

The Pamphlet Wars: the Original Debate Over Citizenship in the Insular Territories

Frank E. Guerra Pujol*

Introduction

On April 25, 1898, the United States declared war on Spain, and by the middle of that year's summer, it had captured Cuba, Puerto Rico, and the Philippines. The United States thus became a World Power in the aftermath of the Spanish-American War. Yet, today, it is often forgotten that the war generated an impassioned debate in the United States over the citizenship status of the residents of the newly acquired territories. This contentious debate is preserved in political pamphlets of the era. Speeches, letters, and essays of prominent Americans were often printed in small pamphlets and distributed to the public.¹ A pamphlet entitled "The Spanish-American War: A Prophecy Or an Exception?" outlines the broad scope of the debate over the insular territories:

Many plans are suggested for the disposal of the [territories]. One is to withdraw our Army and Navy and leave the inhabitants to do the best they can for themselves. Another is to continue an armed force in possession until such time as the inhabitants have organized and put into operation something like a stable government. Third, while leaving control of the internal affairs to the inhabitants, to establish something in the nature of a protectorate Fourth, to treat the islands as so much property and sell them for what we can get Fifth, to make them colonies And sixth, to incorporate these islanders as fellow citizens All these plans have their advo-cates.²

The supporters of the Spanish-American War were known as the "Expansionists." The war's opponents called themselves the "Anti-Imperialists." Though neither side questioned whether the United States

*Professor at School of Law on Catholic University of Puerto Rico.

¹The library at Yale Law School maintains a splendid pamphlet collection on the Spanish-American War. I am grateful to Mr. Daniel Wade of the law library, who helped me discover the collection and encouraged me in my research. For pamphlet citations, I shall use the following format: name of author, title of pamphlet, page number of citation, and date of publication.

²David J. Brewer, *The Spanish-American War: A Prophecy or an Exception?*, 13-14 (Feb. 16, 1899) [hereinafter the Brewer pamphlet]. Mr. Brewer was a member of the United States Supreme Court.

had power under the Constitution to acquire new territory, the Expansionists and Anti-Imperialists differed sharply over the status of the inhabitants of the conquered territories. What were they, subject peoples or full American citizens?

This paper will examine some of the pamphlets on the Spanish-American War that were published between 1898 and 1902 and will analyze the extraordinary debate between the Expansionists and Anti-Imperialists over citizenship.

I. The Expansionists

The Expansionists asserted that the Constitution does not follow the flag, that is, the provisions of the Constitution, including the Citizenship Clause of the Fourteenth Amendment, do not apply automatically, *ex proprio vigore*, to the insular territories. For example, a pamphlet entitled “The Nation’s Relations to Its Island Possessions” declares that “the provisions of the Constitution do not, unaided by Congress, extend over Puerto Rico and the Philippine Islands.”³ Thus, the Expansionists took the hard-line position that the residents of the island territories could not become American citizens without prior approval from Congress.

This remarkable conclusion was based on the ugly premise that the inhabitants of the conquered territories were not fit for American citizenship. One pamphlet describes the residents of the insular territories as “alien and savage races” and proclaims that the purpose of the national expansion is “to help and give an unselfish guidance to the helpless populations brought thus under our authority.”⁴ This allegedly “unselfish” purpose is eloquently summed up in the above-quoted pamphlet as follows:

[W]e recognize that the hand of God, stretched forth from the stars, touching the American Republic upon the shoulder and giving it a high commission to stand in the arena of the world’s great affairs, living no longer to itself alone, but in willing submission to the divine appointment, ready at last to become the faithful servant of the lowliest and most helpless of His children.⁵

³ Jonathan Ross, *The Nation’s Relations to Its Island Possessions*, 3 (Jan. 23, 1900) [hereinafter the Ross pamphlet]. Mr. Ross was a senator from Vermont.

⁴ Jonathan P. Dolliver, *The Government of Puerto Rico and the Philippines*, 6 and 8 (Feb. 27, 1900). Mr. Dolliver was a member of the House of Representatives from Iowa.
⁵*Id.* at 20.

