The United States and the Development of the Puerto Rican Status Question, 1936-1968

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Writing this foreword has been a privilege because, as one who was born in Rio Piedras, Puerto Rico, and raised in the Bronx and Brooklyn, New York, and Trenton, New Jersey, I take to heart the complexities surrounding the more-than-a-century-long relationship between the United States and Puerto Rico. Although I was born in a US colonial territory with its own proud and extensive cultural and political history, I also inherited US citizenship through the Jones Act of 1917. As such, identifying as a Puerto Rican with US citizenship has endowed me with the curiosity to learn more about and simultaneously celebrate two distinctive cultural traditions. In fact, growing up in the northeastern parts of the United States, I was often encouraged to embrace both my American national identity (constitutional/historical roots) and Puerto Rican cultural identity (sociocultural/historical heritage) equally. I, therefore, found it necessary to study more about how and why Puerto Rico was so deeply intertwined socially, politically, and economically with the United States despite not being a state. Rather, Puerto Rico was deemed “foreign in a domestic sense” as stated in the Supreme Court case *Downes v. Bidwell* (1901). With this pronouncement and subsequent *Insular Cases* (1901–1922), a new constitutional
doctrine (an extraconstitutional legal fiction) was born, developed, and applied to Puerto Rico and other “acquired” overseas territories: the concept of “unincorporated territory” that came with limited federal constitutional protections for both the territory and its inhabitants.¹

Puerto Rico, the jewel of the Caribbean Sea, has been seeking a stable form of political status since at least 1898. Over the past one-hundred-plus years since the island (or archipelago) was “acquired” by the US government after signing the Treaty of Paris (1898) with Spain, scholars have attempted to make sense of this symbiotic or perhaps dialectical relationship between two culturally distinctive peoples. Within the past twenty years, for example, there have been a number of notable books, journal articles, essays, memoirs, biographies and autobiographies, among others,² that address, among many other topics, Puerto Rico’s political and constitutional status and its social and economic implications. These works, written mostly by Puerto Rican scholars, provide diverse analytical approaches to the politics over status and beyond while highlighting the subsequent overseas’ expansion of US imperialist power since the Spanish-Cuban-American War (1895–1898) and through the early twenty-first century.

Surendra Bhana in his now classic book The United States and the Development of the Puerto Rican Status Question, 1936–1968, traced the historical, institutional, and political development of Puerto Rico’s commonwealth status that in 1952 granted the island more political autonomy but still placed it under US congressional plenary authority. Bhana’s book, first published in 1975, remains one of the most readable and well-documented historical narratives on mid-twentieth-century US–Puerto Rico affairs. The book provides a unique outsider’s perspective. Bhana wrote not as an American or a Puerto Rican but rather as an Indian who lived for over forty years in South Africa under apartheid. His extensive knowledge and experience in dealing with the notion of white supremacy, internal ethnic identity formation/reformation and conflict, and international migration politics and the power of personal spiritual growth and morality allowed him to closely and impartially examine how and why Puerto Rico’s current commonwealth status developed the way it did under the leadership of Luis Muñoz Marín and the Partido Popular Democrático (PPD) in the mid-twentieth century.
Muñoz Marín stands at the center of Bhana’s historical account, both as the architect of the commonwealth idea (a compromise position between statehood and independence) and as the main negotiator between the US federal government and the colonial government in Puerto Rico in the late 1930s through early 1960s. Bhana writes about Muñoz Marín’s views and short- and long-term strategies in this period:

Even though Muñoz Marín succeeded in winning for Puerto Rico a great amount of autonomy in 1952, the political agitation that surrounded the status issue continued. The Puerto Rican leader claimed the Commonwealth to be more than it really was. To him it was voluntary association with the United States, with features that could be the basis of a permanent relationship between the island and the mainland. It was really, however, a unique constitutional arrangement growing from the earlier pattern established by the Foraker Act [in 1901] and the Jones Act [of 1917], with one crucially important feature unchanged—namely, Congress had final say in matters concerning Puerto Rico. (5)

