

76TH CONGRESS
3D SESSION

H. R. 9360

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1940

Mr. PAGÁN introduced the following bill; which was referred to the Committee on the Territories

A BILL

To enable the people of Puerto Rico to form a constitution and State government and be admitted into the Union on an equal footing with the States.

Whereas it has been the intention of the United States of America to prepare the people of Puerto Rico for statehood as is evidenced by the several Acts of Congress applicable to Puerto Rico and more specially by the Act of Congress approved March 2, 1917, granting United States citizenship to the people of Puerto Rico, the first step toward that end; and

Whereas the Legislature of Puerto Rico has declared that the final status of Puerto Rico should be statehood and that the people of Puerto Rico desire that Puerto Rico become a State, forming a part of and associated with the federation of the United States of America; and

Whereas the people of Puerto Rico desire to petition the Congress of the United States of America for legislation authorizing the

people of Puerto Rico to adopt their own State constitution for its approval by the Congress of the United States of America: Therefore

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the inhabitants of all that part of the area of the United
4 States now constituting the Territory of Puerto Rico, as at
5 present described, may become the State of Puerto Rico as
6 hereinafter provided.

7 SEC. 2. All citizens of the United States who have the
8 qualifications of voters for representatives of the insular
9 Legislature of Puerto Rico are hereby authorized to vote for
10 and choose delegates to form a convention in said Territory.
11 Such delegates shall possess the qualifications of such electors;
12 and the aforesaid convention shall consist of thirty-nine dele-
13 gates apportioned among the several representative districts
14 within the limits of the proposed State as follows: One dele-
15 gate for each of the thirty-five representative districts and
16 four delegates at large to be chosen by said thirty-five repre-
17 sentative districts.

18 The Governor of said Territory shall, within thirty days
19 after the approval of this Act, issue a proclamation ordering
20 an election of the delegates as aforesaid in said Territory to
21 be held at a time to be designated in the proclamation within
22 six months after the approval of this Act, which proclamation

1 shall be issued at least thirty days prior to the time of holding
2 said election of delegates. The election for delegates shall be
3 conducted, the returns made, the result ascertained, and the
4 certificates of persons elected to such convention issued, in
5 the same manner as is prescribed by the laws of said Terri-
6 tory regulating elections therein of members of the legisla-
7 ture. Persons possessing the qualifications entitling them to
8 vote on the ratification or rejection of the constitution may do
9 so under such rules or regulations as said convention may
10 prescribe, not in conflict with this Act.

11 SEC. 3. The delegates to the convention thus elected
12 shall meet at the seat of the government of said Territory
13 on the second Tuesday after their election, excluding the
14 day of election in case such day shall be Tuesday, but they
15 shall not receive compensation for more than sixty days of
16 service, and, after organization, shall declare on behalf of
17 the people of said proposed State that they adopt the Con-
18 stitution of the United States, whereupon the said conven-
19 tion shall be, and is hereby, authorized to form a constitution
20 and State government for said proposed State.

21 The constitution shall be republican in form, and make
22 no distinction in civil or political rights on account of race
23 or color, and shall not be repugnant to the Constitution of
24 the United States and the principles of the Declaration of
25 Independence. And said convention shall provide, by

1 ordinance, irrevocable without the consent of the United
2 States and the people of said State—

3 First. That perfect toleration of religious sentiment shall
4 be secured, and that no inhabitant of said State shall ever be
5 molested in person or property on account of his or her mode
6 of religious worship.

7 Second. The State of Puerto Rico shall retain all the
8 public property, vacant and unappropriated lands lying
9 within its limits now ceded, transferred, and in possession
10 of the United States, except such as are in the possession of
11 and used by a department of the United States, and may
12 dispose of the same as the said State may direct.

13 Third. That the debts and liabilities of said Territory
14 of Puerto Rico shall be assumed and paid by said State and
15 all debts and assets owed to said Territory of Puerto Rico
16 shall be assumed and collected by said State.

17 Fourth. That provision shall be made for the establish-
18 ment and maintenance of a system of public schools, which
19 shall be open to all the children of said State and free from
20 sectarian control.

21 SEC. 4. In case a constitution and State government shall
22 be formed in compliance with the provisions of this Act, the
23 convention forming the same shall provide by ordinance for
24 submitting said constitution to the people of said State for
25 its ratification or rejection, at an election to be held at a

1 date to be fixed by said convention, which shall be not more
2 than sixty days from the date of its adjournment, at which
3 election the qualified voters of said proposed State shall vote
4 directly for or against the proposed constitution, and for or
5 against any provisions separately submitted. The return
6 of said election shall be made to the secretary of Puerto Rico,
7 who shall cause the same to be canvassed, and if a majority
8 of the votes cast on that question shall be for the constitu-
9 tion, the Governor of the Territory of Puerto Rico shall
10 certify the result to the President of the United States,
11 together with a statement of the votes cast thereon, and
12 upon separate articles or propositions, and a copy of said
13 constitution, articles, propositions, and ordinances. If the
14 constitution and government of said proposed State are re-
15 publican in form, and if all the provisions of this Act have
16 been complied with in the formation thereof, it shall be the
17 duty of the President of the United States to issue his procla-
18 mation announcing the result of said election, and thereupon
19 the proposed State of Puerto Rico shall be deemed admitted
20 by Congress into the Union, under and by virtue of this
21 Act, on an equal footing with the rest of the forty-eight
22 States from and after the date of said proclamation.

