

79TH CONGRESS
1ST SESSION

S. 1485

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 1945

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
21 to be held at a time to be designated in the proclamation

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

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

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

1 Independence. And said convention shall provide, by ordi-
2 nance, irrevocable without the consent of the United States
3 and the people of said State—

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

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

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

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

22 Sec. 4. In case a constitution and State government
23 shall be formed in compliance with the provisions of this
24 Act, the convention forming the same shall provide the ordi-
25 nance for submitting said constitution to the people of said

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

25 Sec. 5. The sum of \$200,000, or so much thereof as

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

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

22 SEC. 7. Said State when admitted as aforesaid shall con-
23 stitute one judicial district, to be known as the "district
24 of Puerto Rico". The district courts for the district of
25 Puerto Rico shall be held one term at San Juan and one

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

1 and compensation now allowed by law to officers performing
2 similar service for the United States in other districts of the
3 United States.

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

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

1 appellate courts of said Territory shall not be enlarged
2 thereby, and all appeals and writs of error not sued out from
3 the final judgments of said courts at the time of the admission
4 of such State shall be taken within six months 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 ad-
10 miralty or of maritime jurisdiction, or in which the United
11 States may be a party, or between citizens of the same State
12 claiming lands under grants from different States; and in
13 all cases where there is a controversy between citizens of said
14 Territory 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 in-
19 terest and costs, shall be transferred to the proper United
20 States district court for final disposition: *Provided*, That said
21 transfer shall not be made in any case where the United
22 States is not a party except on application of one of the
23 parties in court in which the cause is pending, at or before
24 the second term of such court, after the admission of said
25 State, supported by oath, showing that the case is one which

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

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

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

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

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

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

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

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

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

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

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