of the island, to raise revenue through the levy of duties on imports (Spanish as well as foreign) and exports, and to issue currency. Lastly, Puerto Ricans, as Spanish citizens, could also elect representatives to the Cortes on an equal footing with the rest of Spain.

Under the Commonwealth, the Puerto Rican legislature could not make laws in areas specifically allotted to the Congress in Washington under the U.S. Constitution. Thus the making of treaties with other countries, the power to regulate commerce between the island and the United States and the rest of the world, control of the territorial waters, immigration, issuance of currency, plus matters of defense and the military, all remained under the direct control of the U.S. Federal government. Moreover, all laws (including the Constitution of the Commonwealth) could be rescinded or altered unilaterally by the U.S. Congress. The Commonwealth retained from the Jones Act, as only representative before Congress, the position of the Resident Commissioner in Washington. The Resident Commissioner, as previously mentioned, could not vote or present legislation even on matters that have a direct impact on the island. Without full participation in Congress, however, Puerto Ricans are exempt from paying Federal taxes. This was also extended to corporations

doing business in Puerto Rico (section 936 of the Internal Revenue Act),<sup>37</sup> providing a strong incentive for U.S. corporations to relocate their production facilities to the island.

After Congress approved of the new constitution, Gov. Muñoz Marín proclaimed the Estado Libre Asociado on July 25, 1952 (the fifty-fourth anniversary of the U.S. invasion of the island during the Spanish-American War in 1898). The reaction of Congress was very enthusiastic regarding the efforts for self-government made by Puerto Ricans. However, influential groups who endorsed the measure did so in the knowledge that Congress retained the right to decide Puerto Rico's final political status. This attitude combined with a paternalistic sense of responsibility was reflected in comments made by Congressman Walter H. Judd of Minnesota: ". . . you cannot expect to take a child in the third grade or sixth grade and move him up into a postgraduate school without the various grades between."<sup>38</sup>

The fact is that Puerto Rican politicians had a long history of dealings with metropolitan colonial governments going back to the drafting of the first Constitution of the Kingdom of Spain in 1812, to the 1897 Carta Autonómica granted by Spain just before the Spanish-American War, and also the relations during the first fifty years of U.S. rule. Therefore, this practical experience had more than prepared Puerto Rico and the Puerto Ricans to manage their own internal affairs. Also, a careful comparison of the powers granted to Puerto Rico under the Commonwealth reveals that they are not as extensive as those

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<sup>37</sup> Section 936, the "Possessions Tax Credit", offers tax incentives to American companies in order to encourage manufacturing investment in Puerto Rico and certain other U.S. possessions. Specifically, it allows federal income tax credits for income from target industries in these locations. Puerto Rico-U.S.A. Foundation, Section 936: The Keystone for U.S.-Puerto Rico Economic Growth, n.p., n.d.

<sup>38</sup> Bhana, The United States and the Development, 132.

provided by the Carta Autonómica. However, just as Luís Muñoz Rivera had done in 1896, his son Muñoz Marín had seized the opportunity afforded by concerns with international events in the ruling colonial power. The autonomic arrangements obtained by both father and son constituted great advances in the quest for political and economic self-determination for the people of Puerto Rico.

## CHAPTER V

## CONCLUSION

Following the adoption of the Estado Libre Asociado, Governor Muñoz Marín asked President Eisenhower that no additional reports on the condition of the island be sent to the United Nations Trusteeship Council, arguing that Puerto Rico now enjoyed self-government and a wide range of autonomy. On November 27, 1953, the General Assembly agreed with the U.S. position that Puerto Rico was no longer a dependent territory,<sup>1</sup> and the annual reports were discontinued.

The new political status, however, failed to provide a definitive alternative for all groups on the island. Supporters of both statehood and independence, realizing that the Commonwealth formula was specifically designed so it could be modified or superseded by another, continued their political activities. Due to the immense prestige of Luís Muñoz Marín, however, the PPD continues to be the main party of Puerto Rico.<sup>2</sup>

Since the 1950 Nacionalista uprising, however, the pro-independence Partido Independentista Puertorriqueño, sponsoring the peaceful transition to full sovereignty, has gained wide acceptance among some sectors of society. University students, young professionals and second generation Puerto Ricans living in the continental U.S. oppose statehood and have become disillusioned with Commonwealth as a permanent solution.<sup>3</sup> More radical groups, such as the Ejército Popular Boricua (Popular "Boricua" Army), also known as Los

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<sup>1</sup> United Nations General assembly Document A/Resolution/151, November 30, 1953.

<sup>2</sup> Luís R. Dávila Colón, "Los '80: La década del colapso", El Nuevo Día, (San Juan, Puerto Rico), December 30, 1989.

<sup>3</sup> *Ibid.*, 5.

Macheteros, have conducted a sporadic violent terrorist campaign against the continued military presence of the United States, hoping that it would force the U.S. to grant independence to Puerto Rico. Their first major operation was the ambush of a group of U.S. Navy personnel on Sabana Seca on December of 1979, killing 2 and wounding several others.<sup>4</sup> Their most spectacular actions included their attack in January of 1981 upon Muñiz Air Base, near San Juan, which resulted in the destruction of A-7 jet fighters of the Puerto Rican Air National Guard,<sup>5</sup> and the robbery of seven million dollars from a Wells Fargo armored car in Hartford, Connecticut (1983). A concerted effort by the F.B.I. and the local police managed to disband the organization after a series of arrests during 1985.

On the other end of the political spectrum, the pro-statehood party, the Partido Nuevo Progresista (New Progressive Party) or PNP, eroded the PPD's traditional support from the lower income groups. Four times, in 1968, 1976, 1980 and 1992, the PNP captured the governorship of the island. Also, the PNP extracted promises of the acceptance of Puerto Rico as a State of the Union from Presidents Ford, Reagan and Bush if the people of the island should vote for that on a referendum.

The continued military and strategic importance of Puerto Rico was amply demonstrated by the utilization of Puerto Rican bases in support of major military actions in the Caribbean region. The rise to power in Cuba of Fidel Castro on 1959 again focused the attention of the United States toward Latin America and the Caribbean. The administrations of Presidents Kennedy and Johnson were worried that the Soviet foothold in the Western Hemisphere

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<sup>4</sup> El Nuevo Día, (San Juan, Puerto Rico), December 4, 1979.

