Puerto Rico: from territory to Commonwealth

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PUERTO RICO: FROM TERRITORY TO COMMONWEALTH

A THESIS
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INTRODUCTION

The purpose of this study is intended to give an account of the policies pursued by the United States government in granting Puerto Rico a commonwealth status from that of a territorial status. The chief interest will be centered upon tracing the action of the United States government in respect to determining a type of government best suited for the Puerto Ricans while guiding them toward self-government, and the extent to which certain laws achieved this end.

Attempts have been made to prove that the problem confronting the United States, was the fact that the island instead of being now and unsettled was already populated with foreigners in possession of a system of government radically different from that of the Federal government. Further attempts have been made to show that instead of facing a group ready to accept American laws, the United States had the task of reorganizing the administration of affairs to which the inhabitants were for years accustomed. Thus, the essential problem of the United States was to transform this existing institution so as to bring it into conformity with its laws and to guide it toward independence.

This study also gives a careful evaluation of supervision on the island as organized in 1898, which enabled the Puerto Ricans soon to obtain a civil government as granted by the passage of the Foraker Act. Also, contributing factors have proven that this Act is in every respect a very important document, as it changed the future action of the United States in its administration of the island.

Efforts have been made to show that Puerto Rico was excellently
governed under the Foraker Act, since superior men were appointed to the
government offices. This system did not satisfy the aspirations of the
politically awakening foreigners, who preferred a less efficient government
of their own rather than a model government controlled by the United States.
Further efforts have been made to show that this discontent expressed it-
self in the form of political party divisions and platforms, and serious
controversies in the island legislative assembly especially concerning
appropriations. This friction grew to the extent that Congress amended the
Act in March 1917, thus, democratizing the Puerto Rican government and extending
American citizenship to its inhabitants.

Proof has been presented to show that to meet the various require-
ments of an improved system of local government, Congress passed a series
of amendments, however, neither of these amendments entirely satisfied the
islanders.

This study shows that out of this growing dissatisfaction political
leaders stressed different degrees of self-government varying from that of
statehood to complete independence. Thus, Congress made further liberal
changes in the Organic Act by enacting the "Elective Governor Act."

In the final analysis, the study shows that there still remained a
degree of inequality which caused continued unrest among the islanders.
These inequalities led to a unanimous desire among the Puerto Ricans to re-
quest either a constitution of their own adoption, or to be admitted to the
Federal Union as the forty-ninth state. To this end, a Constitution was
drafted by the islanders' delegated convention, and ratified by the United
States, thus, moving the political status of Puerto Rico from that of a
territory to that of a commonwealth.
Atlanta University
Atlanta, Georgia
August, 1955
B. B. W.
CHAPTER I
A HISTORICAL BACKGROUND

Political Organization 1509 to 1898

Puerto Rico is a small crowded Caribbean Island now in the possession of the United States. For centuries it has faced the dictatorship of the white man but now these vestiges have almost been destroyed and self-government is in sight.

It is a beautiful and inspiring country located only 950 miles from the nearest American port and covers an area of 3,423 square miles. It is populated with approximately 1,869,255 people of whom seventy-six per cent are white, and twenty-four per cent are mulattoes and Negroes. Physically and traditionally the civilization of these people is definitely different from ours for it is closer to Latin America than to that of any other country. They are of a different race who are inexperienced in self-government and definitely unaccustomed to the same civil and political rights enjoyed by the citizens of the United States.

The sad history of this island dates back to 1509 when the Spanish explorers seized it from the Boriquen Indians while they were in quest for gold for the glory of Spain. While many Spanish explorers had landed on

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1 When America came in possession of the Island the name was changed to Porto Rico. Constant dissatisfaction among the Islanders caused Congress to return to the original name. (47 U. S. Stat. 158 (May 17, 1932). You will find the original name used throughout this thesis unless it appears in a direct quotation.

this island, pillaged, and departed, Juan Ponce de Leon decided to make it a settlement. He immediately flagged it in honor of Spain, notified King Ferdinand of his actions, and as a reward was made the island's first governor general.

When the settlement began, Puerto Rico was a very poor island inhabited by a gentle, idolent and superstitious Indian tribe who were soon reduced to a cruel servitude under a hierarchial absolutism. Shortly after Ponce de Leon began to administer the island he initiated a system of "repartimientos" which provided for the distribution of an allotted number of natives to heavy labor, unendurable for one that was foreign to it, and they received little in return. The severe toil was so unbearable that it brought slavery, cruelty, and death to a tribe estranged to these conditions. 3

At first the Royal government objected to this maltreatment of the islanders, and immediately passed a Royal ordinance stipulating that the natives were to be well treated in all respects; however, these lawless class of men continued to give them labor heavier than they could bear. They redistributed the land and the Indians among themselves thus placing the island definitely under the tutelage of Spain. By this system of allotment the whole population was gradually enslaved. This, the Indians could not endure any longer for they felt that they were being robbed of their homes. They were now assured that they had been subdued to Spanish sovereignty supported by her Royal Decrees and backed by her militia. Under this treatment they knew that the race would eventually be exterminated. 4


True, there was political sentiment among the inhabitants but whatever it was it did not crystallize into protest or organization. Knowing that their only weapon was flight they began rapidly to escape from the island. In order to hold the island together King Ferdinand supplanted Ponce de Leon for Juan Ceron in 1060 and passed another series of ordinances in order to quench the discontentment that had begun to ripen into desperation.

During Juan's administration the affairs of Puerto Rico became more of a political turmoil. Spanish settlers continued to come over, and forced labor never ceased. This really caused a change in the attitude of the Boreinquenos and for the first time the natives began to organize for an anticipated rebellion.

Cacique Aguebana, a determined leader, instigated the islanders, in 1511, to an immediate rebellion with the idea of destroying every mark of white occupation in Puerto Rico. He proceeded to get the assistance of the Caribs to aid them in their struggle against their conquerors.

This crucial moment marked a temporary victory for the Puerto Ricans, for a number of Spaniards were massacred. The Royal government saw a need for prompt action, therefore, it immediately sent dispatches to the island. Soon the Caribs were conquered and the unfortunate natives of Puerto Rico were left alone to experience the full effect of forced labour and maltreatment.

5 Ibid., p. 33.
7 Mixer, op. cit., p. 34.
8 Ibid., p. 35.
Following these riots a distinct pattern of the Spanish government emerged and lasted until 1520. At this time the churchmen directed the attention of the rulers of Spain to the miserable conditions of the islanders; the difficulties that could be caused by disaster; the effects of depopulation and maladministration; and the dangers of foreign invasion if loyalty was not restored to the island.

As a result the Spanish government resorted to slave trade, imported from Africa, since it was the established belief that the African Negro was born to servitude and was accustomed to being sold. This reaction brought years of peace and loyalty.9

In the latter sixteenth centuries, there were a series of struggles by the European countries to colonize the island. Much to the surprise of Spain the islanders were more loyal to her than ever before. They showed no desire for emancipation and willingly served their superiors.10

By the end of the seventeenth century discontentment began to flare up all over again, for the governor generals were more concerned with self-government than with the internal conditions of the island. In 1811, the natives requested freedom of commerce with the foreign countries, however, the request was not fulfilled until 1815 with a series of other restricted policies. For example, no one who was not a Roman Catholic could reside in Puerto Rico and all foreign trading had to be carried on with Spanish ships.11 Feeling that they treasured a little kindness, a general policy

9 Ibid., p. 47.
10 Ibid., pp. 44-45.
11 Garver and Finchier, op. cit., pp. 18-19; also Edward Wilson, Political Development of Porto Rico (Columbus, Ohio: Fred J. Heer, Publisher, 1905), p.16.
was promulgated in order to discourage any attempted revolt against the sovereignty of Spain. Taxes were reformed; agriculture was encouraged; the currency was improved; and a credit system was established.  

The period from 1815 to 1820 was marked by a few sporadic attempts at rebellion, however, they were bloodlessly repressed. A period of peacefulness followed until the harsh ruler Miguel de la Torre was appointed governor in 1829. From this date until 1834, the rights of man were never proposed, for he was a stern man who ruled with all of the weapons of absolutism. He quelled all attempts at liberalism, and made the island the resort for those loyal refugees who came from the Spanish mainland. This era meant prosperity for the Spanish regime and poverty for the Puerto Ricans. His followers accepted the same pattern for controlling the island, hence, for forty-one years the unsettled political conditions with the mother country were reflected in the disturbed political conditions of Puerto Rico. Suffrage was restricted to only those paying a poll tax, the press was placed under strict censorship, and the right of public assembly was unknown.

An era of enlightenment for these tired oppressed people came about in 1847. Previously, Puerto Rican revolutionists had been exiled, imprisoned or executed in attempts to seize the capitol. Their captured leaders had been condemned to death. This lead to secret societies in order to make plans for revenge. Feeling that a little kindness would mean a

12 Wilson, op. cit., pp. 16-17.
13 Mixer, op. cit., p. 64
a period of friendliness, tyrannical Spain recognized the people in town councils composed of seven men appointed by the Governor General. This slight political progress aroused the long slept radicals who raised one of the most talked about revolutions that had ever existed on the island. After constantly begging the monarchy to grant to them local rule, and after seeing that no progress was being made to fulfill their request, the natives, in 1868, flared up in an armed revolt against the Spanish militia. Hurriedly, the Crown began to enact legislation with such salutary changes as, the introduction of political parties; the immediate abolition of slavery; and island representation in the Spanish Cortes.\textsuperscript{16}

At the same time the government was about to put this piece of legislation into affect, still another insurrection broke out at Lares which led to a series of riots and delayed these anticipated reforms.\textsuperscript{17} In 1869, however, Spain made all efforts toward appeasement by raising the representation in the Spanish Cortes to nine delegates.\textsuperscript{18} Continued dissatisfaction led Spain to permit Puerto Rico to elect sixteen deputies and four Senators to the Spanish Parliament. The conservatives won the majority of the seats while the autonomists fell in the minority.\textsuperscript{19} This political change made the radicals more determined to increase the measures

\textsuperscript{15} Wilson, \textit{op. cit.}, p. 18.

