In securing the passage of Public Law 600, the Puerto Rican administration had succeeded in persuading the Congress of the United States of the wisdom of the plan for a Commonwealth of Puerto Rico. Then it had to be officially endorsed by the Puerto Rican people in a series of carefully planned constitutional steps. Muñoz Marín was reasonably certain of receiving the support of the bulk of the islanders. The Popular leader, therefore, took great pains to maintain procedural propriety, lest he should be accused of fraud later on. Any instance of malpractice would tarnish or even shatter his claim that the Puerto Rican people were establishing a promising experiment in democracy. In this his patience and resourcefulness were severely tried: firstly, by those among his compatriots who launched a rebellion and by others who labeled the entire process fraudulent; and, secondly, by Congress, which threatened to renege on its promises made in Public Law 600, to the extent of discrediting his claim of victory for the principle of self-government. That he succeeded was a measure of the man's political skill.

One of the first steps was taken at the end of August, 1950. The Joint Insular Election Committee established dates for the procedure involved in the drafting, adopting, and approving of
the constitution. Referendum on Public Law 600 was set for June 4, 1951, and elections for members to the constitutional convention were to be held on August 27, 1951. The constitution to emerge out of the convention was to be submitted to the Puerto Rican people for their acceptance or rejection on January 21, 1952. The date for the registration of voters for the last two constitutional steps was originally fixed for August 14, 1950, but later moved to November 4 and 5, 1950. The dates were confirmed at a special session of the Puerto Rican legislature on September 27, 1950.

Muñoz Marín desired to have observers present from the State Department and the United Nations. He wanted “to render ineffective the [possible] Nationalist and Communist” charges that the entire electoral procedure was rigged. But he changed his mind upon the advice of DTIP director Davis, who thought that to follow the governor’s suggestion would be “dignifying” the activities of the Nationalists and the Communists. The presence of the observers, Davis continued, “would have an effect opposite to that which [the governor] wish[ed].” However, Muñoz Marín and the insular authorities were “leaning over backwards” to make sure that complaints by the radical groups would have no basis. The Federal Bureau of Investigations (FBI), too, was keeping a close watch on the Nationalist party in Puerto Rico. A twenty-five page report was filed by the organization on October 12, 1950, covering the party’s activities for the first nine months of 1950.

The campaign over Public Law 600 began in earnest in October, 1950. Muñoz Marín started with an address in Ponce, a port city in the southern part of the island, whose mayor, incidentally, was opposed to the constitution. Later in the month the governor responded to the opponents of the projected constitution. PEP leader Iriarte opposed the constitution plan on the ground that it was really not a PPD program but part of the foreign policy of the United States being implemented to counter charges of imperialism.

But even as this debate was proceeding, the radical element in Puerto Rico was readying itself for what looked like an attempt to overthrow the insular government. On October 27, 1950, police found a cache of arms and dynamite in San Juan. The heightened vigilance of the insular police may possibly have caused the Nationalists to advance the day of the attempted coup. On October
28, 1950, there was a riot in Rio Piedras prison in San Juan in which two guards were killed and 111 prisoners escaped. This appeared to be related to the revolt that flared up two days later. Violence and arson accompanied the uprisings in eight towns. In San Juan five Nationalists boldly invaded the grounds of the governor’s residential palace, the Fortaleza, in an attempt to kill Muñoz Marín. Four of the rebels were killed in the abortive attempt. From there the uprisings rapidly spread to other parts of the island. The towns of Utuado and Jayuya were seized by the Nationalists. The rebels burned twenty-one houses in Jayuya. In Mayaguez, Ponce, and San Juan bloody clashes occurred between the police and the insurgents.10

On the mainland two Nationalists attempted on November 1, 1950, to enter forcibly Blair House in the complex of the president’s residence in Washington in an apparent bid to kill Truman. One of the Puerto Ricans and a White House guard were killed in the firing that followed. The other Puerto Rican, Oscar Collazo, and two of the White House guards were wounded. The president’s life was not directly threatened in all this. The dead Nationalist was associated with Pedro Albizu Campos, for in his pocket was found a memorandum bearing the name and signature of the Nationalist leader. Oscar Collazo, the wounded man, was the treasurer of the New York branch of the Nationalist party.11

Since the Nationalists numbered no more than 500 by Muñoz Marín’s calculations, he was sure that he could control the uprisings on the island with little trouble. The day after the revolt broke out he mobilized the National Guard, who used planes, tanks, machine guns, and bazookas to dislodge the rebels from their stronghold in Jayuya.12 Elsewhere the police had succeeded in subduing the rebels. Some 400 Nationalists were forced to surrender in this massive crackdown, of whom 244 were placed under arrest.13

The administrations of Governor Muñoz Marin and President Truman recognized that the uprising, even though it had failed in its prime objectives, could disrupt and discredit the entire scheduled constitutional procedure. They were careful, therefore, not to overreact, despite the fact that thirty-three persons in Puerto Rico and two in the United States had lost their lives. The governor went on the air to reassure the Puerto Ricans that the rebellion was simply part of a “lunatic movement” and that the proclamation of martial law was not necessary.14 On No-
November 2, 1950, the governor cabled President Truman, saying that the people of Puerto Rico were "shocked and offended" by the attempt on his life but that the incident had not affected "the bonds of friendship, association, and mutual trust" between the island and the mainland.15

Presumably referring to the possibility of federal intervention that might have arisen, Secretary Chapman insisted that he saw no evidence of "general unrest" or "serious disturbances" affecting the economic, social, and political life of the islanders. He believed that the situation could be handled by the Puerto Rican government.16 President Truman was of the same opinion. In a message to the governor on November 2, 1950, he complimented the insular authorities for their handling of the situation. At a news conference on the same day, the president reaffirmed his faith in the Puerto Ricans and declined to discuss the possible attempt on his life.17

Two days later Secretary Chapman dwelt at length on Puerto Rico in an interview over a Washington radio station. He said that the Nationalists and the Communists in Puerto Rico numbered 700 and 400 strong, respectively. The "great majority" of the islanders preferred, Chapman insisted, "the gradual development of their land under the system of Democracy" then prevailing. He believed that Puerto Rico had a great role to play in the better understanding of Latin America and the United States because it was "a synthesis of Latin American and North American beliefs." The secretary described the Puerto Rican people as "patriotic and peace-loving" and hoped that continental Americans would not judge them harshly for the acts of the two would-be assassins.18

Both the insular and mainland governments successfully conveyed the feeling that the uprising was the work of an inconsequentially small group of extremists and that the situation was well under control. There was no immediately noticeable impact upon United States private business activities with the island.19 Meanwhile, the insular authorities moved to quash the power of the Nationalists. Twenty-one of the diehard independentistas were sentenced to life imprisonment in May, 1951,20 while their 59-year-old ailing leader, Albizu Campos, was sentenced from twelve to fifty-four years in jail.21 There was no evidence of a conspiracy to kill President Truman. Oscar Collazo was, however, found guilty of the murder of the White House guard.22
The uprising failed to prevent the registration of voters on November 4 and 5. To emphasize that things had returned to normal, Governor Muñoz Marín ordered the removal of the National Guard from the San Juan area. Indeed, the PPD leader believed that the disturbances had caused the various parties to unite, and he predicted that 95 percent of the people would approve Public Law 600.23 The governor reported after November 5, 1950, that an additional 157,902 persons since 1948 had registered. That number largely reflected persons who had turned twenty-one years of age since 1948, and who, as it turned out, represented 30 percent of the number of persons who participated in the June 4, 1951, referendum.24 Furthermore, at least one member of the House Public Lands Committee in Puerto Rican matters did not think that the disturbances would adversely affect the Congressional position on the constitution. He was Fred Crawford of Michigan, who in fact urged the committee to visit the island to reaffirm its faith in Puerto Rico.25

