

March 10, 1960

TO THE EDITOR OF THE NEW YORK TIMES:

The letter to the Editor of the NEW YORK TIMES published in your March 10 edition and signed by His Reverence the Bishop of Ponce, interprets Public Law 600, 81st Congress (in accordance with which the Commonwealth of Puerto Rico was created) as a mere grant by the Congress of its consent to a modification of the Organic Act of Puerto Rico. With all due respect to Bishop McManus' points of view, I must disagree as to the interpretation of the facts involved.

Public Law 600, entitled "An Act to provide for the organization of a constitutional government by the people of Puerto Rico" states: "That fully recognizing the principle of government by consent, this Act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption". (emphasis supplied). It also states: "This Act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this Act by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said Island of Puerto Rico...

"Upon adoption of the Constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of this Act and of the Constitution of the United States.

"Upon approval by the Congress, the Constitution shall become effective in accordance with its terms."

Certainly, this goes far beyond mere consent to a modification of an Organic Act. Moreover, sections 4 and 5 of Public Law 600 provided that when the Constitution of Puerto Rico became effective, all but twenty-one of the fifty-eight sections of the Organic Act would be repealed. The continued sections were to be cited thereafter as the Puerto Rican Federal Relations Act.

The Senate Committee on Interior and Insular Affairs, reporting on what is now Public Law 447, to approve the Constitution of Puerto Rico (enacted July 3, 1952) stated: "The provisions of the present organic act which will remain in force and effect as the Puerto Rican Federal Relations Act, however, relate to matters affecting not the internal affairs of Puerto Rico but the relationship of Puerto Rico to the United States... Applicable provisions of the United States Constitution and the Federal Relations Act will have the same effect as the Constitution of the United States has with respect to State constitutions or State laws."

Furthermore, the Constitution of Puerto Rico provides: "Article I, 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 legislature, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico." (emphasis supplied)

Territorial status has always been interpreted to mean the status of an area which is subject to the plenary authority of Congress. Whatever political authority is exercised by the people of the area is delegated to them by Congress. The political powers now exercised by the people of Puerto Rico emanate from themselves. Therefore, since the proclamation of the Commonwealth, two governments operate and coexist in Puerto Rico similarly as in the States of the Union, namely, the federal and the commonwealth governments, each within its respective sphere. To hold that the status of Puerto Rico continues to be territorial is to ignore the true meaning of territorial status and to give the term a new meaning.

Neither Governor Muñoz Marín nor anyone who has had any significant part in the advent of the Commonwealth of Puerto Rico has ever claimed that commonwealth is independence, for it is not separation but rather it is freedom in association.

It is unfortunate that because commonwealth status, as created for Puerto Rico, has no precedent in the United States political system, it is not always properly comprehended. For this reason the recognition given to the Commonwealth by the President in his recent address in San Juan was not only enlightening but extremely valuable, while editorials such as yours of February 23, 1960 are most helpful and commendable.

A. FERNÓS-ISERN  
RESIDENT COMMISSIONER  
PUERTO RICO

HOME OFFICE:  
SAN JUAN

COMMITTEES:  
PUBLIC LANDS  
AGRICULTURE  
ARMED SERVICES

Congress of the United States  
House of Representatives

Washington, D. C.

Carta para el editor  
de los New York  
Times (para la  
revisión de AMC)

11 de marzo de 1960

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Estimado Arturo:

Vá copia de mi carta al NEW YORK TIMES.

Saludos,

