# COLD WAR CIVIL RIGHTS: THE PUERTO RICAN DIMENSION

CHARLES R. VENATOR-SANTIAGO*

## INTRODUCTION

In 1950, the United States Congress passed the *Puerto Rico Federal Relations Act*, authorizing Puerto Ricans to organize a constitutional convention and draft a local constitution to govern Puerto Rico.[1] Before 1950, the president of the United States exercised a plenary power as commander-in-chief to govern the island with an authoritarian regime. Generally, Puerto Ricans were excluded from making key decisions about their local affairs. At the dawn of the Cold War, the interests of this law and policymakers began to converge with the interests of Puerto Rican politicians, giving way to the creation of a local system of home rule. However, Congress only allowed Puerto Ricans to develop a constitution that was consistent with the interests of United States law and policy, rejecting provisions that diverged from the prevailing conservative ideologies of the period.

Law and policy debates over the enactment of a Puerto Rican Constitution affirm the late Derrick A. Bell, Jr.'s notion of interest convergence. Bell argued that black Americans were more likely to achieve racial justice when their interests converged with those of white elites. More importantly, he argued that the Supreme Court's

---

* Assistant Professor, Department of Political Science, Institute for Puerto Rican and Latino Studies, University of Connecticut; Ph.D. University of Massachusetts-Amherst. The author wishes to thank the late Derrick A. Bell, Jr., Francisco Valdes, Richard Delgado, and Tayyab Mahmud for providing him with critical feedback on various occasions.

1. Puerto Rico Organization of Constitutional Government Act of 1950, Pub. L. No. 81-600, 48 U.S.C. 731 (1950); *see generally* JOSÉ TRÍAS MONGE, HISTORIA CONSTITUCIONAL DE PUERTO RICO (Vol. 3 1981).

decision to break with established precedents such as *Brown v. Board of Education*[2] could not 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 abroad that would follow abandonment of segregation."[3] However, as the interests of blacks diverged from those of whites, so did the Supreme Court's commitment to addressing prevailing racial injustices in a more egalitarian manner.

This article applies Bell's theory of interest convergence to examine Congress' decision to allow Puerto Rico to organize a constitutional convention and subsequently draft a constitution providing for a greater measure of self-government. My contention is that the case of Puerto Rico confirms Bell's thesis and elucidates some important parallels for comparing how white Americans have invoked narratives of interest convergence to selectively address the claims raised by black Americans and Puerto Ricans.[4] Part I explains the four dimensions of Bell's thesis and provides a cautionary note on the perils of comparing the experience of black Americans with those of Puerto Ricans. Part II provides a brief overview of the legal relationship between Puerto Rico and the United States in order to contextualize the overall argument. Part III explains how Bell's thesis

---

2. 347 U.S. 483 (1954).

3. Derrick A. Bell Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524 (1980). For a general overview of the use of Bell's interest convergence theory, see Cynthia Lee, *Cultural Convergence: Interest Convergence Theory Meets the Cultural Defense*, 49 ARIZ. L. REV. 911 (2007).

4. Although I do not offer a comparison of the racial construction of black Americans and Puerto Ricans, I assume that whites have used different racial logics to govern each population. To be sure, whereas Bell's discussion of the racialization of black Americans is bound to a civil rights model, my discussion of Puerto Ricans is grounded on a territorial model. In other words, while black Americans can primarily pursue a measure of individual/group equality within the United States polity, Puerto Ricans can pursue the creation of the 51st State of the Union, a territorial status, or independence. Again, while I recognize that there may be some parallels between Puerto Ricans and blacks, especially when thinking about the experiences of Puerto Ricans residing in the mainland, the legal construction of a Puerto Rican (island-based) race entails the use of different technologies of power.

can be used to examine the decision of white U.S. law and policymakers to allow Puerto Rico to draft a local constitution.

## I. BELL'S INTEREST CONVERGENCE

As noted above, Bell argued that white policymakers used *Brown* to advance various economic and political agendas at home and abroad.[5] He identified three policy objectives, namely improving the image of the United States in the international arena, in the domestic front, and creating new economic opportunities for white businessmen. First, Bell noted, that *Brown* "helped to provide immediate credibility to America's struggle with Communist countries to win the hearts and minds of emerging third world peoples."[6] Government officials could now use the *Brown* ruling to counter negative international media coverage of segregation and apartheid by asserting that the United States ultimately stood for the equality of all men.