\textsuperscript{16} \textit{Ibid.}

\textsuperscript{17} Garver and Fincher, \textit{op. cit.}, p. 35.

\textsuperscript{18} Mixer, \textit{op. cit.}, p. 55.

\textsuperscript{19} Garver and Fincher, \textit{op. cit.}, p. 36.
for self-government. Seeing that the political fire had not been extinguished, the Crown further granted to them a local legislative body and made the Royal Decrees of 1870 applicable to the island. This decree ceded to the people the opportunity to elect the members of the Municipal Council and established the Provincial Deputation. All of the officials to the Deputation were elected by the qualified voters. Universal suffrage was decreed and the islanders enjoyed a period of liberty. They went so far as to disband the Spanish militia, and they replaced it with a Civil Guard of Spanish troops.20

As soon as the newly appointed legislature began to function, their representation was increased to sixteen deputies and four senators elected by the people and apportioned according to the population. None of these efforts now were strong enough to soothe the hurts and hates that the Puerto Ricans had been saturated with during the political violence under the Spanish sovereignty.

Civil law became the basis of justice in 1879 and lasted for almost two years. Fearing that the inquietude of mind would eventually impel the Puerto Ricans to seek guardianship elsewhere, slavery was abolished and the island was made a province with a Provincial Deputation. Judging from the reactions of the natives, they were enjoying their period of liberalism when, in 1874, they were forced to return to the oppressions of the Spanish autocracy, and receive cruelty as revenge for their brief period of political freedom.21

20 Wilson, op. cit., p. 19; see also Mixer, op. cit., p. 55.

Another presumptuous movement toward self-government occurred in 1878 when restrictions on suffrage were lifted and the newly created municipal council was given the power to nominate the mayor. The mayor was the executive officer of the municipality and the president of its council. The Council had the right to enact the city ordinances and the right to appoint all administrative officers. These so-called rights were short lived because of the escape clause which gave the governor unlimited power. This clause gave to him the privilege of ignoring the nominees by the council and using his appointive power. Pleased with this portion of the statute the governor made common use of it.

Spain now had all of the characteristics of a monarchy which gave one the freedom to say what he desired to say and receive only promises in return. Growing tired of this dissatisfaction in Puerto Rico the home government was compelled to enact, in 1895, a series of reform measures which it considered adequate for the Puerto Ricans, but it was far too late. The natives became more and more aggressive in pressing upon Spain the desire for home rule, therefore the Moret law was decreed in 1896. This Moret law extended the powers of the Provincial Deputation and the Councils, and defined the duties of the Governor General. Although the Moret law played its part in improving the political status of the island

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23 Ibid., op. cit., p. 21.

24 Ibid., P. 19.
it did not reduce the sentiment of its citizens in favor of autonomy. Their tendencies were now diverging from the mother country. They had different points of view as to how a country should be governed, and their aims were different, from Spain had always governed them as a stranger.

After struggling for three hundred years the Puerto Ricans, in 1897, wrested from Spain a very liberal autonomy act. No one was able, however, to find out how much autonomy this act would have granted because it was not well implemented. The revolution occurred.

Works of the Autonomists

The Autonomists were extreme radicals who stood on a party creed of abandoning all laws that the peninsular government had decreed since they were contrived in the interest of absolutism. They were ready to violently defend their platform in an effort to eradicate the cruel hand of the monarchy. Their first convention was held for three days in one of the island theaters, in 1887, with their presiding officer being Baldorioty de Castro. Here they boldly defined their stand for self-government. They demanded the following: complete political and judicial unity with Spain; equality of rights for the islanders, decentralization of the administrative functions; public education for the Puerto Ricans; public works, health and charity; a banking system; the right of immigration; the control of ports; the control of postal affairs; and the control of customs and commercial treaties.

The emotions of the Autonomist were heated. They realized that the results of their conventions, if successful, would have meant some of

25 Garver and Fincher, op. cit., p. 36.

of the attributes of sovereignty itself. This political organization was soon crushed by the Civil Guard. Underground secret societies were however, developed for the purpose of keeping the established agitation from being stifled. The state of public sentiment as so intense that four years later, a second convention met in Mayaguez, Puerto Rico, March 1891. This time Spain decided to suppress the organization but not with the use of violence. Still upholding all of the characteristics of a radical, the Puerto Ricans drafted a creed asking for a system of home rule based wholly on the popular will of the island free from the hands of the monarchy. This meeting adjourned with no definite accomplishments although unity for self-government prevailed.

Feeling that the spirit was not to die, a series of small meetings were constantly being held on the island, in order to keep the members from straying to the opposing factions.

These persons demanding self-government were faithful subjects of Spain despite the torment they had experienced. A feeling of insurrection almost developed when Spain started discriminating between legislature that was suppose to be applicable to her island possessions. According to Wilson, Spain was making concessions to Cuba to prevent an insurrection that was then brewing. He states that the Puerto Ricans proposed that the same form of self-government be made applicable to their island. Spain, however, discriminated in favor of Cuba by making a five pesos property qualification for suffrage. For Puerto Rico, he further states, the amount was

27 Ibid., p. 27.

28 Wilson, op. cit., p. 31.
put at ten pesos. This movement on the part of Spain caused the Puerto Ricans to become prejudice against its mother country to the extent that the Autonomists refused to vote as long as the discriminating law existed.

After several conferences with the Royal government, limited autonomy was finally granted at San Juan on February 12, 1897. By this grant of autonomy the islanders had liberal powers to administer its internal affairs, as well as a little control over its foreign relations.

Under the plan of this Act the island was to experience for its first time a local bicameral legislature with equal powers. The bodies were to be called the Council of Administration and the Chamber of Representatives. The Council, or upper house, was composed of fifteen members. Eight of these members were elected by the people and seven were appointed by the governor-general to serve for life. Eligibility to the Council was restricted to those members who had an annual income of four thousand dollars. The members of the Chamber of Representatives, or lower house, consisted of thirty-two members elected by the people. They were chosen by the people.

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29 Ibid., p. 36.

30 Law was not changed until 1897, therefore, the elections were held free of the Autonomists until this date.

31 Autonomy in its modern usage is specifically referred to the territories which, while subject in some matter to a higher sovereignty, are autonomous in other respects as freedom from external restraint. Thus political autonomy is self-government independent of all control from without. Local autonomy is freedom of self-government within a sphere marked out by some superior authority.

on the basis of one for every 25,000 inhabitants. All legislation was limited to insular purposes such as: revenues, public works, education, and agriculture.

The supreme authority of the government was the Governor - General. He was appointed by the King and exercised quasi-dictatorial power. He possessed the veto; could prorogue the sessions of the legislative assembly; and could suspend the constitutional guarantees. He appointed his own cabinet which consisted of the following: the Justice Department; Finance Department; Education and Public Works Department; and the Agriculture, Industry, and Commerce Department.

The provisions of this Act gave the islanders partial control over taxation, the tariff, and general legislation.

Although the Autonomy Act did not embrace all that was desired, it did assure the party that there were more possibilities for political progress. It was very liberal in form and marked a distinct victory for the Puerto Ricans. The Act went into effect in February 1898 only to be interrupted two month later at the outbreak of the Spanish-American War.


Mixer, op. cit., p. 96.

Wilson, op. cit., pp. 40-41.

Documents on the Constitutional History of Puerto Rico, pp. 36-39.

Garver and Fincher, op. cit., p. 36.
Death of Spanish Autocracy

Although the war did not actually start until 1898 the United States' desire for Puerto Rico dates back to 1825 when the Pan-American states tried to encourage Congress to make immediate decisions on the fate of this island. They stressed the idea that the Spanish government was constantly promoting discord and threatening the independence of the Island, therefore, they felt it advisable to free the island with the support of all the states. Further legislation was discussed at this same International American Conference in an effort to get Congress to declare war for Puerto Rican independence.

Congress concentrated on this plan for years but had to wait until the opportunity presented itself. Hostilities between Spain and the United States developed because of the disturbed conditions that existed on the island of Cuba, however, this sentiment was soon to spread to Puerto Rico. On February 15, 1898, the Maine was blown up by an explosion, believed to have been the work of Spaniards, off the coast of Cuba. The United States immediately went to the aid of the Cubans in order to enable them to gain their independence. At the same time the natives of Puerto Rico refused to join with the Spanish forces in defense of the island, and welcomed rather than resisted the coming of the Americans. This gave the Americans the chance she had been waiting for. She immediately invaded the island and gradually took possession of it amid the demonstrations of

Joy on the part of the inhabitants.\textsuperscript{39}

In the defense of this movement General Miles issued the following proclamation to the islanders:

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary to bring you protection, not only to yourselves, but to your property, to promote your prosperity and to bestow upon you the immunities and blessing of our liberal government.

