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## *Puerto Ricans as Contingent Citizens: Shifting Mandated Identities and Imperial Disjunctures*

**PEDRO CABÁN**

### **ABSTRACT**

In 1917 the United States Congress imposed citizenship on the inhabitants of Puerto Rico. It was a contingent citizenship subject to legal redefinition and tailored to Puerto Rico's colonial status within the U.S. empire. Many scholars have argued that racism was determinative in the decision to consign Puerto Ricans a diminished citizenship. But it is necessary to point out that the U.S. had crafted an adaptive racial narrative that distinguished among racialized people under its sovereignty in terms of their capacities for self-government and ability to comprehend Anglo-Saxon political and legal institutions. Moreover, in addition to racism, strategic considerations and territorial policies and legal precedents figured prominently in the decision to impose an unprecedented citizenship status on Puerto Ricans. [Keywords: citizenship, colonialism, territorial incorporation, statehood, imperialism]

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*In theory, citizenship denotes intrinsic status, signifying both full membership in the political community and a set of rights that adhere inherently and equally to all citizens. In practice, however, the rights of citizenship are variable and differentiated, and governments often approach citizenship not as a fundamental birthright or basic legal status but rather as a policy tool that is subject to constant adaptation, alteration, and modification.*

*Wilem Maas*

*U.S. policy on territorial incorporation was well developed before the War of 1898, and influenced the emerging empire's colonial policy in Puerto Rico.* Congress and the courts understood that Constitution mandated that territories acquired by the United States would inevitably be incorporated into the union as states. Moreover, with very rare exceptions the inhabitants of these territories would be collectively naturalized. However, in those cases in which the majority of the inhabitants of territories held by the United States were not white, Congress debated the wisdom of conferring citizenship to these "lesser races." The race, nationality and language of the territorial inhabitants factored into the federal government's decision on the conferral of citizenship and the timing of a territory's admission into the union. While racial considerations were significant in shaping policy toward the territories, they were not decisive in every instance. The decision as to which racialized inhabitants of the territories should be granted collective citizenship was also contingent on the territory's import for the evolving American empire. This paper was motivated in part by the conceptual and interpretive difficulties that arise if racism is used as the primary motivation to explain U.S. policy toward the territories, particularly the collective naturalization of the non-white inhabitants of these

territories. Clearly racism was important in framing overall U.S. policy toward the insular possessions acquired in 1898, but it was not decisive in explaining the treatment of Puerto Rico and its people.

The American imperial project (1776 to 1917) was based on a pragmatic stratagem of incorporation and exclusion of different ethnicities and races (as well as the singular denial of equality for women) from the body politic (see Smith 1997). While Manifest Destiny was based on notions of providential inevitability, the treatment of the inhabitants of territories pertaining to the United States was guided by the unquestioned belief in Anglo-Saxon racial superiority. The entire American project was driven by the relegation of non-Caucasians to the political and economic periphery. However, as I will attempt to show in this paper, U.S. empire builders did make distinctions about the innate capacities of the racialized inhabitants of occupied territories, and the functions they would be assigned in the American imperial project.

U.S. expansionist and imperialist narratives glorified Anglo-Saxon supremacy and rationalized the racial subordination of non-white peoples. By the late 19th century belief in the superiority of Anglo-Saxon America was ingrained in the national consciousness, and formed the basis for a robust militaristic nationalism. Naturally, all non-white peoples were considered deficient and lacking the attributes for self-government, let alone the capacity to grasp the genius of Anglo-Saxon institutions. Indeed, until well after the Civil War whiteness itself was socially constructed as the exclusive attribute of Anglo Saxons. After acquiring Spain's colonies, the practices and policies of the U.S. government left no doubt that people who were racialized as non-white would simply not be incorporated into the body political as equal citizens. Indeed, racial exclusion was deeply embedded in the states that comprised the Union. The states acted with impunity in deciding who would be granted full political membership in the polity. Notwithstanding the 15<sup>th</sup> amendment, the federal government did not act until two decades after World War II to intercede at the state level to protect the citizenship rights of African Americans. The grant of U.S. citizenship to non-white people did not alter the entrenched and widely held conviction that non-Caucasian people are inherently inferior and consequently not worthy of recognition as political equals.

Racism was constitutive of the uninterrupted extermination, enslavement, displacement and subjugation, and eventual colonization of non-white populations in the evolution of the American empire. An often-violent racism justified the "attendant cruelties" the U.S. inflicted on non-white people as

the nation prosecuted its quest for global dominance.<sup>1</sup> However, how decisive was racism in determining territorial policy during the period of continuous expansion that culminated in the acquisition of the “insular possessions” from Spain? This is one of the questions I explore in the course of reviewing the evolution of U.S. territorial policy leading to the establishment of the colony of Puerto Rico (see Burnett and Marshall 2001; Neuman and Brown-Nagin 2015).

In a seminal article that provoked a reconsideration of the scholarship on racism, sociologist Eduardo Bonilla-Silva argued that racism is “the racial ideology of a racialized social system.” Racism is an ideological attribute, or structural property, of the social system and “not an all-powerful ideology that explains all racial phenomena in a society” (Bonilla-Silva 1997, 467). In other words, racism is derivative of the racialized social system. Racism is not reducible simply to ideas. In these social systems actors are placed in racial categories or races by the “race” that has achieved the superordinate position. Bonilla-Silva’s conceptual approach enhances our understanding of the evolution of U.S. territorial policy and practice because it overcomes the analytical tendency to portray racism as invariant over time and space.

### **Racial Ideologies and Exclusion**

Racial ideology informed the imperialists’ reasoning on where to position different subject populations in the evolving racial hierarchy of the new empire. Nineteenth-century narratives of U.S. territorial expansion often depict racism as a fixed variable with which to explain the depiction and treatment of all non-white peoples. Yet a review of government documents, scholarly articles of the period, speeches by prominent legislators, treaties, court proceedings and congressional debates suggests that in the elaboration of territorial policy, U.S. policymakers did make racial distinctions among subject peoples. Racial ideology, although a structural attribute of a racialized social system, evolved as a consequence of the imperialists’ exposure to and experience with different subject populations. Moreover, as the U.S. empire expanded its global reach, racial ideology appropriated a contingent quality. Simply put, the changing function of a racialized group in the imperial project precipitated a redefinition or refinement on where that racialized group would be positioned in the racial hierarchy.

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*The literature on U.S. territorial expansion and imperialism provides insights into how subject peoples were differentially positioned during different moments in the evolution of the U.S. empire.*

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Portrayals of the same racialized group varied over time as well. In a recent article Charles Venator-Santiago describes the contingent nature of the collective citizenship imposed on Puerto Ricans by postulating a relationship between distinct legal constructions of citizenship for Puerto Ricans and stages of the United States evolution as a global empire (Venator-Santiago 2013, 93–94). The literature on U.S. territorial expansion and imperialism provides insights into how subject peoples were differentially positioned during different moments in the evolution of the U.S. empire. By envisioning racism as a flexible and adaptive racial ideology, we can intimate that empire builders positioned the inhabitants of territories in different racial categories in order to advance particular policy objectives or political goals. Policymakers in Washington and territorial administrators consistently portrayed all the non-white inhabitants of annexed territories as racially inferior to Anglo Saxons. However, these elites also debated the wisdom of granting U.S. citizenship to Filipinos, Puerto Ricans, Mexicans, Tejanos, Hawaiians, Native Americans, Chinese, and other non-Anglo American populations because of presumed innate differences among these racialized people.

Returning to the question of racial factors in the making of U.S. colonial policy, Puerto Ricans and Filipinos were initially targets of racial scorn and portrayed as inferior tropical people who threatened the purity and health of the white race. Despite this general characterization, Congress was quick to signal its intention to exclude Filipinos from membership in the United States. The Americans revealed the depth of their antipathy for Filipinos when Congress speedily approved a joint resolution only a week after the Treaty of Paris. The resolution stated the Treaty “was not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States... nor to permanently annex said islands as an integral part of the territory of the United States” (Capó-Rodríguez 1919a, 510). In contrast, the initial draft of the 1900 Foraker Act granted collective citizenship to the inhabitants of Puerto Rico. Although this provision was removed in a subsequent version of the bill, it was because of Congressional uncertainty that a precedent could

be established that would legally compel the United States to grant Filipinos citizenship (Capó-Rodríguez 1919b, 555). Senator Foraker wrote in his memoirs that he lobbied to include the provision for U.S. citizenship for Puerto Ricans in his bill, but stiff resistance in the Senate prompted him to substitute the concept “citizens of Porto Rico and as such entitled to the protection of the United States.” Subsequent to the enactment of the 1900 Organic Act, Foraker reported, “he sought several times ... to secure an amendment to the law that would make citizens of the United States.” He also noted that by 1908 the Republican Party’s “sentiment” for citizenship had “radically changed” when it endorsed in its platform “that the native inhabitants of Porto Rico should be at once made collectively citizens of the United States” (Foraker 1916). In his monumental study of U.S. citizenship, Rogers Smith concluded that Congress had consigned Filipinos to a status comparable to that of Chinese —“too racially distinct, inferior, troublesome to possess any form of U.S. citizenship or nationality.” Filipinos were placed in a category of people that should be denied entry to the United States and subject to expulsion (Smith 1997, 429).

