

78TH CONGRESS
1ST SESSION

H. R. 3002

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IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1943

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.

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.

1 Such delegates shall possess the qualifications of such electors ;
2 and the aforesaid convention shall consist of thirty-nine
3 delegates apportioned among the several representative dis-
4 tricts within the limits of the proposed State as follows:
5 One delegate for each of the thirty-five representative districts
6 and four delegates at large to be chosen by all the qualified
7 voters of Puerto Rico, each voter entitled to vote for only one
8 delegate at large.

9 The Governor of said Territory shall, within thirty days
10 after the approval of this Act, issue a proclamation ordering
11 an election of the delegates as aforesaid in said Territory
12 to be held at a time to be designated in the proclamation
13 within six months after the approval of this Act, which
14 proclamation shall be issued at least thirty days prior to the
15 time of holding said election of delegates. The election for
16 delegates shall be conducted, the returns made, the result
17 ascertained, and the certificates of persons elected to such
18 convention issued, in the same manner as is prescribed by
19 the laws of said Territory regulating elections therein of
20 members of the legislature. Persons possessing the qualifi-
21 cations entitling them to vote on the ratification or rejection
22 of the constitution may do so under such rules or regulations
23 as said convention may prescribe, not in conflict with this Act.

24 SEC. 3. The delégates to the convention thus elected
25 shall meet at the seat of the government of said Territory

1 on the second Tuesday after their election, excluding the day
2 of election in case such day shall be Tuesday, but they shall
3 not receive compensation for more than sixty days of service,
4 and, after organization, shall declare on behalf of the people
5 of said proposed State that they adopt the Constitution of the
6 United States, whereupon the said convention shall be and
7 is hereby, authorized to form a constitution and State govern-
8 ment for said proposed State.

9 The constitution shall be republican in form, and make
10 no distinction in civil or political rights on account of race,
11 creed, or color, and shall not be repugnant to the Constitution
12 of the United States and the principles of the Declaration of
13 Independence. And said convention shall provide, by ordi-
14 nance, irrevocable without the consent of the United States
15 and the people of said State—

16 First. That perfect toleration of religious sentiment shall
17 be secured, and that no inhabitant of said State shall ever be
18 molested in person or property on account of his or her mode
19 of religious worship.

20 Second. The State of Puerto Rico shall retain all the
21 public property, vacant and unappropriated lands lying within
22 its limits now ceded, transferred, and in possession of the
23 United States, except such as are in the possession of and
24 used by a department of the United States, and may dispose
25 of the same as the said State may direct

1 Third. That the debts and liabilities of said Territory of
2 Puerto Rico shall be assumed and paid by said State and all
3 debts and assets owed to said Territory of Puerto Rico shall
4 be assumed and collected by said State.

5 Fourth. That provision shall be made for the establish-
6 ment and maintenance of a system of public schools, which
7 shall be open to all the children of said State and free from
8 sectarian or partisan control.

9 SEC. 4. In case a constitution and State government
10 shall be formed in compliance with the provisions of this
11 Act, the convention forming the same shall provide the ordi-
12 nance for submitting said constitution to the people of said
13 State for its ratification or rejection, at an election to be
14 held at a date to be fixed by said convention, which shall
15 be not more than sixty days from the date of its adjourn-
16 ment, at which election the qualified voters of said proposed
17 State shall vote directly for or against the proposed consti-
18 tution, and for or against any provisions separately submitted.
19 The return of said election shall be made to the Insular
20 Board of Elections of Puerto Rico, which shall cause the
21 same to be canvassed, and if a majority of the votes cast on
22 that question shall be for the constitution, the Governor of
23 the Territory of Puerto Rico shall certify the result to the
24 President of the United States, together with a statement of
25 the votes cast thereon, and upon separate articles or proposi-

1 tions, and a copy of said constitution, articles, propositions,
2 and ordinances. If the constitution and government of said
3 proposed State are republican in form, and if all the provi-
4 sions of this Act have been complied with in the formation
5 thereof, it shall be the duty of the President of the United
6 States to issue his proclamation announcing the result of said
7 election, and thereupon the proposed State of Puerto Rico
8 shall be deemed admitted by Congress into the Union, under
9 and by virtue of this Act, on an equal footing with the rest
10 of the forty-eight States from and after the date of said
11 proclamation.