Much of the debate between November, 1950, and June, 1951, centered around the definition and interpretation of Puerto Rico's envisaged new status. The position taken by the Muñoz Marín administration left considerable room as to the implications of the new status. Early in December, 1950, for instance, Muñoz Marín described to an El Mundo reporter the position of Puerto Rico as being "part of the independence of United States."26 PEP leader Iriarte felt that the governor's position was a permanent repudiation of insular independence and was an indication of his desire to see Puerto Rico eventually become a state.27 PIP head Concepción de Gracia, on the other hand, stuck to his original contention that Public Law 600 was fraudulent since it perpetuated Puerto Rico's status as a colony of the United States.28

In the February issue of the United Nations World, however, Muñoz Marín termed the island's status a "new type of statehood, a statehood, which [was] related by citizenship and law to the other states of the Union." But like independent nations, the governor continued, Puerto Rico had the right to proclaim its own constitution. The Puerto Rican people alone had the right of electing their officials, and these officials were in "no way responsible to any authority of the United States." The Popular leader wrote, "Our autonomy is further vividly demonstrated by
the fact that no official of the United States—not even the President—has authority over the Governor.”

A memorandum from Resident Commissioner Fernós-Isern to DTIP chief counsel Silverman suggests, however, that the insular administration was not quite clear what Puerto Rico’s legal status would be. The resident commissioner defined for the division’s future reference such terms as “territory,” “dominion,” “dependency,” and “possession.” The terms were defined clearly in relation to Puerto Rico’s relationship with the United States, and did not have universal applicability. A “territory,” according to Fernós-Isern, referred to “any area subject to the sovereignty of the United States and incorporated into the United States as an integral part thereof, but not a State.” A “dominion” was described as “any area subject to the sovereignty of the United States but not incorporated into the United States as an integral part thereof, whose people shall have organized themselves under a constitution of their own adoption, into a free body politic in accordance with a law adopted by Congress in the nature of a compact with said people.” “Dependency” was defined as “any area subject to the sovereignty of the United States but not incorporated to the United States as an integral part thereof, and formed into a political unit of government, which has not attained the political status of a United States Dominion as herein defined.” Finally, a “possession” was said not “to describe, apply or refer to any Territory, United States Dominion or United States Dependency.”

It was partly as a result of the confusion and vagueness of the terms used to describe what the island’s status was going to be that opposition parties were divided as to what their official position on Public Law 600 should be. The PEP had met on August 19 and 20, 1950, but the assembly was forced to adjourn without taking a vote because of disagreement among various factions. The meeting was marked by a lively and even violent disagreement between two factions. The faction headed by Miguel Angel García Méndez and Luis A. Ferré opposed Public Law 600. Its opposition was based, according to García Méndez, on the alleged contention of the law’s supporters that “it would authorize a self-government status as a permanent compact or treaty” when no such “treaty” or “compact” existed within the meaning of the phrase “in the nature of a compact.” García Méndez and Ferré were prepared to accept “any advantageous reforms with a tempo-
rary character but never as a final solution" to Puerto Rico's status. The faction led by PEP leader Iriarte was not opposed to Public Law 600, because it did not consider its approval as foreclosing statehood as an ultimate status. The assembly sustained Iriarte's position in a hard-fought battle in which the vote was 156 to 97. Individual party members were left free to vote for or against the law, which in effect spelled endorsement.

The PIP, too, was unable to reach a decision in its meeting early in 1951. In the end it resolved to let the voters decide for themselves. The resolution was approved by an extraordinary meeting in February, 1951. But PIP leader Concepción de Gracia refuted Public Law 600 in a twenty-seven-point program and challenged Muñoz Marín to a public debate, which the Popular leader turned down. The Independentista leader continued to call the law a fraud, an opinion he conveyed in a letter to Secretary of State Dean Acheson. He based his charge on the ground that Public Law 600 did not grant sovereignty to the Puerto Rican people but merely approved an amendment to the Organic Act of 1917. Congress, he continued, would still retain final authority on insular affairs. The party chief also charged that insular government employees were being forced to contribute 2 percent of their salaries to defer the costs of the PPD campaign.

A few days before the referendum the PIP leader announced his personal decision to vote against Public Law 600.

The debate on the projected constitution continued in the weeks ahead. One facet of this debate was in the form of a series of leading articles in El Mundo written by prominent men representing different points of view. These articles appeared in the newspaper from April to June 4, 1951, and beyond.

Juan B. Soto, a professor of law at the University of Puerto Rico, and an estadista, was the first to contribute a series of articles. He examined all aspects of the projected dominion status and arrived at two general conclusions, namely, that the PPD's "Associated Free State" promised more than it could fulfill and that statehood was the real solution to Puerto Rico's problems. The envisaged dominion status, Soto argued, was legally ambiguous and in effect left Puerto Rico in a state of semi-sovereign dependency. The professor pointed out that the "Associated Free State" did not carry with it legal pledges of continued economic aid from the United States. Hence, the Federal Relations Act would contain the same uncertainties that were present in the
Tydings independence bills, which the PPD had consistently opposed. He disagreed that the “Associated Free State” was equal or superior, because for one thing it did not involve the rights and responsibilities that would go with Puerto Rico's becoming a state and, for another, the economic goals sought by the PPD could better be attained under statehood. For instance, American capital would be drawn to the island more readily. He was well aware of the disadvantages that would accompany statehood, but he was convinced that they could be offset by its benefits. The payment of federal taxation, for instance, would be countered by federal grants-in-aid. He did not think that members of the Congress would always remain opposed to statehood for Puerto Rico. They could be persuaded to think otherwise.

Resident Commissioner Fernós-Isern responded to the articles by Juan B. Soto. He maintained that statehood was not the issue in the acceptance or rejection of Public Law 600, even though the voters had clearly rejected it in the 1948 elections. The “Associated Free State” did not preclude statehood in the future. Puerto Rico could become a state, provided, of course, Congress and the Puerto Rican people were both willing. Fernós-Isern also pointed out that the position with regard to grants-in-aid and the retention of military bases would not alter with the implementation of the “Associated Free State.” The new status would institute dual sovereignties in Puerto Rico, one United States and the other Puerto Rican. The two sovereignties were subject to certain conditions by mutual agreement. Hence, they were not conflicting but complementary. Similarly, Puerto Rico's economic union complemented its political affiliation with the United States. Fernós-Isern categorized the island's relationship as a new type of federation in which Puerto Rico was neither an independent state nor a dependency.