In the realm of domestic policy, *Brown* could be invoked to reassure U.S. soldiers returning home from World War II that the federal government defended the freedom and equality of all. Presumably, Bell's argument suggests that the Court's decision could be used to appease disillusioned soldiers and discourage them from questioning their loyalty to the United States. To this extent, *Brown* allayed the fears of whites that black veterans, trained to kill, would gravitate towards a communist ideology in search of a more dignified status.[7] In sum, whites could now invoke *Brown* to domesticate potential civil unrest.

Finally, Bell argued, some whites identified new financial possibilities in a post-segregationist South. Thus, Bell reasoned that some whites "realized that the South could make the transition from a rural, plantation society to the sunbelt with its potential and profit only when it ended its struggle to remain divided by state-sponsored segregation."[8] To this extent, *Brown* could serve as a marketing tool to garner new customers.

---

5. *See* Bell, *supra* note 3, at 524.
6. *Id.*
7. *Id.* at 524-25.
8. *Id.* at 525.

However, Bell concluded that when white interests began to diverge from the interests of blacks, the courts were more likely to side with whites. Bell alluded to the Supreme Court's departure in subsequent education cases to demonstrate this divergence. The result, Bell surmised, was that blacks seeking racial justice and equality were less likely to achieve these goals in the courts. In fact, over time, whites could actually appropriate new interpretations of *Brown* to promote their agendas at the expense of blacks.[9]

## II. PUERTO RICO AND THE UNITED STATES GLOBAL EMPIRE

During the 1890s, the United States began to annex strategically located islands throughout the world in order to assert its seaborne supremacy, a precondition for entry into the exclusive club of global Empires.[10] The annexation of Puerto Rico, Guam, and the Philippines following the Spanish-American War of 1898 marked the United States' shift from a hemispheric power to a global Empire.[11] More specifically, the United States began to develop a new territorial policy to govern the newly annexed islands as real estate that *belonged to*, but was not *a part of* the United States.

The new territorial policy was introduced during the annexation and colonization process of Puerto Rico. Spain ceded Puerto Rico and its other ultramarine territories to the United States under the terms of the Treaty of Paris of 1898.[12] Article IX of the Treaty gave Congress a plenary power to establish a new territorial system of government to rule Puerto Rico without traditional constitutional restrictions. During the Senate ratification debates, lawmakers distinguished incorporated territories, or territories annexed for the purpose of creating new states, and unincorporated territories annexed for the sake of territorial expansionism.[13] The new territorial qualification, lawmakers

---

9. *See id.* at 531-32.

10. ERIC HOBSBAWM, THE AGE OF EMPIRE, 1875-1914 57-59, 67-68, 75, 315 (1989).

11. Walter LaFeber, *The "Lion in the Path": The U.S. Emergence as a World Power*, 101 POL. SCI. Q. 705, 705 (1986).

12. Treaty of Paris of 1898, arts, I, II, III, Dec. 10, 1898, 30 Stat. 1754.

13. *See, e.g.*, 32 CONG. REC. 1, 296 (1899) (statement of Sen. Platt) (speaking for the ratification of the Treaty of Paris of 1898). Even anti-imperialists accepted the language of territorial incorporation. *See, e.g.*, 32 CONG. REC. 1, 433 (1899)

reasoned, would enable Congress to enact legislation without constitutional constraints.

Following the cessation of hostilities, the United States imposed a two-year military dictatorship in Puerto Rico. During this period, lawmakers began to debate legislation to govern Puerto Rico and its non-white population. Advocates of global expansionism continued to develop a new territorial policy. For example, Senator John C. Spooner argued that Puerto Rico had "become a part of the United States in the *international sense*, while not being at all part of the United States in the *constitutional sense*."[14] Senator Spooner further reasoned that once Puerto Rico became a part of the United States, the Constitution would extend *ex propio vigore*, or on its own force, and the island would become a permanent part of the United States. On the other hand, Spooner continued, if Puerto Rico remained a territorial possession of the United States, Congress could simply enact statutes to govern the island and when necessary revoke them without fear of violating the Constitution.[15] In other words, if Congress wished to enact a statute extending colonial rights and/or institutions to an unincorporated territory, it could do so without fear of being bound or limited by the Constitution. Likewise, Congress could also choose to withhold the extension of constitutional rights, federal laws, and institutions to an unincorporated territory. Congress could even create extra-constitutional rights and institutions to govern places like Puerto Rico, or so the logic of this argument suggested.

