

Life Story: Miriam Naveira Merly (1934-2018)

The Puerto Rican attorney who became the first woman to serve as Solicitor General of Puerto Rico, Associate Justice and Chief Justice of the Puerto Rican Supreme Court, and the first woman of Puerto Rican descent to argue before the Supreme Court of the United States.

Background and Family Life

Miriam Naveira Merly was born in San Juan, Puerto Rico on July 28, 1934. She was the only daughter born to Maria “Matilde” Merly and Arturo Naveira Ramos. They also had two sons, Arturo “Turi” and William “Billy.” Even though Arturo did not have an advanced education, he believed education was the key to success for his family and worked hard to pay for his sisters and later his children to attend college. Arturo built a successful jewelry business, Naveira Jewelry, despite only achieving an eighth grade education. Matilde obtained a secretarial degree, helped Arturo build his business, and took care of their family. The family lived in a two bedroom apartment with their maternal and paternal grandfathers and the balcony served as the first office for the Naveira Jewelry.

As a child, she was a fast learner. Miriam started talking at only nine months old. The main language spoken at home was Spanish. Though a few years younger than her brother, Turi, she pestered him by calling him names using the big words she learned, like *zanahoria* (carrot). Miriam passionately loved words, reading, and puzzles throughout her life.

After Puerto Rico became an American territory in 1898, English became the language of education. The year Miriam was born, Spanish was reinstituted as the language of instruction in elementary school. Knowing the importance of mastering English for success in this new American-Puerto Rican society, Arturo made the required sacrifices to send his children to an English-speaking private school, St. John’s School. Even for a quick language learner like Miriam, this full **immersion** did not come easy. When she started first grade, she had a hard time reading in English. She read words backwards: for example, name as “eman.” Her teachers and parents concluded it was the result of adjusting to the new schooling and language. Most likely, Miriam had **dyslexia** and there was no support for that learning difficulty at the time. Miriam taught herself strategies to improve her reading.

By the time Miriam started high school, her father had built a successful business and could afford to send her to the United States for an “American education.” Miriam attended Mount St. Vincent School in New York, a catholic boarding school. After graduating, Miriam stayed at Mount Saint Vincent for college and earned a bachelor’s degree in Chemistry and French. Her father then requested Miriam return to Puerto Rico even though she was accepted into **Wharton School of Business** at the University of Pennsylvania. Unsure of what to pursue next, she spent a year at the University of Puerto Rico and studied philosophy, history, and Spanish. Her philosophy professor, impressed with her deductive reasoning and rationale, encouraged her to pursue a law degree. Based on that support, Miriam enrolled in law school in 1957.

At the time Miriam entered law school, the legal field was mostly composed of men. Women did not hold high positions in the judicial system. That did not stop Miriam from pursuing a career in

law and justice. After graduating from law school, she studied and passed the bar. Her exceptional performance on the bar exam earned Miriam an invitation to become a Law Clerk for the Supreme Court of Puerto Rico. She clerked for Associate Justice Lino Saldaña and then Chief Justice Luis Negrón Fernández.

On December 22, 1961, she married fellow attorney Victor Rodon Elizalde, who she met during law school. Miriam and Victor had two children together, Miriam Rodón Naveira and Victor Arturo Naveira, and three grandchildren, Veronica del Mar, Sarah Matilde, and Thomas Arturo.

Early Career

While completing her clerkships with the Puerto Rican Supreme Court, Miriam started a family with Victor. In 1966, she became the first woman to hold the position of Assistant Secretary of Justice in charge of Antitrust Affairs. While serving in the Justice Department she decided to expand her education and earn a Master of Laws. In 1968, Miriam returned to New York with the support of her husband and parents, to obtain the degree from Columbia University. She balanced law school classes with caring for her children, who were 4 and 5, while Victor traveled back and forth to provide for their family. Miriam graduated a year later and returned to the Justice Department in Puerto Rico. Two years later, she left once again to pursue postgraduate studies at Leiden University in the Netherlands where she earned her doctorate in Antitrust Law in 1972. She returned to Puerto Rico and taught Law at the University of Puerto Rico and the Interamerican University while working in private practice with her husband.