<sup>5</sup> Ibid., January 11, 1981.

would be just the beginning of a concerted Soviet-Cuban effort to destabilize that part of the world. The U.S. intervention in the civil war then raging in the Dominican Republic on April of 1965, simultaneous to the escalating U.S. military involvement on the long-running war in Vietnam, was an expression of this new policy of containment in Latin America. On that occasion Ramey Air Force base in the northwestern part of Puerto Rico, was the key staging area for the units of the 82nd Airborne Division that led the invasion force into Santo Domingo, the capital of the Dominican Republic.<sup>6</sup> During the intervention on Grenada on October of 1983, Roosevelt Roads Naval Station, near Ceiba in eastern Puerto Rico, was used as a refueling stop, to stockpile supplies and also as a base for sophisticated radar surveillance planes (E-3 AWACs) and F-15 jet fighters whose mission was to intercept any airlift of reinforcements from Cuba to Grenada.<sup>7</sup> The base in Roosevelt Roads was again used for refueling and as casualty evacuation destination during the invasion of Panama on December 20, 1989.<sup>8</sup>

The island of Vieques, off the east coast of Puerto Rico, is still the major training area for the Navy and Marine forces in the Atlantic Fleet, that includes over one hundred and fifty ships and six carrier air wings. Combined-arms exercises and naval gunfire and aviation target practice are conducted on the island throughout the year.<sup>9</sup> The mountain regions of the interior are routinely utilized as "jungle" training facilities for U.S. Special Forces, Marines and the Puerto Rican National Guard, as well as by the forces of allied countries such as

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<sup>6</sup> Rodríguez-Beruff, Política militar y dominación, 162.

<sup>7</sup> Major Mark Aitken, Urgent Fury. The Battle for Grenada, (Lexington, Massachusetts: Lexington Books, 1989), 141.

<sup>8</sup> Gordon Rottman, Panama 1989-1990, (London: Osprey Publishing Ltd., 1991), 22-23.

<sup>9</sup> U.S. Congress, House, Committee on Armed Services, Report on the Panel to Review the Status of the Navy Training activities on the island of Vieques (96th Cong, 2nd sess., 1981), 8.

the Netherlands, Britain, Brazil and Venezuela.<sup>10</sup>

The value of Vieques to the operations of the U.S. Navy was described by Vice-Admiral T.J. Bigley, Office of the Chief of Naval Operations, on September 12, 1978 as follows:

The strategic importance of Vieques is mainly in its geographic location and the prepositioned ammunition stocks needed in support of Navy and Marine Corps deployed units. If the use of the Vieques Ammunition Facility were denied, logistics flexibility to support operational units would be unacceptably restricted.<sup>11</sup>

This view was also echoed by the former commander of the U.S. forces in the Caribbean, Rear Admiral Arthur Knoizen on January 18, 1979 during an interview with a newspaper from the region:

We need to stay here in the Caribbean and continue our training. Vieques is a key part of our operation. If you want national defense you have to keep the Navy strong. Only if the Navy is strong will we be able to protect [the United States].<sup>12</sup>

At the present time the main military bases and installations of the U.S. armed forces in Puerto Rico were as follows: Roosevelt Roads Naval Station in Ceiba, comprised of a complex of airfields, ammunition and supply stockpiles, and repair facilities to support the operations of the Atlantic Fleet; Camp García training grounds in Vieques, used for "wargames" during amphibious landing operations; Sabana Seca, communications and radar warning site in western Puerto Rico; Camp Tortuguero, training and maneuvers site along the northern coast between San Juan and Arecibo; Salinas Training Center, a large land-air

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<sup>10</sup> Ibid., 6.

<sup>11</sup> Deborah Menkart and Catherine A. Sunshine, ed., Caribbean Connections: Puerto Rico, (Washington, D.C., EPICA/NECA, 1990), 94.

<sup>12</sup> Ibid., 94.

training facility used now mostly by the Puerto Rican National Guard; Ramey Field (Punta Borínquen), a large air base formerly used by the Strategic Air Command to house B-52 bomber airplanes. The Air Force retired the planes and turned the base over to the government of Puerto Rico in 1973, but its installations are still used by the Puerto Rican National Guard, the U.S. Coast Guard, and at times by the U.S. Navy; and the Barrio Guerrero Naval Communication Station in Isabela, a complex of radio antennae and electronic equipment used by the Navy to enhance the communications capabilities between the ships of the Atlantic Fleet and their headquarters in the United States.<sup>13</sup> The Caribbean National Forest, a park under the jurisdiction of the U.S. Interior Department, was also used during the 1960's as testing ground for defoliants such as "Agent Orange" latter used during the Vietnam War.

The political situation of Puerto Rico, in the end, has remained basically unchanged since the U.S. took over the island. The major political and fiscal issues must still be cleared through Washington before any decision is implemented by the local authorities. Meanwhile the U.S. military presence continues to be very much in evidence and the social, economic and psychological links between the island and the mainland are strongly imprinted on the population of Puerto Rico.

The decision of the Truman administration to grant political autonomy to the island in response to the rising nationalist sentiments and the pressing need for political reform evident in the island immediately after the end of World War II has paid off handsomely for the U.S. This action defused the issue of the United States posing as the world-wide defender of democracy while at the

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<sup>13</sup> Andrés Ponce, civilian technician employed by the Navy at the site, interview by author, 13 July 1990, Isabela, Puerto Rico.



same time denying self-government to the more than two million Puerto Ricans in 1950. Also, a smooth transition to a reform government, under a popular leader, was accomplished without any major complication (excepting the 1950 Nacionalista uprising) and thus guaranteed the permanency and availability of U.S. military installations on the island.

The credit for the development of the Estado Libre Asociado lies, of course, with Luís Muñoz Marín. He alone among the major political figures in Puerto Rico had the vision to recognize that the island needed first to rebuild its economic base and start the process of resolving the many pressing social ailments of the country. For him, any serious consideration cannot be given to either full integration into the U.S. as a state, or full sovereignty as an independent country until the critical problems of poverty, malnutrition and unemployment were dealt with. After serving as governor from 1948 to 1964, Muñoz Marín retired from active politics, leaving the field open for a new generation of leaders in the PPD. Luís Muñoz Marín died on April 30, 1980, after realizing his dream for prosperity through autonomy.

The current political prospects for the island are not clear. A non-binding referendum held on November 14, 1993 by the new PNP administration of Governor Pedro Roselló resulted in an extremely close vote in support of sending a delegation to negotiate with Congress the improvement of the current Commonwealth through the granting of more powers and the inclusion of the island on additional assistance programs. The voting results, 48.5 % for Commonwealth, 46 % for statehood and 5% for independence<sup>14</sup> also indicate that while the overwhelming majority of Puerto Ricans support a continued political link with the U.S., there is a lack of consensus on whether autonomy or

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<sup>14</sup> El Nuevo Día, (San Juan, Puerto Rico), November 15, 1993.

statehood would provide the best vehicle for a such a relationship. Any move toward either an "improved" Commonwealth or statehood would require the support of a significant majority of Puerto Ricans in order to be approved by Congress. It also raises the question of how to integrate a people whose language is not English, with a very different cultural and racial heritage, and who had demonstrated a great resilience in protecting their national character in opposition to the assimilationist policies of the colonial administrations of the past.

