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ABSTRACT

“The Peculiar Status of Puerto Rico: Neither a State, nor an Independent Nation” is a study of the creation of the peculiar status of Puerto Rico. The research traces the steps from the American acquisition of Puerto Rico from Spain in 1898 to the granting of US citizenship to Puerto Ricans in 1917, cementing the ambiguous status of the island.

The burgeoning industrial and agrarian economy of the late-nineteenth century United States generated an overproduction of goods without sufficient domestic and foreign markets. At the same time the closing of the frontier halted continental expansion, thus limiting the available free soil sought by the new waves of immigrants and their pressure pushing native populations westward. The combined economic forces of overproduction and the closing of the frontier led to social problems like unemployment and labor unrest, which consequently led to political problems subsequent administrations attempted to tackle. In search of new markets, the United States sought expansion into Central and South America bringing the US in conflict with Spain, still holding Cuba and Puerto Rico in the Caribbean.

Spain’s prolonged struggle to suppress the revolt in Cuba threatened American investments while Puerto Rico was singled out as the strategic gateway to Central and South America and the isthmian canal then under construction. The explosion of the *U.S.S. Maine* in Havana Harbor provided the *casus belli* for the war with Spain which resulted in transferring the Spanish colonies of Guam, the Philippines and Puerto Rico to the victorious United States.

The outcome of the Spanish-American War of 1898 was sanctioned at the Treaty of Paris of the same year which stipulated that the future status of Puerto Rico and its people would be determined by the Congress of the United States. The first attempt to rectify the political status

of the island came from Senator Foraker in 1900. The bill passed in a truncated version and left Puerto Rico in the ambivalent status as an unincorporated territory of the United States. The Supreme Court decision in *Downes v. Bidwell* in 1901 further confirmed the ambiguous political status asserting that Puerto Rico belonged to, but was not part of the United States.

The half measures of the Foraker Act and the Supreme Court decision created disagreement within Congress between the imperialists and anti-imperialists while they led to a division within the political leadership of Puerto Rico between those seeking statehood in the US and those seeking independence for the island, and also between the United States and Puerto Rico. Foraker made subsequent attempts to correct the peculiar status of the island and its people, but repeatedly fell short.

Political realignment in Puerto Rico turned in favor of the independence movement and in 1909 attempted to force the US to grant more autonomy to the island. The United States responded with the oppressive measures of the Olmsted Amendment (1909) and Olmsted Bill (1910) reasserting that the US rather than the people of the island, determined the political fate of Puerto Rico. Representative Jones and Senator Shafroth took up the cause, but their subsequent bills were delayed until First World War events forced President Wilson and Congress to act.

Germany sought coaling stations in the Caribbean, and the possibility of German acquisition of the Danish West Indies seriously threatened American strategic interests. In order to stifle the independence movement and permanently secure the loyalties of the Puerto Ricans, Congress hurriedly passed the Jones-Shafroth Bill granting US citizenship to the entire population, and President Wilson signed it into law. However, the granting of citizenship without a path toward statehood permanently cemented the peculiar status of Puerto Rico: neither a state, nor an independent nation.

THE PECULIAR STATUS OF PUERTO RICO:
NEITHER A STATE, NOR AN INDEPENDENT NATION

By

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B.A., Syracuse University, 2002
M.A., Syracuse University, 2015

Master's Thesis
Submitted in partial fulfillment of the requirements for the degree of
Master of Arts in History

Syracuse University
May 2015

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ACKNOWLEDGMENTS

The work I present here comes at a mature age and consequently it is the product of life-long learning from my parents and friends in the country of my origin, Hungary; from friends and professors in the United States; and from my newfound friendships in Puerto Rico. Therefore, to mention the names of all influential people of my life would be too many. My apologies to all of those whose names could not be printed here for the sake of brevity. The following short list cannot do justice to all who gave their most sincere friendship and guidance over the many years.

The people I must acknowledge by name: Professor of History Susan Branson for supporting the completion of my degree; Professor of History Gladys McCormick for taking on an extra task in the middle of the project and guiding me through to its completion with her positive encouragement; Professor of History David H. Bennett for graciously accommodating my fulltime work schedule and suggesting the path toward graduate studies and advising me throughout many difficult years of my life; Professors of History Norman Kutcher and Stephen Saunders Webb for paving the way toward graduate school; Professor of History Walter Ullmann for guiding me toward an ever humble approach to research; and Professor of Philosophy David Muir and Professor of History Hiram Smith for their heartfelt professional and personal support over many years.

I also wish to acknowledge my parents' intellectual curiosity and heavy wager on formal and informal education toward seeking knowledge and an impartial view of all sentient beings, and my wife, Carolina Kim Tihanyi, for providing inexhaustible support over the years.

Finally, I wish to acknowledge the many *puertorriqueños*: *independentistas*, *estadistas*, and supporters of the status quo, whose perspectives enlightened and enriched my understanding of the varying sentiments of the people of Puerto Rico. I am deeply indebted to Chief Warrant Officer José Ángel Colón Búrgos of Coamo, Puerto Rico, an unconditional friend to this *húngaro* from the start, an attack helicopter pilot in Vietnam and police helicopter pilot for fourteen years, for sharing his personal and professional views about US-Puerto Rican relations and his unwavering sentiment of supporting and defending the United States as his homeland and hoping for statehood for Puerto Rico in that Union.

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Introduction

The granting of United States citizenship to the Puerto Ricans in 1917 sanctioned a peculiar political status for the people of Puerto Rico. To this day Puerto Rico is neither a state nor is it an independent nation; rather, it is often referred to as a possession, a territory, or a colony. However, US acquisition of the island in 1898 did not seal the fate of Puerto Rico until on March 2, 1917 the passing of the Jones Act arbitrarily granted US citizenship to the entire population.¹

The granting of US citizenship to an ethnically, linguistically, and culturally different population without a path toward statehood created a peculiar political status for Puerto Rico. This was in direct contrast to the *ex proprio vigore*, a phrase expressing the concept of the Constitution following the flag. With the exception of California, newly acquired lands were turned into organized territories and ultimately incorporated as states of the Union while the people already inhabiting those lands were largely discounted.² The granting of US citizenship to Puerto Ricans set a new uncharted precedence because in this case the Constitution did not follow the flag. Thus, a twofold question emerges for a historian: Why did the United States acquire Puerto Rico? ó and a consequential question: Why did the United States grant citizenship to Puerto Ricans if it did not intend to incorporate the island into the Union? This thesis answers both questions.

In the late twentieth and early twenty-first century world, a Caribbean island like Puerto Rico would be coveted as a place for off-shore investment or as a tropical vacation spot; but in

¹ Thomas G. Paterson et al., *American Foreign Relations (Volume 2): A History - Since 1895* (Boston: Houghton Mifflin Company, 2005), 162.

² Lester D. Langley, *The Banana Wars: United States Interventions in the Caribbean, 1898-1934*. (Wilmington: Scholarly Resources Inc., 2002), xv.

1898 the actors shaping US policy had other concerns on their minds, namely the guarding of American interests in the Western Hemisphere. The Monroe Doctrine (1823) alone could not prevent a European power from entering the Caribbean and reaching Central and South America. In fact, according to Stephen J. Randall and Graeme S. Mount, what made the Monroe Doctrine work in favor of the United States was that President James Monroe's policy objectives happened to coincide with those of Great Britain, which had the naval presence and diplomatic power to discourage any effort to recolonize the recently independent nations in the western hemisphere.³ The US needed a powerful navy and a strategic location to defend American hegemony in the Western Hemisphere. Naval captain and strategist, Alfred Thayer Mahan, pushed for the strengthening of the navy and provided the script for such a defense. Lying in the path of naval traffic from Europe toward the approaches of Central and South America, Mahan singled out Puerto Rico as the prime strategic and defensible island.

Another factor, the isthmian canal under construction, a long sought shorter route between the Atlantic and Pacific Oceans, heightened American concerns about the protection of the geopolitically and economically important passage. Thus, the acquisition of Puerto Rico from Spain, contrary to the stated rationale of indemnity for the loss of American life and property in the Spanish-American War, takes place in the context of continued American expansion into the global sphere in general and the assertion of strategic and geopolitical power in the Western Hemisphere in particular. The United States acquired Puerto Rico for strategic reasons, but the infant empire did not know what to do with the people of the island.

Puerto Rico was under military rule until 1900 when the half measure of the Foraker Act granted a civilian government to Puerto Rico. However, the Act treated the island as an

³ Stephen J. Randall and Graeme S. Mount, *The Caribbean Basin: An International History*. (London: Routledge, 1998), 25.

extraterritorial entity for the purposes of commerce and did not resolve the political status of Puerto Rico or the Puerto Rican people. In 1901, the Supreme Court of the United States also came up with a half measure in *Downes v. Bidwell*, treating Puerto Rico as a foreign country. The Court confirmed that Puerto Rico belonged to the United States, but was to be treated as an extraterritorial entity for the purposes of commerce. In essence, the United States created a colonial status for Puerto Rico: neither a state of the Union, nor an independent nation.

Puerto Ricans and a few Americans fought to rectify the status of Puerto Rico and its people. In light of the choices before them, the Puerto Ricans were fighting for a more dignified autonomous status, however, their pleas amounted to nothing while the Americans could only muster a change in status for the people, but not for the island. The majority in Congress, while prolonging the process until events in the First World War forced their hands, clearly asserted that Puerto Rico was permanently attached to the United States, but was not to become a State of the Union. Thus, while the granting of American citizenship to the people of Puerto Rico in 1917 gave some dignity to the people, it left the island in a peculiar colonial state of existence.

Although some improvements have occurred since 1917, the fundamental status of the island remains colonial.⁴ In 1946 Puerto Rico received its first appointed Puerto Rican governor (Jesús T. Piñero), in 1949 Puerto Ricans were allowed to elect their first governor (Luis Muñoz Marín), and in 1950 Puerto Rico was permitted to draft its own Constitution (Public Law 600). Public Law 600 was supposed to establish a new relationship between the United States and Puerto Rico in the nature of a compact, Puerto Rico entering the relationship voluntarily, however, plenary power resting with Congress.⁵ Hence, Puerto Rico acquired multiple

⁴ Ángel Collado-Schwartz, *Decolonization Models for America's Last Colony: Puerto Rico*. (Syracuse: Syracuse University Press, 2012).

⁵ José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World*. (New Haven: Yale University Press, 1997), 111, 113.

interpretations of its political status. Government documents in Puerto Rico refer to the island as *Estado Libre Asociado de Puerto Rico* (Free Associated State of Puerto Rico), in the United States it is referred to as the Commonwealth of Puerto Rico, in the media it is often mentioned as a territory or possession, whereas several historians assert that it is a colony. Whatever the political designation may be, the United States determines Puerto Rico's political status. Since Puerto Ricans living on the island cannot vote in Presidential elections and Puerto Rico has only one non-voting member in Congress, their ultimate fate is determined without the consent of the governed.

This thesis argues that the granting of US citizenship to the Puerto Ricans without a path toward statehood created the ambiguous political status of Puerto Rico. The analysis establishes that the United States acquired Puerto Rico for strategic reasons and granted citizenship to the Puerto Ricans in 1917 to stifle any thought of independence and to secure their allegiance to the US because World War One events heightened the strategic importance of the island and German encroachment in the Caribbean threatened the frail relationship between the United States and Puerto Rico.⁶ Chapter One explores how the domestic forces within the United States coupled with the strategic plan in place to accomplish global expansion thrust the US into the global sphere. Chapter Two demonstrates how the Foraker Act in 1900 and the Supreme Court decision in 1901 created the peculiar status of neither state, nor independent nation for Puerto Rico, and Chapter Three presents the evidence behind the rationale of granting citizenship to the Puerto Ricans. The findings of this research demonstrate that the US acquired Puerto Rico for strategic reasons and granted citizenship to the Puerto Ricans in order to stifle the possibility of independence and to secure their allegiance, thus cementing the peculiar status of Puerto Rico.

⁶ Langley, 14-15.

Chapter One

American Expansion and the Annexation of Puerto Rico

American Expansion into the Global Sphere

As a result of the Spanish-American War of 1898, the United States of America acquired the island territories of Guam, the Philippines and Puerto Rico, took control of Cuba, and with the signing of the Treaty of Paris on December 10, 1898 the US was transformed from a continental to a global power. The acquisition of these former colonies of Spain also marks the beginning of formal American imperialism. This expansion into the global sphere did not happen in a historical vacuum, nor was it incidental; rather, US expansion into the global sphere was the continuation of continental expansion and collateral subjugation of "uncivilized"⁷ native populations in order to meet the demands of the growing capitalist economy seeking more resources and new markets.⁸ Whereas domestic economic forces and the natural growth of the population, boosted by waves of European immigrants seeking "free soil," were driving continental expansion, domestic economic pressures coupled with aspirations of geopolitical power in order to protect American economic interests fueled the thrusting of the US into the global sphere.⁹

By 1898, the northern and southern borders of the United States were solidly established through treaties with Great Britain and Mexico, respectively, and with the reaching of the

⁷ Abbott Lawrence Lowell, "The Colonial Expansion of the United States," *Atlantic Monthly* (1899): 146, accessed January 18, 2014, <http://64.62.200.70/PERIODICAL/PDF/AtlanticMonthly-1899feb/1-11/>.

⁸ Alfred Thayer Mahan, "The Future in Relation To American Naval Power," *Harper's New Monthly Magazine*, (Oct 1895): 768-69, accessed August 19, 2013, <http://ebooks.library.cornell.edu/cgi/t/text/pageviewer-idx?c=harp&cc=harp&idno=harp0091-5&node=harp0091-5%3A13&view=image&seq=777>.

⁹ Eric Foner, *Free soil, free labor, free men: the ideology of the Republican Party before the Civil War*. (Oxford: Oxford University Press, 1995).

Pacific, continental expansion came to a halt. "Going West" was no longer an option unless the US expanded into the ocean and beyond.¹⁰ That the United States pushed forward into this new territory and aimed at acquiring the islands of Puerto Rico was a two-pronged, though intertwined, process of economic and geopolitical expansion. Industrial and agrarian production exceeded demand in the United States and businesses sought foreign markets. Consequently, the United States had to face off the established European colonizing powers, England and Spain, still influential in the western hemisphere, the rising industrial power of Germany in the Western and Eastern Hemispheres, and the also rising industrial power of Japan in the Pacific. The United States aimed at acquiring and securing footholds leading to growing markets in South America in the Western and to the enormous market of China in the Eastern Hemisphere.

Chapter One demonstrates the domestic economic, social and political forces behind the creation of the American Empire and the rationale behind the acquisition of Puerto Rico in order to secure the gateway to Central and South America and to the geopolitically and economically important isthmian canal under construction.

A contemporary of the unfolding events of late nineteenth century American imperialism, Alfred Thayer Mahan, naval captain and historian, recognized the relationships between economic and naval, and naval and geopolitical forces historians termed,¹¹ "mercantilistic imperialism."¹² An astute student of history and a keen strategist, Mahan published several

¹⁰ Walter LaFeber, *The New Empire: An Interpretation of American Expansion 1860-1898*. (Ithaca: Cornell University Press, 1963), 11, 13.

¹¹ Mahan, *The Influence of Sea Power Upon History: 1660-1783*. (New York: Dover Publication, Inc. 1987), 1. Mahan, "The Future in Relation," 767.

¹² Quoted in LaFeber, *The New Empire*, 85. Livezey, William. *Mahan on Sea Power* (Norman, Okla., 1947), 48-49, 294-295; Harold and Margaret Sprout, *The Rise of American Naval Power, 1776-1918* (Princeton, 1946), 203; Foster Rhea Dulles, *The Imperial Years* (New York, 1956), 42. The following section, which compares the writings of the early mercantilists with Mahan's views appeared in slightly expanded form in the author's "A Note on the 'Mercantilistic Imperialism' of Alfred Thayer Mahan," *Mississippi Valley Historical Review*, XLVIII (March, 1962), 674-685.

works analyzing the importance of naval power throughout history and the lessons specifically relating to American regional (national), hemispheric, and global power. In his works, Mahan epitomized the "manifest destiny" of the United States and provided the strategic planning for protecting its borders, now on two ocean fronts, and laid the path to attaining hemispheric and global dominance. His works influenced many of his contemporaries such as Theodore Roosevelt and Senator Cabot Lodge and other powerful people.¹³

In "The Future in Relation To American Naval Power," Mahan explores American expansion from President Jefferson, who had a "passion for annexation,"¹⁴ thus unscrupulously acquiring Louisiana in 1803, through American assertion by President James Monroe in 1823, to President Grover Cleveland's second presidency (1893-1897) and President William McKinley's intentions (1897-1901),¹⁵ toward the Caribbean and South America, projecting the necessity of controlling the Isthmus of Panama.¹⁶ Mahan states that the Monroe Doctrine "was not an isolated step unrelated to the past, but a development in it," it voiced an enduring principle of necessary self-interest inculminating up to the present in the growth of the United States to be a great Pacific power, and her probable dependence in the near future upon an Isthmian canal for the freest and most copious intercourse between her two ocean seaboard.¹⁷ The idea of a passage across the narrow isthmus, connecting North and South America, to curb the treacherous traverse from the Atlantic to the Pacific Ocean at the tip of South America, as well as the aim to check the approaches of Central and South America by competing powers, goes back centuries before the United States was created out of the British Empire and American interests were ever

¹³ LaFeber, 93-94.

¹⁴ Mahan, "The Future," 768.

¹⁵ Sparrow, 68.

¹⁶ Mahan, "The Future," 768, 770-71.

¹⁷ Mahan, "The Future," 771.

conceived. Seafaring colonizing powers like Great Britain attempted to take Puerto Rico from Spain several times and the Dutch also made an attempt to seize the Guardian of the Caribbean.¹⁸

Addressing such control of the soon to be built canal, Mahan repeatedly called for the strengthening of American naval power to give force to the Monroe Doctrine, thus securing control of the Caribbean and the Isthmus.¹⁹

Mahan traces American expansion from the early beginnings of the United States up to his time, and scathingly criticizes American complacency for relying on outdated modes of defense that could hardly protect the continental US, much less its hemispheric pretensions.²⁰ Mahan states that by the beginning of the nineteenth century, the United States was of equal power to its neighbors on the North American continent.²¹ One might add that as a probable result of Mahan's influential works leading to the strengthening of America's naval power, by 1914 the United States had grown to be equal to the European powers, and as one capable of asserting itself against any European intervention in the Western Hemisphere.²² In relative isolation from the troubles of the European continent the Monroe Doctrine and geographic isolation protected the New World from serious conflagrations. However, when the fledgling country was coming to maturity, despite the isolationist political tendencies, American presidents Harrison, Cleveland, and McKinley, recognized that the United States could not become a major player in world affairs unless they allowed its involvement in them. Again, Mahan speaks to this effect when he asserts that the US could no longer refrain from global involvement if it intended

¹⁸ Trías Monge, British attacks: 1595, 1596 and 1797; Dutch attack: 1625. vii-viii.

¹⁹ Mahan, "The Future," 767. also in: "The Strategic Features of the Gulf of Mexico and the Caribbean Sea," *Harper's New Monthly Magazine*, Jun 1, 1897. (The essay also appears in *The Interest of America in Sea Power: Present and Future*. Little, Brown, and Company: Boston, 1898. titled "Strategic Features of the Caribbean Sea and the Gulf of Mexico," 271.)

²⁰ Mahan, "The United States Looking Outward" *Atlantic Monthly*, December 1890. 13-14. (Mahan's work shows August, 1890) also in: *The Interest of America*, 13-14.

²¹ Mahan, "The Future," 768.

²² LaFeber, 240.

to protect its shores and its trade²³ and projects that with the opening of an isthmian canal this relative isolation would be breached.²⁴

In analyzing the approaches to the Isthmus of Panama or Nicaragua ó both possible candidates for a soon to be built canal at the time ó Mahan points out that the US already had control of the Straits of Florida to the north of Cuba and the Great Britain-controlled Jamaica protected the Windward Passage to the south of that island, and therefore did not need direct control of Cuba. The Anegada Passage, the most utilized by European powers, is between Puerto Rico and St. Thomas, a Danish possession at the time. Mahan evaluated St. Thomas as an indefensibly small island in case of war, thus leaving Puerto Rico, a defensible island with the Mona Passage to its west and the Anegada Passage to its east, as a must have strategic location, the Guardian of the Caribbean and the passage toward the Isthmus, to be controlled.²⁵ (It is interesting to note that Mahan was mainly concerned with European powers and did not view Mexico as a power to be reckoned with.)

Such control was achieved in the wake of the Spanish-American War when Senator Henry Cabot Lodge ñreassured (Theodore) Roosevelt,ñ Mahanñ ñmost prominent disciple,ñ²⁶ that ñPorto Rico is not forgotten and we mean to have it,ñ²⁷ and in turn Roosevelt wrote to Lodge: ñYou must get Manila and Hawaii, you must prevent any talk of peace until we get Porto Rico and the Philippines as well as secure the independence of Cuba.ñ²⁸

²³ Mahan, ñThe Future,ñ 767.

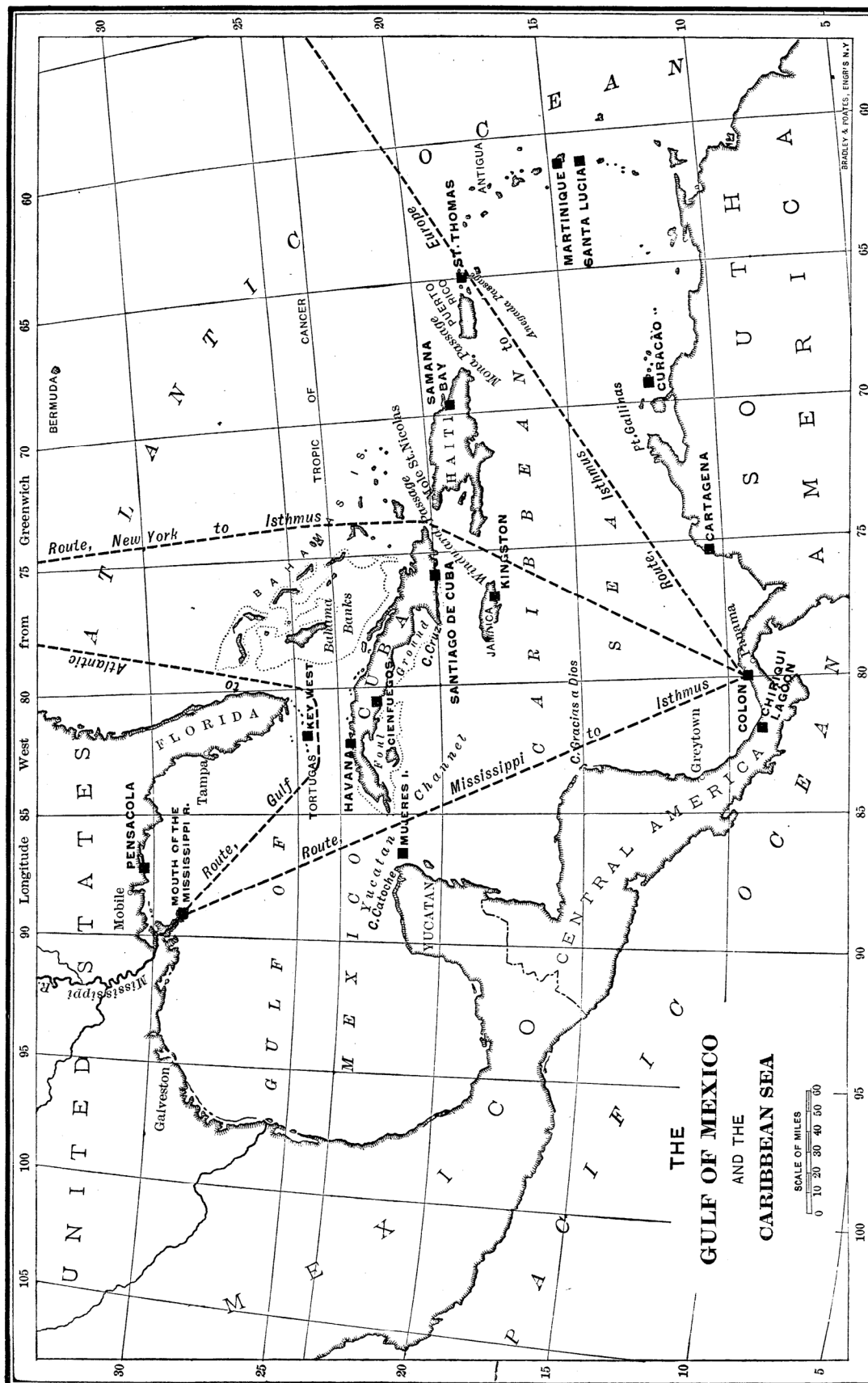
²⁴ Mahan, ñThe United States,ñ in *The Interest of America*, 20.

²⁵ Mahan, ñThe Strategic Features,ñ 687, ñThe Gulf of Mexico and the Caribbean Seañ 681. Map on page 10.

²⁶ Arturo Morales Carrión, *Puerto Rico: A Political and Cultural History*. (New York: W.W. Norton & G., 1983), 134.

²⁷ Quoted in Morales Carrión, 134. (*Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1914* (New York, 1925), 1:299--300.

²⁸ Quoted in Wilfrid Hardy Callcott, *The Caribbean Policy of the United States, 1890-1920*. (New York: Octagon Books: A Division of Farrar, Straus and Giroux, 1977), 103.



Hence, the acquisition and retention of Puerto Rico, contrary to American diplomat and historian George Kennan's often quoted utterance, was not an incidental event in history, a mere "smell of empire."²⁹ Kennan's lecture on the Spanish-American War is contrasted with Walter LaFeber's analysis of the causes of American expansion at a more appropriate section of this chapter.

Thus, the United States acquired Puerto Rico for the Mahan prescribed strategic reason, to guard the Caribbean and the passage to the Isthmus of Panama. The strategic plan was in place for securing the Guardian of the Caribbean and domestic economic and social forces shaped the policies of the Cleveland Administration to accomplish the task.³⁰

Domestic pressures stemming from a prolonged economic depression, beginning in 1893, and the desire to find an outlet for the mighty American industrial power, drove the political will to throw the weight of the United States against the colonial powers of Europe in the competition for foreign markets and for the establishment of US supremacy in the Western Hemisphere. The US had to find a *casus belli*, a reason to get into a conflict with the Western powers still holding interests in Central and South America and in the Caribbean. The occasion presented itself in the conflict with Spain. A mere three years after the crisis in 1895, when President Cleveland invoked the Monroe Doctrine and muscled England out of Venezuela,³¹ the increasingly unstable Spanish presence in Cuba endangered the doctrine and the vast sugarcane investments again and the United States had to act in order to protect its interests.³² It was one thing to protest and make a declaration of a "hands-off" policy, but it was another matter to find a *casus belli* for war with a violating power. A critical Mahan depicted the Monroe Doctrine as a "mere political

²⁹ George F. Kennan, "The War with Spain," in *American Diplomacy, 1900-1950*. (New York: New American Library, 1951), 20.

³⁰ Mahan's strategy was not limited to the Western Hemisphere. Mahan was thinking on the global scale and as his other writings reveal, he was also planning the securing of the Pacific outpost, Hawaii.

³¹ Paterson, 5-7, 12-13, 28.