Colonial policy toward the insular possessions was influenced by fear that the territorial incorporation Philippines would threaten the American workers and businesses. Representatives Gilbert and Sibley provocatively uttered their racial fear about “10,000,000 Asiatics becoming American citizens and swarming into this country.” Sibley declared that “the yellow man of the Orient shall not come here, clothed with the full power of citizenship” (quoted in Cabán 1999, 88). These were not isolated outbursts of anti-Asian xenophobia, but expressive of widespread sentiment in a nation assured of its racial superiority. Yet a nation alarmed about the pollution of its racial purity if the inferior stock of humanity that populated the possessions were to be incorporated into the union. Senator Foraker emphasized that the Philippine tariff issue had to be resolved so that the people of the United States know “that the labor and the industry of this country shall be protected from what has been charged as the unjust completion of the Malay in the Philippines and the products of Malay cheap labor” (Foraker 1900). The 1900 Democratic Party convention condemned the imperialist policies of the McKinley administration, and reaffirmed the Democrat’s disaggregated racial views about the inhabitants of U.S. territories. The Democratic platform warned that “Filipinos cannot be citizens without endangering our civilization; they cannot be subjects without imperiling our form of government” (Democratic National Convention 1900, 115). Democratic presidential candidate William

Jennings Bryan questioned whether the Republican controlled Congress intended to “bring into the body politic eight or ten million Asiatics, so different from us in race and history that amalgamation is impossible?” (Democratic National Convention 1900, 213). In contrast, the Democratic Party expressed its support for “home rule and a territorial form of government for Alaska and Porto Rico.” They denounced the “Porto Rican Law” (the Foraker Act) enacted by the Republican controlled Congress because it “dooms to poverty and distress a people whose helplessness appeals with peculiar force to our justice and magnanimity” (Democratic National Platform 1900, 114, 250).

Attributing undue influence to racism in the formulation of colonial policy overlooks important economic and political considerations that interacted with race and shaped the national discourse on the possessions and their people. For example, intense debates between economic protectionists and proponents of free trade occupied Congress’s deliberations on the possessions, and bore directly on the issue of whether the uniformity clause of the Constitution applied to Puerto Rico and the Philippines. The resolution of tariff debate was contingent on whether the courts ruled that the possessions were either incorporated or non-incorporated territories. The impact of free trade and unrestricted migration was interpreted both as a racial issue and a profoundly important economic matter. In the protectionist mindset of the time, American manufacturers feared competition with cheap tropical products and produce if allowed duty-free entry into the U.S. market. American labor unions feared that unrestricted migration of cheap labor from the possessions would further threaten the already precarious condition of U.S. workers. Legislators intensely debated the morality of holding the inhabitants of the possessions in colonial servitude. In the case of Puerto Rico, U.S. strategic considerations factored into the deliberations that ultimately led to imposing collective citizenship on Puerto Ricans on the eve of U.S. entry into World War I.

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This is not to argue that Puerto Ricans were not racialized as inferior to Anglo Saxons. Admittedly, both Puerto Ricans and Filipinos were victims of an idea that they were alien people and should be excluded from full



membership in the Union (Meléndez 2013, 108). However, the degree of exclusion and perceptions of the extent to which Puerto Ricans and Filipinos were alien to United States differed. Puerto Rican racial classification and biological proximity to norms of whiteness were ambiguous and hotly debated in Congress. Interpreting racism as a racial ideology and not as a fixed belief system that stands apart from the social structure is a fruitful step in disaggregating the racial narratives that were deployed by imperialists to rationalize their treatment of non-white people in the insular possessions and other acquired territories. Rethinking racism as ideology also helps decipher the contingent properties of collective naturalization.

Lanny Thompson has written a thorough analysis of the popular and academic literature on the evolution of U.S. policy for the insular possessions, published in the years preceding the Insular Cases. Thompson notes that, with the acquisition of Spain's insular possessions, the "United States had surpassed the limits of its settler expansion," and now faced an imperial problem. Citing the work of Fredrick Coudert, Jr., Thompson agrees that the critical issues facing empire builders was "How were the new possessions to be ruled, and what would be the political status of their inhabitants?" He observes that the historical scholarship has not adequately addressed the issue of the "differences *among* and *within* the new possessions" (Thompson 2002, 538). Coudert did not believe there were "adequate or guiding precedents in our former territorial acquisitions" to guide insular policy. Moreover, he argued that the racial and cultural characteristics of the inhabitants of the possessions were so different as "to make the application of any uniform system difficult if not impracticable." Unlike the Mexican and French territories, the insular possessions brought the United States "face to face with the real imperial problem, i.e. the domination over men of one order or kind of civilization by men of a different and higher civilization" (Coudert Jr. 1903, 13). Yale law Professor Simeon E. Baldwin expressed a seemingly common notion that the inhabitants of the insular possessions were incapable of appreciating the superiority of American institutions. He confidently asserted that, "Our Constitution was made by a civilized and educated people. It provides guaranties of personal security which seem ill adapted to the conditions of society that prevail in many parts of our new possessions." Baldwin wrote that the half-civilized Moros of the Philippines, or the ignorant and lawless brigands that infest Puerto Rico, were incapable of benefitting from the extension of the Constitution (Baldwin 1899, 415).

Thompson's seminal article faults scholars who uncritically rely on the history of U.S. treatment of racialized populations in the continent to explain the racial underpinnings of U.S. insular territorial policy. More pointedly, and relevant to this analysis, Thompson questions Efrén Rivera's thesis that the "otherness" of the people of Hawaii, Puerto Rico and the Philippines explains why the United States treated each of the territories so differently. The notion of "otherness" as the primary factor for the Supreme Court's creation of the doctrine of incorporation, "while illuminating, is too general to explain the particular manifestations of imperial rule in the different sites" (Thompson 2002, 538)

Congress and the War Department regularly received reports from their emissaries and military officers that described the cultural, racial, and social characteristics of the inhabitants of the insular possessions. While government officials acknowledged that these differences would result in divergent treatment for each of the insular possessions, of greater consequence for them was how these possessions affected the strategic, commercial and domestic political interests of the United States. In other words, while policy toward the possession was invariably racially justified, the actual content of policy was guided by a wide array of factors, including the capacity of the colonized to resist and alter colonial rule. Studies that emphasize racism as the dominant factor for denying Puerto Ricans territorial incorporation and its people full citizenship suggest that the federal government lacks the capacity to strategically recast racial identities in order to advance specific geopolitical or economic objectives. But in fact, it was precisely the contrived racial distinctions and capacities between Puerto Ricans and Filipinos that were used to rationalize the imposition of profoundly different colonial policies for these insular possessions. Legislators accepting the manufactured racial narratives that diminished Filipinos and Puerto Ricans, but in the final analysis it was the overarching framework of imperial ambitions, economic consequences and domestic political considerations that determined the distinctive treatment of the people of these possessions as racialized subjects. How racism was deployed by U.S. officials was contingent on the role colonial subjects were assigned in the evolving U.S. global empire.

**Exclusionary Territorial Policy for the Insular Possessions**

Prior to the 1898 Treaty of Paris, United States territorial policy adhered to the Constitution's territorial clause granting Congress the "power to dispose and make all meaningful rules and regulations" respecting the nation's territorial possessions. Since the Constitution did not explicitly grant Congress authority to administer territories in perpetuity, the standing doctrine held that all territories would eventually be admitted into the union as states and its inhabitants would be granted citizenship. This all changed with the acquisition of Puerto Rico and the Philippines. Luella Gettys, in *The Law of Citizenship in the United States*, noted that the "political status of the Philippine Islands and of Puerto Rico has presented perplexing questions ever since the transfer of these territories to the United States (Gettys 1934, 146–47). According to Gettys, "naturalization by treaty is a common method of effective collective naturalization." Prior to the 1898 Treaty of Paris, every treaty that ceded territory to the United States "contained some provision to admit to United States citizenship of some or all of the inhabitants" (Gettys 1934, 144).

In a speech before the Senate, Senator Foraker acknowledged that the insular possessions were being treated differently from the treatment of former territories. He said that "ordinarily in the acquisition of territory heretofore by treaty there has been an express stipulation that that territory and the inhabitants should be incorporated into the Union. In this case there is no such stipulation" (Foraker 1900). Foraker sought to minimize the significance of refusing to incorporate the newly acquired insular possessions. He claimed that the 1803 Treaty for the purchase of Louisiana set the standard "as to what the power of Congress is to legislate for acquired territory and this act certainly ought to be a standard by which we have a right to measure the provisions we are now proposing for Puerto Rico." According to Foraker, the same legislation was enacted for Florida and Hawaii (Foraker 1900). Perry Belmont, a New York Congressman and Minister to Spain, questioned Foraker's reasoning. He argued that "the treatment of the native inhabitants of our new islands... is quite unlike the treatment of the native inhabitants stipulated in the treaties of cession concluded with France, Spain, Mexico and Russia" (Belmont 1900, 10).

By 1898 the federal government had established a century-old history of territorial incorporation under which Congress held plenary powers over the administration of these territories. A long experience with the non-white inhabitants of the territories influenced Congressional treatment of the

inhabitants of Puerto Rico and the Philippines. It is useful at this point to review key elements of U.S. territorial policy prior to the acquisition of Puerto Rico and the Philippines. The Constitution was decidedly vague about the content of territorial policy, leaving it up to Congress to interpret how this founding document should be used to administer the territories and determine the political status of their inhabitants.

The policies and practices that Congress commonly employed included; the denial of full political equality to inhabitants racialized as non-white and the framing of citizenship policy as it applied to them, promoting the migration of white settlers into territories with the aim of displacing the original inhabitants of the territories, and delaying the admission of territories into the union until the majority of the inhabitants were Caucasian. Displacement entailed the virtual eradication of the economic and political power of non-white elites in the acquired territories, and their effective removal as impediments to the realization of America's manifest destiny. Congress exhibited a cautious inclination to grant collective naturalization to non-white inhabitants of incorporated territories, but denied admitting these territories into union if the inhabitants posed a challenge to the establishment of a white supremacist order. As I will argue below, the foremost obstacle to a territory's admission into the union was existence of a majority non-white population that had acquired citizenship through collective naturalization.

To justify its exclusionary and politically authoritarian policies, the United States government espoused racially based depictions of non-Caucasians as lacking the necessary attributes for self-government. For example, Congress refused to admit New Mexico and Arizona to the union on the grounds that the majority Mexican population was incapable of self-government because of their Spanish heritage. By the early 1880s the United States had a well-defined, clearly xenophobic opposition to Chinese immigration, and these anti-Asian predispositions were readily extended to the inhabitants of the Philippines. Filipinos were also portrayed as absolutely incapable of comprehending Anglo Saxon institutions. Reverend Charles Pierce, claimed that the "duplicity, falsehood and theft" which abounded in the Philippines was "probably due to the fact that the Spanish colonial government... was constantly exhibiting the same vices (American Academy of Political and Social Science 1901, 35). Lawrence Lowell, a prominent legal scholar and President of Harvard University, whose writing influenced the federal government policy toward the insular possessions, stridently argued that Filipinos were incapable of

self-rule (see Lowell 1899a, 1899b). Indigenous populations of the insular territories that were often branded as “wild, savage tribes,” were never to be conferred collective naturalization. The Philippine Commission reported that a “multiplicity of tribes” inhabited the archipelago, characterized by “multifarious phases of civilization—ranging all the way from the highest to the lowest.” The Commission warned that the Philippines would be engulfed in anarchy if the United States were to withdraw. “Only through American occupation... is the idea of a free self-governing Philippine commonwealth at all conceivable” (United States. Philippine Commission 1899, 14, 15). Long-standing derogatory portrayals of non-white subject populations formed a racial context for the Anglo-American political leadership to depict Puerto Ricans as incapable of comprehending republican institutions and devoid of the capacity for self-government.