Independentista Vicente Geigel Polanco followed with a series of articles under the heading “Neither a Constitution nor a Compact.” He challenged the resident commissioner's contention that the act of drafting and adopting the constitution would make Puerto Rico sovereign in any sense. The constitution had to be approved by Congress, and the idea of a “compact” was meaningless because Congress retained final authority in the matter of insular-continental relations. Geigel Polanco backed his assertion by quoting certain United States administration officials and congressmen who had testified at the House Public Lands Committee
on the constitution bill. He quoted, for instance, Representative William Lemke of North Dakota: “You know of course that if the people of Puerto Rico should go crazy Congress would be able to legislate another time.” The Independentista concluded, therefore, that the projected constitution was being explained by the PPD in deceiving terms and that the Puerto Rican Federal Relations Act imposed inflexible provisions upon the island no different from those contained in the Organic Act of 1917. Geigel Polanco conceded the economic benefits Puerto Rico was enjoying as a result of its relationship with the United States but pointed to restrictions and limitations that were being continued: strict compliance with United States shipping laws, prohibition of commercial treaties with other countries, and federal restrictions on such agricultural products as sugar. He advised Puerto Ricans not to accept Public Law 600 because it was calling for the approval of the constitution project and the Puerto Rican Federal Relations Act, which he maintained were distinctly two separate questions.

El Mundo ran other articles by other leading Puerto Ricans. They included articles by Jaime Benitez, chancellor of the University of Puerto Rico; Socialist leader Bolivar Pagán; José Trias Monge, Muñoz Marín’s legal advisor; and Fernós-Isern, responding to Geigel Polanco.

In spite of the several legitimate points raised against the envisaged Commonwealth status by critics, it was generally believed that the islanders would overwhelmingly vote in favor of Public Law 600. On June 4, 1951, 65 percent of the registered voters went to the polls. A total of 387,016 Puerto Ricans (76.5 percent of those voting) voted in favor of Public Law 600, while 119,169 persons (23.5 percent) voted against it. Secretary Chapman congratulated a pleased Muñoz Marín for managing the campaign so well and added, “Substantial minority vote further strengthens the favorable decision by showing that [the] opposition was fully and freely presented and [the] people made their own choice.” The secretary followed up his cablegram message with a letter addressing the governor as “My dear Don Luis.” In it Chapman said that the acceptance of the law removed “the last vestigial remnants of so-called colonialism.” But the secretary did not consider the constitution as a final solution: “It seems to me, in fairness to the people of Puerto Rico, that only when the eco-
nomic and social goals are clearly in sight can they decide as to what ultimate relationship with the United States they desire."

The PIP, however, charged that there had been polling irregularities and called for the nullification of the referendum. In anticipation of such charges, Muñoz Marín had invited as observers Representatives Frank T. Bow, a Republican from Ohio, and Chester B. McMullen, a Democrat from Florida. Congressman Bow said that he had not found any fraudulent practice.

On June 21, 1951, Governor Muñoz Marín called a special session of the insular legislature. The extraordinary session laid the ground rules for the election on August 27, 1951, of the delegates to the constitutional convention. In compliance with these rules, the various parties met to nominate candidates to the constitutional convention. The Socialist party met on July 1, 1951, to select candidates who were to participate in the elections for constitutional convention delegates. Bolívar Pagán resigned his leadership at the meeting, although it is not known why. The party, however, affirmed its belief in statehood and instructed candidates to seek a provision in the preamble to leave open the door for that status. The PEP convened a month later on August 5 to nominate its delegates. An attempt was made at the meeting to smooth out differences between the two rival factions. A fifteen-member directorate was instituted to assume all party affairs, and two of the seats were given to García Méndez and Luis Ferré, both of whom had challenged Iriarte’s leadership. In addition, nominees to the forthcoming convention were chosen from among both factions. The PEP, like the Socialist party, advised its candidates to work for a provision in the preamble to insure that statehood as an alternative was not foreclosed in the future. In contrast to the Socialist party and the PEP, the PPD nominated its candidates without acrimony and accepted the unquestioned leadership of Muñoz Marín.

The PIP, on the other hand, refused to participate in the constitutional procedure. Its position was that the projected constitution was a Popular perpetration of fraud upon the Puerto Rican people. The party instead promised to send its poll watchers to the voting centers. Its leader Concepción de Gracia insisted, "... we are not going to the colonial election of the 27th of August, nor to the false Constitutional Assembly, but we will participate in the registrations and elections of 1952, in order to obtain a mandate from the people.” The PIP’s declared non-
participation in the August elections afforded the PPD with the opportunity to identify the Independentistas with the Nationalists. In this matter, the Populares effectively used the PIP's November, 1950, statement concerning the Nationalist uprising. The statement had denounced the Puerto Rican government's alleged violation of civil liberties and praised the rebels as "fellow countrymen" who had gallantly sacrificed their lives for the cause of insular independence. The PPD platform of August, 1951, declared, "The PIP, . . . postulating political separation from the American Union, solemnly declares . . . that it admires and respects those who want to destroy the force of votes by the criminal force of bullets."51

The elections for the delegates to the constitutional convention were held on August 27, 1951. A total of 431,828 persons voted, and, as expected, the PPD received the largest number of votes. Of the total of 92 seats contested, the PPD won 70, while the PEP and the Socialist party won 15 and 7, respectively.52 Resident Commissioner Fernández-Isern was chosen to preside over the convention for its anticipated duration of six weeks.53 President Truman sent a message to the convention. The president considered the meeting as a step of the "greatest importance in the development of full self-government in Puerto Rico." He continued, "It is with profound satisfaction that I contemplate the approaching task of this assembly, for I welcome Puerto Rico's association with the Federal Union on terms based solely upon consent and esteem." Secretary Chapman sent a similar message.54

The delegates worked for nearly five months on the preamble and completed it for the assembly's vote in the first week of February, 1952. A disputed clause held up the voting for a while. It stated that one of the purposes of the constitution was "to form a more perfect union with the United States." The word "union" was replaced by "association," but this displeased the Estadistas. Eventually the clause was dropped entirely.55 On February 6, 1952, the constitution was approved by the convention by a vote of 88 to 3, with one delegate absent.56

On the same day Governor Muñoz Marín addressed the assembly. He characterized the new Puerto Rican status as partly "Federal" and partly "Confederal." He continued, "Within these two factors are enclosed the possibility of its development within the American union." By "Federal" he meant that there were two governments, Puerto Rican and United States, "with jurisdiction
over different matters with respect to the same groups of citizens.”
By “Confederal” he meant that there was a “union, more or less
on the basis of states that seek union, than on the basis of two
governments that have jurisdiction over the same people but in
different matters.” The Commonwealth status was dynamic, and
therefore held out several possibilities for the future. He ex­
pressed it thus, “It may be that the development of Puerto Rico
will take another aspect, and that it will move toward a ‘Confed­
eral’ form of government, in which there will be no area of Fed­
eral authority. . . .” The governor insisted that in the final in­
stance the development would be decided upon by the Puerto
Rican people and not by the Congress of the United States. For
the time being, however, the Commonwealth status in his opinion
would remove “every trace of colonialism” because it would be
based on a “compact” and the “principle of mutual consent.” In
the governor’s estimation the status would reach “the highest
possible level of political equality and political dignity.”