³² Stephan Thernstrom, *A History of the American People Volume Two: Since 1865*. (San Diego: Harcourt Brace Jovanovich, Inc. 1989), 566.

abstraction, and suggested that the emerging industrial United States without a powerful navy could not enforce the doctrine, and prescribed what the US needed to do in order to become a world power, and by 1898 the US had the requisite navy to turn the paper tiger into a mighty lion.³³ With the words of Randall and Mount, "the United States' position gradually moved from a defensive posture of holding the line against further European encroachment in the area to a more active, expansionist approach."³⁴

The declining Spanish Empire was certainly no match for the rising might of the United States and the outcome of the Spanish-American War was quite predictable.³⁵ In a last-ditch effort the Spanish government tried to appease its remaining colonies in the Caribbean, Cuba and Puerto Rico,³⁶ and the increasingly belligerent United States in order to avoid war, but by then, American emotions and interests were not to be quelled.³⁷ In this regard Kennan's interpretation that the US forced Spain into war without justification and his phrase of "the smell of empire"³⁸ captures the heat of the moment, albeit it leaves out what LaFeber termed the "intellectual, strategic, and economic formulations" and it does not explain the brewing domestic economic, social and political forces leading up to the war.³⁹ Kennan argues that neither the political scandal provoked by Spanish Minister in Washington, Dupuy de Lôme speaking "slightingly of President McKinley," nor the explosion of the battleship *Maine* justified war with Spain.⁴⁰ Kennan says that such political scandal was all too common and the Spanish government quickly removed de Lôme from his post and no evidence had been found that the Spanish government

³³ Mahan, "The Future," 771.

³⁴ Randall and Mount, 25.

³⁵ LaFeber, xxiii-xxiv. "But as Louis Pérez, Jules Benjamin, and others have shown, the Spanish were on the verge of utter defeat in Cuba by April 1898."

³⁶ Randall and Mount, 18.

³⁷ Kennan, 14-15.

³⁸ Kennan, 15-16.

³⁹ LaFeber, 62, 102, 150.

⁴⁰ Kennan, 14.

had anything to do with the explosion of the *Maine*.⁴¹ Justified or not, the two events acted as a tinderbox and provided the impetus, the *casus belli* for war.⁴²

While Mahan lays out the strategic importance of guarding the Caribbean and the passage toward the Isthmus of Panama, calling on the US to assert her "birthright,"⁴³ and connects the attainment of geopolitical positions with the securing of the "markets of the world, that can be entered and controlled only by a vigorous contest," calling for a strong naval power for the protection of American global economic interests, the historian LaFeber traces the development of the intellectual, strategic and economic forces from 1860 to the advent of the Spanish-American War of 1898, thrusting the United States into global expansion.⁴⁴

The reaching of the Pacific Ocean ended the continental expansion of the United States, and the vast territory with its natural resources and rising industrial production required markets beyond her borders and those markets needed protection. Alarmed by the rising powers of Germany and Japan and the older European colonizing powers' push into the Pacific and Africa, political leaders jettisoned the high ideals of American democracy and allowed the influence of the industrial, capitalist and imperial forces to dominate the political scene. Roosevelt warned in 1898, "Germany, and not England, is the power with whom we are apt to have trouble over the Monroe Doctrine."⁴⁵ Some industrialists and merchants called on the State Department to use force to obtain new markets.⁴⁶ LaFeber's assessment that "Capitalism, like Christianity, was a religion that would not keep. It had to be expanded constantly, imposed if necessary, or there would be stagnation and a return to the horrors of the long depression," captures the essence of

⁴¹ Kennan, 14.

⁴² Kennan, 14-15.

⁴³ Mahan, *The Influence*, 42.

⁴⁴ Mahan, "The United States," in *The Interest of America*, 4.

⁴⁵ Quoted in Paterson, 28.

⁴⁶ LaFeber, 20.

the capitalist economy that relies on continuous expansion in order to avoid stagnation and depression.⁴⁷ The prevailing assumption was that expanding the markets into Central and South America and through the Pacific, to China, would solve all of the troubles of the burgeoning industrial economy. In the late 1890s the persistent wisdom was that Central and South America were the natural markets for American goods and sources of free raw material for the American industry and the United States also had an interest in securing the passage toward the Isthmus, the long sought passage from the Atlantic to the Pacific Ocean.⁴⁸

Focusing on the years between 1850 and 1889, LaFeber traces the expressed American interest of expansion into the Caribbean from President Jefferson's intent of taking Cuba⁴⁹ through William Henry Seward, Secretary of State under Abraham Lincoln and Andrew Johnson, declaring that "he wanted to hold islands in the Caribbean which would serve as strategic bases to protect an Isthmian route to the Pacific and also prevent European powers from dabbling in the area of the North American coastline"⁵⁰ to the assertive voices of industrialists and merchants of the 1890s, demanding government support for the securing of foreign markets.⁵¹ LaFeber says, "[T]he antiexpansionists effectively used several arguments to thwart Seward's ambitions," pointing out that "[I]f the Union acquired more territory, it might be Latin-American, and this would aggravate the race problem."⁵² The race argument, later explained with the Social Darwinist ideology of Anglo-Saxon racial superiority to lead the world and "[T]he White Man's Burden" – "to care for the rest, rippled throughout the Congressional

⁴⁷ LaFeber, xxiv.

⁴⁸ Randall and Mount, 25.

⁴⁹ Randall and Mount, 28. (Randall and Mount mention Presidents James K. Polk, Millard Fillmore, Franklin Pierce and James Buchanan.)

⁵⁰ LaFeber, 28.

⁵¹ LaFeber, 20.

⁵² LaFeber, 31.

debates following the Spanish-American War of 1898.⁵³ The racial and economic arguments were often camouflaged in the Constitutionality question; [D]id the Constitution follow the flag to the newly acquired islands, populated by darker skinned people, or not? Whereas during Seward's time the "antiexpansionists" were able to halt Seward's ambition, during the 1890s, the moneyed interests were demanding the help of the government to attain access to foreign markets, mostly aiming at Central and South America.

The cycle of demand for consumer goods leading to overproduction and stagnation and then again to demand, has not changed since the beginning of the market economy. Such was the case during the 1890s. Population growth increased demand and industrialization met those demands and produced a surplus. The United States reached the stage of overproduction of agricultural and industrial products and the country needed an outlet, new markets outside of the US. Short of having new markets, the overproduction of goods led to stagnation, unemployment and labor unrest, a dangerous scenario for the capitalist enterprise. The industrialists and merchants demanded foreign markets. Both Mahan as a contemporary of the 1890s and LaFeber as a historian, writing his analysis decades after Mahan, observed the extraordinary capacity of American agriculture and industry. Mahan recognized that American productivity had generated a surplus and the United States needed new markets, while LaFeber documented the economic, social and political consequences of overproduction. While Mahan suggested foreign markets for the surplus, LaFeber analyzed the economic, social and political processes leading to the formulation of the political will behind the drive for expansion.

What LaFeber calls "intellectual formulation," was the ideological justification for American expansion into the global sphere which included such figures as Frederick Jackson

⁵³ Rudyard Kipling, "The White Man's Burden: The United States and The Philippine Islands," <http://historymatters.gmu.edu/d/5478/>.

Turner, Josiah Strong, Brooks Adams, and Alfred Thayer Mahan. Turner wrote about the closing of the frontier, thus directing the interest toward extraterritorial expansion,⁵⁴ Strong advocated the message of the "survival of the fittest,"⁵⁵ and the predestination of the chosen people, the Americans, whose "salvation lay in the fulfillment of the Anglo-Saxon mission to reshape the world in the mold of western civilization"⁵⁶ and their friends, Adams and Mahan also advocated the message of Social Darwinism.⁵⁷ With the words of LaFeber, the intellectual formulation, the amalgamation of the Anglo-Saxon superiority, Social Darwinism and expansionism, culminated in the lecture presentations of John Fiske's "Manifest Destiny" article.⁵⁸ Economic stagnation, unemployment and labor unrest, the realities of the 1890s, did not square well with the self-portrayed image of American exceptionalism and the idea of the self-made, successful American man. An outlet for the economic and social troubles, the precursors of political problems, had to be found before they seriously affected the political scenery.

Mahan's name comes into play again in the LaFeber described "strategic formulation" of American expansion (discussed above) including the strengthening of the navy and asserting political might such as during the Venezuelan Crisis. Mahan provided the strategic planning to accomplish the goal of the Harrison administration (1889-1893), that is to take Hawaii, Cuba and Puerto Rico.⁵⁹

The third component, LaFeber termed "economic formulation," completed the justification of American expansion. The lasting depression, resulting from a surplus of

⁵⁴ LaFeber, 67.

⁵⁵ LaFeber, 78.

⁵⁶ LaFeber, 77.

⁵⁷ LaFeber, 85-86.

⁵⁸ LaFeber, 99.

⁵⁹ LaFeber, 110.

agricultural and industrial goods, and the economic, social and political problems created by a negative trade-balance were pushing the country down a dangerous path. Against this somber and darkening background, the unemployed and discontented acted out what the Secretary of State, Walter Quintin Gresham, called symptoms of revolution.⁶⁰ The second Cleveland administration (1893-1897), political and business leaders were looking for a solution to the economic and social problems. The tariff measure of 1894, favoring American producers, did not accomplish the expected results and the gold and silver standard debate favoring trade with gold or silver standard based countries respectively, did not solve the negative trade balance. Eventually a consensus was built around the idea of expansion. The solution was found in foreign markets. The United States had to expand its economy, by force if necessary. Secretary of the Treasury, John G. Carlisle, submitted a remarkable annual report in 1894 which held that American exports were the chief hope of restoring economic prosperity in the United States.⁶¹ The Cleveland Administration, businessmen and investors were increasingly looking toward Central and South America.⁶² The securing of the passage toward the Isthmus was necessary for economic and geopolitical reasons and the McKinley Administration (1897-1901) completed Cleveland's work.

Contrary to Kennan's suggestion noted above, the acquisition of Puerto Rico took place in the context of growing domestic economic, social and political problems, giving an impetus toward securing foreign markets and the quest for global dominance. The United States not only needed a Guardian of the passages leading to Central and South America, but the construction of the isthmian canal also heightened the stakes in controlling the long sought shorter trade route

⁶⁰ LaFeber, 173.

⁶¹ LaFeber, 176.

⁶² LaFeber, 150-51, 177, 187-88, 190-92.

between the Atlantic and Pacific Oceans and likewise facilitated faster maneuvering of US naval forces from the Atlantic to the Pacific seaboard and vice versa.⁶³

As noted above, the de Lôme scandal and the blowing up of the *Maine* in Havana Harbor had pushed American sentiments toward the conflict with Spain. And sentiments were high.

William Vincent Allen, Populist Senator from Nebraska, expressed his feelings this way,

I want to see it possible, and I pray God it may come in the next thirty days, Spain driven from every foot of the Western Hemisphere. I think we ought to drive her from the Philippine Islands, from Cuba, and from Porto Rico. I would go further, Mr. President, if I had it within my power to do so. I would drive her from every island in the sea. I would lay waste Cadiz, Barcelona and invade and destroy Madrid itself, if war is to come. I do not want to see war. I dread it as much as any citizen can, but if Spain shall defy our power or our authority on this continent, let us give her, and through her to Europe, a lesson that will not be forgotten for a hundred years to come.⁶⁴

Kennan and LaFeber point out that the United States gave Spain an ultimatum, a request to meet American demands that the US Government knew Spain could not meet in a timely fashion. The war cry of "Remember the Maine" echoed the war cry of "Remember the Alamo." Few Americans understood what the real circumstances were at either historic event and opted for the favorable side of the story. In the case of the Alamo the Mexicans responded to American assertions of property rights on Mexican land and in the case of the *Maine*, American economic interests were at stake, threatened by the ongoing Cuban revolution and Spain's ineptness in dealing with it.⁶⁵ Thus, the annexation of Puerto Rico took place in the context of

⁶³ Mahan, *The Influence*, 31-34. Mahan points out the strategic value of a guarded position controlling seafaring toward the Isthmus the US must have and uses the analogy of Gibraltar to that of the Caribbean that might lead to international complications.

⁶⁴ Cong. Rec. Bound. Vol. 31. S. at. 4107. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1898-0420).

[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0420?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0420?accountid=14214).

⁶⁵ Cong. Rec. Bound. Vol. 31. S. at. 3776. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1898-0413).

[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0413?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0413?accountid=14214).

domestic economic and social troubles, the search for foreign markets, the securing of the trade routes to alleviate those problems, and America's entry into the global sphere as a formidable imperial power, by this time arguably first among equals. Kennan points out that the war declaration authorized the president to use force if necessary for the liberation of Cuba and it did not extend to the taking of Guam, the Philippines and Puerto Rico.⁶⁶ The extension of American power beyond the stated objective signaled the formalization of American imperialism and it sparked intense debate in Congress and simultaneously in the Supreme Court about the constitutionality of such acquisitions.

For the stated rationale for the war, that is the liberation of Cuba from Spanish oppression, the retention of Cuba would have been politically untenable in the international arena.⁶⁷ The ten million or so "racially inferior" Filipinos, said in so many words by so many representatives and senators during the debates following the war, frightened even the most vehement supporters of imperial power and, although the archipelago was paid for, left the Philippines in existential limbo until the United States granted full independence to the Republic of the Philippines on July 4, 1946.⁶⁸ Expressed Social Darwinist racial attitudes in Congress toward the Filipinos and the connection between those racial attitudes and the treatment of the Puerto Ricans are further discussed in Chapters Two and Three.

⁶⁶ Kennan, 16. see also: Cong. Rec. Bound. Vol. 31. S. at. 3876. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1898-0415).
[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0415?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1898-0415?accountid=14214).

⁶⁷ Treaty of Peace Between the U.S. and Spain. *U.S. Treaty and Nomination Reports and Documents; House and Senate Documents*. Washington: GPO, January 4. 1899, at 82-83. (Text from: *Congressional Record Permanent Digital Collection*: Citation: SED-55-3-4).

[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t51.d48.sed-55-3-4?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t51.d48.sed-55-3-4?accountid=14214).

See also in Langley, *The Banana Wars*, 11.

⁶⁸ Cong. Rec. Bound. Vol. 33. S. at. 2389-91. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0228).
[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0228?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0228?accountid=14214).

Guam and Puerto Rico, similar in many ways, neither states, nor independent nations, with a smaller number of "colored" populations than either Cuba or the Philippines, but strategically important locations at the time of acquisition, were retained and to this day share the similar designation of unincorporated territories.⁶⁹ The data for example, showing that between 1817 and 1850 "some half a million slaves entered Cuba" and another 55,000 were transported to Puerto Rico, "underlines the undesirability of Cuba from the US point of view for racial reasons, while emphasizing Cuba's economic primacy over Puerto Rico for Spain as well as for the United States."⁷⁰ Since the focus of this paper is Puerto Rico, specifically the rationale behind the granting of citizenship to the entire population of Puerto Rico in 1917, Guam and the other acquisitions are only discussed in their relevance to Puerto Rico.

Regarding the Western Hemisphere, Puerto Rico had unique strategic qualifications. Mahan studied the approaches of South America and the Isthmus of Panama from the United States and from Europe and concluded that Puerto Rico was the most desirable location to have in order to protect American strategic and economic interests and to assert dominance over any European pretensions. The political and social attitudes of his time were also more agreeable toward Puerto Rico than toward the Philippines. Puerto Rico was a small, but militarily defensible island. Although the population consisted of mostly racially inferior Latin stock in contrast to the Social Darwinist ideology-prescribed superior Anglo-Saxon race, nevertheless as Spaniards, they were viewed as European.⁷¹ An opportunistic United States could easily dislodge a waning Spanish Empire. As LaFeber pointed out, Spain was losing its hold on Cuba and the revolution would have succeeded without American intervention.⁷² While the United

⁶⁹ Sparrow, 67.

⁷⁰ Randall and Mount, 20.

⁷¹ Langley, 25.

⁷² LaFeber, xxiii.

States did not need Cuba for strategic purposes and it did not want the estimated half million people of African descent of the island for racial reasons, the prolonged revolution and Spanish countermeasures on the island threatened American economic, sugar, tobacco and arms, interests.⁷³ In essence, the liberation of Cuba served as a proxy for delivering the strategically important Puerto Rico to the United States.

The Annexation of Puerto Rico

The road toward the granting of citizenship in 1917 and the current Commonwealth status of Puerto Rico arrived at on July 25, 1952, starts at the Treaty of Paris (1898) negotiations when Spain cedes to the United States the island of Porto Rico⁷⁴ as an indemnity⁷⁵ and as compensation for the losses and expenses of the United States during the war, and of the damages suffered by their citizens during the last insurrection in Cuba⁷⁶ It is interesting to note that the spelling of the island in the English documents already foreshadows American dominance. Thus Puerto Rico and the Puerto Rican people, a Spanish colony for four hundred years prior to American occupation, and less than a year after achieving some level of autonomy from the Spanish government,⁷⁷ fell under American tutelage with the stroke of a pen when on December 10, 1898 the Treaty of Paris was signed. Article IX of the Treaty states that “[T]he civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.”⁷⁸ The stipulation of leaving the decision for

⁷³ Kennan, 13. and Sparrow, 61, 63.

⁷⁴ Treaty of Peace, at. 4. (Citation: SED-55-3-4.)

⁷⁵ Treaty of Peace, at. 190. (Citation: SED-55-3-4.)

⁷⁶ Treaty of Peace, at. 217. (Citation: SED-55-3-4.)

⁷⁷ Autonomic Charter proclaimed on November 25, 1897.

⁷⁸ Treaty of Peace, 55th Cong. 3rd Sess. Exec. Doc. B, Pt. 1. at. 8. (Text from: *Congressional Record Permanent Digital Collection*: Citation: SED-55-3-3).
[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t51.d48.sed-55-3-3?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t51.d48.sed-55-3-3?accountid=14214).

the Congress of the United States sowed the seeds of indefinite postponements of making a definitive decision about the status of Puerto Rico that the United States and the Puerto Rican people have been living with ever since.

As often happens in history, smaller nations are caught between the clashes of greater powers. Puerto Rico was caught between Spain and the United States. Although Spain was a waning power, Puerto Rico's economic, political and social life depended on the will of Spain, and just before the American invasion, as an appeasement, Spain granted some level of autonomy to the island. The political leadership's hopes were high to take charge of the affairs of their island and enter the family of free nations. The educated sons of Puerto Rico, Dr. José Celso Barbosa, Luis Muñoz Rivera, José de Diego and Santiago Iglesias, among others were looking forward to a freer Puerto Rico when the United States, a waxing power entered the Bay of Guánica on the southern shores of Puerto Rico in 1898. Although each, and many of their followers, imagined a different life for their people, they all looked with hopefulness toward the United States as the modern birth place of democracy, political and personal freedom. Their disappointment increased with time when they realized that the United States was not ready to grant the same freedom to the people of Puerto Rico Americans enjoyed, and neither the path toward statehood, nor the path toward independence, were open to them.

Indeed, after repelling the first American attack at El Moro, the centuries old fort protecting San Juan, the Puerto Rican people welcomed the Americans at Guánica as liberators. The annexation of their island however, was not conceived in the high values of liberty, and disappointment began to set in when it fell under military rule until 1900, which was followed by subsequent American governors and often heavy handed, top-down American administration until 1946 when Jesús T. Piñero, the first Puerto Rican was appointed as Governor of Puerto

Rico. For the educated and uneducated, it was difficult to understand why they had to be under martial law, why their centuries of Spanish culture had to be changed to English speaking American ways, and why democracy was not granted to them. While control of all aspects of life rested with the Congress of the United States, Puerto Rico's political leaders had begun their, by now over a century long, struggle for some form of recognition of Puerto Rican identity and a more dignified political status. Since neither statehood, nor independence was supported by any significant majority in the Congress of the United States, Puerto Rican political leader Muñoz Rivera advocated for a third option, autonomy or home rule, until his death in 1916. Years before Muñoz Rivera formulated his stance, Abbott Lawrence Lowell also suggested a "Third View," although much less honorable.⁷⁹ Lowell's theory proposed a path for the United States to become a *de facto* colonial power, thus rendering Puerto Rico to a perpetual dependent status, neither a state, nor an independent nation.

Conclusion

The annexation of Puerto Rico happened in the context of an economically waxing and opportunist United States taking on a waning Spanish empire. The closing of the Western frontier and the overproduction of industrial and agricultural goods led to domestic economic, social and political discontent which in turn propelled the United States into seeking foreign markets for the "glut" of goods.⁸⁰ US economic interests were already heavily invested in Cuba, \$ 50,000,000 in property, and increasingly in Central and South America, and the control of the soon to be built isthmian canal increased the stakes in the global competition for foreign markets

⁷⁹ Abbott Lawrence Lowell, "The Status of Our New Possessions: A Third View," *Harvard Law Review*, Vol. 13, No. 3 (Nov., 1899), <http://www.jstor.org/stable/1322580>.

⁸⁰ LaFeber uses the word sixteen times.

and raw materials.⁸¹ Although Puerto Rico was taken for these exact geopolitical strategic reasons, its agrarian production of sugar, coffee and oranges frightened American growers as potential competition for the same markets. For the other acquired territories as well, Hawaii and the Philippines, economic interests weighed heavily in the Constitutional debate as to whether the new territories were part of the United States or not, and in consequence, whether the uniformity of tariffs between the Union and the new territories applied or not. While the constitutional debate in the US Congress was tainted with questions of race, ethnicity, culture, language and religion in relation to the new territories, darker populations above and beyond the economic evaluation of each acquired land, the Supreme Court handed down decisions, setting the course toward the pervasively persistent peculiar status, "foreign in a domestic, but domestic in a foreign sense," for Puerto Rico, in what has become known as the Insular Cases.⁸² Expressions of differing expectations by Americans and Puerto Ricans in regard to the future of the island and its population preceded the Insular Cases, however. The first American attempting to provide a constitutionally more sound civil government and political status for Puerto Rico was Joseph Benson Foraker, Republican Senator from Ohio. Chapter Two discusses how Foraker's bill was botched in Congress and how the parallel Insular Cases at the Supreme Court, arriving at a half measure, together created a peculiar status for Puerto Rico.

⁸¹ Cong. Rec. Vol. 31. S. at. 3773. (Citation: CR-1898-0413).

⁸² Christina Duffy Burnett and Burke Marshall, *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*. (Durham: Duke University Press, 2001). 1, 13.

Chapter Two

Differing Expectations, the Foraker Act and the Insular Cases

In 1898, as part of the Treaty of Paris of the same year, Spain ceded Puerto Rico to the United States. The acquisition raised questions about the future status of the island on both, the American and the Puerto Rican sides. On the US side of the emerging debate the established *ex proprio vigore*, that the Constitution followed the flag -by its own force- came into question. During the continental expansion a newly acquired territory would become organized territory and eventually a state of the Union. Would the Constitution follow the flag to Puerto Rico and incorporate the island into the United States?

The question was much more heavily felt on the Puerto Rican side. Was the United States a new master or a liberator after four hundred years of Spanish tutelage? The Puerto Ricans knew that they had no say in their change of fate and their voices pleading for recognition throughout the Congressional hearings were often met with the dismissive and insulting voices of the Americans. All but a few Spanish colonies had already achieved independence from Spain, and the prolonged conflagration for the same in Cuba gave increased hope to the Puerto Ricans.⁸³ As Spain struggled to hold on to its last remaining colonies in the Western Hemisphere, the Spanish government granted autonomy to Puerto Rico (and Cuba) on November 25, 1897 by decree, a year before American annexation.⁸⁴ Weighed down by four hundred years of Spanish colonial rule and finally having achieved some measure of autonomy, would Puerto Rico become independent, or an equal member in the United States of America, or would it at

⁸³ Philip Sterling and Maria Brau, *The Quiet Rebels: Four Puerto Rican Leaders: José Celso Barbosa, Luis Muñoz Rivera, José de Diego, and Luis Muñoz Marín*, (USA: Zenith Books, 1968), 75.

⁸⁴ Trías Monge, 12-13.

least become autonomous and have home rule as it was under Spain at the time of the cession? The Foraker Act as it was passed in Congress and the Supreme Court decisions in the Insular Cases brought the Puerto Rican political leadership to a rude awakening. The United States turned out to be a new master and offered neither Statehood, nor independence for Puerto Rico.

Chapter Two discusses the period between the Treaty of Paris in 1898 when Spain ceded the island of Puerto Rico to the United States, through the debates during the Foraker Act of 1900 when Senator Foraker introduced a bill to reconcile the status of Puerto Rico, even suggesting citizenship for the population of the island, to the key Insular Cases, setting a precedence for the creation of the "foreign in a domestic, but domestic in a foreign sense." During this short period of time Puerto Rico experienced a journey from high expectations from its new master, the great democracy of the United States, to disillusionment after being stifled and mistreated by American military rule. The chapter shows the diverging positions of the two sides at this particular historical junction and that the people of Puerto Rico were ill-treated by the United States which deferred very little to the aspirations of the leadership of Puerto Rico. The chapter argues and concludes that the Foraker Act (1900) and the Insular Cases (1901) set the stage for the creation of the peculiar status of Puerto Rico.

Based on the dialogues during the Congressional debates one concludes that many Americans in the political establishment were caught off guard at the challenges the newly acquired global empire suddenly delivered to them as the result of the Spanish-American War. The language and content of the debates negate any suggestion of the existence of a master plan of an imperial project within the political establishment of the United States. A more likely synthesis reveals that the closing of the frontier and the continuous arrival of new immigrants seeking free soil coupled with industrial and agrarian overproduction led to economic troubles

and to social discontent which consequently fueled political forces, eventually thrusting the United States into the global competition for foreign markets. The intellectual, strategic and economic formulations LaFeber so aptly describes were of course necessary elements for the creation of the American Empire. However, when the United States arrived at the crux of the matter, many political figures and lay persons found themselves puzzled about the handling of the newly acquired imperial domains. The atrocities committed against the native populations of North America, the enslavement of the African-Americans and the imagined community of an Anglo-Saxon, English speaking and Protestant American people were accepted as a matter of fact reality and hence, did not sufficiently enlighten the body politic or the general public.⁸⁵ It is therefore quite understandable that many congressmen and Supreme Court justices were troubled by the extra-continental, extra-territorial expansion of the United States and the incorporation of an ethnically, linguistically and religiously different population they found in Puerto Rico. The Latin, Spanish speaking and Catholic people did not fit into the imagined community.⁸⁶ It is not surprising then, that neither the majority of Congress, nor the majority of the Supreme Court justices were ready to incorporate Puerto Rico as a new State of the Union. On the other hand, the idea of letting the newly acquired territory gain independence or worse, fall into the hands of another power, were unimaginable scenarios to most Americans. After all, Puerto Rico was supposedly acquired as an indemnity for the loss of American life and property; it was paid for with American blood.

The Congressional debates of the Foraker bill, named after the Chairman residing over the Committee on Pacific Islands and Porto Rico, provides a case-study to illustrate the

⁸⁵ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. (London: Verso, 1991).

⁸⁶ Randall and Mount, 26.