Contributing to the changing political picture of Puerto Rico is the end of the Cold War. This has reduced considerably the need for the U.S. to maintain large numbers of military forces deployed around the world and also in the Caribbean. The collapse of the Soviet Union contributed to the end of the civil wars in El Salvador and Nicaragua, and led to a considerable weakening of Fidel Castro's regime in Cuba. Without a clear threat to its security and interest in the Caribbean Basin region, the United States could conceivably decide in the near future that the fiscal expense of supporting the Commonwealth of Puerto Rico is greater than any real benefit derived from this mutual relationship. However, it is important to point out that even without the menace of foreign military aggression or political infiltration, the U.S. would always need to remain involved in the Caribbean and Latin America.

The recent massive exodus of Haitian refugees fleeing their country and requesting political asylum in the United States, due to repressive policies of the military junta that deposed the democratically-elected government of Jean Bertrand Aristide in 1991, is but one example of the type of local instability that might require the utilization of U.S. military power in the region. The advantage for the United States of freedom of access to the military and logistical facilities in the island for this type of situations was demonstrated in September of 1980,

when President Carter faced a much smaller influx of Haitian boat people escaping the dictatorship of "Baby Doc" Duvalier. Hundreds of Haitians were sent to the Ft. Allen, a formerly mothballed army base in southern Puerto Rico, while their asylum claims were evaluated.<sup>15</sup> For the administration it was much safer to send the refugees here, as Puerto Ricans cannot vote in presidential elections and lack effective representation in Congress, than to cope with the domestic opposition that was bound to arise due to the unpopularity of admitting Haitians into the United States. The most recent instance of the usefulness of Puerto Rico for the U.S. military took place during October and November of 1994. Several bases were reactivated to serve as training centers for troops from Jamaica, Barbados and other Caribbean island-nations that were to be part of the peace-keeping forces sent to Haiti in support of President Aristide after the military junta was deposed by the U.S. intervention in October of 1994.

Also the military installations in Puerto Rico are currently involved in the efforts to interdict the traffic of drugs coming from South America into the United States. The relative proximity of the Colombian coast plus the fact that passenger and cargo traveling between Puerto Rico and the mainland is exempt from customs inspection, translates into an increase in smuggling activities.<sup>16</sup>

The economic picture of the island clearly reflects the rapid development that has taken place since 1952. Puerto Rico is the world's 10th largest purchaser of goods and services from the United States. Manufacturing accounts for 41 % of the island's \$34 billion Gross Domestic Product. Puerto

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<sup>15</sup> Raymond L. Gerdes, "Fort Allen 1981: Una ciudad improvisada", El Nuevo Día (San Juan, Puerto Rico) July 3, 1994, sec. Domingo, 4-8.

<sup>16</sup> U.S. Congress. Senate. Committee on Appropriations. Subcommittee on Treasury, Postal Service and General Government. Bahamas and Puerto Rico: Drug Interdiction Activities. Hearing before a subcommittee of appropriations. U.S. Senate, 100th Cong. 2nd sess., 1988.

Rico's major industries include chemicals, textiles and electronic equipment, and is currently the world's largest producer of pharmaceuticals. Tourism comprise about 6% of the Gross Domestic Product. Meanwhile the traditional agricultural production of sugar cane, coffee, bananas and pineapples has diminished to secondary importance.<sup>17</sup>

The geographical situation of the island is the constant factor that has made Puerto Rico an important player in the political and strategic events of the Caribbean for close to five-hundred years. First fortified by Spain to provide security to the galleon fleets in the sixteen century, the island location proved still equally useful to the United States in combating German submarines during World War II, supporting military interventions in neighboring countries during the Cold War and in confronting the new problems of enforcing U.S. laws against undocumented immigration and illegal drug traffic.

The continued political stability of this key island, achieved with the implementation of the self-governing commonwealth status in 1952, is something that cannot be ignored by those nations who consider vital to their interests a policy of engagement in the affairs of the region.

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<sup>17</sup> Puerto Rico Federal Affairs Administration, Puerto Rico Overview, (Washington, D.C.: Government of Puerto Rico, 1994), 1-3.

## APPENDIX 1

CARTA AUTONOMICA  
(AUTONOMIC CHARTER)<sup>1</sup>

## ROYAL DECREE

Upon the proposition of my Prime Minister, and with the concurrence of the Council of Ministers in the name of My August Son, King Alfonso XIII, and as Queen Regent of the Kingdom, I hereby decree as follows:

## TITLE I

*Government and Administration of the Island of Puerto Rico.*

Article 1. The island of Puerto Rico shall hereafter be governed and administered in conformity with the following provisions.

Article 2. The island shall be governed by an Insular Parliament, consisting of two chambers, and by the Governor-General, representing the mother country, who shall exercise supreme authority.

## TITLE II

*The Insular Chambers.*

Article 3. The insular chambers, together with the Governor-General, shall have power to legislate concerning colonial affairs in the manner and on the terms provided by law.

Article 4. Insular representation shall consist of two bodies of equal powers, which shall be known as Chamber of Representatives and Council of Administration.

## TITLE III

*Council of Administration.*

Article 5. The Council shall be composed of fifteen members, of whom eight shall be elected in the manner directed by the electoral law, and seven shall be designated by the Governor-General acting for the Crown, from among such persons as have the qualifications specified in the following articles:

Article 6. To be entitled to sit in the Council of Administration it is necessary to be a Spanish subject; to have attained the age of thirty-five years; to have been born on the island, or to have had four years' constant residence therein; not to be subject to any pending criminal prosecution; to be in the full enjoyment of his political rights; to

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<sup>1</sup> This English translation of the Carta Autonómica is found in Clifford S. Walton, The Civil Law in Spain and Spanish-America. (Washington, D.C.W.H. Lowdermilk & Co., 1900), 573-587.

have his property free from attachment; to have had for two or more years previous an annual income of four thousand pesos; to have no interest in any contract with either the insular or the home Government.

The shareholders of a stock company shall not be considered as government contractors, even if the company has a contract with the Government.

Article 7. Persons who are also qualified to serve as councilors who, beside the above-stated requirements, have any of the following qualifications:

1. To be or to have been a senator of the Kingdom, or to possess the requirements for being a Senator, in conformity with Article III of the Constitution.