Likewise, a pamphlet entitled “Porto Rico” furnishes two peculiar examples in support of this preconceived prejudice. First, it contends that the insular inhabitants do not have the training or experience to conduct jury trials, and it goes as far as to quote a member of the Insular Commission to this effect: “‘To make a jury of 12 persons out of those ignorant peons who have lived in a country where bribery is at a premium and favoritism is a good thing ... would make a trial in the courts of justice a farce.’”⁶ Second, it argues that the islanders are too poor to pay American taxes (the author of the pamphlet assumed that “the extension of the Constitution to [the insular territories] necessarily carries with it our entire internal-revenue system of taxation”).⁷ These examples and many others were used by the Expansionists to reaffirm the notion that the island residents were not ready to exercise the responsibilities and duties of American citizenship.

Aside from this nefarious premise, the Expansionists expounded several legal and policy arguments in support of their position on citizenship. One policy argument, simply put, was that “the Constitution might be widely at variance with the laws of the ceded territory.”⁸ Since the laws, customs, and traditions of the insular territories were different from and in some cases in conflict with the provisions of the Constitution, the Expansion-ists argued that the Constitution should not apply automatically to the territories. The pamphlet entitled “Porto Rico” points out that “the Constitution can be adapted to many peoples and many countries ... but many of its fixed and absolute provisions would rest imperfectly upon those peoples and races whose traditions and conditions are entirely unlike our own.”⁹ Accordingly, the Expansionists argued that Congress should retain the power to determine when to extend American citizenship to the inhabitants of the insular territories.

Another argument against the extension of American citizenship was that the Treaty of Paris did not confer any citizenship rights on the

⁶Charles Warren Fairbanks, “*Porto Rico*” 19, (March 31, 1900) [hereinafter the Fairbanks pamphlet]. Mr. Fairbanks was a senator from Indiana and later served as vice-president under Theodore Roosevelt. The Insular Commission was established by the Secretary of War during the Spanish-American War. Its main purpose was to report on the local conditions of the new territories.

⁷*Id.* at 20.

⁸Ross pamphlet, *supra* note 3, at 11.

⁹Fairbanks pamphlet, *supra* note 6, at 4.

inhabitants of the territories acquired from Spain. As one pro-Expansionist pamphlet puts it, the treaty between Spain and the United States “imposed no conditions or reserved any rights defined and secured by the Constitution to the inhabitants of those islands.”¹⁰ In particular, Article IX of the Treaty of Paris states, “The civil and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.”¹¹ Consequently, the Expansionists claimed that the power to acquire territory by treaty implies the power to determine the citizenship status of the residents thereof.

Yet another pro-Expansionist argument was that the Citizen-ship Clause should apply only to the States proper and not to the new territories. On this point, one pamphlet claims that the term “United States” as used in the Citizenship Clause “should mean the States united, and nothing more, unless clearly asserted as in the thirteenth amendment.”¹²

But what about the Thirteenth Amendment? If one follows the reasoning of the Expansionists to its logical conclusion, one must infer that the prohibition against slavery does not apply *ex proprio vigore* to the territories. Why should slavery be any different from citizenship? On the issue of slavery, some Expansionists distinguished the broad language of the Thirteenth Amendment from the narrow wording of the Fourteenth Amendment. The Citizenship Clause provides, in relevant part, “All persons born or naturalized in the United States ... are citizens of the United States and the state wherein they reside.”¹³ In contrast, the Thirteenth Amendment states, “Neither slavery nor involuntary servitude ... shall exist within the United States, or any place subject to [U.S.] jurisdiction.”¹⁴ According to one pamphlet, this difference in wording is significant because the Thirteenth Amendment and the Citizenship Clause were drafted at nearly the same time “by some of the same eminent constitutional lawyers.”¹⁵ As a result, the Expansionists concluded that the prohibition against slavery does extend to the insular territories.