American attitudes toward the Puerto Ricans and other "colored peoples." The chapter further discusses the end-result, the Foraker Act, and its relevance to the parallel intellectual debate ultimately leading to the Supreme Court decisions manifested in the Insular Cases and shows economy and race-driven arguments on the part of the United States while treating the people of Puerto Rico as irrelevant subject people. Relying on the scholarly works of Bartholomew H. Sparrow, Christina Duffy Burnett and Burke Marshall and their interpretations of the Supreme Court decisions, and primary sources of Congressional Records, the chapter concludes that the Supreme Court decisions in the Insular Cases created the "foreign in a domestic, but domestic in a foreign sense" peculiar status for Puerto Rico, but left further determination of the political status of Puerto Rico for Congress as stated in the Treaty of Paris.⁸⁷ The chapter further demonstrates that the constitutional debate was heavily laden with economic, racial and cultural prejudices of the time. The conclusion anticipates Chapter Three by suggesting that neither the Foraker Act, nor the Supreme Court decisions sealed the current status of Puerto Rico until the granting of citizenship in 1917 cemented the peculiar status for the island and its people.

Differing Expectations

After Spain ceded Puerto Rico to the United States, sanctioned by the Treaty of Paris, and before the Insular Cases were argued before the Supreme Court between 1901-1922 and the Jones-Shafroth Act of 1917, more commonly referred to as the Jones Act, granting US citizenship to Puerto Rico, voices of various agencies, Puerto Rican and American, weighed in on the question of status and citizenship for Puerto Rico. Puerto Rican intellectuals, although in

⁸⁷ Christina Duffy Ponsa, Professor of Law at Columbia University, recently changed her name from Christina Duffy Burnett.

diverging ways, were looking for a better future for their beloved island. Expectations were high after four hundred years of Spanish rule and the recently attained autonomy in 1897. Puerto Ricans looked to the United States as the great democracy of the World that would surely grant Puerto Ricans the same rights and liberties the citizens of the United States enjoyed. Differing in their political leanings, they represented views ranging from statehood to independence or some sort of autonomy or home rule in-between, if the first two options were not attainable. Dr. José Celso Barbosa, a physician who earned his doctoral degree at the University of Michigan Medical School, termed the "father of the Statehood for Puerto Rico movement,"⁸⁸ and Santiago Iglesias (Pantín),⁸⁹ Spanish born, "self-taught and self-reliant" labor organizer,⁹⁰ were advocating for statehood.⁹¹ On the other hand, Antonio Rafael Barceló, a lawyer and businessman,⁹² and José de Diego, "the poet"⁹³ and politician of the island's long independence dream⁹⁴ and lawyer,⁹⁵ both advocated for Puerto Rico's independence from Spain and later from the United States. Eugenio María de Hostos, "an outstanding social thinker and educator,"⁹⁶ Luis Muñoz Rivera, journalist, poet and politician and Rosendo Matienzo Cintrón also advocated for independence.⁹⁷ Not until both statehood and independence became unrealistic, fleeting dreams, did Muñoz Rivera formulate his coalition of autonomists, seeking a middle ground solution: if

⁸⁸ Trías Monge, 33, and caption below Barbosa's picture following page 98.

⁸⁹ <http://bioguide.congress.gov/scripts/biodisplay.pl?index=I000002>. accessed: October 20, 2014.

⁹⁰ Morales Carrión, 176-185.

⁹¹ Trías Monge, Caption below Iglesias's picture following page 98.

⁹² Biografía Don Antonio R. Barceló Primer Presidente del Senado http://www.senado.pr.gov/Cronologia/Biograf%C3%ADa_Antonio%20R%20barcelo.pdf. accessed: October 20, 2014.

⁹³ María Teresa Babín, "A Special Voice: The Cultural Expression," in Morales Carrión, 331.

⁹⁴ Sterling and Brau, 66.

⁹⁵ Sterling and Brau, 82. see also in Trías Monge, 58.

⁹⁶ Morales Carrión, 141.

⁹⁷ Matienzo Cintrón's stance had transformed from accepting Americanization to becoming an autonomist and then to an independence advocate.

neither of the two honorable choices were available, then Puerto Rico should at least have autonomy or self-rule.

Studying this early period of political alignment and realignment in Puerto Rico shows an emerging pattern: that intellectuals like Celso Barbosa who earned his doctoral degree at an American university, favored statehood, whereas Dr. J. Julio Henna, also a physician, practiced in New York City for thirty years in self-imposed exile, and favored autonomy rather than independence for Puerto Rico. Statesman and historian Arturo Morales Carrión writes, "Barbosa dreamed of the day when Puerto Rico would be governed like Michigan."⁹⁸ On August 27, [1898] the United States was highly praised by a representative group of autonomists led by José Celso Barbosa. "We aspire," they said, "to be another State within the Union in order to affirm the personality of the Puerto Rican people."⁹⁹ On October 21, 1898, the same group called for the "extension of U.S. citizenship and full local self-government" and when earned, statehood.¹⁰⁰

Henna was a member of a commission representing Puerto Rico and testified before the Committee on Insular Affairs on January 19, 1900. Responding to a question of the Chairman "What do you think should be done there in the matter of civil government?" Henna replied, "There is only one thing that could be done for Puerto Rico, and that is, to apply the Constitution of the United States to the island as it is applied here to the Territories."¹⁰¹ (At this time Arizona, New Mexico and Oklahoma were still territories.) Responding to Representative Tawney's¹⁰² follow up question as to the qualification of the Puerto Ricans for suffrage, Henna,

⁹⁸ Morales Carrión, 139-140.

⁹⁹ Morales Carrión, 141. Quoted in Luis M. Díaz Soler, *Rosendo Matienzo Cintrón: Orientador y Guardián de una Cultura* (Río Piedras, 1960), 1:163.

¹⁰⁰ Morales Carrión, 141.

¹⁰¹ Affairs in Puerto Rico. *U.S. Hearings Published*. Washington: GPO, January 8, 1900. Accessed July 4, 2013. at. 99. (Text from: *Congressional Record Permanent Digital Collection*: Citation: HRG-1900-HIH-0002). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t29.d30.hrg-1900-hih-0002?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t29.d30.hrg-1900-hih-0002?accountid=14214).

¹⁰² James Albertus Tawney, Representative from Minnesota, elected as a Republican to the Fifty-third and

in his elaborate answer said, 'I believe that they are perfectly fitted to be intrusted (sic.) with self-government.'¹⁰³ One of many examples demonstrating the indifference shown by the American side is a question and response between the Chairman and Henna. The Chairman encourages Henna to speak and after Henna concludes his heartfelt statement saying that 'we ask very emphatically in the first place that we should be given free trade with the United States. Mr. Finlay would like to add something to what I have said,' the Chairman responds, '[B]efore Mr. Finley addresses us, I would like to ask you a question. What about your grade of coffee in Puerto Rico?'¹⁰⁴ The appeal of the Puerto Ricans fell on deaf ears as subsequent dialogues between members of the Puerto Rican commission and the American committee members returned to the question about the grade of coffee and the quality of the orange in Puerto Rico.

Likewise to Barbosa and Henna, the 'self-taught and self-reliant' organizer and labor leader Iglesias favored statehood for Puerto Rico because, in line with Marxist ideology, the nation-state as a political entity did not weigh in the argument.¹⁰⁵ For Iglesias the wellbeing of labor was more important than national identity and he looked toward alliances with American labor and the United States as better suited benefactors of the working people.¹⁰⁶ As a close friend of Samuel Gompers, the president of the American Federation of Labor (AFL), Iglesias anticipated that by Puerto Rico becoming a State of the Union, Puerto Rican workers would have the same protection and work conditions as American labor had. On the other hand, for the poet-intellectuals like de Diego and Muñoz Rivera, independence was a lifelong dream for their beloved island.¹⁰⁷ That de Diego and Muñoz Rivera shared similar feelings about their

to the eight succeeding Congresses (March 4, 1893-March 3, 1911).
<http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000060>.

¹⁰³ Affairs in Puerto Rico. at. 100-101.

¹⁰⁴ Affairs in Puerto Rico. at. 94-95.

¹⁰⁵ Morales Carrión, 176.

¹⁰⁶ Morales Carrión, 176-179. see also in: Trías Monge, 72.

¹⁰⁷ Trías Monge, 18

homeland is well manifested in de Diego's later admission that at the imminent American invasion he and Muñoz Rivera asked General Macías for 9,000 rifles to organize popular resistance to the United States.¹⁰⁸ Their stance did not waiver. In the words of Trías Monge,

[A]t no time did Muñoz Rivera endorse the idea of citizenship in Congress. His bills on a new organic act for Puerto Rico never included American citizenship as a request of the majority party. In this respect it is important to understand the Muñoz Rivera public persona, a mixture of dreamer and pragmatist. He was a firm believer in independence for Puerto Rico and as such had De Diego's and the people's respect, but he was also convinced that the United States would not grant independence to Puerto Rico in his lifetime.¹⁰⁹

If the Puerto Ricans differed in their aspirations, their American counterparts differed in their respective views from within and without. From within, members of Congress, the justices of the Supreme Court, the Reverend Henry K. Carroll, Brigadier-General Davis, the Insular Commission and others making recommendation as to the status of Puerto Rico, disagreed among themselves and from without, their views differed from the aspirations of the Puerto Ricans. The suggested status for Puerto Rico ranged from statehood to colony and perhaps some autonomy in-between, but assuredly ruled out one path: independence. Many Americans, political and business leaders, were looking at Puerto Rico as a spoil of the war and a desired strategic location to guard the passages toward Central and South America as has been shown in Chapter One. The attitudes toward the population, for the most part, paralleled the attitude held by Americans toward the Native Americans and Mexicans. They were not really people in the same sense as Anglo-Saxons were and the land was viewed as empty, ready for the take. Social Darwinism informed the thoughts of many, among them Congressmen, and they could not imagine their exceptional, self-made, successful fellow countrymen as less than superior.¹¹⁰

¹⁰⁸ Morales Carrión, 140.

¹⁰⁹ Trías Monge, 61.

¹¹⁰ LaFeber, 99.

Mahan was but one of many vocal voices uninhibitedly expressing his belief in Anglo-Saxon superiority. Mahan writes of “the irresistible tendency of the race to rule as well as to trade, and dragging the home government to recognize and assure the consequences of their enterprise” and “the stamp of the national genius” as a proof that the various impulses are not artificial, but natural,¹¹¹ clearly mirrors the Social Darwinist ideology of his time. His passage that,

[M]ore and more civilized man is needing and seeking ground to occupy, room over which to expand and in which to live. Like all natural forces, the impulse takes the direction of the least resistance, but when in its course it comes upon some region rich in possibilities, but unfruitful through the incapacity or negligence of those who dwell therein, the incompetent race or system will go down, as the inferior race has ever fallen back and disappeared before the persistent impact of the superior[.]¹¹²

calls for and justifies the taking of land from the weaker nations; some years later Adolf Hitler defined this concept as *Lebensraum*, living space. Mahan talks of the “inevitableness” of “civilized and highly organized peoples” trespassing “upon the technical rights of possession of the previous occupants of the land of which our own dealings with the American Indian afford another example,” implying the righteous advance of the American people.¹¹³ As Mahan sees it, the problem is not within; it is without, purportedly because “so much of the world still remains in the possession of the savage.”¹¹⁴ If Mahan is a man of his time and as influential as the previously noted authorities describe him to be, then the commentaries of many Congressmen, further discussed in the section on the Foraker Act, will demonstrate the extent to which the Social Darwinist ideology had impregnated the minds of many of his time.

¹¹¹ Mahan, “The Future,” 773-774.

¹¹² Mahan, “The Future,” 774.

¹¹³ Mahan, “The Future,” 774.

¹¹⁴ Mahan, “The Future,” 774.

For the limited scope of this paper, three major sources: President McKinley's special commission led by Carroll, the Secretary of War's Insular Commission to Puerto Rico, and Brigadier General George Whitefield Davis's reports will be quoted as representative voices with much weight toward the debate on the status of Puerto Rico.

Carroll's eight hundred and thirteen page report encompasses many aspects of Puerto Rico and its people and their relations to their former Spanish and new American masters and cannot be easily solidified into a few paragraphs. The key elements supporting the argument of this segment of the thesis are: his perception of the people of Puerto Rico, his assessment of their aspirations and his recommendations to President McKinley as to the status for the island.

After congratulating the United States for the acquisition of Puerto Rico, "a beautiful island, well worthy the admiration of its new possessors, accustomed to the most varied and picturesque scenery in their own wide domain,"¹¹⁵ Carroll speaks of the characteristics of the islanders as "kindly, hospitable, polite people, very sociable,"¹¹⁶ "[T]hey are quick in intellectual apprehension, and have little trouble, either the old or the young, in learning to read when there is an object to be gained in doing so. [T]hey are not turbulent or violent. [T]hey are industrious, and are not disposed to shrink the burdens which fall, often with crushing force, upon the laboring class."¹¹⁷ Assessing the feelings of the Puerto Ricans Carroll writes, "[T]hey may be poor, but they are proud and sensitive, and would be bitterly disappointed if they found that they had been delivered from an oppressive yoke to be put under a tutelage which proclaimed their inferiority[.]"¹¹⁸ and sums up their expectations,

¹¹⁵ Henry King Carroll, Report on the island of Porto Rico; its population, civil government, commerce, industries, productions, roads, tariff, and currency, with recommendations. GPO. 1899, at 8. <http://hdl.handle.net/2027/loc.ark:/13960/t3pv79g22>.

¹¹⁶ Carroll, 36.

¹¹⁷ Carroll, 57.

¹¹⁸ Carroll, 57.

[T]hey expect under American sovereignty that the wrongs of centuries will be righted; that they will have an honest and efficient government; the largest measure of liberty as citizens of the great Republic under the Constitution; home rule as provided by the Territorial system; free access to the markets of the United States and no customs duties on goods coming from our ports; a school system modeled after that of the United States; the adoption of the English language in due time and the general adaptation to the island of all those institutions which have contributed to the prosperity, progress, and happiness of the American people.¹¹⁹

Leading toward his recommendations, which he reiterates in different forms several times, Carroll says, “the commissioner has no hesitation in affirming that the people have good claims to be considered capable of self-government,¹²⁰ “it would be safe to intrust (sic.) them with the power of self-government. The commissioner has no hesitation in answering this question in the affirmative.”¹²¹ As if anticipating the recommendation of Davis and future discussions in Congress, Carroll projects that the “Porto Ricans are surely better prepared than were the people of Mexico, or of the colonies in Central and South America, which have one after another emancipated themselves from foreign domination and entered upon the duties and privileges of self-government.”¹²² Carroll is undoubtedly sympathetic to the aspirations of the Puerto Rican people when he says, “The United States may surely venture to show a trust in Porto Rico equal to that of Spain. It has been seriously proposed that no provision be made for giving the franchise to the people of that island. Is the new sovereignty to be less liberal than the old? Are rights long enjoyed to be taken away? Is less to be granted than under the autonomist decree; less than under the electoral law of 1890?”¹²³ “thus unintentionally giving voice to such patriotic icons as de Diego and Muñoz Rivera, who dreamed of obtaining independence for the island, or at least the autonomy Spain had granted to the island a year before American

¹¹⁹ Carroll, 56.

¹²⁰ Carroll, 57.

¹²¹ Carroll, 58.

¹²² Carroll, 58.

¹²³ Carroll, 61.

occupation, and suggested self-rule for the island and even citizenship.¹²⁴ Carroll recommended, “[T]hat the Constitution and laws of the United States be extended to Porto Rico and [T]hat a Territorial form of government, similar to that established in Oklahoma, be provided for Porto Rico.”¹²⁵ It is interesting to read Rexford G. Tugwell’s, (the last American Governor of Puerto Rico), reflection upon the haunting condition of the island and its people in 1941 after four decades of American colonial rule and echoing Carroll’s unheeded words and hopes for the island.¹²⁶ Tugwell says, “[T]his is what colonialism was and did: it distorted all ordinary processes of the mind, made beggars of honest men and making of Puerto Ricans something less than the men they were born to be.”¹²⁷

Other, less sympathetic voices in direct contrast to Carroll’s assessment or like Davis, fourth military governor of Puerto Rico (1899-1890), vehemently opposed even the slightest recognition of the inferior population of Puerto Rico. In his report to Congress he says, “I have found it to be necessary to advert in strong terms to the general unfitness of the great mass of the people for self-government,”¹²⁸ and later states, “I can not find warrant or justification for a recommendation to now vest Puerto Rico with the faculties and power of self-government.”¹²⁹ As if foreshadowing the current status of the island he continues, “Puerto Rico, unlike Dominica, Haiti, and Venezuela, and many other republics, never was, is not, and probably never will be, independent. It is now a possession of the United States and must so

¹²⁴ Edward J. Berbusse, S. J. *The United State in Puerto Rico: 1898-1900*. (Chapel Hill: The University of North Carolina Press, 1966), 114.

¹²⁵ Carroll, 63.

¹²⁶ Trías Monge, 97-98.

¹²⁷ Quoted in Trías Monge, 97-98. (Tugwell, Rexford G., *The Stricken Land: The Story of Puerto Rico*, New York, Doubleday, 1947, pp. 42-43.)

¹²⁸ Annual Reports of the War Department for the fiscal year ended June 30, 1899. 56th Cong. 1st Sess. H.R. Doc. No. 2. at. 481. (Text from: *Congressional Record Permanent Digital Collection*: Citation: 3904 H.doc.2. [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3904_h.doc.2?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3904_h.doc.2?accountid=14214).)

¹²⁹ Annual report of Secretary of War, 1899. at 550. (Citation: 3904 H.doc.2).

continue until Congress decides otherwise. Whatever government may be given to the island, it will be subject to the general control of Congress,¹³⁰ í The suggestion is dismissed for its abandonment by the United States to entire self-control and independence, for the Puerto Ricans do not deserve it.¹³¹ Speaking of õour own Province of Puerto Rico,õ¹³² the Brigadier-General echoes Social-Darwinist ideology and the unconscious racism of his time depicting the islanders as such:

The character of the Puerto Rican, his indolence, and mode of living, are due to the habits and customs of the Indian, Mediterranean, and African races which he represents rather than his contact with the European. Since the arrival of the latter he has steadily but slowly improved in civilization, and that perhaps in the measure of his capabilities. His difficulty is racial.¹³³

í

The people, high and low, are as a rule, looking at them from an Anglo-Saxon standpoint, naturally mendacious, and in petty ways, dishonest.¹³⁴

Testifying before the Committee on Insular Affairs, the General reiterates the latter statement, õThese people havenõt the grit and the vim and the determination to get to work and bear up against adversity that Anglo-Saxons have.õ¹³⁵ Davis forgets the treatment of African-Americans, perhaps because they were also not viewed as equal to the Anglo-Saxon race, in his own country when he says, õContrary to American ideas, instead of doing everything possible to encourage universal education, everything possible was done by those in power to discourage it.õ¹³⁶

The Insular Commission, composed of Henry G. Curtis, General Robert P. Kennedy of Ohio, and Charles W. Watkins of Michigan, visited the island for less than two months.

Although starting its work later than Carroll did, the Commission submitted its recommendations

¹³⁰ Annual report of Secretary of War, 1899. at 550. (Citation: 3904 H.doc.2).

¹³¹ Annual report of Secretary of War, 1899. at 551. (Citation: 3904 H.doc.2).

¹³² Annual report of Secretary of War, 1899. at 779. (Citation: 3904 H.doc.2).

¹³³ Annual report of Secretary of War, 1899. at 784. (Citation: 3904 H.doc.2).

¹³⁴ Annual report of Secretary of War, 1899. at 787. (Citation: 3904 H.doc.2).

¹³⁵ Affairs in Puerto Rico. at 6.

¹³⁶ Annual report of Secretary of War, 1899. at 797. (Citation: 3904 H.doc.2).

to the Secretary of War sooner than the Reverend submitted his to the President, and discernibly had greater influence on the minds of the members of Congress and the Supreme Court.¹³⁷ The Insular Commission is also more in line with the American assertion of sovereignty over the island and its people when it recommended total Americanization, assimilation of the people into the English language and culture, ultimately arriving at statehood.¹³⁸ The Commission paternalistically states that American intentions are “for the best interests of the island and its people”¹³⁹ and that “the children of Porto Rico are bright, unusually apt and quick to learn”¹⁴⁰ and “within reasonable time will show to the world that Porto Ricans are not unworthy to be considered a part of the United States.”¹⁴¹ That the Commission thought that Puerto Rico was already part of the United States (and the power rested within) is clear when it says, “[T]he code to be presented will be based on the fact that Porto Rico belongs to the United States and its people are Porto Rico-Americans; that it is from henceforth to be American, and that the responsibility of providing a good government rests upon the United States.”¹⁴²

On the constitutional question of territoriality however, the Commission’s recommendation that, “the Constitution and laws of the United States locally applicable shall have the same force and effect in the island of Porto Rico as elsewhere in the United States”¹⁴³ and its assertion that, “[S]ince the cession has become complete by ratification by the Senate and full recognition has been made by the proper authority of the United States of the fact that Porto

¹³⁷ Report of the United States Insular Commission to the Secretary of War upon Investigations Made Into the Civil Affairs of the Island of Porto Rico, with Recommendations. War Department, Division of Customs and Insular Affairs, June 9, 1899. GPO. 1899. Citation: 4648 H.doc.5/29.

[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.4648_h.doc.5_29?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.4648_h.doc.5_29?accountid=14214)

¹³⁸ Report of the United States Insular Commission, at. 53, 62, 63. (Citation: 4648 H.doc.5/29).

¹³⁹ Report of the United States Insular Commission, at. 4. (Citation: 4648 H.doc.5/29).

¹⁴⁰ Report of the United States Insular Commission, at. 52. (Citation: 4648 H.doc.5/29).

¹⁴¹ Report of the United States Insular Commission, at. 53. (Citation: 4648 H.doc.5/29).

¹⁴² Report of the United States Insular Commission, at. 61. (Citation: 4648 H.doc.5/29).

¹⁴³ Report of the United States Insular Commission, at. 62. (Citation: 4648 H.doc.5/29).

Rico is now a part of our possessions, it can not be longer regarded as foreign, the Commission grossly missed the mark.¹⁴⁴ Neither Congress, nor the Supreme Court would extend the Constitution to Puerto Rico and neither would accept that Puerto Rico was no longer foreign and therefore, was part of the United States as any other state of the Union.

If Americans found justification in the annihilation of the native populations in the Protestant values of being good stewards of the earth and the enslavement of the Africans in some equally skewed ideology, they certainly found justification for Anglo-Saxon superiority in the ideology of Social Darwinism. However, there were also more balanced voices in private and public life and among them, Senator Foraker was one of the few conscientious Republicans hoping to provide citizenship and temporary civil government for Puerto Rico.

The Foraker Act of 1900

The Foraker Act, named after Senator Joseph Benson Foraker of Ohio, a stern, imposing, principled Republican, attempted to tackle the apparent loophole the Treaty of Paris had created for the lawmakers. The Treaty provided that Congress, and only Congress, had authority to legislate for the status of Puerto Rico and naturally, for the residents of the island. Some lawmakers however, questioned whether Congress had such authority or not. The territorial clause of the Constitution came into question during the Insular Cases, whether the *ex proprio vigore*, by its own force, the Constitution followed the flag to Puerto Rico or not.

Historian, Bartholomew H. Sparrow, and legal scholars Christina Duffy Burnett and Burke Marshall provide a more detailed analysis of the constitutional debate than the scope of this research allows, however, what is important to note is the discrepancy embedded in the

¹⁴⁴ Report of the United States Insular Commission, at. 75. (Citation: 4648 H.doc.5/29).

Treaty. Had the status of the island been determined during the negotiations, Congress and the Supreme Court would have had a *fait accompli*, whether Puerto Rico was or was not a territory of the United States. The Treaty, leaving the decision for Congress for future determination, provided a loophole that the Congress and the Supreme Court of the time had to, and of the present time, have to grapple with. Legislators for territorial incorporation of Puerto Rico argued that the Constitution of the United States followed the flag by its own force, whereas legislators arguing against incorporation asserted that the Congress had the power to determine the status of the acquired territories and the United States had the right to hold colonies. In short, the question was phrased as to whether Congress had power to legislate for extraterritorial possessions, or the power was embedded in the Constitution.

During the congressional debate of Senate Bill 2264 Horace Henry Powers, a Republican Representative from Vermont, for example, points out the imminent overreaching power of Congress when he says, “[T]he question is not whether the Constitution extends to Puerto Rico, but whether it extends to Congress.”¹⁴⁵ On April 11, 1900, on the day before the bill was signed into law, Representative Crumpacker asked, “[D]id Congress create the Constitution or did the Constitution create Congress?”¹⁴⁶ A year earlier, at the request of the War Department, Charles E. Magoon (Law Officer, Division of Customs and Insular Affairs, War Department) analyzed the constitutional question and submitted a memorandum, dated May 30, 1899. In the memorandum Magoon argued that by the signing of the Treaty of Paris, Puerto Rico “became part of the United States, and as such subject to the Constitution.” Magoon concluded that “[N]o

¹⁴⁵ Cong. Rec. H.R. at. 2216. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0224). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0224?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0224?accountid=14214).

¹⁴⁶ Cong. Rec. H.R. at. 4046. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0411). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0411?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0411?accountid=14214).

further action by Congress was necessary or possible. The Constitution does not depend upon Congress for authority in any part of the United States. The reverse of the proposition is the fact. From this time on Congress must look to the Constitution for authority to legislate for Puerto Rico.¹⁴⁷ Yet, the Treaty of Paris authorized Congress with such power. The same Curtis who served on the Insular Commission whose report asserted that Porto Rico was a part of the United States and its people were "Porto Rico-Americans" and the island could no longer be considered "foreign," testifying before Congress, stated that only Congress had authority to determine the status of the island and its residents and in the "meantime they will remain only and simply as the treaty leaves them, inhabitants of the island." But while so remaining they will not be within the jurisdiction of Congressional legislation.¹⁴⁸ Thus, Curtis not only reversed the recommendation of the Insular Commission, but also introduced a contradiction since Congress was in fact legislating for Puerto Rico and therefore, the island *ipso facto*, had to be within the jurisdiction of Congressional legislation. Curtis's statement that "[T]he people of the United States are responsible for whatever government is adopted and not the inhabitants of the islands[.]" further establishes that Congress was already legislating for the island and as happens to be the case, still legislates for the island and without the consent of the governed, one might add, because Puerto Ricans living on the island have no vote in Congress, nor can they vote in presidential elections. Foraker, with his bill to provide citizenship and temporary civil

¹⁴⁷ Relations of Porto Rico to the Constitution. 56th Cong. 1st Sess. H.R. Doc. No. 594. at. 2. (Text from: *Congressional Record Permanent Digital Collection*: Citation: 3995 H.doc.594). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3995_h.doc.594?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3995_h.doc.594?accountid=14214).

¹⁴⁸ Hearings on Senate Bill 2264, To Provide a Government for the Island of Puerto Rico, and for Other Purposes. 56th Cong. 1st Sess. Senate. Doc. No. 147, at 101. (Text from: *Congressional Record Permanent Digital Collection*: Citation: HRG-1900-PIP-0001). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t29.d30.hrg-1900-pip-0001?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t29.d30.hrg-1900-pip-0001?accountid=14214).

government for Puerto Rico, attempted to bridge the gap between and find a solution for the Treaty-created contradiction.

President McKinley, a Republican at the helm, and a Republican majority in Congress, driving for American economic expansion and control of foreign markets, asserted authority over the newly acquired islands to legislate for them at their pleasure and have colonies if need be. Most Democrats opposed the acquisitions on both constitutional and racial grounds. They argued against colonial expansion, in many instances expressing fear of the racially different peoples of the acquired territories, and asserting that once the United States had those territories, it was bound to incorporate them into the Union and grant the peoples the same rights and liberties Americans had and extend the Constitution to them. Foraker was one of the few Republicans who opposed congressional overreach and pretensions on principle.