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Congressional debates pursuant to the enactment of the Foraker Act show that legislators were highly motivated to disavow those territorial precedents and constitutional stipulations that appeared to mandate the incorporation of the insular possessions and the conferral of collective citizenship. Much of the academic literature on the question of citizenship for Puerto Rico emphasized the absence of a historical precedent for incorporating the insular territories. Coudert’s essay captured this tendency. The insular territories were “inhabited by a settled population differing from us in race and civilization.” According to Coudert, the inhabitants of the Philippines and Puerto Rico differed “from us in race and civilization to such an extent that assimilation seems impossible.” He also noted that Puerto Ricans and Filipinos were so different “in race, development and culture to so great a degree as to make the application of any uniform political system difficult if not impossible (Coudert Jr. 1903, 13).

Ultimately, Congress decided to treat the insular territories acquired from Spain very differently than it had treated territories acquired before 1898. While Congress considered Filipinos and Puerto Ricans as being incapable of self-government, the former colonial subjects were essentially portrayed as irredeemable. The intensity of legislators’ racial enmity for the inhabitants of

new possessions acquired in 1898 was cynically manipulated and adjusted to meet the policy objectives of the political and economic forces represented in Congress. While overt racial antipathy was rampant in Congress, it is doubtful that legislators necessarily had a well-formulated and -nuanced appreciation of the distinctive racial attributes of Puerto Ricans and Filipinos. A more likely explanation rests with the need to create racial narratives that align with the empire's different geopolitical and economic designs for the colonial possessions. Puerto Ricans happened to be more "white" than the Filipinos could ever be, and consequently were potentially redeemable. Foraker's skill in devising and guiding the organic bills through Congress without diminishing the structure of privileged white rule was widely recognized and applauded. The congratulatory note from Nicholas Murray Butler, President of Columbia University and a recipient of the Nobel Peace Prize, was characteristic of the accolades Foraker garnered: "You have contributed ... to the expansion of our institutions without exposing them to the danger of disintegration through the operation of strange and alien forces" (Foraker 1916).

When the Jones Act was signed into law in 1917, Puerto Ricans were portrayed as incapable of effectively administering the institutions established by the superior Anglo-Saxon race. Although Puerto Ricans were perceived as a racially diverse but predominately white population, they were considered unsuited for self-government and citizenship because of centuries of deficient Spanish colonial rule. The notion of citizenship and self-government were not linked in colonial legislation. Initial draft legislation for the Foraker provided for U.S. citizenship for the inhabitants of Puerto Rico, but imposed a colonial state that deprived Puerto Ricans of any genuine role in their self-government. The Jones Act defined Puerto Ricans as U.S. citizens, who owed allegiance and loyalty to the United States, but only superficially loosened the reigns of colonial rule. The granting of collective citizenship did not mean that Congress had finally acknowledged that Puerto Ricans had proven themselves capable of self-government, not withstanding its banal declarations that the Jones Act increased the autonomy of Puerto Ricans to manage their affairs.

*Downes v Bidwell* (1901) perverted legally accepted principles of territorial incorporation to create a novel territorial category in order to deny the inhabitants of the insular possessions collective naturalization. Once the anomaly of unincorporated territory was sanctioned in law, Puerto Ricans and Filipinos could be denied the privileges and responsibilities accorded by the Constitution to inhabitants of incorporated territories. Congressional

power to rule over the territories was essentially unrestricted. Territorial non-incorporation made the provision of collective naturalization optional, and Congress was under no obligation to extend U.S. citizenship to Puerto Ricans. But if Congress chose to confer U.S. citizenship, this citizenship need not be “both full membership in the political community and a set of rights that adhere inherently and equally to all citizens.” Edgardo Melendez has identified the statutory collective naturalization Congress enacted as resulting in the creation of “colonial citizenship,” a citizenship that was specific to the inhabitants of a territorial possession subject to the plenary powers of Congress.

Despite his efforts to portray colonial policy toward Puerto Rico as benevolent and liberal, Foraker did make it clear that the insular possessions were “mere dependencies of the United States, and that Congress has not only an inherent, but constitutional, power to legislate, and ... to govern these particular acquisitions as Congress may see fit (Foraker 1900). John K. Richards, Solicitor General of the United States in 1901, argued before the Supreme Court as it deliberated the case of *Downes v Bidwell*, “that a careful examination of the Constitution leads but to one conclusion, that the power of Congress over the Territories is plenary and absolute.” He emphasized that the territorial clause permitted Congress to administer territories “unhampered by those limitations and restrictions which were intended to apply only to States in the Union” (Howe 1901, 703). The Supreme Court unreservedly agreed.

**The Constitution has undoubtedly conferred on Congress the right to create such municipal organizations as it may deem best for all the territories of the United States, whether they have been incorporated or not, ...to deprive such territory of representative government if it is considered just to do so, and to change such local governments at its discretion.**

The Insular Cases displayed how the Supreme Court shrewdly interpreted the Constitution to advance the American empire. The singular legacy of the insular cases was the reaffirmation that the territorial clause of the Constitution endowed Congress with virtually unrestricted plenary powers to administer Puerto Rico and the Philippines, and that this body is solely responsible for determining the political status of the people of Puerto Rico and the Philippines. Collective naturalization in 1917 for Puerto Ricans, the inhabitants of the unincorporated territory, came with severely restricted political rights, and was unprecedented in the history of U.S. territorial

expansion. It was a geographically specific citizenship for inhabitants of Puerto Rico—in other words, a citizenship that had no meaning once the colonial subject migrated and established residence in the United States. Legal scholar Efrén Rivera Ramos neatly observes that “citizenship did not deface colonialism.” Collective naturalization did not diminish the plenary powers Congress to continue to hold the new “American citizens” in conditions of legal and political subordination. Significantly, Rivera Ramos notes that *Balzac v Puerto Rico* reaffirmed that the U.S. could disassociate citizenship from territory. Congress possessed the legal authority to confer citizenship to the inhabitants of territories under the sovereignty of the United States without an obligation to incorporate those territories into the Union (Rivera Ramos 2001, 47–54).

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*When the Jones Act conferred collective citizenship to Puerto Ricans, Congress effectively eradicated the basis for Puerto Ricans to make the legal claim of a distinctive Puerto Rican nationality that would be recognized by the courts.*

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Moreover, in theory and in practice Congress effectively claimed the extraordinary authority to redefine Puerto Rican nationality. When the Jones Act conferred collective citizenship to Puerto Ricans, Congress effectively eradicated the basis for Puerto Ricans to make the legal claim of a distinctive Puerto Rican nationality that would be recognized by the courts. Under the provision of collective citizenship, anyone establishing a residence in Puerto Rico was considered an inhabitant of the possession and subject to the same treatment as indigenous Puerto Ricans. The insular government was obligated to treat all the inhabitants of Puerto Rico as equals before the law. Rivera Ramos astutely commented that “locality and not the status of the people became the determinative criterion” regarding the applicability of constitutional provisions (Rivera Ramos 2001, 98). The Puerto Rican jurist Pedro Capó-Rodríguez similarly observed that “Puerto Rican citizenship is a purely local status depending on all local citizenship in the United States, upon residence in the place. When a Puerto Rican acquired residence in another place, he ceases for all legal purposes to be a citizen of Puerto Rico (1919a, 510). The imposition of U.S. citizenship whose intrinsic status was contingent on locality trivialized Puerto Rican nationality and diminished the citizenship status they enjoyed under Article 1 of the 1897 Charter of Autonomy. This



provision granted full Spanish citizenship status to the native-born inhabitants of Puerto Rico (see Malavet 2008, 33–34). The Supreme Court and Congress legally created a new political subject and justified their rationale for doing so on contradictory grounds. Puerto Ricans were an alien and foreign people that could not be incorporated in the Union, but by migrating to the U.S. they would acquire the same legal rights as native-born or naturalized citizens. It was a perverse logic. It was precisely because of their distinctive cultural attributes that Puerto Ricans were deemed “alien” and “foreign,” and that was the basis for the Supreme Court’s decision to deny Puerto Rico incorporated territorial status. Congress delayed the collective naturalization of Puerto Rico’s people for seventeen years, until national security compelled it to rethink Puerto Rican’s political status within an expanding empire.

#### **Congressional Power and the Administration of the Territories**

The proposition that inhabitants of U.S. territories were subject to the plenary powers of Congress and had no rights, save fundamental rights and those conferred by Congress, was debated when the Louisiana and Florida territories were acquired. In the 1873 Supreme Court case, *Snow v United States*, the justices decided that Congress had plenary powers to rule the territories.

**The government of the territories of the United States belongs primarily to Congress and secondarily to such agencies as Congress may establish for that purpose. During the term of their pupilage as territories, they are mere dependencies of the United States. Their people do not constitute a sovereign power. All political authority exercised therein is derived from the general government.**

In 1885 the Supreme Court reaffirmed that Congress had virtually unlimited power to administer the territories, and that the inhabitants of the territory had no constitutional right to vote, and thus select their political leadership. The court decided in *Murphy v Ramsey* that “the people of the United States, as sovereign owners of the national territories, have supreme power over them and their inhabitants.” The court noted “their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States.” The authority of Congress was “subject only to such restrictions as are expressed in the Constitution.”

