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The Jones Act for Puerto Rico

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THE JONES ACT FOR PUERTO RICO

by

Bonnie D. Fors

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CHAPTER I

INTRODUCTION

The long association of the people of the United States with the people of Puerto Rico began almost as an afterthought. Spain already had made peace overtures in Washington before Major General Nelson A. Miles landed American troops on Puerto Rico's south coast on July 25, 1898. There was little fighting, and the Puerto Ricans generally extended a friendly welcome to the invaders. Eugenio María de Hostos y Bonilla, the island's foremost intellectual, commented that his land had not been conquered. It had merrily saluted its liberators because the conquerors were believed to be liberators.¹

General Miles encouraged this interpretation of the landing. His proclamation to the islanders, issued from Ponce on July 28, 1898, included the statement:

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection not only to yourselves but to your property, to promote your prosperity and to bestow upon you the immunities and blessings of the liberal institutions of our Government.²

¹Eugenio M. de Hostos y Bonilla, Obras completas, vol. 4: Cartas, 20 vols. (Habana: Cultural S. A., 1939), p. 212.

²L. Muñoz Rivera, C. Coll Cuchí, and E. Benítez Castaño, "To the Congress of the United States," in William A. Jones Papers, University of Virginia Library, Charlottesville, Va., Box 89, p. 5 (hereafter cited as Jones Papers).

The well-intentioned proclamation of General Miles would echo back somewhat bitterly to the Puerto Ricans in later years. An even greater cause of bitterness would be the divergence between the amount of local autonomy exercised by the islanders at the time of the North American landing and that allowed them by the new administration.

Puerto Rico, like Cuba, had suffered the fluctuations in colonial policy emanating from Madrid during the nineteenth century as the political pendulum there swung back and forth between liberal and conservative governments. Apart from the short-lived Grito de Lares in 1868, Puerto Rico had not been given to rebellion against Spain. Not even the repression and tortures inflicted by Governor-General Romualdo Palacios in 1887 caused revolt. There are many explanations for Puerto Rico's role as the "Ever Faithful Isle." Among the most frequently expressed are the pacific temperament of the Puerto Rican and the relative lack of previous bitter experiences that left Cuba a fertile ground for rebellion. The Puerto Rican press and political leadership greeted the outbreak of war with a surge of loyalty to Spain and the Latin race.³ It appears, however, that the Puerto Rican separatists aiming for the complete independence of the island from Spain were comparatively few in number,⁴ and their active

³Lidio Cruz Monclova, Luis Muñoz Rivera: Los primeros 10 años de su vida política (San Juan: Instituto Cultura Puertorriqueña, 1959), pp. 661-672.

⁴Edward J. Berbusse, S.J., The United States and Puerto Rico, 1898-1900 (Chapel Hill: The University of North Carolina Press, 1966), p. 45.

role in the Cuban struggle may have siphoned off the potential leaders of armed revolt in Puerto Rico.

The conservative political element in Puerto Rico was composed of many Spaniards, while the majority opinion among the Puerto Ricans seems to have been liberal and reformist, but loyal to Spain.⁵ The dual aims of this majority were greater participation and self-government for Puerto Rico within the Spanish political system and a reduction in limitations on trade, especially with the United States. Despite bitter factional disagreements within the ranks of the Puerto Rican liberals, which resulted in dizzying realignments of party names and affiliations, the basic tenet that Puerto Rico could attain its desired reforms from the Spanish national political parties was unshaken.⁶

In 1897, the Puerto Rican Autonomist party concluded an agreement with Práxedes Mateo Sagasta, the leader of the Liberal Monarchical party in Spain. This agreement, largely engineered by Luis Muñoz Rivera, committed Sagasta to a reform program for Puerto Rico should he and his party come to power in Spain. The assassination of Conservative leader Antonio Cánovas del Castillo on August 8, 1897, opened the door to Sagasta, who returned to the Spanish ministry on October 4. He was not slow to keep his promise to Puerto Rico. An autonomous

⁵Ibid.

⁶Gordon K. Lewis, Puerto Rico: Freedom and Power in the Caribbean (New York: Monthly Review Press, 1963), p. 63.

charter, with his sanction, was secured by November 25, 1897.⁷

Puerto Ricans greeted the Autonomous Charter of 1897 with great enthusiasm. It provided a Governor-General appointed by the Queen, a six-member cabinet, and a bicameral legislature. The upper house of the legislature was to consist of seven appointed by the governor and eight elected members. The lower house was elected. Suffrage was given to all males over twenty-five years of age. The legislature was restricted to local matters, but these included the budget, revenue, tariffs, and the right to negotiate commercial treaties. Autonomy was granted to the town councils. Governor-General Manuel Macías Casado proclaimed the new form of government on February 9, 1898, and the cabinet members took office on February 12. The initial cabinet consisted of members of both branches of the Puerto Rican Autonomist party, which had split over the terms of the Sagasta agreement. Briefly they tried to work together to start out the new system with maximum success.⁸ Although the composition of the cabinet was to vary, it was led for the entire period of the Charter's operation by Muñoz.

The Insular Assembly was elected on March 27, 1898, with Muñoz' followers gaining twenty-six of the thirty-two seats. Because of the war, however, the Assembly did not hold its first session until July 17. In April, the Governor-General suspended some of the guarantees of the Charter.⁹ It can be said that the Charter hardly functioned at

⁷Berbusse, p. 56.

⁸Ibid., pp. 56-57.

⁹Ibid, p. 58.

all before General Miles' landing. The major achievement that Muñoz could claim in these months was the reorganization of the taxation system, primarily by eliminating taxes on fish, stamps, and licences, which totaled about a million and a half dollars.¹⁰ During the war Puerto Rico faced a serious hunger problem; the government tried to alleviate this situation,¹¹ but its continuance and its severity may have contributed to the joy with which the poorer islanders greeted General Miles.

Despite the lack of opportunity for the Autonomous Charter of 1897 to function, it was to represent a rallying point for Puerto Rican resentment of the American administration of their island. It is also true, as two widely different commentators note,¹² that the Charter was granted by Spain under the pressure of revolt in Cuba and that perhaps it would have been revoked as previous reforms had been. In the summer of 1898, however, the Puerto Ricans had no reason to suspect that their long sought autonomy under the new Charter offered other than optimism for the future. Despite the friendliness of their welcome to the Americans, as Edward J. Berbusse's excellent study points out, the Puerto Ricans were torn between loyalty to Spain and its traditions and the hope that an even better future might be theirs with the political traditions and material advancement of the United

¹⁰Thomas Aitken, Jr., Poet in the Fortress: The Story of Luis Muñoz Marín (New York: New American Library, 1964), p. 32.

¹¹Berbusse, p. 64.

¹²Lewis, p. 65; Stephen Bonsal, The American Mediterranean (New York: Moffat, Yard, & Co., 1912), p. 294.

States. "The last shock came when Puerto Ricans realized that they were to share in neither the privileges of the American Constitution of 1789 nor in the Spanish Autonomous Charter of 1897."¹³ That shock came gradually over the next few years.

Military Government

Just as the invasion of Puerto Rico appeared to have been an ill-planned last-minute venture, adequate instructions regarding the goals of their administrations in the island were not given to General Miles or his successors. General Orders, No. 101, of 1898 was the basis of the authority of the military government. It granted the power to change existing laws. This power was used by the military governors to change more than just the laws clearly conflicting with the United States Constitution because they assumed that it was their job to prepare Puerto Rico for territorial status. The protocol signed preparatory to the armistice did not provide further guidelines for the military. President William McKinley wanted to avoid any restrictions on the freedom of action of the United States. The protocol simply called for the immediate evacuation of Spanish troops.¹⁴

General Miles, who commanded the American forces in Puerto Rico only from the landing on July 25 until August 14, 1898, allowed the Puerto Rican courts and town councils to function. He insisted upon

¹³Berbusse, pp. 65-66.

¹⁴Wilfrid Hardy Callcott, The Caribbean Policy of the United States, 1890-1920 (Baltimore: The Johns Hopkins Press, 1942), pp. 102-103.

submission to the military, especially because of the problem of banditry during his tenure.¹⁵ Miles and his successor, Major General John R. Brooke, made important decisions in Puerto Rico in their efforts to deal with the immediate problems of American occupation. Little resentment, however, was engendered during Miles' command or the first part of Brooke's. This was at least partly due to the fact that North American silence, and perhaps uncertainty, about the future of Puerto Rico led the islanders to expect the best. One of the few Puerto Ricans who immediately equated Miles' landing with annexation was Eugenio María de Hostos y Bonilla.

On July 27, 1898, Hostos was writing that the Cubans would not include Puerto Rico in their negotiations because they were convinced that the United States would annex the island. As he was in Washington at the time, Hostos tried to get a commitment from the United States, but all he could get was a statement that the American government would take the will of the islanders into account. Hostos hoped that the United States would not annex Puerto Rico without a plebiscite.¹⁶ Long a separatist, Hostos wanted an independent Puerto Rico and a federation of the Spanish Antilles. He organized a League of Puerto Rican Patriots to secure the island's right to the self-determination of its destiny. Most Puerto Ricans, however, reacted indifferently to Hostos'

¹⁵Berbusse, pp. 79-80.

¹⁶Hostos, 4:197-198.

urging that they must immediately scream very loudly for their rights or they would not get justice.¹⁷

Governor Macías Casado made the official announcement of the cession of Puerto Rico to the United States on September 29, 1898.¹⁸ Major General Brooke then took over the official governorship of the island with the withdrawal of the last Spanish forces on October 18, 1898. It was during his tenure as governor, which ended on December 9, 1898, that several controversial measures were taken. On the credit side of the ledger, General Brooke thought it important to keep the Spanish legal system in order to prevent the chaos that would come with too rapid change, and, generally, he respected the Puerto Rican cabinet headed by Muñoz Rivera. However, Brooke abolished the legislature, which had been established under the Autonomous Charter, on November 29, 1898, because he thought it unnecessary. It was during his governorship that the name of Puerto Rico was arbitrarily Anglicized as Porto Rico. When the schools reopened in November, English was an important part of the curriculum. Because he believed that accused persons were intimidating the courts so that few convictions were made, Brooke on December 8 set up a special military court, which Berbusse compares with the efficient Tudor Star Chamber.¹⁹

Meanwhile, the terms of the Treaty of Paris were being worked out. The Spanish Commissioners had written an article that would have

¹⁷Vicente Géigel Polanco, El despertar de un pueblo (San Juan: Biblioteca de Autores Puertorriqueños, 1942), pp. 67, 69.

