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Interest Convergence and the Extension of U.S. Citizenship to Puerto Rico

Charles R. Venator-Santiago*

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I. INTRODUCTION

The year 2017 marked the centennial of the collective naturalization of Puerto Ricans under the terms of the *Jones Act of 1917*.¹ Prevailing debates over the *Jones Act* seem to hover around two myths. A prevailing narrative argues that the *Jones Act of 1917* was the first law to grant Puerto Ricans United States (U.S.) citizenship. In addition, too many writers claim, without offering any historical evidence, that the Congress used the citizenship provision of the *Jones Act* “as a vehicle for drafting Puerto Rican men into the U.S. military” and World War I more generally.² Both claims are incorrect.

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¹ 48 U.S.C.S. § 731 (LexisNexis); *see generally* José A. Cabranes, *Citizenship and the American Empire, Notes on the Legislative History of the United States Citizenship of Puerto Ricans* (1979) (for an overview of the legal history of the *Jones Act* citizenship provision).

² Nelson A. Denis, *War Against All Puerto Ricans, Revolution and Terror in America’s Colony* 139 (2015); *but see* Harry Franqui-Rivera, *Why Puerto Ricans Did Not Receive Citizenship So They Could Fight in WWI* (Dec. 31, 2017,

Drawing on Derrick Bell's notion of interest convergence³, this note argues that white elites in the United States decided to grant Puerto Ricans U.S. citizenship more than a decade before the enactment of the *Jones Act* and that this decision was motivated by more interests than recruiting cannon fodder for World War I. Central to my argument is that at the time, Congress, the author of the citizenship legislation for Puerto Rico, was a plural and complex institution comprised of white elites. Congress enacted legislation extending citizenship to Puerto Ricans because of some altruistic sense, but rather because the interests of white elites converged in particular moments in time. This note is divided in three parts. Part I provides a summary of Derrick Bell's notion of interest convergence. The idea is to frame the parameters of Bell's thesis. Part II contextualizes the case of Puerto Rico through overviews of the island's territorial status and the history of the extension of U.S. citizenship to Puerto Ricans. Part III explains how Bell's notion of interest convergence can help expand the debates over the intent of the enactment of the *Jones Act* beyond a parsimonious focus on the military interests of the United States empire. My goal is to open the door for more serious research of the history of the extension of U.S. citizenship to Puerto Rico.

II. DERRICK BELL'S NOTION OF INTEREST CONVERGENCE

Derrick A. Bell Jr.'s use of the notion of interest convergence to criticize some of the liberal responses to the Supreme Court's ruling in *Brown v. Board of Education*⁴ stands as a pillar for LatCrit theory, as well as other critical approaches to U.S. law.⁵ Central to Bell's argument is a critique of the depoliticizing interpretation of the Court's ruling in *Brown* adopted by liberal legal actors and scholars, interpretations that shifted the focus away from the social justice concerns raised by racist inequalities to questions about the desire of black Americans to acquire rights to associate with whites and the "neutrality" of the Court's reasoning. Bell contended "that the decision in *Brown* to break with the Court's long-held position on these issues cannot be understood without some consideration of the decision's value to whites, not simply those concerned about the immorality of racial inequality, but also those whites in policymaking positions able to see the economic and political advances at home and

<https://centropr.hunter.cuny.edu/centrovoices/chronicles/why-puerto-ricans-did-not-receive-us-citizenship-so-they-could-fight-wwi>.

³ See generally, Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

⁴ See generally, *Brown v. Bd of Educ.*, 347 U.S. 483 (1954).

⁵ See Bell Jr., *supra* note 3.

abroad that would follow abandonment of segregation.”⁶ Bell’s definition of interest convergence was anchored on three arguments.

First, Bell argued, “the decision helped to provide immediate credibility to America’s struggle with Communist countries to win the hearts and minds of emerging third world peoples.”⁷ At the height of the Cold War, the United States propaganda machine sought to discredit Communist countries as totalitarian regimes that oppressed their subjects. Racist inequalities and Jim Crow laws reproduced the image that the United States capitalist government was also a totalitarian regime, a regime that tolerated the unequal treatment of its citizens. For Bell, the narrative of United States international credibility was premised on affirming the motto “all men are created equal,” a motto that was undermined by racist inequalities and Jim Crow laws⁸.