However, the Constitution did not provide for territorial incorporation into the union (see Thompson 2002). Congress could conceivably draw on

the precedent of the Northwest Ordinance of 1787 to guide its territorial policy. Article 5 provided for the establishment of up to five states in the Ohio territory acquired from Great Britain in the 1783 Treaty of Paris. Once the organized territory had attained a population of “sixty thousand free inhabitants,” it could petition for admission into the Continental Congress on an equal basis as the original thirteen colonies. Admission into the union would by definition collectively naturalize the inhabitants of the new state. Congress could rely on the sole criterion of a territory’s total population for admission into the union for future decisions on incorporation into the union. But since the Constitution did not contain any standard by which Congress was obligated to admit a territory into the Union, Congress was unrestrained on how it chose to treat the territories. Ultimately, it was not the Constitution nor legal precedent, but a combination of factors, with race being prominent, that influenced Congress’s decision as to a territory’s readiness for admission into the union. These factors were also decisive in deciding the citizenship status of territorial inhabitants.

Racial considerations factored significantly in Congress’s decision as to when a territory was deemed ready for admission into the union. In effect, Congress decided to employ the population provisions of Article 5 selectively. To be sure, neither territorial incorporation nor collective naturalization guaranteed the timely admission of the organized territory into the union. It is one of the ironies of U.S. nineteenth-century imperialism, that although Congress uniformly espoused a militant Anglo-Saxon supremacist ideology, it also approved incorporation and conferred collective naturalization on the non-white inhabitants of territories ceded to the United States. Congress collectively naturalized most of the non-white inhabitants of the former territory of Mexico (1848), the Republic of Texas (admitted to the union in 1845), and Hawaii (annexed in 1898). That was not the case for Alaska.

Alaska was purchased in 1867, but almost 50 years transpired before Congress passed the Organic Act of 1912 that established it as organized incorporated territory. Prior to its annexation as a territory, Senator Foraker informed his colleagues in the Senate: “It is in power of Congress to do as it may like as to Alaska. Where the Constitution has not been extended and made the rule of action, it is within the power of Congress to state what shall be the regulation without regard to the constraints of the Constitution” (1900, 30). This was claimed as precedent for the treatment of Puerto Rico and its people. The treaty with Russia provided that “if the inhabitants of

the territory should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States” (Gettys 1934, 146–47). The “uncivilized native tribes” were subject to a different set of laws and regulations. According to a survey taken in 1870, the population of Alaska numbered about 29,100, with “natives” accounting for about 26,800. About 1,300 of the total population were described as “the actually civilized population” (Dall 1870, 537). As late as 1900 the population of Alaska numbered less than 64,000, with a white population of 30,500 (Governor Alaska 1900, 12–13). The vast majority of Alaska’s population was not collectively naturalized.

U.S. annexation of Hawaii became a strategic imperative with the outbreak of war with Spain since the islands served as a vital coaling station for U.S. warships steaming to the Philippines. At the urging of President McKinley, Congress enacted a joint resolution to annex Hawaii. The treaty of annexation prohibited Chinese immigration to the Hawaiian Islands, and “no Chinese... shall be allowed to enter the United States from the Hawaiian Islands.” In 1900 McKinley signed the Hawaii Organic Act into law and incorporated the Hawaiian territory into the Union. Abbott Lawrence Lowell promoted the territorial annexation of Hawaii. He argued that the Anglo Saxon population was small, “but is today, and apparently destined to remain, the ruling class in the island.” For this reason, “it is not improbable... that our institutions can be immediately applied... without modification” (Lowell 1899c, 11).

The citizenship provisions of the Hawaiian Organic Act were straightforward: “All persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.” In 1900 Hawaii had a population of 154,000; the majority were Japanese and Chinese workers (87,877). Hawaiians and mixed heritage Hawaiians numbered about 38,000 and other foreigners, including Puerto Ricans totaled 3,237. The census recorded 26,562 whites. As both U.S. and Hawaiian citizens, the inhabitants of Hawaii could travel freely to the United States. Granting Chinese inhabitants of Hawaii U.S. citizenship and unrestricted migration within the United States and its territories represented a significant departure from how Chinese had been treated before the 1898 treaty of annexation. The collective naturalization provision of the Organic Act was also surprising given the highly restrictive Chinese Exclusion Act of 1882 that prohibited immigration

of Chinese laborers to the U.S. It would appear that by 1898 Congress was unable to parse the doctrine of territorial incorporation to selectively deny U.S. citizenship to Chinese inhabitants of Hawaii. The long-standing prohibition against immigration of Chinese who were not U.S. citizens was not rescinded. The 1882 Chinese Exclusion act was extended to Hawaii once the territory was annexed. Granting collective citizenship to the population of Hawaii, in which whites comprised less than 20 percent, is comprehensible only because of the expectations that the minority white elite would retain political and economic power. Congress acted quickly to annex Hawaii because of its strategic significance, and to accelerate U.S. corporate investments in the sugar industry.

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The Treaty of Guadalupe Hidalgo collectively naturalized Mexicans living in the territories Mexico was forced to relinquish to the U.S. Article VIII specifies that Mexicans who chose not to remain citizens of the Mexican Republic “shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution.”<sup>2</sup> The indeterminate timing for granting citizenship to Mexicans deviated from the citizenship provisions of the Louisiana Purchase that provided for admitting the inhabitants “as soon as possible according to the principle of the federal constitution.”

Approximately 100,000 inhabitants in the former territory of Mexico were eligible for collective citizenship. Griswald de Castillo points out that the “Hispanos of New Mexico [which included the territory of Arizona until 1863] did not obtain full political rights of U.S. citizens until the territory was admitted into the union in 1912. Until that time, “essentially these citizenship-in-waiting had their rights guaranteed by treaty,” and not the Constitution (Griswald del Castillo 1990, 71). The treaty and the guarantee to provide Mexicans with U.S. citizenship did not prevent legal and extralegal action by territorial governments to deprive Mexican’s of their political rights.

The Treaty of Guadalupe Hidalgo also granted certain Indian tribes collective U.S. citizenship. The U.S. Department of Interior confirmed that the Puebla Indians of New Mexico and Arizona became citizens of the United States by virtue of Article VIII of the Treaty of Guadalupe (United States Senate 1884, 116). While the “mission” Indians of California were also considered U.S. citizens, the government reported “they have never voted, neither do they act as citizens, though that privilege was granted them by the treaty of Guadalupe Hidalgo” (United States. Department of the Interior 1894, 212). The Department of Interior informed Congress that instead of being accorded all the privileges and immunities of U.S. citizenship, “They have not received as much consideration as the wild tribes found in occupation in other parts of the country.” (United States Senate 1884, 116). Congress drew a legal distinction between the collectively naturalized Hispanicized Indians and the “wild tribes,” but the territorial governments in California, New Mexico and Arizona flagrantly ignored this distinction. The federal government did not seek to protect the citizenship rights of Hispanicized Indians. The collective naturalization of Mexicans and Hispanicized Indians did not protect them from the wanton violence and systematic campaign of terror by white settlers to deprive them of their property and human and civil rights. By the time the territories were admitted into the union, Mexicans and Indians had been effectively disenfranchised, politically marginalized and economically diminished.

Under the Treaty of Texas Annexation, “the citizens of the Republic of Texas” were “incorporated into the Union of the United States”; this would happen “as soon as may be consistent with the principle of the federal constitution to the enjoyment of all the rights, privileges and immunities of the citizens of the United States.” The citizens of the Republic were “all persons who were residing in Texas on the day of the Declaration of Independence.” Tejanos were citizens of Texas and thus were collectively naturalized. Blacks, and descendants of Blacks and Indians, were not citizens of the Republic, and consequently were not granted U.S. citizenship according to this provision of the treaty. Six months after its annexation on December 29, 1845, Texas, which had a sizeable white population, was admitted as a slave state into the Union. California, another territory Mexico was forced to relinquish to the United States, was admitted into the union in 1850, without having been designated an incorporated territory. The discovery of gold in 1850 and the subsequent migration of white fortune seekers, who outnumbered Mexicans and other non-whites, helped California meet the minimum population requirement of

60,000 free inhabitants. California also met the implicit congressional stipulation that territories ceded by Mexico would not be admitted to the union until whites constituted the majority of the population. As was the case in Texas, the Mexican and Indian populations were victims of state-sanctioned terror and outrageous legal actions to eradicate them as economic and political actors.

The organized incorporated territories of Arizona and New Mexico, which were carved out of the territory Mexico, as well as some additional land purchased by the U.S. in 1873 (the Gadsden Purchase), were not granted statehood for decades, even though the inhabitants of these territories were collectively naturalized.<sup>3</sup> Lawrence Lowell commented that “New Mexico remains under territorial government, although her population is already larger than is usually required for statehood, a large part of the inhabitants being of Spanish race, and not sufficiently trained in habits of self-government” (Lowell 1899a, 152). New Mexico joined the union in 1912, six decades after the territory was ceded by Mexico. Simeon E. Baldwin, Yale Professor and Governor of Connecticut, expressed his reservations about incorporating certain territories into the Union. He wrote:

**No fixed limit of time can be assigned for the duration of such a regime. We have held New Mexico, under different forms of administration, for nearly fifty years, and the character and traditions and laws of a Latin race are still so deeply stamped upon her people and her institutions’ that no demand of party exigency has been strong enough to secure her admission to the privilege of statehood. (Baldwin 1899, 406)**

In 1870 Arizona’s population was composed of 61 percent Mexicans and 39 percent white. After whites became the majority population, the territory of Arizona was admitted into the Union in 1912. In 1870 only 30 percent of Colorado’s population was Mexican, but after attaining a population that was majority white, the territory was admitted into the Union in 1876. Apparently, once the whites comprised the majority of the population, Congress judged that the territory’s inhabitants were “sufficiently trained in the habits of self-government.” It took over three decades for the demographic transition to take place in Arizona and New Mexico, resulting in a majority white population enabling these organized, incorporated territories to be admitted into the union. Significantly less time was needed for Texas, California and Colorado. In short, whiteness was equated with competence, while the racialized inhabitants were devoid of the requisite behavioral traits to govern themselves.