2. To have held for a period of two years any of the following offices: President or prosecuting attorney of the Territorial Audiencia (Court) of Puerto Rico; Director of the Instituto de San Juan; Councilor of Administration in the Council formerly thus designated; President of the Chambers of Commerce of San Juan and Ponce; President of the Economic Society of Friends of the Country of Puerto Rico; President of the Agriculturalists' Association; Dean of the Illustrious Bar of San Juan; Mayor of San Juan or President of the Provincial Assembly during two terms; Dean of chapter of the cathedral.

3. Likewise may be elected or appointed any property-owner from the fifty taxpayers paying the highest taxes, either on real state or on industries, commerce, arts, and the professions.

Article 8. The Councilors appointed by the Crown shall be appointed by special decrees, stating the qualifications entitling the appointee to serve as Councilor.

Councilors thus appointed shall hold office for life.

One-half the number of the elective Councilors shall be elected every five years, and the whole number shall be elected whenever the Council of Administration shall be dissolved by the Governor-General.

Article 9. The qualifications required in order to be appointed or elected Councilor of Administration may be changed by a national law at the request or upon proposition of the Insular Chambers.

Article 10. No councilor shall, during the session of the Council, accept any civic office, promotion (unless it be strictly by seniority), title, or decoration; but any councilor may be appointed by either the local or the home Government to any commission within his own profession or category, whenever the public service shall require it.

The secretaries of the insular Government shall be excepted from the foregoing rule.

#### TITLE IV

##### *The Chamber of Representatives.*

Article 11. The Chamber of Representatives shall be composed of members named by the electoral boards in the manner prescribed by law and in the proportion

of one for every twenty-five thousand inhabitants.

Article 12. To be elected as Representative the candidate must have the following requirements: To be a Spanish citizen, to be a layman, to have attained his majority of age, to be in full enjoyment of civil rights, to have been born in the island or to have had four years' constant residence therein, and not to be subject to any pending criminal prosecution.

Article 13. Representatives shall be elected every five years, and any Representative may be re-elected any number of times.

Article 14. Any Representative upon whom either the local or home Government shall confer a pension, or any employment, promotion (unless by strict seniority), paid commission, title, or decoration, shall cease to be such without necessity of any declaration to that effect, unless he shall within fifteen days of his appointment notify the Chamber of his having declined the favor.

The provisions of the preceding paragraph shall not include the Representatives who shall be appointed members of the cabinet.

#### TITLE V

##### *Proceedings of the Insular Chambers and Their Relations to Each Other.*

Article 15. The Chambers will meet every year. The King, the Governor-General acting in his name, shall convene, suspend, and adjourn the sessions and dissolve the Chamber of Representatives and the Council of Administration, either separately or simultaneously, under the obligation to call them together again or renew them within three months.

Article 16. Each of the two legislative bodies shall determine the rules of their proceedings and shall be the judges of the qualifications of their respective members and the legality of their legislation.

Until the Chamber and the Council shall pass their own rules, they shall be governed by the rules of the national House of Representatives and of the Senate, respectively.

Article 17. Each chamber shall choose its president, vice-president, and secretaries.

Article 18. Neither chamber shall sit unless the other be sitting also, except when the Council exercises judicial functions.

Article 19. The two insular chambers shall not deliberate together nor in the presence of the Governor-General.

The sessions shall be public, but either chamber may hold secret sessions whenever business of a private nature shall require it.

Article 20. To the Governor-General, through his secretaries, as well as to either of the chambers, belongs the power to initiate and propose colonial statutes.

Article 21. All colonial statutes in regard to taxes and the public credit shall originate in the Chamber of Representatives.

Article 22. Resolutions may be passed by either chamber by a plurality of votes; but in order to pass a measure of a legislative character a majority of all the members constituting the body must be present. Nevertheless, one-third of the members shall constitute a quorum for deliberation.

Article 23. No resolution or law shall be considered passed by the Insular Parliament unless it has had the concurrence of the Chamber of representatives and the Council of Administration.

Article 24. Every colonial statute, as soon as it has been approved in the form prescribed in the preceding article, shall be presented to the Governor-General by the officers of both chambers for his sanction and proclamation of the same.

Article 25. Members of the Council and of the Chamber of Representatives shall have immunity for any speech or vote in either chamber.

Article 26. No Councilor of Administration shall be indicted or arrested without a previous resolution of the Council, unless he shall be found *in fraganti* or the Council shall not be in session, but in every case notice shall be given to that body as soon as possible, that it may determine what should be done. Nor shall the Representatives be indicted or arrested during the sessions without the permission of the Chamber unless they are found *in fraganti*, but in this last case, or in case of indictment or arrest when the Chamber is not sitting, notice shall be given as soon as possible to the Chamber of Representatives for its information and action. All proceedings against Councilors and Representatives shall be brought before the Territorial Audiencia of Puerto Rico in the cases and manner that shall be prescribed by the colonial statutes.

Article 27. The guarantees established in the foregoing section shall not apply to a Councilor or Representative who shall himself admit that he is the author of any article, book, pamphlet, or printed matter wherein military sedition is incited, or national sovereignty is assailed.

Article 28. The relations between the two chambers shall be governed, unless otherwise provided, by the act of July 19, 1837, regulating the relations between the two legislative houses of the Cortes (national parliament).

Article 29. Besides the power of enacting laws for the colony the insular chambers shall have power to:

1. To receive the oath of the Governor-General to preserve the Constitution and the



laws which guarantee the autonomy of the colony.

2. To enforce the responsibility of the secretaries of the executive, who shall be tried by the Council, whenever impeached by the Chamber of Representatives.

3. To address the home Government through the Governor-General, proposing the abrogation or modification of existing laws of the Kingdom; to invite the home Government to present bills as to particular matters, or to ask a decision of an executive character on matters which interest the colony.

Article 30. The Governor-General shall communicate to the home Government before presenting to the insular parliament any bill originating in the executive government of the island whenever, in his judgment, said bill may affect national interests. Should any such bill originate in the Insular Parliament, the Government of the island shall ask for a postponement of the debate until the home Government shall have given its opinion.

In either case the correspondence passing between the two Governments shall be laid before the chambers and published in the Official Gazette.

Article 31. All differences of jurisdiction between the several municipal, provincial and insular assemblies, or between any of them and the executive, which by their nature may not be referred to the home Government, shall be submitted to the courts of justice in accordance with the rules herein prescribed.

#### TITLE VI.

##### *Powers Vested in the Insular Parliament.*

Article 32. The insular chambers shall have power to pass upon all matters not specially and expressly reserved to the Cortes of the Kingdom or to the central Government as herein provided, or as may be provide hereafter, in accordance with the prescriptions set forth in additional Article 2.