¹⁰Ross pamphlet, *supra* note 3, at 4.

¹¹See 30 Stat. 1754.

¹²Ross pamphlet, *supra* note 3, at 9.

¹³U.S. CONST. amend. XIV, § 1, cl. 1 (emphasis added).

¹⁴U.S. CONST. amend. XIII (emphasis added).

¹⁵Ross pamphlet, *supra* note 3, at 8.

The issue of slavery reveals the fundamental inconsistency of the Expansionists over the citizenship question. Some parts of the Constitution are so fundamental that they apply to the island territories, but the extension of other parts, such as the Citizenship Clause, should remain at the complete discretion of Congress. The contradictory bottom line, according to one Expansionist pamphleteer, is that the various provisions of the Constitution should apply to the territories only “so far as they are applicable to their condition and circumstances.”¹⁶

II. The Anti-Imperialists

The Anti-Imperialists contended that all the provisions of the Constitution follow the flag and therefore “the inhabitants of annexed territory become citizens of the United States without naturalization.”¹⁷ In their view, all persons born in Cuba, Puerto Rico, and the Philippines would become American citizens at birth. Some went a step a further and argued that the annexation of foreign territory automatically and immediately confers American citizenship on all the residents thereof. In a pamphlet entitled “Imperialism and the Constitution,” a lawyer from Oklahoma named James Keaton reiterated the overall Anti-Imperialist position in the following passage:

It is evident that all the inhabitants of a foreign territory at once become citizens of the United States when such territory is annexed thereto and they become subject to its jurisdiction; but, even if this were not so, it is absolutely certain that “all persons”, subject to its jurisdiction, who are “born or naturalized in the United States,” at once become citizens thereof¹⁸

It is worth mentioning that only a small circle of Anti-Imperialists concurred with the assertion in the first half of this statement. A pamphlet entitled “National Expansion under the Constitution” is one of the few in this group. The author of this pamphlet states, “The moment new territory is incorporated into the national domain its inhabitants become citizens of the United States”.¹⁹ At any rate, the Anti-Imperialists all agreed that, at a

¹⁶*Id.* at 12.

¹⁷ Edwin Burritt Smith, *National Expansion Under the Constitution*, 6 (Oct. 27, 1898) [hereinafter the Smith pamphlet].

¹⁸ James R. Keaton, *Imperialism and the Constitution*, 13 (Jan. 2, 1900) [hereinafter the Keaton pamphlet].

¹⁹ Smith pamphlet, *supra* note 17, at 5.

minimum, all persons born in the conquered territories would automatically become U.S. citizens at birth. On this note, a pamphlet entitled “Imperialism, Historically and Otherwise Considered” asserts that “if the Philippines were to be acquired and become part of our country, every Filipino of the next generation would become a citizen of the United States”.²⁰ Similarly, another Anti-Imperialist pamphlet published a few days later contains the following rhetorical question, “If Hawaii, Cuba and the Philippines become part of the United States, will not all persons born there subsequent to our acquisition of the territory become citizens?”²¹

Either way, the conclusion that the inhabitants of the island territories are entitled to American citizenship is based on a literal reading of the Citizenship Clause of the Fourteenth Amendment, which states, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside.”²² The fundamental premise of the Anti-Imperialists is that the insular territories are part of the United States under the Fourteenth Amendment. For instance, the pamphlet entitled “Imperialism and the Constitution” states, “Though the territories are possessions of the United States, ... [they are] a ‘part’ of the United States”.²³

Nevertheless, even though the Anti-Imperialists uniformly agreed that the territories acquired from Spain are part of the United States for citizenship purposes and that “Congress has no authority to restrict the effect of birth, declared by the Constitution to constitute a sufficient and complete right to citizenship”,²⁴ they differed among themselves over policy. In fact, the majority of Anti-Imperialists agreed with the Expansion-ists that the residents of the insular territories, especially those of the Philippines, were unfit for American citizenship. As a result, this faction argued that expansionism was a “dangerous policy”²⁵ and that the

²⁰Daniel H. Chamberlain, *Imperialism, Historically and Otherwise Considered*, 11 (Dec. 6, 1898) [hereinafter the Chamberlain pamphlet].