While non-white peoples of the territories were considered inherently, if irredeemably, inferior to Anglo Americans, nonetheless some were collectively naturalized. Clearly some “races” were portrayed as a particularly deficient racial stock that posed a greater threat to the preservation of the nation’s pristine white racial homogeneity than other races. Territorial policy was devised in the context of rapidly expanding nation that had eradicated indigenous populations, or in the legal parlance of the times, “uncivilized or savage tribes.” They were regarded as hopeless relics of inferior civilizations and as troublesome impediments to modernity. Although non-white people inhabited organized incorporated territories, Congress enacted policies that economically rewarded white settlers for migrating to these territories. The U.S. population was growing rapidly as millions of Europeans immigrated to the young nation. Between 1850, two years after the Treaty of Guadalupe Hidalgo, and 1912, when New Mexico and Arizona were admitted to the union, the population of the United States increased four-fold, from 23,192,000 to 95, 331,000. Migration from the crowded Atlantic coast to the new frontier was inevitable given the unprecedented expansion of the white population. It was simply a matter of time before these immigrants would numerically overwhelm the original inhabitants of the territories.

Although Supreme Court reaffirmed that Congress could not deny inhabitants of the territories’ so-called fundamental rights, Congress had wide latitude to decide the timing and conditions for territories to be admitted to the union. A Division of Insular Affairs report published before the first of the Insular Cases made a conveniently persuasive case that Constitution did not apply *ex proprio vigore* to a territory acquired by conquest and noted the distinction between “political privileges and personal rights.” Political privileges are created by law, and personal rights are “those inherent to man.” The DIA cited a Supreme Court ruling that “it is the spirit of the constitution, the character of our institutions, and the laws of humanity and civilization that impose restraints” (Magoon 1902, 87). The Court’s decision to legally distinguish between laws and rights gave Congress wide birth to decide how it would choose to treat the inhabitants of different territories. Citizenship and admission to the union were political rights that Congress could choose to withhold or grant to the people of the territories. The racial composition of the territory emerged as a determining factor in deciding when a territory was admitted into the union. However, Congress was willing to exempt Hawaii, since the *haole* held unquestioned political and economic control.

Of course, Congress did not officially deny a territory admission to the Union because its population was not majority white. Rather, as the case of the former Mexican territories show, Congress did not admit them into the union until their inhabitants were judged prepared for self-government. When would this benchmark be achieved? Actually the presumed capacity of a population for self-government was deduced from the racial composition of the inhabitants of the territory. The notion that non-Anglo Saxons were incapable of exercising self-government without supervision and training justified enslavement, dispossession and subjugation. Kenneth Warren commented that in order to discourage and undermine Black political leadership, Southern elites orchestrated “an intellectual campaign... to demonstrate the incapacity of blacks for self-government and the corruption that would ensue when the unlettered and inexperienced held the reins of power” (2015, 93). For the non-slave holding territories, the whiter the territory’s population became, the closer the territory was to achieving territorial status and eventual statehood.

#### **Puerto Rico and the Philippines: Exceptional Territories**

The Supreme Court’s decision to conjure up the category of unincorporated territory marked a sharp disjuncture in the evolution of U.S. territorial policy. Indeed, it was unprecedented for the federal government to abandon an unwritten Constitutional principle that U.S. territorial possessions were assured incorporation into the Union. The Supreme Court rulings in the *Insular Cases* effectively empowered Congress to establish and administer overseas colonies. The *Insular Cases* confirmed Congress’s constitutional authority to assert U.S. sovereignty over territories ceded by a foreign power without an explicit commitment to grant collective naturalization to their inhabitants.

The notion that the United States could conquer territory through acts of war and exercise absolute sovereignty in perpetuity over its inhabitants, and also preclude their admission into the union as full citizens, was anathema to sizeable minorities in Congress and the Supreme Court. Ohio Senator Augustus Octavius Bacon was one of a number of senators who questioned the constitutionality of the proposed Foraker Act. “The avowal is that Puerto Rico is not a part of the United States ... but as an entirely separate and independent country held by us as a chattel, to be done with by us as we please. There has never been any such contention so far as our past history has been concerned” (Bacon in Foraker 1900, 34). The influential anti-imperialist lawyer Edwin Burnett Smith protested President McKinley’s policy claiming that it



offered Puerto Ricans “no hope of independence, no prospect of American citizenship, no constitutional protection, no representation in the congress which taxes” the people of the possession. He objected that the Foraker Act was “the government of men by arbitrary power without their consent; this is imperialism!” (Smith 1900, 30). Yet, unprecedented as the demands for holding territories as colonies may have been, a history of Congressional territorial legislation and policies, executive decrees and court rulings, and cold political calculations set the context for the federal government’s treatment of Puerto Rico and the Philippines.

The treaties of annexation that preceded the Treaty of Paris extended collective naturalization to certain categories of racialized inhabitants of incorporated territories. However, in the cases of the newly acquired insular possessions (Puerto Rico, the Philippines and Guam), the Treaty of Paris did not include citizenship provisions. The Treaty simply noted, “The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.” According to Senator Foraker, “This provision was insisted upon ... because we had then too little knowledge of the people of the Philippines and not enough of those in Porto Rico to know whether it would be wise or desirable to incorporate them into out body politic and extend to the privileges and immunities of American citizenship” (Foraker 1900, 8).

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*Congress could not decide whether the Constitution applied equally to Puerto Rico and the Philippines.*

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In this detailed assessment of congressional debates pursuant to the Foraker Act, José Cabranes noted that “the race of the Puerto Ricans was the subject of some concern, especially to those members of Congress with anti-imperialist sympathies, but it was not as overtly significant a factor as in the case of the Filipinos” (Cabranes 1978, 444). Congress could not decide whether the Constitution applied equally to Puerto Rico and the Philippines. Senator Foraker reported that Congress faced a “singular situation.” Consequently, the original bill was amended to specify that Puerto Ricans were “citizens of Porto Rico,” rather than of the United States, “because legislating for Porto Rico before we legislated for the Philippines” could establish a “precedent

that might embarrass us in legislating for the Philippines” (Cabranes 1978, 445). Representative William E. Williams agreed that “the Administration does not care a fig for Puerto Rico,” the Foraker Act is “not for the mere sake of deriving revenue for that island, but as a precedent for our future guidance in the control of the Philippines (Torruella 1983, 35–36).

Simeon Baldwin asked that if the Constitution “is supreme law” over the territories, the inhabitants of the possessions would be protected by the 14<sup>th</sup> and 15<sup>th</sup> Amendments, which would “certainly prove a source of embarrassment” to the United States. The 14<sup>th</sup> Amendment prohibits denying U.S. citizens the right to vote because of race or color. Federal law declares “all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.” Baldwin surmised that the 14<sup>th</sup> Amendment

would seem to make every child, of whatever race, born in any of our new territorial possessions after they become part of the United States, of parents who are among its inhabitants and subject to our jurisdiction, a citizen of the United States from the moment of birth. (Baldwin 1899, 406)

Puerto Rico had a population of 953,233 in 1898. According to Lt. Col. J.P. Sanger, who compiled demographic data on Puerto Rico, the population could be divided into those who are Caucasians and those “who are not pure whites.” Whites made up about 62 percent of the population, and the rest of the population consisted of “colored” who included “negroes and people of mixed blood.” Sanger reported favorably, “Cuba and Puerto Rico are exceptional in the West Indies in having a majority of whites.” He also reported that except for North Carolina, all the coastal states from Virginia to Louisiana had a smaller portion of whites than Puerto Rico (Sanger 1900, 40, 42). Another military officer described Puerto Rico’s black population with the demeaning racist troupes that prevailed in the United States. Major F.W. Mansfield described the “the full blooded negro... more or less shiftless and lazy. They possess both traits to a degree greater than our Southern negroes” (Mansfield 1900, 39). Martin D. Brumbaugh, Puerto Rico’s First Commissioner of Education, reported that three classes of people inhabited the island. These he labeled colored, illiterate whites, and “a small but important group of proprietors, merchants, merchants and professional men who had received an education of the most liberal character.” He approvingly noted, “This third

group constituted the most hopeful portion of the population and served as a basis upon which to build a new and important civilization” (Lake Mohonk Conference on the Indian and Other Dependent Peoples 1911, 175).

Congress intensely debated the racial and cultural dissimilarities of the inhabitants of the newly acquired possessions before the Supreme Court issued its ruling in *Bidwell v Downes*. The Congressional record and academic articles reveal Congress’s lengthy and tortured debates on “the civil rights and political status” that should be accorded the inhabitants of the Philippines and Puerto Rico. During the debates preceding the Foraker and Jones Acts, Congress was quick to draw disturbingly negative portrayals of Filipinos and Puerto Ricans. Undoubtedly Representative George Hoar’s denunciation, that “the blood of tropical peoples would taint the stream of American political and social life and further complicate the nation’s already festering racial problems,” enjoyed the support of his colleagues (Beisner 1968, 219). But as debates progressed legislators openly expressed their preference for treating Puerto Rico more liberally than the Philippines. Foraker emphasized that the U.S. was “not only acquiring Porto Rico with Porto Ricans, ... but also the Philippines, with eight or ten million people.” Foraker worried that “we did not know very much,” about the Filipinos and “whether they would make good citizens of the United States” (quoted in Belmont 1910, 10).

He and others questioned the wisdom of incorporating the Philippines into the Union as part of the territory of the United States (see Belmont 1900). However, influential academic and political figures, including Simeon, argued that the “Islands that fringe a continent are part of it. Puerto Rico and Cuba are American islands” (Baldwin 1899, 406). Judge H.C. McDougal’s pamphlet published in 1900 by the Union Veteran Patriotic League, expressed a popular view: “No one who knows both races will assert that the Filipino masses are higher in the scale of civilization, or better fitted for self-government or citizenship than are our American Indians or Southern negroes” (McDougal 1900, 21). While the non-white inhabitants of the insular possessions were apparently anathema to Congress, the racism legislators displayed was differentiated and contingent. Although both Puerto Ricans and Filipinos were judged to be inferior to the Anglo-Americans, racial disdain and animus was far more pronounced toward the Filipinos than it was toward Puerto Ricans. In the debates pursuant to the organic acts of 1900 and the Jones Act of 1917, the divergent racial views were in full display in Congress. Filipinos, Chinese, Blacks and Indians were racially constructed as inherently, if not irredeemably

inferior to Anglo Americans. In contrast, Andrew Carnegie, the wealthy anti-imperialist, called for Puerto Rico's annexation since it had a large white population, and he was convinced that its people would become "American in every sense," instead of "foreign races bound in time to be false to the Republic in order to be true to themselves" (quoted in Cabán 1999, 199).

