

78TH CONGRESS
1ST SESSION

S. 732

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 18, 1943

Mr. LANGER introduced the following bill; which was read twice and referred to the Committee on Territories and Insular Affairs

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
13 delegates apportioned among the several representative dis-
14 tricts within the limits of the proposed State as follows:
15 One delegate for each of the thirty-five representative districts
16 and four delegates at large to be chosen by said thirty-five
17 representative 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

1 to be held at a time to be designated in the proclamation
2 within six months after the approval of this Act, which
3 proclamation shall be issued at least thirty days prior to the
4 time of holding said election of delegates. The election for
5 delegates shall be conducted, the returns made, the result
6 ascertained, and the certificates of persons elected to such
7 convention issued, in the same manner as is prescribed by
8 the laws of said Territory regulating elections therein of
9 members of the legislature. Persons possessing the qualifi-
10 cations entitling them to vote on the ratification or rejection
11 of the constitution may do so under such rules or regulations
12 as said convention may prescribe, not in conflict with this Act.

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

23 The constitution shall be republican in form, and make
24 no distinction in civil or political rights on account of race

1 or color, and shall not be repugnant to the Constitution of
2 the United States and the principles of the Declaration of
3 Independence. And said convention shall provide, by ordi-
4 nance, irrevocable without the consent of the United States
5 and the people of said State—

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

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

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

20 Fourth. That provision shall be made for the establishment
21 and maintenance of a system of public schools, which shall be
22 open to all the children of said State and free from sectarian
23 control.

24 SEC. 4. In case a constitution and State government
25 shall be formed in compliance with the provisions of this

1 Act, the convention forming the same shall provide the ordi-
2 nance for submitting said constitution to the people of said
3 State for its ratification or rejection, at an election to be
4 held at a date to be fixed by said convention, which shall
5 be not more than sixty days from the date of its adjourn-
6 ment, at which election the qualified voters of said pro-
7 posed State shall vote directly for or against the proposed
8 constitution, and for or against any provisions separately sub-
9 mitted. The return of said election shall be made to the
10 secretary of Puerto Rico, who shall cause the same to be
11 canvassed, and if a majority of the votes cast on that ques-
12 tion shall be for the constitution, the Governor of the Terri-
13 tory of Puerto Rico shall certify the result to the President
14 of the United States, together with a statement of the votes
15 cast thereon, and upon separate articles or propositions, and
16 a copy of said constitution, articles, propositions, and ordi-
17 nances. If the constitution and government of said proposed
18 State are republican in form, and if all the provisions of this
19 Act have been complied with in the formation thereof, it
20 shall be the duty of the President of the United States to
21 issue his proclamation announcing the result of said election,
22 and thereupon the proposed State of Puerto Rico shall be
23 deemed admitted by Congress into the Union, under and
24 by virtue of this Act, on an equal footing with the rest of

1 the forty-eight States from and after the date of said
2 proclamation.

3 SEC. 5. The sum of \$200,000, or so much thereof as
4 may be necessary, is hereby authorized to be appropriated,
5 out of any money in the Treasury of the United States
6 not otherwise appropriated, for defraying the expenses of the
7 elections provided for in this Act and of the convention, and
8 for the payment of the members thereof, under the same
9 rules and regulations and at the same rates as are now pro-
10 vided by law for the payment of the Territorial Legislature
11 of the Territory of Puerto Rico, and the disbursements of
12 the money appropriated by this section shall be made by
13 the secretary of the Territory of Puerto Rico.

14 SEC. 6. Until the next general census, or until otherwise
15 provided by law, said State shall be entitled to two Repre-
16 sentatives in the House of Representatives of the United
17 States, which Representatives, the two Senators of the United
18 States, together with the Governor and other officers pro-
19 vided for in said constitution, shall be elected on the day
20 of the election for the adoption of the constitution; and until
21 said State officers are elected and qualified under the provi-
22 sions of the constitution, and the State is admitted into the
23 Union, the Territorial officers shall continue to discharge the
24 duties of the respective offices in said Territory.