In 1900, Congress passed the Foraker Act creating a civil government to replace the military regime that had ruled the island.[16] The Foraker Act contained three core features that would define the new territorial policy. First, the Act created a civil system of government under the U.S. president's control. Although Puerto Ricans were allowed to elect a lower house of representatives, all

---

(statement of Sen. Caffery) (speaking against the ratification of Treaty of Paris of 1898).

14. 33 CONG. REC. 4, 3629 (1900) (statement of Sen. Spooner) (speaking for the Foraker Act of 1900) (emphasis in original).

15. *Id.*

16. Foraker Act of 1900, Pub. L. No. 56-191, 31 Stat. 77, 77 (1900); *see* LYMAN J. GOULD, LA LEY FORAKER, RAÍCES DE LAS POLÍTICA COLONIAL DE LOS ESTADOS UNIDOS (1969); CARMEN I. RAFFUCCI DE GARCIA, EL GOBIERNO CIVIL Y LA LEY FORAKER (1981).

other government positions were under the direct authority of the president. Second, section three established that Congress could impose a fifteen percent tariff on merchandise imported into the United States from Puerto Rico and vice-versa. This provision treated Puerto Rico as a foreign country for purposes of collecting tariffs and duties. Finally, section seven departed from all precedent and invented a new Puerto Rican citizenship to govern the residents of the island. Whereas all prior treaties of territorial annexation had included naturalization provisions or promised to do so at some future time, the Foraker Act simply ascribed a statutory citizenship tantamount to a non-alien United States nationality.[17] Suffice it to say that the Foraker Act was designed to govern Puerto Rico and its non-white residents in a separate and unequal manner. More importantly, the United States used the *Foraker Act* to govern Puerto Rico until 1952.

Within a year, the Supreme Court affirmed the constitutionality of the *Foraker Act* and a tempered version of the new territorial policy in *Downes v. Bidwell*.[18] In *Downes*, the Court grappled with the question of whether section three of the Foraker Act violated the Uniformity Clause[19] by imposing a tariff on goods trafficked between the United States and Puerto Rico, a territory annexed to the United States. In a

---

17. Gonzalez v. Williams, 192 U.S. 1, 12 (1904); *see* Sam Erman, *Meanings of Citizenship in the U.S. Empire: Puerto Rico, Isabel Gonzalez, and the Supreme Court, 1898-1905*, 27 J. AM. ETHNIC HIST. 5, 22 (2008); Christina Duffy Burnett, *'They say I am not American...': The Noncitizen National and the Law of American Empire*, 29 IMMIGR. & NAT'LITY L. REV. 659, 661 (2008).

18. *Downes v. Bidwell* was part of a larger series of rulings known as the *Insular Cases* addressing the constitutionality of the new expansionist policies developed by the United States following the Spanish American War of 1898. *See Ex parte* Baez, 177 U.S. 378 (1900); *In re* Vidal, 179 U.S. 126 (1900); De Lima v. Bidwell, 182 U.S. 1 (1901); Goetze v. United States, 182 U.S. 221 (1901); Grossman v. United States, 182 U.S. 221 (1901); Dooley v. United States, 182 U.S. 222 (1901); Armstrong v. United States, 182 U.S. 243 (1901); Downes v. Bidwell, 182 U.S. 244 (1901); Huus v. New York and Puerto Rico Steamship Company, 182 U.S. 392 (1901); Dooley v. United States, 182 U.S. 151 (1901); and Fourteen Diamond Rings v. United States, 182 U.S. 176 (1901). For a discussion of these cases, see generally JUAN R. TORRUELLA, THE SUPREME COURT AND PUERTO RICO: THE DOCTRINE OF SEPARATE AND UNEQUAL 39 (1988); EFRÉN RIVERA RAMOS, AMERICAN COLONIALISM IN PUERTO RICO: THE JUDICIAL AND SOCIAL LEGACY 55 (2007).