Indeed, Muñoz Marín stated on a number of occasions his qualified opposition to either statehood or independence. One such occasion was at a roundtable conference at the University of Chicago . . . in July 1943, when he expressed his desire to see the “colonial” status ended, but ruled out independence and statehood on economic grounds. It was more realistic, he argued, to work for an elective governor at the time. (74)

Many, including this writer, have argued that the continuing colonial relationship between the United States and Puerto Rico became entrenched over a twenty-plus-year period in the mid-twentieth century despite attempts at expanding liberal self-government and industrial economic opportunities on the island, as Bhana showed in his study. This entrenchment occurred gradually—from the so-called Operation Bootstrap, a New Deal–inspired economic policy in 1947, the Elective Governors Act (1947), the Puerto Rico Federal Relations Act (1950), the Commonwealth Constitution in 1952, and subsequent first-status referendum in 1967—none of these advances changed the precarious political status of Puerto Rico nor its economic dependency on the United States.

Today, with a decade-long financial and economic crisis,
major hurricanes (Irma and Maria in 2017) and most recently earthquakes (2019–2020) in and around the historic city of Guanica, Puerto Rico is once again in the national and international spotlight as a subject of interest for journalists, politicians, academics and ordinary people alike. Although some may now know that Puerto Ricans are US citizens (though with second-class standing and limited political rights on the island), there remains confusion over the island’s territorial status. As these events surrounding Puerto Rico reach levels of humanitarian crises, more and more people continue to inquire who or what has control over the island’s recovery efforts and seek broader clarity on Puerto Rico’s exact political and constitutional status in relation to the United States. Is Puerto Rico a colony, a protectorate, a kind of state-like entity, an unincorporated territory, a dominion, or an independent nation-state? In order to understand what is happening in Puerto Rico today, we must begin by attending to the historical development of the island’s political status (and the Commonwealth Constitution).

The United States and the Development of the Puerto Rican Status Question, 1936–1968, is relevant today because it reveals in detail why Puerto Rico and its ongoing humanitarian crises—political, social, and economic—may not be inseparable from its long and complex relationship with the United States. Bhana’s book was written in a thoughtful, fair, and critical manner, drawing on local, regional, and national archival materials and the personal papers and close conversations with those actors depicted in this study (e.g., Luis Muñoz Marín). The book traces the historical strategic alliances behind the political development of Puerto Rico’s commonwealth status that continues not only to structure island party politics but also to inform when and how the US government chooses to intervene after any financial, social, or humanitarian crises now and into the future.

Carlos Figueroa
Ithaca, New York
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Notes to Foreword


3. Ironically, Guanica, was also the city where the US Navy invaded Puerto Rico in 1898 during the Spanish-American War.

4. “In 2016, then-US President Barack Obama signed into law the Puerto Rico Oversight, Management, and Economic Stability Act...”
(PROMESA), a measure responsible for ‘restructuring [the island’s] debt, and [expediting] procedures for approving critical infrastructure projects’ in Puerto Rico. Ironically, or perhaps euphemistically, the word *promesa* in Spanish means promise. In this case, the US federal government expected Puerto Rico to keep its promise of paying ‘back’ its loans on time and with interest. Unfortunately, Rosselló’s government defaulted on about $2 million, exacerbating further the spiraling fiscal instability of the island. Prior to these climate change–induced hurricane disasters, Puerto Rico had been in the midst of a long-time financial crisis (see the ‘Krueger Report’ that pre-dates Rosselló’s regime). This led the much-maligned Governor Rosselló to announce the privatization of the Commonwealth-owned Puerto Rico Electric Power Authority (PREPA), which is one of the largest public power suppliers in the US. However, the federal Fiscal Oversight and Management Board for Puerto Rico established by PROMESA devised its own fiscal plan to deal with the crisis. The board’s plan was vehemently opposed by the governor because it recommended ‘steep cuts in government spending and pensions.’ This has been a long-running dispute between the US territorial government and the US-controlled Fiscal Board. For instance, Rosselló, in May 2017, filed for what amounts to federal bankruptcy protection in order to ‘restructure about $120 billion of debt and pension obligations,’ despite opposition within and outside his own party.” Carlos Figueroa, “The Puerto Rico Crisis.”