The following year, Governor Rafael Hernández Colón, a former law school classmate, appointed Miriam to be the first female Solicitor General (SG) of Puerto Rico. As the SG, she was responsible for supervising and conducting government litigation on behalf of Puerto Rico. On December 8, 1975, while serving as SG, Miriam Naveira Merly became the first Puerto Rican woman to argue before the Supreme Court of the United States. She argued on behalf of a government agency in *Examining Board of Engineers, Architects and Surveyors v. Flores de Otero* (1976). The case was brought by two legal residents of Puerto Rico, who were not U.S. citizens, and wanted the right to obtain civil engineering licenses in Puerto Rico. Solicitor General Naveira's arguments called into question what civil rights citizens and non-citizens had within the United States and the Commonwealth of Puerto Rico. She argued that the Puerto Rican courts should have **original jurisdiction** to resolve the dispute in their local courts. Her argument detailed the issues these cases were causing for Puerto Rico, including juries awarding significant financial compensation to plaintiffs. Additionally, she gave several compelling reasons to require civil engineering applicants to be United States citizens. Though she lost her case, she opened a door which many other women walked through. In 2009, Sonia Sotomayor became the first female Supreme Court Justice of the United States of Puerto Rican descent.

After she completed her service as Solicitor General, Miriam resumed teaching law at the Inter-American University of Puerto Rico. Passionate about antitrust law, she taught a class for over 20 years. Miriam also resumed working with her husband. She and Victor were responsible for bringing the Japanese car company, Isuzu, to Puerto Rico.

Puerto Rican Supreme Court Justice (1985-2003)

In 1985, Governor Hernández Colón appointed Miriam to serve as the first female Associate Justice of the Supreme Court of the Commonwealth of Puerto Rico. Though she was a relatively unknown candidate, her nomination received overwhelming support from the community. The Senate of Puerto Rico confirmed Miriam Naveira Merly as Associate Justice on June 11.

As a justice, she was intelligent, **pragmatic**, and objective. She had a sharp sense of humor and communicated effectively with her colleagues, which helped her through challenging times. Justice Naveira believed the judicial system upheld the tenants of justice—those inalienable rights of the individual's while maintaining those of society. Her style of leadership was elegant, yet assertive. She made herself heard without ever raising her voice. Knowing the power of collaboration and compromise, and understanding that it was often difficult to attain, Justice Naveira kept a jar of Hershey's chocolate kisses on her desk. As her fellow justices wandered into her office for chocolate, she informally established a dialogue and discussed cases with her colleagues. This eased the tension that often existed during more formal meetings and established trust and camaraderie.

Justice Naveira **ardently** defended the right to privacy. *"The defense of the right to privacy is one of the most important things for a human being because it defends the right for a person to be who they want. And this must especially be protected in areas, such as work. Work is essential for living adequately, and having to give up your right to privacy at work in exchange for earning a living to survive—that cannot be."* Justice Naveira wrote the Court's opinion in *Daniel Arroyo v. Rattan Specialties* (1986), which dealt with polygraphs, recognized the right to privacy in the workplace for the first time. In 2002, Justice Naveira affirmed her commitment to workers' privacy through her opinion in *Vega v. Telefónica de Puerto Rico* which called into question the potential worker's privacy concerns after the company's installed video surveillance throughout its offices to monitor employees without their consent.

Miriam refused to allow her gender to negatively impact her professional life. She embraced her femininity as an asset rather than a liability. She felt that each individual brought their personal expertise and experiences to their field putting a distinctive, personal touch on their contributions. During the Court's weekly case review, Miriam never raised her voice or used foul language and expected the same of her male colleagues. One of her fellow justices, the Honorable Federico Herenandez Denton, felt her greatest contribution to the Court was shifting its perspective on gender, *"She has made us very aware, and I believe she has contributed greatly to the development of Puerto Rican law, especially in that area and dimension."*

Justice Naveira believed that considering the cumulative knowledge of others, whether it be people of different genders, races, or cultures, allowed people and institutions to reevaluate their perspective. For example, Miriam argued that women's rights and contributions needed to be continuously evaluated and reaffirmed. She did this through her opinions in a series of cases including *Cosme v. Marchant* (1988), *Franceschini v. Ujaque Ortiz* (1990), and *Dominguez v.*

ELA (1995). One colleague, the Honorable Carmen Hilda Carlos, summarized her impact perfectly:

“She opened the door for systemic transformation and, in my opinion, most importantly, marked the starting point of all the efforts of a movement aimed at changing the relationship between men and women in society.”

In the legal profession, while there had been some progress since Miriam attended law school and passed the bar, she argued that women still didn't have equality. *“As you move up the ranks of importance in positions, the number of women holding those roles decreases. And it's not because we aren't graduating competent female professionals. We need to continue working until the scales are balanced. We must have equal opportunities.”* As a Justice, Miriam helped to conduct a comprehensive study of gender discrimination and helped to implement a series of rules to correct the problem. The study's methodology was used by several Latin American countries and the United States due to its efficacy.