DTIP director Davis wrote to Muñoz Marín on February
14, 1952, informing him of his plans to publicize the constitution.
He said he was having prepared a two-page summary of the most
important features of the document for distribution. Davis said
he had already spoken to Alan Barth and Herb Block of the edi­
torial staff of the Washington Post about doing a piece on the
constitution. The director said he planned to approach the New
York Times and the Herald Tribune (New York) with similar
requests. He also suggested counteracting the anti-constitution ac­
tivities of L. D. Long, a continental businessman in Puerto Rico
whose relations with the insular government had soured over tax
problems. Davis urged the governor to come to Washington for
a short visit. Several days later DTIP legal counsel Silverman
wrote to Alan Barth, acquainting him with background informa­
tion about the constitution.

Meanwhile, several other mainland citizens joined Long in
leveling charges of dictatorship against Muñoz Marín. Chester
M. Wright, president of the TIES organization, a Miami (Florida)
group of business and professional men, accused the governor of
having passed “urgent” and “gag” laws and of having converted
the insular legislature into a “rubber stamp.” The Puerto Rican
government was a one-man affair run by a man who was authori­
tarian, the charge went. The charges were echoed by Senators
Olin D. Johnston of South Carolina and Owen Brewster of Maine,
who proposed an investigation of the allegations. Senator Johnston accused the governor of having ignored a 1947 Congressional directive that a coordinator of federal agencies be established in Puerto Rico. The senator told his colleagues that he had addressed a communication to Secretary Chapman to that effect. The letter said in part, “They [the Puerto Ricans] don’t want a Federal coordinator who will know what goes on, who is bound by law, for instance to advise the Congress with respect to all appropriation estimates submitted by any civilian department or agency of the Federal Government to be expended in or for the benefit of Puerto Rico.”

Secretary Chapman defended the governor in a news conference on February 13, 1952, saying that he thought Muñoz Marín was doing an “excellent job.” On the specific charge about the federal coordinator, the secretary pointed out that Congress had on two occasions turned down appropriations to finance the staff of one. Besides, if the constitution was approved by Congress, the post in question would probably be eliminated.

On March 3, 1952, in spite of the charges, the people of Puerto Rico once again went to polls to register their positions on the constitution. (The original date for the referendum was January 21, 1952, but it had to be moved back because the constitutional convention took longer than expected.) Representatives Bow of Ohio and McMullen of Florida came once more as observers on behalf of the House Committee on Interior and Insular Affairs. In view of the charges against Muñoz Marín, the Truman administration probably welcomed their presence. A total of 373,418, or over 80 percent of the voters, balloted in favor of the constitution, while 82,473 of their compatriots voted against it.

Muñoz Marín commented that the acceptance of the constitution was a source of pride for both Puerto Rico and the United States, since what was created was a “new manner of freedom in the relationship between peoples that have different cultural origins and both have equal democratic rights.” At least two continental newspapers shared the governor’s enthusiastic optimism. The New York Times editorialized, “From our point of view this result ought to have good effects throughout Latin America. We are disproving the Communist and Nationalist charges of ‘Yankee imperialism.’ The United States has always been accused by these elements of exploiting Puerto Rico as a
colony. It will be hard to sustain that propaganda effectively after what happened." The *Washington Post* believed that Puerto Rico’s becoming “vigorou, self-respecting, completely democratic, loyal, and friendly to the United States of America” was an instance of pride for the “so-called damn Yankees of the North.” Indeed, the newspaper saw the advantage of extending the commonwealth concept to countries such as Cuba, Panama, Central America, and Venezuela to bind them in some form of loose federation.

On March 12, 1952, Governor Muñoz Marín transmitted the English and Spanish enactments of the constitution of the Commonwealth of Puerto Rico to President Truman. Muñoz Marín believed that the process by which the constitution had been adopted was of great significance for both Puerto Rico and the “democratic world leadership of the United States.” It had done the Puerto Ricans “a deep spiritual good” and had added to the “prestige of the institutions of the free world in their [insular and mainland Americans] moral fight against the rulers of the captive world.” The governor stressed the fact that the document was based on “bilateral action through free agreement.” He continued, “No doubt opinions may differ as to the details of the relationship, from both the Puerto Rican and the general American points of view, but the principle that the relationship is from now on one of consent through free government, wipes out all traces of colonialism.”

The same day that he wrote to the president, Muñoz Marín addressed a letter to Secretary Chapman. He said he was fully aware of the constitution’s international significance and requested the secretary to publicize the official ceremony at which Resident Commissioner Fernández-Isern was to present the constitution to the president. The governor repeated the request on April 4, 1952.

Chapman wasted no time in having prepared a draft message for the president to send to Congress, together with the constitution.

The Interior secretary’s draft message was essentially retained as the president’s message to Congress when the constitution was officially transmitted on April 22, 1952, to the legislative body. President Truman stated, “I do find and declare that the Constitution of the Commonwealth of Puerto Rico conforms with the applicable provisions of the act of July 3, 1950, and of our own Constitution.” The message briefly described the provisions of
the insular constitution and pointed out that with the document's approval "full authority and responsibility for local self-government will be vested in the people of Puerto Rico . . . . No government can be invested with a higher dignity and greater worth than one based upon the principle of consent." 73

The constitution of the Commonwealth of Puerto Rico was completed after the convention had carefully studied the constitutions of the various mainland states in the Union, the Constitution of the United States, and the United Nations Charter. It contained nine articles. Article I established that the island was to be officially designated as the Commonwealth of Puerto Rico. The term "Commonwealth" was adopted on February 4, 1952, by Resolution 22 in the plenary session of the convention. It was the closest equivalent to the Spanish term "Estado Libre Asociado" and was defined as "the status of the body politic created under the terms of the compact existing between the people of Puerto Rico and the United States, i.e., that of a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its federal structure." 74

Article II contained the bill of rights. The opposition in Congress in the months ahead centered around two sections of this article. Section 5 guaranteed every Puerto Rican citizen the right to an education. It continued, "Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the state. No public property or public funds shall be used for the support of the schools, or educational institutions other than those of the state. . . ." 75

Section 20 was to cause considerable controversy. It borrowed ideas from the United Nations Declaration of Human Rights. The section recognized human rights in the following areas: to receive free elementary and secondary education; to obtain work; to attain an adequate living standard "for the health and well-being of [every person] and of his family, and especially to food, clothing, housing, and medical care and necessary social services"; to provide social protection in the event of unemployment, ill health, age, or disability; to give special care and assistance for motherhood and childhood. An explanation as to why these rights had to be guaranteed in the constitution read as follows:
“The rights set forth in this section are closely connected with
the progressive development of the economy of the Common­
wealth and require, for their full effectiveness, sufficient resources
and an agricultural and industrial development not yet attained
by the Puerto Rican community.” In other words, they were
intended as goals for which the Puerto Ricans were to strive.\textsuperscript{76}

The legislative power of the Commonwealth of Puerto Rico
was vested, according to article III, in the legislative assembly,
consisting of 27 senators and 51 representatives in the two Houses.
Minority parties were guaranteed representation. Section 22 pro­
vided that the governor was to appoint a controller with the advice
and consent of the insular Senate. The person filling this post
was still being appointed by the president at the time. The next
article dealt with the powers and duties of the executive, while
the article following was concerned with the powers and responsi­
bilities of the island’s judiciary. There were to be five justices of
the Supreme Court, and under the new constitution their appoint­
ments were to be made by the governor instead of the president
as was then the case.\textsuperscript{77}

Article VI provided, among other things, for the general
elections to take place every four years, with no restrictions as to
how many terms a governor may hold office. All persons over
twenty-one years of age, irrespective of literacy or property-hold­
ing, were to be eligible to participate in the elections. The pro­
cedure for amending the constitution was provided for in article
VII. The insular legislature could propose amendments to the
constitution. If there was a two-thirds majority for the proposed
amendment in both Houses, it was to be submitted to the quali­
fied electors in a special referendum. If, however, the proposed
amendment had a three-fourths majority in both Houses, the
legislature could provide for a referendum to be held at the same
time as the next general elections. It should be emphasized that
United States approval was not necessary in the ratification of an
amendment. Section 3, however, stipulated that no amendment
purporting to alter the republican form of government or to
abolish the constitution was admissible.\textsuperscript{78} Article VIII dealt with
senatorial and representative districts.