This is not a war of devastation, but one to give to all within control of its military and naval forces the advantages and blessings of enlightened civilization.\textsuperscript{40}

By the Treaty of Paris in 1898,\textsuperscript{41} Spain ceded Puerto Rico to the United States. It made the people of Puerto Rico citizens of Puerto Rico unless they requested, before a court, allegiance to Spain.\textsuperscript{42} Thus, the Spanish flag came down. Spain soon evacuated the island and America began an era of reconstruction from the repressive control of Spain to the civil government of America.

Summary

From the time of the first settlement of Puerto Rico to the date when the United States took control, one hundred and forty-two governors ruled the island for Spain. It was governed practically on the same

\textsuperscript{39} Mixer, \textit{op. cit.}, p. 59-62; See also Wilson, \textit{op. cit.}, p. 54.


\textsuperscript{41} United States Statutes at Large 79 (1900).

\textsuperscript{42} Ibid. See also 48 United States Codes 733 (1900).
pattern as that of the mother country, in that, the governors were supreme in both military and civil affairs. All of its political affairs were vested in the captain generals who possessed unlimited powers to control them except for Royal Decrees. This condition lasted until Puerto Rico was made a province of Spain and given representation by deputies in the Spanish Cortes in 1870. Four years later the Spanish Deputation was abolished, re-established in 1877 and in 1897 Puerto Rico was granted autonomy. This autonomy never materialized because of the outbreak of the Spanish-American war and the constant occupation of the island by the American militia, 1898.
CHAPTER II

AMERICAN SUPERVISION OF PUERTO RICO 1898-1917

It was already apparent when the war ended that the problems of Puerto Rico would be difficult to reconcile. It was a poor country which had suffered for hundreds of years under maladministration. Now it was the duty of the United States to face the problem of correcting these evils of the old Spanish regime.

The first government of Puerto Rico under American auspices was that organized by the War Department which lasted for two years. During this period there was little reorganization in the pattern of government. From time to time, however, the laws that were supposedly in conflict with those of the United States were changed. By this method the autonomous regime was dissolved and the American militia was in full control.

MILITARY OCCUPATION 1898-1900

On July 29, immediately after America took control of the island, Brigadier General J. C. Gilmore notified Major General Miles, who was in temporary control of Puerto Rico, of all the precautions he should take while supervising the administration of the inhabitants. Chief among these instructions were that he should make the islanders yield obedience to the authority of the United States since the power of the military government...

1 Willoughby, op. cit., p. 82.
was absolute and supreme. As long as the citizens were obedient, the military government was to give due respect to their private rights; their property; and their security of person. Their municipal occupation was to remain as it was prior to the United States occupation, unless it became absolutely necessary to suppress them. The same applied to the Puerto Rican citizens who were in control of the offices. Further, the administrator had the power to create as many offices as he desired, as long as he could justify his actions. The jurisdiction to try and punish was vested in the military commission which had the power to create any courts it deemed necessary to establish. Still further, the taxes and duties were to be payed to the military government which would in turn use this money to bear all military expenses incurred on the island. In the exercise of this authority, the General removed the stamp tax, lifted the Royal Decrees, and disbanded the bread and meat monopolies.

During the administration of General Miles, the old order was mostly maintained although a few of the conflicting laws of the Spanish regime had been changed. Violence dominated the island, for the lawless inhabitants manifested themselves in riots, to seek revenge from the Spaniards who had incurred ill will of the Puerto Ricans during the years of their

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2 Article IX, of The Treaty of Paris, provided that "the people of Porto Rico shall be deemed to be citizens of Porto Rico unless they make declaration before a court of their allegiance to Spain." 31 Stat. 79 (1898).

3 For a detailed study see: Documents on the Constitutional History of Puerto Rico, op. cit., pp. 60-81.

4 Wilson, op. cit., p. 54.
oppression. General Miles ordered arrest of these mobsters but was very slow and inefficient in inflicting penalties.5

Due to the inefficiency of General Miles, he was soon replaced by General John R. Brooks on October 18, 1898. General Brooks followed the same pattern of his predecessor although he did alter a few laws. Chief among these were the abolition of the court of appeals, and the disbanding of the provincial deputation. Americans visiting the island became excited over the way in which the citizens, of Puerto Rico, were being maladministered. These Americans residing on the island charged in the San Juan News, the American newspaper, that the administration of General Brooks caused hostility among the inhabitants because it continued the same evils of the previous cabinet. For this reason cries for justice filled the air.7

Soon afterwards on December 6, 1898, General Guy V. Henry was made Governor of Puerto Rico. He proceeded at once to substitute the democratic principles for what remained of the sovereignty of Spain. He dissolved the council of secretaries; established a postal system; restored freedom of speech and freedom of press; discontinued the use of stamped paper and certificates of residence; organized a Puerto Rican police force under American officers; and held public elections for mayors and other local

5 Ibid., p. 55.
6 Ibid., p. 54.
7 Ibid., p. 60.
8 For a detailed study of General Henry see ibid., pp. 60-68.
local officials.

Although General Henry had public elections, suffrage was limited. This was due to the high percentage of illiteracy on the island. Had he used the same pattern for voting as the one that existed in the United States, a minority of the citizens would have been in the control of the island. Since the old regime had done nothing to improve education there were only fourteen per cent of the inhabitants who were able to read and write. To use the pattern to that of Spain would have created a problem to the other extreme. Spanish law qualified all male citizens who were twenty-five years of age to vote. This meant that the control of the government was in the hand of the masses who were practically uneducated. To solve this problem General Henry brought about a compromise which qualified the majority of the inhabitants to vote without being prejudiced to age or education. He decreed that any person who was a taxpayer at the date of registration was a qualified voter.

Later in his administration, military tribunals were established to deal with any offenders; and he continued to work on more plans for reform measures; and he proved to the factionist that there was nothing in a military government to warrant political parties.

The General failed to win the support of the people which caused the islanders to petition his administration. The citizens openly accused him of allowing the judge to make decisions which were influenced by political leaders, and bestowing personal favors for money. Considering him a corrupt leader, the islanders began to express great grief, and requested that their government return to its position prior to American occupation.

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Ibid., p. 62.
To alleviate these conditions on May 8, 1899 General George W. Davis was named Military Governor. As soon as he took command of the island, he instituted a writ of habeaus corpus; created a board of prison control; appointed a United States provisional court; authorized trial by jury; and reorganized the already established courts. In the same month he discontinued the secretaryships created by General Henry and placed the various administrative departments in charge of army officers.

Though all of these changes were being made, Congress found out that military government was doing little to make the inhabitants feel obligated to America. The islanders were being trained to mainly obey the orders of the governing classes. The Spanish problem had passed but the flavor of the old regime lingered. There existed too many personal favors distributed by the party chiefs. Party politics began to reappear in the shape of a Republican Party and a Federal Party. The Republicans drew up a platform which favored American occupation of the island. The Governor therefore, was certain to place these party members in government positions wherever it was possible. This angered the Federals who began immediate efforts to stampede the government. Little effort was being spared to prepare the Puerto Ricans to bear their own responsibilities. Later, the War Department made a report to Congress concerning the status of the island. By a joint resolution this department requested, in 1900, a five year probation period in order to train the Puerto Ricans in politics. This

10 Ibid., p. 69.

resolution failed for lack of support.\textsuperscript{12}

Disturbed by the report of the War Department concerning the unfavorable conditions that existed on the island, a joint resolution was presented to the House of Representatives. In this resolution John W. Weeks, Secretary of War, requested that the House draft a bill to present to Congress. This bill, he stressed, should make provisions for Congress to define the status of the island, for it had failed to do so. He pointed out the fact that the civil rights of the inhabitants had been left up to the acts of Congress, and their political rights to the American militia.\textsuperscript{13}

Attending this Congressional meeting were delegates from several organizations in Puerto Rico. They had been sent with orders to impress upon the Congress an expression of insular desires. The Committee on Pacific Islands and Puerto Rico listened attentively to the speeches of the islanders who pleaded for territorial government, free trade with the United States, and a sound currency.\textsuperscript{14}

With this in mind the American Congress saw that they should move from this existing military autocracy and try to gain the confidence of the Puerto Ricans by assuring them liberty and full individual rights. Senator Joseph B. Foraker of Ohio was designated to draw up this bill which later became the first organic law of the island.\textsuperscript{15} On April 12, 1900


\textsuperscript{13} Mixer, op. cit., p. 68.

\textsuperscript{14} Wilson, op. cit., p. 79.

\textsuperscript{15} Ibid., p. 82.
after a series of debates, Congress passed the Foraker Act which provided for civil government in Puerto Rico. Thus, military government under General Davis came to an end and civil government took its place.