12 SEC. 5. The sum of \$500,000, or so much thereof as
13 may be necessary, is hereby appropriated, out of any money
14 in the Treasury of Puerto Rico not otherwise appropriated,
15 for defraying the expenses of the election provided for in
16 this Act and of the convention, and for the payment of the
17 members thereof, under the same rules and regulations and
18 at the same rates as are now provided by law for disburse-
19 ments of the Government of Puerto Rico.

20 SEC. 6. Until the next general census, or until otherwise
21 provided by law, said State shall be entitled to six Repre-
22 sentatives in the House of Representatives of the United
23 States, which Representatives, the two Senators of the United
24 States, together with the Governor and other officers pro-
25 vided for in said constitution, shall be elected on the day

1 of the election for the adoption of the constitution; and until
2 said State officers are elected and qualified under the provi-
3 sions of the constitution, and the State is admitted into the
4 Union, the Territorial officers shall continue to discharge the
5 duties of the respective offices in said Territory.

6 SEC. 7. Said State when admitted as aforesaid shall con-
7 stitute one judicial district, to be known as the "district
8 of Puerto Rico". The district courts for the district of
9 Puerto Rico shall be held one term at San Juan and one
10 term at Ponce each year, and special terms may be held
11 at such times and places in said district as the said judges
12 may deem expedient. And the said district shall, for judi-
13 cial purposes, until otherwise provided, be attached to the
14 first judicial circuit. There shall be appointed for said dis-
15 trict two district judges, one United States attorney, and
16 one United States marshal. There shall be appointed two
17 clerks for said district, who shall keep their offices at San
18 Juan and Ponce, respectively. The regular term of said
19 court shall be held at the place designated in this Act, at
20 San Juan on the first Monday in January and at Ponce
21 on the first Monday in March in each year, and one grand
22 jury shall be summoned in each year in each of said district
23 courts. The district court for said district, and the judges
24 thereof, respectively, shall possess the same powers and juris-
25 diction and perform the same duties required to be performed

1 by other district courts and judges of district courts of the
2 United States and shall be governed by the same laws and
3 regulations. The marshal, district attorney, clerks, and
4 stenographers of the district courts of said district, and all
5 other officers and persons performing duties in the admin-
6 istration of justice therein, shall severally possess the powers
7 and perform the duties lawfully required to be performed
8 by similar officers in other districts of the United States,
9 and shall, for the services they may perform, receive the fees
10 and compensation now allowed by law to officers performing
11 similar service for the United States in other districts of the
12 United States.

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

16 SEC. 9. All appeals or writs of error taken from the
17 Supreme Court of the Territory of Puerto Rico to the
18 Supreme Court of the United States or the United States
19 Circuit Court of Appeals for the First Circuit, previous to the
20 final admission of such State, shall be prosecuted to final de-
21 termination as though this Act had not been passed. And
22 all cases in which final judgment has been rendered in such
23 Territorial appellate courts which appeals or writs of error
24 might be had except for the admission of such State may still
25 be sued out, taken, and prosecuted to the Supreme Court of

1 the United States or the United States circuit court of appeals
2 under the provisions of existing laws, and there held and
3 determined in like manner, and in either case the Supreme
4 Court of the United States, or the United States circuit court
5 of appeals, in the event of reversal shall remand the said cause
6 to either the State supreme court or other final appellate court
7 of said State, or the United States district court for said
8 district, as the case may require: *Provided*, That the time
9 allowed by existing law for appeals and writs of error from
10 appellate courts of said Territory shall not be enlarged
11 thereby, and all appeals and writs of error not sued out from
12 the final judgments of said courts at the time of the admission
13 of such State shall be taken within six months from such time.

14 SEC. 10. All causes pending in the Supreme Court of
15 the Territory of Puerto Rico and in the United States courts
16 arising under the Constitution, laws, or treaties of the United
17 States or affecting ambassadors, ministers, or consuls of the
18 United States or of any other country or State, or of ad-
19 miralty or of maritime jurisdiction, or in which the United
20 States may be a party, or between citizens of the same State
21 claiming lands under grants from different States; and in
22 all cases where there is a controversy between citizens of said
23 Territory prior to admission and citizens of different States, or
24 between citizens of different States, or between a citizen of
25 any State and citizens or subjects of any foreign state or