²¹George F. Baer, *Problems of Expansion*, 2 (Dec. 15, 1898) [hereinafter the Baer pamphlet].

²²U.S. CONST. amend. XIV, § 1, cl. 1.

²³Keaton pamphlet, *supra* note 18, at 11.

²⁴Smith pamphlet, *supra* note 17, at 5.

²⁵Smith pamphlet, *supra* note 17, at 11.

United States should never annex territories comprised of “savage and semi-civilized races”.²⁶

On this score, many Anti-Imperialists were no better than the Expansionists. A pamphlet entitled “Should We Acquire Colonies?” declares, “The unwisdom of admitting an inferior race to common citizenship without reference to their capacity for self-government has been demonstrated.... [T]he negro problem in the south [is] due to the folly of not making their admission to citizenship dependent on their fitness.”²⁷ Another pamphlet disdainfully states that “peoples so incompetent for self-government as to require to be ruled by despotic power must be left to the oppression of others”.²⁸ Yet another pamphlet describes the Filipinos as “the product of an aggregation of Malay tribes, the rank and file hardly rising above the condition of savages ... with all the native and acquired disabilities, vices and perhaps virtues, of uncivilized tropical Asiatics”.²⁹

Others in the Anti-Imperialist camp, however, thought the residents of the insular territories were indeed deserving of American citizenship. They argued that national expansion was not necessarily bad, but unlike the Expansionists, they contended that the full Constitution applies to the territories. For example, a Republican Anti-Imperialist, Senator George Frisbie Hoar from Massachusetts, wrote that the facts “establish beyond reasonable doubt ... that [the Puerto Ricans] were fit for independence”.³⁰ He added:

They had churches, libraries, works of art, and education. They were better educated than many American communities They were eager and ambitious to learn. They were governing their entire island ... in order and quiet³¹

Despite this difference in opinion over policy, the Anti-Imperialists uniformly agreed with the Lockean axiom that “just government depends on the consent of the governed”.³² It is no coincidence that all the Anti-Imperialist pamphlets extol the Declaration of Independence. Supreme

²⁶Brewer pamphlet, *supra* note 2, at 31.

²⁷George F. Baer, *Should We Acquire Colonies?*, 1 (Dec. 15, 1898).

²⁸Smith pamphlet, *supra* note 17, at 16.

²⁹Chamberlain pamphlet, *supra* note 20, at 11.

³⁰George Frisbie Hoar, *A Letter of Conscience*, 6 (Jan. 2, 1900).

³¹*Id.*

³²George Frisbie Hoar, Speech of Hon. George F. Hoar, 6 (May 22, 1902).

Court Justice David J. Brewer himself authored a pamphlet in which he contrasted “Government by consent and government by force”.³³ Similarly, Mr. Keaton, the Anti-Imperialist lawyer from Oklahoma, distinguished “the damnable doctrine of the ‘Divine Right of Kings’” from the classical liberal theory that “all governments derive ‘their just powers from the consent of the governed’.”³⁴ “The trouble with the Expansionists,” he wrote, “is that they fail to see the distinction between the acquisition of territory, along constitutional lines and with the consent of its inhabitants ... and the forcible annexations of territory ... to be governed perpetually as vassal colonies.”³⁵

Another strand in the Anti-Imperialist argument was the view that new territories must always, sooner or later, be admitted into the Union as states. In essence, the Anti-Imperialists argued that the insular territories must be incorporated into the American political community “either by direct admission as States or through the intermediate process of territorial organization.”³⁶ Either way, the end result is the same: statehood. Many Anti-Imperialists used the statehood argument as a scare tactic against expansion, but some genuinely believed that Puerto Rico, Cuba, and the Philippines should become States.