Second, Bell continued, “*Brown* offered much needed reassurance to American blacks that the precepts of equality and freedom so heralded during World War II might yet be given meaning at home.”⁹ Accordingly, if whites expected black soldiers to die in foreign campaigns for the principles of “equality and freedom,” the United States needed to promote these principles at home. Veterans returning from foreign or international campaigns needed reassurance that they were fighting and dying for principles that they could live by at home. More importantly, by addressing inequalities at home, whites could discourage the involvement of black veterans in domestic protests.

Third, Bell concluded, “there were whites who realized that the south could make the transition from a rural, plantation society to the sunbelt with all its potential and profit only when it ended its struggle to remain divided by state-sponsored segregation.”¹⁰ Bell argued that some whites viewed Jim Crow laws as an obstacle to the industrialization of southern states. For some white elites, segregation undermined the United States’ economic and commercial potential. In other words, segregation was bad for business.

III. CONTEXTUALIZING THE PUERTO RICAN EXAMPLE

Part of the challenge of applying Bell’s notion of interest convergence to Puerto Rico, and unincorporated territories more generally, is

⁶ *Id.* at 524.

⁷ *Id.*

⁸ *See generally* Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012) (for an analysis of how the vestiges of Jim Crow laws are still prevalent in modern-day American society).

⁹ *See* Bell Jr., *supra* note 3 at 524.

¹⁰ *Id.* at 525.

contextualizing the relationship among the U.S. empire, the constitutional status of Puerto Rico and the citizenship status of Puerto Ricans. Bell's critique sought to explain the status of black citizens who acquired a 14th Amendment citizenship as a result of their birth in the United States and who further resided in the United States. In contrast, unincorporated territories like Puerto Rico are selectively ruled as foreign possession in a domestic or constitutional sense. They are selectively ruled as separate and unequal parts of the United States. Moreover, historically, Congress has enacted a wide array of citizenship statutes extending different types of citizenships to Puerto Rico and the other territories.¹¹ To be sure, at times some of these citizenship statutes have treated Puerto Rico as a foreign territorial possession and others have treated the island as a part of the United States. But let me explain.

IV. PUERTO RICO'S CONSTITUTIONAL STATUS

Between 1898 and 1901, the United States invented a new territorial law and policy to govern Puerto Rico and the other territories annexed in the aftermath of the Spanish-American War of 1898. The Department of War invented a new territorial status, Congress normalized it in 1900, and the Supreme Court institutionalized it in 1901. As I have explained elsewhere, the new territorial law and policy both departed from and combined elements of prior colonialist and imperialist traditions of U.S. territorial expansionism in important ways.¹² All territories annexed by the United States since 1898 have been governed under the terms of the new territorial law and policy.

To be sure, the United States government simultaneously developed two traditions of territorial expansionism between the founding and 1898, namely the colonialist and imperialist traditions. United States colonialist expansionism was premised on the annexation of territories that could be settled by U.S. citizens, subsequently organized, and eventually admitted as states into the Union.¹³ Colonized territories were governed as

¹¹ See generally, ARNOLD H. LEIBOWITZ, *DEFINING STATUS: A COMPREHENSIVE ANALYSIS OF U.S. TERRITORIAL POLICY* 144-145 (Martinus Nijhoff Publishers, 2d ed. 2014); see generally Charles R. Venator-Santiago, *Territorial Citizenship Today: Four Interpretations*, 50 *PS: Political Science and Politics*, 515, 515-519 (2017) (for an analysis of four of the interpretations of the status of people born in unincorporated territories which are currently up for debate).

¹² See generally CHARLES R. VENATOR-SANTIAGO, *PUERTO RICO AND THE ORIGINS OF U.S. GLOBAL EMPIRE: THE DISEMBODIED SHADE*, 1 (Denise Ferrerira da Silva et.al, 1st ed. 2015).

¹³ See *Dred Scott v. Sanford*, 60 U.S. 393, 448 (1857).

constitutional parts of the United States.¹⁴ In contrast, the imperialist tradition was premised on the strategic occupation of territories for military and/or economic purposes. Territories subject to imperialist occupation were ruled as foreign possessions located outside of the United States for constitutional purposes.¹⁵ United States policymakers sought to develop a new tradition of territorial expansionism that was not bound to past precedents and that would be flexible to the local needs of the U.S. military.