During the hearings of the Resolution on Cuba in 1898, two years before he submitted his bill to provide temporary civil government for Puerto Rico, a critical Foraker says, "in my judgment, this intervention is to be deliberately turned from intervention on the ground of humanity into an aggressive conquest of territory,"¹⁴⁹ and responding to the degrading depictions of the Cuban leadership he stated, "I say, without attempting to disparage anybody, the President and vice-president of the Cuban Republic, for intellectual strength and power and vigor, for high character, for unquestioned ability, for statesmanship, will compare favorably with the President and Vice-President of the United States of America."¹⁵⁰

Foraker served on the *Committee on Pacific Islands and Porto Rico* and submitted the Committee's report, Senate Report 249, which contained much of the same language and

¹⁴⁹ Cong. Rec. Vol. 31. S. at. 3780. (Citation: CR-1898-0413).

¹⁵⁰ Cong. Rec. Vol. 31. S. at. 3779. (Citation: CR-1898-0413).

understanding as Senate Bill 2264 conveyed.¹⁵¹ While the report interpreted the power of a treaty, in this case referring to the Treaty of Paris of 1898, as having equal power to the Constitution, thus accepting the authority of Congress as defined by that Treaty to legislate for the status of Puerto Rico and its people, the report stated that Puerto Rico was "no longer foreign, but American"¹⁵² and "[I]t was necessary to give to these people definite status. They must be either citizens, aliens, or subjects. We have no subjects, and should not make aliens of our own. It followed that they should be made citizens, as the bills provides."¹⁵³ It appears that since the Committee could not make the argument to grant citizenship to Puerto Rico on congressional grounds, it made a moral reasoning to make the Puerto Ricans citizens of the United States "not because of any supposed constitutional compulsion, but solely because, in the opinion of the committee, having due regard to the best interests of all concerned, it is deemed wise and safe to make such a provision."¹⁵⁴ Citing the fourteenth amendment, the Committee further asserted that since corporations were deemed persons, Puerto Rican corporations would become citizens of the United States.¹⁵⁵ Not all committee members agreed. Suggesting that without legislation Puerto Rico was not an integral part of the United States, the views of J. H. Gallinger and Geo. C. Perkins deduced that it was "rather a colony or dependency" and it followed that Congress could impose any tariff to and from it and the "establishment of free trade between Porto Rico and the United States would be violative (sic.) of protection."¹⁵⁶ Echoing the economic interests of American businessmen, they further stated that "if free trade

¹⁵¹ Hearings on bill to provide government for Porto Rico. 56th Cong. 1st Sess. Senate. Report No. 249. (Text from: *Congressional Record Permanent Digital Collection*: Citation: 3851 S.doc.147). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3851_s.doc.147?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3851_s.doc.147?accountid=14214).

¹⁵² Hearings on bill to provide government for Porto Rico. at 7. (Citation: 3851 S.doc.147).

¹⁵³ Hearings on bill to provide government for Porto Rico. at 13. (Citation: 3851 S.doc.147).

¹⁵⁴ Hearings on bill to provide government for Porto Rico. at 12. (Citation: 3851 S.doc.147).

¹⁵⁵ Hearings on bill to provide government for Porto Rico. at 13. (Citation: 3851 S.doc.147).

¹⁵⁶ Hearings on bill to provide government for Porto Rico. at 16. (Citation: 3851 S.doc.147).

should be established between Porto Rico and the United States American farm laborers would necessarily to some extent come in competition with the cheap labor of the island¹⁵⁷ and that [F]ree trade with Porto Rico means free trade with the Philippines, and we can not regard with indifference an economic condition that would strike a harmful, if not deadly, blow to the successful cultivation of tobacco, sugar, and citrous (sic.) fruits in the United States.¹⁵⁸ The signers of the dissenting view concluded, [w]e are hopeful that Congress may, in its wisdom, further amend the bill by increasing the rates to a point that will adequately protect the interests of the farmers of the United States.¹⁵⁹

As noted above, the congressional hearings raged on between January 8 and April 12, 1900, divided mostly along party lines, when President McKinley signed the Bill into law. It would be simplistic, however, to suggest that all Republicans were on board with American expansion into the global sphere and accepted the mainstream stance of colonial expansion and all Democrats were against it, although the votes came down on strong party lines with a few principled exceptions on both sides. During the debates Representative Powers reiterated the point Foraker delivered in the Report, [P]uerto Rico is either American territory or foreign territory. It can not at one and the same time be both, nor can it be American for one purpose and foreign for another. It can not be American for purposes of government and foreign for purposes of plunder.¹⁶⁰

Democrats, one after another, strongly agreed with the Republican minority and voiced their opinions in no uncertain terms. Robert Foligny Broussard, Democratic Representative from

¹⁵⁷ Hearings on bill to provide government for Porto Rico. at 16. (Citation: 3851 S.doc.147).

¹⁵⁸ Hearings on bill to provide government for Porto Rico. at 17. (Citation: 3851 S.doc.147).

¹⁵⁹ Hearings on bill to provide government for Porto Rico. at 17. (Citation: 3851 S.doc.147).

¹⁶⁰ Cong. Rec. H.R. at. 2216. (Citation: CR-1900-0224).

Louisiana said, “[I]f the contention of the majority of the Ways and Means Committee be correct, then suddenly, even as the chameleon changes his color, just so has the Republic been changed into an empire.”¹⁶¹ Concluding his extensive remark about the status of the Hawaiians and Puerto Ricans John Austin Moon, Democratic Representative from Tennessee stated, “[T]hey can not be in a state of political nonexistence[.]” and echoing the *ex proprio vigore* asked, “[W]here are they if they be not under the flag and Constitution of this Republic?”¹⁶² Referring to the Treaty of Paris and its application to Puerto Rico, David Emmons Johnston, Democratic Representative from West Virginia said that, “by virtue of the treaty with Spain, is either a part of the territory of the United States or it is not. There is no middle ground or position.”¹⁶³ And last but not least, John Dillard Bellamy, Democratic Representative from North Carolina invoked the words of none other than the most revered Republican, President Lincoln when he said, “[T]his Government can no more exist permanently half republic and half empire than it could exist half slave and half free.”¹⁶⁴ The excerpts above by no means reflect the scope of the colorful and lengthy comments of other Democrats. They frequently brought race into the arguments, cried “imperialism” and the violation of the Constitution. Pointing out the hypocrisy of the Republican side, Benjamin Ryan Tillman, Democratic Senator from South Carolina proclaimed:

You deal with the Filipinos just as we deal with the negroes, (sic) only you treat them a heap worse. You deal with the Puerto Ricans, or you propose to deal with the Puerto Ricans, just as we deal with the negroes, (sic) only you treat them a heap worse. I simply want to remind you gentlemen that you are under bond to your conscience and your past record to do certain things, and if it be said that it does not lie in my mouth, as a man

¹⁶¹ Cong. Rec. H.R. at. 2216. (Citation: CR-1900-0224).

¹⁶² Cong. Rec. H.R. at. 2262. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0226). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0226?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0226?accountid=14214).

¹⁶³ Cong. Rec. H.R. at. 2280. (Citation: CR-1900-0226).

¹⁶⁴ Cong. Rec. H.R. at. 2351. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0227). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0227?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0227?accountid=14214).

from the South, to stand up here and proclaim that, that we do not do it, and that therefore I am a hypocrite in my pretense of endeavoring to have these colored races treated right, I will tell you that this is the difference: We of the South have never made any pretense of considering the negroes our equals or as being fit for suffrage. We fought to keep them slaves and protested against their enfranchisement. You of the North contended that they were equal to white men and should have all the rights of citizens, and you framed the three amendments to carry it into effect. There is no inconsistency in our reminding you of these things and calling attention to your change of attitude toward the colored races.¹⁶⁵

An argument over economics followed the Constitutional and the race debate. Many Democrats argued that the collected tariffs on trade between Puerto Rico and the United States were unjust on one hand, because the uniformity of taxation between States prohibited any taxation between States, on the other hand, if they were collected, they were due to go to the United States Treasury and not to Puerto Rico. One of the clearest voices from the Democratic side came from Albert Seaton Berry, a Democratic Representative from Kentucky. Not mixing the question of race into his statement, Berry summed up the inevitable outcome of the hearings,

[w]hen I read the decision first cited it satisfied me that Puerto Rico was a part of the United States. The chairman of the committee [Mr. Payne] comes in now with a proposition for the purpose of unifying the Republican side of the House, and to whip them all into line, at which he is an adept, and brought in a proposition this morning that he thinks will change the condition of things on that side of the House. In other words, he is going to commit petit larceny instead of grand larceny. He is only going to carry out a robbery of 15 per cent, when his original proposition was to carry out a robbery of 25 per cent against the Constitution of the United States.¹⁶⁶

Berry's argument pointed out that the proposed 15 per cent tariff between Puerto Rico and the United States violated the uniformity of taxation between States.

However, the Republican side was unmoved by any of the charges and in fact called on the Democrats as outdated representatives of the past. Frank Wheeler Mondell, Republican Representative from Wyoming, stated,

¹⁶⁵ Cong. Rec. H.R. at. 2244. (Citation: CR-1900-0226).

¹⁶⁶ Cong. Rec. H.R. at. 2402. (Citation: CR-1900-0228).

[T]hey tell us that this is imperialism. Well, if it is, Thomas Jefferson, the patron saint of the Democracy, was our first emperor and Andrew Jackson was the viceroy and PooBah of the Floridas. ¹⁶⁷ Under our Constitution the treaty-making power may annex territory, but I can not believe that the framers of the Constitution in their wisdom intended to confer on the treaty-making power the authority to add to the citizenship of the Union a mixed assortment of Malays and Chinese and expose our people to the evils resulting from contract or competition with them or their produce.¹⁶⁷

Mondell confirmed Mahan's assessment of Thomas Jefferson by pointing out the historical hypocrisy of the other side, and also expressed the general racism of the time, prevalent on both sides of the aisle. Several Republicans gave voice to the economic interests at stake protesting against the duty free importation of cigars from Puerto Rico on behalf of their respective Cigar Maker's unions.¹⁶⁸ The Congressional Records provide many such references reflecting the concerns of the domestic tobacco industry, most of them coming from Representatives who did not otherwise contribute to the political argument at hand. However, the more vocal Representatives provided equally and often more forcefully expressed economic interests of the sugar and citrus fruit industries.

Another important observation must be made in order to understand the path Puerto Rico was set upon. During the Treaty of Paris and the Foraker Bill hearings the race issue was frequently brought up as noted above, however, the influence of the racial component during the debates cannot be overstated. Looking at the racial composition of each of the new acquisitions: Guam, the Philippines and Puerto Rico, resulting from the Spanish-American War and Hawaii, also annexed in 1898, legislators evaluated the potential harm of their incorporation into the Union on racial grounds. Although Hawaii was viewed as having racially inferior populations, Chinese and Japanese, its economy was already controlled by a white minority for decades, and

¹⁶⁷ Cong. Rec. H.R. at. 2276. (Citation: CR-1900-0226).

¹⁶⁸ Cong. Rec. H.R. at. 2369-70. (Citation: CR-1900-0228.)

thus was acceptable.¹⁶⁹ Guam was too small to be concerned about, and Puerto Rico had a favorable racial makeup. The Reverend Carroll, Brigadier-General Davis, the Insular Commission and other visitors of the island reported that the great majority of the population of nearly one million, although not Anglo-Saxon -white,øwas of European stock, and less than ten percent was black, of African descent, and they were expected to be absorbed into the Spanish stock. For example, Davis reports his observation,

Since 1867 a census has been ordered taken every ten years. í A marked decrease will be noticed in the number of negroes, by comparing the total of 75,824 in the census of 1897, with that of 76,985 in the census of 1887. By prohibiting the immigration of negroes from the neighboring islands, and estimating the annual loss to that race through absorption by the white and mixed races at 3 per cent, those 75,824 negroes that remain in the island would have disappeared in a period of about 300 years. This is a very important anthropological study, because, on the event of this happening, the island of Puerto Rico would be the only one of the West Indies where the white race would predominate numerically.¹⁷⁰

Again, Democrats pointed out the unspoken fear of the Republican side: that by incorporating the racially less threatening Puerto Rico into the United States, Congress would be compelled to consider the incorporation of the ten million Filipinos. Perhaps the first one elaborating on this larger question was Curtis when he said, òI think the reason the treaty did not make these people citizens was because of these various questions we are discussing, no (sic) so much for Puerto Rico, but as the same question might be discussed in connection with other islands ó the Philippines and Sulus ó and all are embraced in some provision.ö¹⁷¹ In one of his arguments, Roderick Dhu Sutherland, Democratic Representative from Nebraska, questions the constitutionality of the ambivalent status of the acquired islands on hand when he says, òI hold

¹⁶⁹ Lanny Thompson, òThe Imperial Republic: A Comparison of the Insular Territories under U.S. Dominion after 1898.ö *Pacific Historical Review*, Vol. 71, No. 4 (November 2002). 543-44. (An earlier version of this paper was presented at the Conference on Policy History, St. Louis University, May 1999.) <http://www.jstor.org/stable/10.1525/phr.2002.71.4.535>.

¹⁷⁰ 56 Cong. 1st Sess. H.R. Doc. No. 2. at 634. (Citation: 3904 H.doc.2.)

¹⁷¹ 56 Cong. 1st Sess. S. Doc. No. 147. at 100. (Citation: HRG-1900-PIP-0001.)

that we can not, under our form of government and under our Constitution, take a grant of land and occupy it as a sovereign without giving to the inhabitants all the rights to which the citizens of the States are entitled. That we cannot as a Republic exist as sovereign and subject, and that as a Government giving equal rights to all its citizens we can not maintain colonies and dependencies[.]ö then further in his argument he points to the racial element when he says, ö[I]t is impossible that the Chinese, the Malay, the Moro, and the Tagalo could ever become good American citizens, capable of understanding and upholding those principles upon which our Government is founded.ö¹⁷² Representative Southerland foreshadows the current fears regarding the granting of statehood to Puerto Rico when he concludes,

Who dares to contemplate that in the near future we will permit eight or ten Senators and forty-odd Representatives from those islands to participate in legislation as representatives from the Philippine States? Yet we will have that condition of things if those islands are ever formed into States; and I insist, Mr. Chairman, that if we permanently retain them, under the Constitution of our country it can only be done with a view to ultimate statehood.¹⁷³

Another Democrat, Peter Johnston Otey, a Representative from Virginia also put the consequences of the new acquisitions bluntly,

I want to enter my protest against the title to this bill and to substitute for it, öA bill to obstruct the trade of Puerto Rico and prevent setting a precedent for action which sooner or later must confront the Republican majority in dealing with 10,000,000 Asiatics, 9,000,000 of whom dress only in their complexions, and to show due deference to the behests of trusts generally, and to the sugar and tobacco trusts particularly, by taxing a prostrate people without representation.ö¹⁷⁴

Otey's comment is racist on one hand and also on target of pointing out the hypocrisy of the Republican position on the other. In the same vein, another Democrat, Joseph Crocker Sibley,¹⁷⁵ a Representative from Pennsylvania and a Populist, William Vincent Allen, a Senator from

¹⁷² Cong. Rec. H.R. at. 2278. (Citation: CR-1900-0226).

¹⁷³ Cong. Rec. H.R. at. 2278. (Citation: CR-1900-0226).

¹⁷⁴ Cong. Rec. H.R. at. 2408. (Citation: CR-1900-0228).

¹⁷⁵ Cong. Rec. H.R. at. 2414. (Citation: CR-1900-0228).

Nebraska, delivered likewise strong racial arguments.¹⁷⁶ The question on the passage of the bill was taken in the House and there were 172 yeas, 160 nays, answering present, 1, not voting 20.¹⁷⁷ The bill was sent to the Senate on February 28, 1900.

The bill came back to the House on April 4, 1900 and the debate over the passage of it continued until the last day. On April 11, the Democrats mounted a new attack against the Republican stance in the House of Representatives. Representative Richardson questioned the sudden change of heart of Republicans pointing out that the President of the United States and the Secretary of War recommended free trade with Puerto Rico and the chairman of the Ways and Means of the House as late as January of 1900 introduced a bill giving free trade to the people of Porto Rico and further stated that "[E]very commission, every public official, that has been sent by the President of the United States to Porto Rico has recommended free trade between that island and the United States."¹⁷⁸ Richardson also points to the about face of Magoon citing that Magoon also reversed his assessment all of a sudden.¹⁷⁹ Richardson presents an allegation that the Republicans made an about face as a result to a large sum of money being paid by the sugar trusts to change their votes and cites a reporter, Miller as the source. Watson, a Republican Representative mounts a counter argument, asserting that the allegation is rubbish because introducing a tariff would not be in the interests of the sugar trusts. He states that the Republican Party is a practical party and explains that the change of stance came about because the hurricane created a need for revenues. Watson's argument however, becomes transparent when he confirms the Democratic charges and reveals his own racial prejudice when he says,

¹⁷⁶ Cong. Rec. S. at. 2389-91. (Citation: CR-1900-0228).

¹⁷⁷ Cong. Rec. H.R. at. 2429. (Citation: CR-1900-0228).

¹⁷⁸ Cong. Rec. H.R. at. 4029. (Text from: *Congressional Record Permanent Digital Collection*: Citation: CR-1900-0411). [HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0411?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t19.d20.cr-1900-0411?accountid=14214).

¹⁷⁹ Cong. Rec. H.R. at. 4029. (Citation: CR-1900-0411.)

[I]f the Constitution extends over Porto Rico, it extends over the Philippines. If we must have free trade with one, we must have free trade with the other. í The idea that we must admit 10,000,000 half-naked savages to all the rights, benefits, immunities, privileges, and blessings of this Government ó of which they have no more conception than the eyeless fish in Mammoth Cave have of the glories of the noonday sun ó is to me absurd. The idea that we must abandon our protective-tariff policy in order to retain these possessions is to me the very extreme of folly.¹⁸⁰

Representative Watson could not have summed up the argument better. Despite the minority voices of Foraker, Powers, Hoar and a few others Republicans and the Democratic opposition to the bill, most Republicans accepted the new acquisitions as colonies and voiced their economic concerns. The final bill jettisoned the proposed citizenship for Puerto Rico, which would have meant territorial incorporation and confirmation of the *ex proprio vigore*, while it allowed for taxation of the island and for the creation of a colonial status. The congressional debates carried the voice of the majority in which the economic and racial sentiments of the time were clearly expressed. Puerto Rico was not going to get any recognition and it would be relegated to the status of an unincorporated territory.

On April 12, 1900 President McKinley signed into law “An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,” that became known as the Foraker Act after its sponsor.¹⁸¹ The Congress of the United States voted for the passage of the bill that, by introducing a tariff between Puerto Rico and the United States, relegated Puerto Rico to an unincorporated territorial status, thus not part of the United States. On May 1, 1900, Charles H. Allen was inaugurated as the first civil governor of Puerto Rico. Puerto Rico received a House of Delegates electable by qualified voters which in turn could legislate

¹⁸⁰ Cong. Rec. H.R. at. 4038. (Citation: CR-1900-0411.)

¹⁸¹ 56 Cong. 1st Sess. S. Doc. No. 297. (Text from: *Congressional Record Permanent Digital Collection*: Citation: 3868 S.doc.297).
[HTTP://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3868_s.doc.297?accountid=14214](http://congressional.proquest.com.libezproxy2.syr.edu/congressional/docview/t47.d48.3868_s.doc.297?accountid=14214).

domestic affairs not controlled by the United States,¹⁸² a judiciary called the "district of Porto Rico," again, retaining power to the President of the United States to appoint a district judge, a district attorney and a marshal for the district, and to add insult to injury, all pleadings and proceedings at the courts were to be conducted in the English language,¹⁸³ and an electable resident commissioner to the United States Congress, also required to read and write in English.¹⁸⁴ The resident commissioner was (and still is) a non-voting representative in Congress.

The implementation of the Foraker Act was a top-down assertion of American authority over Puerto Rico without the consent of the governed. Puerto Rico was a possession, a colony of the United States and the new masters dictated the terms of the non-negotiable political, economic and social laws and regulations. The legislative body of the US Government concluded that Puerto Rico was not part of the United States, but the United States had control of Puerto Rico. The decisions of the judicial body of the US Government in the Insular Cases, specifically relating to Puerto Rico, were still in the waiting.

The Insular Cases and the creation of the peculiar status of Puerto Rico

In the Insular Cases, from *De Lima v. Bidwell* in 1901 to *Balzac v. Porto Rico* in 1922, the Supreme Court argued cases brought to the Court on merits of Constitutionality in regard to the application of tariffs between the United States and the newly acquired territories of Hawaii, the Philippines and Puerto Rico. The tariff debates were formulated around the Constitutional concept of whether an acquired territory was part of the United States, or not. If a territory was

¹⁸² U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sections 27-29.
<http://ezproxy.strose.edu:2058/ehost/detail?vid=4&hid=5&sid=2cc07159-7ee7-4a8b-baef-a587a8fc0323%40SRCSM1> April 12, 1900.

¹⁸³ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sec. 34.

¹⁸⁴ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sec. 39.

part of the United States, then according to Article I, Section 8 of the Constitution, the Uniformity Clause applied, meaning that all “[D]uties, Imposts and Excises shall be uniform throughout the United States.” If however, a newly acquired territory was not part of the United States, then the Constitution did not apply.

While Congress was waiting for the highest Court to solve the constitutionality of the territorial problem and inform Congress, the Supreme Court had “tossed the ball back to Congress, so to speak, to solve the question. The decisions conveyed that Puerto Rico, and the other newly acquired territories for that matter, were not part of the United States until Congress determined otherwise. The Supreme Court decisions, similar to the Congressional arguments noted above, relating to the Constitutionality of territorial incorporation or non-incorporation, were shaped and formulated by the racial attitudes and economic interests of the time. Neither the Supreme Court decisions, nor the Congressional debates had sealed the fate of Puerto Rico, however. Since Puerto Rico was ceded to the United States by Spain and the Treaty of Paris stipulated that Congress had authority to determine the status of the island, Congress could have set Puerto Rico on the path of either statehood or independence. Such power still rests with the Congress of the United States, it is however, severely impeded by the granting of US citizenship to the entire population of the island in 1917 because Congress has shown no interest in granting either statehood or independence to the island. Congress-authorized plebiscites to vote on the question by Puerto Ricans are misleading and deceptive because the results are irrelevant in the sense that the US Congress has to approve the results of a plebiscite and vote on the status for the island. The fact is that only a congressional resolution can determine the fate of Puerto Rico. Chapter Three will analyze the rationale behind the granting of citizenship and the long-lasting consequences for the United States, but more deterministically for the people of Puerto Rico.

As the debate heated up in Congress and the Supreme Court, intellectuals like Abbott Lawrence Lowell, C. C. Langdell, James Bradley Thayer, Carman F. Randolph, Simeon E. Baldwin and other prominent figures weighed in on the Constitutional question.¹⁸⁵ In the dialogue, Lowell's "Third View" gained prominence and influenced the opinion of the Supreme Court, the third body of the balance of power which, through the Insular Cases, ultimately established the status of Puerto Rico.¹⁸⁶ Lowell did not see a problem with holding colonies, arguing that it reflected the geographic expansion of the United States and that "[I]t may safely be asserted, therefore, that the United States has been one of the greatest and most successful colonizing powers the world has ever known."¹⁸⁷ At the end, the decisions of the highest court created a peculiar status for the islands of Guam and Puerto Rico. Paraphrasing Justice White, "foreign in a domestic, but domestic in a foreign sense," captures the creation of the in-between, peculiar status of Puerto Rico.¹⁸⁸ Domestic in a foreign sense seemed to mean that Puerto Rico was American property under American protection and foreign in a domestic sense appeared to mean that the Constitution of the United States did not apply with its full force. The ambiguous status allowed Congress arbitrary application of the US Constitution and provided arbitrary protection of the islands from other foreign powers.

In an earlier paper, before Duffy Burnett and Marshall (2001) and Sparrow (2006), published their works, Lanny Thompson, a member of the Department of Sociology and Anthropology at the University of Puerto Rico at Río Piedras, explored the constitutional and status question of Puerto Rico in 1999 and his work was published in 2002.¹⁸⁹ Thompson

¹⁸⁵ Duffy Burnett and Marshall, 6.

¹⁸⁶ Duffy Burnett and Marshall, 6. Sparrow. 91.

¹⁸⁷ Lowell, "The Colonial Expansion," 146.

¹⁸⁸ Duffy Burnett and Marshall, 1, 13.

¹⁸⁹ Thompson, 535-574.

phrases the question in racial terms, arguing that Puerto Rico was not incorporated into the United States because of its Hispanic and partly African blood and the contemporary Congressional Records of the debates substantiate his assessment.¹⁹⁰ Thompson says, “[T]roughout the legal debates, official reports, court decisions, and congressional debates, participants used the metaphors of femininity, childishness, and race to evaluate the capacity of the various subject peoples for self-government.”¹⁹¹ While Thompson provides an excellent analysis of the American imperial project, ingeniously providing different governments for the newly acquired territories, Guam, the Philippines and Puerto Rico, his analysis does not extend to the effects of one on the other, namely, the Philippines on Puerto Rico. As noted above, Congressmen expressed their concerns about the incorporation of the nine million “half-naked” Filipinos as an unavoidable scenario in case the US incorporated Puerto Rico.¹⁹²

Duffy Burnett and Marshall, both legal scholars, provide a more detailed Constitutional analysis of the Supreme Court arguments pointing to Justice White as the formulator of the paradoxical status noted above, while Bartholomew H. Sparrow, historian, examines the specific Insular Cases and points out that, in relation to the status of Puerto Rico, it was the *Downes v. Bidwell* case in which the Court arrived at the obscure status while leaving the decision making for Congress at a later date.¹⁹³ An earlier case, *De Lima v. Bidwell*¹⁹⁴ involved trade between Puerto Rico and the United States after the Treaty of Paris, but before the Foraker Act, whereas *Downes v. Bidwell* dealt with trade and duties between those two entities after the Foraker Act.

¹⁹⁰ Thompson, 537, 540, 565.

¹⁹¹ Thompson, 540.

¹⁹² Cong. Rec. H.R. at. 4038. (Citation: CR-1900-0411.)

¹⁹³ Sparrow, 9.

¹⁹⁴ Duffy Burnett and Marshall, 13.

In the *De Lima v. Bidwell* case [D]e Lima and Co. sued the U.S. government for the recovery of its payment of \$ 13,145.26 in taxes on three shipments of sugar from Puerto Rico to New York.¹⁹⁵ George R. Bidwell was the New York customs officer. The question was whether such taxation was legal under the Uniformity Clause of the Constitution. If Puerto Rico was part of the United States, then no tax, tariff or duty was legal under the Uniformity Clause. In a five to four decision the Court decided in favor of De Lima and Co., arguing that at the time of the levied customs Puerto Rico was not a foreign country under the existing Dingley Tariff of 1897.¹⁹⁶

In the *Downes v. Bidwell* case Samuel Downes, a businessman of S.B. Downes and Company, was charged a duty of \$ 659.35 on shipment of oranges from Puerto Rico to New York.¹⁹⁷ In this case the Supreme Court reversed its opinion and ruled in favor of Bidwell, that is the Court asserting that Puerto Rico was not part of the United States.¹⁹⁸ The significance of the date of *Downes v. Bidwell* is that the Supreme Court followed suit and confirmed the Foraker Act. Duffy Burnett writes in her note that, [I]n *Downes*, Justice White would not only echo Lowell's argument but would also conclude that the Foraker Act had not incorporated Puerto Rico.¹⁹⁹ In essence, both cases sought to establish whether Puerto Rico was part of the United States or not, however, in the case of *De Lima v. Bidwell* the Court ruled as if Puerto Rico was part of the United States, whereas in the case of *Downes v. Bidwell* the Court ruled that it was not. Duffy Burnett points out that the inconsistency [made imperialism possible].²⁰⁰ Congress and the Supreme Court tailored the law as they saw fit to meet the needs of an imperial United

¹⁹⁵ Sparrow, 55.