Among the provisions laid down in the ninth and last article
was one calling for the constitution to take effect when the gov­
ernor proclaimed it, which must be within sixty days of Congress’
ratifying it. No provision was made for procedure in the event
Congress changed parts of the constitution, which suggests at least two things: first, that the convention felt the document complied with the conditions established by Public Law 600, and therefore Congress would agree with it entirely; second, since the document reflected the popular will of the Puerto Rican people on domestic matters, the constitutional delegates felt that Congress would not change any aspect, even if it disagreed with it, for the sake of the principle of self-government.79

Indeed, Resident Commissioner Fernós-Isern argued that the constitution met the four conditions necessary for its acceptance by Congress: it provided for a republican form of government with three separate branches, it contained a bill of rights, it conformed with the applicable provisions of the United States Constitution, and it was in agreement with Public Law 600.80

On April 22, 1952, Senator O'Mahoney sponsored Senate Joint Resolution (S.J.Res.) 151, while the companion resolution in the House was designated as House Joint Resolution (H.J.Res.) 430.81 The two resolutions provided for the approval by Congress of the constitution, inasmuch as the document conformed "fully with the provisions of [Public Law 600] of July 3, 1950, and of the Constitution of the United States."82

The House Committee on Interior and Insular Affairs held a hearing on April 25, 1952. Resident Commissioner Fernós-Isern was the first person to testify. He reviewed the provisions of the Puerto Rican Federal Relations Act and reassured the congressmen that the Commonwealth of Puerto Rico would operate within their framework. He stressed the fact that the political and economic union had been democratically endorsed by a majority of the Puerto Rican people. Fernós-Isern appealed to the legislators to approve the document on the additional ground that its meaning transcended "the horizons of Puerto Rico and . . . of the United States."83

The resident commissioner's testimony was well received. Committee members generally asked questions to drive home the fact that the constitution was a popular document approved in elections that were free from any kind of electoral malpractice. Representatives Bow of Ohio and McMullen of Florida testified to the last fact, as they had observed the referendum. Clair Engle, congressman from California, was one of the few committee members, however, who had doubts about aspects of the constitution. He drew attention to section 20 of the bill of rights and expressed
his puzzlement as to how such rights could be incorporated into a constitution without the legislature's obligation of implementing them. The congressman also raised similar doubts about the right to education as expressed in section 5 of the bill of rights. Furthermore, he believed that the outlawing of wiretapping was more correctly a legislative function. Representative Monroe M. Redden of North Carolina agreed with his California colleague, saying that the rights guaranteeing social protection might lead the Puerto Ricans to expect too much from their government.

Despite the reservations about the bill of rights, most committee members appeared to agree with the statement inserted into the hearing by Congressman Crawford of Michigan, who was unable to attend the session. He expressed his support for the constitution on two general grounds. First, Puerto Ricans deserved the protection of the United States as American citizens. After all, the islanders had adopted the ideals and institutions of the United States and had generally cooperated in the same way that continental citizens had. Second, the United States had a friend in Governor Muñoz Marín. Crawford said, "... I think it will be found that the administration of the present Governor of Puerto Rico is just about as constructive and helpful and cooperative as between and with everybody concerned, as any appointee, military or civilian, who has been sent from the United States to Puerto Rico." If Congress believed that changes were necessary, he hoped that it would resubmit the constitution to the Puerto Ricans to make such changes but that it would not reject it out of hand. Except for Dr. Jaime Benítez of the University of Puerto Rico, no more witnesses were heard. The House committee, according to the New York Times, gave quick and unanimous approval of the constitution.

The Senate Committee on Interior and Insular Affairs conducted the first of its two hearing sessions on April 29, 1952. Governor Muñoz Marín, who was in Washington at the time, came to testify before the committee. He asserted in a prepared statement that Congress' approval of the constitution would signify that "the last juridical vestiges of colonialism [had] been abolished in the relationship between the United States and Puerto Rico." The principle of compact as contained in Public Law 600, the governor continued, added the "basic moral element of freedom" that had hitherto been absent. He was quick to point out, however, that the relationship could be improved in its
details, although not in its essence. Muñoz Marín rejected the notion among some Puerto Ricans that any solution outside of independence or statehood was "colonialism."

The governor characterized the Commonwealth status as one that was not "federated statehood," but neither was it "less than federated statehood." Because it was not like "federated statehood," many erroneously concluded that the Commonwealth status was based on inequality. This was not so. He based his judgment on the merits of the constitution produced by the convention. The procedure involving referenda and elections over a period of about eighteen months had strictly adhered to the principle of democracy and legality. Muñoz Marín described the essential features of the constitution: it had little in it that was strictly legislative because the PPD sought to give the legislature of Puerto Rico the greatest possible freedom to act upon matters concerning policy.

There was, the governor said, continuing his argument, a bill of rights guaranteeing essential freedoms, and the government of Puerto Rico was republican with the powers of its three branches separated. Indeed, the powers of the executive were reduced in favor of the legislature and the judiciary. This to Muñoz Marín was clear evidence of a "magnificent democratic spirit" among the Puerto Rican people. He gave several other examples of this: the practice of vote-buying had disappeared; the government had sold four of its plants to private business, as evidence that politics should not interfere with business; and an anti-government newspaper, El Imparcial (San Juan), was able to secure through public auction valuable printing contracts from the insular government.

To drive home his argument the PPD leader pointed out that the Commonwealth status offered the people of Puerto Rico an opportunity to free themselves from a "deadening anguish" that accompanied the continued debate over political status. He said, "... the alternative to the dilemma is not colonialism, but that a new alternative, equal in dignity, although different in nature to independence or statehood, can be conceived and is in fact being created by the joint action, on the highest moral level, of the Congress of the United States and the people of Puerto Rico."