The United States military occupied Puerto Rico on July 25, 1898 and imposed a two-year military dictatorship to prepare the island's local institutions for U.S. rule.¹⁶ In his final report as governor of Puerto Rico, Brigadier-General Davis, the last military governor of the island, summarized the military's role in shaping the new territorial status within the emerging U.S. empire:

The scope of these orders was very wide. Almost every branch of administration-political, civil, financial, and judicial-was affected by their provisions. It may be that the military governors exceeded their authority when they changed the codes, the provisions of which were not in conflict with the political character, institutions, and Constitution of the United States; but in the absence of instructions to the contrary, it was conceived to be the privilege and duty of the military commanders to make use of such means with a view to adapting the system of local laws and administration to the one which, judging from precedents, Congress might be expected to enact for the island, thus preparing the latter for a territorial régime when Congress should be ready to authorize it. *It has been pointed out that the course adopted is understood to have been, tacitly at least, approved by Congress, for with two slight exceptions, specified in the (Foraker Act of 1900), every order promulgated by the military governors has been confirmed by Congressional enactment, has become part of the supreme law of the land, and will so remain*

¹⁴ See *Loughborough v. Blake*, 18 U.S. 317, 319 (1829) (holding that the United States federal government has the power to impose a direct tax on the District of Columbia).

¹⁵ See *Fleming v. Page*, 50 U.S. 603, 615 (1850).

¹⁶ See JOSÉ TRÍAS MONGE, *EL CHOQUE DE DOS CULTURALS JURIDICAS EN PUERTO RICO, EL CASE DE LA RESPONSABILIDAD CIVIL EXTRA CONTRACTUAL* (Orford, N.H.; Equity P.B., 1st ed. 1991); see also *Report of the Military Governor of Porto Rico on Civil Affairs*, H.R. DOC. No. 56-2, at 101 (1902).

until abrogated or changed by Congress or by the legislative assembly of the island (emphasis added).¹⁷

The United States formally annexed Puerto Rico on December 10, 1898, amidst the occupation and under the terms of the Treaty of Paris.¹⁸ United States military governors continued to rule Puerto Rico until 1900, when Congress created a civil government for the island under the terms of the Foraker Act.¹⁹

In addition to creating a civil government for Puerto Rico, the Foraker Act contained a provision that treated Puerto Rico as a foreign territorial possession. Specifically, Section 3 extended the so-called Dingley Tariff of 1897²⁰ to the island imposing a 15% tariff on merchandise trafficked between Puerto Rico and the mainland.²¹ The tariff treated an *annexed* territory as a foreign possession that belonged to, but was not a part of the United States. On April 2, 1900, during the debates over the Foraker Act, Senator John C. Spooner (R-WI) summarized the logic informing the new territorial status in the following passage:

I will not quibble about words. Territory belonging to the United States, as I think Puerto Rico and the Philippine Archipelago do, become a part of the United States in the *international sense*, while not being at all a part of the United States in the *constitutional sense*.²²

Less than a year later, the Supreme Court began to affirm the new insular or territorial law and policy in a series of rulings generally known as the Insular Cases of 1901.²³ Specifically, the core principles of the ensuing constitutional interpretation were established in Justice Edward D. White's concurring opinion in *Downes v. Bidwell*.²⁴ Justice White began by rejecting the prevailing colonialist²⁵ and imperialist²⁶ interpretations and adopted a third view, which has since been described

¹⁷ Trías Monge, *supra* note 14 at 47.

¹⁸ Treaty of Paris, Sp.-U.S., Dec 10, 1898, 30 Stat. 1754.

¹⁹ *See generally* Foraker Act of 1900, ch. 191, 31 Stat. 77 (1900).

²⁰ *See* Dingley Act of 1897, ch.11, 30 Stat. 151 (1897).

²¹ Foraker Act of 1900, ch.191, §3, 31 Stat. 77, 77-78 (1900).

²² 33 CONG. REC. 3608, 3629 (1900) (statement of Sen. Wallop).