19. U.S. CONST., art. 1, § 8, cl. 1.

plurality opinion, the Court held that because Puerto Rico had not been incorporated or become a *part* of the United States, Congress could withhold the extension of particular constitutional provisions and enact discriminatory legislation to govern the island. However, four judges within the five-judge majority also agreed that while Congress possessed the power to determine which constitutional provisions could be withheld from Puerto Rico, this power was limited by the natural or fundamental rights of the island inhabitants. In other words, while Congress could *selectively* treat Puerto Rico as a foreign country for constitutional purposes, this power was limited by the fundamental, albeit undefined, rights of Puerto Ricans. The ensuing legal doctrine, generally known as the doctrine of territorial incorporation, has since guided United States law and policy towards Puerto Rico. More precisely, Puerto Rico has been governed as an unincorporated territory since 1901.[20]

The new territorial status enabled U.S. corporations to flood Puerto Rico and eventually monopolize the local economy. Large agricultural corporations took advantage of the prevailing conditions and purchased some of the best lands in the island. For the most part, the interests of sugar corporations and other agricultural industries drove the island's economy. Despite Puerto Rico's small landmass, agricultural corporations garnered substantive profits and shaped the development of U.S. policies between 1898 and 1952.[21]

In 1917, Congress passed the Jones Act and made four substantive changes to the Foraker Act.[22] As José Trías Monge has noted, unlike the Foraker Act, the Jones Act: 1) contained a bill of rights (§ 2); 2) contained a collective naturalization provision (§ 5); 3) approved the creation of a popularly elected Senate (§ 26); and 4) authorized the selection of a majority of Puerto Ricans to lead the executive departments (§ 28).[23] However, while the Jones Act expanded the

---

20. U.S GOV'T ACCOUNTABILITY OFFICE, GAO/OGC 98-5, U.S. INSULAR AREAS: APPLICATION OF THE U.S. CONSTITUTION (1997).

21. *See generally* JAMES L. DIETZ, ECONOMIC HISTORY OF PUERTO RICO: INSTITUTIONAL CHANGE AND CAPITALIST DEVELOPMENT (1986).

22. Jones Act of 1917, Pub. L. No. 368, 39 Stat. 951 (1917); *see generally* JOSÉ A. CABRANES, CITIZENSHIP AND THE AMERICAN EMPIRE: NOTES ON THE LEGISLATIVE HISTORY OF THE UNITED STATES CITIZENSHIP OF PUERTO RICANS (1979).

23. *See* MONGE, *supra* note 1, at 106.

ability of Puerto Ricans to participate in the local government, the president retained the power to appoint a local governor and exercise a plenary authority over local affairs.

The political scene in the island prior to 1952 was for the most part dominated by four parties embracing varying status oriented ideologies. The *Partido Unión* represented center-left political ideologies and for the most part advocated for the creation of an autonomic government that could sustain a relationship with the United States. Alternatively, conservatives gravitated to the *Partido Republicano*, which advocated for Puerto Rican statehood. The Socialist Party also emerged during this period and aligned itself with the conservative *Partido Republicano* to support statehood for the island. Independence parties grew out of a more complex and plural tradition. For example, the *Partido Unión* embraced an independence platform during the period directly previous to the enactment of the Jones Act.[24] Following the enactment of the Jones Act, however, advocates of independence formed a nationalist party, which subsequently embraced a militant platform. The *Partido Independentista Puertorriqueño,* the most enduring political party advocating independence, emerged during the late 1940s and managed to garner substantial political power by 1952. Notwithstanding, between 1900 and 1952, electoral politics were generally monopolized by coalitions of political parties supporting either political autonomy or statehood for Puerto Rico.[25] In contrast, between the late 1920s and early 1940s, advocates for Puerto Rican independence generally gravitated towards the more militant nationalist party, which eschewed electoral politics in favor of armed insurrection.[26]

---

24. It is important to note that the *Partido Unión* briefly embraced an independence platform during the period immediately before the enactment of the Jones Act. However, the *Partido Unión's* political platform was generally committed to the development of local home rule within the United States' global Empire.

25. For a documentary history of the Puerto Rican electoral tradition, see generally REECE B. BOTHWELL GONZÁLEZ, PUERTO RICO, CIEN AÑOS DE LUCHA POLÍTICA (1979).

26. *See, e.g.*, LUIS A. FERRAO, PEDRO ALBIZU CAMPOS Y EL NACIONALISMO PUERTORRIQUEÑO (1990); STAFF OF H. COMM. ON INTERIOR AND INSULAR AFF., 82D CONG., REP. ON THE NATIONALIST PARTY: A FACTUAL STUDY OF THE PUERTO RICAN INSURRECTIONISTS UNDER ALBIZU CAMPOS, THE BLAIR HOUSE SHOOTING, VARIOUS ASSASSINATION ATTEMPTS, AND OF THE COMMUNIST PRAISE AND SUPPORT

In 1947, Congress again amended the Foraker Act with enactment of the Elective Governor Act, empowering Puerto Ricans to elect a local governor.[27] This legislation opened the door for the residents of the island to elect a Puerto Rican governor and to begin to assume home rule over the island's government. In 1950, Congress authorized Puerto Ricans to organize a constitutional convention in order to create a form of "home rule" government under the terms of the Puerto Rico Federal Relations Act. The ensuing constitutional government would replace the Foraker Act. Within a year, Puerto Ricans agreed on a local Constitution and Congress ratified a tempered version of the text in 1952. The new Puerto Rican Constitution empowered Puerto Ricans to elect and control local affairs. However, Congress retained a plenary power over Puerto Rico and did not incorporate or change the territorial status of the island.