The committee members were mainly interested in having the governor respond to charges of fraud made against the PPD.
Few questions directly concerned the constitution. The main charge was about electoral fraud. The governor replied to the charge to the apparent satisfaction of the committee members. The persistent nature of these charges persuaded DTIP legal counsel Silverman to prepare later a memorandum on a specific allegation that between 3000 to 5000 additional voters had been prevented from voting in the referendum in March, 1952. Most of the persons involved here had turned twenty-one between January 21, 1952, and March 3, 1952, the time span between the old and the new dates. A specific law would have been necessary to accommodate the eligibility of these persons, and so the government of Puerto Rico decided to count them as ineligible except if the margin of acceptance or rejection of the constitution should be between 3000 and 5000. As it turned out, the margin of acceptance was 290,945.81

Resident Commissioner Fernós-Isern and DTIP director Davis testified briefly. No opponents of the constitution were heard. A letter from Independentista leader Concepción de Gracia appeared in the appendix of the hearings. One point raised in the letter, not taken up by the committee but featured prominently in the debates in the Senate later, was whether Congress would have sole and final authority on matters concerning Puerto Rico once it approved the constitution.82 Both the House and Senate hearings reflected little opposition to the constitution among committee members. It was this which probably led Secretary Chapman to tell newsmen on April 29, 1952, that he believed Congress would endorse the constitution.83

Some senators were, however, raising questions about the constitution, which was presumably the reason why the Senate Committee on Interior and Insular Affairs held a second round of hearings on May 6, 1952. Nine senators were present at this session, in contrast to only four in the April 29 session. Apparently a need was felt to refute charges of electoral fraud more strongly, because Congressmen McMullen of Florida and Bow of Ohio testified at length on their roles as observers in the March 3, 1952, referendum. They insisted that the referendum was free from any kind of corruption. The committee refused to pursue a charge of another kind. Senator Johnston of South Carolina had raised in the April 29 hearing an incident that had occurred about twenty years ago in which Muñoz Marín, then a fiery independentista, had demanded the removal of the American flag...
when he stepped on an auditorium platform to address a crowd of people. The senator was not satisfied with Muñoz Marín's reply at the first hearing, and he requested the committee to pursue the matter further. The committee refused because it felt it was concerned with the merits and demerits of the constitution and not with the governor's qualifications.94

A substantive issue was raised at the hearing by Senator George W. Malone of Nevada. He desired to know whether there was a provision in the constitution that prohibited Congress from making any change in the relationship between the United States and Puerto Rico. DTIP legal counsel Silverman replied no, saying that even though Public Law 600 used the word "compact" the relationship between the two would be "in the nature of contractual obligations." Silverman continued, "It is our hope and it is the hope of the Government, I think, not to interfere with the relationship but nevertheless the basic power inherent in the Congress of the United States, which no one can take away, is in Congress . . . ." Congress had the power to annul any law in any one of the territories, according to the United States Constitution. Senator Malone remained doubtful, because he had seen in the United States how many of the powers that rightly belonged to Congress had been assumed by the president. He wondered, in effect, whether a general constitutional guarantee was sufficient to permit Congressional action regarding Puerto Rico, if and when the question arose. "Suppose," he asked, "these internal matters become a question of great interest to this country, the way they are being administered. Do we have the right to go in at all? . . . Suppose they become obnoxious to the Congress of the United States. What happens then?"95

Senator Guy Cordon of Oregon continued with the line of questioning initiated by his colleague from Nevada. He quoted from an article written by Muñoz Marín's legal advisor, José Trias Monge. Trias Monge had written that the pact was legally binding and that it could not be revoked except by mutual consent. Senator Cordon quoted from the article, "'Once the compact is formalized, the constitution of Puerto Rico may not be amended except in the manner provided for by the constitution of Puerto Rico itself, the local laws shall not be subject to derogation by Congress, neither the Statute of Federal Relations nor law 600 may be amended without the consent of the people of Puerto Rico.'"96
Senator O'Mahoney, who had co-sponsored Public Law 600 in 1950, disagreed with Trias Monge's position. He argued that the law had not been adopted as a compact *per se* but "in the nature of a compact." He continued, "... an agreement in the nature of a compact ... was one under which the Congress was reserving to itself, the sections of the Organic Act which were set out in Public Law 600 as the Federal Relations Act, and under which it undertakes to delegate to the people of Puerto Rico the authority to adopt their own laws with respect to local administration, and that this local administration is within the scope of a free self-governing, democratic republic similar to that of the United States, but had nothing to do with those subjects covered by the provisions we have called the Federal Relations Act." The Wyoming senator told a doubting Senator Cordon, "... if the people of Puerto Rico should step outside, if an attempt should be made to change the constitution and deal with these matters outside the scope of the grant, I think that the authority of the Congress of the United States, under the [United States] Constitution, could not be impaired or reduced."

Another part of the constitution, section 20 of the bill of rights, also came briefly under attack by Senator Malone when chancellor Jaime Benítez testified. Furthermore, the Nevada senator did not believe that the government to be established under the constitution would be strictly republican. He saw elements of democracy in the constitution.

Although no Puerto Rican directly opposed to the constitution appeared before the committee to testify, several communications from opponents of S.J.Res.151 were inserted in the appendix of the hearings. These communications raised similar, if not the same, questions of constitutional ambiguity and vagueness raised by the senators. Indeed, the quotation of Trias Monge's article used by Senator Cordon was part of a memorandum prepared by *independentista* Arjona-Siaca and *estadista* Carlos H. Julia, Jr.

In view of the many questions raised in the Senate hearing, it was not surprising that H.J.Res.430 should have met some opposition when it was debated on the House floor on May 13, 1952. Section 20 of the bill of rights expectedly came under heavy attack from several congressmen. Representative Charles A. Halleck of Indiana, a Republican, saw in it the hand of former Governor Tugwell. In his opinion the section did not conform
with the United States Constitution. Another Republican congress­man, Carl T. Curtis of Nebraska, believed that the section called for a “totalitarian government” and could lead to “slavery.” Idaho Representative Hamer H. Budge read into the debate remarks he had made on a previous occasion. “The Constitution of the Commonwealth of Puerto Rico,” he said, “in quite different fashion attempts not only to protect the citizens from an autocratic government but to set up a government not for protection of rights but for affirmative dispensation of rights in the form of economic benefits.” Another Idaho representative, John T. Wood, warned, “... if we grant this constitution, with its Socialist bill of rights, we have practically doomed the islanders to economic destruction. We know they cannot operate under it. Then why give it to them? I am firmly opposed to giving a child stone when it asks for bread.”

Both Representatives Budge and Wood were Republicans.

There were, however, congressmen who agreed with Fernós-Isern that the constitution fulfilled the conditions established by Public Law 600 and conformed with the Constitution of the United States. Democratic Representative Isodore Dollinger of New York urged passage of H.J.Res.430 without amendments. Republican Congressman Javits of New York criticized legislators who in effect insisted that the constitution should be inhibited in terms of what they saw as right or wrong in their respective state constitutions or the federal Constitution. He reminded his colleagues that the insular constitution reflected the will of the Puerto Rican people. Majority leader John W. McCormack of Massachusetts agreed and pointed to the constitution’s wider implications in Latin America. If the people of Puerto Rico wanted section 20, Congress should oblige, whether or not it complied with Public Law 600 and the United States Constitution. Samuel Yorty of California said that congressmen should consider the fact that Puerto Rico was a “showcase of the United States” and that everybody was watching to see what Congress did. House leaders had planned to obtain the chamber’s approval without a roll call; but when it became apparent that opponents would demand one, further consideration was postponed until a later date.

