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"COMMONWEALTH": DEFINITIONS AND APPLICATIONS IN
AMERICAN HISTORY AND GOVERNMENT,
WITH SPECIAL REFERENCE TO
PUERTO RICO

A Draft Report Prepared According to the Instructions of
The Honorable John P. Saylor

the attached has been prepared for the personal use of
the Member requesting it in conformance with his direc-
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William R. Tansill
Specialist in American National Government
Government and General Research Division
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The English language contains innumerable words susceptible of diverse interpretations, but few are as confusing to students of political science as the term "commonwealth." "Commonwealth" often is employed interchangeably with the term "state;" and the exchange is valid, but only within a general context. With reference to the Commonwealth of Puerto Rico, as well as to the former Commonwealth of the Philippines, the terms are far from synonymous.

Use of the English word "commonwealth" first occurred, apparently, in the sixteenth century, "when men of learning in England first began to write in the vernacular of the realm as well as in the scholastic Latin. It was the accepted translation of the classical expression, res publica [the state; republic]. Thus Sir Thomas More in his famous Utopia, written in 1516, regularly used the word, commonwealth, wherever he would have written res publica, had he employed the language of the Schoolmen The literal rendering of the Latin res publica eventually came to be employed for describing not a kind of state, but a kind of government, particularly the kind which the Roman Commonwealth possessed at the height of its splendor. . . . Commonwealth,

indeed, was the word generally employed by English lawyers and statesmen in the age of Elizabeth to describe a well-ordered kingdom, such as patriotic Englishmen were bound to believe theirs to be. . . . But at the time of the Civil Wars [in England] the word came to be particularly attached to the Puritan Commonwealth, in which the regicides erected a republican form of government on the ruins of the Stuart monarchy. After the collapse of the Cromwellian Protectorate, the disrepute into which all things connected with the cause of the Puritans promptly fell in England brought the . . . word, commonwealth, into disfavor. In the American colonies its original significance survived, and at the Revolution the three largest States, Massachusetts, Pennsylvania, and Virginia, incorporated it into the fundamental law of the land as the official designation for the body politic." 1/

The 1961 edition of Webster's New International Dictionary of the English Language defines the term commonwealth as ". . . .
2a: a whole body of people united by common consent to form a nation, state, or politically organized community; b: a state esp[ecially] conceived as a body politic founded on law and united by compact or by tacit agreement of the people for the common good; 3a: a state of the U. S. . . . used in the official designations of Kentucky, Massachusetts, Pennsylvania,

1/ Arthur N. Holcombe, The Foundations of the Modern Commonwealth, New York, Harper & Brothers, 1923, pp. 40-42.

and Virginia in preference to the word state; a self-governing autonomous state; [usually] a former colony that is associated by treaty or agreement in a loose political [federation] with a mother country or former colonial power . . . ; c: an association of self-governing autonomous states united by a common allegiance to a mother country and forming by treaty or agreement a loose confederation having a somewhat common political and cultural background [e.g., the British Commonwealth]"

In the United States, four States -- Massachusetts, Pennsylvania, Virginia, and Kentucky -- continue to refer to themselves, officially, as "Commonwealths." In relation to the other 46 States in the Union, however, the term has no significance other than serving as a synonym for "State" and implying devotion of the authorities within a given body politic to the "commonweal" or welfare of all the citizens embraced by that jurisdiction while signifying, concomitantly, a form of government in which the people have a direct voice. The same implication, and significance, of course, can be applied to all the other States.

The term was adopted by Massachusetts and the other three States before and shortly after the American Revolution (Kentucky entered the Union in 1792) to add dignity to their identities and to grace their seals and other official insignia. But all four remain precisely like the other 46 States in every respect of legal and constitutional status; none of the 50 States is superior or inferior to any other State with reference to individual autonomy within the overriding Federal complex.

The Commonwealth of Puerto Rico, on the other hand, is not a State. Proclaimed a commonwealth on July 25, 1952, Puerto Rico is still an unincorporated territory belonging to, but not an integral part of, the United States and is, consequently, inferior in terms of constitutional status to any of the 50 States. Unlike the Commonwealth of Pennsylvania, for example, the Commonwealth of Puerto Rico has no voting representation in the Congress of the United States, and its citizens, when resident in Puerto Rico, cannot vote in Presidential elections. Another difference, incidentally, is that Puerto Ricans, in Puerto Rico, pay no Federal income taxes.