In a speech at the 1901 Conference of the American Academy of Political and Social Science, Lawrence Lowell drew a marked distinction between the Philippines and Puerto Rico. According to Lowell, "the two problems [ruling Puerto Rico and the Philippines] are quite distinct, and each presents its peculiar difficulties. One is that of a subtropical island whose inhabitants, although foreigners are largely of European blood. The other is that of a tropical country, peopled almost entirely by Asiatics" (Lowell 1899b, 47). I can't help but comment on the characteristic Anglo-American arrogance displayed by Lowell reporting that Puerto Ricans were foreigners. Yet this was indeed the imperial attitude: once a territory was annexed into the empire its inhabitants were reclassified as foreign subjects.

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*By 1917, Congressional antipathy toward Puerto Ricans as an inferior race abated substantially, although as I will discuss below, they continue to be characterized as experientially and temperamentally unsuited for self-government.*

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Cabranes' neatly described the 1916 racially tinged citizenship debates in Congress, as well as Supreme Court rulings, that reaffirmed contrasting perceptions of the inhabitants of the insular possessions and the rationale for the selective application of the Constitution. House majority leader Payne and others wanted "to treat Puerto Rico somewhat differently from the Philippines by offering the prospect of political integration with the United States without establishing a precedent for dealing with the Philippines." Progressive Republican George Huddleston of Alabama observed "entirely different conditions obtain in Porto Rico than those which obtain in the Philippines." He continued, "The people of Porto Rico are of our race, they are people who inherit an old civilization—a civilization which may be fairly compared to our own" (quoted in Cabranes 1978, 474). By 1917, Congressional antipathy toward Puerto Ricans as an inferior race abated substantially, although as I will discuss below, they continue to be characterized

as experientially and temperamentally unsuited for self-government.

### **Incapacity for Self-Government Recoding Racism**

Secretary of War Elihu Root, arguably the most influential U.S. colonial official, was adamantly opposed to granting Puerto Ricans U.S. citizenship and self-government. Root believed that Puerto Ricans could not be “fully entrusted with self-government, they must first learn the lesson of self-control and respect for the principles of constitutional government.” Presenting Puerto Ricans with a written constitution would be useless, given their “character and acquired habits of thought and feeling.” Puerto Ricans would fail at self-government “without a course of tuition under a strong and guiding hand.” He was convinced that the Puerto Ricans, as a people, “have not yet been educated in the art of self-government,” and lacked “any real understanding of the way to conduct a popular government,” and “have never learned the fundamental and essential lesson of obedience to the decision of the majority” (Root 1899, 26). Phillip Jessup, Root’s biographer, wrote that the Secretary of War “was opposed to the ‘stupid chuckle headed performance on the part of Congress in granting citizenship to Porto Ricans.’” Root believed that Puerto Rico’s “people cannot really be citizens of the United States, and calling them so only defeats the real liberty Porto Ricans should have” (Jessup 1938, 378).

Root’s racist conceptions that Puerto Ricans were infantile, unruly and undisciplined was palpable and probably more pronounced than the expressed views of other senior officials. Despite his apparent disdain for the political incapacities of Puerto Ricans, Root adopted the all too familiar benign and paternalistic explanation that Puerto Rico “came to us not only by legal right, but with the cheerful and unanimous desire of its people, who are peaceful and loyal and eager for the benefits to be derived from the application of American ideas of government” (Root 1899, 26). Given his unquestioned authority over colonial matters, Root affected the outcome of legislative deliberations on Puerto Rico’s status. His reports and letters on Puerto Rico’s territorial status influenced the Supreme Court as well. *Downes v Bidwell* reflects the bias toward Puerto Ricans as dependent people in need of guidance by the superior Anglo-Americans. The court ruled that if the possessions “are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible” (*Downes v Bidwell* 1901, 286). The court concluded that the Constitution does not forbid Congress

from employing its powers to have “the blessings of a free government under the Constitution extended to them.”

Alleyne Ireland, a British journalist and an acknowledged expert on British colonial policy, observed about Puerto Rico:

**The island has been for centuries under the rule of a nation whose political ideas and methods are fundamentally different from those of the American people. Instead of a native population used to American ways, familiar with American institutions, dependent on American capital, there is here a people with a very large admixture of Spanish blood, strongly affected both by custom and heredity toward Spanish methods, speaking the Spanish language, and with all the profound conservatism which, as far as manners and customs are concerned, so distinctively belongs to the Spanish peasantry. (Ireland 1899, 217)**

Root relied on reports from military officers stationed on the island, congressional delegations and journalists and articles by prominent lawyers and professors to form his opinions about the capacities of Puerto Ricans for self-rule. Major Mansfield reported: “When civil government comes, as it must soon, great care must be taken that competent Americans are put into office.... If natives are put in complete control now the island will soon be worse than it was under the Spaniards” (Mansfield 1900, 39). Captain Palmer Pierce, who was stationed in Puerto Rico, concluded that “it is seen that Porto Ricans are unfit for administering self-government. They have never had experience, having for centuries been subjected to a power that extracted unquestioning compliance and submission” (Pierce 1911, 77). Representative James O’Grady echoed this sentiment when he told his colleagues that Puerto Ricans had “no preparation for American government. For four hundred years it has been Spanish, and it is to-day Spanish in customs, in manners, in morals and in ideals. If it is ever to be truly American, all of these conditions must be completely changed and many of them absolutely eradicated” (O’Grady 1900, 8). Paul Charlton, who served for ten years as legal council for the Bureau of Insular Affairs of the War Department and as a federal district judge in Puerto Rico, commented: “Repeated effort has been made by the Porto Ricans to obtain *collective naturalization* as citizens of the United States, but the congress, in its wise judgment, has been unwilling to extend this privilege until the people by their local conduct of affairs have shown themselves, both deserving and capable of its exercise” (Charlton 1907, 111).

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*Lowell argued against territorial incorporation, stating that statehood for Puerto Rico would need to be delayed until Puerto Ricans had “been trained in self-government, and has acquired the political, social and industrial habits that prevail in the United States.”*

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The prolific Lawrence Lowell called for an extended period of tutelage for the Puerto Ricans. He wrote that Puerto Rico was “almost as densely peopled to-day as any part of the United States, and yet it must be clear that it cannot be admitted as a state until it has been trained in self-government, and has acquired the political, social and industrial habits that prevail in the United States” (Lowell 1899b, 47). Lowell argued against territorial incorporation, stating that statehood for Puerto Rico would need to be delayed until Puerto Ricans had “been trained in self-government, and has acquired the political, social and industrial habits that prevail in the United States.” He expected “that this will take a very great length of time... so long that statehood is too remote to be taken into consideration in determining the immediate administration of the island” (Lowell 1899c, 11).

Puerto Ricans challenged U.S. officials who so easily disparaged them as incapable of self-government. Puerto Rico’s Resident Commissioner Tulio Larrínaga instructed his congressional colleagues:

**A good deal has been said about the unpreparedness and the unfitness of our people for self-government. I wish every honest man to answer me this question: If every Territory and every State that has been admitted into this Union was better prepared than the island of Porto Rico is today? Look back to the different portions of this country which have been made States by acts of Congress. What was their population; what was their literacy; what was their wealth; what was their civilization as compared with the civilization of four hundred years of Porto Rico? (U.S. House 1910)**

At the 1911 Mohonk Conference Luis Muñoz Rivera delivered a dramatic denunciation of the colonial regime. In a statement dripping with irony and wit, Muñoz Rivera rejected the notion that Puerto Ricans were incapable of self-government. He told his hosts the following:

**Civilization began its work in Porto Rico long before it manifested itself in the United States. Our life as an organized society dates back over found hundred years. Yet the**

contention is made that, on account of our presumed incapacity, we are not entitled to the liberal autonomy, which is your happiness to enjoy, or to exercise of the self-government practiced by yourselves. (Lake Mohonk Conference on the Indian and Other Dependent Peoples 1911, 187)

Unlike large numbers of Mexicans who were dispossessed and displaced from their lands by white settlers, no such forced conversation would occur in Puerto Rico. Since Puerto Rico was densely populated, the federal government gave little thought to promoting white settlements in the island. It was futile to enact federal legislation comparable to the Homestead Acts, which aimed to encourage migration of whites to the western territories. In short, the population of Puerto Rico could not be displaced or supplanted, but neither would it be incorporated into the body politic. Not surprisingly, U.S. colonial officials were concerned that because of the island's physical separation from the United States that Puerto Ricans would resist acculturation and perpetuate their distinctive cultural, religious and linguistic practices. U.S. officials realized that as long as Puerto Ricans preserved their national identity, they would impede the dissemination of Anglo-American values and institutions, and the conversion of Puerto Ricans into loyal colonial wards. Puerto Rican national identity would have to be reconstituted so as not to undermine effective colonial rule. Army generals, who effectively functioned as military dictators until the establishment of a civilian government, launched a systematic campaign to "Americanize" Puerto Ricans, and to make them proficient in the English language (Cabán 2001, 2002; Guerra 1998). Colonial officials were committed to converting Puerto Ricans into a bicultural, bilingual colonial subject who could advance U.S. imperialist aspirations in the Southern Hemisphere and the Caribbean (see Cabán 1999, 2002).