¹⁸Berbusse, p. 65.

¹⁹Ibid., pp. 81-84.

given all inhabitants of ceded territory American citizenship with the option of retaining Spanish citizenship. The American Commissioners had been advised on November 20 that President McKinley was concerned that citizenship not be extended to native uncivilized tribes in the Philippines. Apparently, Puerto Rico was included by the Commissioners in the same category.²⁰ The provision of the Treaty of Paris relative to citizenship allowed the option to retain Spanish allegiance, but the citizenship of the "native inhabitants" of ceded territory was to be determined by the United States Congress. Freedom of religion was the only guarantee written into the Treaty of Paris. Congress would decide the political status and civil rights of the Puerto Ricans. No promise was given for citizenship or statehood although such commitments had been made by the United States for newly acquired lands in the past.²¹ In their memorandum of December 9, 1898, justifying these provisions, the Commissioners said that Congress "surely could be trusted not to depart from its well-established practice in dealing with the inhabitants of these islands," since Congress had never passed an oppressive or detrimental law.²² During the Senate debates on the on the Treaty, some Senators spoke for the independence of the islands

²⁰Delores Muniz, "Puerto Rico Under the Administration of Governor Yager, 1913-1921" (Ph.D. dissertation, University of Michigan, 1945), pp. 222-224.

²¹Lyman Jay Gould, "The Foraker Act: The Roots of American Colonial Policy" (Ph.D. dissertation, University of Michigan, 1958), pp. 3-4.

²²Quoted in Bolívar Pagán, Puerto Rico: The Next State (Washington, D. C., n. p., 1942), pp. 10-20.

and against colonialism, but apparently the majority agreed with Senator Orville Platt that the islanders had whatever rights the Congress might choose to give them.²³

With the ratification of the Treaty of Paris in April 1899, it was clear that the United States Congress would decide the future of Puerto Rico, but no legislation regarding the island was passed that year. The last two military governors operated without knowing what the disposition of the Congress was to be. Their lack of instructions can be partly explained by the almost total lack of information about Puerto Rico in the United States. Even the War and Navy Departments, well informed on Cuba, had only obsolete maps and harbor charts.²⁴ Henry K. Carroll, chosen for the task by McKinley in December, conducted the first serious survey of conditions in the island, but this was not published until late in 1899.²⁵ These problems were complicated by the fact that, after the Treaty had been ratified, the military governors operated on tenuous legal grounds, especially when legislating by decree.²⁶

Replacing General Brooke in December was Major General Guy V. Henry, who was the military governor only until May 9, 1899, when he was recalled at his own request. His six months in office saw a sharp

²³U. S. Congress, Senate, Congressional Record 32:287-297, 502.

²⁴Trumbull White, Puerto Rico and Its People (New York: Frederick A. Stokes Co., 1938), p. 23.

²⁵Henry K. Carroll, Report on the Island of Porto Rico (Washington, D. C.: Superintendent of Documents, 1899).

²⁶Gould, p. 58.

increase in friction between the military administration and the Puerto Ricans. One of Henry's first acts was his refusal to accept the resignations of the members of the Insular Cabinet. The good impression created by this gesture was negated by Henry's tactlessness.²⁷ During his first month in office, Henry was involved in a full-scale battle with the island press, which had antagonized him by criticizing continued military rule.²⁸ La Democracia, Muñoz Rivera's paper, was brought before a civil court, but other papers were fined or suppressed by military order.²⁹ The suppression of a paper in Ponce prompted Hostos and Rosendo Matienzo Cintrón to write to Henry reminding him that freedom of the press was a sacred principle of the United States Constitution.³⁰ Henry had to deal with rumors in March 1899 that there was to be an insurrection led by Muñoz Rivera with the aid of Cuban troops.³¹ In April, Henry ordered direct military control of Puerto Rican periodicals, but he eased this control before his departure from the island.³²

Although Henry would not allow American lawyers to practice

²⁷Berbusse, pp. 88-89.

²⁸Ibid., pp. 89-90.

²⁹Ibid., p. 94.

³⁰Hostos, 4:204.

³¹Cables between Henry and Adjutant General, March 1899, War Department, Bureau of Insular Affairs, Record Group 350, National Archives, Washington, D. C., File 1338 (hereafter cited as BIA).

³²Berbusse, pp. 95-96.

in Puerto Rico because they had no knowledge of Spanish law, he abolished laws he did not like with the same lack of knowledge.³³ Henry also abolished the Insular Cabinet which he viewed as opposed to progress and American principles. The secretaries, including Muñoz Rivera, resigned and asked for a legislature representative of the Puerto Rican people. Henry denied this request as premature.³⁴ Hostos attributed the growing criticism and discontent in the Spring of 1899 to the islanders' disappointment at not having received the expected civil government.³⁵ This grievance was aggravated by a continuing crescendo of antagonism between Henry, Muñoz Rivera and his followers, and the political opposition "Puros," who would soon organize the Republican party and whose members filled the dependent secretariat created by Henry in February 1899.³⁶

The Puerto Rican Republican party was organized in April 1899 with Gabriel Ferrer Hernández as its president. Soon to emerge as its real leader was José Celso Barbosa. Other leading members included Federico Degetau y González, Cayetano Coll y Toste, and Rosendo Matienzo Cintrón. With ultimate statehood for Puerto Rico as their goal, the Republicans favored cooperation with the military government and Americanization, including the teaching of English in the island's

³³Ibid., p. 120.

³⁴Ibid., pp. 91-92.

³⁵Hostos, 4:214.

³⁶Berbusse, pp. 92 and 95.

schools.³⁷ When Muñoz Rivera reorganized the Autonomists as the Federal party in October 1899, its program also included eventual statehood.³⁸ Muñoz would be criticized later for the "opportunistic" espousal of statehood in 1899. As one defender states, this was probably done to aid in bargaining with the North Americans for more autonomy.³⁹ Luis Muñoz Marín argued that his father never wanted statehood, but that in 1899 the Puerto Ricans generally assumed that the American Congress would make the island a territory and, eventually, a state.⁴⁰

The last military governor of Puerto Rico was Brigadier General George W. Davis, who served for almost a year. Davis reorganized the island's government. He created the office of Civil Secretary to head the government in May 1899 and gave this job to Cayetano Coll y Toste.⁴¹ General Davis tried to give both parties representation in the three bureaus under Coll. He wanted to choose for merit, not party, but he was criticized both because there were more Republicans than Autonomists chosen and because heterogeneous councils had failed to work under both Macías and Henry.⁴² Davis also tried to put local

³⁷Angel Manuel Mergal Llera, Federico Degetau: un orientador de su pueblo (New York: Hispanic Institute, 1944), p. 166.

³⁸Lewis, p. 106.

³⁹Aitken, p. 38.

⁴⁰Luis Muñoz Marín, Del tiempo de Muñoz Rivera a nuestro tiempo: lo que ha mejorado; lo que no ha mejorado (Puerto Rico: Editorial del Departamento de Instrucción Pública, 1956), p. 17.

⁴¹Juan Angel Silén, We, the Puerto Rican People: A Story of Oppression and Resistance, trans. Cedric Belfrage (New York: Monthly Review Press, 1971), pp. 55-56.

⁴²Berbusse, pp. 106 and 247.

government on an election basis. Municipal elections were held in 1899 and 1900, but Davis felt that the alcaldes were domineering and that only the presence of troops had prevented bloodshed during the elections.⁴³

General Davis thought that the Puerto Rican courts were corrupt and inefficient. He set up provisional courts of three justices to handle cases that would go before the Circuit Courts in the United States. In July 1899, he gave military commanders the authority to act as court commissioners for these provisional courts. The military were to enforce laws against conspiracy and filibustering. Davis restated the principle that the press was punishable for bringing the government into the disaffection of the people.⁴⁴ During his administration there was one brief incident that got out of control. Davis complained to Elihu Root on April 5, 1900, that restless groups backed by Spanish sympathizers were making it difficult to maintain order.⁴⁵ The next day he cabled the War Department saying that his troops had been brought into the city to reinforce the San Juan police because of Puerto Rican attacks on resident blacks from the English Caribbean. Two people were killed in this disturbance.⁴⁶

Although Davis believed that the Puerto Ricans were not ready

⁴³William F. Willoughby, "Municipal Government in Porto Rico," Political Science Quarterly 24 (September 1909):417.

⁴⁴Berbusse, pp. 98-100.

⁴⁵Callcott, p. 168.

⁴⁶Davis to Bureau of Insular Affairs, 6 April 1900, BIA 1599.

for self-government, primarily because of the illiteracy of the majority and a heritage of bossism, he felt that it was his duty to implement changes that would hasten readiness for local autonomy.⁴⁷ Davis adhered to the principle that law should be made and enforced by the people themselves. He expected that the island would soon become a territory in accordance with previous practice when the United States acquired new territory.⁴⁸ Perhaps as much as any governor, military or civilian, appointed from the North American mainland for Puerto Rico, Brigadier General Davis had both sympathy and insight in his dealings with the Puerto Ricans.

In one area in particular, General Davis' sympathy served the island well. That area was economic. Davis attested to the poverty of the people both before and after the hurricane, San Ciriaco, of August 1899. The hurricane killed nearly three-thousand persons; it destroyed the food supply and eighty per cent of the coffee crop which would have been worth \$7,000,000.⁴⁹ Davis organized the relief of the island and pleaded, successfully, with the War Department for immediate supplies and money.⁵⁰ Even before San Ciriaco, Puerto Rico's economy was seriously hurt by the change of sovereignty. The island

⁴⁷Berbusse, pp. 101, 105-106.

⁴⁸Arturo Morales Carrión, "The Historical Roots and Political Significance of Puerto Rico," in The Caribbean: British, Dutch, French and United States, ed. A. Curtis Wilgus (Gainesville: University of Florida Press, 1958), p. 142.