In summation, the Anti-Imperialists contended that the full Constitution, including the right to citizenship, applies to the insular territories, and they agreed that the “islands are to be acquired and promptly admitted to statehood ... or at least that they shall be given temporary territorial governments preparatory to their early admission as States”.³⁷ Nevertheless, they disagreed on policy. Some thought that expansionism was a “dangerous policy”; others believed expansionism was bad only if it led to colonialism.

III. Theories of Citizenship

The various pamphlets on the Spanish-American War confirm certain underlying theories on the nature of citizenship, namely, the notion that citizens have the right to have rights, the principle that citizenship must

³³Brewer pamphlet, *supra* note 2, at 19.

³⁴Keaton pamphlet, *supra* note 18, at 22.

³⁵*Id.* at 27.

³⁶Brewer pamphlet, *supra* note 2, at 14-15.

³⁷Smith pamphlet, *supra* note 17, at 4.

be based on consent, and the view that citizens are first and foremost equal members of the political community.

A. The right to have rights

On one level, citizenship is the right to have rights, such as the right to vote in federal elections, the right to travel within the United States, and so on. In particular, both the Expansion-ists and Anti-Imperialists recognized that the most important right arising out of citizenship is the right to participate in the American political system. As one pamphlet puts it, “If [the insular territories] were part of the United States ... the inhabitants of such territory should be clothed with the power of legislation under the Constitution, be represented in Congress, and have a voice in altering and amending the Constitution”.³⁸ But as stated earlier, the arguments of the Expansionists and many (but not all) Anti-Imperialists are based on the unfair assumption that the inhabitants of the annexed territories are not ready to exercise the rights and responsibilities of American citizenship. The Expansionists simply concluded that the United States can acquire and govern foreign territories without granting American citizenship to the residents thereof. Many Anti-Imperialists, however, took the position that the United States should not even attempt to annex territories populated by foreign races; otherwise, according to one Anti-Imperialist pamphlet, annexation will create a “gateway” between the territories and the United States and “through it will come to us ... untold numbers of men who are and must long remain wholly unfit for self-government”.³⁹

B. Consent

Until just a few centuries ago, most rulers claimed that their power was given to them by God. John Locke and other classical liberal thinkers, including the Founding Fathers, rejected the “Divine Right of Kings” theory. They wrote that a just government is one founded on the consent of the governed and that consent requires a political system in which the people (i.e., citizens) have the right to periodically elect their

³⁸Ross pamphlet, *supra* note 3, at 11.

³⁹Smith pamphlet, *supra* note 17, at 11.

representatives.⁴⁰ Citizenship is crucial in this respect because without it one may not fully participate in the political process.

The concept of consent is the cornerstone of the Anti-Imperialist argument over citizenship. The Anti-Imperialists maintained that the United States could not govern a territory without the consent of the inhabitants thereof. For example, one Anti-Imperialist member of Congress, Senator William E. Mason, introduced the following bill in the Senate:

Whereas all just powers of government are derived from the consent of the governed: Therefore, be it: Resolved by the Senate of the United States: That the people of the United States of America will not attempt to govern the people of any other country in the world without the consent of the people themselves⁴¹

By the same token, every single Anti-Imperialist pamphlet quotes that timeless pronouncement in the Declaration of Independence: “Governments are instituted among Men, deriving their just powers from the consent of the governed.” A pamphlet simply entitled “Imperialism” proclaims that “the consent of the governed [is] the only just basis of all government”.⁴² Another pamphlet emphatically states that “imperialism ... implies subject races and legally inferior races, and totally eliminates consent of the governed”.⁴³ In short, the Anti-Imperialists argued in favor of consent because, in their view, “there can be no such thing as a subject race, or a legally inferior race, under our present political system”.⁴⁴

At first glance, the arguments of the Anti-Imperialists about citizenship and consent appear to be contradictory. If the Constitution follows the flag and the annexation of a territory automatically confers citizenship on the residents thereof, either immediately or by birth, why argue consent? Many Anti-Imperialists reconciled this contradiction by arguing that the United States should not annex a territory in the first place without the consent of the native inhabitants.