1 country, and in which cases of diversity of citizenship there
2 shall be more than \$3,000 in controversy, exclusive of in-
3 terest and costs, shall be transferred to the proper United
4 States district court for final disposition: *Provided*, That said
5 transfer shall not be made in any case where the United
6 States is not a party except on application of one of the
7 parties in court in which the cause is pending, at or before
8 the second term of such court, after the admission of said
9 State, supported by oath, showing that the case is one which
10 may be so transferred, the proceedings to affect such transfer,
11 except as to time and parties, to be the same as are now
12 provided by the law for the removal of causes from State
13 court to a district court of the United States; and in causes
14 transferred from the appellate courts of said Territory the
15 district court of the United States in such State shall first
16 determine such appellate matters as the successor of and with
17 all the power of said Territorial appellate courts, and shall
18 thereafter proceed under its original jurisdiction of such
19 causes. All final judgments and decrees rendered in such
20 district court in such transferred cases may be reviewed by
21 the Supreme Court of the United States or by the United
22 States circuit court of appeals in the same manner as is now
23 provided by law with reference to existing United States
24 district courts.

1 SEC. 11. All cases pending in the supreme court of said
2 Territory of Puerto Rico not transferred to the United States
3 district court in said State of Puerto Rico shall be proceeded
4 with, held, and determined by the supreme or other final
5 appellate court of such State as the successor of said Terri-
6 torial supreme court and appellate court subject to the same
7 right to review upon appeal or error to the Supreme Court
8 of the United States or by the circuit court of appeals of the
9 United States not allowed from the supreme or appellate
10 courts of a State under existing laws. Jurisdiction of all
11 cases pending in the courts of original jurisdiction in said
12 Territory not transferred to the United States district court
13 shall devolve upon and be exercised by the courts of original
14 jurisdiction created by said State.

15 SEC. 12. The supreme court or other court of last resort
16 of said State shall be deemed to be successor of said Terri-
17 torial appellate courts and shall take and possess any and all
18 jurisdiction as such, not herein otherwise specifically pro-
19 vided for, and shall receive and retain the custody of all books,
20 dockets, records, and files, not transferred to other courts, as
21 herein provided subject to the duty for furnishing transcripts
22 of all book entries in any specific case transferred to complete
23 the record thereof.

24 SEC. 13. The courts of original jurisdiction of such State
25 shall be deemed to be the successor of all courts of no

1 original jurisdiction of said Territory and, as such, shall take
2 and retain custody of all records, dockets, journals, and files
3 of such courts except in causes transferred therefrom, as
4 herein provided; the files and papers in such transferred cases
5 shall be transferred to the United States district court, to-
6 gether with a transcript of all book entries to complete the
7 record in such particular case so transferred.

8 SEC. 14. All cases pending in the insular district courts
9 of the Territory of Puerto Rico at the time said Territory
10 becomes a State not transferred to the United States district
11 court in the State of Puerto Rico shall be proceeded with,
12 held, and determined by the courts of said State, the suc-
13 cessors of said insular district courts of the Territory of
14 Puerto Rico with the right to prosecute appeals or writs
15 of error to the supreme court of said State, and also with
16 the same right to prosecute appeals or writs of error from
17 the final determination in said causes made by the supreme
18 court of said State of Puerto Rico to the Supreme Court of
19 the United States, as now provided by law for appeals and
20 writs of error from the supreme court of a State to the
21 Supreme Court of the United States.

22 SEC. 15. The constitutional convention shall by ordi-
23 nance or resolution provide for the election of officers for a full
24 State government, including members of the legislature, two
25 United States Senators, and six Representatives in Congress.

1 Such State government shall remain in abeyance until the
2 State shall be admitted into the Union and the election of
3 State officers held as provided for in this Act. The Governor
4 and secretary of said State shall certify the election of the
5 Senators and Representatives in the manner required by law;
6 and said Senators and Representatives shall be entitled to be
7 admitted to seats in Congress and to all the rights and privi-
8 leges of Senators and Representatives of other States in the
9 Congress of the United States. And the officers of the State
10 government formed in pursuance of said constitution, as pro-
11 vided by said constitutional convention, shall proceed to
12 exercise all the functions of such State officers; and all
13 the laws in force in the Territory of Puerto Rico at the
14 time of admission of said State into the Union shall be in
15 force throughout said State, except as modified or changed
16 by this Act or by the constitution of the State, and the laws
17 of the United States not locally inapplicable shall have the
18 same force and effect within said State as elsewhere within
19 the United States.

20 SEC. 16. All Acts or parts of Acts in conflict with the
21 provisions of this Act, whether passed by the legislature of
22 said Territory or by Congress, are hereby repealed.

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