¹⁹⁶ Sparrow, 113.

¹⁹⁷ Duffy Burnett and Marshall, 7.

¹⁹⁸ Sparrow, 87.

¹⁹⁹ Duffy Burnett and Marshall, 31.

²⁰⁰ Duffy Burnett and Marshall, 16.

States. As to the racial argument, even the dissenting Justice Harlan agreed with the majority. Paraphrasing his words, Harlan suggested that territorial claims were subject to whether a particular race would or would not assimilate to the American people.²⁰¹

A wait and see postponement of decision making developed. Congress, although clearly authorized by the Treaty of Paris to decide the fate of the acquired territories, was waiting for the Supreme Court to give a sign, while the Court, in a five-to-four decision, failed to give clear interpretation of the Constitutional debate and deferred the question to Congress. Although the McKinley Administration was all but silent on the issue, according to Morales Carrión [Davis] [Brigadier General George W. Davis] was one of the two primary shapers of the McKinley administration's colonial policies towards Puerto Rico. The other was Elihu Root, secretary of war since July, 1899.²⁰² The mighty United States acquired new territories, but it did not quite know what to do with them. If Lowell offered a half-baked solution, the Supreme Court decisions sanctioned what Supreme Court Justice John Marshall Harlan interpreted as follows:

To say otherwise is to concede that Congress may, by action taken outside of the Constitution, engraft upon our republican institutions a colonial system such as it exists under monarchical governments. The idea that this country may acquire territories anywhere on earth, by conquest or treaty, and hold them as mere colonies or provinces, or people inhabiting them to enjoy only such rights as Congress chooses to accord them is wholly inconsistent with the spirit and genius as well as the words of the Constitution.²⁰³

Foreshadowing future events to come [Chief Justice Fuller wrote in a dissenting opinion in *Downes v. Bidwell*, Puerto Rico was left like a disembodied shade in an intermediate state of ambiguous existence.]²⁰⁴ Forty-some years later Rexford G. Tugwell, a member of President Franklin Delano Roosevelt's brain trust and the last American Governor of Puerto Rico

²⁰¹ Sparrow, 98.

²⁰² Morales Carrión, 148.

²⁰³ Sparrow, 97.

²⁰⁴ Quoted in Morales Carrión, 157. (*Downes v. Bidwell*, 182 U.S. 244, 341.)

between 1941-1946, summed up the consequences of the ðambiguous existenceö the Supreme Court created in 1901:

This is what colonialism was and did: it distorted all ordinary processes of the mind, made beggars of honest men, sycophants of cynics, American-haters of those who ought to have been working beside us for world-betterment ó and would if we had encouraged them. Economically it consisted in setting up things so that the colony sold its raw products in a cheap market (in the mother country) and bought its food and other finished goods in a dear market (also the mother country); there was also the matter of foreign products to be carried in American ships. In that sense Puerto Rico was a colony just as New York and Massachusetts had been colonies. Except for öreliefö of one kind or another, which George III and the others were too foolish to give when it would have been wise, Puerto Rico was just as badly off. And relief was something which the Congress made Puerto Rico beg for, hard, and in the most revolting ways, as a beggar does on a church step, filthy hat in hand, exhibiting sores, calling and grimacing in exaggerated humility. And this last was the real crime of America in the Caribbean, making of Puerto Ricans something less than the men they were born to be.²⁰⁵

Likewise to the legislative body of government, the judicial body also made decisions in the Insular Cases closely reflecting the racial prejudices and economic interests of the time.²⁰⁶

The Supreme Court ruled in the two important tariff related Insular Cases that Puerto Rico belonged to, but was not part of the United States.

Conclusion

Congress heatedly debated the racially-charged status question of Puerto Rico, with most Republicans arguing in favor of accepting the establishment of a colonial empire, thus keeping the acquired populations as subject people. Most Democrats pointed out the hypocrisy of the Republican position in having fought a bloody Civil War, supposedly for the liberation of the ðNegroesö while refusing to incorporate the ethnically and culturally different populations. On one hand the Democrats pointed out the impossibility of mixing foreign races with that of the

²⁰⁵ Quoted in Trías Monge, 97-98. (Tugwell, Rexford G., *The Stricken Land: The Story of Puerto Rico*, New York, Doubleday, 1947, 42-43.)

²⁰⁶ Sparrow, 92.

Anglo-Saxon blood, on the other, they argued for consistency with the Constitution and the incorporation of the acquired territories, whether they were ethnically and culturally different or not.

Senator Foraker recommended civil government and even citizenship for Puerto Rico, but as often happens, very little of the original bill made it to the final act and what became a matter of contention was the tariff on goods to and from Puerto Rico. The bill introduced a 15 percent tax on exports to and imports from Puerto Rico, purportedly in order to return the collected tax to island for economic improvements; however, in reality, it stifled the Puerto Rican economy by putting it on disadvantaged soil and also foreshadowed the Supreme Court decisions.²⁰⁷ The introduction of tariffs deemed Puerto Rico to be foreign territory. Article I of the Constitution requiring uniformity in state-to-state taxation did not apply. American economic interests feared cheaper agricultural produce entering the United States and the sugar beet, tobacco, coffee and citrus fruit interests waged a vicious war and lobbied against incorporation of Puerto Rico, because it would have meant uniform taxes. Since “[T]he Foraker Act did not grant the inhabitants of Puerto Rico US citizenship, nor, as it turned out, did the Act incorporate the island into the United States, it left the possibilities open for either independence, or statehood in the future.”²⁰⁸

The Supreme Court also failed to deliver a clear decision in the Insular Cases. Lowell created a “Third View” by making colonialism fit the Republic and provided the intellectual justification of empire. His views, deeply influencing Justice White who carried the decisive voice in the Supreme Court, and racial and economic considerations informed the decision making process. Social Darwinist theories deeply influenced the minds of many and the

²⁰⁷ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sec. 3.

²⁰⁸ Duffy Burnett and Marshall, 5.

Supreme Court justices were no exceptions. The Justices, like the Congressmen, wanted to keep the newly acquired territories for economic reasons, but did not want to incorporate them for racial reasons. Neither the Congressional debates, nor the Supreme Court decisions showed political interest in incorporating Puerto Rico into the Union or granting independence to it and neither produced a permanent solution for the status question either. However, at any time during the debates, Congress could have set Puerto Rico on the path to statehood or independence. Likewise, the Supreme Court could have decided whether Puerto Rico was part of the United States or not. The fate of Puerto Rico was to be determined at a later time. Two branches of the government postponed the decision making until a later time and not until President Theodore Roosevelt recommended citizenship to the Puerto Ricans in 1905 did the status question come to the fore again.

Chapter Three

The Road toward the Granting of US citizenship to Puerto Rico

Introduction

The US Congress through the Foraker Act in 1900 set Puerto Rico on the path of the peculiar status of an unincorporated territory, and the Supreme Court decision in *Downes v. Bidwell* in 1901 confirmed the non-incorporation doctrine and asserted that Puerto Rico belonged to, but was not part of the United States.²⁰⁹ The retainment of the acquired island territories of Guam, Puerto Rico and the Philippines as unincorporated territories or *de facto* colonies, transformed the American Republic into the American Empire.

While the Philippines was set on the path toward independence (civil government in 1901, commonwealth status in 1935 and independence in 1946), Guam remained under naval command until 1950 when, as the result of the Guam Organic Act, it joined Puerto Rico as an unincorporated organized territory of the United States. Puerto Rico, unlike the Philippines, was not set on the path toward independence and, although it was granted a civil government much sooner than Guam, in the words of Chief Justice Fuller, it was set on the path of "ambiguous existence."²¹⁰ The majority of the political establishment of the new Empire accepted the possession of colonies, but it did not quite know what to do with them. This was not a traditional colonization of populating the acquired lands with good stewards to transform the land and its people into the image of the Anglo-Saxon race. This was an empire of ambivalence. The

²⁰⁹ Efrén Rivera Ramos, "Deconstructing Colonialism: The 'Unincorporated Territory' as a Category of Domination," in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, eds. Duffy Burnett and Marshall (Durham: Duke University Press, 2001), 105.

²¹⁰ Quoted in Morales Carrión, 157. (*Downes v. Bidwell*, 182 U.S. 244, 341.)

American political establishment wanted the new colonies for economic and strategic reasons, but without the racial, cultural, linguistic and religious baggage. Longley says, “the racism convulsing the country virtually precluded that the islands and their peoples í would ever follow the traditional route to organized territory and then statehood” and asserts that the “unincorporated territory” was “designed principally for Puerto Rico.”²¹¹ In consequence, Puerto Rico was set on a peculiar path, neither a state, nor an independent nation.²¹²

Chapter Three traces this peculiar path from the aftermath of the Foraker Act and *Downes v. Bidwell* toward the Jones-Shafroth Act of 1917 when US citizenship was granted to the people of Puerto Rico. The chapter analyzes the findings in the Congressional Records, thus lending support to the hypothesis that citizenship was granted in a hurried, ad hoc manner at the advent of the United States’ entry into the Great War to secure the allegiance of Puerto Rico, but without a path toward statehood. The menacing German submarine activity and potential German acquisition of the Danish West Indies and coaling station in Haiti in the Caribbean, the Zimmermann telegram, named after German foreign minister, Arthur Zimmermann, to lure Mexico into the war on the German side and the increasingly unavoidable American involvement in the war pushed President Wilson and Congress into a hurried decision to secure Puerto Rican loyalty to the United States.²¹³ Congressional Records and subsequent presidents’ statements reveal that at no time was a path toward statehood or independence for the island considered as viable options. Neither Congress, nor the presidents between 1898 and 1917 showed any intention of incorporating Puerto Rico into the United States.

²¹¹ Longley, xv.

²¹² Trías Monge, 1.

²¹³ Morales Carrión, 173.

The chapter demonstrates that the arbitrary granting of American citizenship to the entire population of Puerto Rico cemented the peculiar political status of Puerto Rico, a citizenship that the majority of the political establishment and voting population of Puerto Rico did not want. Trías Monge says, "American citizenship was conferred in a most inelegant way."²¹⁴ The granting of citizenship was inelegant because the majority of Puerto Ricans did not ask for it and the majority of them did not want it; it was arbitrarily granted because the decision was arrived at without any serious consideration about the meaning and long-term effects of the decision, which completely ignored the aspirations of the Puerto Ricans while by the same token, it formalized the colonial status of Puerto Rico. In short, the Congress of the United States legislated for Puerto Rico without the consent of the governed. The Foraker Act triggered a political realignment in Puerto Rico, whereas in the United States an indifferent Congress repeatedly postponed the decision making in regard to the political status of Puerto Rico until the imminent entry of the United States into World War I forced President Woodrow Wilson and Congress to act.

From the Foraker Act of 1900 to the Olmsted Bill of 1910

Political realignment in Puerto Rico

Political realignment in Puerto Rico was a reactionary response to the Foraker Act. In the wake of the Foraker Act and the decision in the trend-setting *Insular Case* mentioned above, disillusionment set in on the Puerto Rican side leading to political realignment within the leadership. Puerto Rico received less political power and recognition under American tutelage than under Spanish rule. Under Spain, Puerto Ricans were Spanish citizens and Spain allowed 4

²¹⁴ Trías Monge, 76.

senators and 12 deputies in the *Cortes*.²¹⁵ Under Section 7 of the Foraker Act, Puerto Ricans had become citizens of Puerto Rico ñentitled to the protection of the United States.ö²¹⁶ However, they were not necessarily welcomed in the US. Resident Commissioner Tulio Larrinaga reported in 1906 that ñ[S]ometimes Porto Ricans in the city of New York have been held up as immigrants.ö²¹⁷ Puerto Rico had become hostage to the United States. As an unincorporated territory, belonging to, but not part of the Unites States, Puerto Rico could not have its own governing body, *ergo*, it could not negotiate its domestic and foreign affairs. The United States legislated for Puerto Rico without the consent of the governed, and without any representation, as a *de facto* colony. The president of the United States held the power to appoint the governor of Puerto Rico and other key officials and the governor had veto power over any legislation.²¹⁸

Since Congress and the Supreme Court declared that Puerto Rico was part of the United States, independence was now out of the question. The tiny island had no political, economic, or military means to fend off the mighty United States. If the *independentistas* (believers in independence) lost their hopes because independence was ruled out, the *estadistas* (believers in statehood) lost theirs as well, because Puerto Ricans did not attain citizenship from the United States under the Foraker Act, the necessary step the *estadistas* considered to be the path toward statehood.

Besides political and economic control, the new colonial power also asserted cultural dominance. Puerto Rico lost the Spanish spelling of its name and lost its hopes for gaining independence and its hope of autonomy or home-rule as well.²¹⁹ Beginning in 1900, Puerto Rico

²¹⁵ 56 Cong. 1st Sess. S. Rep. No. 249. at. 15.

²¹⁶ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sec. 7.

²¹⁷ Hearing on S. 2620 To Provide that the Inhabitants of Porto Rico Be Citizens of the U.S. at. 3. (Citation: HRG-1906-PIP-0002).

²¹⁸ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sections 17 and 18.

²¹⁹ U.S. Statutes at Large, 56th Cong., Sess. I, Chp. 191, at. 77-86. Sec. 1.

was renamed Puerto Rico in official documents and remained so until 1923.²²⁰ The renaming signaled the advent of Americanization. English became the second official language of Puerto Rico in 1902 and the statute was in effect until 1991.²²¹ The English language became the vehicle of colonization.²²² Not only the administration of Puerto Rico was conducted in English, but English was also made the language of instruction in the public schools of Puerto Rico which lasted officially until 1949.²²³ Colonial domination was complete, however, the political, economic and cultural dominance of the United States over Puerto Rico triggered a political realignment in the island. The political leadership and their followers became polarized, divided between supporters of statehood and supporters of an acceptable alternative to independence.

The *Partido Republicanos*, Republican Party, led by José Celso Barbosa and Matienzo Cintrón, interpreted the Foraker Act as one step toward statehood.²²⁴ Modeled after the American Republican Party which Barbosa greatly admired as the party of emancipation,²²⁵ Barbosa accepted the colonial status until Congress saw fit to make Puerto Rico a state.²²⁶ On the other end of the spectrum was the *Partido Federal* opposing the *republicanos* for their strong stance for statehood and their close ties to the American Republican Party. The Muñoz Rivera led *Partido Federal*, Federalist Party, viewed the Foraker Act as a disaster to their hopes and boycotted the election following the Foraker Act in the same year. The boycott allowed the

²²⁰ Sparrow, 12.

²²¹ José Julián Álvarez González, "Law, Language, and Statehood: The Role of English in the Great State of Puerto Rico," in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, eds. Duffy Burnett and Marshall (Durham: Duke University Press, 2001), 290.

²²² González, 290.

²²³ Ángel Ricardo Oquendo, "Puerto Rican National Identity and United States pluralism," in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, eds. Duffy Burnett and Marshall (Durham: Duke University Press, 2001), 323.

²²⁴ César J. Ayala and Rafael Bernabe, *Puerto Rico in the American Century: A History Since 1898*, (Chapel Hill: The University of North Carolina Press, 2007), 58.

²²⁵ Ayala and Bernabe, 54.

²²⁶ Ayala and Bernabe, 55.

Puerto Rican Republican Party to come to power, however, their power was short lived when under the leadership of Muñoz Rivera the *Partido Federal* transformed into the *Partido Unión* in 1904 and carrying a majority, won election after election.²²⁷

The *Partido Unión* included dissident elements like Matienzo Cintrón from the *Partido Republicanos* and leaders of the labor coalition.²²⁸ According to César J. Ayala and Rafael Bernabe, the newly formed *Partido Unión* was a “catch-all program” that “included statehood, autonomy, and independence as equally acceptable options.”²²⁹ Nevertheless, it was Muñoz Rivera’s *Partido Unión* that opposed the half measures of the Foraker Act and Supreme Court decisions and carried the torch toward a more acceptable full-measure solution on the Puerto Rican side, seeking one of those “catch-all” options.

What the *Partido Unión* sought and what the United States, congressmen and subsequent presidents were willing to give, were two vastly different aspirations that would not be reconciled to this day. Ayala and Bernabe concede that “[S]tatehood was ‘impossible, since Congress was not willing to give it.’”²³⁰ Congressional records also show that Congress was not willing to give independence either. A compromiser and a pragmatist, Muñoz Rivera pushed for an honorable solution. Independence would mean the highest honor a people can achieve, statehood would mean equal rights with other Americans, and autonomy or home rule would mean a transitional status that might, at some point in the future, go in one direction or the other while in the meantime give dignity to the people.

²²⁷ Álvarez González, 290.

²²⁸ Ayala and Bernabe, 55.

²²⁹ Ayala and Bernabe, 55.

²³⁰ Ayala and Bernabe, 57.

Political response to the Foraker Act in the US

The passing of the mutilated Foraker Act without the granting of citizenship established Puerto Rico as a possession and dependency of, but not part of the United States. Puerto Rico was neither a state, nor was it an independent nation. The majority of the Republicans and some of the Democrats (for intertwined economic, racial and political reasons discussed in detail in Chapter 2) were comfortable with the established peculiar status and showed no interest in taking up the question.

The Foraker Act gave two years of protection to the American sugar, tobacco, coffee and citrus fruit interests, whereas the maintenance of the status quo afterwards gave a free hand to American investors who slowly turned the island's arable land into a mostly sugarcane island. Non-incorporation served different interests under and after the Foraker Act; nevertheless, it favored American economic interests. The Foraker Act, with a fifteen percent tariff between Puerto Rico and the United States, protected American growers from the competing cheap labor and produce of Puerto Rico, whereas non-incorporation protected American investors in Puerto Rico from American labor laws. The shifting economic interests manifested no contradiction. Whereas non-incorporation of Puerto Rico protected American sugar beet interests, the cheaply produced sugar in Puerto Rico favored American investors. After the Foraker Act, the mostly American investors established an oligarchy of sugarcane interests in Puerto Rico. Since Puerto Rico was turned into a sugarcane island, the tobacco, coffee and citrus fruit interests did not play as strong a role as they did before the Foraker Act.

The political justification was likewise evident: the incorporation of the racially different people would have alienated political support for both parties. Hence, the majority of the

Congressmen showed no interest in settling the status of Puerto Rico and repeatedly postponed the decision making. However, not all congressmen and Supreme Court justices agreed with the path set forward by an expansionist Republican administration and the majority-holding Republican Party, also discussed in Chapter Two. In addition to Senator Foraker, William Atkinson Jones, a Democratic Representative from Virginia and John Franklin Shafroth, a former Republican Representative and a Democrat to the United States Senate from 1913 to 1919 from Colorado, also advocated for US citizenship for Puerto Rico and a resolution to make right the established ambivalent status of Puerto Rico. They opposed the creation of a colonial empire. Some of the American governors of Puerto Rico also supported a more dignified status for the island. However, not until President Roosevelt recommended citizenship for Puerto Rico in 1905, did Congress address the issue and as the Congressional Records show, with much reluctance.

If the majority in Congress accepted the peculiar status for Puerto Rico, in a five to four decision the Supreme Court reaffirmed the ambiguous political status of the island. With the decision in *Downes v. Bidwell*, the Supreme Court reaffirmed the Treaty of Paris according to which Puerto Rico belonged to the United States, but declared that for purposes of tariffs and taxation it was not part of it. The highest court also reaffirmed the Treaty of Paris in that the power to determine the status of Puerto Rico rested with Congress. During the period between *Downes v. Bidwell* and the granting of American citizenship to Puerto Rico in 1917, the subsequent Supreme Court decisions in other Insular Cases played a secondary role to the Congressional debates and global events in regard to the status question.

The time period between President Roosevelt's recommendation of citizenship to Puerto Rico in 1905 and the granting of citizenship in 1917 under President Wilson, discussed below,

witnessed repeated recommendations of American citizenship for Puerto Rico and repeated postponement of the issue. Whether under a Republican or Democratic presidency, the majority in Congress showed the same reluctance to address the subsequent bills until the strategic importance of the island during the Great War compelled President Wilson and Congress to secure the allegiance of the Puerto Ricans to the United States with the permanent tie of US citizenship. None of the bills, however, addressed the political status of the island. After the Foraker Act neither Congress, nor subsequent presidents entertained independence or statehood as options for Puerto Rico.

The Road toward Citizenship

The first major step toward American citizenship for Puerto Ricans came from President Theodore Roosevelt in 1905. Addressing Congress five years after the passage of the Foraker Act, President Roosevelt said, "I earnestly advocate the adoption of legislation which will explicitly confer American citizenship on all citizens of Porto Rico. There is, in my judgment, no excuse for failure to do this."²³¹ What the President's speech does not reveal is his motivation for granting citizenship, because in his often quoted line in the same paragraph he states, "[T]he problems and needs of the island are industrial and commercial rather than political."²³² Why grant citizenship then, if the problems of the island were not political? What is much more revealing and perhaps foreshadows the reason for granting American citizenship in 1917 to the Puerto Ricans is his reaffirmation of the Monroe Doctrine and American hemispheric interests when in the same speech he says:

²³¹ Cong. Rec. President Roosevelt's Annual Message to Congress. 104.

²³² Cong. Rec. President Roosevelt's Annual Message to Congress. 104.

That our rights and interests are deeply concerned in the maintenance of the Doctrine is so clear as hardly to need argument. This is especially true in view of the construction of the Panama Canal. As a mere matter of self-defense we must exercise a close watch over the approaches to this canal; and this means that we must be thoroughly alive to our interests in the Caribbean Sea.²³³

Roosevelt's own words reveal that he did not see the problems of Puerto Rico as political. The larger, hemispheric interests of the United States overshadowed the tiny island's political aspirations. Roosevelt's speech reaffirmed the established political status of Puerto Rico and its retention as the Guardian of the Caribbean, but his recommendation of citizenship was more of a token gesture toward the Puerto Ricans without any serious consideration.

The next step came in 1906 when, as Chairman of the Committee on Pacific Islands and Porto Rico, in Senate Bill 2620, Senator Foraker stated that by jettisoning the granting of citizenship to the Puerto Ricans in 1900, the Puerto Ricans were "left in a worse condition, so far as their rights in the matter of becoming citizens of the United States are concerned, than the Spanish people themselves, who elected to continue their allegiance to Spain."²³⁴ A citizen of Spain could apply to be naturalized as a citizen of the United States whereas a citizen of Puerto Rico could not.²³⁵ Foraker proposed to amend Section 7 of his own mutilated Foraker Act. The bill recommended "[T]hat all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of the United States."²³⁶ The bill also pointed out the subtle and often not so subtle racial prejudice behind not granting citizenship to Puerto Rico in 1900 when it stated, "[W]e adopted section 7 of the

²³³ Cong. Rec. President Roosevelt's Annual Message to Congress. 97.

²³⁴ Hearing on S. 2620 To Provide that the Inhabitants of Porto Rico Be Citizens of the U.S. at. 1. (Citation: HRG-1906-PIP-0002).

²³⁵ Hearing on S. 2620. at. 2.

²³⁶ Hearing on S. 2620. at. 1.

organic act because, legislating for Porto Rico before we legislated for the Philippines, we were anxious not to establish any precedent that might embarrass us in legislating for the Philippines.²³⁷ Indeed, the correlation between the Philippines and Puerto Rico cannot be overlooked. Incorporating one into the United States meant the incorporation of the other and the granting of US citizenship to one meant the granting of citizenship to the other. Foraker referred to the statements of several Congressmen during the debates in 1900, discussed in detail in Chapter Two, when for example Representative Sibley, a Democrat at the time, then Republican, expressed the fear that granting citizenship to Puerto Rico would mean "extending the Constitution to the ten million 'yellow' people of the Philippines."²³⁸

Foraker submitted a report on April 20, 1906, embedding the words of Governor of Puerto Rico, Winthrop's statement from January 15, 1906. In his statement Winthrop called upon Congress to confer United States citizenship upon the Porto Ricans and added that the Puerto Ricans "ranked as Spaniards during the Spanish regime, and it is very difficult for them to understand, as indeed it is for all of us who have lived in Porto Rico, why they should be in a less-favored position under a more liberal government."²³⁹ Neither Foraker's, nor Winthrop's words reached the minds and hearts of their fellow Americans. If any response was forthcoming, it was a summary rejection.

In 1906 and in 1908, in response to Senator Foraker's repeated attempts recommending the granting of citizenship to the Puerto Ricans, Henry Allen Cooper, Republican Representative from Wisconsin serving on the Committee on Insular Affairs, submitted reports suggesting that Foraker's goals were irrelevant. The reports state that the people of the United States "have

²³⁷ Hearing on S. 2620. at. 2.

²³⁸ Cong. Rec. H.R. at. 2414. (Citation: CR-1900-0228.)

²³⁹ 59 Cong. 1st Sess. S. Rep. No. 2746. Inhabitants of Porto Rico to be Citizens of the United States. [To accompany S. 2620.] at. 1.

already decided that Porto Rico is forever to remain a part of the United States and assert that with the completion of the Panama Canal, Porto Rico will become of such strategic importance as to preclude all doubt concerning its permanent retention by this Government.²⁴⁰ Cooper's reports reaffirmed the permanent retention of Puerto Rico regardless of whatever the status of the island or the people might be in the future and reaffirmed Mahan and President Roosevelt calls for securing the island for strategic reasons. By now the Monroe Doctrine had teeth. The built-up navy and Puerto Rico as the Guardian of the Caribbean and the Isthmus provided the military and strategic force behind the Doctrine. The United States could not only block foreign intervention, but it could also control foreign commerce. The retention of Puerto Rico satisfied American Western Hemispheric geopolitical interests.

Expressing the disaffection of the Puerto Ricans, Resident Commissioner of Puerto Rico to the United States, Tulio Larrinaga said:

The fact is that the people of Porto Rico were never satisfied with the peculiar status given to them. The chairman and almost every member of Congress knows that the Porto Ricans have always been asking to have that anomalous status, as the chairman called it, removed and be made citizens of the United States.²⁴¹

By this time the Puerto Rican leadership understood that independence was out of the question and preferred the more dignified citizenship to the ambivalent, colonial status, although personally Muñoz Rivera and other *independentistas* did not want either citizenship or statehood. However, neither Foraker, nor the Puerto Ricans were heard and the status and citizenship questions dragged on.

In 1909, nine years after the passing of the Foraker Act, a faceoff developed between the Puerto Rican political leadership and their American counterparts. The thirty-five member

59 Cong. 1st Sess. H.R. Rep. No. 4215. American Citizenship for Inhabitants of Porto Rico. at. 2.

²⁴¹ Hearing on S. 2620 To Provide that the Inhabitants of Porto Rico Be Citizens of the U.S. (Citation HRG-1906-PIP-0002.) at. 2.