Civil Government 1900-1917

In approaching the important problem of the introduction of civil government into the island of Puerto Rico, the task was to state the principles clearly, in order to show the Puerto Ricans the liberties they would encounter. The general provisions of the Foraker Act stated that all the inhabitants of the island were deemed and held American citizens of Puerto Rico, and would receive the protection of the United States, unless they requested prior to April, 1900 to remain a party to the Crown of Spain. It continued with the fact that the inhabitants would constitute a body politic with governmental powers and the power to sue and be sued. It further stated that the laws and ordinances in force at the time of the acceptance of the act would remain in effect unless they were proven in conflict with the statutory laws of the United States. Still further, the act provided that the Spanish coin would be substituted for the coins of the United States and that all government expenses incurred would be paid by the treasury of Puerto Rico out of the revenues in its custody. Provisions were also made for the legislature and the judiciary. The legislative authority had the power to amend, alter, modify, or repeal any law or ordinance. The judiciary was to operate in the name of the United States under the direct supervision of the President. The criminal or penal prosecutions in the local courts, however, were conducted in the name

of the people of Puerto Rico. As for revenues, the Act provided that all
duties and taxes collected in the United States upon articles of merchandise
coming from Puerto Rico, would be placed in a separate fund at the disposal
of the President. This money was used for the government and the benefit
of Puerto Rico until the government of Puerto Rico was organized.\textsuperscript{17}

Moreover, the Foraker Act provided for a bicameral legislature
composed of the Executive Council and the House of Delegates. The Executive
Council was composed of eleven members of whom five were natives of Puerto
Rico. These members were appointed by the President of the United States
and confirmed by the Senate. They were to serve for a term of four years.
The House of Delegates was composed of thirty-five members elected by the
people to serve for two years. To qualify for office, the members must
have attained the age of twenty-five years: be able to read and write
Spanish and English; be a citizen of the United States or Puerto Rico;
and own taxable property on the island. This legislature held annual
meetings for a duration of sixty days. The Governor had, however, the
authority vested in him to call special sessions if he desired.\textsuperscript{18}

Like the United States, bills could be introduced in either house
except for revenue bills which had to be initiated in the House of Dele-
gates. Whenever a bill passed the legislature, it was then sent to the
Governor either to be accepted or rejected. In case the Governor vetoed
a bill it could still be passed if two-thirds of the legislature voted for

\textsuperscript{17} Documents on the Constitutional History of Puerto Rico, \textit{op. cit.},
pp. 64-70.

\textsuperscript{18} Willoughby, \textit{op. cit.}, pp. 92-93.
it. If in any case Congress disapproved of an act of the Legislative Assembly, it could annul it. 19

The legislature concerned itself only with matters of local concern since foreign affairs were restricted by the Constitution to the Federal government.

According to the Act, the Islanders were to have a Governor appointed by the President and approved by the Senate. He was to serve for a term of four years. He was restricted to recommendations and had no power of initiative in legislation. He commanded the militia in Puerto Rico and could make use of the United States forces in case of an emergency. He could appoint certain insular officers; grant pardons; and remit fines for offenses against the government. He resided on the island and made an annual report to the President of the United States. His six executives, who acted as Heads of Departments, were responsible to the President. 20 The Attorney-General reported to the Attorney-General of the United States; the Commissioner of the Interior to the Secretary of the Interior; the Treasurer to the Treasurer of the United States; and the Commissioner of Education to the Commissioner of Education of the United States. Although these Departments reported to those offices in the United States that were best equipped to handle their problems, the Governor reported to the Secretary of State of the United States. He was designated to do this because of the affairs of the Island were mainly placed under the State Department. 21

The Act further made provisions for a judiciary. The judicial


20 31 Stat. 77 (1900)

powers were vested in a Supreme Court whose Chief Justice and his four assistants were appointed by the President and approved by the Senate. The Governor appointed the judges to the seven district courts and the municipal courts with the consent of his Executive Council. The First United States Circuit Court of Appeals with its seat in Boston passed upon the constitutionality of Puerto Rican legislation with the United States Supreme Court being the final authority.

The first meeting of the Executive Council was held in July of this same year to direct the transition of the people from a military government to the broad planes of a real American life. The Council made the provisions for the election of a House of Delegates. The qualifications of voters, registration, election districts, and election machinery were matters that the Council treated very carefully.

When this civil government was established, it was recognized as a temporary one, and it was understood that the islanders would be given more control of their affairs after a period of tutelage. Charles W. Allen was named the first Civil Governor of Puerto Rico on May 1, 1900. During his seventeen months of administration steady advancement was made by the islanders. The Puerto Ricans had the privilege of electing the members to the law making body and holding five out of eleven seats in the upper house. Education and agriculture were improved; modern highways were constructed.

22 Wilson, op. cit., p. 94.
23 Willoughby, op. cit., p. 94.
24 Wilson, op. cit., p. 90.
25 Mixer, op. cit., p. 69.
and restricted suffrage was substituted for a personal or real property qualifications having a minimum value of twenty-five dollars. In fact, the branches of government worked in close harmony until the Governor began appointing persons to office on a partisan basis. The Republican Party had centered their party creed solely to Puerto Rican affairs and their happy relationship with the United States. The Federal Party had taken the opposite stand. The Governor resorted to placing the Republicans in the government positions. Since the Federals could not get in the offices they became antagonized. They became unfriendly to the American Republic; they criticized their appointed governor; and they denounced and abused the new administration in the newspapers. This reaction on the part of the Federals made the Governor become very unpopular. He therefore resigned on September 14, 1901, directly after the assassination of President William McKinley.

Governor William H. Hunt filled the vacancy. He continued his administration along the same pattern as that of Governor Allen. The Republicans were supreme in his administration, therefore, the Federalists turned against him. They criticized him for party politics in order to gratify his personal caprices. To them the Foraker Act was a hindrance rather than a help; a menace rather than an enticement. The majority of the islanders joined the party sentiment and became prejudiced against America. A new love for the old Spanish regime began to seep out and Federal meetings were widely held. The civil government disallowed all Federal meetings since they were developing policies to overthrow the government. Governor Hunt

26 Ibid., p. 72.
27 Wilson, op. cit., p. 93.
prevented all Federals from voting in the elections. This, the citizens would not tolerate. Mayor Egezcue, encouraged by the municipal police, instigated a riot. This caused the popularity of the governor's administration to be lost to the hands of the minority and the governor to be recalled, July 4, 1904. Governor Beekman Winthrop succeeded him.

As soon as the new governor was inaugurated, the Federalist Party met and changed its name to the Union Party. They changed also their platform to one that definitely opposed the administration in any form. They agreed to take no part in any politics unless the Foraker Act was repealed or amended. This left the government totally in the hands of the Republicans. They adjourned with the determination to strive either for statehood or independence. Governor Winthrop failed to administer the government to the advantage of the United States because the Unionist creed had gained the majority sentiment. The islanders now referred to the government as modified autonomy granted by the Foraker bill. The parties united in demand for territorial or statehood status. For example, in 1904, the Legislature supported the resolution for a territorial status but the idea was defeated by the American members in the Executive Council. This aroused adverse feeling among the Puerto Ricans.

The executive was criticized for having too much authority given to each of the departmental heads in the management of the affairs coming

28 Ibid., pp. 115-116.
29 Mixer, op. cit., p. 73.
30 Wilson, op. cit., pp. 120-121.
31 Mixer, op. cit., p. 74.
under their jurisdiction. The head had the power to select all of his subordinates, and to determine the manner in which the problems of his office were to be worked out. By his own discretion every thing worked to his advantage. Each of the heads of the departments make an annual report to the Federal government but there was no intimation that he was subject to the orders of his Department. Also, there was no direct authority which placed the heads of the departments under the control of the governor. These observations caused the islanders to again criticize the Foraker Act for this lack of central control.

There developed an immediate demand for collective American citizenship since the Puerto Ricans felt that they were not getting real autonomy. In 1906, President Theodore Roosevelt visited the island and returned with a favorable report. In a special message to Congress he tried to show that the Puerto Ricans had lived obediently under the Foraker Act and deserved some special consideration. He proposed to Congress to draft an act which would grant collective American citizenship to the islanders who had worked so faithfully under the civil government of the United States. Since he was deeply concerned with the maladministration of the island, he proposed that Congress place the administration of Puerto Rico under the supervision of one department, preferably the Department of State of the United States or the Department of War in the United States. To meet this need H. R. 23568 was introduced. This bill failed for lack of support in the second session of the 59th Congress. President Roosevelt's administration

32 Willoughby, op. cit., p. 90.

closed without his being able to accomplish this goal. Later, Governor Winthrop resigned and was succeeded by Mr. Regis H. Post on April 18, 1907.34

Although varying degrees of success attended the operation of the scattered methods of island administration, Governor Post was very much concerned over the problem of duplicating the provisions of the organic law. At the opening of his administration the legislature was becoming more and more corrupt. The lower house had begun to refer all appropriation bills and hold them until the last moment to force acceptance of its legislative program by the Executive Council. The Executive Council began taking the same attitude thus causing political harmony to end. In 1909 some of the laws of the House that were blocked by the Executive Council, because of this political split, were: (1) the Agricultural Bank Bill because the Council felt that the funds were insufficient; (2) a Manual Training School bill since the Council saw that it was a violation of the Foraker Act; and (3), all Municipal judges to be elected to avoid making all judges of one political instrument.35

Although the Executive Council gave valid reasons for rejecting certain bills from the House of Delegates the House refused still to pass necessary appropriation bills. This brought the government to a deadlock. This acute condition caused Governor Post to immediately notify the administration at Washington, because without current revenues the government could not function. President Taft reacted immediately by sending a special message to Congress on May 24, 1909, to the effect that the representatives

34 Mixar, op. cit., p. 73.
in the House of Delegates were either disrespecting the Executive Council
or were trying to tear apart the whole government. In his message he
proposed that the Foraker Act be amended thus:

Whenever the Legislative Assembly shall adjourn without
making the necessary appropriations, sums equal to the
appropriations made the previous year, shall be available
from current revenues and shall be drawn by warrant of the
auditor of the Treasurer and countersigned by the Governor. 36

It became apparent that congressional action was necessary to pre-
vent a governmental crisis for the Puerto Ricans. With this fact in mind,
President Taft felt that the Insular conditions should be rigidly interpreted.
He recommended that Congress enact legislation to take the powers from the
representatives who had proved themselves irresponsible to enjoy it. 37 His
recommendations were strongly supported by Senator Chauncey M. Depew of
New York. The bill was passed July 15, 1909. 38 The jurisdiction of the
island affairs was taken from the four Departments and given to the Bureau
of Insular Affairs of the War Department. 39

The major conflict in the Legislative Assembly had grown out of the
Unionist Party which had finally gained all the offices and every seat in
the House of Delegates. They were the old advocates of self-government.
They were determined still to place the island government in control of

36 Senate Document No. 40, Message of the President on Conditions in

37 Executive Order No. 1110, July 15, 1909, see also Annual Report
of the Secretary of the Interior, 1909, p. 41.

38 Ibid.

Puerto Rico. Since Governor Post could not get any harmony between the Executive and the Legislative Departments, he resigned. On November 6, 1909 he was succeeded by Governor George R. Colston. Governor Colston remained in office longer than any of his predecessors. He was a very capable administrator and knew how to appease the islanders.