In this manner, and without implying that the following enumeration presupposes any limitation of their power to legislate on other subjects, they shall have power to legislate on all matters and subjects concerning the Ministries of Justice, Interior, Treasury, Public Works, Education and Agriculture.

They shall likewise have exclusive cognizance of all matters of a purely local nature which may principally affect the colonial territory; and to this end they shall have power to legislate on civil administration; on provincial, municipal, or judicial apportionment; on public health, by land or sea, and on public credit, banks, and the monetary system.

This power, however, shall not impair the powers vested in the colonial executive according to the laws in connection with the matters above mentioned.

Article 33. It shall be incumbent upon the colonial parliament to make regulations under such national laws as may be passed by the Cortes and expressly entrusted to it. Especially among such measures, parliament shall legislate, and may do so at the first sitting, for the purpose of regulating the elections, the taking of the

electoral census, qualifying electors, and exercising the right of suffrage; but in no event shall these dispositions affect the rights of the citizens as established by the electoral laws.

Article 34. Notwithstanding that the laws governing the judiciary and the administration of the justice are of a national character, and therefore obligatory for the colony, the Insular Parliament may, within the provisions of said laws, make rules or propose to the home Government such measures as shall render easier the admission, continuance, or promotion in the local courts of lawyers, natives of the island, or practicing therein.

The Governor-General in Council shall have, as far as the island of Puerto Rico is concerned, the same power that has been vested heretofore in the Minister for Overseas Territories for the appointment of the functionaries and subordinate and auxiliary offices of the judicial order and as to the other matters connected with administration of justice.

Article 35. The Insular Parliament shall have exclusive power to frame the local budget of expenditures and revenues, including the revenue corresponding to the island as her quota of the national budget.

To this end the Governor-General shall present to the chambers every year before the month of January the budget for the next fiscal year, divided in two parts, as follows: The first part shall state the revenues needed to defray the expenses of sovereignty, and the second part shall state the revenues and expenditures estimated for the maintenance of the colonial administration.

Article 36. The Cortes of the Kingdom shall determine what expenditures are to be considered by reason of their nature as obligatory expenses inherent to sovereignty, and shall fix the amount every three years and the revenue needed to defray the same, the Cortes reserving the right to alter this rule.

Article 37. All treaties of commerce affecting the island of Puerto Rico, be they suggested by the insular or by the home Government, shall be made by the latter with co-operation of special delegates duly authorized by the colonial government, whose concurrence shall be acknowledged upon submitting the treaties to the Cortes.

Said treaties, when approved by the Cortes, shall be proclaimed as laws of the Kingdom and as such shall obtain in the colony.

Article 38. Notice shall be given to the Insular Government of any commercial treaties made without its participation as soon as said treaties shall become laws, to the end that, within a period of three months, it may declare its acceptance or nonacceptance of their stipulations. In case of acceptance the Governor-General shall cause the treaty to be published in the Gazette as a colonial statute.

Article 39. The Insular Parliament shall also have power to frame the tariff and

fix the duties to be paid on merchandise as well for its importation into the territory of the island as for the exportation thereof.

Article 40. As a transition fro the old régime to the one newly established, and until the home and insular governments may otherwise conjointly determine hereafter, the commercial relations between the island and the metropolis shall be governed by the following rules:

1. No differential duty, whether fiscal or otherwise, either on imports or exports, shall be imposed to the detriment of either insular or peninsular production.

2. The two governments shall make a schedule of articles of direct national origin to which shall be allowed by common consent preferential duty over similar foreign products.

In another schedule made in like manner shall be determined such articles of direct insular production as shall be entitled to privileged treatment on their importation into the peninsula and the amount of preferential duties thereon.

In neither case shall the preferential duty exceed thirty-five percent.

Should both governments agree upon the schedules and the preferential duties, they shall be considered final and shall be enforced at once. In case of disagreement the point in dispute shall be submitted to a committee of representatives of the Cortes, consisting of an equal number of Puerto Ricans and Peninsulars. The committee shall appoint its chairman, and in case of disagreement the eldest member shall preside. The chairman shall have the casting vote.

3. The valuation tables concerning the articles in the schedules above mentioned shall be fixed by mutual agreement, and shall be revised after discussion every two years. The modifications which may thereupon become necessary in the tariff duties shall be carried out at once by the respective governments.

## TITLE VII

### *The Governor-General.*

Article 41. The supreme authority of the colony shall be vested in a Governor-General, appointed by the king on the nomination of the Council of Ministers. In his capacity he shall have as Viceroyal Patron the power inherent in the Patronate of the Indies; he shall have command of all military and naval forces in the island; he shall act as delegate of the Ministries of State, War, Navy and Overseas Territories; all other authorities in the island shall be subordinate to his, and he shall be responsible for the preservation of order and the safety of the colony.

The Governor-General shall, before taking possession of his office, take an oath in the presence of the King to discharge his duties faithfully and loyally.

Article 42. The Governor-General, representing the nation, will discharge by himself and with the aid of his secretaries all the functions indicated in the preceding articles and such others as may devolve upon him as direct delegate of the King in matters of a national character.

It shall be incumbent upon the Governor-General as representing the home Government:

1. To appoint without restriction the secretaries of his cabinet.
2. To proclaim, execute, and cause to be executed in the island all laws, decrees, treaties, international covenants, and all other acts emanating from the legislative branch of the Government, as well as all decrees, royal commands, and all other measures emanating from the executive which shall be communicated to him by the Ministries of of which he acts as delegate.

Whenever in his judgment and in that of his secretaries he considers the resolutions of the home Government as liable to injure the general interests of the nation or the special interests of the island, he shall have power to suspend the publication and execution thereof, and shall so notify the respective Ministry, stating the reasons for his actions.

3. To grant pardons in the name of the King, within the limitations specially prescribed to him in his instructions from the Government, and to stay the execution of a death sentence whenever the gravity of circumstances shall so demand or the urgency of the case shall allow of no time to solicit and obtain His Majesty's pardon; but in either case he shall hear the counsel of his secretaries.

4. To suspend the guarantees set forth in articles 3, 5, 6, and 9, and in the first, second, and third paragraphs of article 13 of the Constitution: to enforce legislation in regard to public order, and to take all measures which he may deem necessary to preserve the peace within and the safety without the territory entrusted to him after hearing the counsel of his cabinet.

5. To take care that in the colony justice be promptly and fully administered, and that it shall always be administered in the name of the King.

6. To hold direct communication on foreign affairs with the Ministers, diplomatic agents, and consuls of Spain throughout America.

A full copy of such correspondence shall be simultaneously forwarded to the home Ministry of State.