**Not Anglo-Saxons, nor Savages Either. Puerto Ricans can be Trained!**

Anglo-America asserted as gospel the inherent inferiority of the inhabitants of the insular possessions, a view that seemingly doomed Puerto Ricans from obtaining collective U.S. citizenship. Yet Senator Foraker had proposed U.S. citizenship for Puerto Ricans, although the Committee on Insular Affairs withdrew the provision "apparently under the impression" that such provision would affect the constitutionality of the act in respect to certain revenue provisions contained" in the bill (Capó-Rodríguez 1919b, 555). Respected academicians published influential commentaries that laid out a rationale for



treating Puerto Rico differently than the Philippines. The ubiquitous Lowell saw a “vital difference between Porto Rico and the Philippines. Civilization in Porto Rico, as in the United States, is essentially European, and hence our aim must be to develop the people in the lines of our own life.” He thought “every consideration of their welfare” should persuade the U.S. to bring Puerto Ricans “into accord with our political, social and economic standards” (Lowell 1899c, 11). Rogers Smith exposed the racist strains in the seeming beneficent Lowell, and demonstrated that in fact his views represented “a retreat from racial equal protection” (Smith 2001, 377). In the popular *Atlantic Monthly* article referenced by Smith, Lowell observes:

No one of them (the possessions) has a population homogeneous with our own, or the experience of a long training in self-government. Every unprejudiced observer must recognize that to let the Filipinos rule themselves would be sheer cruelty both to them and to the white men at Manila. Even in case of the people of Porto Rico, who stand on an entirely different footing, self-government must be gradual and tentative if it is to be a success. They must be trained for it, as our forefathers were trained. (1899a, 152)

Puerto Ricans and Mexicans were racialized as culturally deficient relative to Anglo-Saxons. While Puerto Ricans and Mexican were clearly racialized, they were portrayed as victims of a deficient Spanish culture, which ultimately had to be expunged if they were to be full members of the American polity. Racial aversion as conveyed in U.S. government practice and policy toward Puerto Ricans and Mexicans, seemed less noxious than what Filipinos, Indians, Chinese and Blacks were forced to endure. The racial formulation of Mexicans and Puerto Ricans as the deficient progeny of monarchical, Catholic Spain was a convenient notion to justify U.S. tutelage. Baldwin’s view on this subject is instructive: “We have held New Mexico, under different forms of administration, for nearly fifty years, and the character and traditions and laws of a Latin race are still so deeply stamped upon her people and her institutions” that her “admission to the privilege of statehood” could not be secured (Baldwin 1899, 415).

As I discussed above, concerns about the capacity for self-government in the incorporated territories where Mexicans predominated, evaporated once whites comprised the majority of the population (the cases of Colorado, New Mexico and Arizona). In contrast, for the unincorporated territories Congress barred Filipinos from ever obtaining U.S. citizenship, and for

nearly two decades failed to grant Puerto Ricans U.S. citizenship. According to colonial officials, Puerto Ricans were simply unprepared for self-rule given their presumed inherent cultural attributes and ignorance of Anglo-Saxon republican institutions and modes of Spanish political culture. These pronouncements on the cultural deficiencies and behavioral predisposition of the former Spanish subjects set the context for Americanization programs that were enacted in both Puerto Rico and New Mexico. The federal government employed euphemisms to obscure its racist motivations in order to delay admission of New Mexico and Arizona territories into the union, and to deny Puerto Rico the status of incorporated territory. U.S. empire builders employed two racially coded rationales to exclude these territories: their inhabitants were either intellectually incapable of comprehending the genius of republican institutions, or they lacked the requisite temperament for and experience in self-government. In reality, no amount of tutelage would ever be sufficient to convince the federal government to admit into the union territories in which non-whites were the majority. Mexicans and Puerto Ricans were portrayed as deficient in those unique Anglo-American attributes that were deemed as indispensable for efficient self-government. Their exclusion was predicated on their non-whiteness; by the late-1890s, whiteness was virtually synonymous with Anglo-Americanness (see Roediger 1991, 143; Horsman 1981). Territories that were either ethnically cleansed of their non-white inhabitants or whose inhabitants had been denuded of their economic and political rights, would quickly gain admission to the union once they were repopulated by white settlers, merchants and related interlopers.

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*By asserting that Puerto Ricans were infantile, emotionally volatile and woefully ignorant, U.S. officials created a convenient rationale to deny Puerto Rican control over their own country.*

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U.S. empire builders believed that Puerto Ricans were not only shackled by archaic Catholic values and anti-modern cultural impulses, but were also guilty of dysfunctional political behavior and suffered from excessively high illiteracy rates. By asserting that Puerto Ricans were infantile, emotionally volatile and woefully ignorant, U.S. officials created a convenient rationale to deny Puerto Rican control over their own country. In reality, the issue was never

about an innate Puerto Rican incapacity for self-government. The U.S. would never relinquish control over the reigns of colonial administration to Puerto Ricans until they had embraced the legitimacy of their colonial subordination, demonstrated patriotic loyalty, and cleansed themselves of Spanish cultural and social traits. For Americans, the preservation of cultural and linguistic difference was always perceived as a refusal to assimilate and embrace the exceptionalism of the new nation. Ellwood P. Cubberly, the influential Dean of Education at Stanford University, detested Latin American immigrants, who he claimed “were of a very different type from the North and West Europeans who preceded them,” and that they had afflicted the United States “with a serious case of racial indigestion.” He debased the immigrants as “largely illiterate, docile, lacking in initiative, and almost wholly without the Anglo-Saxon conceptions of righteousness, liberty, law, order, public decency and government.” As a result, he wrote that “their coming has served to dilute tremendously our national stock and to weaken and corrupt our political life.” Cubberly demanded that the immigrants be inculcated with “our conception of law and order and government, and come to act in harmony with the spirit and purpose of our American national ideal” (Cubberley 1918, 26, 30). Clearly, the difference was that U.S. officials were convinced that, unlike Puerto Ricans, white European immigrants would divest themselves of their old-world culture and languages, and rapidly assimilate into the mainstream. Racialized people, either residing on the mainland or colonial lands, were portrayed as inherently incapable of fully assimilating.

Congress never reported how it would decide when Puerto Ricans had attained the requisite capacity for self-government. In fact, Congress never officially linked an enhanced capacity for self-government with granting Puerto Ricans self-government. Nor did Congress state that once Puerto Ricans proved adept at self-government that the island would be incorporated as a territory of the Union. It is interesting to point out that in the case of Puerto Rico citizenship, territorial status and capacity for self-government did not coalesce into a logic that clarified Puerto Rico’s future in the union. This treatment contrasts with the experience of territories populated by majority white inhabitants. In these cases Congress conferred collective U.S. citizenship, territorial incorporation and legal recognition of the inhabitants’ capacity for self-government, and the territories were admitted into the union as states with minimal delays.

U.S. colonial policy in Puerto Rico, which operated with the appearance of developing effective and rational territorial administration, was actually designed to undermine the autonomous political and economic power of domestic elites. These political and economic actors could impede the effective colonial administration and the Americanization of Puerto Rico. Consequently, Puerto Ricans were included in the colonial administration, but excluded from any meaningful role in policymaking. U.S. officials portrayed resistance to colonialism as proof that Puerto Ricans had simply failed to comprehend the genius of republican institutions, and lacked the patience to properly learn how to administer a government. U.S. officials could not conceive that Puerto Rican opposition to colonial policy was justified. When Puerto Ricans were most successful in blocking the excesses of corrupt colonial rule, they were portrayed as uncontrollably obstreperous and unfit to for self-government. The so-called policy of educating the Puerto Ricans in self-government was a program to train a cadre of administrators loyal to the U.S., who would effectively manage the colonial administration under the direct supervision of a governor appointed by the President. Not until 1947 were Puerto Ricans permitted to select their governor and exercise a measure of control over the colonial administration.

Root was a proponent of a robust and comprehensive Americanization program that he hoped would convert Puerto Ricans into compliant colonial wards. In the absence of such a campaign, which included English language instruction, the people of Puerto Rico would remain “alien and foreign” to the U.S. and impede the effectiveness of U.S. colonial rule. Moreover, the existing class structure and a diversified agricultural economy under Puerto Rican ownership also posed an impediment to the expansion of capitalist production relations under U.S. corporate control, which was a prime task for the colonial administration. Unlike Hawaii at the time of its annexation, Puerto Rico’s land-owning class retained a dominant position in the economy when the U.S. acquired the country. Colonial officials realized that continued Puerto Rican control of the insular economy would impede American corporations from gaining control of the profitable sugar and tobacco industries. Root oversaw the monetary, fiscal and legal transformation of Puerto Rico that facilitated the rapid expansion of U.S. sugar monopolies. The transition to a monocrop economy overwhelmingly in control of oligopolistic sugar corporations was well under way when U.S. citizenship was conferred on Puerto Rico in 1917 (Ayala 2007). The grant of citizenship, however, did not provide Puerto Ricans

with legal means to resist the colonial state's role in promoting the relentless appropriation of their country's land and natural resources by American capital. Nor did citizenship diminish in the slightest Congress's absolute power over Puerto Rico. In this sense, collective naturalization for Puerto Ricans was as inconsequential in advancing their collective economic and political interests, as it was for the hapless Mexicans who were also victims of empire.

The collective naturalization of "nationals" through statute, rather than through the provisions of the U.S. constitution, was unprecedented. Moreover, the citizenship conferred on Puerto Ricans was revocable, and ultimately contingent on the will of Congress to preserve it. This was a radical departure from the non-revocable citizenship conferred on other non-Anglo Saxon subjects, such as the Hawaiians and Mexicans. In his rigorous analysis of the Jones Act citizenship, Edgardo Meléndez argues that Congress constructed a historically unprecedented type of citizenship that applied only to the Puerto Rican colonial subject. According to Meléndez, the Supreme Court decided that "the colonial nature of the territory was sufficient to merit the exclusion of these new citizens from full membership in the American polity" (Meléndez 2013, 108). This "colonial citizenship," in addition to being revocable, limited the legal rights and protections accorded to 14<sup>th</sup> amendment citizens and converted the Puerto Rican subject into a "migrant subject" (2013, 108). Unrestricted Puerto Rican migration to the United States was pivotal to the success of Operation Bootstrap in the 1950s (see History Task Force 1979).<sup>4</sup> Ultimately, the citizenship accorded Puerto Ricans was contingent and variable and not defined exclusively by ascriptive factors.