Early in his administration, the Islands Socialist Party requested a Department of Agriculture and Labor. Senior Iglesia was the chosen spokesman for the party. He asked for this Department in order that the needs of the working class would be considered. Since this party was the only one that had turned wholeheartedly to improve the conditions of the working class recommendations received full support. Governor Colston immediately sent for trained American officials from the Department of Agriculture at Washington. This accomplishment made the islanders happy. As this was another step toward self-government Governor Colston was able to make distinct progress with the Puerto Ricans. By the close of his administration he had markedly increased the foreign commerce; established a Bureau of Labor; assured the use of the Australian ballot; and improved the Department of Health and Education.

Although he was a welcomed friend for the islanders he was forced to retire, in 1913, because of ill health.

With the coming of Governor Arthur Yager to Puerto Rico, it meant a rebirth in the administration of the island. Since 1898 the island had been supervised by a Federal administration controlled by a Republican Party.

40 Mixer, op. cit., p. 80.
42 Mixer, op. cit., p. 85.
Now, the Democratic Party had become the ruling majority with President Woodrow Wilson as the Chief Executive. Governor Yeager's policy was one of encouragement to the Puerto Ricans for self-government. He started his administration by recommending that two Puerto Ricans be placed as members of the Executive Council in order to fill the vacancies left by Americans. His recommendation was fulfilled and the Council consisted of seven natives and four Americans. Originally there were six Americans and five Puerto Ricans in the Executive Council.

The Olmsted Bill which was introduced to Congress in 1914 proposed citizenship for Puerto Rico by individual naturalization. President Wilson did everything in his power to have the bill passed, but he wasn't successful.

By this time the Organic law of 1900, was becoming obsolete to govern the islanders. The Puerto Ricans held that they were entitled to enjoy the rights and privileges of any American citizen since the United States had forced them from their Spanish autonomy and raised its flag over their island. They held that the sending of a great number of men from America to perform the functions of their government was an injustice. This, they contended, deprived their own citizens of the honor they could well perform. Furthermore, they held that the islanders were not satisfied with the manner in which the Americans instrumented the policies of local government. In addition, they were discouraged and were now ready to assume their own duties and responsibilities of self-government. They warned the government that the Foraker Act had placed them on probation until they were able to

43 Ibid., p. 86.
stand alone. They now asked the opportunity to do so in order to show the United States that they were worthy of doing so. They stated that they felt it unfair should America blight their hopes after all of these long years of hard struggle to obtain self-government. They pleaded, not for absolute independence, or a return to the Spanish regime, but for a proud relationship to the United States, such as granting to them full control of their Executive branch of the government. 44

Apparently Governor Yager could sense the sentiment that was developing in the island. Accordingly, he made his report to President Wilson, who in turn, immediately placed the issue before Congress in 1917. Being a person filled with all of the characteristics of a staunch democrat, the President sanctioned the idea of self-government. He expressed to Congress that he was of the opinion that the islanders had shown as much aptitude as one could expect and had done remarkably well in carrying out the provisions of the Foraker Act. For this reason, he felt that the islanders were entitled to a fair degree of self-government. He asked Congress to go along with him on this issue but to bear in mind that he was not asking for complete suffrage, neither did he desire statehood because he felt that the Puerto Ricans were not ready to supervise their internal conditions along. 45

In 1917 Clayetano Colly Cuchi, spokesman for the Unionist Party, and a member of the House of Delegates, asked for a lapse of years in order for Puerto Ricans to demonstrate to the United States that they had the ability to exercise their own power. He said that the islanders no longer wanted


the Americans to hold the important offices. He stressed the fact that every attempt at self-government had failed under the Organic Law. He further stated that the islanders had faithfully and obediently moved from tyranny through an approximately eighteen years probation period. On concluding he added, that the Puerto Ricans last request was either to be considered as all American which would grant to them all of the privileges enjoyed by any American under the Federal Constitution or to give them complete independence.

The United States actually felt that the Puerto Ricans were not ready for self-government, however, this separatist propaganda had become a dominant factor in politics. The pressure, from those advocating statehood, brought on a revision of the Foraker Law. Senator William A. Jones acting as chairman of the Committee on Insular Affairs, drew up the draft which became law on March 2, 1917. The passage of this Act created a political system under which the legislature was controlled by the masses subject to the veto of the Governor and the President of the United States

Analysis of the Jones Act of 1917

The Jones Act of 1917, as amended to the Foraker Act, granted to the citizens of Puerto Rico, a Bill of Rights similar to that of the United States Constitution. These rights made provisions against slavery; granted freedom of speech and press; granted freedom of religion; made provisions against polygamy; authorized uniform taxation; and set up labor

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Mixer, op. cit., p. 88.

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The Act changed the three branches of government almost out of its original order. It remained a bicameral legislature. The names were changed, however, to a Senate and House of Representatives. The Senate became the smaller body composed of nineteen members. Two members were elected from each of the seven senatorial districts and five were elected at large. A Senator to meet the necessary qualifications, had to be at least thirty years old, capable of reading and writing either Spanish or the English language, and at least a two year resident of Puerto Rico. This body was vested with the power to confirm appointments and exercise all of the legislative power that had been in the control of the Executive Council. The House of Representatives was the more numerous body which consisted of thirty-nine members. One member was elected from each of the thirty-five districts and four were elected at large. To be a representative one had to attain the age of twenty-five years, be able to read and write the Spanish or English language, and a bona fide resident of the district from which he was elected for at least one year prior to election. This legislature was to serve for a term which consisted of four years.

This legislature was the official law making body of Puerto Rico. No bill became a law unless it was passed in each House by a majority of the members and signed by the Governor. The Governor could reject the bill, thus causing it to return to the House in which it originated, to be reconsidered. If two-thirds of each House approved the bill and the President...
of the United States signed it, the bill became law. Thus, the President of the United States carried an absolute veto. All laws enacted by the Insular Legislature were submitted to the Congress of the United States, which reserved the power to annul them. Congress, however, avoided this practice as much as possible.

The Executive Department, created by this Act, provided for a Governor. He was to be appointed by the President of the United States and confirmed by the Senate. He held his office at the pleasure of the President and resided in Puerto Rico during his official incumbency. He was vested with the power to supervise and control all the Departments and Bureaus of the island government providing they were not operating contrary to the Jones Act. He could grant pardons and reprieves; and remit fines and forfeitures for offences against the laws of Puerto Rico. He could commission all officers that he had the power to appoint; and perform such additional duties that were lawfully delegated to him by the President. The governor also had veto power, however, a two-thirds vote of the House with the President's signature could make a bill become law.

Seven Executive Departments were created, namely: a Department of Justice headed by an Attorney-General; a Department of Finance headed by the Treasurer; a Department of Interior headed by the Commissioner of Interior; a Department of Education headed by a Commissioner of Education; a Department of Agriculture and Commerce headed by the Commissioner of Agriculture and Commerce; a Department of Labor headed by the Commissioner of Labor; and a Department of Health headed by a Commissioner of Health.

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50 Stat. 964 (1917) and 47 Stat. 158 (1917).


The Judiciary was vested in the courts and tribunals of Puerto Rico. These courts consisted of a Supreme Court, District Courts, Municipal Courts, Justice of the Peace Courts, and a Federal Court. The President of the United States with the consent of the Senate, appointed the Chief Justice and the Associate Justices of the Supreme Court. Of the District Courts, there were eight, equipped with a justice, an attorney, and a marshal appointed by the Governor for a term of four years. These courts exercised jurisdiction over criminal cases and acted as Appellate Courts for decisions unsolved in the Municipal and Justice Courts. The Municipal Courts carried jurisdiction over minor crimes and misdemeanors. The Justice of the Peace Courts were found in the large towns and handled only criminal cases. All of the officials to these courts were appointed by the Governor with the approval of the island Senate. The Legislature of the island could recognize the Courts and the court procedure except in the District Court of the United States for Puerto Rico. The judge of this court was appointed by the President and confirmed by the Senate to serve for eight years. The qualifications required of a juror was to be at least twenty-one years of age and not over sixty-five years. They were to be a resident of Puerto Rico for not less than one year, have a sufficient knowledge of the English language, and be a citizen of the United States.