Article 43. It behooves the Governor-General, as the superior authority in the colony and head of its administration:

1. To take care that the rights, powers, and privileges now vested or that may henceforth be vested in the colonial administration be respected and protected.
2. To sanction and proclaim the acts of the Insular Parliament, which shall be submitted to him by the president and secretaries of the respective chambers.

Whenever, in the judgment of the Governor-General, an act of the Insular Parliament goes beyond its powers or impairs the rights of the citizens set forth in Article 1 of the Constitution, or curtails the guarantees prescribed by law for the exercise of said rights, or jeopardize the interest of the colony or of the nation, he shall forward the act to the Council of Ministers of the Kingdom, which, within a period that shall not exceed two months, shall either assent to it or return it to the governor-General with the objections to its sanction and proclamation. The Insular Parliament may, in view of the objections, reconsider or modify the act, if it deems fit, without a special proposition.

If two months shall elapse without the central government giving any opinion as to a measure agreed upon by the chambers which has been transmitted to it by the Governor-General, the latter shall sanction and proclaim the same.

3. To appoint, suspend, and discharge the employees of the colonial administration, upon the suggestion of the secretaries of the departments and in accordance with the laws.

4. To appoint and remove, without restriction, the secretaries of his cabinet.

Article 44. No executive order of the Governor-General, acting as representative and chief of the colony, shall take effect unless countersigned by a secretary of the cabinet, who by this act alone shall make himself responsible for the same.

Article 45. There shall be five secretaries of department, to-wit: Grace and Justice and Interior; Finance; Public Education; Public Works and Communications; Agriculture, Industry and Commerce.

The Governor-General shall appoint the president of the cabinet from among the secretaries, and shall also have the power to appoint a president without a secretaryship.

The power to increase or diminish the number of secretaries comprising the colonial cabinet, and to determine the scope of each department, is vested in the Insular Parliament.

Article 46. The secretaries of the cabinet may be members of either the Chamber of Representatives or the Council of Administration and take part in the debates of either chamber, but a secretary shall only vote in the chamber of which he is a member.

Article 47. The secretaries of the cabinet shall be responsible to the Insular Parliament.

Article 48. The Governor-General shall not modify or abrogate his own orders after they are assented to by the home Government, or when they shall declare some rights, or when a sentence by a judicial court or administrative tribunal shall have been based upon said orders, or when they shall deal with his own competency.

Article 49. The Governor-General shall not turn over his office when leaving the island except by special command from the home Government. In case of absence from the seat of government which prevents his discharging the duties of his office or of disability to perform such duties, he can appoint one or more persons to take his place, provided the home Government has not previously done so or the method of substitution shall not be stated in his instructions.

Article 50. The Supreme Court shall have the sole power to try the Governor-General when impeachment for his responsibilities as defined by the Penal Code.

The Council of Ministers shall take cognizance of his other responsibilities.

Article 51. The Governor-General shall have the power, in spite of the provisions of the different articles of this decree, to act upon his own responsibility, without consulting his secretaries, in the following cases:

1. When forwarding to the home Government a bill passed by the Insular Parliament, especially when, in his opinion, it shall abridge the rights set forth in Article 1 of the Constitution of the Monarchy or the guarantees for the exercise thereof vouchsafed by the laws.

2. When it shall be necessary to enforce the law or public order, especially if there be no time or possibility to consult the home Government.

3. When enforcing national laws that shall have been approved by the Crown and made applicable to all the Spanish territory or to the colony under his government.

The proceedings and means of action which the governor-General shall employ in the above cases shall be determined by a special law.

#### TITLE VIII

#### *Municipal and Provincial Government.*

Article 52. Municipal organization shall be compulsory for every group of population of more than one thousand inhabitants.

Groups of less number of inhabitants may organize the service of their community by special covenants.

Every legally constituted municipality shall have power to frame its own laws regarding public education; highways by land, river and the sea, public health; municipal finances, as well as to freely appoint and remove its own employees.

Article 53. At the head of the province there shall be an assembly, which shall be elected in the manner provided for by the colonial statutes, and shall be composed of a number of members in proportion to the population.

Article 54. The provincial assembly shall be autonomous as regards the creation and maintenance of public schools and colleges, charitable institutions and provincial roads and ways by land, river, or sea; also as regards their own budgets and the appointment and removal of their respective employees.

Article 55. The municipalities, as well as the provincial assembly, shall have power to freely raise the necessary revenue to cover their expenditures, which no other limitation than to make the means adopted compatible with the general system of taxation of the island.

The resources for provincial appropriations shall be independent of municipal resources.

Article 56. The mayors (alcaldes) and presidents of boards of aldermen

(tenientes de alcalde) shall be chosen by their respective boards from among their members.

Article 57. The mayors shall discharge without limitation the active duties of the municipal administration, as executors of the resolutions of the board of aldermen or their representatives.

Article 58. The aldermen (consejales) and the provincial assemblymen shall be civilly responsible for the damages caused by their acts.

Article 59. The provincial assemblies shall freely choose their respective presidents.

Article 60. The elections of aldermen and assemblymen shall be conducted in such a manner as to allow for a legitimate representation of the minorities.

Article 61. The provincial and municipal laws now in effect in the island shall continue in vogue, wherever not in conflict with the provisions of this decree, until the Insular Parliament shall legislate in this matter.

Article 62. No colonial statute shall abridge the powers vested by the preceding articles in the municipalities and the provincial assemblies.

#### TITLE IX

##### *As to the Guarantees for the Fulfillment of this Colonial Constitution.*

Article 63. Whenever a citizen shall consider that his rights have been violated or his interests injured by the action of a municipality or the provincial assembly he shall have the right to apply to the courts of justice for redress.

The ministry of justice shall, if so required by the agents of the executive government of the colony, prosecute before the courts the boards of aldermen or the provincial assembly charged with breaking the law or abusing their power.

Article 64. In cases referred to in the preceding article, the following courts shall have jurisdiction: The Civil Court of the Territorial Audiencia shall try all claims against municipalities; and the full bench of the Territorial Audiencia of Puerto Rico shall try all claims against the provincial assembly.

Said courts, when the charges against any of the above-mentioned corporations shall be for abuse of power, shall render their decisions by a full bench. From the decision of the Territorial Audiencia an appeal shall be allowed to the Supreme Court of the Kingdom.

Article 65. The redress of grievances which Article 62 grants to any citizen can also be had collectively by means of public action, by appointing an attorney or representative claimant.

Article 66. Without in any way impairing the powers vested in the Governor-General by Title V of the present decree, he may, whenever he deems fit, appear before the Territorial Audiencia of Puerto Rico in his capacity of chief of the executive government of the colony, to the end that said court finally decide any conflict of jurisdiction between the executive power and the legislative chambers of the colony.