⁴⁹Berbusse, pp. 103-104.

⁵⁰*Ibid.*, pp. 104-105.

lost markets and gained little, since American tariffs applied. Already in 1898 Puerto Rico relied on imported food, and now imported goods were more expensive.⁵¹ Davis would testify before the United States Congress that Puerto Rico was not politically mature, but he would back up the islanders pleas for special consideration under the tariff and financial administration that Congress would impose.

In evaluating the military government of Puerto Rico, it can be seen that it tried, wisely, to operate within the general outlines of the political and legal system left by Spain. The military governors, especially Davis, tried to receive both advice and cooperation from the islanders. Without instructions from Congress, the military adopted the modus operandi assumption that they were to prepare Puerto Rico for territorial status and remove aspects of the Spanish system that were in conflict with the Constitution.⁵² The period of military government served as a transitional time during which Puerto Ricans and Americans were introduced to each other and exchanged information about each other.⁵³ In the areas of education, public health and sanitation the military worked diligently to improve conditions in Puerto Rico. Their only great fault was the occasional lack of tact and the sometimes unquestioning belief that all things American were superior to all things Puerto Rican.⁵⁴

⁵¹Ibid., pp. 131-132.

⁵²Gould, pp. 58-59.

⁵³Ibid., pp. 63-64.

⁵⁴Berbusse, pp. 109-110.

The Foraker Act

While on the island the Americans and Puerto Ricans were getting to know one another, the fate of Puerto Rico was being decided in Washington. On the executive side of the American government, the man in charge of that fate was Elihu Root. He had been persuaded to accept the post of Secretary of War when he was told that the job included the task of setting up governments for the new territories acquired in the Spanish-Cuban-American War.⁵⁵ Although he never favored either citizenship or statehood for Puerto Rico, Root was concerned that the United States fulfill a moral obligation to treat its dependencies in accordance with principles of justice, freedom, and opportunity.⁵⁶ Despite this belief, Muñoz Rivera's request for an elected Puerto Rican council to cooperate with the military government and handle non-military affairs was not acted upon.⁵⁷ The outlines of the features of government that would become embodied in the Foraker Act were suggested by Elihu Root.⁵⁸

Puerto Rican leaders, of course, attempted to influence their destiny through lobbying in Washington. The tactic suggested by Hostos to his fellow separatists, Manuel Zeno Gandia and J. Julio Henna, was to take their case to the American people and Congress, not President McKinley, and to work for a triumph of anti-expansionist public

⁵⁵Callcott, pp. 211-212.

⁵⁶Gould, pp. 72-73.

⁵⁷Muñoz to Root, 14 August 1899, BIA 168/19.

⁵⁸Gould, pp. 73-74.

opinion.⁵⁹ Muñoz Rivera, and the sometimes-editor of his newspaper, Mariano Abril, also tried to reach the American people through the press and tried to talk to every Congressman and administration official who would hear them. Abril concluded, however, that the only news the North American papers usually printed about Puerto Rico dealt with the factious political fights among the islanders and that American politicians were ignorant of and indifferent to Puerto Rico.⁶⁰ The Puerto Ricans expressed varying points of view in regard to the political future of their island, but American citizenship was usually requested. Everyone agreed that the island's sugar, coffee, and tobacco needed protection within the American tariff system. They stressed the wish for free trade between Puerto Rico and the United States. The islanders who would testify before Congressional hearings in 1900 would pay more attention to economic than to political desires. This was perhaps due, as Lyman Jay Gould suggests, to their confidence that the Congress would be liberal in establishing Puerto Rico's political system.⁶¹

President McKinley's message to the Congress on December 5, 1899, urged passage of legislation for Puerto Rico. McKinley recommended Root's idea of a mixed insular government of appointees, but self-government on the municipal level. He also urged free trade

⁵⁹Hostos, 4:216, 243, 244.

⁶⁰Berbusse, p. 117.

⁶¹Gould, pp. 69-70.

between the states and the island, which Root favored.⁶² On January 9, 1900, Joseph Benson Foraker, of Ohio, introduced his civil government bill in the Senate. Ten days later, Sereno Payne introduced a free trade bill into the House. On February 8, the House Ways and Means Committee returned a substitute bill levying 25 percent of the Dingley tariff rates on trade between Puerto Rico and the mainland. This bill passed the House on February 28 with a reduced rate of 15 percent. When it reached the Senate, all but the enacting clause was stricken from the House bill and Foraker's civil government bill was attached with a 15 percent tariff.⁶³ Four important provisions of Foraker's original bill were deleted: American citizenship for the islanders, extension of the Constitution to Puerto Rico, one Puerto Rican delegate in the Congress, and free trade.⁶⁴

The Constitution and American citizenship were denied to Puerto Rico because of the tariff.⁶⁵ At a rate of 15 percent of the Dingley rates, the tariff was really too low to produce sufficient revenue for the island's government. In addition, the tariff was to cease as soon as the Puerto Rican legislature enacted a local taxation system, but at any rate it was to be in effect no longer than two years.⁶⁶ Only two Senators opposed a grant of citizenship to the

⁶² *Ibid.*, pp. 74-75, 107-108.

⁶³ *Ibid.*, pp. 39-40.

⁶⁴ *Ibid.*, pp. 75-76.

⁶⁵ Morales Carrión, p. 143, and Callcott, pp. 166-167.

⁶⁶ Gould, pp. 44-45.

Puerto Ricans on policy grounds.⁶⁷ Debate in the Senate centered not on the provisions of the governmental system to be established in the island, but on constitutionality and the tariff.

Democrats, Populists, and a few Republicans attacked the Foraker bill as imperialistic, protection oriented, and trust backed. They considered it a breach of good faith with Puerto Rico, especially in view of General Miles' July 1898 Proclamation.⁶⁸ They saw the Foraker bill as a violation of American tradition and constitutional principles. The Republican party, however, was the party of protection and, more recently, the party of imperialism. The Republican leadership was acutely aware of the Puerto Rican civil government bill as a precedent.⁶⁹

As Gould convincingly argues, the precedent had to be established not because protection against the products of Puerto Rico was so necessary, nor because granting citizenship and the Constitution to the Puerto Ricans was repugnant, but because of the Philippines.⁷⁰ Senator Foraker wrote that the crops of Puerto Rico were not large enough to hurt mainland producers, but those of the Philippines were. The testing of Congressional ability to erect a tariff wall between the mainland and the new islands was essential before the bill for the

⁶⁷The two Senators opposed were Teller of Colorado and Spooner of Wisconsin. *Ibid.*, p. 78.

⁶⁸*Ibid.*, pp. 157-160.

⁶⁹*Ibid.*, p. 119.

⁷⁰*Ibid.*, pp. 95-96.

Philippines was drafted. An "open door" in the Philippines could destroy the American tariff system.⁷¹ McKinley and Root had not seen the Puerto Rican bill as a precedent for colonialism when they supported free trade. Ardent protectionists induced McKinley to change his mind on the tariff, primarily because he saw party unity as crucial with the Philippine question unsettled and an election coming up. Several dissident Republicans swung into line when McKinley changed his mind, and this was important for the passage of the bill in the Senate.⁷² The Puerto Rican tariff was highly unpopular with the press and the public, but the Republicans got it through because of the power structure of the Senate and because the bill was made a party measure.⁷³ The roll call in the Senate showed forty votes for the Foraker bill, thirty-one against, and sixteen not voting.⁷⁴

The Foraker bill returned to the House on April 4, 1900. It went to the Ways and Means Committee where Joseph G. Cannon pushed its acceptance without alteration. A Republican caucus decided to accept the bill as a party measure. The bill returned to the House on April 10, and on April 11 a special rule to limit debate to that afternoon and to stop amendment or recommitment was introduced and passed by a vote of 158 to 142.⁷⁵ The roll call in the House showed

⁷¹J. B. Foraker, "The United States and Puerto Rico," The North American Review 170 (April 1900):470-471.

⁷²Gould, pp. 100, 109-111.

⁷³The power structure refers to the Aldrich, Allison, Platt, Spooner alliance. *Ibid.*, pp. 167-173.

⁷⁴*Ibid.*, p. 175.

⁷⁵*Ibid.*, pp. 81-83.

161 voting for the Foraker bill, 153 against, five present, and twenty-six not voting.⁷⁶ President McKinley signed the Foraker Act the next day, April 12, 1900.

Many members of the House of Representatives were bitter and angry, both because they objected to the Foraker Act and because they felt that their prerogatives had been violated. One of the bitterest critics was Representative William A. Jones, of Virginia. He was the only one to object to changing Puerto to Porto Rico. He strongly opposed the Executive Council as an oligarchy and thought it inconsistent to refuse to extend the Constitution to Puerto Rico and still insist that all officials there take an oath to support it. As Jones also pointed out, most Representatives were entirely ignorant of the provisions of the bill because none of its government features had been either read or debated before passage.⁷⁷ This was true enough, as evidenced by a letter from one Representative to Elihu Root almost a month after the House passed the Foraker Act. Noting that the islanders had been enfranchised according to laws and military orders in effect in March 1900, the Representative, John H. Small, asked if Root would send him a copy of the military orders.⁷⁸

The civil government created for Puerto Rico by the Foraker Act was headed by a governor appointed by the President, who also

⁷⁶ *Ibid.*, p. 178.

⁷⁷ *Ibid.*, pp. 83-85.

⁷⁸ Small to Root, 8 May 1900, BIA 1028/9.

appointed the eleven members of the Executive Council. At least five of these were to be natives of the island. Six members of the Executive Council were also heads of the executive departments of the government. In practice, these six were almost invariably North Americans. The Legislative Assembly was elected by universal manhood suffrage, but the fact that the Executive Council formed the upper house of the legislature and that it was dominated by Americans often frustrated the will of the elected representatives of the Puerto Rican people. The veto of the governor could be over-ridden by the legislature, but in most cases bills were vetoed by simply disappearing forever in the Executive Council. In any case, the United States Congress retained the right to annul any legislation of the Puerto Rican legislature, although it never did so. The islanders could elect a Resident Commissioner to represent their interests in Washington, but he had neither voice nor vote in Congress. The Judicial Branch of the government consisted of an insular Supreme Court appointed by the President with the advice and consent of the Senate.