By the Jones Act, Puerto Rico became an organized unincorporated territory of the United States with further possibility of statehood. Citizenship was conferred on the inhabitants collectively, however, those persons

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54 Ibid., p. 108 - also 48 Stat. 158 (1917)

who did not desire to become American citizens could remain as they were prior to the law, provided they advised the courts six months after the Act was passed. Those persons who remained citizens of Puerto Rico could not vote. As to voting the law did not change. The existing provisions which required malehood suffrage at the age of twenty-one years remained the necessary qualifications.

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56 Mixer, op. cit., p. 89.
CHAPTER III

PARTY POLITICS

An Era of Discontent 1918-1934

The main features of the Jones Act were the Bill of Rights and the changes in the organization of the Legislative Department. This step meant that the legislature was now in the control of the islanders except for the veto of the Governor or the President. Although the Act extended many privileges to the inhabitants, criticisms were still prevalent. The Puerto Ricans criticized the value of the bill since it did not give to them the control of the Executive Department; representation in Congress; or made them an incorporated territory. For this reason party leaders began to formulate platforms centered around this political controversy. The crucial plans of 1917, statehood or independence, were still outstanding. The statehood advocates believed that Puerto Rico needed representation in Congress. They felt that this step would correct the inequality in Federal appropriations. Those upholding independence argued that the ties with the United States were artificial. They could not understand why American would wage a war in behalf of self-government in a distant island and refuse to grant it. They further argued that they had willingly undergone this long period of tutelage to receive bits of liberty in return. They stress that the

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2 Ibid., pp. 110-111.
island was being exploited by American capitalist; it was being injured by Federal shipping regulations; and it was becoming more and more Americanized each day.3

To reform a bad situation that was about to develop; a bill4 was introduced in the United States Senate on April 2, 1918, to consolidate the executive bureaus, agencies, and offices in the interest of economy and the more efficient concentration of government. After a series of heated debates the bill became law.5 The President never used the power under this particular act to reorganize the administration of the Insular affairs.6

Later, Judge Sweet expressed the dissatisfaction of the islanders before the Committee on Insular Affairs. He represented the Insular Republican Party, with orders asking that the Committee study the possibilities of Puerto Rico becoming an incorporated territory. By so doing this would please the minority party and prepare the island for eventual statehood. The party was definitely opposed to complete independence, for they felt that the conditions of the island at that time did not warrant such. Economically and financially they knew the island could not stand alone. With this in mind the party anticipated the remainder of the inhabitants to support their creed. The permission to elect their own governor was an


5. 40 Stat. 556 (1918).

important issue in this same speech. The Republican Party could not get the full support of the people because of the desires of the Unionist Party. This party had sent Mr. Serra to represent them at this same Congressional meeting with opposing requests. This majority party leader testifying before the Committee on Insular Affairs admitted that the Jones Law had been a great step in advancement toward self-independence. Yet, he stated the islanders were dissatisfied because they wanted a definite political status. They wanted the control of their Executive branch of the government by electing their own governor. Mr. Antonio Barcelo, President of the Senate and leader of the same party stressed the fact that the application of the law would have been more effective had the Puerto Ricans been given the privilege to see that the law was enforced. By doing so this would have enabled the American government to see that the islanders were prepared for self-government. Despite these pleas, Congress did not take any immediate action on the hearings.

The following year, 1920, a resolution was presented to the Joint Commission on Reorganization. This resolution requested that the Executive branch of the island be reorganized because of the inefficiency in the administration on the part of the local heads of departments. The Commission failed to recommend to Congress any change in the administration, therefore,

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7 Mixer, op. cit., p. 90
8 Ibid.
9 Ibid., p. 91.
10 Commission created by 41 Stat. 1085 (1920), and amended by the joint resolution 42 Stat. 3 (1921).
the resolution failed passage.

During this same year Warren G. Harding was elected President of the United States and was inaugurated in January, 1921. Soon afterwards Governor Yager retired because he had sensed the newly elected President's negative attitude toward the Puerto Ricans. Governor E. Mont Reily succeeded him and remained in office until April 1923. Governor Reily made sincere attempts to return the island government to the military policies of 1898. He began to force American control on the inhabitants as far as the Organic Law would permit him. His goal was blocked because his aims were soon recognized by both the islanders, and, in Washington, as retrogression. He tried to take one big stride and return to the policy of President McKinley. In appointing officials he favored the Republican Party and gained their support. Then he proceeded to remove the Puerto Ricans from office and replaced them with Americans. To make things worse he went so far as to frequently make scornful references about the flag of Puerto Rico. Like the citizens of the United States their flag was their pride. This attitude reduced his influence with the people and bred a cold war.\footnote{Mixer, \textit{op. cit.}, p. 95.}

The Unionist Party declared a newspaper war on the Governor. Mr. Barcelo, president of the party, used the local paper, \textit{Democracia}, to discredit any act of Governor Reily's administration. He would quote articles derogatory to the Governor. To uphold his administration the governor retaliated only to be in the minority. The Unionist controlled the press therefore, they would manage to confuse the issues to such an extent that it kept the people in opposition to the Administration. Since he would not resign the president of the Unionist Party requested his removal. Later
this request was supported by the Republicans. This reaction on the part of the local party caused the government to face a deadlock. Early in 1923 Governor Reily resigned on the pretense of ill health. His resignation was accepted and President Harding appointed Horace M. Towner as his successor.12

Governor Towner's appointment marked a distinct change in the local policy on the island. He felt that the island had qualified men for governor, Attorney-General and commissioner of education. In his report to the President he requested him to appoint the natives to these offices for they were now capable of handling the job.14

In January, 1924, delegates representing all of the island's parties met before the Joint Committee of Reorganization in order to urge that the Organic Act be amended. These delegates requested that several of the Federal Acts be extended to the island so that the social problems of the inhabitants would demand the same attention from the government as the forty-eight states of the Union. They wanted the Department of Labor separated from the Department of Agriculture and Labor. Most of all they requested that the Governor hereafter be elected by the people of the island. This resolution was supported by all parties of the island and was backed by the Governor. The bill further asked that Puerto Rico provide a share in the appropriation for post roads; that Congress amend the Federal Farm

12 Ibid., p. 97.


Act so as to provide credit facilities for the farmers; and that vocational education be provided for those persons injured in industries. Still further, the bill requested that the government promote hygiene, maternity and infancy; and promote vocational education.

The President had the Joint Committee on Reorganization to study the Governor's proposal and the delegates' request. Then, it was to draft a bill to this effect. The Committee in its bill, recommended that the entire administrative branch of the government be reorganized. Since the bill did not recommend any changes in the administrative supervision of the island and the control of its affairs, Congress failed to take any actions on it.

Had this bill become law and had it been extended to the island, Puerto Rico would have been placed on the same level of equality as the states of the Union. This also would have raised the standing of living and the morals of the nation.

Still appealing to President Harding, Governor Towner expressed himself strongly in favor of self-government because the inhabitants had earned it. He did not advocate complete independence. The islanders themselves had repudiated this policy. Their ambition at this time was to become a state of the Union. The Governor requested the Joint Committee to reconsider the resolution and asked Congress to pass it in its entirety.  


17 Mixer, op. cit., p. 100.
The question of the election of the Governor seemed to be the stumbling block, therefore, Governor Towner suggested that Congress so state the clause in order to safeguard itself.\textsuperscript{18} Nothing the Governor proposed did Congress adhere to. The loss of this resolution of the Joint Committee made the islanders more determined to obtain efficiency in their administration.

When vacancies occurred in local offices Governor Towner filled them with natives from both of the political parties. His kindness, as the islanders termed it, quieted the intense opposition to American control that had been aroused under his predecessor. For some time the government ran smoothly for attention was being given to measures that benefited the islanders constructively.\textsuperscript{19}

During this same time Congress was continuing to study the conditions of the island in order to grant the inhabitants more autonomy.

Party creeds were now becoming divergent on the question of the future status of the island. The Republicans, Socialist, and the Unionist parties held planks advocating statehood, status of a Dominion, and self-government respectively for Puerto Rico. It was now 1925 which meant the inauguration of a new President and new hopes for the inhabitants. Since the Joint Commission expressed the fact that they felt that Puerto Rico could not stand statehood the island sympathizers took other steps to

\textsuperscript{18} Towner suggested that the elected governor be controlled by a clause which gave the President power to remove him for cause; or impeached by the Insular House of Representatives and own trial by the Insular Senate; of a 2/3 vote of Congress.

\textsuperscript{19} Mixor, op. cit., p. 96.
accomplish their ends.

The Resident Commissioner, Mr. Felix Cordova Davila, appealed to the Commission for full local executive, legislative, and judicial control on the island. This step would give the essentials of a state, however, the island would not have representation in Congress. It would also give recognition to both local and Federal sovereignty. For the sake of the voters he asked that a tentative constitution to this effect be submitted to Congress for their consideration. Before this same Commission Mr. Iglesias, a representative for the Socialist, voiced an economic reconstruction for the needs of the working class. He also quoted the inhabitants as desiring their governor to be elected. In December of this same year the Joint Committee reported the bill to the House but it was not passed.

Although Governor Towner had come to the island during a crucial moment he was able to win the love and respect of the islanders.

Seeing that the conditions of Puerto Rico were not improving, Representative Millard E. Tydings of Maryland introduced a resolution in 1926 to create a Joint Committee on Reorganization. This Committee was to follow the works of the Joint Commission of 1920. It was to ascertain the

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22 Ibid.

unnecessary and useless government employees, officials, bureaus, and to
make recommendations to simplify and consolidate the Federal Government in
order to reduce its expenses. The resolution was referred to the Committee
of Rules but it refused to take any actions. The same efforts were made
in the preceding years, however, the resolution was not passed until
1929.