Article 67. Should any question of jurisdiction be raised between the Insular Parliament and the Governor-General in his capacity as representative of the home Government, which shall not have been submitted to the Council of Ministers of the Kingdom by petition of the Insular Parliament, either party shall have the power to bring the matter before the Supreme Court of the Kingdom, which shall render its decision by full bench And in the first instance.

Article 68. The decisions rendered in all cases provided for in the preceding articles shall be published in the collection of colonial statutes and shall form part of the insular legislation.

Article 69. Every municipal measure for the purpose of contracting a loan or a municipal debt shall be without effect, unless it be assented to by a majority of the townspeople whenever one-third of the number of aldermen shall so demand.

The amount of the loan or debt which, according to the number of inhabitants of a township, shall make the referendum proceeding necessary, shall be determined by special statute.

Article 70. All legislative acts originating in the Insular Parliament or the Cortes shall be compiled under the title of colonial statutes in a legislative collection, the formation and publication of which shall be entrusted to the Governor-General as chief of the colonial executive.

#### ADDITIONAL ARTICLES.

Article 1. Until the colonial statutes shall be published in due form, the laws of the Kingdom shall be deemed applicable to all matters reserved to the jurisdiction of the insular Government.

Article 2. When the present constitution shall be once approved by the Cortes of the Kingdom for the islands of Cuba and Puerto Rico, it shall not be amended except by virtue of a special law and upon the petition of the Insular Parliament.

Article 3. The provisions of the present decree shall obtain in their entirety in the island of Puerto Rico; they shall, however, be ordained by special decree in order to conform them to the population and nomenclature of said island.

Article 4. Pending contracts for public services affecting in common the Antilles



and the Peninsula shall continue in their present shape until termination, and shall be entirely governed by the conditions and stipulations therein made.

As regards other contracts already entered into, but not yet in operation, the Governor-General shall consult the home Government, or the colonial chambers, as the case may be, and the two governments shall by mutual accord decide as between themselves the final form of such contract.

THE AUTONOMICAL CONSTITUTION.  
TRANSITORY PROVISIONS.

Article 1. With a view to carry out the transition from the present régime to the system hereby established with the greatest possible dispatch and the least interruption of the public business, the Governor-General shall, whenever he deems it timely and after consulting the home Government, appoint the secretaries of the executive office as per Article 45 of this decree, and with their aid he shall conduct the local government of the island until the insular chambers shall have been constituted. The secretaries thus appointed shall vacate their offices as soon as the Governor-General shall take his oath of office before the insular chambers, and the Governor-General shall immediately appoint as their successors the members of parliament who, in his judgment, most fully represent the majorities in the Chamber of Representatives and the Council of Administration.

Article 2. In case that the insular Government may wish to use for other types of public works the 250,000 pesos allocated under the law of August 24, 1896 to subsidize the narrow-track railroad, it will inform the home Government of what will be done.

Given at the Palace, this 25th day of November, 1897.

María Cristina.

Práxedes Mateo Sagasta,  
President of the Council of Ministers

## APPENDIX 2

CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO<sup>1</sup>

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

In so doing, we declare:

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

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

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

## ARTICLE 1

## THE COMMONWEALTH

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

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

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<sup>1</sup> The text for the Constitution of the Commonwealth of Puerto Rico can be found in Albert P. Blaustein and Eric B. Blaustein, eds., Constitutions of Dependencies and Special Sovereignties, (Dobbs Ferry, New York, Oceana Publications Inc., 1977).

Puerto Rico.

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

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

## ARTICLE II

### BILL OF RIGHTS

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

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

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

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

Section 5. Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child non-educational services established by law for the protection or welfare of children.

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

Section 7. The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto

Rico shall be denied the equal protection of the laws. No laws impairing the obligation of contracts shall be enacted. A minimum amount of property and possessions shall be exempt from attachment as provided by law.

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

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

Section 10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall no be violated.

Wire-tapping is prohibited.

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

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

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

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

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

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

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

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

Section 12. Neither slavery nor involuntary servitude shall exist except in the latter case as a punishment for crime after the accused has been duly convicted.

Cruel and unusual punishments shall not be inflicted. Suspension of civil rights including the right to vote shall cease upon service of the term of imprisonment imposed.

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

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

The military authority shall always be subordinate to civil authority.

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

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

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

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

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

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

Nothing herein contained shall impair the authority of the Legislative Assembly

to enact laws to deal with grave emergencies that clearly imperil the public health or safety or essential public services.

Section 19. The foregoing enumeration of rights shall not be construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy. The power of the Legislative Assembly to enact laws for the protection of the life, health and general welfare of the people shall likewise no be construed restrictively.

### ARTICLE III

#### THE LEGISLATURE

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

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

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

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

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

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

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

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

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

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

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

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

In order to select additional members of the Legislative Assembly from a

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

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

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

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

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



Section 10. The Legislative Assembly shall be deemed a continuous body during the term for which its members are elected and shall meet in regular session each year commencing on the second Monday in January. The duration of regular sessions and the periods of time for introduction and consideration of bills shall be prescribed by law. When the Governor calls the Legislative Assembly into special session it may consider only those matters specified in the call or in any special message sent to it by him during the session. No special session shall continue longer than twenty calendar days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 21. The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two-thirds of the total number of members of which it is composed, to bring and indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three-fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached, however, may be liable and subject to indictment, trial, judgment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude. The Chief Justice of the Supreme Court shall preside at the impeachment trial of the Governor.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two houses, upon written request of

two-thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

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

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

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

#### ARTICLE IV

#### THE EXECUTIVE

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

Section 2. The Governor shall hold office for the term of four years from the second day of January of the year following his election and until his successor has been elected and qualifies. He shall reside in Puerto Rico and maintain his office in its capital city.

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

Section 4. The Governor shall execute the laws and cause them to be executed.

He shall call the Legislative Assembly or the Senate into special session when in his judgment the public interest so requires.

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

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

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

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

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

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

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

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

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

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

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

Section 8. When for any reason the Governor is temporarily unable to perform

his functions, the Secretary of State shall substitute for him during the period he is unable to serve. If for any reason the secretary of State is no available, the Secretary determined by law shall temporarily hold the office of Governor.

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

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

## ARTICLE V

### THE JUDICIARY

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

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

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

Section 4. The Supreme Court shall sit, in accordance with rules adopted by it, as a full court or in divisions composed of not less than three Justices. No law shall be held unconstitutional except by a majority of the total number of Justices of which the Court is composed in accordance with this Constitution or with law. [As amended in General Election of Nov. 8, 1960.]