William F. Willoughby, who served in the Puerto Rican government for years, believed the Foraker Act organized an island system with almost complete autonomy and independence of the Washington government.⁷⁹ This is true enough. The island's government was, however, under the control of mainlanders appointed by the President. On the insular government level, Puerto Ricans had little control, but they

⁷⁹Willoughby, p. 410.

had the opportunity to express their wishes through the thirty-five delegates in the Legislative Assembly.⁸⁰ Willoughby believed that the governmental system of the Foraker Act had been drafted with the dual aims of efficiency and the largest possible self-government. The islanders were granted relatively little self-government in order to avoid "all of the dangers of misrule and inefficiency that the experience of other Latin-American countries had demonstrated to be present."⁸¹

The islanders had expected at least as much from the American Congress as they had received in the Spanish Autonomous Charter. They disliked the Foraker Act and wanted reforms right from the time of its passage.⁸² The Puerto Ricans saw the Foraker Act as unconstitutional and as a violation of a trust.⁸³ Trumbull White was quite correct that the Executive Council was the most hated feature of the Foraker Act. He was less than astute with his bland statement that only a discontented element was critical of the Act, while generally "it was an era of good feeling engendered by the manifest liberality of the American scheme of government."⁸⁴

⁸⁰Victor S. Clark, et al., Puerto Rico and Its Problems (Washington, D. C.; Brookings Institution, 1930), p. 94.

⁸¹William F. Willoughby, "The Executive Council of Porto Rico," American Political Science Review 1 (August 1907):561.

⁸²Muniz, p. 142.

⁸³Berbusse, p. 168.

⁸⁴White, pp. 50 and 62.

Puerto Ricans felt, like their leader of the post World War II era, that politically the Foraker Act did not correspond with the ideal of government by the consent of the governed. Fiscally, however, it was beneficial to the island.⁸⁵ The tariff would end as soon as Puerto Rico's budgetary needs were met by local legislation. All revenues collected in the island were reserved for its own treasury. Taxes on Puerto Rican goods collected in the states were returned. Economically, the Foraker Act was realistic and considerate of the island's needs.⁸⁶

The Foraker Act was to go into effect on May 1, 1900, but it had been signed only on April 12. There was not sufficient time for President McKinley to fill all of the offices called for in the Act. Senator Foraker sponsored a Congressional Joint Resolution to cover the time gap necessary. The House of Representatives took advantage of this opportunity to amend the Act through the Joint Resolution adopted May 1, 1900. The first of the two important amendments stipulated that all railroad, street railway, telephone and telegraph franchises had to be approved by the President.⁸⁷ Secondly, the 500 Acre Law was inserted. Section 3 of the Resolution provided that no corporation could engage in buying or selling real estate. A corporation

⁸⁵Luis Muñoz Marín, Puerto Rico and United States Citizenship (San Juan: Editorial del Departamento de Instrucción Pública, 1957), p. 11.

⁸⁶Morales Carrión, p. 144.

⁸⁷Gould, pp. 85-86.

could hold only as much land as was needed for the aim of its organization. No corporation for agricultural purposes could own or manage lands in excess of 500 acres.⁸⁸ Motivating these amendments was the desire to prevent the promoters and large numbers of American investors from exploiting the resources of the island.⁸⁹

The Gould thesis says that the United States committed itself to colonialism with the passage of the Foraker Act and that Puerto Rico became the laboratory for colonialism because it was a precedent for the Philippines. Another holds that the Foraker Act represented a compromise between the wish to end military rule and the fact that there was no real policy as to the future status of Puerto Rico.⁹⁰ Puerto Rican government suffered for the confused policy of the United States, which was in the hypocritical position of having colonies but no colonial policy.⁹¹ One islander asserts that the welcome of the Puerto Ricans vanished into dreams of separation for many years because of the governmental system established by the Foraker Act and the manner in which it was administered.⁹² Truly the Foraker Act did not provide the most auspicious political ambient for the

⁸⁸Puerto Rico (Gobierno de), Departamento del Trabajo, Legislación Social de Puerto Rico, comp. Vicente Géigel Polanco (San Juan: Negociado de Publicaciones y Educación Obrera, 1944), pp. 578-589.

⁸⁹Willoughby, "Executive Council," pp. 575-576.

⁹⁰Morales Carrión, p. 144.

⁹¹Rexford Guy Tugwell, The Stricken Land (Garden City, N.Y.: Doubleday & Company, Inc., 1947), p. 70.

⁹²Antonio Fernós-Isern, "From Colony to Commonwealth," The Annals 285 (January 1953):19.

confrontation of two proud cultures.

CHAPTER II

CONFLICTS OF AMERICANIZATION

With the Treaty of Paris, the United States annexed a densely populated island whose cultural and political traditions were homogeneous, but in sharp contrast to those of the North American. Assimilation or absorption could not be achieved as easily as they had been with New Mexico, Texas or California. This fact made American leaders indecisive about the future of Puerto Rico. Their lack of any clear-cut policy made the problem of Americanization more complex. It made Americans hesitant and Puerto Ricans both more resistant and more divided in their response to their new situation. Conquest had been easily accomplished. It would be a more vexatious problem trying to convert the Spanish guardian of the Caribbean into an American one.

The Foraker Act was a bitter disappointment to the aspirations of most politically conscious Puerto Ricans, despite their desire for the end of military government. Congressional failure to grant American citizenship, the Constitution or broad local self-government was taken to mean that Puerto Rico was not regarded as worthy of them, at least for as long as the Puerto Ricans remained unchanged and proud of their language, culture, and traditions. The wounded pride of the islanders was reflected in their defense of their Hispanic tradition

against the tide of Americanization. La raza, la lengua and la fe became focal points of friction between the islanders and their new metropolis. The three were emotion-packed symbols of Puerto Rican identity.

Race, Language and Religion

Racism was an irritant to a double degree. The Anglo-Saxon American frequently had little regard for the Latin-American or for the black. Many Puerto Ricans were both. The census of November 1899 reported that 38.2 per cent of the island's 953,243 people were "Colored" meaning either mulatto or black.¹ Although island society was sharply stratified on class lines, there was no color-line or racial hatred. As José Celso Barbosa, himself a black, pointed out, in Puerto Rico there was no color bar in public or political life. He acknowledged that social discrimination did exist.² Americans were aware of this. For example, in 1909 the Acting Governor of Puerto Rico felt that he had to change the list of those invited to the inauguration of the new governor because it had been prepared from the politically-motivated suggestions of the alcaldes. "To have followed the list meant the introduction of considerable 'color' into

¹Lt. Col. J. P. Sanger, Inspector-General, director, Report on the Census of Porto Rico, 1899 (Washington: Government Printing Office, 1900), p. 56.

²José Celso Barbosa, La Obra de José Celso Barbosa, ed. Pilar Barbosa de Rosario, vol. 3: Problema de razas, 6 vols. (San Juan: Imprenta Venezuela, 1937), p. 31.

the Inaugural Ball, which would have caused all the best families to get up and leave.³ Barbosa's contention, however, that Puerto Rican opinion had always opposed any legal discrimination or harassment seems correct.

American concepts of race were applied to dealings with Puerto Rico. In advocating home rule for Puerto Rico, the island's first North American Bishop, James H. Blenk, was careful to state that the Puerto Ricans were Caucasian and not "hybrid varieties" as in the Philippines.⁴ Bishop Blenk, who was born in Germany, served as Bishop of Puerto Rico from 1899 to 1906. The Attorney General of Puerto Rico, however, saw in the islanders "The same want of individual initiative, the same shiftlessness and lack of thrift, that are noticeable among the negro population of our own South." He added that discontent in the island was due to the amount of Negro blood there because he felt the Puerto Ricans had more independence and political power than even hoped for from Spain. Negroes, he thought, caused discontent because of their attempts to seem as good as whites.⁵ Newly appointed to the Federal Court of Puerto Rico by his friend, Woodrow Wilson, Judge Peter J. Hamilton, a native of Alabama, advised that "The mixture of black and white in Porto Rico threatens to create a race of mongrels of no

³G. Cabot Ward to Gen. Clarence R. Edwards, 3 November 1909, BIA 295/55.

⁴The Daily Picayune, New Orleans, 1 April 1913, BIA 26429/8.

⁵Wolcott H. Pitkin, Jr., to Felix Frankfurter, 21 January 1913, BIA 26429/11.

use to anyone, a race of Spanish-American talkers. A governor from the South, or with knowledge of Southern remedies for that trouble, could, if a wise man, do much."⁶

Southern remedies were known in the island. An article entitled "How the race question is resolved in the country of liberty," reported the proud claim of Southern Pines, North Carolina, that there was no race problem there; this was so because blacks were not allowed to vote, do business or live in the town.⁷ Lynchings in the United States were reported in the Puerto Rican press, which also noted the first conviction in United States' history of a man on trial for having lynched a black.⁸ Stating that one-hundred and seven blacks and eight whites had been lynched during the previous year, La Correspondencia commented that despite this the Yankees continued calling themselves a civilized nation.⁹

In 1909, the Governor and Attorney General of Puerto Rico wanted an executive ruling on citizenship. They dreaded the upset caused in the island by Congressional discussion. In Congress, Southerners were likely to become "inflammatory" about race when discussing Puerto Rico.¹⁰ One Puerto Rican flatly told William Jennings

⁶Hamilton to Wilson, 21 July 1913, Woodrow Wilson Papers, Manuscript Division, Library of Congress, Washington, D.C. (hereafter cited as Wilson Papers).

⁷La Correspondencia, San Juan, 9 April 1900.

⁸Ibid., 8 April 1900, 9 August 1901, and 16 October 1901.

⁹Ibid., 10 April 1901.

¹⁰Henry M. Hoyt 2d to Harry M. Hoyt, 22 December 1909, BIA 1286/

Bryan that American administrators of his island had been motivated by race prejudice.¹¹ Unflattering comparisons of North American racial problems and attitudes with those of Puerto Rico have continuously served the arsenal of Puerto Rican nationalist polemics.¹² For example, one separatist claims that Puerto Rican blacks followed Barbosa's Republican party because they were unaware of American racism, but well acquainted with island conditions.¹³ This claim seems unwarranted because the island press did keep the Puerto Ricans informed about racial strife on the mainland.