Chief Justice (2003-2004)

In 1998, Justice Naveira swore in the first female Secretary of State of Puerto Rico, Sila Maria Calderon, who later became the first female governor of in 2001. Two years later, Governor Calderon nominated Justice Miriam Naveira Merly to be the first female Chief Justice. Miriam took her oath on December 30, 2003. She held this position until her required retirement in July of 2004. During those seven months, Chief Justice Naveira implemented significant reforms outlined in the Judiciary Act of August 22, 2003 that provided greater transparency and access to the courts for citizens of Puerto Rico. The complex act had to be enacted in a specific way with strict deadlines. She understood the importance of the legislation and successfully enforced its most significant provisions. Her actions laid a solid foundation for the next Chief Justice to continue implementing the Judiciary Act. Chief Justice Naveira also oversaw the Supreme Court's inaugurations of the Río Grande Judicial Center, the Puerto Rican Judicial Academy, and the Jury Services Office. In addition, the Court approved a Regulation for the Jury Service Office and a Regulation for the Court of Appeals. Finally, she promoted the creation of the Special Commission for the Study and Evaluation of the Notarial Foundation.

Retirement and Legacy

Puerto Rican statute required Chief Justice Naveira to retire in July 2004, when she turned 70. After her retirement, Lic (*Licenciada*) Miriam Naveira felt that she still had a lot to contribute to her profession. She continued to take cases and consulted for Inter-American University. She also began writing an autobiography, which sadly, she never completed. In 2014, she moved to California to live with her daughter, Dr. Miriam Rodon Naveira. She continued to read books, including one of her favorites, William Shakespears's *Merchant of Venice*, and solve puzzles.

The Honorable Miriam Naveria Merly died on April 13, 2018. She is remembered as a woman of firm principles, independent thought, and strong values. Throughout her life, Justice Miriam Naveira Merly embodied the advice she gave to others. Instead of just talking to people, she heard them. Rather than just merely looking at people, she saw them and valued their unique

contributions and perspectives. During her services, Justice Naveira's daughter, read a poem written in collaboration with her father:

*Mi madre era una mujer, con voz suave
pero certera, y como los filósofos griegos
busco educar sobre lo desconocido y
enigmático sobre la verdad de la justicia
humana. Su camino profesional fue siempre
uno de hacer justicia y rectificar las
desviadas decisiones e indulgencias del
uso apresador de las reglas y normas
sociales de conducta y esquemas legales
presentes; trazando nuevos legados
orgánicos y vivientes que continúan
nutriendo el derecho humano y nuestra
sociedad democrática.
Ella brindo voz a los silenciados y
esperanza de cambio a nuestro pueblo para
una mejor civilización. Toda Honorable.
Toda una Dama. ¡Toda Mujer!*

*My mother was a woman, with a soft but
assertive voice, and like the Greek
philosophers, she sought to educate about
the unknown and enigmatic, about the truth
of human justice. Her professional path was
always one of doing justice and rectifying
the misguided decisions and indulgences of
the oppressive use of current rules and
social norms of conduct and legal
frameworks; forging new, organic, living
legacies that would continue to nourish
human rights and our democratic society.
She gave a voice to the silenced and hope
for change to our people for a better
civilization. A true honorable woman. A true
lady. All woman!*

A friend and colleague Dr. Eneid Routte remembered, “[Miriam’s] life has been and is a masterful lesson of a beautiful and formidable convergence of soul, heart, and mind in the service of her people.”

Vocabulary

- **Immersion:** a method of teaching a foreign language by the exclusive use of that language, usually at a special school.
- **Dyslexia:** a learning disability characterized by difficulties with word recognition, and poor spelling and decoding abilities.
- **Wharton School of Business:** one of the oldest collegiate business schools, founded in 1881. It's known for its undergraduate and graduate business programs as well as executive education.
- **Original Jurisdiction:** the power of a Court to hear a case for the first time and make a ruling.
- **Pragmatic:** dealing with things sensibly and realistically in a way that is based on practical rather than theoretical considerations.
- **Ardently:** enthusiastically or passionately.

Discussion Questions

1. How did Miriam's upbringing and early life impact her career?
2. How Justice Naveira's gender impact her life and career?
3. Many of Miriam's accomplishments marked the first time a woman had reached that position. Which of Miriam's "firsts" do you think was the most important? Explain.

4. How does the poem read at her funeral service illustrate Justice Naveira's judicial ideology?
5. What can be learned from Justice Naveira's accomplishments during her brief time as Chief Justice of Puerto Rico?
6. How did Miriam's personal beliefs affect her professional life?
7. What life lessons can be learned from Justice Naveira?

Extension Activity

Justice Naveira never got the opportunity to finish her autobiography. Imagine you are writing her biography, what would you title the book? Write the synopsis (summary of the book) that would appear on the back (or inside cover) of the book.

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Sources

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- Various Speeches by Justice Miriam Naveira Merly