House of Delegates of Puerto Rico, all of whom were members of the Muñoz Rivera led *Partido Unión*, refused to pass the new appropriation bill in the hope of pressuring the US Congress into making changes to the Foraker Act. In a democratic manner, the Puerto Rican House of Delegates invited their opponent *Partido Republicanos* to their caucus. The proposed resolution of the joint session states that the Foraker Act is a "tyrannical yoke imposed on Porto Rico" and that the house is a "figurehead, whose laws are not even complied with and are in practice of no account and useless." The unanimously adopted final wording stated that the Foraker Act destroyed the "personality of Porto Rico" and the house adopted a "position of irrevocable independence."²⁴² The resolution states that, "[O]ne million souls are living in Porto Rico in an unbearable state of tyranny under the folds of the American flag."²⁴³

The House of Delegates sent a committee to the United States to meet with the President and Congress to plead their case for more autonomy and home rule for the island. The brief the Delegates submitted to Congress conveyed equally strong words as the resolution, but the text of the brief revealed the pleading tone of voice of a colonized people to their masters. On one hand, by not passing the appropriation bill for the island, the Puerto Rican House of Delegates was hoping to pressure the United States into granting a more free hand in domestic affairs. On the other hand, the language of the brief intended to shame the United States into changing the colonial status to autonomy and home rule.²⁴⁴

Thus, 1909 was a turning point in the relationship between the United States and Puerto Rico. This was the first time since American acquisition of the island in 1898 that the Puerto Rican political establishment had a unified and assertive voice under the leadership of Muñoz

²⁴² Cong. Rec. S. at. 4339. (Citation: CR-1909-0709).

²⁴³ Cong. Rec. S. at. 4340. (Citation: CR-1909-0709).

²⁴⁴ Cong. Rec. S. at. 4345. (Citation: CR-1909-0709).

Rivera. Following the years after the Foraker Act, the statehood supporters recognized that the United States did not intend to incorporate Puerto Rico into the Union and by participating in the joint session of the House of Delegates of Puerto Rico, their leadership agreed with the Muñoz Rivera led majority Union Party. The established colonial status was unacceptable and they supported the Union Party in their demand for more power in Puerto Rico's domestic affairs. After the disillusionment following the passing of the Foraker Act, Muñoz Rivera managed to consolidate the opposition to statehood in his *Partido Unión* and carried the majority of the votes on the island so that by 1909 all thirty-five members of the House of Delegates of Puerto Rico were *Partido Unión* members. However, the American response to their appeals and demands was met with more repression. As the Congressional Records reveal, discussed later in this chapter, Muñoz Rivera was increasingly viewed in the United States as a dangerous leader of opposition to American rule and quite possibly as the leader of the *independentista* forces.

Indeed, the American side responded with contempt to the impassioned propositions of the brief delivered by the Puerto Rican Delegation. During the Congressional hearings the Americans dismissed the Puerto Ricans in so many words. As noted above, Cooper reasserted that the United States had already decided to keep the island and could not let it go in light of its strategic value. For example, Republican Senator Chauncey Mitchell Depew from New York summarily dismissed the Puerto Ricans' contentions. Depew presented an indisputable, but irrelevant inventory of the conditions in Puerto Rico under four hundred years of Spanish rule and before the American acquisition of the island in 1898 and the improvements made under American rule during the nine years under the Foraker Act.²⁴⁵ In short, his litany conveyed that the Puerto Ricans should be grateful to the Americans and their appeal would not be heard. It

²⁴⁵ Cong. Rec. S. at. 4340-42. (Citation: CR-1909-0709)

did not appear to dawn on Senator Depew that the island of Puerto Rico he referred to as one of the "insular possessions" was in a fact a colony of the United States, a contradiction to the high ideals of the democratic principles laid down in the Constitution of the United States.²⁴⁶ Elihu Root, the other Republican Senator from New York, was not conciliatory toward the Puerto Ricans' aspirations either when he said:

I hope this amendment will not prevail. I think it would simply be giving notice to the recalcitrant assembly in Porto Rico that the United States is not serious in its determination that this Government will not be coerced in accordance with the methods which have been so frequent and so destructive under Spanish-American government in many places.²⁴⁷

Apparently Elihu Root also forgot that during the American Revolution the Founding Fathers were not only "recalcitrant" toward their King, but also committed high treason against the crown.

Congressmen and Senators dismissed the appeals of the Puerto Rican Delegation, and the Senate hearing quickly turned toward the money matters of the brief. Not even the eloquent speech of another Democrat, Senator Hernando De Soto Money from Mississippi, could change the direction of the arguments. Money asserted that the conduct of the Spanish-American republics did not negate the fact that they had the best constitutions in the world.²⁴⁸ In other words, the best constitution did not and could not guarantee the conduct of a people. Money also asserted that all peoples of the earth were capable of self-government, although not necessarily in the image of the American ideas.²⁴⁹ Lastly, Money concluded that the Thirteen Colonies refused to pay taxes without representation and started a revolution in the same manner the Puerto Rican

²⁴⁶ Cong. Rec. S. at. 4340. (Citation: CR-1909-0709)

²⁴⁷ Cong. Rec. S. at. 4343. (Citation: CR-1909-0709)

²⁴⁸ Cong. Rec. S. at. 4344. (Citation: CR-1909-0709)

²⁴⁹ Cong. Rec. S. at. 4344. (Citation: CR-1909-0709)

House of Delegates refused to pass the appropriation bill.²⁵⁰ As if Money had said nothing of any significance, Depew turned the conversation back to the appropriation part of the brief.

Depew and the Republican majority were willing to talk about the allocation of funds to various departments and projects in Puerto Rico, but they were not interested in being lectured by the Puerto Ricans or Money about American history.

Neither the Puerto Ricans' appeal for more autonomy and control of their destiny, nor the recommendations of subsequent American governors of Puerto Rico to delegate more power to the Puerto Ricans moved the prevailing sentiments in Congress. The majority in Congress was not interested in addressing the status question or allowing the Puerto Ricans more home rule. On the contrary, the historian Truman Ross Clark says, "President Taft sought to weaken their power; he asked Congress for an amendment to the Foraker Act empowering the governor to repeat a previous year's appropriations whenever the legislature should fail to provide new financing."²⁵¹ As mentioned above, the governor of Puerto Rico and six out of the eleven members of the Puerto Rican Senate, who were also members of the cabinet with executive powers, were presidential appointees. The Puerto Ricans' power rested in the thirty-five member lower chamber, the House of the Delegates, all of which by 1909 comprised *independentista Partido Unión* members. Their "recalcitrant" attempt to pressure the United States into amending the Foraker Act in their favor elicited the opposite response. Clark says, "Chauncey Depew and Marlin Olmsted quickly pushed the President's remedy through Congress, and the Olmsted amendment to the Foraker Act closed the door to any further fiscal misbehavior by

²⁵⁰ Cong. Rec. S. at. 4344. (Citation: CR-1909-0709)

²⁵¹ Truman R. Clark, "Educating the Natives in Self-Government": Puerto Rico and the United States, 1900-1933. University of California Press: *Pacific Historical Review*, Vol. 42, No. 2 (May, 1973), 220-233. 224-5. URL: <http://www.jstore.org/stable/3638468>. Accessed: 14-08-2014 20:58 UTC.

unruly colonials.²⁵² Social Darwinism prevailed. As Clark so aptly presents in his essay, the continental Anglo-Saxon Americans held that the enervated tropical insular Puerto Ricans had to be educated in self-government indefinitely. The so-called Olmsted Amendment was a reactionary, repressive response to the Puerto Rican House of Delegates' attempt to force the Congress of the United States for more autonomy for Puerto Rico.

The Olmsted Amendment of 1910

On March 15, 1910 Marlin Edgar Olmsted,²⁵³ Republican Representative from Pennsylvania and Chairman of the Committee on Insular Affairs, submitted a report titled "Amending Act Relating to Revenues of Civil Government of Porto Rico."²⁵⁴ The report signaled a turning point for the worse in the American attitude toward the Puerto Ricans. It was a reactionary measure to the Puerto Rican House of Delegates' "recalcitrant" behavior and proposed an even stricter political and economic control of Puerto Rico than the Foraker Act did. Morales Carrión says the Bill was "more regressive than the Foraker Act. It strengthened colonial tutelage, and furthered the big sugar interests."²⁵⁵ The Bill proposed American citizenship for the Puerto Ricans, but without recommending statehood. The Bill also intended to further restrict the Puerto Ricans' political power. It recommended an increase of the Senate of Puerto Rico from 11 to 13 members, thus changing the ratio from 6 to 5 to 8 to 5 in favor of the President appointed Americans with executive power.

²⁵² Clark, "Educating," 225.

²⁵³ <http://bioguide.congress.gov/biosearch/biosearch1.asp> (The Congressional Biographical Records show "Olmsted" and not "Olmstead" as the name often misspelt.)

²⁵⁴ 61 Cong. 2nd Sess. H.R. Report 750. Part 1. at. 1.

²⁵⁵ Morales Carrión, 169.

The measure, as William Atkinson Jones, Democratic Representative from Virginia and member of the Committee on Insular Affairs and later supporter of several bills to amend the Foraker Act, put it was "far more of the nature of an autocracy than a democracy."²⁵⁶ The bill also proposed increasing the maximum ownership of land from 500 acres to 3000 acres, practically allowing a "few great corporations, owned and controlled outside of the island" to acquire the entire available land for the cultivation of sugar cane in the hands of a few.²⁵⁷ Summarizing the implications of the Bill, Representative Jones in the minority opinion so aptly expressed that on one hand the Olmsted Bill intended to stifle any national, *independentista*, movement,²⁵⁸ whereas on the other hand it intended to open up the entire island to the oligarchs.²⁵⁹ Jones understood the twofold American interests; the Republican majority intended to keep Puerto Rico for strategic and economic reasons.

The American position hardened and became more resolved toward Puerto Rico. In response to the Puerto Ricans' stated ultimate goal of independence for the island and demand of changes in the government, Republican Senator Depew stated that consenting to such measures a "practical revolution would be brought about."²⁶⁰ Another Republican, Committee member and Representative from Ohio, Albert Douglas was especially insistent on testing the allegiance of the Puerto Ricans and, being aware of the political realignment in Puerto Rico gaining majority support for independence, repeatedly asked who actually supported the request of American citizenship in Puerto Rico. Douglas's question had real merit however, because it questioned the

²⁵⁶ 61 Cong. 2nd Sess. H.R. Report 750. Part 2. at. 1.

²⁵⁷ 61 Cong. 2nd Sess. H.R. Report 750. Part 2. at. 5.

²⁵⁸ 61 Cong. 2nd Sess. H.R. Report 750. Part 2. at. 1.

²⁵⁹ 61 Cong. 2nd Sess. H.R. Report 750. Part 2. at. 5.

²⁶⁰ Cong. Rec. S. at. 4338. (Citation: CR-1909-0709).

rational behind recommending American citizenship for Puerto Rico when the Puerto Rican delegation was asking for more autonomy and less American tutelage.

It must be noted however, that not all Republicans and not all Democrats were indifferent toward the Puerto Ricans. Secretary of War, Jacob McGavock Dickinson, a Republican from Tennessee for example, who had visited the island, expressed a more sympathetic view of the Puerto Ricans and their feelings when he said, “[A]s you know, they are a proud, sensitive, and sentimental people. They feel that they had a country, from which, against their will, they were dissociated, and now they have no country, no flag, no allegiance, and no protection.”²⁶¹

Republican support to accommodate the Puerto Ricans was not forthcoming however and throughout the hearings, more or less divided on the same party lines as during the debate of the Foraker Act, most Republicans opposed any suggestion of change in the status of Puerto Rico and the granting of citizenship. Douglas, as one of the most vocal voices during the hearings, was not going to be swayed and was not going to budge. Later on during the hearings Douglas succinctly stated his views about the status of Puerto Rico and expressed his racial view with a subtle utterance:

It must be, and I suppose is, appreciated in Porto Rico that for an island 80 miles long by 40 miles wide to become a State of the Union, with two Senators and Representatives in Congress, sharing equally with other States of the Union in the making of our laws, could hardly be expected, aside from the fact of the diversity of population.²⁶²

The subtext in Douglas’s comment reveals that the small island would not be granted statehood even with a racially more favorable, meaning white European stock, and certainly not with a racially diverse, meaning African, population. The Congressional debates of the Olmsted Bill conveyed a strong message: the United States reasserted its political, economic, social and

²⁶¹ Olmsted Citizenship Hearings, at. 3. (Citation: HRG-1910-HIH-0004)

²⁶² Olmsted Citizenship Hearings, at. 223. (Citation: HRG-1910-HIH-0004)

judicial control of Puerto Rico and sustained the ambivalent, clearly colonial, status of the island that President Taft approved.

During his administration, President William Howard Taft reaffirmed Congress's resolve. In 1910, President Taft's message to the Senate and the House of Representatives suggested to provide a machinery by which Porto Rican citizens who shall make the proper application for citizenship to a proper court shall become American citizens upon taking the oath of allegiance to the United States, but did not offer a solution to the status of Puerto Rico.²⁶³ Moreover, as noted above, the President called upon Congress to amend the Foraker Act to stifle the Puerto Rican's aspirations.

President Taft's stance regarding Puerto Rico should not be taken lightly, however. Taft's response to Puerto Rican labor leader, Iglesias, eight months before his often quoted message to Congress, summed up the inherent contradiction in regard to the status of Puerto Rico. On one hand the President expressed his understanding of the aspirations of the Puerto Ricans for independence, whereas on the other hand, he felt that they deserved the granting of American citizenship. In his response to Iglesias, Taft says, "I am in favor of granting American citizenship to the people of Porto Rico. The connection between Porto Rico and the United States has been, from the beginning, regarded as permanent."²⁶⁴ However, in the same paragraph, the President manifests a pragmatic reflection when he continues, "[A]t the same time, I believe that our duty to the island will be best discharged, and Porto Rico's interests will be best subserved (sic.), by affording the largest opportunity for the development of local traditions and habits, which are very different from our own."²⁶⁵ The President's words that "in

²⁶³ Olmsted Citizenship Hearings, at. 1. (Citation: HRG-1910-HIH-0004)

²⁶⁴ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 7. (Citation: 6176 S.doc.599)

²⁶⁵ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 7. (Citation: 6176 S.doc.599)

the minds of neither people is the grant of citizenship associated with any thought of statehood, should be interpreted and understood in this context.²⁶⁶ The text of Taft's message to Congress in December 1912 that the granting of citizenship to the Puerto Ricans should be "disassociated from any thought of statehood" and asserting that "no substantial approved public opinion in the United States or in Porto Rico contemplates statehood for the island as the ultimate form of relations between us" leaves much room for debate. Was Taft a pragmatist sincerely believing that leaving the two countries apart was the best for both cultures, or was he disingenuous in his response to Iglesias, or was he manifesting the persistent racism of his time?

A further study might reveal Taft's true persona, but his recommendation of American citizenship conveys an inherent contradiction just like his predecessor's, President Roosevelt's. Why grant citizenship without leaving a path open toward statehood? In fact, Congress, the sole branch of the US government with plenary power to legislate for Puerto Rico, ignored the two presidents' recommendations of American citizenship for Puerto Rico. Likewise, Congress delayed action on subsequent bills recommending citizenship for Puerto Rico in 1912, 1914 and 1916, until 1917 when, under Democratic President Woodrow Wilson and international complications in the Great War pressured Congress to act. At no time, however, did Congress consider changing the ambivalent status of Puerto Rico and quite clearly rejected any thought of independence.

The Enigmatic "Olmsted Bill"

The "Olmsted Bill," which was a crucial turning point in American-Puerto Rican relations, requires a pause however. Morales Carrión refers to it several times and attributes

²⁶⁶ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 7. (Citation: 6176 S.doc.599)

changes in US policy to it, but provides no specific date when the so-called "Olmstead Bill" was submitted to Congress and he does not make it clear whether such a bill was passed, or not.²⁶⁷ He misspells the name of Olmsted, indicating that he did not get the information from the Congressional Record, which clearly spells it "Olmsted." He provides the date when Olmsted submitted his report, mentioned above, to the House of Representatives on March 15, 1910 to accompany H.R. 23000. Extrapolating from this, H.R. 23000 (House of Representatives bill) would be the bill in question, however, the Congressional Record provides no "hits" as to when such a bill was submitted or passed. Further adding to the confusion, on page 194 he refers to it as the bill of 1909.

Trías Monge, Ayala and Bernabe, and McCoy and Scarano do not mention Olmsted in the index or the text of their voluminous works, leaving the researcher at odds. Ayala and Bernabe for example, in the chapter titled "Political and Social Struggles in a New Colonial Context, 1900-1930," make the leap from the formation of *Partido Unión* in 1904 to the Jones Act in 1917 without any mention of an Olmsted amendment, bill or act. Is it possible that such a crucial event as the House of Delegates' refusal of passing the appropriations bill, eliciting President Taft's call upon Congress to amend the Foraker Act, resulting in the regressive Olmsted amendment in 1909 and the Olmsted Bill in 1910, would have been overlooked?

Other sources and research tools had turned out to be quite unreliable. Variably, the name Marlin Edgar Olmsted would be misspelled as "Olmstead," and/or would lead to unrelated persons, and variably would be referred to as the "Olmsted Bill," "Olmsted Amendment," or "Olmsted Act," while the date of the passage of such bill would be given as July 16, 1909.²⁶⁸ Olmsted submitted his above noted report (H.R. 750) to accompany H.R. 23000 on March 15,

²⁶⁷ Morales Carrión, 167-9, 185-8, 194.

²⁶⁸ http://en.wikipedia.org/wiki/Olmsted_Amendment; <http://www.loc.gov/rr/hispanic/1898/olmsted.html>

1910 and as of June 15, 1910 the Bill in question was still debated in the House of Representatives.²⁶⁹

Of the consulted sources, Clark sheds some light on the elusive "Olmsted Bill." In his earlier work, titled "President Taft and the Puerto Rican Appropriation Crisis of 1909," Clark presents an anatomy of the events leading up to the so-called Olmsted Bill.²⁷⁰ According to Clark, the face-off between the United States and the House of Delegates of Puerto Rico grew out of years of discontent with the Foraker Act in general and with the governor of Puerto Rico, Regis Post, in particular. Apparently Post refused to accept the recommendations of the House of Delegates for "vacancies in some judicial positions in the Island" triggering the House of Delegates' refusal to pass the appropriation bill noted above. When President Taft received the news about the impasse, he sent a note to Senator Depew on May 10, 1909 and later that day to Congress, requesting an amendment to the Foraker Act, so that such impasse in appropriations would not be repeated in Puerto Rico.²⁷¹ Clark explains that Congress passed the Olmsted Amendment, named after the Senator who presented it, in July (1909), establishing a precedent in Puerto Rico that when the appropriation bill was not passed, the previous year's appropriation would take effect.²⁷² This was the Olmsted Amendment, H.R. 9541, President Taft signed into law on July 15, 1909.²⁷³ However, the same Senator Olmsted submitted a bill to replace the Foraker Act in early 1910.²⁷⁴ Hence the confusion about Olmsted and his amendment and bill. Unfortunately, not even Clark provides any source information either to the submission, or

²⁶⁹ Cong. Rec. H.R. at. 8177-8210. (Citation: CR-1910-0615)

²⁷⁰ Truman R. Clark, "President Taft and the Puerto Rican Appropriation Crisis of 1909," *The Americas*, Vol. 26, No. 2 (Oct., 1969) Academy of American Franciscan History: <http://www.jstor.org/stable/980296>

²⁷¹ Clark, "President Taft," 162.

²⁷² Clark, "President Taft," 167.

²⁷³ Clark, "President Taft," 167.

²⁷⁴ Clark, "President Taft," 169.

passage of the "Olmsted Bill" and an extensive search in the Congressional Records produced no hits.

Aside from this enigma, what is noteworthy, but missing from the consulted scholarships, is the anatomy of the events between 1898, the American acquisition of Puerto Rico, and 1917, the unilateral granting of American citizenship to all Puerto Ricans without a path toward statehood; the act that cemented the indefinite peculiar status of Puerto Rico. It does appear that the House of Delegates' refusal to pass the appropriation bill in 1909 and President Taft's response, manifested in the Olmsted Amendment in the same year and the Olmsted Bill in 1910, signaled a turning point. American resolve hardened to teach the "recalcitrant" Puerto Ricans a lesson and reassert American dominance. One of the harshest critics of the stance of the House of Delegates, Representative Douglas, concluded that their call for "independence" for Puerto Rico was "as chimerical a thing as 'independence' for Florida" and asserted that it was "something that never can and never will be granted."²⁷⁵ Although even the discussion of independence for Puerto Rico was ruled out, Representative Jones, later joined by Senator Shafroth, made repeated attempts to modify the ambivalent status of the Puerto Ricans.

Renewed Attempts at Granting US Citizenship to the People of Puerto Rico

On February 20, 1912, only two years after the regressive "Olmsted Bill" and still under a Republican majority in Congress and a Republican Presidency, Democratic Representative Jones from the committee on Insular Affairs submitted a courageous report. The three page report recommended to "settle and definitely fix the civil and political status of the people of Porto Rico, and at the same time to make those at present defined to be citizens of Porto Rico, and

²⁷⁵ Cong. Rec. H.R. at. 8181. (Citation: CR-1910-0615)

certain other natives, citizens of the United States.²⁷⁶ Jones's report was also generous because it provided a path for retaining Puerto Rican citizenship for those who did not desire to become citizens of the United States. Under the Foraker Act, residents of Puerto Rico were recognized as citizens of Puerto Rico. Jones also wisely intended to "avoid the possibility of its being said now, or hereafter, that American citizenship was forced upon the people of Porto Rico."²⁷⁷ Jones was not alone in his quest. He received support from the other side of the aisle and also from some Puerto Ricans.

On April 22, 1912, William Edgar Borah, Republican Senator from Idaho presented a document titled "A People without a Country."²⁷⁸ The document, subtitled "Appeal for United States Citizenship for the People of Porto Rico, Published by the American Federation of Labor" is a compilation of documents, utterances of prominent people in support of American citizenship for Puerto Rico.²⁷⁹ Among them, as noted in Chapter Two, labor organizer Santiago Iglesias, now President of the Free Federation of the Workingmen of Porto Rico, strongly supported the granting of American citizenship for Puerto Rico for the betterment of the working people. In his letter to President Taft, supporting the pending Jones Bill, House Resolution 20048, he writes that citizenship is "especially desired by the laboring people, who feel that American citizenship will mean a great step forward for them, because unless the American citizenship is extended to the island, the laborers must continue with but little hope of uplift."²⁸⁰

²⁷⁶ Citizens of Porto Rico to be Citizens of the United States. 62nd Cong. 2nd Sess. H.R. Rep. No. 341. at. 1.

²⁷⁷ Citizens of Porto Rico í 62nd Cong. 2nd Sess. H.R. Report No. 341. 3.

²⁷⁸ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 1. (Citation: 6176 S.doc.599)

²⁷⁹ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 1. (Citation: 6176 S.doc.599)

²⁸⁰ A People without a Country. 62nd Cong. 2nd Sess. S. Doc. No.599. at. 7. (Citation: 6176 S.doc.599)

The acts of Jones and Borah cannot be interpreted in any other way than courageous. They were supporting a moral stance most of their peers did not wish to entertain. Neither of them had anything to gain from supporting American citizenship for Puerto Rico, much less from fixing the political status of the island and perhaps both had considerable political capital to lose, especially since 1912 was also an election year. In the meantime, the Puerto Ricans also put themselves on the line, so to speak, when they wagered their fate on the outcome of the Presidential election.

On September 21, 1912, The New York Times reported that according to Cay. Coll Cuchi,²⁸¹ member of the Puerto Rican legislation, "an overwhelming majority of the Porto Ricans" was "working for and demanding an autonomous form of government like that of Canada."²⁸² In the article Coll Cuchi is quoted saying, "If Roosevelt is elected, we shall get autonomy. If Wilson should be elected, the Democrats would give us a territorial government, and that we don't want."²⁸³ Coll Cuchi summed up the prevalent political alignment of the past fourteen years in the United States. Since Republican Presidents, Roosevelt and Taft, were supporting citizenship without a path toward statehood, thus reaffirming the "ambiguous, anomalous, peculiar" unincorporated status of Puerto Rico, his anticipation that a republican government might give autonomy to Puerto Rico was perhaps correct, although not verifiable by any historical analysis. On the other hand, his anticipation based on the fact that most Democrats had been advocating for incorporation on constitutional grounds was logical, but proved to be incorrect. If Coll Cuchi represented the sentiments of many Puerto Ricans, the election of

²⁸¹ Cay Coll Cuchi's name appears in various forms in the consulted works. Cay is a short for Cayetano and sometimes appears with a dot after it.

²⁸² "Declaires (sic.) Porto Rico Wants Autonomy: Cay Coll Cuchi, on his way to í" ProQuest Historical Newspapers: The New York Times, September 21, 1912. 19. (New York Times 1857-1922) <http://search.proquest.com.libezproxy2.syr.edu/docview/97253625/fulltextPDF/4C07100DD0EB4D3FPQ/1?accountid=14214>.

²⁸³ "Declaires í" 19.

Woodrow Wilson must have presented a bad omen for the islanders. It does not appear from the consulted sources that Wilson was any more inclined to incorporate Puerto Rico than his Republican predecessors did. His message to Congress on December 5, 1916 is not atypical of him. Wilson manages to avoid mentioning the specific amendment calling for American citizenship for the people of Puerto Rico, does not utter a single word about the status of the island, and even omits the word "citizenship."²⁸⁴

Another event, the Great War, beginning in 1914, also changed the priorities of the American administration and shaped the dialogue between the Americans and the Puerto Ricans. The influence of the Great War on the American priorities is discussed later in the chapter. Suffice to say that 1912 closed without any progress toward citizenship or a solution for the political status of Puerto Rico.

The dialogue picked up steam again in 1914 when John Franklin Shafroth, Democratic Senator from Colorado and William Atkinson Jones, Democratic Representative from Virginia, brought the citizenship questions to the fore, but the majority in Congress did not entertain either. One comment standing out from the 1914 hearings is that of Governor Yager, a Democrat serving as Governor of Puerto Rico from 1913 to 1921. Yager says, "It is highly important at the present time that Congress should not ever appear to force American citizenship upon anyone in Porto Rico, and any effort to do so will create division and strife in the island."²⁸⁵ On one hand Yager, like Jones, voiced his concern against even the appearance of forcing citizenship upon Puerto Rico, on the other hand, being familiar with the sentiment of the islanders as a governor of Puerto Rico, he recognized that such action would create "division and strife" among the Puerto Ricans. History proved Yager correct. The granting of citizenship, and

²⁸⁴ <http://www2.hn.psu.edu/faculty/jmanis/poldocs/uspressu/SUaddressWWilson.pdf> 45.

²⁸⁵ Civil Government for Porto Rico. 63rd Cong. 2nd Sess. S. 4604 at. 4. (Citation: HRG-1914-PIP-0001)

it must be stressed, without a path toward incorporation, has divided the sentimental and economic aspirations of the Puerto Ricans to this day.