## III. INTEREST CONVERGENCE AND THE PUERTO RICAN CONSTITUTION OF 1952

The process of enabling Puerto Ricans to draft a local Constitution departed from five decades of authoritarian rule. Between 1898 and 1952, the president exercised a plenary power over the island's government. Creating a Puerto Rican Constitution would now enable Puerto Ricans to choose their local political leaders and assume a greater degree of control over local affairs. However, drawing on Bell's argument, I contend that the decision to break away from five decades of precedent and enable Puerto Rico to develop a local constitution cannot be understood without some consideration of the value to white liberal elites, and white lawmakers' ability to see the political and economic benefits that would follow abandoning a tutelary system of local government.[28] To be sure, U.S. policymakers supporting the decision to allow Puerto Rico to develop an autonomic constitution recognized the international, domestic, and economic value of doing so. This, of course, is not to say that they unconditionally supported the idea. In fact, when the ideological

---

FOR THESE SEDITIONISTS (Comm. Print 1951).

27. Elective Governor Act of 1947, ch. 490, 61 Stat. 770 (1947).

28. *See* Bell, *supra* note 3, at 524.

interests of Puerto Ricans diverged from white elites, lawmakers began to place limits on the scope of the Puerto Rican Constitution and its legal impact on the status of Puerto Rico.

First, U.S. lawmakers' decision to enable Puerto Ricans to develop a local Constitution was intended to provide credibility to the United States in its struggle with the Communist Bloc, and to win the hearts of third world countries in the United Nations. For example, during the initial hearings before the *Subcommittee of the Committee on Interior and Insular Affairs*, Jack K. McFall, Assistant Secretary for the Secretary of the State, testified:

> In view of the importance of "colonialism" and "imperialism" in anti-American propaganda, the Department of State feels that S. 3336 would have great value as a symbol of the basic freedom enjoyed by Puerto Rico, within the larger framework of the United States of America.[29]

Likewise, throughout this process, law and policymakers routinely alluded to the United States' international obligations under the United Nations Charter to ensure "the political advancement" and development of the "self-government" of Puerto Rico.[30] Suffice it to say that United States lawmakers repeatedly stated that the decision to allow Puerto Ricans to develop a Constitution was designed to benefit the United States' image and leadership status in the international arena.

Second, although I have not provided a substantive discussion of the domestic dimension of these debates, it is readily evident that one of the central objectives of Congress was to find a way to destabilize the Puerto Rican independence movement. During the 1930s, Puerto Rican nationalists had actively fought against the local United States government, and in the 1940s, lawmakers such as Senator Millard Tydings introduced punitive legislation in Congress seeking to grant independence to Puerto Rico. More importantly, by 1948, the *Partido Independentista Puertorriqueño* had amassed more than ten percent of the popular vote. Thus, enactment of a Puerto Rican constitution

---

29. *Puerto Rico Const.: Hearings on S. 3336 Before a Subcomm. of the Comm. on Interior and Insular Affairs,* 81st Cong. 15 (1950) [hereinafter *Hearings on S. 3336*] (statement of Jack K. McFall, Assistant Secretary for the Secretary of State).

30. S. Rep. No. 1779, at 37 (1950) (Conf. Rep.).

enabled U.S. lawmakers to tame popular support for independence by providing a local Puerto Rican government with autonomic powers.