On May 27, 1952, the Senate Committee on Interior and Insular Affairs recommended to the Senate the conditional approval of the constitution. Its amendments were confined to
The committee report further stipulated that wherever the words "democratic" and "democracy" appear in the preamble the references were in no way to be construed to mean the changing of a republican form of government. It also clarified in its report the status of federal authority in Puerto Rico: "The enforcement of the Puerto Rican Federal Relations Act and the exercise of Federal authority in Puerto Rico under its provisions are in no way impaired by the Constitution of Puerto Rico, and may not be affected by future amendment to the constitution, or by any law of Puerto Rico adopted under its constitution." The report stated also that the approval of the constitution did not imply any promise of statehood. It characterized the new status as neither independence nor statehood. "It is," the report explained, "a self-governing community bound by the common loyalties and obligations of American citizens living under the American flag and the American Constitution and enjoying a republican form of government of their own choosing." The insular constitutional convention was authorized to accept the amendments on behalf of the Puerto Rican people, and the constitution was to go into effect as soon as the governor proclaimed its operation. The Senate committee accommodated its members' criticism concerning the bill of rights, but its declaration concerning federal authority in Puerto Rico fell short of claiming Congressional jurisdiction in the island's internal matters directly. Puerto Rico could amend its constitution, except with respect to the bill of rights and republican form of government, without Congressional authorization.
On May 28, a day after the Senate committee's action, the House of Representatives debated H.J.Res.430. Early in the debate it was made known that the House Committee on Interior and Insular Affairs had met that morning before the scheduled debate and had decided to eliminate section 20 and amend section 5, as the Senate committee had done the day before. Fernós-Isern announced his acceptance of the amendments, when he spoke halfway through the debate. At least two members of the House, Representatives Halleck of Indiana and George Meader of Michigan, both Republicans, wanted it clearly understood, however, that the constitution would not supersede the Puerto Rican Federal Relations Act. Congressman Meader had consulted the American Law Section and was satisfied that, in approving H.J.Res.430, Congress would not "in any way make an irrevocable delegation of its constitutional authority." Judging from the amount of time spent in the debate on this aspect, however, this was not a contested point.  

The debate centered mainly around the merit or demerit of section 20 as part of the constitution, and whether Congress had the right to tell the Puerto Ricans that it should be eliminated. After all, the islanders had overwhelmingly endorsed the section, and it was in compliance with Public Law 600. Those congressmen who supported the retention of section 20 argued that many states within the Union had such provisions written into their constitutions. Besides, if rejected, the impact upon Latin American countries may be serious, and it would afford the Soviet Union the opportunity to discredit the United States. Congressman Javits of New York said for instance, "If we should deny to them [Puerto Ricans] as elemental a right as self-determination, what respect could they have for all our protestations that we want people to make up their own minds as to how they will be governed?" Those who desired the exclusion of section 20 based their opposition upon arguments ranging from its binding nature to the notion that it was socialistic and would destroy republicanism. Congressman Wood of Idaho said, for example, "They are setting up a people's democracy which is foreign to our idea of a representative republic."  

When it seemed as if congressmen would approve H.J.Res. 430 with the amendments recommended by the House committee, Representative Meader of Michigan introduced late in the debate a major amendment. It read, "That nothing herein contained
shall be construed as an irrevocable delegation, transfer or release of the power of the Congress granted by article IV, section 3, of the Constitution of the United States." (The reference here was apparently to the territorial clause of the Constitution.) Meader said that he was not clear whether a future Congressional law inconsistent with the island's constitution and laws by its legislature would take precedence over the latter. He asked, "Can the Congress, if it so desires, either pass inconsistent laws or repeal or amend laws that Puerto Rico passes? Clearly under the present situation we can. If this Puerto Rican Constitution is approved, can we?" The Michigan congressman had consulted lawyers who had told him that Congress could, but he wanted to eliminate any doubt in simple language.  

Congressman Wayne N. Aspinall of Colorado protested that the Michigan representative had not deemed it proper to suggest the amendment in the committee. He continued, "I believe the amendment is too far reaching for discussion at this time, and I suggest that we oppose it and defeat it." There was general objection to the Meader amendment, and it was rejected after Representative Clair Engle of California made an eloquent appeal for the passage of H.J.Res.430. A roll call having failed to show an absence of a quorum, a vote was taken and the joint resolution was passed.  

The unexpected Meader amendment indicated the kind of opposition that the constitution might possibly run into in the Senate. The Senate committee leaders who hoped to steer the passage of S.J.Res.151 were possibly aware that some senators might raise objections. The articles that two of them had had printed in the appendix of the Congressional Record gave some indication of this. Senator Owen Brewster of Maine complained that the tax exemption laws of Puerto Rico were a misuse of the tax structure because the island was enticing away textile and other companies. Senator Johnston of South Carolina did not share some of his colleagues' admiration for Muñoz Marín, as evidenced in the senator's insistent allusion to the flag incident referred to earlier involving the Puerto Rican leader in his young radical days. On May 15, 1952, he had had printed in the record an editorial from a Tulsa, Oklahoma, newspaper, which stated that Puerto Rico was really a burden because it had proved to be a "gigantic incubator of people who often do not understand American traditions or ideals but who are glad to qualify for
American residence or American charity.” The South Carolinian was responsible also for printing in the record an article that appeared in the New York Daily News. It objected to section 20 and suggested that the islanders should be made to write another constitution, or else “socialism, or fascism, unwanted by the great majority of Americans will have crawled in at our back door.”

Amid this kind of uncertainty, the Senate debated the constitution on June 23, 1952. Senator Johnston early introduced the first of his two amendments. It desired to limit the term of office of the governor to only one four-year period. The senator said that the amendment was not directed against Muñoz Marín; but, he argued, it was Congress’ duty “to throw as many safeguards as possible around the constitution so as to protect the people of Puerto Rico as well as the people of the United States.” The amendment was aimed against the “tendency in some countries for certain individuals to obtain control of the government and keep control.” The opposition to the amendment was spearheaded by Senator O’Mahoney, who argued that such a limitation should have been written into Public Law 600 in 1950 and that, in states where no such limits were placed, governors did not automatically become dictators. He argued, furthermore, that Governor Muñoz Marín was a “remarkable man” with an exemplary record, whose concern for constitutional propriety was evidenced by the fact that the constitution guaranteed representation for minorities. The argument of the opponents prevailed and the amendment was rejected.

The South Carolina senator’s second amendment provided, “... that no amendment to or revision of the constitution of the Commonwealth of Puerto Rico shall be effective until approved by the Congress of the United States.” His argument was that as a “possession” of the United States, Puerto Rico “should stay all the way under our control and not be permitted to rewrite [its] constitution.” The senator was concerned that after disapproving section 20 Congress had no guarantee that the Puerto Ricans would not reintroduce it later. There appeared to be greater sympathy for this amendment than was the case for the first amendment, presumably because the issue was one which directly concerned the Senate, namely, the affirmation of Congressional authority over Puerto Rico. Senator O’Mahoney, chairman of the Senate Committee on Interior and Insular Affairs, agreed to accept it.
A third amendment sponsored by Senator John C. Stennis of Mississippi was defeated. The Stennis amendment provided for jury trial in the area of misdemeanors. The constitution had already made provision for trial by jury in the case of felony. The opponents believed that this was unnecessarily imposing the Anglo-Saxon system of jurisprudence and law upon a Latin American system, which would involve costs and other adjustments on the part of the insular government. Besides, if at any time in the future the Puerto Rican government decided to provide for jury trial in misdemeanors, the constitution would not prohibit it from doing so.\textsuperscript{113}