Another comment from the 1914 debate with some significance is that of the Secretary of War, Lindley Miller Garrison who also expressed sensitivity toward the Puerto Ricans when he suggested that the original spelling of the name of the island be restored, that is, "Puerto Rico," as "Porto Rico" means nothing, it being an Americanism that never will be adopted.²⁸⁶ The name of the island was not changed at this time, but after a brief attempt of Americanization, the Spanish language quickly regained dominance in the schools and it has never lost its primacy in the public sphere. 1914 also closed without any resolution as to American citizenship for the Puerto Ricans. The pattern of delay continued, and two more years would pass until the questions came to the fore again. By this time the Great War had been consuming the human and material resources of Europe for two years, and by then Anglophile President Woodrow Wilson had committed great resources to support the Entente, as the triple alliance of Great Britain, France and Russia was then called. Thus, the two Democrats, Jones and Shafroth, presented their almost identical bills to grant American citizenship to Puerto Rico in the midst of the Great War, which had considerable influence on the decision making process of the President and Congress. In 1916 however, none of the interested parties, Jones, Shafroth, Wilson, Congress or the Puerto Ricans, could have foreseen that this was the final stretch in the prolonged journey toward American citizenship for Puerto Rico.

In 1916, Representative Jones and Senator Shafroth presented their bills, H.R. 9533 to accompany H.R. 8501 calling for universal citizenship, and Senate bill S. 1217 recommending individual granting of United States citizenship for Puerto Rico respectively.²⁸⁷ Hearings were

²⁸⁶ Civil Government for Porto Rico. 63rd Cong. 2nd Sess. S. 4604 at. 15. (Citation: HRG-1914-PIP-0001)

²⁸⁷ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 77. (Citation: HRG-1916-PIP-0001)

held on H.R. 8501 on January 13, 15, 26 and February 5 and on S. 1217 on January 28, February 7, 8, 12, March 22, and finally on December 20 of 1916. If there was any sympathy on the parts of some senators, there was much less so on the part of the representatives. The hearings on Senator Shafroth's bill and Representative Jones's bill were somewhat parallel and Puerto Ricans testified at both.

On January 13, 1916, during the hearing before the Committee on Insular Affairs with Representative Jones as Chairman, Governor Yager, while speaking highly of Puerto Rico as a "civilization, complete in itself, different from ours, but a civilization that goes back to the Middle Ages" reminds the Committee that "Porto Rico í was settled in the beginning of the sixteenth century, and San Juan was an old town when Jamestown was founded ó almost 100 years old." He points out that "when we attempt to apply to it an American background we make a mistake,"²⁸⁸ but nevertheless asserts that "[I]ndependence is absurd for Porto Rico" because the "island is too small í it is too poor and dependent in every way upon the outside ó and ó it must be attached to and defended by some larger country."²⁸⁹ It might well be construed that Governor Yager supported the granting of citizenship because he extrapolated that the denial of it had led to the independence movement and political discontent in Puerto Rico and to the creation of the *Partido Unión*. He reveals this when he says, "I think that the independence movement in Porto Rico was built up upon the foundation of rather a sentimental attitude, caused by the denial of citizenship, and the cause of it was a political matter."²⁹⁰ Thus, Yager lends credence to Trías Monge's suggestion that the granting of citizenship was intended to stifle the *independentista* movement.

²⁸⁸ A Civil Government for Porto Rico. 64th Cong. 1st Sess. H.R. 8501. at. 3. (Citation: HRG-1916-HIH-0001).

²⁸⁹ A Civil Government, at 9.

²⁹⁰ A Civil Government, at 9.

Muñoz Rivera's response to Yager's presentation during the same hearing also supports this assessment. He recalls that while the insular Republican Party, declaring "itself in favor of collective American citizenship" had obtained 83,000 votes during the last election, the Unionist Party, upholding "independence as the ultimate status of the island" obtained 118,000 votes.²⁹¹ Muñoz Rivera argued that since the political aspirations of the Puerto Ricans were thus divided between the two extreme ends of the spectrum for the political status, that the "question of citizenship should be left undecided for the present."²⁹² In other words, the granting of citizenship would stifle the aspirations of 118,000 people. His analysis manifests the foresight of a great political mind when he says that the granting of citizenship would lead to "possible embarrassment in the international policies of this country" referring to the United States "as a result of premature action."²⁹³

Indeed, the recommendation of conferring American citizenship on one million Puerto Ricans, more than half of whom neither requested, nor desired American citizenship and on the contrary, actually desired independence, was more than an insult and an assault on the people of Puerto Rico. With all due respect to the intentions of Jones and Shafroth to recognize the Puerto Ricans as equals to Americans, their good intentions paved the road toward a perpetual peculiar political status for Puerto Rico. Considering the utterances of two previous presidents and their own peers in Congress vehemently and decidedly rejecting any mention of independence or statehood for Puerto Rico, Jones and Shafroth pushed the island toward the "ambiguous existence" Supreme Court Chief Justice Fuller depicted in 1901 and the hearings continued throughout 1916.

²⁹¹ A Civil Government, at 10.

²⁹² A Civil Government, at 10.

²⁹³ A Civil Government, at 10.

On January 26, 1916, Willis Sweet and Roberto H. Todd Wells, representing the insular Republican Party, testified. Willis Sweet was a Republican Representative from Idaho (1890-1895), appointed as attorney general of Puerto Rico in 1903 and worked as a newspaper editor in San Juan from 1913 until his death in 1925. Sweet said that the "first and foremost desire" was citizenship as it was already provided in the bill and stated that the Republican Party "would be satisfied with a full declaration of citizenship, without any reservations at all."²⁹⁴ Sweet quite clearly implicated Muñoz Rivera, Resident Commission at this time, who "would keep alive an agitation that amounts to nothing, and that it would only create a discord on the part of those who are seeking to establish independence."²⁹⁵ Responding to inquiries of Simeon Davison Fess, Republican Representative from Ohio, Todd also made sweeping statements. When Fess asked, "[S]peaking for the island, what do you want us to do?" Todd responded, "[W]e want to look forward to its admission as a State."²⁹⁶ Representative Fess asked a follow up question, "[W]hat proportion of the sentiment would be with you on that?" and Todd responded, "[T]he sentiment of the entire island."²⁹⁷ At this point Muñoz Rivera interjected and reminded Todd that as a representative of the Republican Party of Puerto Rico, Todd could only speak for the minority, whereas the Unionist Party declared independence as the "ultimate solution."²⁹⁸

That neither Muñoz Rivera, nor Todd was going to be heard became evident when Todd pressed the Committee to declare the future political status of Puerto Rico and Chairman Jones affirmed, "[T]he purpose of the United States seems clearly to be to retain Porto Rico permanently. There is no division of sentiment in the United States, so far as I am aware, on this

²⁹⁴ A Civil Government for Porto Rico. 64th Cong. 1st Sess. H.R. 8501. At. 45. (Citation: HRG-1916-HIH-0002).

²⁹⁵ A Civil Government, at 45.

²⁹⁶ A Civil Government, at 58.

²⁹⁷ A Civil Government, at 58.

²⁹⁸ A Civil Government, at 58.

subject. As to whether you will have Statehood or remain a Territory is a matter that remains to be decided in the future.²⁹⁹ Clarence Benjamin Miller, Republican Representative from Minnesota, reaffirmed the words of Chairman Jones when he said:

You, might as well know that now. If it were not the intent that Porto Rico should remain under the American flag, no man would vote to give citizenship to her people. I do not know whether it will be a Territory or a State, but the fact that it is to remain a part of the United States is evidenced by the fact that we are giving them citizenship.³⁰⁰

Again, not only Miller, but the supporter of citizenship, Representative Jones, reaffirmed the retention of Puerto Rico. The declaration of permanent retention of Puerto Rico jettisoned the possibility of independence, however, it offered no path toward statehood for the island either. Under such circumstances Muñoz Rivera and many other of his compatriots wavered in their utterances, if not in their hearts. They understood that in the midst of the Great War, when American geopolitical and economic interests were heavily weighed down in the European conflict, an economically and politically strangled Puerto Rico could not contemplate independence. While Muñoz Rivera and his *Partido Unión* did not desire statehood, they sought a respectable middle ground. During the hearings on February 5, 1916, before the Committee on Insular Affairs, a pragmatist Muñoz Rivera accepted this reality when he stated the position of his party:

The Unionist Party is not asking for independence as a solution for the present. It is asking for independence as a solution for the future. The Unionist Party defends now a form of self-government, and when established, it will want time to develop the country so that it may ask the United States either to grant it independence, or to grant it statehood.³⁰¹

²⁹⁹ A Civil Government, at 59.

³⁰⁰ A Civil Government, at 59.

³⁰¹ A Civil Government for Porto Rico. US 64th Cong. 1st Sess. H.R. 8501. at. 84. (Citation: HRG-1916-HIH-0003).

After President Taft's statement that the granting of citizenship had to be divorced from any talk of statehood, even the *Partido Republicanos* became disenchanted with the bleak prospects for statehood and supported Muñoz Rivera. Since neither independence, nor statehood were realistic options, The Puerto Ricans appealed to the highest ideals of American Constitutionalism and human dignity. Ayala and Bernabe extrapolate from the utterances of Muñoz Rivera that "[I]f both statehood and independence were beyond reach, the only realistic option was the search for reforms within the existing political framework."³⁰²

During the hearing on February 5, 1916 Manuel Rodriguez Serra, an attorney speaking on behalf of the Civic Association of Puerto Rico, said in desperation, "[W]e are developing a collective personality that should not be destroyed. We have our own culture, our own system of legislation, and our own customs. We are isolated, we are a nation of our own, and we do not want to be destroyed."³⁰³ When Representative Davis pointed out the "helplessness" of Puerto Rico, Rodriguez Serra responded, Costa Rica is an example of what a good Republic a small country could be. I think that the small have the same right as the great in this world."³⁰⁴ Referring to the casualties in the ongoing war in Europe, Coll Cuchi recalled "not a single real American to be quoted from Washington to Wilson denying the ability of small countries to lead an independent life on account of their geographic size or small population. This principle would be the reverse of the democratic principles upon which the Republic of the United States has been founded."³⁰⁵ Responding to Governor Yager's depiction of a helpless independent Puerto Rico without the protection of the United States or another greater power, Coll Cuchi asserted that "[B]y the Monroe doctrine (sic.) all the countries of Latin America, whether large or

³⁰² Ayala and Bernabe, 57.

³⁰³ A Civil Government, at 88.

³⁰⁴ A Civil Government, at 89.

³⁰⁵ A Civil Government, at 95-96.

small, and whether dependent or independent, are under the protection of the United States against foreign aggression.³⁰⁶ He also reminded his listeners of the founding principles so eloquently uttered in the Declaration of Independence when he said, "politically and from an internal point of view we can not understand that the United States may have any interest in withholding from us the right claimed for themselves of constituting a government based upon the will and consent of the governed."³⁰⁷ As shown above, the appeals of the Puerto Ricans were dismissed. Supporting the hypothesis that the granting of citizenship to Puerto Rico was to stifle the independence movement, Morales Carrión concludes that the "adoption of the Jones Bill was to a considerable extent a response to the separatist feelings which had been growing since the 1909 crisis."³⁰⁸

On February 7, 1916, speaking before the Committee on Pacific Islands and Porto Rico with Senator Shafroth as Chairman, Rodriguez Serra stated more bluntly, "[W]e consider that the declaration of United States citizenship means the incorporation forever of Porto Rico into the United States, and therefore the destruction of our hopes of becoming at some future day an independent nation. That is the fundamental motive of our opposition to it."³⁰⁹ Rodriguez Serra further argued that the insular Republican Party advocated for citizenship in hope of eventually gaining statehood, however, if statehood was not attainable, they would "reject a citizenship which would place us in the condition of inferiors to the other citizens of the United States."³¹⁰ Rodriguez Serra also pointed out the economic realities resulting from the American tutelage when he surmised that Puerto Rico was "compelled to look to tobacco and sugar" as the main

³⁰⁶ A Civil Government, at 96.

³⁰⁷ A Civil Government, at 93.

³⁰⁸ Morales Carrión, 197.

³⁰⁹ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 35.

³¹⁰ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 35.

products of the island requiring "great capital" the islanders did not have, which led to the "best sugar and tobacco lands and factories" becoming the "property of great foreign corporations" while the people living on the same land were "almost starving" and the suggestion was to "transferring them in masses to one of the neighboring tropical Republics in order to be saved from misery."³¹¹

Other eloquent statements, suggestions and amendments followed. Amongst the many voices Coll Cuchi, member of the House of Delegates of Puerto Rico, like Muñoz Rivera, pointed out that the granting of American citizenship would define the ultimate fate of the island,³¹² and he, like Muñoz Rivera, foresaw the current political difficulties when he projected that the granting of citizenship without any further commitment was "premature, because in the future time when Congress will be confronted with the necessity of establishing in Porto Rico some government like the one in Cuba or Panama they would be confronted with the very serious problem of unmaking 1,500,000 citizens of the United States, which is a more serious problem than making them citizens."³¹³ Coll Cuchi found a somewhat receptive audience during the hearings. Senator James Kimble Vardaman from Mississippi expressed his sympathy³¹⁴ and Senator Robert Foligny from Louisiana, referring to the Reconstruction era, suggested that Senator Vardaman and he had been under the same condition as the Puerto Ricans in similar ways. As southerners, they were under the northerners' "carpetbagger" tutelage and himself, as a French speaking man of "Latin extraction" did not speak English until age fifteen. The comparison, however, while showing some understanding toward the Puerto Ricans' cause, was driving at the acceptance of assimilation and eventual incorporation of the island.

³¹¹ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 36.

³¹² Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 55.

³¹³ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 55.

³¹⁴ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 75.

On the following day, February 8, Coll Cuchi reiterated his points during an extended dialogue. Responding to Senator Vardaman's question he says, "they do not want to have the citizenship clause passed now, because it means to their mind perpetual incorporation into the United States of America without hope of statehood. That is, it means Porto Rico will be a colony, a perpetual colony, and of course to that we are strongly opposed."³¹⁵ Coll Cuchi also reiterated the economic conditions of the island under American tutelage when he said, "[W]e had the island very well divided up into a great number of small parts, but American corporations came down, and foreigners came down, and they hold to-day all of our valuable property. I should say that the land of Porto Rico to-day is not out of the hands of 75 or 100 persons."³¹⁶ Again, the Puerto Ricans were not heard. On the contrary, Chairman of the Committee on Insular Affairs, Representative Jones, the sponsor of the bill granting citizenship to the Puerto Ricans, was also blunt: "I think you should be told frankly that there is very little sentiment in the United States in favor of statehood for you. I should not be frank did I not say to you that, in my judgment, there is very little sentiment here in favor of statehood for your island."³¹⁷ If statehood was out of the question, so was independence. According to Morales Carrión, "[S]ince July, 1916, McIntyre had insisted that passage of the bill would put an end to the agitation for independence."³¹⁸ Representatives and Senators ruled out independence and statehood for the island, but supported citizenship for the Puerto Ricans and two reasons became prevalent; stifling the independence movement brewing since 1909 and securing the allegiance of Puerto Rico to the United States because of the Great War.³¹⁹

³¹⁵ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 74.

³¹⁶ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 76.

³¹⁷ A Civil Government, at. 101. (Citation: HRG-1916-HIH-0003)

³¹⁸ Morales Carrión, 197.

³¹⁹ Morales Carrión, 197.

The Great War, Puerto Rico, and Muñoz Rivera

During the hearings on February 5, 1916, a dialogue between Representative Austin and Coll Cuchi (mentioned above) pointed yet to another powerful force, the Great War, shaping American policy toward Puerto Rico. Austin depicted Coll Cuchi's talks of "independence" as "ridiculous" and pointed out that "[T]his war in Europe has changed the whole situation."³²⁰ His metaphor that "[Y]ou had better be a good fish," in contemporary language could possibly mean that the United States had a bigger fish to fry than Puerto Rico. Indeed, in the midst of the congressional hearings of Shafroth's Senate and Jones's House bills an interlude occurred, which cannot be ignored in reference to the granting of citizenship to Puerto Rico. The United States purchased the Danish West Indies for defensive strategic reasons, lest it fall into the hands of Germany. Although Woodrow Wilson's highly questionable neutrality, keeping America out of the war, may be construed as such, American foreign policy cannot be divorced from the Monroe Doctrine and hemispheric interests. The protection of the Western Hemisphere and the Panama Canal, opened on August 15, 1914, allowing movement of American naval forces between the Atlantic and Pacific Oceans, was more important than ever before. As Morales Carrión explains, German submarines scouted the Atlantic and the fear of Germany establishing coaling stations in Haiti and absorbing Denmark, thus obtaining claim to the Danish West Indies, would have put a foothold at the doorsteps of the American Caribbean, which the United States was not going to allow.³²¹

³²⁰ A Civil Government, at. 99. (Citation: HRG-1916-HIH-0003)

³²¹ Morales Carrión, 197-98.

The United States had had an eye on the Danish West Indies since 1867 and this time offered to purchase it from the Danes, or if not sold, take over the island.³²² The Danish held out and insisted that the Danish citizens living on the island would not be placed on a par with other aliens.³²³ Morales Carrión says that the Americans used Puerto Rico as a scapegoat and, perhaps because of the unsettled status of Puerto Rico, the Danes insisted on the granting of American citizenship for the people on the island. Whatever the causation may be, perhaps to avoid another peculiar status, President Wilson personally waived American objections and the treaty was signed on August 4, 1916.³²⁴ Morales Carrión concludes that, “[T]he pressure to grant American citizenship to Puerto Ricans now became a matter of high priority for the administration.”³²⁵ Although two more hearings were held on Shafroth’s Senate bill 1217, one on March 22 and the other on December 20 of 1916, the year ended without voting on either of the two bills.

Another event, the death of Muñoz Rivera, Resident Commissioner since 1909, leader of *Partido Unión* since 1904, pragmatic *independentista* throughout his life and in light of the American stance, ardent advocate of autonomy for Puerto Rico, on November 15, 1916, blew out the torch of the hopes of a dignified political status for Puerto Rico until some years later his son, Luís Muñoz Marín, picked up the torch again.

³²² LaFeber, 31, 110. also in: Morales Carrión, 197-98.

³²³ 64 Cong. 1st Sess. Senate Committee Print. Cession of the Danish West Indies. at. 9. (Citation: CMP-1916-FOR-0001).

³²⁴ Morales Carrión, 198.

³²⁵ Morales Carrión, 198.

The Final Chapter toward Citizenship for Puerto Rico

On February 12, 1917, Senator Shafroth had to beg his peers to take the Puerto Rican bill (H.R. 9533) up for discussion and pressed for a resolution when he said, “[T]he Porto Rican bill has been dragging along for seven or eight months. I have been begging and begging to get night sessions to consider it.”³²⁶ When Senator Shafroth asked for an hour to present the bill, he was met with cynicism. Lee Slator Overman, Democratic Senator from North Carolina, said, “We will see if the Senator from Colorado can get the Porto Rican bill through in an hour.”³²⁷ On February 17, 1917, Albert Bacon Fall, Republican Senator from New Mexico, pointed out that while the sentiments of the people of Puerto Rico were divided by two vastly opposing aspirations, one side for independence and the other for statehood, “they have had practical assurance from leaders of sentiment in the United States that they would never achieve either of their aspirations.”³²⁸ Senator Fall reaffirmed, “[T]hey have been told by the leaders of both parties, by the leaders of the sentiment as it is reported here in the United States, that they would neither become independent on the one hand, nor be allowed to enter the system of statehood upon the other.”³²⁹ Puerto Rican delegates, representing the majority *Partido Unión*, begged not to pass the bill and grant citizenship because the island was divided. Senator Fall’s strong statement implicitly raised a question, the question this paper seeks to answer: Why grant American citizenship to Puerto Rico, if neither independence, nor statehood was considered as realistic outcomes? Why, indeed?

James Edgar Martine, Senator from New Jersey, pointed to the economic aspect of the debate over granting suffrage to the Puerto Ricans when he said, “Mr. President, to my mind the

³²⁶ Cong. Rec. S. at. 3068. (Citation: CR-1917-0212).

³²⁷ Cong. Rec. S. at. 3069. (Citation: CR-1917-0212).

³²⁸ Cong. Rec. S. at. 3470. (Citation: CR-1917-0217).

³²⁹ Cong. Rec. S. at. 3470. (Citation: CR-1917-0217).

milk in the coconut in this whole situation is the fact that the great franchises in that island and sugar plantations are owned by a clique of wealthy men in the United States, in England, and in Scotland, and it is their purpose and desire to control the elections in the island. Qualified with the electorate they are practically in possession of the island.³³⁰ Martine referred to the fact that under the Foraker Act the Puerto Ricans had no literacy or property qualification to vote.³³¹ Limiting the vote to literacy and property qualifications would have favored the small number of large landholders and the educated elite to control the elections.

On February 20, 1917 Senator Shafroth pushed for the passage of the bill again. During the debates, while Senator Martine offered an amendment to the bill (H.R. 9533), limiting the franchise to males only,³³² he reminded the Senate that the literacy and property qualification were ðun-American and not up to the standard that we have proclaimed to the world as to what we stood for.³³³ Lawrence Yates Sherman, Republican Senator from Illinois, supported Senator Martine when he said, ðI am not ready yet to extend the right of woman suffrage to Porto Rico when we do not have it in some 35 or 36 States of the United States.³³⁴ Two diametrically opposing views were presented on the issue of women's suffrage. Senator Jones asserted that Puerto Rican women were just as competent or ignorant, as the case may be, than Puerto Rican men and, if one gets the franchise, so should the other.³³⁵ On the other hand, Senator Martine was ðunqualifiedly opposed to woman suffrage³³⁶ and asserted that ðit would be a detriment to the Commonwealth³³⁶ and ða misfortune and disaster for the women.³³⁶ The opposition to women's

³³⁰ Cong. Rec. S. at. 3470. (Citation: CR-1917-0217).

³³¹ Cong. Rec. S. at. 3667. (Citation: CR-1917-0220).

³³² Cong. Rec. S. at. 3470. (Citation: CR-1917-0217).

³³³ Cong. Rec. S. at. 3474. (Citation: CR-1917-0217).

³³⁴ Cong. Rec. S. at. 3475. (Citation: CR-1917-0217).

³³⁵ Cong. Rec. S. at. 3666. (Citation: CR-1917-0220). The Record does not indicate which Jones was present. Wesley Livsey Jones, Republican Senator from Washington, and Andrieus Aristieus Jones, Democrat Senator from New Mexico, served in the Senate in 1917.

³³⁶ Cong. Rec. S. at. 3667. (Citation: CR-1917-0220).

suffrage not only reflected American attitudes, but it also intended to limit the franchise to a smaller, more affluent number of people.

Nevertheless, the bill passed, leaving the question of women's suffrage for the Puerto Rican Legislature to decide.³³⁷ The applicable Congressional Record does not provide the vote, it merely states, "[T]he bill was passed."³³⁸ With Senator Shafroth's push, the Senate voted on and passed H.R. 9533. Thus, Representative Jones's bill became known as the Shafroth-Jones Bill. The bill was sent to conference with the House and it still needed President Wilson's signature. The amended bill maintained the age qualification of 21, but the literacy and property qualifications were dropped. Another Great War related incident, the famous Zimmermann telegram in late February of 1917 very likely accelerated the passage of the bill and Wilson's signature.³³⁹

German fears of American entry into the Great War on the side of the Allies, the Triple Entente of the British, Russian and French empires, intended to exploit the ongoing clashes between the United States and Mexico. The Zimmermann telegram solicited Mexico's alliance with Germany against the United States should the US declare war on Germany. The consulted scholarly sources treat the Zimmermann telegram as a historical fact³⁴⁰ and the United States exploited this incident as such in order to enlist public and political support for securing the allegiance of Puerto Rico, the Guardian of the Caribbean against the menacing German unrestricted submarine activity threatening the Caribbean.³⁴¹ The passage of the bill by Congress and the events in the Great War compelled President Wilson to act.

³³⁷ Cong. Rec. S. at. 3667. (Citation: CR-1917-0220).

³³⁸ Cong. Rec. S. at. 3667. (Citation: CR-1917-0220).

³³⁹ Paterson, 51.

³⁴⁰ Paterson, 51, 81. also in: B.J.C. McKercher, "Economic Warfare," in *The Oxford Illustrated History of the First World War*, ed. Hew Strachan, (Oxford: Oxford University Press, 1998), 130.

³⁴¹ Paterson, 81. also in: McKercher, 130.

On March 2, 1917, President Woodrow Wilson signed the bill into law, thus granting American citizenship to Puerto Rico. But Wilson, despite all of his utterances of justice and the nation's rights of self-determination, was an Anglophile, racist and anti-feminist. Historian Gary Gerstle contrasts Wilson as the man who internationally had a "compelling vision of a world without war, where every people would have the right to independent statehood and self-governance" whereas on the domestic front "was deeply racist in his thought and politics, and apparently he was comfortable being so."³⁴² Indeed, Wilson's rhetoric was generous where it did not affect domestic affairs, but he was "timid, cold, practically indifferent to questions of racial justice."³⁴³ How insignificant the political status or citizenship of Puerto Rico must have been for Wilson, the president signing the Shafroth-Jones citizenship bill into law, is revealed by John Milton Cooper's six-hundred page biography of Wilson where Puerto Rico does not appear in the index. President Wilson was not likely to incorporate Puerto Rico into the United States any more than his Republican predecessors did. In his eight State of the Union Addresses Wilson mentioned Puerto Rico eight times total with no real significance as to the people or the island. The only significant mention of Puerto Rico President Wilson makes is in reference to American national security in light of the Great War and international embarrassment when he says:

There is another matter which seems to me to be very intimately associated with the question of national safety and preparation for defense. That is our policy towards the Philippines and the people of Porto Rico. Our treatment of them and their attitude towards us are manifestly of the first consequence in the development of our duties in the world and in getting a free hand to perform those duties. We must be free from every unnecessary burden or embarrassment; and there is no better way to be clear of embarrassment than to fulfil our promises and promote the interests of those dependent on us to the utmost.³⁴⁴

³⁴² Gary Gerstle, "Race and Nation in the Thought and Politics of Woodrow Wilson," in *Reconsidering Woodrow Wilson: Progressivism, Internationalism, War, and Peace*, ed. John Milton Cooper. (Washington D.C.: Woodrow Wilson Center Press, 2008), 93-4.

³⁴³ Gerstle, 93.

³⁴⁴ <http://www2.hn.psu.edu/faculty/jmanis/poldocs/uspressu/SUaddressWWilson.pdf> December 7, 1915.

That national security as of utmost importance was reaffirmed by Wilson when he said, “[T]he canal shifted the center of gravity of the world.”³⁴⁵ At the end, “citizenship was granted under the worst possible light and with little thought of what that momentous step could mean in terms of Puerto Rico’s eventual status.”³⁴⁶ What the granting of citizenship meant was quite clear to the Puerto Rican leadership. Puerto Rico was permanently tied to the United States and as several Congressmen expressed, independence and statehood were out of the question.³⁴⁷ Ayala and Bernabe conclude that the granting of US citizenship “was seen by its proponents as affirming the permanence of U.S. rule over Puerto Rico without entailing a promise of statehood.”³⁴⁸

Conclusion

In 1900, two years after the American acquisition of Puerto Rico as an indemnity for American losses in the Spanish-American War, the Congress of the United States passed the Foraker Act, named after Republican Representative Foraker. Foraker was against the creation of a colonial empire and intended to resolve the unsettled political status of Puerto Rico. The original bill provided for a civil government and American citizenship for the people of Puerto Rico, but the final bill jettisoned the citizenship. The bill introduced a fifteen percent tariff on commerce between the United States and Puerto Rico, purportedly to raise revenue for the island, but in consequence, it treated Puerto Rico as an extraterritorial entity.³⁴⁹ The uniformity clause of the Constitution forbidding taxation between the States of the Union did not apply.

³⁴⁵ Quoted in Paterson, 38.

³⁴⁶ Trías Monge, 76.