23 SEC. 5. The sum of \$200,000, or so much thereof as
24 may be necessary, is hereby authorized to be appropriated,
25 out of any money in the Treasury of the United States not

1 otherwise appropriated, for defraying the expenses of the
2 elections provided for in this Act and of the convention,
3 and for the payment of the members thereof, under the same
4 rules and regulations and at the same rates as are now pro-
5 vided by law for the payment of the Territorial Legislature
6 of the Territory of Puerto Rico, and the disbursements of
7 the money appropriated by this section shall be made by
8 the secretary of the Territory of Puerto Rico.

9 SEC. 6. Until the next general census, or until other-
10 wise provided by law, said State shall be entitled to two
11 Representatives in the House of Representatives of the
12 United States, which Representatives, the two Senators of
13 the United States, together with the Governor and other
14 officers provided for in said constitution, shall be elected on
15 the day of the election for the adoption of the constitution;
16 and until said State officers are elected and qualified under
17 the provisions of the constitution, and the State is admitted
18 into the Union, the Territorial officers shall continue to dis-
19 charge the duties of the respective offices in said Territory.

20 SEC. 7. Said State when admitted as aforesaid shall
21 constitute one judicial district, to be known as the "district
22 of Puerto Rico". The district courts for the district of
23 Puerto Rico shall be held one term at San Juan and one
24 term at Ponce each year, and special terms may be held at
25 such times and places in said district as the said judges may

1 deem expedient. And the said district shall, for judicial
2 purposes, until otherwise provided, be attached to the first
3 judicial circuit. There shall be appointed for said district
4 two district judges, one United States attorney, and one
5 United States marshal. There shall be appointed two clerks
6 for said district, who shall keep their offices at San Juan and
7 Ponce, respectively. The regular term of said court shall
8 be held at the place designated in this Act, at San Juan
9 on the first Monday in January and at Ponce on the first
10 Monday in March in each year, and one grand jury shall
11 be summoned in each year in each of said district courts.
12 The district court for said district, and the judges thereof,
13 respectively, shall possess the same powers and jurisdiction
14 and perform the same duties required to be performed by
15 other district courts and judges of district courts of the United
16 States and shall be governed by the same laws and regula-
17 tions. The marshal, district attorney, clerks, and stenogra-
18 phers of the district courts of said district, and all other
19 officers and persons performing duties in the administration
20 of justice therein, shall severally possess the powers and
21 perform the duties lawfully required to be performed by
22 similar officers in other districts of the United States, and
23 shall, for the services they may perform, receive the fees
24 and compensation now allowed by law to officers performing

1 similar service for the United States in other districts of
2 the United States.

3 SEC. 8. The laws in force in the Territory of Puerto
4 Rico, as far as applicable, shall extend over and apply to
5 said State until changed by the legislature thereof.

6 SEC. 9. All appeals or writs of error taken from the
7 Supreme Court of the Territory of Puerto Rico to the
8 Supreme Court of the United States or the United States
9 Circuit Court of Appeals for the First Circuit, previous to
10 the final admission of such State, shall be prosecuted to final
11 determination as though this Act had not been passed. And
12 all cases in which final judgment has been rendered in such
13 Territorial appellate courts which appeals or writs of error
14 might be had except for the admission of such State may
15 still be sued out, taken, and prosecuted to the Supreme Court
16 of the United States or the United States circuit court of
17 appeals under the provisions of existing laws, and there held
18 and determined in like manner, and in either case the
19 Supreme Court of the United States, or the United States
20 circuit court of appeals, in the event of reversal shall remand
21 the said cause to either the State supreme court or other
22 final appellate court of said State, or the United States dis-
23 trict court for said district, as the case may require: *Provided,*
24 That the time allowed by existing law for appeals and writs
25 of error from appellate courts of said Territory shall not be

1 enlarged hereby, and all appeals and writs of error not sued
2 out from the final judgments of said courts at the time of
3 the admission of such State shall be taken within six months
4 from such time.