At this time, Governor Towner resigned because he saw that the condi-
tions of the islands were becoming worse. He desired not to go through
this period and see a group's dignity, liberty, and equality crushed.
President Hoover was in office and depression was swiftly facing the nation.
With this disaster going to the island it meant that all American personali-
ties would be degraded. His resignation was accepted and Mr. Theodore
Roosevelt, Jr. became governor.

The Joint Commission, of 1929 immediately proceeded to carry out
its duties with Senator Hirman Bingham as chairman. The report on the
condition of the island was made on January 15, 1930. In its report the
Commission requested Congress to pass legislation in an effort to consolidate
and coordinate all of the colonial activities under the jurisdiction of one
Department. President Herbert Hoover supported the resolution and in a
special message asked Congress for the power to gradually and systematically


25 Senate Joint Resolution 164, 69th Cong., 2d sess (1927) also:
Senate Report No. 1646, Joint Committee on Insular Reorganization, 69th
Cong., 2d sess. (1927), pp. 1-2; Senate Joint Resolution 9, 70th Cong.,
1st sess (1928); Congressional Record, 70th Cong., 2d sess (1929), p.
5225.

26 Congressional Record, 70th Cong., 2d sess (1929), p. 5233.
reorganize the executive branch of government for Puerto Rico. The resolution was postponed but at the same time the President was authorized to investigate the island. He immediately authorized Governor Theodore Roosevelt to tour the island and report his findings. After six weeks, the governor reported the economic conditions as terrible. The depression that existed in the United States had reached Puerto Rico. The resolution further authorized the President to determine what reorganizations were necessary in the executive branch of government, and to make such changes by executive order.

In order to accomplish the purpose of this Congressional Act, President Franklin D. Roosevelt, who had succeeded Mr. Hoover, issued Executive Order No. 6726 which transferred the functions of the Bureau of Insular Affairs in the War Department, to the Division of Territories and Island Possessions in the Department of the Interior. This transfer meant that the jurisdiction of Puerto Rico was no longer under the control of the Secretary of War but had passed to the Department of the Interior. This administrative division marked an attempt to consolidate the administrative supervision of local affairs under the jurisdiction of one department.

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28 Garver and Pincher, op. cit., p. 91.

29 47 Stat. 1517 (1933); also 48 Stat. 16 (1933).

30 Issued May 29, 1934.

Economic Relief and Rehabilitation

The newly created Department's greatest obstacle which hindered its immediate progress, was the economic crisis that now existed on the island. Rather than direct its attention toward political reorganization the Department shifted its emphasis to legislation emphasizing the economic rehabilitation of the natives. It was Governor Roosevelt who pleaded with the Federal Government to launch a program for economic reconstruction in Puerto Rico. By Executive Order 1057 the Puerto Rican Reconstruction Administration was established. It immediately assumed control of the relief activities of the island during a time when unemployment was widespread. This temporary relief was soon changed to permanent rehabilitation, when President Roosevelt saw that it was needed to correct the immediate problems brought by the depression. He placed the bill before the House, and asked the Committee on Insular Affairs to stress its immediate passage in order to avert a more serious economic crisis. The bill was a success, therefore, the PRRA was allocated funds to plan a firm reconstruction program. The agency fulfilled its purpose and left its program with Congress to continue the good works, before it dissolved in 1935.

33 Executive Order No. 1057, 74th Cong., 1st sess (1935).
34 House Resolution 8621, 74th Cong., 1st sess (1935).
35 49 Stat. 1135 (1935)
36 Congressional Record, 74th Cong., 2d sess (1936), pp. 1393-98.
This economic crisis along with the depression brought a growing dissatisfaction on the islanders with the Federal government. This discontent led to the rise of an extremist faction, called the Nationalist Party. This party, with their leader Pedro Albizu Campos made their first demonstration at San Juan in 1935. The police intervened thus causing a riot. This bloody interlude led to the death of several Nationalists.

To seek revenge for those who had given their lives for the Nationalist cause, Campos was successful in getting eight thousand followers. Later, July 1936, Campos and seven other Nationalists were arrested for conspiring to overthrow the government of the United States. They were tried in the Federal District Court and found guilty. The court decreed that a series of lawless acts in Puerto Rico were committed because of Campos' speeches.

This trial not only aroused the islanders but the prisoners received world sympathy. The Insular Parties asked President Roosevelt to dismiss the charges in the interest of the domestic tranquility; ten thousand Puerto Ricans demonstrated in New York in behalf of Campos; and prominent Americans petitioned the President to release the prisoners for illegal punishments.

Since the Nationalists were devoted Catholics, the Pope was asked to intervene in order to keep the demonstrations peaceful. At the same time Congressman Vito Marcantonio appealed the case to the Boston Federal Court of Appeals. This Court upheld the decision of the District Court and the United States Supreme Court refused to review the case. Thus, the prisoners were sent to the Federal Penitentiary at Atlanta, Georgia for two to six

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While the case was in session, Senator Tydings of Maryland introduced the well known Plebiscite Bill, which proposed that Congress enact legislation which would allow the Puerto Ricans to decide for themselves the political status of the island. The actions on this bill were postponed indefinitely in order to give the Federal administration enough time to study the issue. The passage of this bill might have meant the death of a radical political party and a possible end of island insurrections.

On Palm Sunday of the same year, 1937, another bloody riot ensued in Ponce as a result of the decision of the District Court in the Campos case. Since the convicted Nationalists were sent to the Federal Penitentiary in Atlanta, Georgia to serve terms varying from two to six years, the members of the Nationalist party asked the mayor for permission to parade. The permit was issued, however, the insular police ignored the signature of the mayor and forbade the islanders to parade. Determined to carry out their plans the members of the party marched anyway. As a result, a large number of persons were killed and injured. The islanders now had practically turned against the administration of the American officials. The year 1938 marked the fortieth year of occupation by the American government and forty years of American tutelage. At this time

38
Ibid., p. 23.

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the Puerto Ricans were virtually assured that they would get neither state-
hood or independence. They had in their view, met the qualifications for
such, however, the Federal government held to the point that the natives
were not ready. Seeing that their efforts towards independence were re-
peatedly being crushed, the islanders made an attempt at assassination on
the life of Governor Winship. During this demonstration, two persons were
killed and thirty were injured. Since the Nationalist was the only party
on the island that advocated the use of violence they were held responsi-
ble.

During this violence the Coalition Party supported the Nationalist
platform, because they too desired, that island independence be recognized
immediately. Also, they asked that the American government pay reparations
for occupying the island. The Coalition Party leader, Rafael Martinez
Nadal, who was also president of the Insular Senate spoke in March 1939,
for the interest of the islanders. He characterized American rule as fascist
and the local legislature as unconstitutional. He stressed the fact that
the Puerto Ricans were forced to enact legislature under threat of reducing
Federal Appropriations. He added that the President's appointed governor
along with his American officials were draining the island's revenue. Since
the Puerto Ricans were already disgusted with United States' rule, their
leading newspapers commended the speech of the Senator.

Efforts to obtain Congressional legislature granting statehood for
Puerto Rico were redoubled. In a special session of Congress, in 1939,
a resolution requesting Puerto Rico to be admitted to the Union was

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41 Ibid.
proposed. Governor Winship requested that the island be admitted as the forty-ninth state, while the island delegates requested the privilege to elect their own governor, who would be granted only a suspensive veto. Along with other things the delegates also asked for three members of the Insular Supreme Court to be appointed by the governor. None of these resolutions became law.

During this same year a war was developing in Europe. This made Puerto Rico to become of immense strategic and military value to the United States. For this reason the United States government was not infavor of letting the control of the island pass out of its hands. They preferred to see it become a state rather than gain complete independence. On December 7, 1941 the United States was forced into this war which had become world wide. To keep the islanders peaceful, Governor Tugwell supported legislation which would move the island toward virtual independence. President Roosevelt sent experts to study the conditions of the island since he favored a greater measure of autonomy. Mr. Ickes, Secretary of the Interior, made a report from the Committee in July 1943. The Committee suggested early improvement in the political area and it requested relief to solve the economic problem. It also asked for a program to be devised which would provide adequate economic opportunity for the dense population. These resolutions were drafted in the name of Home Rule Bill and presented

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43 Garver and Fincher, op. cit., p. 76.

to Congress for passage. The Senate Committee on Territories and Insular Affairs in February of 1944, mangled the bill beyond recognition. The bill had made provisions for a governor of the island to be elected by Puerto Ricans with the power to appoint heads of executive agencies and members of the island's supreme court.

In the meantime, March 1945, Senator Tydings introduced before the United States Committee on Territories and Insular Affairs a Puerto Rican independence bill. The hearings on the bill were recessed for a month in order to permit the islanders to send an official commission to offer testimony. The Commission reported in May 1945. After a series of debates the bill died in the Committee.

The islanders now felt that their conditions warranted aid, and that the withdrawal of American relief would mean disaster. Governor Tugwell felt that the island should have been allowed to administer their government if they were to ever experience autonomy. He made several speeches to this effect. In September 1943, the Department of the Interior released one of his reports which stated that the federal government retained almost complete authority on the island, that independence meant starvation for the Puerto Ricans, and that the island was no better off in 1943 than it was in 1898. Political leaders criticized him and challenged his statements by using statistics.