25 SEC. 7. Said State when admitted as aforesaid shall con-

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

1 and perform the duties lawfully required to be performed
2 by similar officers in other districts of the United States,
3 and shall, for the services they may perform, receive the fees
4 and compensation now allowed by law to officers performing
5 similar service for the United States in other districts of the
6 United States.

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

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

1 of said State, or the United States district court for said
2 district, as the case may require: *Provided*, That the time
3 allowed by existing law for appeals and writs of error from
4 appellate courts of said Territory shall not be enlarged
5 thereby, and all appeals and writs of error not sued out from
6 the final judgments of said courts at the time of the admission
7 of such State shall be taken within six months from such time.

8 SEC. 10. All causes pending in the Supreme Court of
9 the Territory of Puerto Rico and in the United States courts
10 arising under the Constitution, laws, or treaties of the United
11 States or affecting ambassadors, ministers, or consuls of the
12 United States or of any other country or State, or of ad-
13 miralty or of maritime jurisdiction, or in which the United
14 States may be a party, or between citizens of the same State
15 claiming lands under grants from different States; and in
16 all cases where there is a controversy between citizens of said
17 Territory prior to admission and citizens of different States, or
18 between citizens of different States, or between a citizen of
19 any State and citizens or subjects of any foreign state or
20 country, and in which cases of diversity of citizenship there
21 shall be more than \$2,000 in controversy, exclusive of in-
22 terest and costs, shall be transferred to the proper United
23 States district court for final disposition: *Provided*, That said
24 transfer shall not be made in any case where the United
25 States is not a party except on application of one of the

1 parties in court in which the cause is pending, at or before
2 the second term of such court, after the admission of said
3 State, supported by oath, showing that the case is one which
4 may be so transferred, the proceedings to affect such transfer,
5 except as to time and parties, to be the same as are now
6 provided by the law for the removal of causes from State
7 court to a district court of the United States; and in causes
8 transferred from the appellate courts of said Territory the
9 district court of the United States in such State shall first
10 determine such appellate matters as the successor of and with
11 all the power of said Territorial appellate courts, and shall
12 thereafter proceed under its original jurisdiction of such
13 causes. All final judgments and decrees rendered in such
14 district court in such transferred cases may be reviewed by
15 the Supreme Court of the United States or by the United
16 States circuit court of appeals in the same manner as is now
17 provided by law with reference to existing United States
18 district courts.

19 SEC. 11. All cases pending in the supreme court of said
20 Territory of Puerto Rico not transferred to the United States
21 district court in said State of Puerto Rico shall be proceeded
22 with, held, and determined by the supreme or other final
23 appellate court of such State as the successor of said Terri-
24 torial supreme court and appellate court subject to the same
25 right to review upon appeal or error to the Supreme Court

1 of the United States or by the circuit court of appeals of the
2 United States not allowed from the supreme or appellate
3 courts of a State under existing laws. Jurisdiction of a
4 cases pending in the courts of original jurisdiction in said
5 Territory not transferred to the United States district court
6 shall devolve upon and be exercised by the courts of original
7 jurisdiction created by said State.

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

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

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

15 SEC. 15. The constitutional convention shall by ordinance
16 provide for the election of officers for a full State govern-
17 ment, including members of the legislature, two United States
18 Senators, and two Representatives in Congress. Such State
19 government shall remain in abeyance until the State shall
20 be admitted into the Union and the election of State officers
21 held as provided for in this Act. The Governor and secre-
22 tary of said State shall certify the election of the Senators
23 and Representatives in the manner required by law; and
24 said Senators and Representatives shall be entitled to be
25 admitted to seats in Congress and to all the rights and privi-

1 leges of Senators and Representatives of other States in the
2 Congress of the United States. And the officers of the State
3 government formed in pursuance of said constitution, as pro-
4 vided by said constitutional convention, shall proceed to
5 exercise all the functions of such State officers; and all
6 the laws in force in the Territory of Puerto Rico at the
7 time of admission of said State into the Union shall be in
8 force throughout said State, except as modified or changed
9 by this Act or by the constitution of the State, and the laws
10 of the United States not locally inapplicable shall have the
11 same force and effect within said State as elsewhere within
12 the United States.

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

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