The conferral of a historically unprecedented collective naturalization on Puerto Rico (citizenship without territorial incorporation) was motivated by various factors (Baldoz and Ayala 2013, 83–84; Rivera Ramos 2001, 47–54). Collective naturalization was conferred during a period in which Puerto Rico's political leadership was increasingly critical of colonial rule, and claimed a growing affinity for independence. Puerto Ricans were demanding increased autonomy ever since the period of military rule, but Congress had chosen not to act. On the eve of U.S. entry into World War II, Puerto Rican independence activism became a national security objective. Rexford Tugwell, who served as Puerto Rico's last appointed governor, wrote in his memoirs that citizenship was granted "in a sudden realization of strategic possibilities, not as part of policy, and significantly enough in time of war when Puerto Rican loyalty was important" (Tugwell 1977, 70). The grant of citizenship was expected

to mollify the dissident voices. According to the War Department, the failure to confer citizenship had provoked growing Puerto Rican discontent, and recommended “that Puerto Ricans should be admitted to citizenship... to remove the cause of political unrest (quoted in Cabán 1999, 199). In fact, by 1912 the Puerto Rican political leadership had grown increasingly skeptical and disillusioned with U.S. colonial rule and resisted the imposition of citizenship without significant political reforms (see Rivera Ramos 2001, 153–55; Venator-Santiago 2013, 93–94).

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*Citizenship would dispel any illusions Puerto Ricans entertained about achieving independence since Congress would never allow U.S. citizens to secede from the United States.*

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The grant of citizenship demonstrated Congress’s intention to impress upon Puerto Ricans that statehood was not in their future, and that their country would be held as a colony in perpetuity if need be. Citizenship would dispel any illusions Puerto Ricans entertained about achieving independence since Congress would never allow U.S. citizens to secede from the United States. Armed with Supreme Court rulings, Congress was given the legal power to impose collective citizenship without altering Puerto Rico’s unincorporated territorial status. Citizenship did not provide Puerto Ricans with constitutionally based claims for statehood. This was a pivotal moment in the construction of Puerto Rican colonialism, because the imposition of citizenship on the inhabitants of an unincorporated territorial possession resolved a vexing problem for Congress. Members of Congress argued that if Puerto Rico were to be granting territorial status, the U.S. would be compelled to enact the same type of collective naturalization it had for Hawaii, the Republic of Texas and territories ceded or purchased by the U.S. Territorial incorporation would inevitably result in statehood, although the process could be delayed for decades, as was the case for New Mexico and Arizona. But in these instances delay was designed to provide more time for whites to populate the territory and gain political control of the territories. Clearly this would not be the case for densely populated Puerto Rico. Policymakers in Washington were certain that the Puerto Rican population would continue to grow, since it would be impossible to displace it through forced migration. Statehood would be the

inevitable consequence of incorporating Puerto Rico as a territory. Puerto Ricans would attain voting representation in Congress, cast electoral votes in presidential elections, be included in the Electoral College and gain the full panoply of constitutional rights they were previously denied.

Fears about the impact on national policy-making if the “Spanish American islands” were annexed were expressed by Carl Schurz, a leading figure in the anti-imperialist league:

**There would then be a large lot of Spanish-Americans in the Senate and in the House and among the presidential electors—more than enough of them to hold, occasionally at least, the balance of power in making laws not only for themselves, but for the whole American people, and in giving the republic its Presidents. There would be “the Spanish- American vote”—being occasionally the decisive vote—to be bargained with. But since the United States would not relinquish the territories and liberate its inhabitants, colonial policy emphasized the idea of Americanizing the inhabitants of these foreign islands. ... It is useless to hope that this population would gradually assimilate itself to the American people as they now are. (Schurz 1898, 782)**

Before the first of the Insular Cases had been decided Elihu Root warned that the United States should not “dilute our electorate by incorporating Puerto Rico.” He argued: “If we give citizenship to the Porto Ricans the next step inevitably would be to demand for statehood with the same kind of pressure which New Mexico and Arizona are now exerting.” He exhorted Congress to “resist the claim of citizenship on the part of a people who differ so widely from the people of the United States” (Jessup 1938, 78). Indeed, Root’s protestations could have been one of the contributing factors for Senator Foraker to withdraw the citizenship provision in the original draft of the Organic Act. His decision to expunge U.S. citizenship was “prompted by the suggestion that the grant of American citizenship would have the effect of making Puerto Rico an incorporated territory rather than a dependency of possession.” The citizenship provision could have given Puerto Ricans the idea that their island nation would be incorporated into the Union, “thus putting it in a state of pupilage for statehood” (Cabranes 1978, 166). Foraker uttered these words while the political status of the Philippines and its people remained unresolved.

In 1917 Senator Jones expressed the same concerns about altering Puerto Rico’s territorial status. Senator Jones warned: “If Porto Rico were admitted to

statehood there would be two senators and at least half a dozen Porto Rican representatives; and the fear exists that they might exercise a decisive influence in the United States Congress and practically enact laws for the government of the United States. For this reason I believe there is no opinion favorable in the United States” (quoted Cabán 1999, 201). The Foraker and Jones Acts essentially gerrymandered Puerto Rico out of national elections. This was not done to favor the electoral prospects of one party over another. Instead Congress agreed to deny Puerto Ricans, who had a contradictory identity of being both citizens and foreign, any role in the conduct of the nation’s affairs. Underlying the two organic acts was the perception among U.S. officials that Puerto Ricans, despite their predominant European genes, were distinctly foreign. And consequently, they could not be trusted to administer a colony of significant economic and strategic importance to the emerging empire. Intensive Americanization could make them more cooperative colonial wards, but Americanization was never intended to be a path to equality.

### **Conclusion**

The U.S. citizenship imposed on Puerto Ricans in 1917 was contingent, historically unprecedented and created, as Rivera Ramos has noted, a new political subject (2001, 145). Issues of nationality, citizenship and race have been intertwined for Puerto Ricans in shifting arrays of meanings, made more complex as a consequence of U.S. colonial rule. Puerto Rican meanings of nationality, race and citizenship are simultaneously imposed by a foreign power, but also domestically formed through the language, customs and norms they nurtured in their island nation. Puerto Ricans are colonial subjects who either reside in a territory that is metaphorically a foreign territorial possession or they are designated as a racialized minority when residing in the United States. They either live as colonial subjects in one space in which they are denied self-determination or live as a racial minority in an alternate space and with limited political and social equality, and often economically marginalized. Puerto Ricans occupy a liminal political space, perpetually anticipating the realization of full equality and perpetually frustrated by their unchanging subordinate status.



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*Puerto Ricans celebrate their national pride when one of their own is appointed to the U.S. Supreme Court, while comfortably accepting the irony that such an achievement ought not to be an extraordinary event.*

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The imposition of U.S. citizenship is directly implicated in the exportation of Puerto Rican labor to Hawaii and Arizona over a century ago and in the current exodus of Puerto Ricans from their economically devastated island nation. The Puerto Ricans who were born in the United States or migrated there are the legacy of a colonial citizenship that accelerated and institutionalized population displacement. Puerto Ricans celebrate their national pride when one of their own is appointed to the U.S. Supreme Court, while comfortably accepting the irony that such an achievement ought not to be an extraordinary event. After all, Puerto Ricans have been “American citizens” for almost a century. Even more ironic is the celebration of the appointment of one of their own to the very judicial institution that approved a defective and subordinate citizenship.

But it is precisely the peculiar citizenship that Puerto Ricans have been assigned that has proven to be so problematic. The insular cases made it abundantly clear that the “otherness of Puerto Ricans” precluded Congress from granting them citizenship with full political rights. Having determined that the Constitution did not follow the flag, Puerto Ricans were not guaranteed 14<sup>th</sup> amendment citizenship. But the otherness of Puerto Ricans took different forms. Puerto Ricans were perceived as an alien race genetically incapable of ever genuinely acquiring superior Anglo Saxon qualities, and forever to be excluded from the national polity. However, Puerto Ricans, unlike Filipinos, Indians and Blacks, were portrayed as a lesser threat to the purity of a self-described white nation. Alternatively, the Puerto Ricans were portrayed as a racially mixed but predominately white population whose major fault was that unfortunately they were imbued with deficient customs and beliefs after centuries of Spanish rule. The thinking on the eve of the twentieth century was that Puerto Ricans could be redeemed; yet never attain the greatness of the Anglo-Saxon “race.” Because of their European genealogy, Puerto Ricans were not perceived as menacing or genetically substandard as other racialized populations, although some portrayed Puerto Ricans as slightly tarnished by miscegenation.

Notwithstanding their distinctive citizenship and colonial subordination, Puerto Ricans are currently depicted as members of an amorphous Latino/a or Hispanic population. The 2016 Republican presidential campaign has resurrected a racist denunciation of Mexicans, and all Latinos, as posing an existential threat to the greatness of Anglo America. It appears that Puerto Ricans have been returned to the demeaning status they were given a century ago, and stand in the way of making American great again.

## NOTES

<sup>1</sup> *Attendant Cruelties*, is the title of Patrice Higonnet's book on U.S. nationalism and nation building. The inspiration for the title was a rarely cited statement by Theodore Roosevelt that Higonnet uses as the epigram for her fine study.

<sup>2</sup> Preera notes a crucial distinction between the draft language of the treaty and the version approved by the Senate, which replaced the term "as soon as possible," with "in the proper time." Former treaty language for Louisiana and Florida referred to "as soon as possible" (Perea 2001, 148)

<sup>3</sup> Arizona was granted statehood on February 14, 1912. It was relatively underpopulated until 1910 with a population of only 204,300. Mexicans still constituted a large percentage of the population, but not a majority. In 1900 Mexicans comprised 60 percent of the population, and whites only made up 23 percent of Arizona's population (<<http://www.pewresearch.org/fact-tank/2014/06/10/for-three-states-share-of-hispanic-population-returns-to-the-past/>>).

<sup>4</sup> The following comment is from 1940 government report that focused on overpopulation as an impediment to development in Puerto Rico. "While apparently the place most attractive to Puerto Rican migrants is the continental United States, Puerto Ricans in general are not sufficiently adaptable to the continental life to make a happy and permanent adjustment" (Zimmerman 1940, 24). The presumed incapacity of Puerto Ricans to adapt to modernity is a stereotype deeply embedded in official portrayals of the Puerto Rican people.

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