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

Section 6. The Supreme Court shall adopt for the courts rules of evidence and of civil and criminal procedure which shall not abridge, enlarge or modify the substantive rights of the parties. The rules thus adopted shall be submitted to the

Legislative Assembly at the beginning of its next regular session and shall not go into effect until sixty days after the close of said session, unless disapproved by the Legislative Assembly, which shall have the power both at said session and subsequently to amend, repeal or supplement any of said rules by a specific law to that effect.

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

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

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

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

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

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

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

## ARTICLE VI

## GENERAL PROVISIONS

Section 1. The Legislative Assembly shall have the power to create, abolish consolidate and reorganize municipalities; to change their territorial limits; to determine their organization and functions; and to authorize them to develop programs for the general welfare and to create any agencies necessary for that purpose.

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

Section 2. The power of the Commonwealth of Puerto Rico to impose and collect taxes and to authorize their imposition and collection by municipalities shall be exercised as determined by the Legislative Assembly and shall never be surrendered or suspended. The power of the Commonwealth of Puerto Rico to contract and to authorize the contracting of debts shall be exercised as determined by the Legislative Assembly, but no direct obligations of the Commonwealth for money borrowed directly by the Commonwealth evidenced by bonds or notes for the payment of which the full faith credit and taxing power of the Commonwealth shall be pledged shall be issued by the Commonwealth if the total of (i) the amount of principal of and interest on such bonds and notes, together with the amount of principal of and interest on all such bonds and notes theretofore issued by the Commonwealth and then outstanding, payable in any fiscal year and (ii) any amounts paid by the Commonwealth in the fiscal year next preceding the then current fiscal year for principal or interest on account of any outstanding obligations evidenced by bonds or notes guaranteed by the commonwealth, shall exceed 15% of the average of the total amount of the annual revenues raised under the provisions of commonwealth legislation and covered into the Treasury of Puerto Rico in the two fiscal years next preceding the then current fiscal year; and no such bonds or notes issued by the Commonwealth for any purpose other than housing facilities shall mature later than 30 years from their date and no bonds or notes issued for housing facilities shall mature later than 40 years from their date; and the Commonwealth shall not guarantee any obligations evidenced by bonds or notes if the total of the amount payable in any fiscal year on account of principal of and interest on all the direct obligations referred to above theretofore issued by the Commonwealth and then outstanding and the amounts referred to in item (ii) above shall exceed 15 percent of the average of the total amount of such annual revenues.

The Legislative Assembly shall fix limitations for the issuance of direct obligations by any of the municipalities of Puerto Rico for money borrowed directly by such municipality evidenced by bonds or notes for the payment of which the full faith, credit and taxing power of such municipality shall be pledged provided, however, that no such bonds or notes shall be issued by any municipality in an amount which

together with the amount of all such bonds and notes theretofore issued by such municipality and then outstanding, shall exceed the percentage determined by the Legislative Assembly, which shall be not less than five per centum (5%) nor more than ten per centum (10%) of the aggregate tax valuation of the property within such municipality.

The Secretary of the Treasury may be required to apply the available revenues including surplus to the payment of interest on the public debt and the amortization thereof in any case provided for by Section 8 of this Article VI at the suit of any holder of bonds or notes issued in evidence thereof.

[As amended by the voters at a referendum held Dec. 10, 1961.]

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

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

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

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

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

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

Section 6. If at the end of any fiscal year the appropriations necessary for the ordinary operating expenses of the Government and for the payment of interest on and amortization of the public debt for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation acts for the objects and purposes therein specified, so far as the same may be applicable, shall continue in effect item by item, and the Governor shall authorize the payments necessary for such purposes until corresponding appropriations are made.

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

Section 8. In case the valuable revenues including surplus for any fiscal year are insufficient to meet the appropriations made for that year, interest on the public debt and amortization thereof shall first be paid, and other disbursements shall



thereafter be made in accordance with the order of priorities established by law.

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

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

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

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

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

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

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

Corporations not organized in Puerto Rico, but doing business in Puerto Rico,

shall be bound by the provisions of this section so far as they are applicable.

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

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

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

Section 17. In case of invasion, rebellion, epidemic or any other event giving rise to a state of emergency, the Governor may call the Legislative Assembly to meet in a place other than the Capitol of Puerto Rico, subject to the approval or disapproval of the Legislative Assembly. Under the same conditions, the Governor may, during the period of emergency, order the government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the government.

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

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

## ARTICLE VII

### AMENDMENTS TO THE CONSTITUTION

Section 1. The Legislative Assembly may propose amendments to this Constitution by a concurrent resolution approved by not less than two-thirds of the total number of members of which each house is composed. All proposed amendments shall be submitted to the qualified electors in a special referendum, but if the concurrent resolution is approved by not less than three-fourths of the total number of members of which each house is composed, the Legislative Assembly may provide

that the referendum shall be held at the same time as the next general election. Each proposed amendment shall be voted on separately and not more than three proposed amendments may be submitted at the same referendum. Every proposed amendment shall specify the terms under which it shall take effect, and it shall become a part of this Constitution if it is ratified by a majority of the electors voting thereon. Once approved a proposed amendment must be published at least three months prior to the date of the referendum.

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

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

## ARTICLE VIII

### SENATORIAL AND REPRESENTATIVE DISTRICTS

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

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

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

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

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

V. SENATORIAL DISTRICT OF MAYAGÜEZ, which shall be composed of the following Representative Districts: 21. - The municipality of Mayagüez; 22. - The municipalities of Cabo Rojo, Hormigueros and Lajas; 23. - The municipalities of San Germán and Sabana Grande; 24. - The municipalities of Yauco and Guánica; and 25. - The municipalities of Guayanilla and Peñuelas.

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

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

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

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

## ARTICLE IX

### TRANSITORY PROVISIONS

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

Unless otherwise provided by this Constitution, civil and criminal liabilities,

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

Section 2. All officers who are in office by election or appointment on the date this Constitution takes effect shall continue to hold their offices and to perform the functions thereof in a manner no inconsistent with this Constitution, unless the functions of their offices are abolished or until their successors are selected and qualify in accordance with this Constitution and laws enacted pursuant thereto.

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

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

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

Section 6. Political parties shall continue to enjoy all rights recognized by the election law, provided that on the effective date of this Constitution they fulfill the minimum requirements for the registration of new parties contained in said law. Five years after this Constitution shall have taken effect the Legislative Assembly may change these requirements, but any law increasing them shall not go into effect until after the general election next following its enactment.

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

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

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

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

Done in Convention, at San Juan, Puerto Rico, on the sixth day of February, in the year of Our Lord one thousand nine hundred and fifty-two.

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