The Senate agreed to the amendments made to H.J.Res.430 but insisted upon its own amendment concerning Congressional prerogative to oversee changes to the Puerto Rican constitution. Senator O’Mahoney requested a conference of the two chambers in the event that the House of Representatives should disagree with the Johnston amendment.\textsuperscript{114} The House disagreed two days later and arranged to send conferees.\textsuperscript{115}

Governor Muñoz Marín was understandably perturbed about the Senate amendment, because it undermined his claim that the constitution’s approval would grant Puerto Rico complete freedom in internal matters. He sent a radiogram to Davis saying that if the Johnston amendment prevailed it would destroy “the whole spirit of the constitutional process” and would inflict “untold mental and moral harm” on the Puerto Rican people. Acting director Dan H. Wheeler cabled a reply the same day saying that the DTIP would do “everything possible” to have the amendment eliminated in the conference.\textsuperscript{116}

The Senate and House conferees met on June 28, 1952, and agreed to eliminate the Johnston amendment. They believed that “in keeping with the spirit of Public Law 600, Eighty-first Congress, and the purposes of the Puerto Rican Constitution, the people of Puerto Rico should have freedom to change their constitution within the limits of applicable provisions of the United States Constitution, the Puerto Rican Federal Relations Act, Eighty-first Congress, and House Joint Resolution 430.” In accordance with this sentiment the following amendment was substituted for the Johnston amendment: “Any amendment or revision of this constitution shall be consistent with the resolution enacted by the Congress of the United States approving this constitution, with the applicable provisions of the Constitution
of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, Eighty-first Congress, adopted in the nature of a compact." The conferees eliminated section 20 of the bill of rights and, except for minor changes, retained section 5 as amended by the House in May, 1952. The constitution was to become effective upon the constitutional convention's formally accepting the amendments made by Congress and the governor's officially proclaiming its operation.

The conference report was submitted to the Senate on July 1, 1952. Senator Johnston was unhappy that his amendment had been dropped but was willing to support the adoption of the constitution as amended. The Senate accepted the report. On July 2, 1952, H.J.Res.430 was examined and signed by the Senate and the House. On the same day the Department of the Interior responded to the Bureau of the Budget by requesting that it recommend to the president the approval of H.J.Res.430. It regretted the amendments but felt that the great efforts of Muñoz Marín, Fernós-Isern, and other delegates of the constitutional convention should not be allowed to go in vain. A similar request was sent by assistant secretary of State Jack K. McFall to the Budget Bureau.

On July 3, 1952, the joint resolution was presented to the president, who signed it late in the afternoon. He hailed it as indicative of United States dedication to the "principle of self-determination and to the ideals of freedom and democracy." The statement released to the press said that "with the approval of H.J.Res.430, the people of the United States and the people of Puerto Rico [were] about to enter into a relationship based on mutual consent and esteem." The joint resolution was signed into Public Law 447 on July 7, 1952.

Muñoz Marín, who had on previous occasions used the Fourth of July to appeal to high idealism, did not miss the opportunity on July 4, 1952. He told the Puerto Ricans that the new Commonwealth status was "dynamic and full of vitality, carrying in itself the energy for growth." The governor continued, "We should repose politically in this status for a time so that our people can direct all their energy toward the great effort of resolving their hard economic problems . . . ." On July 11, 1952, the constitutional assembly approved the amendments made by Congress, and decided to submit them to an insular referendum at the next general election in November. Eighteen days later, the
Puerto Rican legislature adopted a resolution ratifying in effect the action by the constitutional assembly. The climactic event, however, took place on July 25, 1952, when Governor Muñoz Marín pronounced the date as Commonwealth Day. In the presence of 35,000 people, among them distinguished guests from the United States and other neighboring countries, the governor raised the new Commonwealth flag. The flag was significant, for it was originally designed by Puerto Rican revolutionaries in 1895: five red and vertical stripes with a white star enclosed in a blue triangle. An action by President Truman intended to convey his good will towards the Puerto Rican people was announced on that day: the death sentence of the would-be assassin Oscar Collazo was commuted to a life sentence.

The Puerto Ricans established in the Commonwealth status an experiment that was new and unique in constitutional history. Muñoz Marín defined it differently at different times. He described the status as one in which Puerto Rico was part of "the independence of the United States." At another time he said that Puerto Rico had not become a state in the Union but that it had acquired a status "equal to statehood" in which the island enjoyed a "new kind of freedom." The PPD chief described the insular-mainland relationship as being embodied in two kinds of government, "Federal" and "Confederal," while Resident Commissioner Fernós-Isern spoke of dual sovereignty, one Puerto Rican and the other United States, neither one in conflict. There is in every one of these descriptions an element of truth, but they are also ambiguous and constitutionally vague. In practical terms such definitions would, and indeed did, lead to a divergence of interpretation between the insular government and the mainland Congress. And yet, despite the ambiguity of the descriptions and the vagueness of constitutional definitions, both the Puerto Ricans and the United States Congress endorsed the Commonwealth status. There are a number of possible reasons.

Insular opponents did not have positive programs with which to counter the Commonwealth status. Advocates of independence and statehood pointed to the legitimate weaknesses of the status but failed to offer the Puerto Rican electorate a clear alternative program of their own. Admittedly, they were at a political disadvantage, because the insular voters were not called upon to choose from several status positions but were asked to either endorse or reject the Commonwealth status. Under these circum-
stances, the Populares presented themselves as offering a positive plan that would give the Puerto Ricans a respite from the "mental anguish," as Muñoz Marín explained it, that had accompanied fifty years of debate on the question of political status.

Besides, the political opponents of the PPD had nobody to match the charisma and reputation of Muñoz Marín. Personalismo is a factor of considerable importance in insular politics. If the people had doubts about the Commonwealth status, those doubts were dissipated by their faith in the PPD leader. He was their first elected governor, enormously popular in the United States and parts of Latin America, and they were proud of the kind of political skill and resourcefulness he had demonstrated. No doubt many Puerto Ricans would have considered a vote against the Commonwealth status as a vote against Muñoz Marín.

The same kind of confidence that the United States administration and Congress had in Muñoz Marín was responsible for the acceptance of the constitution. Furthermore, the United States desired to dispel charges by Communist and non-Communist countries that Puerto Rico was a "colony" being controlled against the will of the people of the island. Beyond this, however, the continental power's acceptance of the Commonwealth status was based on more sober grounds. It was the administration's understanding as expressed by Secretary Chapman in one of his communications to Muñoz Marín that the dominion status was not a permanent one and that sometime in the future, when conditions permitted it, Puerto Rico would choose between independence and statehood. The Congress of the United States, on the other hand, agreed to accept the Commonwealth status on the understanding that the phrase "in the nature of a compact" did not mean that Congress was irrevocably giving up its jurisdiction over Puerto Rican matters, internal and external. Congress, however, did not wish to state this as strongly as was suggested by the Johnston amendment. Instead, it sought to reassure the Puerto Ricans that it would exercise its jurisdiction over the island within the limits of the promise it was undertaking in accepting the new relationship between Puerto Rico and the United States. And future Congresses were under the moral obligation of not reneging on the promise made by the Eighty-first and Eighty-second Congresses.