Barbosa was well aware of American racism but remained the "Rock of Americanization."¹⁴ Born into a humble family, he succeeded in getting a medical degree from the University of Michigan. He was a member of the Executive Council from 1900 to 1917 and the undisputed leader of the Puerto Rican Republican party until his death in 1921. Dr. Barbosa unswervingly advocated American citizenship, statehood, Americanization, and bilingualism. As his biographer notes, his stand on Americanization frequently resulted in his being considered a traitor both to his fellow Puerto Ricans and blacks.¹⁵ He

¹¹G. O'Neill to Bryan, 10 April 1913, BIA 26429/with 7.

¹²José Coll y Cuchí, El nacionalismo en Puerto Rico (San Juan: Gil de Lamadrid Hermanos, 1923), p. 92; José Enamorado Cuesto, El imperialismo yanqui y la revolución en el Caribe (San Juan: Editorial Campos, 1936), pp. 19 and 25.

¹³Silén, p. 53.

¹⁴Barbosa, 2, Post Umbra, p. 229.

¹⁵Antonio S. Pedreira, Un hombre del pueblo: José Celso Barbosa (San Juan: Imprenta Venezuela, 1937), p. 142.

believed that Puerto Rico was tied to the United States by geography, commerce, and history. He saw Americanization as signifying democracy and liberty because Puerto Rico would receive these with statehood. Americanization was necessary before statehood would be granted.¹⁶ Barbosa argued that Puerto Rico could retain all that was good in her Spanish heritage while accepting what was good from the United States. Care should be taken, of course, that the American racial problem not be imported into the island. Barbosa regarded the racism of the American South as the use of specific laws to destroy the spirit of the Constitution. He felt that most Americans supported the spirit of democracy in the Constitution. That was what he wanted for Puerto Rico.¹⁷ Despite his contention that his political creed was founded on reason while that of his adversaries was based on sentiment, some of his writings suggest that his unshakable devotion to the brand of American democracy he witnessed in Ann Arbor, Michigan, might be tied to his dislike of Puerto Rico's "best families," whose sons he freely called imbeciles.

The son of one such family was Barbosa's opposite. Vicente Balbás Capó was to hispanidad what Dr. Barbosa was to Americanization. Balbás edited the virulently anti-American Heraldo Español.¹⁸ He was the first to renounce officially, and loudly, American citizenship

¹⁶Barbosa, 4, Orientando al pueblo, pp. 49, 54.

¹⁷Ibid., 3:35-36, 41.

¹⁸Vicente Balbás Capó, Puerto Rico a los diez años de americanización (San Juan: Tip. Heraldo Español, 1910). Editorials from 1907.

when it was granted in 1917. Although he had been born in Puerto Rico, Balbás was generally considered a Spaniard. He never assumed a leading role in local politics. Therefore, the most rabid defender of Puerto Rico's traditions was not the most influential. That role fell to José de Diego, poet, orator, and politician. De Diego became the leading spokesman for the Latin personality of the island.

American reaction to that Latin personality is stated openly in the letters of Judge Hamilton to President Wilson. Hamilton said that the Puerto Ricans, like other Latin Americans, were "tenacious of local customs, even when they are clearly inferior to the American."¹⁹ He thought an American wardship over Haiti and Santo Domingo like that over the Indian tribes would be necessary because the Latin respected power not law like the Anglo-Saxon.²⁰ Puerto Rico would be difficult to Americanize because the people held "entirely un-American" Latin ideals.²¹ When dancing at a ball stopped until the governor agreed to commute a murderer's sentence, Hamilton saw the incident as an example of Latin excitability, typically swayed by sentiment or force.²² Islanders felt the Americans regarded them as savages. Muñoz Rivera said that "Entre las injurias que sufrimos, ninguna mayor que la injuria de considerarnos inferiores y de actuar

¹⁹Hamilton to Wilson, 25 November 1914, Wilson Papers.

²⁰Hamilton to Wilson, 10 August 1915, Wilson Papers.

²¹Hamilton to Wilson, 19 February 1917, Wilson Papers.

²²Hamilton to Wilson, 18 February 1915, Wilson Papers.

como si fuésemos salvajes."²³ As Hamilton's comments show, the Puerto Ricans who, like de Diego and Muñoz Rivera, valued their Latin heritage were held to be un-American and enemies by many Americans. The fact that these enemies were the most important political leaders in the island did not smooth the path of Americanization.

Rejecting permanent association of Puerto Rico with the United States, de Diego, like Hostos before him and the founder of the Nationalist party, José Coll y Cuchí, after him, sought the brotherhood of the Latin American Republics and advocated a confederation of Puerto Rico with Cuba and the Dominican Republic. The separatist wing of Muñoz Rivera's party was ascendent under de Diego's leadership between 1910 and 1915. Campaigning in 1913, de Diego identified a vote for the Union party with a vote for the preservation of the "raza, lengua, tradiciones, costumbres, leyes, y fe."²⁴ Dr. Barbosa attributed the success of the Union party in every election after 1904 to the force of this appeal.²⁵ To Balbás and de Diego the most heated issue in the defense of hispanidad was la lengua.

The teaching of English in Puerto Rican schools, begun under the administration of General Brooke, was seen by Americans and Puerto Ricans, who agreed with Barbosa, as the essential touch-stone of Americanization. English and Spanish were to be the official languages of

²³Luis Muñoz Marín, ed., Obras completas de Luis Muñoz Rivera, vol. 2: Campañas políticas, 3 vols. (Madrid: Editorial Puerto Rico, 1925), p. 26.

²⁴José de Diego, Nuevas campañas (Barcelona: Sociedad General de Publicaciones, 1916), p. 62.

²⁵Barbosa, 4:56.

of the island. Bilingualism was the official policy of the administration of the island. Enforcement of bilingualism, while most Puerto Ricans spoke only Spanish, could cause embarrassing incidents. For example, in 1901, Andrés Crosas voted against the passage of a municipal bond bill because it had been passed in the House of Delegates in English, without translation. Crosas knew that meant few delegates had understood the bill.²⁶ Puerto Ricans were required to use English before some of the courts in the island, and José Enamorado Cuesta, polemicist for the Nationalist leader of the 1930's, Pedro Albizu Campos, claimed that he had once been jailed for refusal to do so.²⁷

Puerto Rican leaders agreed with Americans that the island's educational facilities must be improved. The Legislature enacted numerous bills creating night schools, industrial schools, scholarships, and normal schools from 1901 on.²⁸ Co-operation between the islanders and mainlanders contributed to progress in reducing the illiteracy rate in Puerto Rico from 77 percent in 1899 to 55 percent in 1920.²⁹ Everyone stressed the importance of education. The questions occasioning bitter conflict were: what kind of education and who would control it.

The Massachusetts educational system and American teachers were imported into the island. Neither underwent appreciable change

²⁶San Juan News, 2 February 1901.

²⁷Enamorado, p. 168.

²⁸de Diego, pp. 169ff.

²⁹Berbusse, p. 141.

or adaptation to island conditions. In 1900, a Puerto Rican teacher complained about the Commissioner of Education's recommendation that teaching vacancies be filled by Americans.³⁰ American teachers were not only given preference, they were considered superior to Puerto Rican teachers even when they were not as well prepared to be educators and did not understand the language or sentiments of the children they were to teach.³¹ One American school administrator was stunned by the difference in the attitude of school children when singing "The Star Spangled Banner" as compared to "La Borinquen."³² As Governor Arthur Yager testified in 1916, when the American school system in Puerto Rico began, most of the teachers were Americans, but the number of schools was small. American teachers did not stay long in the island. The number of schools grew. Gradually Puerto Ricans replaced American teachers. Yager estimated that in 1916 there were about two-hundred American teachers in the island out of a total of eleven or twelve-hundred.³³ Puerto Ricans were the majority among teachers, but the more important administrative posts in the educational system went to North Americans.

Yager stated that the higher positions in the Department of Education, including the director and his assistant, were held by

³⁰La Correspondencia, 5 December 1900.

³¹La Democracia, San Juan, 26 January 1914.

³²Ibid.

³³U.S., Congress, House, Committee on Insular Affairs, Hearings, on H.R. 8501, A Civil Government for Porto Rico. 64th Cong., 1st sess., 1916, pp. 38-39.

Americans.³⁴ Hostos spent the last few years of his life organizing a new educational system, including normal schools, in the Dominican Republic.³⁵ There was some bitter comment on the fact that Hostos could not get even an inspector of education job in his native island.³⁶ Secretary of War Lindley Garrison encouraged giving an increased number of top administrative posts in the island government to Puerto Ricans but felt that the Commissioner of Education must be an American.³⁷ Governor Yager was quick to head off Muñoz Rivera's attempt to get some of the schools put under the control of the Commissioner of Health, who would be a Puerto Rican, instead of the Commissioner of Education, always an American.³⁸ Puerto Ricans resented the number of important posts in their island filled by Americans, who appeared to have no particular superiority in qualifications over Puerto Rican applicants. This resentment was especially acute in regard to the schools. Both islanders and Americans fully appreciated the importance of public education in Americanizing or Hispanicizing the younger generation.

Education and language in the schools have not, since 1898, been purely pedagogical issues. They are political issues. They have been, and will be, political issues as long as the status of

³⁴Ibid.

³⁵Hostos, 4:248.

³⁶Geigel, p. 70.

³⁷Garrison to Wilson, 3 May 1915, Wilson Papers.

³⁸Yager to McIntyre, 7 February 1916, BIA 3377/246.

the island and its future terms of association with the United States are undecided.³⁹ Some American politicians have always insisted that Puerto Rico must be English-speaking before becoming a state.⁴⁰ Puerto Ricans have not argued that English should not be taught in the schools. They have insisted that English must not be taught to the detriment of Spanish or the education of their children.