Third, U.S. lawmakers envisioned using Puerto Rico as a financial bridge that could facilitate the United States' economic interests in Latin America. During the early hearings for the enactment of the Puerto Rico Federal Relations Act, Senator Joseph C. O'Mahoney unequivocally noted, "[f]or a long time I have found that the people of Puerto Rico under a constitution of this kind, and with their connections with all of Latin America, could be a very strong link in solidifying the common understanding and objectives of all the people of the Western Hemisphere, particularly those in Latin America."[31] These "objectives" included finding ways to foster "commerce," "friendship," and "dependence" between the United States and Latin America. For example, as Representative Charles R. Howell noted:

> For various countries of the Caribbean—Cuba, Panama, Central America, Venezuela—are tied to the United States both *by commerce and friendship. These ties are so close that their economy is almost completely dependent upon the United States and the United States, in turn, is dependent upon their raw materials. Therefore if some loose association of commonwealth nations could be worked out for the Caribbean area whereby these nations would retain their independence yet be 'free associated states' with the United States, it might have great advantages both for them and for the United States.*[32]

Again, the decision to enable Puerto Rico to develop a constitution was contingent on the financial benefits to United States corporations.

United States lawmakers, however, refused to approve the original version of the Puerto Rican Constitution because it diverged from the interests of white elites. Specifically, they objected to the initial scope of the Puerto Rican Constitution because it contained language that both privileged a democratic system of government and supported the recognition of social and economic rights for the residents of the

---

31. *Hearings on S. 3336*, *supra* note 29, at 15-16 (statement of Sen. Joseph C. O'Mahoney, Chairman, Comm. on Interior and Insular Affairs).

32. 98 CONG. REC. A1300 (1952) (statement of Rep. Howell) (emphasis added).

island. For example, on the first objection, Senator noted in a report for the Committee on Interior and Insular Affairs:

> The committee notes references in the proposed constitution to a "fully democratic basis" (preamble), "the democratic system" (preamble), "democratic heritage" (preamble), "democratic system of government" (preamble), "the people in a democracy" (art. II, sec. 19). *The committee understands that these references are not intended to and shall not in any way enlarge, diminish, change or modify the fact that the government under this proposed constitution is intended to be and must be republican in form and substance . . . .*[33]

While Congress was willing to grant Puerto Ricans a greater measure of home rule, lawmakers believed that a democratic system of government was too radical and abandoned the more conservative principles of a "republican" system of government. A democratic system of government might have empowered Puerto Ricans to challenge the United States' global Empire.

In addition, Puerto Rican lawmakers had borrowed provisions from a wide array of international and U.S. legal texts, ultimately developing a fairly progressive constitution. The Puerto Rican Constitution also included a provision granting social and economic rights to the residents of Puerto Rico. Congress, however, opposed the so-called "Section 20" provision on the grounds that it conferred "human rights" on Puerto Ricans, which presumably would clash with prevailing interpretations of the U.S. Constitution.[34] Stated differently, Congress opposed the Puerto Rican effort to create a constitution that would provide the residents of the island with more rights than the residents of the United States.

Finally, lawmakers established that the final Puerto Rican Constitution would not change the territorial status of Puerto Rico. Again, Senator O. Mahoney's comments summarized Congress' interpretation:

> The measure would not change Puerto Rico's fundamental political, social, and economic relationship to the United States. Those

33. S. Rep. No. 1720, at 2 (1952) (Conf. Rep.) (emphasis added).
34. *Id.* at 1-2.

> sections of the Organic Act of Puerto Rico concerning such matters as the applicability of United States laws, customs, internal revenue, Federal judicial jurisdiction in Puerto Rico, representation in the Congress of the United States by a Resident Commissioner, et cetera, would remain in force and effect.[35]

Even though the new constitution enabled Puerto Ricans to assume a greater degree of home rule, Puerto Rico continued to remain a subordinated unincorporated territory belonging to, but not being part of the United States' global Empire. Autonomic self-rule had its limits and U.S. lawmakers would not support any local interests that diverged from U.S. interests. In fact, the United States has governed Puerto Rico as an unincorporated territory for more than a century.

## CONCLUSION

In sum, my contention is that the legal history of the decision to grant Puerto Rico the ability to develop a local constitution affirms Bell's theory of interest convergence. Publicly available documents demonstrate that U.S. lawmakers believed this decision would improve the country's reputation in the international arena. Moreover, law and policymakers agreed that granting Puerto Rico a greater measure of autonomy and local self-government discouraged calls for independence in the island. Also, lawmakers understood that they could use Puerto Rico as a bridge to foster the development of business interests in Latin America. And finally, Congress rejected early versions of the Puerto Rican Constitution that diverged from broader national interests of the United States.

---

35. JOSEPH C. O'MAHONEY, PROVIDING FOR THE ORGANIZATION OF A CONSTITUTIONAL GOVERNMENT BY THE PEOPLE OF PUERTO RICO, S. REP. NO. 1779, at 37 (1950).