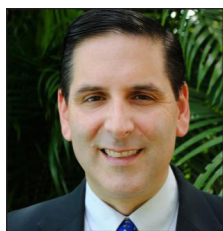


# The 50th Anniversary of the District of Puerto Rico Article III Court

by Hon. Gustavo A. Gelpí



*Hon. Gustavo Gelpí is a U.S. district court judge in Puerto Rico and a past president of the Federal Bar Association. He teaches a course on constitutional development and history of the overseas territories.*

Sept. 12 of this year marks a half century since President Lyndon B. Johnson signed Public Law 89-571, 80 Stat. 764, which transformed the then-federal territorial court in Puerto Rico into an Article III court. From that moment on, federal judges in the District of Puerto Rico would enjoy life tenure and have the same constitutional duties as their brethren across the United States.

This significant change, embodied within Puerto Rico's unique constitutional relationship with the United States, came as a result of repeated recommendations before Congress by the Judicial Conference of the United States in 1961, 1963, and finally, 1965. In addition, the U.S. Departments of Justice and the Interior endorsed the measure.

In the enabling legislation, both the Senate and House recognized that the constitutional change was imperative, given that following the approval of Puerto Rico's constitution and its achieving commonwealth status in 1952, it became a "free state associated with and subject to the Constitution and laws of the United States, but not a state of the union. It has virtual complete local autonomy." Senate Report 1504 of Aug. 26, 1966, as well as House Report 3999 of March 15, 1966, contain identical findings and language to said effect, therefore recognizing the change in Puerto Rico's status 14 years earlier. Both legislative bodies also recognized the change from a mere territorial status to that of a "state," in contrast to the then U.S. territories (e.g., Virgin Islands, Guam, and Panama Canal Zone) that were governed by organic acts of Congress, rather than by local constitutions. In those territories, federal judges were appointed pursuant to the U.S. Constitution's territorial clause to eight-year terms, as was the case in Puerto Rico prior to 1966. Also, the Senate and House further recognized in their respective reports that when the territories of Alaska and Hawaii were admitted to the union as states in



1959, both of their enabling acts created an Article III court therein. Hence, it was necessary to treat Puerto Rico in a similar manner by establishing an Article III court in Puerto Rico.

Congress further emphasized in both Senate and House reports that, given the local autonomy achieved by Puerto Rico, it was proper to "accord it the same treatment as a state by conferring upon the federal district court there the same dignity and authority enjoyed by the other federal district courts." This would thus, "aid the district judges to perform their functions impartially, particularly in those cases involving the federal government on one side and the commonwealth government on the other if they have full independence inherent in a life tenure appointment."

In *Examining Board of Engineers, Architects and Surveyors v. Flores de Otero*, 426 U.S. 572, 595 n. 26 (1976), the Supreme court acknowledged the District of Puerto Rico's Article III court, noting that it "is in its jurisdiction, powers, and responsibilities the same as the U.S. district courts in the states."

The first Article III judge in the District of Puerto Rico was Hiram Cancio. At the time of his appointment he had been serving for one year as a federal

*continued on page 33*



territorial judge, so he had to be nominated again, the second occasion for the life-tenured position. Including Judge Cancio, there have been 19 Article III judges appointed to serve in the District of Puerto Rico: Hiram Cancio (1966), Juan B. Fernández-Badillo (1967), José V. Toledo (1970), Hernán Pesquera (1972), Juan R. Torruella (1974), Juan M. Pérez-Giménez (1979), Gilberto Gierbolini (1980), Carmen Cerezo (1980), Jaime Pieras Jr. (1982), Raymond L. Acosta (1982), Héctor M. Laffitte (1983), José A. Fusté (1985), Salvador E. Casellas (1994), Daniel R. Domínguez (1994), Jay A. García-Gregory (2000), Aida M. Delgado-Colón (2006), Gustavo A. Gelpí (2006), Francisco

A. Besosa (2006), and Pedro A. Delgado-Hernández (2014).

Since the enactment of Public Law 95-486, 92 Stat. 1629, in 1978, the number of authorized Article III judgeships in the District of Puerto Rico has been set as seven. With the exception of Massachusetts, this number is twice that of the other districts within the First Circuit, to wit, Rhode Island, New Hampshire, and Maine. Throughout the years, most of the district judges in Puerto Rico have additionally performed important work at the circuit and national level, sitting by designation in the sister district courts of the First Circuit, as well as in the Court of Appeals itself, as authorized by 28 U.S.C. §§ 292(a) and (b), and by serving as members of the First Circuit Judicial Council, the Judicial Conference of the United States and its several committees. These judges—all fully bilingual Spanish and English speakers—have always also volunteered to promote the rule of law abroad by participating in educational programs for judges from South and Central America, the Caribbean, Europe, and Africa.

At present, the Commonwealth of Puerto Rico is indistinguishable from the U.S. states inasmuch as its federal judiciary. Throughout its 50-year history, Puerto Rico's Article III district court has faithfully carried out its constitutional role and mission, meting justice in an impartial and expeditious manner to all those who appear before it, including the Puerto Rico and United States governments. This would not have been possible but for the vision of the Judicial Conference and Congress to provide for equal justice under the law. ☉



# Did you know?

*The Federal Bar Association has law student associate members in nearly 74 percent of all law schools in the U.S.!*

The Law Student Division is an integral part of the national Federal Bar Association, as it represents the future of the association—law students. Nationally, the Division functions as one of the Association's valued divisions. Locally, law students may organize a FBA Law Student Division at their own law school.

**Encourage law students to take advantage of the many national member benefits and join the FBA as a law student associate today!**

**Visit [www.fedbar.org/join](http://www.fedbar.org/join) for more information.**