5 SEC. 10. All causes pending in the Supreme Court of
6 the Territory of Puerto Rico and in the United States courts
7 arising under the Constitution, laws, or treaties of the United
8 States or affecting ambassadors, ministers, or consuls of the
9 United States or of any other country or State, or of admiralty
10 or of maritime jurisdiction, or in which the United States
11 may be a party, or between citizens of the same State claim-
12 ing lands under grants from different States; and in all cases
13 where there is a controversy between citizens of said Terri-
14 tory prior to admission and citizens of different States, or
15 between citizens of different States, or between a citizen of
16 any State and citizens or subjects of any foreign state or
17 country, and in which cases of diversity of citizenship there
18 shall be more than \$2,000 in controversy, exclusive of interest
19 and costs, shall be transferred to the proper United States
20 district court for final disposition: *Provided*, That said trans-
21 fer shall not be made in any case where the United States
22 is not a party except on application of one of the parties
23 in court in which the cause is pending, at or before the second
24 term of such court, after the admission of said State, sup-
25 ported by oath, showing that the case is one which may be

1 so transferred the proceedings to affect such transfer, except
2 as to time and parties, to be the same as are now provided
3 by the law for the removal of causes from State court to a
4 district court of the United States; and in causes transferred
5 from the appellate courts of said Territory the district court
6 of the United States in such State shall first determine such
7 appellate matters as the successor of and with all the power
8 of said Territorial appellate courts, and shall thereafter pro-
9 ceed under its original jurisdiction of such causes. All final
10 judgments and decrees rendered in such district court in such
11 transferred cases may be reviewed by the Supreme Court of
12 the United States or by the United States circuit court of
13 appeals in the same manner as is now provided by law with
14 reference to existing United States district courts.

15 SEC. 11. All cases pending in the supreme court of said
16 Territory of Puerto Rico not transferred to the United States
17 district court in said State of Puerto Rico shall be proceeded
18 with, held, and determined by the supreme or other final
19 appellate court of such State as the successor of said Terri-
20 torial supreme court and appellate court subject to the same
21 right to review upon appeal or error to the Supreme Court
22 of the United States or by the circuit court of appeals of
23 the United States not allowed from the supreme or appellate
24 courts of a State under existing laws. Jurisdiction of all
25 cases pending in the courts of original jurisdiction in said

1 Territory not transferred to the United States district court
2 shall devolve upon and be exercised by the courts of original
3 jurisdiction created by said State.

4 SEC. 12. The supreme court or other court of last resort
5 of said State shall be deemed to be successor of said Terri-
6 torial appellate courts and shall take and possess any and
7 all jurisdiction as such, not herein otherwise specifically pro-
8 vided for, and shall receive and retain the custody of all
9 books, dockets, records, and files, not transferred to other
10 courts, as herein provided subject to the duty for furnishing
11 transcripts of all book entries in any specific case transferred
12 to complete the record thereof.

13 SEC. 13. The courts of original jurisdiction of such State
14 shall be deemed to be the successor of all courts of no orig-
15 inal jurisdiction of said Territory and, as such, shall take
16 and retain custody of all records, dockets, journals, and files
17 of such courts except in causes transferred therefrom, as
18 herein provided; the files and papers in such transferred
19 cases shall be transferred to the United States district court,
20 together with a transcript of all book entries to complete
21 the record in such particular case so transferred.

22 SEC. 14. All cases pending in the insular district courts
23 of the Territory of Puerto Rico at the time said Territory
24 becomes a State not transferred to the United States district
25 court in the State of Puerto Rico shall be proceeded with,

1 held, and determined by the courts of said State, the suc-
2 cessors of said insular district courts of the Territory of Puerto
3 Rico with the right to prosecute appeals or writs of error to
4 the supreme court of said State, and also with the same right
5 to prosecute appeals or writs of error from the final deter-
6 mination in said causes made by the supreme court of said
7 State of Puerto Rico to the Supreme Court of the United
8 States, as now provided by law for appeals and writs of error
9 from the supreme court of a State to the Supreme Court of
10 the United States.

11 SEC. 15. The constitutional convention shall by ordi-
12 nance provide for the election of officers for a full State
13 government, including members of the legislature, two United
14 States Senators, and two Representatives in Congress. Such
15 State government shall remain in abeyance until the State
16 shall be admitted into the Union and the election for State
17 officers held as provided for in this Act. The Governor and
18 Secretary of said State shall certify the election of the Sena-
19 tors and Representatives in the manner required by law; and
20 said Senators and Representatives shall be entitled to be
21 admitted to seats in Congress and to all the rights and privi-
22 leges of Senators and Representatives of other States in the
23 Congress of the United States. And the officers of the State
24 government formed in pursuance of said constitution, as pro-
25 vided by said constitutional convention, shall proceed to

1 exercise all the functions of such State officers; and all the
2 laws in force in the Territory of Puerto Rico at the time of
3 admission of said State into the Union shall be in force
4 throughout said State, except as modified or changed by this
5 Act or by the constitution of the State, and the laws of the
6 United States not locally inapplicable shall have the same
7 force and effect within said State as elsewhere within the
8 United States.

9 SEC. 16. All Acts or parts of Acts in conflict with the
10 provisions of this Act, whether passed by the Legislature of
11 said Territory or by Congress, are hereby repealed.

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