When applied to Puerto Rico, "Commonwealth" serves as the English term denoting an area that is autonomous locally but lacking Federal representation (save for the non-voting presence of a Resident Commissioner in the U. S. House of Representatives) while tied politically to the Federal structure.

Inasmuch as the Spanish language has no exact equivalent to the English word "commonwealth," the Puerto Ricans adopted, in 1952, the most nearly appropriate term -- "estado libre asociado." They themselves admit, however, that these words should not be translated into English as "associated free state" (even though the literal translation is precisely that) since the word "State" is a misnomer when comparing Puerto Rico to any State in the Union. The result is that English-speaking Americans refer to Puerto Rico as the "Commonwealth of Puerto Rico" while Spanish-speaking Americans call their island "El Estado Libre Asociado de Puerto Rico."^{2/}

The commonwealth status of Puerto Rico is not entirely unprecedented in American territorial affairs: the Philippine Islands constituted an American "Commonwealth" from 1935 to their attainment of independence in 1946. Like the current Commonwealth of Puerto Rico, the Commonwealth of the Philippines was an unincorporated territory of the United States; but the degree of self-government it enjoyed was severely limited in comparison with the virtual

^{2/}Resolution 22, approved by the Constitutional Convention of Puerto Rico in the plenary session held February 4, 1952, in Documents on the Constitutional History of Puerto Rico, edited by the Office of the Commonwealth of Puerto Rico in Washington, D.C., 2d edition, June 1964, Washington, D. C., pp. 164-165.

ND | autonomy now obtaining in Puerto Rico, even though it was anticipated that the Philippines would shortly receive total independence. The Filipinos were citizens only of the Philippines; the Puerto Ricans are citizens of Puerto Rico and of the United States. The Filipinos could change their constitution only with the consent of the President of the United States; the Puerto Ricans can change theirs at will. The President was represented in the Philippines by a High Commissioner; there is no comparable officer in Puerto Rico. All acts passed by the Philippine legislature had to be reported to Congress, with some subject to the absolute veto of the President of the United States; and the President, in certain circumstances, could invalidate any Philippine law, contract, or executive order. In Puerto Rico there is neither Presidential nor Congressional review of the acts of the Puerto Rican legislature; the only restraint is that no law shall be enacted violating the Federal Constitution.

The precise legal status of the Commonwealth of Puerto Rico, however, is yet to be definitively defined. Considerable confusion still exists as to what the term "commonwealth" encompasses. Under Public Law 600 of the 81st Congress (1950), the Organic Act of 1917 for Puerto Rico was repealed, except for a number of provisions which remain in force as the "Puerto Rican Federal Relations Act" and which establish the basis for the continuing relationship

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between Puerto Rico and the United States. But elements in the Congress of the United States have insisted all along that neither Public Law 600 nor the Puerto Rican constitution has altered either the status of Puerto Rico or its relationship with the United States. In Senate Report No. 1779 of the 81st Congress, for example, it was asserted that "the measure [S. 3336, which became Public Law 600] would not change Puerto Rico's fundamental political, social, and economic relationship to the United States." It seems evident from this and other Congressional pronouncements that Congress did not intend in 1950 to settle permanently the status of the island. Indeed, Congressional leaders, as well as a succession of Presidents, have asserted that Puerto Rico can become fully independent if it so desires, or can apply for statehood if it becomes disenchanted with its commonwealth status. On July 23, 1967 the people of Puerto Rico gave at least a tentative answer: in a special plebiscite, 60.4 percent of those who voted sanctioned a continuation of the present form of government.

The majority, evidently, were satisfied with a system that affords them both local autonomy and American citizenship. All officials and officers under the Commonwealth are locally elected; none is appointed by the President. The Interior Department, moreover, no longer has supervision over the island, although it does serve

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as a sort of liaison agent between Puerto Rico and the Federal Government in those instances wherein the latter has interests. Matters of defense and relations with foreign nations are still reserved, of course, for Washington's consideration; and Federal agencies continue to provide services as they do on the mainland.

Nonetheless, an advocate of statehood -- Luis A. Ferré -- was elected Governor in 1968, and sentiment among the Puerto Rican people quite possibly could swing to statehood in the near future.

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