To restore an era of good feeling among the islanders, President Truman appointed Jesus Pinero as governor of Puerto Rico in 1946. This was the first time in the history of the island that the United States had given a Puerto Rican such an honor. The following year the islanders began to appeal for independence. Not because of maltreatment but because of local pride. They knew that the election of governor would almost eliminate American influence in Puerto Rico. For this reason the Puerto Rican delegates appealed to the Committee on Insular Affairs to amend the Organic Act to this effect. A draft bill was introduced in Congress as H. R. 3309. It was passed, and became public law 362. This Elective Governor Act required the governor to be a citizen of the United States, at least thirty years of age, capable of reading and writing the English language, and a bona fide resident of Puerto Rico two years prior to election. He was elected by the qualified voters of Puerto Rico for a term of four years beginning January 2, after the election year. He can be impeached by the House of Representatives and tried by the Senate. This impeachment disqualifies him from all government positions. He was invested with the power to appoint the heads of the executive department with the advice and consent of the Senate of Puerto Rico. In case of a vacancy or temporary absence

51 Ibid.
from office, the Attorney General would act as Governor. In case of the
latter's absence the Treasure would act. 53

The act also provided for a coordinator of Federal Agencies in
Puerto Rico. These agencies were appointed by the President for the purpose
of coordinating the administration of all Federal civilian functions and
activities in Puerto Rico. He reports through the Secretary of the Interior
to the President and to Congress, and makes recommendation. 54

Although the Elective Governor Act was a success, widespread suppression
of the independence movement began again in 1948. The students attending
the University of Puerto Rico had started advocating complete independence.
This movement was forbidden, therefore, the government placed police on the
campus in order to quell the demonstrations. Students were jailed for these
unlawful actions. As a result underground clubs were organized. Again the
Nationalist Party of Puerto Rico was held responsible. The headquarters
of the party, in San Juan was banned, persons attending any public meetings
of the party were imprisoned, and all persons who greeted the President of
the party were investigated. 55

This reaction on the part of the Federal government led the Governor
to ask for the privilege of allowing the people of Puerto Rico to draft a
Constitution within the framework of a continuing relationship with the


55 Ruth Reynolds, "Why Puerto Rico Cannot be Removed from Classification
as a Non-Self-Governing Territory by the United States," A report to the Com-
mittee of Americans for Puerto Rico's Independence.
United States. In accordance with the expressed wishes of the Puerto Ricans, Senator Cordan, chairman of the Committee on Interior and Insular Affairs, was asked to draft a bill to this effect. The bill successfully passed the Senate and was referred to the House Committee on Public Lands. While the bill was in the House the persecution of the members of the Nationalist Party became very strong. They were not able to purchase time on the radio station in order to make public their speeches. By June 1950, they were restricted from publishing any materials denouncing the plans of the government to imprison the entire Nationalist Party leadership. A week later the Insular police began to arrest and jail the Nationalist inhabitants which precipitated violent retaliation throughout Puerto Rico.

By this time the draft bill had been debated on in the House and passed. The act was then submitted to the President of the United States who signed it on July 3, 1950, and sent it to the qualified voters of Puerto Rico who accepted it.

The law required the Legislature of Puerto Rico to call a Constitutional Convention in order to frame a Constitution for the island. The

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56 U. S. Congress, Senate 5301, 80th Cong., 2d sess. (1948).
57 U. S. Congress, Senate, 5782 80th Cong., 2d sess. (1948).
60 Public Law 600, 81st Cong. (1950) also 64 Stat. 319 (1950).
framed document was to be referred to the people for approval. If the people adopted it, then the President and Congress would examine it to see if it conformed with the Constitution of the United States.

On October 30, 1950, this Puerto Rican controversy over independence exploded in gunfire in Washington, D. C. At Blair House two fanatics, Oscar Collarzo and Griselio Toresola, for Puerto Rican independence, attempted to assassinate President Truman. The bullets of these nationalist struck down three of the police guards at the White House, however, only one of the fanatics was killed. Officials of the Nationalist Party termed the shooting as a kind of "propaganda by the deed designed to augment their party's peaceful argument for freedom." In Puerto Rico on this same date, Pedro Albizu Campos, head of the Nationalist Party was arrested along with leading known communists and a number of other nationalists. They were charged with an attempted revolution which had already taken more than a score of lives. This was a very dramatic incident but could have been worst.

At a news conference on Thursday, November 3, 1950, President Truman expressed the belief that Puerto Rico should have the right to determine their relation to the United States. He further stated that the island's governor Munoz Marin, did not favor independence until the island was more self sufficient.

During the latter part of 1950, public law 600 was sent to the qualified voters of Puerto Rico for them either to accept or reject. On


63 New York Times, November 1, 2, 3, and 6, 1950, p. 1.

June 4, 1951, three fourths of the qualified voters approved the law. With this approval ninety-two delegates were elected to a Constitutional Convention by August 27. These delegates represented the three leading political parties, namely, Popular Democratic, Statehood, and Socialist.

In September the Convention met and concluded its work in February 1952. One month later, March 3, 1952, the Constitution was submitted to the islanders and eighty-two per cent supported its adoption. In April of the same year, President Dwight Eisenhower transmitted the Constitution to Congress and recommended them to approve it. The wishes of the President were fulfilled with minor conditions added. The document was then returned to the Puerto Rican Constitutional Convention for its adoption of these changes. These additions were accepted, thus, Puerto Rico was proclaimed a Commonwealth.

As a Commonwealth, Puerto Rico became a state which is free of superior authority in the management of its own local affairs; but is linked to the United States and hence is a part of its political system in a manner compatible with its federal structure.

Analysis of the Constitution

The Constitution of Puerto Rico is similar to that of the Federal government. It consist of three branches of government, the executive, legislative, and judicial. The Governor is the head of the executive branch and maintains the same powers vested in him in the Elective Governor Act.


In addition he has full control of all appointees. The President of the United States and the Senate were stripped by the Constitution of their appointive power of any officials of the Commonwealth. 67

The Legislature now is free of the veto power of the President, and the people are still protected by a Bill of Rights. 68 The judiciary is independent of the United States, however, a Federal District Court 69 remains on the island and a large part of their judicial procedure is determined by Federal Statutes. 70 Federal laws still apply to the island, since Puerto Rico did give up the representation enjoyed by the tax-paying states; its single Resident Commissioner in Congress has no vote; and its inhabitants do not vote for the President of the United States.

Public Law 600 only provided that certain statutes governing Puerto Rico should be deemed repealed, however, all other statutes remaining under United States supervision continues in full force. 72 The matter of foreign relations and national defense are still conducted by the United States, as in the case with the states of the union. The citizenship of the islanders


68 Prior to this law the President could veto a bill that had been repassed over the veto of the governor.


United States internal revenue laws and navigation laws apply to the island, and the United Congress can alter or abolish the Puerto Rican Constitution at any time it sees fit.

Further, Congress can draft the Puerto Ricans to serve in the United States army. While citizens in the forty-eight states pay Federal individual and corporation income taxes, Puerto Rico is exempt from these levies. The islanders pay all of their taxes into their own treasury. Still further, the Federal excises on goods shipped to the United States and the Federal customs duties on goods imported to the mainland are turned over to the Puerto Rican treasury. The United States fixes the price of articles purchased from Puerto Rico and also fixes the price on articles sold by Puerto Rico to the United States.

It is apparent that Puerto Rico is under complete control of the United States Congress, since it possesses the power to legislate for Puerto Rico, and hence to change or abolish the Constitution. Unfortunately, its status can hardly be compared with that of the British Empire Commonwealths which are in all respects complete sovereign states.

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CONCLUSION

This study has shown that in the island's early history, attempts were made to avoid the maladministration of the governors, and guide the inhabitants toward self-determination. This study has shown also, that the Puerto Ricans are a very loyal group of people whose rights and grievances were often ignored. However, Congressional committee hearings were held on bills to give the natives a fair degree of independence. Efforts were continued despite varying degrees of friction and finally, a commonwealth was established which permitted the islanders to organize their economic and political life in accordance with the rules imposed by the United States government.

Puerto Rico wants to keep the American Flag flying over its shores; however, President Eisenhower has promised to make all efforts to free the island from the United States if it is the desire of the Puerto Ricans. Surprisingly, the demand for independence comes from only a minority of the population. It appears that the people are content with this new relationship with the United States. In fact, they have termed it a full measure of self-government. However, there are some political opponents who denounce the government as a malicious fraud. They have appeared in form of a Nationalist Party and they have dramatized their independence - at-any-price crusade by attempting to assassinate the ex-president, Harry Truman, storming the gates of Governor Munoz's palace, and shooting United States Congressmen. Another malcontent is the statehood party which spends costly efforts to join the union.

Statehood would cost the struggling island millions of dollars
annually in federal taxes. This money now goes into the island treasury. Thus independence would cause economic chaos. The economic lifeline in Puerto Rico is a free trade accord with the United States, which allows goods to flow as freely between the island and the mainland as they do between the states in the union. To cut this cord would sink the island into the troubled seas of world commerce.

Today the island still runs its internal affairs, while the management of the foreign affairs and national defense is left to the United States. Since this is still true, there remains the question of what the title should be for the island who calls itself "free associated states."

It is much to be hoped that the United States will develop its relationship with the island to the extent that its Federal laws, which presently apply to the island will soon give way to local law. Thus, giving Puerto Rico complete independence.
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