The goal of bilingualism was stated by Commissioner of Education Paul Miller in 1915. "The schools of Porto Rico must be bilingual. The American flag is here to stay. And I want pure Spanish taught in the public schools and pure English."⁴¹ Miller replaced a Commissioner of Education, Edward H. Bainter, who supported the use of English in the schools at all levels as the language of instruction. Bainter's policy had been followed by all but one American appointed Commissioner since 1898.⁴² Miller's change of attitude was important because of the power of the Commissioner in setting school policy on language. The Auditor of Puerto Rico in 1914 had urged that the powers of the Commissioner be even broader because each session of the Puerto Rican legislature saw debate over this issue. The Auditor felt that teaching English in the schools would

³⁹Erwin H. Epstein, ed., Politics and Education in Puerto Rico: A Documentary Survey of the Language Issue (Metuchen, N.J.: The Scarecrow Press, Inc., 1970), pp. 58-60.

⁴⁰This is true up to the present; see *Ibid.*, p. 45.

⁴¹Puerto Rican Comercial, San Juan, 15 September 1915, BIA 1043/11.

⁴²Kal Wagenheim, Puerto Rico: A Profile (New York: Praeger Publishers, Inc., 1970), p. 167.

not make anyone give up Spanish, but English was necessary if Puerto Ricans were to be Americans.⁴³ Dr. Barbosa argued that failure to teach English in the schools deprived poor Puerto Ricans of an opportunity to improve their lives by emigrating to the mainland and entering its labor market.⁴⁴

José de Diego led the Puerto Rican House of Delegates in its discussions of language in the schools. In 1913, de Diego secured the approval of the Union party for his advocacy of the use of only Spanish as the language of instruction in all grades, with English offered as a preferred course from the fifth grade on.⁴⁵ La Democracia echoed his view that education had not progressed as much as had been expected with the effort and vast sums of money poured into it because the use of English, which the Puerto Rican child did not know, greatly impeded his progress in school.⁴⁶ Muñoz Rivera included every imported teacher instructing classes in English as among his enemies.⁴⁷ In arguing that Puerto Rico could support itself as an independent republic, de Diego pointed out the money that could be saved if it were not necessary to buy English books, pay English teachers, and cover the expenses of bilingualism.⁴⁸ De Diego viewed the Spanish

⁴³J. W. Bonner to Major Irvin L. Hunt, 12 August 1914, BIA 3377/215.

⁴⁴Barbosa, 4:257.

⁴⁵de Diego, pp. 135-136.

⁴⁶La Democracia, 3 November 1913.

⁴⁷Muñoz to de Diego, 23 January 1914, BIA 6429/A/4.

⁴⁸de Diego, p. 99.

language as "una de las causas más hondas de nuestra personalidad étnica y política."⁴⁹ He established his own school and an Antillean Academy of the Language to preserve Castillian, while precipitating a major upset to the tranquility of the island in 1915.

In January, de Diego introduced into the House of Delegates a bill making Spanish Puerto Rico's official language, with English official only in relations between the island and the United States. Spanish was to be required of all employees of the administration and the courts in the island. Public instruction was to be in Spanish, and Spanish grammar was to be taught in a minimum of five grades. English was an optional course.⁵⁰ Juan B. Huyke won notoriety in opposing de Diego in the House debate on this bill.⁵¹ The bill was not passed by the Executive Council. De Diego's language program would not be adopted in Puerto Rico for many years. The bill, however, did initiate a strike in San Juan's schools.

The strike began when one boy tried to solicit signatures requesting the Puerto Rican legislature to end instruction in English in the public schools.⁵² Judge Hamilton, advising the Bureau of Insular Affairs of the success of the strike, thought this symptomatic of the attitude of the islanders. Hamilton added that Americanization

⁴⁹Ibid., p. 226.

⁵⁰La Correspondencia, 12 January 1915.

⁵¹Pedreira, p. 148.

⁵²El Tiempo, San Juan, 4 March 1915, BIA 1043/10A.

depended upon English.⁵³ The New York Tribune devoted a half-page spread to a sympathetic article covering the "Fight to Save Spanish Language in Porto Rico." This article noted the tie between the language issue and the status issue in Puerto Rico.⁵⁴ Hamilton told Wilson that the kind of agitation typified by the strike would end once the passage of a new organic act was secured for Puerto Ricans, "rather a child race, easily led by appeals to sentiment."⁵⁵ The San Juan strike ended after three months. It was followed by a six-weeks strike by Arecibo's high school students in 1916. Commissioner Miller issued a regulation which stipulated automatic expulsion for strikers following the Arecibo strike.⁵⁶

Balbás' paper praised de Diego's House bill and applauded the vote of solidarity on this issue passed by the Senate of the Dominican Republic.⁵⁷ De Diego responded by introducing a resolution of thanks to the Dominican Republic into the Puerto Rican House of Delegates.⁵⁸ A Spanish language newspaper also noted the language fight in Puerto Rico and stated that "Sancho" wanted to kill "Quijote" by killing Spanish in Puerto Rico.⁵⁹ Latin fears that it was a struggle to the death for Spanish had been reinforced by statements such as that of

⁵³Hamilton to McIntyre, 2 March 1915, BIA 1043/10.

⁵⁴New York Tribune, 18 April 1915, BIA 1043/10B.

⁵⁵Hamilton to Wilson, 2 June 1915, Wilson Papers.

⁵⁶Muniz, p. 76.

⁵⁷Heraldo Español, San Juan, 1 June 1915, Wilson Papers.

⁵⁸Bulletin Mercantil, San Juan, 15 March 1916, BIA 1043/13.

⁵⁹El Dia, Ponce, 17 June 1916, BIA 26429-A/12.

Governor William H. Hunt, who wrote:

In order to make the laws and language of the mainland and the island uniform,..., every effort must be made not only to teach new doctrines and ideas, but at the same time to destroy the prejudices, ignorance, and false teachings of the past.⁶⁰

José de Diego did not believe that English could replace Spanish as the native tongue of the Puerto Ricans. He fought not to defend Spanish from death but from corruption by English. A later analysis concludes that he did not succeed, but Spanish in Puerto Rico has been altered in the same way, if to a larger degree, as in other parts of Latin America.⁶¹

The same might be said regarding la fe. Americanization of Puerto Rico's language and of its religion has been only partly successful. In 1898, it might have been predicted that Protestantism would fare better. The change in sovereignty had adversely effected the Catholic Church in Puerto Rico. Her income from the Spanish government was gone, and most islanders were unable to contribute to the Church. Numerous Spanish clerics returned to the Peninsula, further reducing a staff already inadequate to serve the island. Only gradually did American clergymen come to Puerto Rico.

The property of the Church had been vested in the Spanish Crown. It went to the United States government with the Treaty of

⁶⁰William H. Hunt, Report of the Governor of Porto Rico (Washington, D.C.: Government Printing Office, 1904), p. 13.

⁶¹Francisco Ayala, "The Transformation of the Spanish Heritage," The Annals 285 (January 1953):104.

Paris and to the people of Puerto Rico with the Foraker Act. Root requested an inventory of the property claimed by the Church in 1899.⁶² No action was taken until 1903 when Senator Foraker introduced a bill to return the claimed property to the Church. Despite the support of President Theodore Roosevelt, Foraker could not get his bill through Congress.⁶³ In 1906, the Supreme Court of Puerto Rico, in a decision handed down by José Severo Quiñones, returned the property. This decision was upheld by the United States Supreme Court in 1909. During these years when the Catholic Church in Puerto Rico was in such an uncertain condition, American Protestantism began its campaign to convert the island.

A Baptist and a Lutheran missionary arrived in Puerto Rico in October 1898. The historian of the conversion campaign reports that the Catholic hierarchy opposed their preaching, but the islanders crowded to hear them.⁶⁵ In the next year, the mission boards of the Presbyterian, Baptist, Congregational, and Methodist Episcopal Churches agreed to avoid duplication of effort by dividing the island into exclusive spheres of operation. Only San Juan and Ponce would be open mission territory.⁶⁶ The missionaries developed techniques

⁶²Edward J. Berbusse, S.J., "Aspects in Church-State Relations in Puerto Rico," The Americas 19 (January 1963):298-299.

⁶³Ibid., p. 299.

⁶⁴Ibid., p. 302.

⁶⁵Donald T. Moore, Puerto Rico para Cristo (Cuernavaca, México: Cidoc Sondeos, 1969), pp. 2/17-2/23 [sic].

⁶⁶Ibid., pp. 2/1, 2/2.

such as itinerate preachers on horseback, lay pastors, and encouragement of the use of native converts as pastors.⁶⁷ By 1916, twelve Protestant sects claimed 13,391 Church members, 20,410 Sunday School members, and 215 organized churches.⁶⁸ If accurate, these figures indicate that almost three percent of the population of Puerto Rico were Protestant Church members. It is probably, however, that resident mainlanders are included in the figures. The addition of their numbers would over dramatize the success of the conversion campaign.

Freedom of religion had been promised in the Treaty of Paris. American officials dealing with Puerto Rico are noticeably silent on this issue of evangelization. They do not stress the need for Protestantism as a part of Americanization in the way that they stress English. Catholicism, however, was not supported. In 1913, the Catholic Bishop of Puerto Rico, William A. Jones, reported rumors that the Presbyterian leader in the island was leading a movement to prevent the appointment of a Catholic governor.⁶⁹ The report of Bishop Jones, who had previously played an important role in establishing American Catholicism in Cuba, is given credence by the fact that the Presbyterian leader, Edwin A. Odell, had just requested an interview with President Wilson. Odell told Wilson that he wished to discuss Puerto Rico and bolstered his request for an interview by noting that

⁶⁷Ibid., p. 2/21, 2/24 and 2/38.

⁶⁸Ibid., p. 2/80.

⁶⁹Bishop W. A. Jones to Fredrick R. Coudert, 28 May 1913, Wilson Papers.

he was a graduate of Princeton.⁷⁰ Judge Hamilton advised against a Catholic governor because such an appointment would, in his view, be seen in Puerto Rico as a reestablishment of a state church and would adversely effect the advances made by Protestantism in the island.⁷¹ Included among Representative William A. Jones' papers relative to Puerto Rico is a January 1913 issue of an Aurora, Missouri, paper carrying in its masthead the statement that "If the Liberties of the American People Are Ever Destroyed, It Will Be By the Hands of the Roman Catholics." The lead article in this issue decried the selection with American advice of Archbishop Adolfo Nouel as compromise president of the Dominican Republic.⁷² It is not clear how much consideration Wilson may have given to the appointment of a Catholic governor, but he did not choose one.