³⁴⁷ Ayala and Bernabe, 58.

³⁴⁸ Ayala and Bernabe, 58.

³⁴⁹ U.S. Statutes at Large, 56th Cong. Sess. I, Chp. 191, at. 77-86. Section 3.

The measure of the Act asserting that the residents of Puerto Rico were citizens of Puerto Rico also treated Puerto Ricans as extraterritorial entities. Furthermore, the Act granted the President of the United States with powers to appoint the governor of Puerto Rico and six members of the eleven member Puerto Rican Senate. In turn, the governor of Puerto Rico received veto power over any legislation and the six President appointed members of the Senate were in key executive positions. Puerto Rico had become a *de facto* colony of the United States.

A year later, in 1901, ruling in the case of *Downes v. Bidwell* the Supreme Court of the United States established the peculiar status of Puerto Rico, belonging to, but not part of the United States. The half measure, relegating Puerto Rico as neither a State of the Union, nor an independent political state, triggered reaction within the United States and within Puerto Rico and between the United States and Puerto Rico.

Congressmen in opposition to the Foraker Act in the United States framed the debate in Constitutional terms. Many Democrats and some Republicans rejected the creation of a colonial empire and argued that Puerto Rico had to be incorporated into the United States, or allowed to be independent. A few Congressmen, Foraker, Jones and Shafroth amongst others, attempted to resolve the political status of the island and the people. However, what the majority of Congress affirmed and reaffirmed during the prolonged hearings was that neither independence, nor statehood were options for Puerto Rico. Congressional Records show quite convincingly that the two extremes, independence and statehood were out of the question for Puerto Rico.

The Foraker Act triggered political realignment in Puerto Rico. In 1900, two political parties, the *Partido Republicano* and the *Partido Federal*, split the votes between them, but both supported statehood for Puerto Rico. Since the *Partido Federal* boycotted the elections in protest to the Foraker Act, the *Partido Republicano* gained power and remained so until 1904.

Disenchantment with the half measure of the Foraker Act affected both parties. Under the leadership of Muñoz Rivera, *Partido Federal* was transformed into the *Partido Unión* in 1904, which also comprised defecting members from *Partido Republicano* and *independentista* elements. From 1904 the *Partido Unión* garnished the majority of the votes and by 1909 all of the thirty-five members of the House of Delegates of Puerto Rico were coming from the *Partido Unión*. The *Partido Unión* sought to find an honorable alternative to the despised colonial status. Muñoz Rivera considered statehood, home rule, or independence, as honorable alternatives to the colonial status.

In 1909, years of disenchantment with the Foraker Act and Governor Post's conduct culminated in a clash between the Puerto Ricans and the Americans when the House of Delegates of Puerto Rico refused to pass the appropriation bill in hope of pressuring the United States into amending the Foraker Act. The attempt to change course for the betterment of Puerto Rico backfired when the news of the standoff between Governor Post and the House of Delegates reached President Taft, who in turn reached out to Congress to amend the Foraker Act in such way that no such standoff should develop ever again.

The task to amend the Foraker Act fell on Republican Representative Olmsted. In 1909 Olmsted submitted an amendment which stated that in case an appropriation bill was not passed, the appropriations of the previous year would apply. The amendment took the power out of the hands of the House of Delegates. Early in 1910 Olmsted submitted a bill to further restrict the power of the Puerto Rican legislation. The bill proposed to increase the Senate of Puerto Rico from eleven to thirteen members. Under the Foraker Act six of the eleven Senate members were Americans appointed by the President and five were Puerto Ricans, also appointed by the President. Under the Olmsted Bill the ratio between American and Puerto Ricans would have

shifted to eight to five, thus further asserting Presidential power over the Puerto Ricans. Only the members of House of Delegates were elected and Puerto Rican, now without the power of the purse.

1910, therefore, was a turning point in American-Puerto Rican relations. The Congress of the United States reasserted full control of Puerto Rico with the President's blessings. The United States claimed to take Puerto Rico as an indemnity for the loss of American lives and property in the Spanish-American War, however, the number one reason for taking Puerto Rico was a larger, geopolitical strategic and global economic reasons, to guard the Isthmus of Panama from any European power. After the passage of the Foraker Act American economic interests, mostly the sugar barons, added the second reason for retaining the island. By 1910, the diverse commodities of sugar, coffee, tobacco, and a great variety of citrus fruits all but disappeared and Puerto Rico was turned into a sugarcane island, owned mostly by American investors.

The Great War and the German threat in the Caribbean reiterated the strategic importance of Puerto Rico. The United States hurried to secure the allegiance of the politically divided island and at the same time mete out the final blow to the simmering *independentista* movement. The Congressional Records provide substantial evidence that the stifling of the *independentista* movement was very much on the minds of the lawmakers and the advent of the Great War provided the impetus to lock Puerto Rico into a binding status the island could not easily leave. Neither the Republican Presidents, McKinley, Roosevelt and Taft, nor the Democratic Wilson supported statehood for Puerto Rico, while all of them stated in the affirmative that independence was out of the question for the island.

The United States acquired Puerto Rico for the Mahan prescribed strategic reasons and intended to keep it under American control. Congress passed the Shafroth-Jones Bill in February

of 1917 and on March 2, 1917, President Wilson signed the bill into law. The Bill granted American citizenship to the Puerto Ricans, but without a path toward statehood it indefinitely cemented the peculiar status of Puerto Rico: belonging to, but not part of the United States.

Conclusion

The United States acquired Puerto Rico from Spain supposedly as an indemnity, for the loss of American lives and property in Cuba and the Pacific during the Spanish-American War of 1898. However, Mahan's writings reveal that the island was taken for the Mahan prescribed strategic reasons in order to protect the larger geopolitical interests of the United States. More than one hundred years after the Spanish-American War, partly resulting from two world wars, propelling technological advancement in all spheres of science, the retention of the island is presently all but irrelevant for strategic reasons. In the age of surveillance satellites, drones, and a wireless network of communication and remote control, the geographic location of the island has no significant military value. With nuclear powered or otherwise propelled navy ships and submarines no longer needing coaling stations, the necessary forces to protect any or all American global interests can be accomplished short of politically controlling Puerto Rico.

However, nineteenth century technology limited the range of navy ships and submarines and the United States as an aspiring global power required coaling stations and strategic locations. Mahan recognized the prime strategic location of Puerto Rico in the Caribbean. It takes only a glance at the map Mahan used in his works to recognize the value of Puerto Rico. Puerto Rico lies in the path of navigation from any European country toward Central and South America and the Panama Canal. As Mahan saw, Puerto Rico was not only in the navigational path, but it was also a defensible island, whereas the other islands south and east of it were too small for any military purposes. The United States and Great Britain already controlled the other passages north and west of Puerto Rico. The metaphor is well suited to call Puerto Rico the Gibraltar of the Caribbean. In 1898, Puerto Rico was to the United States what Gibraltar was to

the British Empire and the late nineteenth century United States was a burgeoning industrial and agrarian power ready to expand beyond the continent.

The closing of the Western frontier halted Western expansion and an overproduction of goods threatened the social and economic, hence the political fabric, of the United States. The growing industrial and agrarian production had created what the historian LaFeber calls a "glut of goods." The United States needed a safety valve, an outlet for the surplus of economic production. The flow of new immigrants from east to the west sought "free soil" while the overproduction of goods led to layoffs and labor unrest. Consequently, the economic and social pressures created political pressures to seek new markets for the "glut of goods." The US already had considerable economic investments in Cuba and South America in the Western, and in Hawaii and China in the Eastern Hemispheres. However, the old colonial powers, England and Spain, and the new, rising industrial powers of Germany and Japan challenged American expansions.

As a student and teacher of naval history, Mahan recognized the importance of naval power as often being the decisive factor in wars, and identified the strategic locations a great power like the United States had to have in order to control and protect its own global interests. Mahan, however, pointed out that the US was unprepared to defend its own borders, much less its hemispheric interests. He recognized the insurmountable importance of the soon to be built isthmian canal for its strategic and commercial values and his followers, amongst them future President Theodore Roosevelt, made sure that the United States was going to have control of the passage leading to it. Thus, Puerto Rico, an otherwise insignificant island, became a must take at the end of the Spanish-American War.

In 1898 the United States was an empire in the making, expanding from a continental to a global power. By this time, largely thanks to Mahan, the Monroe Doctrine (1823) was backed by a substantial navy. The US was ready to spring into action and the prolonged insurgency in Cuba, threatening American investments, and the handling of it by the waning Spanish Empire set the stage for the showdown. A diplomatic mishap, insulting President McKinley, and the blowing up of the *USS Maine* in Havana harbor provided the impetus for the war. The outcome of the war was quite predictable and ended with US victory. With the signing of the Treaty of Paris on December 10, 1898 the United States acquired the island territories of Guam, the Philippines and Puerto Rico and control of Cuba, all former colonies of Spain. The United States was transformed from a continental to a global empire. The question was what to do with the newfound possessions.

Mahan, Morales Carrión, Trías Monge, and other historians point out that the United States had an eye on Cuba and the control of the Caribbean since President Jefferson. However, it is one thing to crave something and it is quite another to actually have it. The United States was unprepared to deal with the newfound possessions. The US could not take Cuba as a possession since it supposedly fought a war to liberate it. The Philippines had proven to be a tough take and the Americans fought a brutal war to suppress the native uprising. Late nineteenth century Social Darwinism also played a significant role in the decision making process. There was no taste in the US for incorporating the ten million "savages,"³⁵⁰ many of whom "dressed in nothing but their own "complexions."³⁵¹ Guam, handpicked by the US at the Treaty of Paris, was very small, but sufficient as an outpost to guard American interests in the

³⁵⁰ Cong. Rec. H.R. at. 4038. (Citation: CR-1900-0411.)

³⁵¹ Cong. Rec. H.R. at. 2408. (Citation: CR-1900-0228).

Pacific and remained under naval control until 1950. The distant island did not create a political challenge for the US. Puerto Rico was a different matter, however.

Puerto Rico had a population of one million with an educated, mostly European stock. After four hundred years of Spanish colonial rule Puerto Rico received autonomy from Spain the year before the Spanish-American War and the political elite was looking forward to taking charge of the island. The American occupation polarized political sentiments. Some of the elite looked at the United States as the great democracy to the north and welcomed the Americans as liberators. The *estadistas* supported a path toward statehood, a membership in the United States with all of its blessings of democracy and personal freedoms. Many of the *estadistas* were educated in the US or in European countries and anticipated political freedoms and economic development. The *independentistas* on the other hand supported a long sought independence and looked at the United States as another colonizing power. The high hopes of both camps quickly dissipated. The United States had other plans for Puerto Rico, rather, it had no plans at all as to the political status of the people or the island. The US installed a military government in Puerto Rico with no plan in sight until a conscientious objector, Senator Foraker, put a bill forward to rectify the unsettled, colonial status of Puerto Rico. (As shown above, Guam remained under military control until 1950, five years after the Second World War, when the UN charter called upon all nations to implement the decolonization objectives.)

In 1900, Foraker put forward a bill to resolve the shameful colonial status of Puerto Rico. Foraker's bill proposed a civilian government, modeled after the American bicameral legislative body with a judicial oversight and an appointed governor. Foraker was not a revolutionary however, and the bill, while providing for Puerto Rican participation, retained ultimate control in the hands of the United States. The governor and six members of the Senate of Puerto Rico were

to be appointed by the President of the United States and the judicial oversight would also fall under American control. Only the lower chamber, the House of Delegates, would be elected and Puerto Rican. Thus, in step with Social Darwinist paternalistic tutelage, the US would be in control of Puerto Rico until the Congress of the United States saw the Puerto Ricans fit for self-governance.

The bill also proposed US citizenship for the people of Puerto Rico, attempting to bring the people of the island into the fold as equal members of the Great Republic. However, the majority in Congress was unwilling to show such generosity. The Puerto Ricans were a Latin and not Anglo-Saxon people; they were Catholics and not Protestants as the imagined community of the United States was; and spoke Spanish and not English as Americans did. The high ideals of the Declaration of Independence were not going to be shared with the islanders. The granting of citizenship was scrapped from the bill.

The third leg of the bill proposed economic assistance for Puerto Rico. The introduction of a fifteen percent tariff between Puerto Rico and the United States, solely dedicated to the treasury of the island, was intended to alleviate the deplorable conditions in Puerto Rico. Looking beyond the revenue, the introduction of the tariff established that Puerto Rico was not treated as a part of the United States. The uniformity clause of the Constitution regulating interstate commerce did not apply to Puerto Rico. The measure was also a double edged sword. While it generated badly needed income for the island, it deprived Puerto Rico of its traditional markets in Europe. The United States and not Puerto Rico regulated international commerce. The Foraker Act asserted American political, judicial, social, and economic control over the island. Since President McKinley had to sign the act into law, the legislative and the executive branches of the US government relegated the island to a colonial status.

In 1901, the Supreme Court of the United States in the Insular Cases confirmed, specifically in *Downes v. Bidwell*, that Puerto Rico belonged to, but was not part of the United States. Ruling on the side of Bidwell, the customs official who collected tariffs on goods from Puerto Rico to the US, the Supreme Court of the United States confirmed that Puerto Rico was not part of the US for purposes of commerce and sanctioned the Lowell prescribed "Third View," the right of the United States to hold colonies. Thus, joining the legislative and executive branches, the judicial branch of the government, the Supreme Court, in the decision in 1901 sanctioned the creation of the peculiar status for Puerto Rico, neither a state, nor an independent nation.

The Foraker Act triggered a backlash in the United States and in Puerto Rico. In the US, Foraker, Jones, Shafroth and many other lawmakers felt that the US had wronged Puerto Rico, and that having a colonial empire was unworthy of the United States, and presented subsequent bills to rectify the ambiguous status of Puerto Rico. However, the majority in Congress under both Republican and Democratic presidents, while prolonging the decision making, confirmed in the affirmative again and again that neither independence, nor statehood were options for Puerto Rico. The majority in Congress reserved the plenary powers the Treaty of Paris granted to it and bill after bill asserted that such plenary power rested in the Congress of the United States.

The House of Delegates of Puerto Rico put the plenary powers to a test in 1909 when it refused to pass the appropriation bill of Puerto Rico. However, the power imbalance favored the United States. Neither President Taft, nor Congress was going to have a rebellion of "recalcitrant" elements against the mighty American Empire. The high ideals of the Declaration of Independence and the Constitution were forgotten; Puerto Rico was to remain a colony under American tutelage. The Olmsted Amendment of 1909, bypassing the power of the House the

Delegates of Puerto Rico, asserted that in case the appropriation bill was not passed, the appropriations of the previous year applied. The Amendment annulled the power of the purse, and taxation without representation reigned. The United States did not need to consult the Puerto Ricans in their own affairs. The American stance in Puerto Rico hardened and none of the bills of Jones or Shafroth were entertained in Congress until First World War events compelled President Wilson and Congress to act.

The Great War reminded Wilson and Congress of the strategic geopolitical importance of and the rationale behind the acquisition of Puerto Rico. German submarine activity in the Atlantic encroaching on the Caribbean, and the German threat of taking Haiti for coaling stations and acquiring the Danish West Indies, had hurried the decision making process. The United States had to secure the allegiance of Puerto Rico and once and for all, stifle the *independentista* movement in the island. None of the Presidents, McKinley, Roosevelt, Taft or Wilson, offered statehood, and all ruled out independence for Puerto Rico. On March 2, 1917, Wilson signed the Jones-Shafroth Bill into law and by granting US citizenship to the Puerto Ricans without a path to statehood, sealed the fate of Puerto Rico for years to come.

If the Supreme Court was divided in 1901, delivering an ambiguous decision of ñbelonging to, but not part of the United Statesø in *Downes v. Bidwell* in a five to four decision, in *Balzac v. People of Puerto Rico*, in 1922, the last of the Insular Cases, in a unanimous decision the highest court confirmed in the affirmative that ñthe extension of American citizenship to Puerto Ricans did not make Puerto Rico part of the United States.ö³⁵² The three branches of the government of the United States confirmed that Puerto Rico ñbelonged to, but was not part of the United States.ø

³⁵² Trías Monge, 49.

One of the reflections on the prevailing Anglophile sentiments of early twentieth century American attitudes of the American Empire comes from Johann Heinrich Graf von Bernstorff when he writes, "Americans never give themselves time to learn to understand a foreign nation. A knowledge of foreign languages is by no means general in the United States. The Americans unconsciously borrow their thoughts and ideas from England, because it is the only nation whose literature and Press are accessible to them in the original tongue."³⁵³

Another reflection on the colonial empire of the United States comes from the distinguished historian LaFeber when he says:

The overall U.S. policy toward Cuba and the Philippines (and at this and other times toward Hawaii, Mexico, and China) contained a contradiction I did not understand in the 1960s: while the United States desired order and opposed certain revolutions, its policies, especially the demand that Americans enjoy access to those countries for trade and investment, helped destroy order and fuel revolutions.³⁵⁴

Echoing the words of LaFeber, one does not need to read the works of MIT professor and renowned scholar Noam Chomsky to recognize the destabilizing forces of American involvement in Afghanistan, Egypt, Iraq, Libya, Guatemala, El Salvador, Nicaragua, Viet Nam, and other places around the globe. However, when immigrants and refugees from these destabilized countries reach the shores of the US, they are not necessarily welcomed. A recent photo (page 116) is representative of the attitudes and sentiments of many Americans, who call on Puerto Ricans to "Speak English or go home."³⁵⁵ Puerto Rico has been colonized and destabilized by the United States for over one hundred years, and is still searching for its identity and so far has been denied the dignity of choice.

³⁵³ Johann Heinrich Graf von Bernstorff, *My three years in America*. (New York: Scribner, 1920) 18-19.

³⁵⁴ LaFeber, xxiii.

³⁵⁵ Angy Paola Rivera, New York, NY: 7th train, May 8, 2014.



-Half measure,ø -ambiguity,ø -peculiar status,ø whatever the description of the political status of Puerto Rico may be, the United States retains Puerto Rico because the Congress and the Supreme Court of the United States created, and the president of the United States sanctioned, the political status of Puerto Rico as -belonging to, but not part of the United Statesøand, by granting US citizenship to all Puerto Ricans in 1917, sealed the fate of Puerto Rico and permanently tied it to the United States. At any point in time before the granting of citizenship, the United States could have set Puerto Rico on the path to statehood or independence. However, the granting of US citizenship without any further commitment toward statehood cemented the peculiar political status of Puerto Rico. As Coll Cuchi observed, ñmaking 1,500,000 citizens of the United States í is a more serious problem than making them

citizens.³⁵⁶ It would be difficult to discern how far into the future Coll Cuchi projected the population of Puerto Rico, but he would probably be quite alarmed knowing that almost one hundred years after he had uttered those words, an estimated eight to nine million of his countrymen are still living under those peculiar conditions set into existence in 1917.³⁵⁷

The scope of this research is limited to the years between 1898 and 1917 and asserts that the current peculiar status of Puerto Rico was cemented with the granting of US citizenship to the Puerto Ricans in 1917. Critics argue that many things have changed since 1917 and the relationship between Puerto Rico and the United States has changed. Indeed, Muñoz Marín, son of Muñoz Rivera, not unlike his father in the 1909 appropriation *face-off*, attempted to outsmart the United States. In the post Second World War decolonization objective of the UN, his leadership proposed to the United States to remove Puerto Rico from the humiliating colonial status in exchange for crafting a compact between Puerto Rico and the United States.

Paraphrasing Trías Monge, "On July 30, 1950, Public Law 600 was approved, giving Puerto Rico the right to adopt its own constitution and to establish a relationship with the United States in the nature of a compact."³⁵⁸ The Americans caught on to the scheme and outmaneuvered the Puerto Ricans. The Puerto Ricans interpreted Public Law 600 in the literal meaning of "in the nature of a compact," Puerto Rico entering into a binding relationship with the United States at free will and called their island *Estado Libre Asociado de Puerto Rico*, The Free Associated State of Puerto Rico. However, the Americans had a double take. The United States managed to get Puerto Rico off the list of colonies in the UN, but reasserted total control of the island.

Plenary power remains vested in the Congress of the United States. Hence, in the US the official

³⁵⁶ Government for Porto Rico. 64th Cong. 1st Sess. S. 1217. at. 55.

³⁵⁷ (according to 2013 estimates, the island's population was around 3.7 million and an estimated four to five million Puerto Ricans live in the Continental United States)

³⁵⁸ Trías Monge, x.

reference to the island is the Commonwealth of Puerto Rico. Three prominent examples: the case of Juan Mari Brás, subsequent plebiscites on the status question, and the small, but persistent presence of the Puerto Rican Independence Party, *Partido Independentista Puertorriqueño*, convincingly confirm that the United States remained in control in Puerto Rico long after 1917.

Juan Mari Brás, a Puerto Rican by birth, attempted to renounce his US citizenship and assert his identity as a Puerto Rican citizen. Based on the prevailing law derived from the Foraker Act, the people of Puerto Rico are citizens of Puerto Rico.³⁵⁹ After several rounds of court proceedings, the court decided that, if Mari Brás truly intended to renounce his US citizenship, he would become an alien in the island he had known as his birth place and home.³⁶⁰ Richard Thornburgh says that “[I]n 1997, Congressman George Gekas warned about creeping separatism in Puerto Rico’s local judiciary and abuse of U.S. citizenship renunciation processes.”³⁶¹ A Puerto Rican born in Puerto Rico could not assert his identity as a citizen of Puerto Rico. A court in the United States ruled that he could not have a separate identity, different from that of being a citizen of the United States.

The much publicized plebiscite in 2012 in Puerto Rico shifts the responsibility to the Puerto Ricans to vote on the political status for the island. Over the years, there have been four plebiscites on the status question, the most recent in 2012, with ambiguous and confusing results, splitting over ninety percent of the vote between the statehood and the status quo options.³⁶²

³⁵⁹ Charles R. Venator-Santiago, “United States Citizenship in Puerto Rico, A Short History” University of Connecticut, Institute of Puerto Rican and Latino Studies, August 6, 2010. 5. http://www.cga.ct.gov/lprac/pages/LPRAC_IPRLS_PRCit_FinalReport_2010_R4.pdf

³⁶⁰ Richard Thornburgh, “Puerto Rican Separatism and United States Federalism,” in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, eds. Duffy Burnett and Marshall (Durham: Duke University Press, 2001), 361-64.

³⁶¹ Thornburgh, 362.

³⁶² Pedro A. Malavet, *America’s Colony: The Political and Cultural Conflict between the United States and Puerto Rico*, (New York: New York University Press, 2004), July 23, 1967, 77; November 14, 1993, 87; December

What many Puerto Ricans and Americans do not appear to realize is that the ultimate decision still rests with Congress. However, after more than one hundred years of American imperialism, the dilemma of the Puerto Ricans is quite understandable.

And finally, the recent election platform of the *Partido Independentista Puertorriqueño* blames the current status, ELA ó *Estado Libre Asociado de Puerto Rico* ó for many of Puerto Rico's economic and social problems. The platform points out that Puerto Rico is subject to American control and cannot negotiate its debt, foreign trade, and develop its local economy. For example, the island with a year-around growing season, imports 85 percent of its food supply.³⁶³

According to the latest census, 3.7 million Puerto Ricans live in the island and an estimated four to five million Puerto Ricans, or perhaps more accurately put, people of Puerto Rican descent, some of whom speak little Spanish, live in the continental United States. Their allegiance to Puerto Rico or the United States is complicated by their search for identity, belonging, and last but not least, economic self-interest. The more than one hundred years of American colonization has taken its toll. The Puerto Ricans are divided between American and Puerto Rican, and English and Spanish speaking identities. Many Puerto Ricans have conflicting loyalties. With millions of family ties to America, many Puerto Ricans vote for statehood and hope to retain US citizenship. Tony, a worker in a hardware store in Adjuntas, a city of five thousand in the municipality of Adjuntas, shared with us (the author and his wife) that he would never give up his American citizenship. He had worked in the US and his daughters are settled in the United States. On the other hand, a worker at Casa Pueblo, a cultural and educational

13, 1998, 89; (and November 6, 2012 added by author).

³⁶³ Partido Independentista Puertorriqueño, "El Estatus Afecta Tu Bolsillo," Comité Nacional: 963 Ave. F.D. Roosevelt, San Juan, Puerto Rico. Tel. 787-782-1455, prensapip@gmail.com, independencia.net.

center, also in Adjuntas, passionately proclaimed that the Puerto Ricans òjust had to get over it,ò meaning to cut ties with the US and become an independent political entity.

The longer the American hold on Puerto Rico lasts, the longer it will take to release it from bondage. As to the much publicized plebiscite, what is missing is a sincere discussion about the political reality: that the ultimate power rests with the Congress of the United States. Until then, the circular argument continues: Congress says the Puerto Ricans have to make up their minds, and the Puerto Ricans vote on the status of Puerto Rico. What Congress will not acknowledge and many Puerto Ricans may not know, is that the plenary power, granted to the Congress of the United States in 1898 in the Treaty of Paris, still rests in the Congress of the United States and the Congress of the United States will delay the decision for political reasons as it did a century ago. In the meantime, Puerto Rico is trapped in a perpetual peculiar political existence, neither a state, nor an independent nation.

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VITA
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The author was born in 1957 in Sajószentpéter (a small village at the time), in socialist Hungary, the grandson of coal miners. Completed the then required eight-year elementary education in 1971 in Kazincbarcika, Hungary. Opted for vocational school for personal reasons and studied auto mechanics from 1971 to 1974 and earned a diploma in 1974, also in Kazincbarcika. Worked as a mechanic for one year, during which time completed a three-month training as a crane operator in 1975 in Budapest, Hungary. Started at evening high school for workers in 1975 and earned a diploma in 1978.

Between 1976 and 1980 the author worked in payroll, as a nightwatchman and as a librarians' assistant and unsuccessfully applied for colleges in a quota system in Budapest and Szeged to study literature and history in preparation for a high school teaching career. Approaching the last legal drafting year for military service, the author acquired a professional driver's license. Served in the military from 1980 until 1982 as a payroll clerk.

Immigrated to the United States of America in 1984 via West Germany where the author spent six months. Arrived in Syracuse, NY through third generation family ties to the area and worked in a factory between 1984 and 1988, during which time attended EOC (Educational Opportunity Center) and training courses at BOCES in Syracuse. With improved proficiency in the English language and background in trades, was hired as a skilled worker, and repaired commercial kitchen equipment from 1988 until 1997. While working fulltime, studied at OCC (Onondaga Community College) between 1994-1998 as a part-time student and earned an Associate of Arts degree with the highest honors. Received certification of Phi Theta Kappa Society International Scholarship Order of the Two-Year College in 1997. In order to continue

his education toward a teaching career, accepted a second shift maintenance position at a local nursing home and started at the Continuing Education program of University College at Syracuse University. Received The National Society of Collegiate Scholars award for Outstanding Scholarship, Membership and Service in 2001. Majored in history and education and earned a dual degree in 2002 with *summa cum laude* at Syracuse University. Received a provisional Public School Teacher Certificate from the University of the State of New York in 2003.

Started graduate school in 2003 toward a master's in history at Syracuse University. Worked as a substitute teacher at area schools, taught summer school and worked as a homebound tutor until hired as a caseworker at Protective Services for Adults, Onondaga County Department of Social Services in 2009. Completed a master's thesis titled "The Peculiar Status of Puerto Rico: Neither a State, nor an Independent Nation" and successfully defended the thesis on March 20, 2015.