⁴⁰For example, Alexander Hamilton wrote in the Federalist No. 22, *The Fabric of the American Empire Ought to Rest on the Solid Basis of the Consent of the People*. See, U.S. Chief Justice John Marshall declared in the landmark case of *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 403 (1819), *The Government Proceeds Directly from the People*.

⁴¹William E. Mason, *Civil Government for the Philippine Islands*, 7 (June 2, 1902).

⁴²Charles Francis Adams, *Imperialism*, 18 (Dec. 20, 1898).

⁴³Chamberlain pamphlet, *supra* note 20, at 10.

⁴⁴*Id.* at 6.

The Expansionists rejected the consent argument on the ground that the insular inhabitants did not have the capacity to consent. For example, one pro-Expansionist pamphlet proclaims that “the right to govern is not derived from the consent of the governed until they arrive at a stage of advancement which will render them capable of giving an intelligent consent”.⁴⁵ This argument was used by the Expansionists to support the racist notion that the native inhabitants of the new territories were not intellectually or morally fit for American citizenship. “Doubtless the boys of fifteen in this country,” said one Expansionist pamphleteer, “are better prepared to give an intelligent consent than are the inhabitants of those islands”.⁴⁶

Instead of consent, the Expansionists argued in favor of the concept of “tutelage.” On this note, the pamphlet entitled “Porto Rico” states, “The task of changing from a monarchical to a republican form of government has been an arduous and tedious one. The habits of the people cannot be changed in a day”.⁴⁷ Accordingly, the Expansionists claimed that tutelage was necessary in order to prepare the island inhabitants for citizenship and self-government.

It is worth noting that the Anti-Imperialists replied that tutelage was a “Quixotic adventure”.⁴⁸ One Anti-Imperialist pamphlet asks rhetorically, “Who can tell how many centuries must pass before the savage and semi-civilized races of these islands become fit to assume the responsibilities of self-government?”⁴⁹ In the meantime, according to another pamphlet, the United States would “become a great political slave-holder, hold in subjection millions of human beings and rule and govern them against their own free will, in order that through long tutelage they may be ... educated to our standards of political citizenship.”⁵⁰ Worse yet, tutelage would unleash a negative chain reaction: “In a vain effort to share our institutions with half-civilized men we are to destroy their character.”⁵¹

C. Membership in the American political community

⁴⁵Ross pamphlet, *supra* note 3, at 14.

⁴⁶*Id.*

⁴⁷Fairbanks pamphlet, *supra* note 6, at 8.

⁴⁸Brewer pamphlet, *supra* note 2, at 31.

⁴⁹*Id.*

⁵⁰Baer pamphlet, *supra* note 21, at 3.

⁵¹Smith pamphlet, *supra* note 17, at 11.

On a deeper level, the century-old debate over citizenship was really a debate about America itself. Were Americans prepared to admit foreign peoples as equal members of the American political community, that is, were they willing to confer citizenship and statehood to Spain's former colonies? The answer in most cases was a resounding no. The Expansionists and many Anti-Imperialists assumed that the inhabitants of the insular territories were not ready for American citizenship. Nevertheless, a small number of Anti-Imperialists were genuinely inclined to extend American citizenship and statehood to the conquered territories. This group will be referred to as "Romantic Anti-Imperialists".⁵²

Most Anti-Imperialist pamphlets conclude that expansionism is a "dangerous policy" or "Quixotic adventure" because the "savage and semi-civilized races" of the insular territories are just not prepared for citizenship and self-government. Hence the authors of these pamphlets did not want to expand membership in the American political community. In contrast, the Romantic Anti-Imperialists maintained that the island residents should be treated as full and equal American citizens and that the newly acquired territories should be promptly admitted as States; in other words, they thought the United States should welcome the island residents into the American political community.