On the island, the Protestant crusade caused some friction. In 1903, a policeman in Manati brought charges against one member of a Protestant congregation for disorderly conduct. The charges were dropped because all of the witnesses, who were fellow members of the accused's congregation, stated that he had only been preaching.⁷³ The Protestant Episcopal Bishop of Puerto Rico, James H. Van Buren, had expressed the opinion that the appointment of a Puerto Rican as

⁷⁰Edwin A. Odell to Wilson, 26 April 1913, Wilson Papers.

⁷¹Hamilton to Wilson, 21 July 1913, Wilson Papers.

⁷²The Menace, Aurora, Mo., 21 January 1913, Jones Papers, Box 89. Archbishop Nouel was president for sixteen months.

⁷³San Juan News, 11 January 1903.

the treasurer of the island would result in government support of Catholic education. He added that the performance of the alcaldes did not inspire confidence in the appointment of Puerto Ricans to important posts. In its criticism of Van Buren for these remarks, La Democracia replied that corrupt alcaldes were not unknown in the United States.⁷⁴ Two Baptists were taken before a judge by a local priest for preaching in the town plaza, but the fine levied by the judge was reversed by a higher court.⁷⁵ In Barranquitas, a Baptist preacher was stoned for refusing to remove his hat during a Catholic religious procession. Stones were also the only response for two years to a Puerto Rican Protestant preacher's unattended services in Trujillo Alto.⁷⁶

José de Diego objected to the missionaries in Puerto Rico on the grounds that they divided the people's solidarity. The missionaries told them that they were incapable of governing themselves, and, in de Diego's eyes, exemplified the type of prejudice that would prevent the election of a Catholic as President of the United States.⁷⁷ Bishop Van Buren was accused of being a carpetbagger who was in Puerto Rico only to enjoy the income of his benefice.⁷⁸ In the opinion of

⁷⁴La Democracia, 17 August 1905.

⁷⁵Moore, p. 2/29.

⁷⁶*Ibid.*, p. 2/30.

⁷⁷de Diego, pp. 79-80.

⁷⁸La Democracia, 17 August 1905.

Rosendo Matienzo Cintrón, the missionaries in general were religious carpetbaggers sent by pseudo-religious commercial-political societies.⁷⁹ Considerably less comment was made by North American or Puerto Rican political leaders on religion than on language, but these two aspects of their tradition may have been equally important to many islanders. Later Puerto Rican nationalists are as bitter in their denunciations of religious Americanization as of the Anglicization of their language. The missionary, like the teacher, was considered an agent of North American colonialism.⁸⁰

Press and Politics

Race, religion, and language were the most emotional areas of conflict between Puerto Rico and the United States. Other areas had less popular appeal but considerable importance. Friction often developed when some Puerto Rican institutions were Americanized and also when others were not. This seeming contradiction is due, of course, to the fact that the will of the islanders was not consulted before changes were or were not made.

Americanization of the tax system caused the major political storm of 1901. Spanish taxes still in effect at the time of the American landing had been suppressed. A direct land tax was imposed by the military government. This tax was frequently assailed because the

⁷⁹Luis M. Díaz Soler, ed., Rosendo Matienzo Cintrón, vol. 2: Recopilación de su obra escrita, 2 vols. (México: Ediciones del Instituto de Literatura Puertorriqueña, 1960), p. 83.

⁸⁰Enamorado, pp. 20, 208; Silén, pp. 102-103; Lewis, p. 4.

rich paid little and the poor much,⁸¹ This inequity was of concern in the drafting of the revenue bill,⁸² which became known by the name of the Treasurer of Puerto Rico, Jacob H. Hollander. The Hollander bill set up a new revenue system for Puerto Rico, but its aim of shifting the tax burden from the poor led to mass protest meetings of planters and merchants.⁸³ Leading figures among those attending the protest meetings were Balbás and Muñoz Rivera. The tax was held to be unjust and obviously drawn without reference to conditions in the island.⁸⁴ Because the Executive Council felt it necessary to pass a tax bill before the close of the legislative session, there was rush and maneuvering. The Hollander Act was castigated as a taxation system imposed on the island by the Americans with the cooperation of a subservient Republican House of Delegates.⁸⁵

Desired reforms were sometimes withheld, but good will was generated in 1902 when the House of Representatives granted the floor and a voice in debates concerning Puerto Rico to the Resident Commissioner, Federico Degetau y González.⁸⁶ The United States Supreme Court ruled in the Insular Cases that the Constitution did not apply to Puerto Rico. Noting the lack of a bill of rights in the Foraker Act, a bill

⁸¹La Correspondencia, 28 July 1900.

⁸²Barbosa, 4:43.

⁸³San Juan News, 25 January 1901, 6 February 1901.

⁸⁴*Ibid.*, 30 January 1901.

⁸⁵*Ibid.*, 29 January 1901.

⁸⁶*Ibid.*, 1 July 1902.

embodying the personal guarantees of the Constitution was introduced into Congress.⁸⁷ The bill did not pass, and the island's legislature, led by José Celso Barbosa, enacted its own guarantees. Section 3 of the law was of special importance. It guaranteed the freedom to speak, write or publish whatever one pleased, subject to responsibility for abuse of this right.⁸⁸ Americans frequently felt that the Puerto Rican press did abuse it.

The military governors had serious conflicts with the Puerto Rican press. Repression by Generals Henry and Davis caused caustic comment by Hostos.⁸⁹ Even the "Good Neighbor" Governor would complain years later of the vicious attacks by the island's press.⁹⁰ One Puerto Rican judge ordered the arrest of an editor who had attacked him, but the American Attorney General asked for the removal of the judge for his violation of the privilege of the press.⁹¹ Regis Post, when Secretary of Puerto Rico, found it necessary to defend himself against the attack of La Democracia for what he had considered a simple administrative decision.⁹² The Bureau of Insular Affairs kept a file of newspaper

⁸⁷U.S., Congress, House, A Bill to amend an Act entitled 'An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April twelfth, Nineteen Hundred, and to establish personal rights for the people of Porto Rico, H.R. 13525, 57th Cong., 1st sess., 1902.

⁸⁸Puerto Rico, Legislación Social, p. 34.

⁸⁹Hostos, 4:241, 244-245.

⁹⁰Tugwell, p. 238.

⁹¹San Juan News, 1 July 1902.

⁹²La Democracia, 15 September 1905.

articles considered inflammatory. Their file, however, did not contain anything particularly unusual in the context of the press of the period. Governor William H. Hunt liked to point out the role of Spaniards in Puerto Rico as editors of critical newspapers.⁹³ Balbás would be an example of such an editor. Governor George B. Colton referred to one paper, which was owned by a Puerto Rican whom the present writer views as a moderate, as "the mouthpiece of the disgruntled harpers."⁹⁴ Hunt and Colton missed the point, as did most Americans except Governor Charles H. Allen,⁹⁵ that the Puerto Rican press was a faithful reflection of the political atmosphere of the island.

Representative Albert Douglas commented that there was not one newspaper in the island that considered any issue without a political basis for their conclusion. Douglas thought the island's press included many politically rabid papers, like La Democracia.⁹⁶ Despite the denials of the Puerto Ricans present when Douglas made his statement, he was correct in viewing the press as very political and vitriolic compared with usual American standards. After 1902, American administrators respected the freedom of the press in Puerto Rico but

⁹³Hunt, p. 11.

⁹⁴Colton to Edwards, 20 September 1911, BIA 750/7.

⁹⁵Charles H. Allen, Report of the Governor of Porto Rico (Washington, D.C.: Government Printing Office, 1901), p. 45.

⁹⁶U.S., Congress, House, Committee on Insular Affairs, Hearing upon the bill providing Civil Government for Porto Rico. 61st Cong., 2d sess., 1910, p. 144.

they never stopped complaining about it. The problems Americans encountered with the press were really extensions of the problems they had with the political parties. Puerto Rican parties and press had been bitterly factional long before 1898. They would continue to be so long after.

Political passions in Puerto Rico ran very high among both politicians and public. During the first election under the Foraker Act, there were several incidents. In the town of Yauco, reports were received that the Republican election judges were wounded in a hostile reception by the Federals. The rumor spread that the homes of Federals were to be attacked. Yauco settled down only when the judges advised that the reports of their wounds were false.⁹⁷ The Mayor of Guayama admitted armed Federals into the town which resulted in a fight with sixteen wounded.⁹⁸ San Juan saw the biggest squabble, since its Republican Mayor, Manuel Egozcue, was a bitter enemy of Luis Muñoz Rivera. Muñoz published an angry criticism of Egozcue and his treatment of some Federal party members. His paper was raided on September 14, but on the 18th the offices and shops were destroyed. The mob then went to Muñoz' home. Shots were fired there,⁹⁹ and though no one was hurt, Muñoz was brought to trial in December. He was acquitted, but the trial stirred additional political anger among

⁹⁷La Correspondencia, 8 November 1900.

⁹⁸Ibid., 8 October 1900.

⁹⁹Aitken, pp. 43-44.

his followers.¹⁰⁰

This uproar during the campaign of 1900 began with the first meetings of the Executive Council installed under the Foraker Act. President McKinley appointed two Republicans, two Federals, and one independent, Andrés Crosas, to the five Puerto Rican seats on the Council. One of their first jobs was to prepare for the election in the fall. In dividing the island into electoral districts three plans were prepared. One plan was proposed by the Republicans, one by the Federals, and one by Crosas. When the plan of the independent was accepted by a vote of nine to two, the Federals, de Diego and Manuel Camuñas, resigned.¹⁰¹ Crosas claimed that his plan had been suggested by an American, who perhaps did not realize that different areas of the island were the territory of one party or the other. Following Spanish procedure, the outvoted minority resigned because Muñoz Rivera told them to do so.¹⁰² This whole procedure was viewed as perverse and undemocratic by Americans like Governor Allen. Shortly before November 6, the Federals decided to boycott the election. That meant that all of the Republican candidates were elected and both houses of the legislature were entirely Republican.