²³ *See generally* Juan R. Torruella, *The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal*, 100 HARV. L. REV. 450 (1988); Christina Duffy Burnett, *United States: American Expansion and Territorial Deannexation*, 72 U. CHI. L. REV. 797 (2005); EFRÉN RIVERA RAMOS, *AMERICAN COLONIALISM IN PUERTO RICO: THE JUDICIAL AND SOCIAL LEGACY* (First Markus Wiener Publishers 2nd ed. 2007).

²⁴ *Downes v. Bidwell*, 182 U.S. 244, 287 (1901).

²⁵ *Id.* at 340.

²⁶ *Id.* at 290.

as the doctrine of territorial incorporation. Central to Justice White's interpretation were several key principles. First, Justice White argued, "Congress in legislating for Porto Rico [sic] was only empowered to act within the Constitution and subject to its applicable limitations, and that every provision of the Constitution which applied to a country situated as was that island, was potential in Puerto Rico."²⁷ Congress, he further argued, possessed the power to determine what constitutional provisions were applicable in Puerto Rico. So long as the United States recognized the application of fundamental, albeit undefined, rights, Congress possessed the power to enact legislation that extended or withheld applicable constitutional provisions. Second, Justice White began to describe Puerto Rico as an unincorporated territory, that is a territory that is not meant to become a state of the Union and one that can be selectively ruled as a foreign territorial possession in a domestic or constitutional sense.²⁸ Underlying Justice White's interpretation was a disdain for the non-white inhabitants of Puerto Rico and the other newly annexed unincorporated territories. The ensuing constitutional doctrine of territorial incorporation that grew out of Justice White's interpretation affirmed the separate and unequal status of Puerto Rico and Puerto Ricans within the nascent U.S. global empire.

V. PUERTO RICO'S CITIZENSHIP LEGISLATION

Since the United States annexed Puerto Rico, Congress has debated and enacted a wide array of bills and laws conferring three different types of citizenship on Puerto Ricans. In 1899, the U.S. Senate ratified one annexation treaty with a special citizenship provision.²⁹ Between 1898 and 1952, Congress enacted eleven laws or statutes containing citizenship provisions for Puerto Rico.³⁰ Since 1898 and the time of this writing, however, Congress debated upwards of 100 bills containing citizenship

²⁷ *Id.* at 293.

²⁸ *Id.* at 341-342.

²⁹ Treaty of Paris, art. IX, Sp-U.S., Dec 10, 1898, 30 Stat. 1754.

³⁰ Foraker Act of 1900, ch. 191, 31 Stat. 77, §7 (1900); Bureau of Immigration and Naturalization Act of 1906 ("BINA"), Pub. L. No. 59-338, 34 Stat. 596 §30 (1906); Naval Service Appropriations Act of 1914 ("NSAA"), Pub. L. No. 63-121, ch. 130, 38 Stat. 392 (1914); Jones Act of 1917, Pub. L. No. 64-368, 39 Stat. 951, §5 (1917); Naturalization of Resident Aliens of 1918, Pub. L. No. 65-144, 40 Stat. 542 (1918); Porto Rico Civil Revenues Act of 1927 (§5a), Pub. L. No. 69-797, 44 Stat. 1418 (1927); Puerto Rico Civil Government Act of 1934 (§5b), Pub. L. No. 73-477, 48 Stat. 1245 (1934); Puerto Rico Civil Government Act of 1938 (§5c), Pub. L. No. 75-521, 52 Stat. 377 (1938); Nationality Act of 1940, Pub. L. No. 76-853, 54 Stat. 1137, §§201(a), 202 (1940); To Amend the Organic Act of Puerto Rico, Pub. L. No. 80-776, 62 Stat. 1015 (1948); Immigration and Nationality Act of 1952 ("INA of 1952"), Pub. L. No. 82-414, 66 Stat. 163, §302 (1952).

provisions for Puerto Rico.³¹ Overtime, Congress extended three different types of citizenship to Puerto Rico, namely a Puerto Rican citizenship (1899-1934), a naturalized (individual and collective) citizenship (1906-1940), and birthright or *jus soli* citizenship (1940 to the present).³²