The Romantics also agreed with the Expansionists that the United States has a moral obligation toward the inhabitants of the island territories. In fact, some members of both groups viewed the insular inhabitants as children of the United States. Both groups, though, construed this obligation differently. On one hand, the Expansionists thought that the United States must first take steps to prepare the inhabitants for citizenship. Just as parents are responsible for the care and education of their children, so must the United States rear its new children through tutelage. On the other hand, the Romantic Anti-Imperialists argued that the United States must not only treat the inhabitants as full American citizens, but also take steps to admit the territories into the Union as States. All American citizens are children of

⁵²It is worth noting that the pamphlets of the Romantics, unlike those of the mainstream Anti-Imperialists, do not contain any racist descriptions of the insular inhabitants.

the United States; thus the United States should not favor one group of children over another.

The Romantic view rejects the racist premise that the inhabitants of the tropical islands are savages and uncivilized. Simply put, the Romantics sincerely thought the United States should promptly integrate the insular territories into the American political community either by direct admission as States or through the intermediate process of territorial organization. Thus they took the position that the United States “can acquire and hold new territory for the sole purpose of creating new States therefrom”.⁵³ In sum, the Romantics truly believed in a “brotherhood of citizenship”.⁵⁴ They boldly asserted that the inhabitants of the conquered territories should be admitted into the American political community because “under the Constitution there are citizens but no subjects”.⁵⁵

Conclusion

The Expansionists won the first round in the great debate over citizenship: the United States acquired Cuba, Puerto Rico, and the Philippines without fully incorporating the residents thereof into the American political community. But over the long run, the Anti-Imperialists have perhaps been vindicated by history. They essentially argued that the United States should not be in the business of holding colonies, and indeed the United States eventually granted independence to Cuba in 1904 and to the Philippines in 1946 and also granted limited autonomy to Puerto Rico in 1952.⁵⁶

Nevertheless, Puerto Rico remains a thorny problem because, unlike Cubans or Filipinos, Puerto Ricans are American citizens under U.S. law.⁵⁷ As such, a Romantic Anti-Imperialist might argue that the limited

⁵³Keaton pamphlet, *supra* note 18, at 11.

⁵⁴Smith pamphlet, *supra* note 17, at 4.

⁵⁵Keaton pamphlet, *supra* note 18, at 21.

⁵⁶P.R. CONST. art. I, § 1 (Puerto Rico became a commonwealth in 1952).

⁵⁷Congress unilaterally granted U.S. citizenship to all Puerto Ricans in 1917. See generally on José A. Cabranes, *Citizenship and the American Empire* (1979); José Julián-Alvarez, *The Empire Strikes Out: Congressional Ruminations on the Citi-zenship Status of Puerto Ricans*, 27 HARV. J. LEG. 307 (1990) and José Rodríguez-Suárez, *Congress Giveth U.S. Citizenship unto Puerto Ricans; Can Congress Take It Away?*, 55 REV. JUR. U.P.R. 627 (1986).

autonomy enjoyed by Puerto Rico is inconsistent with the citizenship status of Puerto Ricans. As U.S. citizens, Puerto Ricans should be equal members of the American political community, but in fact, they do not elect members of Congress and cannot vote for president. There is also a vigorous debate as to whether Puerto Rico is still subject to the plenary powers of Congress under the Territorial Clause of the U.S. Constitution.⁵⁸ Thus, it still remains to be seen whether the views of the Expansionists or the Anti-Imperialists will prevail in the case of Puerto Rico, one of the last remaining possessions of the United States.

⁵⁸ See, e.g., Juan R. Torruella, *The Supreme Court and Puerto Rico* (1985); Note, *Puerto Rico: Colony or Commonwealth?*, 6 N.Y.U. J. INT'L. L. & POL. 115 (1973); Jorge Morales-Yordán, *The Constitutional and International Status of the Commonwealth of Puerto Rico*, 18 REV. COL. AB. P.R. 5 (1957).