Following the U.S. annexation of Puerto Rico in 1898, Congress invented local nationalities or “citizenships” to govern the inhabitants of Puerto Rico and the other unincorporated territories.³³ In the case of Puerto Rico, the *Treaty of Paris of 1898*, the treaty providing for the U.S. annexation of Puerto Rico, contained a provision treating the insular or island-born inhabitants of the newly annexed territory as local or Puerto Rican nationals rather than U.S. citizens. More importantly, unlike peninsular (Spain)-born residents of Puerto Rico, insular-born Spanish citizens residing in the island were barred from either retaining their Spanish citizenship or acquiring a U.S. citizenship. The second clause of Article IX established that Congress could subsequently enact legislation extending the civil and political rights to the island’s inhabitants.³⁴ The subsequently enacted *Foraker Act of 1900* used the notion of Puerto Rican citizenship to codify the local nationality invented by the *Treaty of Paris*.³⁵ Yet, because the *Foraker Act* did not change Puerto Rico’s territorial status, birth in the island was tantamount to birth outside of the United States for citizenship purposes. Under the prevailing naturalization process, petitioners were required to renounce their allegiance to a sovereign before they could naturalize. Puerto Rican citizens were unable to comply with this requirement, namely, to renounce their allegiance to the United States in order to undergo a naturalization process to acquire a U.S. citizenship! Puerto Rican citizens were governed under the racist doctrine of separate and unequal, included within the polity, but barred from equal membership within the Anglo-American polity.

However, in 1906 federal lawmakers agreed to grant Puerto Ricans the ability to acquire a U.S. citizenship via naturalization. Starting with the *Bureau of Naturalization Act of 1906 (BINA)*, Congress began to enact legislation creating special waivers enabling *individual* Puerto Ricans to travel to the mainland or an incorporated territory and undergo the

³¹ For original copies of all bills containing citizenship provisions for Puerto Rico debated in Congress since 1898 see *Puerto Rico Citizenship Archives Project*, ScholarsCollaborative.org, <http://scholarscollaborative.org/PuertoRico/> (last visited Dec. 31, 2017).

³² See generally Charles R. Venator-Santiago, *Mapping the Contours of the History of the Extension of U.S. Citizenship to Puerto Rico, 1898-Present*, 29 *CENTRO J.* 38, 38-55 (2017) (for a more substantive overview of this history)

³³ Treaty of Peace, U.S.-Spain, art. IX, Dec. 10, 1898, 30 Stat. 1754, at 1759.

³⁴ *Id.*

³⁵ Foraker Act of 1900, §7, 31 Stat. 77, at 79.

prevailing naturalization process.³⁶ The *BINA* was subsequently amended in 1914 and 1918 creating additional waivers for Puerto Ricans to naturalize.³⁷ In 1917 Congress began to enact legislation providing for the *collective* naturalization of the residents of Puerto Rico. Section 5 of the *Jones Act of 1917* established simple condition permitting Puerto Rican citizens residing in Puerto Rico to choose to retain their status quo or do nothing and acquire a U.S. citizenship by not doing anything. Aliens and alien children residing in Puerto Rico were allowed to undergo a simple administrative procedure to naturalize under the terms of Section 5.³⁸ The citizenship provision of the *Jones Act* was subsequently amendment in 1927, 1934, 1938, 1940, and 1948.³⁹ Again, because the *Jones Act* did not contain a provision that incorporated Puerto Rico or implicitly changed its territorial status, birth in Puerto Rico was tantamount to birth outside of the United States for citizenship purposes. This meant that persons born in Puerto Rico under the terms of the *Jones Act*, and its subsequent amendments, could only acquire a derivative form of *jus sanguinis* (blood right) citizenship, or a naturalized citizenship status.

In 1940, Congress began to enact citizenship legislation extending birthright or *jus soli* citizenship to Puerto Rico. The *Nationality Act of 1940* began by treating Puerto Rico as a part of the United States for sole purposes of extending birthright citizenship to the island.⁴⁰ In addition, drawing on the Citizenship Clause of the 14th Amendment, the *Nationality Act* included a provision explicitly extending birthright or *jus soli* citizenship to the island.⁴¹ Congress subsequently affirmed the citizenship provisions for Puerto Rico in 1948 and 1952.⁴² To be sure, all persons born in Puerto Rico after January 13, 1941, the date of the law's enactment, are born in the United States for the purpose of acquiring a birthright or "native-born" citizenship status. Yet, it is important to emphasize that while the *Nationality Act of 1940*, and its subsequent iterations, treated Puerto Rico as a part of the United States for the purpose of extending birthright citizenship to the island, it did not explicitly incorporate or

³⁶ Bureau of Immigration and Naturalization Act of 1906 (*BINA*), §30, 34 Stat. 596, at 606-607.

³⁷ *See id.*

³⁸ *Jones Act of 1917*, §5, 39 Stat. 951, at 953.

³⁹ *See id.*

⁴⁰ *Nationality Act of 1940*, §101(d), 54 Stat. 1137.

⁴¹ *Id.* §201(a), 54 Stat. 1137, at 1138. For a description of the legislative background and intent of each provision, see U.S. COMM. TO REVIEW THE NATIONALITY LAWS, 76TH CONG., REP. ON NATIONALITY LAWS OF THE UNITED STATES (hereafter President's Committee Report), Part 1, v (Comm. Print 1938).

⁴² To Amend the Organic Act of Puerto Rico, Pub. L. No. 80-776, 62 Stat. 1015 (1948); Immigration and Nationality Act of 1952 ("INA of 1952"), Pub. L. No. 82-414, 66 Stat. 163, §302 (1952).

change Puerto Rico's territorial status. These laws merely treat Puerto Rico as an incorporated territory for the sole purpose of extending birthright citizenship to the island.

In sum, I want to emphasize several important points. First, since annexing Puerto Rico, Congress has extended different types of citizenship to Puerto Rico without changing the island's territorial or rather constitutional status. Second, whereas Congress treated island-born Puerto Ricans who acquired a U.S. citizenship prior to 1940 as naturalized citizens, those born after the enactment of the *Nationality Act of 1940* were treated as native-born citizens. While it true that some of the citizenship legislation for Puerto Rico retroactively extended a birthright citizenship status to persons born in Puerto Rico after the ratification of the *Treaty of Paris* on 1899, it is important to recognize that Congress treated Puerto Rican-born citizens as naturalized rather than native-born citizens.

VI. INTEREST CONVERGENCE AND THE EXTENSION OF U.S. CITIZENSHIP TO PUERTO RICO

The legislative history of the federal status legislation for Puerto Rico and citizenship statutes for Puerto Ricans are replete with racist commentary. Historically, federal law and policymakers invoked racist narratives of Anglo-Saxon exceptionalism to legitimate the separate and unequal status of the Puerto Rican territory and its inhabitants.⁴³ The question is: why would racist federal lawmakers agree to grant citizenship to racially inferior Puerto Ricans living in an unincorporated territory? Legislative reports informing the debates over the *BINA of 1906*, the first statute granting Puerto Ricans U.S. citizenship, as well as the legislative histories of bills leading to the enactment of the *Jones Act of 1917*, demonstrate that Bell's notion of interest convergence can explain why even racist white elites ultimately supported enabling Puerto Ricans to acquire U.S. citizenship.

As noted above, one of the dimensions of interest convergence is a concern with the public image of the U.S. government in international forums. United States law and policymakers are interested in fostering an international representation of the U.S. as a just nation where all "men" are treated equally. In a 1906 Senate Report accompanying S. 2620, a

⁴³ See for example Rubin Francis Weston, RACISM IN U.S. IMPERIALISM, THE INFLUENCE OF RACIAL ASSUMPTION ON AMERICAN FOREIGN POLICY, 1893-1946 (1972). It is important to note that at least one federal district court declared that the Supreme Court's ruling in *Gonzalez v. Williams*, 192 U.S. 1 (1904) established that Puerto Ricans were racially eligible to naturalize and acquire a U.S. citizenship under the terms of the *BINA of 1906*. See *In re Giralde*, 226 F. 826 (1915).

citizenship bill for Puerto Rico, Senator Joseph B. Foraker (R-OH), also a supporter of the extension of citizenship to Puerto Rico, included several letters he had received from President Theodore Roosevelt supporting the collective naturalization of Puerto Ricans. In a letter sent to Senator Foraker on March 26, 1906, President Roosevelt wrote:

My dear Senator Foraker: As you know, Mr. Larrinaga has been appointed as one of the American delegates to the Pan-American Congress in Brazil. It would be a real misfortune not to have the citizenship bill for Porto Rico [sic] pass at this session, prior to his going there. I cannot believe there will be any opposition to the bill and I most earnestly hope that it will be put through as speedily as possible. I know how heartily you sympathize [sic] with it.⁴⁴

The fact Congress had not granted citizenship to Puerto Ricans reaffirmed the perception that the United States was an empire holding a colony of subjects who shared a Spanish heritage with Latin Americans. United States efforts to enforce President Roosevelt's "big stick" policy and to demand more democratic reforms in Latin America were ultimately undermined by the perception that the U.S. was an empire with double standards.

White were also concerned with domestic dimensions of extending citizenship to Puerto Ricans. Opponents of granting citizenship to Puerto Rican feared that citizenship would enable racially inferior Puerto Ricans to vote, influence government and even demand statehood for the island. They were concerned that Puerto Ricans could use their potential citizenship to challenge their separate and unequal status. In contrasts, other white elites saw the granting of citizenship as a sort of psychological appeasement of Puerto Ricans. To be sure, in an accompanying Senate Report supporting *H.R. 20048*, a 1913 version of what became the *Jones Act of 1917*, Senator Miles (R-WA) argued:

On the contrary, emphasis should be laid upon the fact that the grant of citizenship to those described in the bill does not in any way involve the right of suffrage nor implicate directly or indirectly the question of statehood. Citizenship will give them certain personal legal rights

⁴⁴ UNITED STATES SENATE COMM. ON PACIFIC ISLANDS AND PORTO RICO, INHABITANTS OF PORTO RICO TO BE CITIZENS OF THE UNITED STATES, S. Rep. No. 59-2746, 7 (1st Sess., 1906).

and privileges both in their relations to the local government and in their status abroad; will tend to increase their self-respect and to cultivate and develop a larger capacity for self-government. It will promote contentment and satisfaction among the people with their allegiance to the United States, but does not involve the right to participate in the government nor affect in any particular the question of statehood, any more than the privilege of citizenship to those born within the United States proper giver then the right of suffrage.⁴⁵

To be sure, some white elites saw the collective naturalization of Puerto Ricans as a form of political domestication and psychological appeasement designed to give the non-white inhabitants of the island a greater degree of associational rights. Stated differently, citizenship would enable white elites to include Puerto Ricans within the empire, while simultaneously excluding them from equal membership in the polity.

White elites also believed that granting citizenship to Puerto Ricans would help industrialize Puerto Rico and enhance their economic and commercial interests in the island. To be sure, in a 1908 House Report accompanying *H.R. 393*, Representative Henry A. Cooper (R-WI) explained his support for the collective naturalization of Puerto Ricans by arguing that “Porto Rico [sic] is now, and always will be, of much value to the United States because of the island’s large business interests and possibilities and its important and rapidly increasing trade with this country.”⁴⁶ Representative Cooper argued that Puerto Rico had already become a part of the United States for commercial purposes. Presumably providing for the collective naturalization of Puerto Ricans would cement the relationship between the island and the mainland making it easier to invest, trade, and sustain long-term commercial endeavors in the island.

The legislative histories of the citizenship statutes for Puerto Rico document additional reasons for granting citizenship to Puerto Ricans. For example, again citing Representative Cooper, many white elites believe that Puerto Rico was strategically situated to assist in the protection of the Panama Canal.⁴⁷ To this extent, citizenship could help cement the loyalty of Puerto Ricans to the United States. The point, however, is that ample

⁴⁵ UNITED STATES SENATE COMM. ON PACIFIC ISLANDS AND PORTO RICO, PORTO RICAN CITIZENSHIP, S. Rep. No. 62-1300, 2 (3d Sess., 1913).

⁴⁶ UNITED STATES HOUSE COMM. ON INSULAR AFFAIRS, AMERICAN CITIZENSHIP FOR INHABITANTS OF PORTO RICO, H. Rep. No. 60-1204, 2 (1st Sess., 1908).

⁴⁷ *Id.*

evidence exists to substantiate the claim that Congress granted citizenship to Puerto Ricans when the interests of white elites converged.