In 1902, the supposed leader of the Republican mob in San Juan was jailed for attacking someone who disagreed with his political

¹⁰⁰Berbusse, United States in Puerto Rico, p. 179.

¹⁰¹Allen, pp. 18-19.

¹⁰²Berbusse, United States in Puerto Rico, p. 175; White, p. 59.

views.¹⁰³ That same year an election riot in Humacao resulted in a death sentence for murder. The Puerto Rican Supreme Court upheld the conviction, but the legislature petitioned the governor for commutation.¹⁰⁴ In Manati several incidents of physical attack by Republicans on political opponents were reported.¹⁰⁵ By 1903 the San Juan News switched its allegiance from the Republican to the Federal party. Its editor never tired of denouncing the Republican "turbas" but did not say anything about their Federal party equivalent. Mayor Egozcue was arrested for destroying receipts from the water department, and it is not surprising that the campaign disclosing the scandal and fighting every attempt on the part of the Mayor to shift the blame was led by the News.¹⁰⁶

Governor Charles Allen and, even more so, his successor, Hunt, were considered partial to the Republicans.¹⁰⁷ The charge seems true enough. A new governor in 1904 said he would not tolerate the election abuses of the past. The effect of this change of governor upon the re-emergence of Muñoz Rivera's followers to political victory was over-emphasized by one Muñoz admirer.¹⁰⁸ With the increasing domination of Puerto Rican politics by the Union party after 1904, grass

¹⁰³San Juan News, 3 August 1902.

¹⁰⁴ibid., 28 February 1904.

¹⁰⁵ibid., 21 January 1903.

¹⁰⁶ibid., 4, 7, 9, 10, 11 and 14 January 1903, 21 and 25 February, 1903.

¹⁰⁷ibid., 17 January 1903.

¹⁰⁸Aitken, p. 48.

roots political fighting seems to have diminished. Even in 1910, however, the Union party president, Carlos M. Soler, pleaded with party alcaldes to protect the meetings of opposition parties. Soler argued that every incident only gave the Americans one more excuse to say that the Puerto Ricans were unfit to govern themselves.¹⁰⁹

Governor Hunt complained that every bill in the legislature was a party measure, with party control exerted over voting even on bills that had no possible partisan impact.¹¹⁰ A lesser American appointee noted that the delegates thought it necessary to vote for every measure introduced by a member of their party. This is how he explained the fact that the Executive Council had to bury or amend so much legislation sent up from the House of Delegates.¹¹¹ De Diego and Herminio Díaz tried to enforce a technical rule to disqualify five Republican delegates, but they were outvoted, and the island's Supreme Court declined to interfere in the affairs of the legislature.¹¹² Federico Degetau was very early disgusted with the "politics of insult" between the island's parties.¹¹³ There were several occasions when the leading politicians tried to bury party differences in order to work for common goals, notably a new organic act, despite political

¹⁰⁹Circular, Soler to Union Alcaldes, 8 October 1910, BIA 719/11.

¹¹⁰White, p. 66.

¹¹¹Roland B. Falkner, "Citizenship for the Porto Ricans," American Political Science Review 4 (May 1910):186.

¹¹²San Juan News, 21 January 1904.

¹¹³La Correspondencia, 1 November 1900.

rancor. These attempts at cooperation were short-lived.

Only one attempt to consolidate Puerto Rican leadership was very successful. In January 1904, Santiago Palmer, president of the Federal party, wrote to Manuel F. Rossy, president of the Republicans, suggesting that both parties dissolve and unite into one new party to defend Puerto Rico's interests.¹¹⁴ Barbosa rejected the proposal. The only Republican leader to defend it was Rosendo Matienzo Cintrón.¹¹⁵ The Federal party later did dissolve. When its members reconvened to form a new party, they were joined by Matienzo and his followers from the Republican ranks. Thus the Union party began. Ideological differences between the two major parties had been slight in 1899, but they increased as years went on. Even in the early years, real cooperation was impossible because of inheritances of rivalry from the past. The people followed the ideals of the parties but little. They were muñocistas or barbocistas. The parties were built on the personalismo of their respective leaders.¹¹⁶

As the Puerto Rican political scene has already been described with the characteristics of personalism, domination of geographical areas, and strict party loyalty and discipline, its next characteristic, especially criticized by Americans, is almost predictable: bossism. The Federal party had been the allegiance of planters and merchants.¹¹⁷

¹¹⁴San Juan News, 24 January 1904.

¹¹⁵Ibid., 26 January 1904.

¹¹⁶Pedreira, pp. 139-140.

¹¹⁷San Juan News, 26 January 1904.

With the defection of Matienzo and the retirement of Degetau, the Union party even more strongly could be described as the party of the socially and economically dominant classes in Puerto Rico.¹¹⁸ It appears that this might be significant in explaining the electoral victories of the Union party as much as its hispanic appeal to the voters, given bossism and personalism. Hispanidad and disillusionment with the Americans drew the Puerto Rican upper classes firmly to the Union party. These people then delivered the votes of the illiterate majority of the voters.

In 1910, a former Commissioner of Education stated that leaders in Puerto Rico were few and bossism characterized public life.¹¹⁹ Governor Colton thought opposition from the Puerto Rican House of Delegates to the Olmsted bill was based on its "reduction of influence of political bosses called leaders who now handle the ignorant class like sheep."¹²⁰ Attorney General Foster V. Brown thought Muñoz Rivera was the one person who told the islanders what to say and think. Brown added that Muñoz was hostile to President William H. Taft and was very anti-American.¹²¹ Judge Hamilton equated Puerto Rico's problems with those of Mexico: land and caciques. Hamilton noted that "the present

¹¹⁸Leland H. Jenks, "American Rule in Puerto Rico", in The Caribbean Area, ed. A. Curtis Wilgus (Washington: The George Washington University Press, 1934), p. 153.

¹¹⁹Falkner, p. 189.

¹²⁰Colton to Edwards, 23 February 1910, BIA 3377/40. The Olmsted bill was a new organic act proposal.

¹²¹Brown to Edwards, 4 December 1911, BIA 127/10.

political leaders are followed with a personal devotion (like that to the old caciques) which has no relation to the policies they stand for, if there are any."¹²² Attorney General Pitkin also saw blind devotion to political leaders and personalism. The people, he felt, knew little of political issues or institutions. He wrote that: "Often on election day bands of them are seen guided, or rather driven like sheep, to the polls by a man on horseback."¹²³

Puerto Rican Republicans denounced Muñoz Rivera's contention that it would be hard to find capable representatives for each district if delegates must reside in the district. The Republicans said it might be hard to find a boss resident in each district, but not a representative.¹²⁴ Dr. Barbosa's El Tiempo became very critical of the Union party-dominated legislature and Governor Colton for failing to reform registration and voting to stop vote-buying and other election abuses.¹²⁵ The leader of the younger Americanized Unionists wrote that he had tried to fight the bosses, who operated on Spanish political principles.¹²⁶ He had done so, and Muñoz Rivera attacked him for not voting with the party on the Executive Council but as he chose.¹²⁷

¹²²Hamilton to Wilson, 30 May 1914, Wilson Papers.

¹²³Pitkin to Frankfurter, 21 January 1913, BIA 26429/11.

¹²⁴Guzmán Benítez to Jacob Dickinson, 30 April 1910, BIA 127/3.

¹²⁵El Tiempo, 8 February 1912, BIA 1028/18.

¹²⁶Martin Travieso, Jr., to McIntyre, 17 November 1915, BIA 719/46.

¹²⁷La Democracia, 16 December 1915.

Puerto Rican leaders, like Muñoz, did not see party control as bossism. It was seen as union in the defense of Puerto Rico against its new overlord. Muñoz had a great deal of trouble in maintaining party unity, because, unlike Barbosa's party, it was the "Union" in which different ideals were held and several factions existed.

The best analyst of the problems that existed between Americans and Puerto Rican politics notes that many American administrators ignored the fact that the local political leaders were the only avenue available for working with public opinion in the island.¹²⁸ Willoughby thought that the delicate machinery of the divided political system created by the Foraker Act was excellent because it gave both Puerto Ricans and Americans a veto power.¹²⁹ In fact, the system was vulnerable because it had to get a balance between two independently variable political forces. As Leland Jenks stated: "Hence the party leadership in Porto Rico has always been able to avoid responsibility to its electorate, and many an American Governor has excused his failure by dwelling on the shortcomings of insular politicians."¹³⁰

The tragedy of a political tradition in Puerto Rico that included a vituperative press, bitter party fights and bossism was, however, that it did convince many Americans that the islanders were not capable of self-government. This truth was aptly stated by Mrs. Theodore Stoy, an American woman resident in Manati. She was outraged that Governor

¹²⁸Jenks, p. 156.

¹²⁹Willoughby, "Executive Council," pp. 568-569.

¹³⁰Jenks, pp. 152-153.

Arthur Yager had said Puerto Rico was prepared for self-government.

In a letter to Secretary of War Lindley H. Garrison, she wrote:

To anyone who really understands these people and their hatred of Americans, and the way in which they let politics completely dominate their judgment, this is appalling. Only a negligible part of the people know how to read or write; so there is no public opinion as we understand the word. Native control would be to throw the government into the hands of three or four men, and these the most blatant and irresponsible....

This country is not like Cuba or the Philippines where it was understood that our control would be only temporary. Here we have invested our money with the understanding that we were on American territory and under our own flag.¹³¹

"Native control" was precisely the goal Puerto Ricans most cherished. The highly cultivated and sophisticated islanders acknowledged themselves a small minority. They knew that the majority of Puerto Ricans were illiterate. They believed, however, that they were better qualified to run their "territory" than Americans who knew nothing about the island.

Many administrators dealing with Puerto Rico were, at least initially, almost completely ignorant about the island. One ironic example is the Bureau of Insular Affairs employee who reviewed an article by Balbás. He said the author, Balbás, was ingenious, versatile, and amusing, but that his facts were all questionable.¹³² The facts questioned by the reviewer dealt with simple points in the history of Puerto Rico and its relationship with the United States, and Balbás' facts

¹³¹Mrs. Theodore Stoy to Garrison, 6 January 1914, BIA 26429/38.

¹³²Beckwith note to Heraldo Español, 16 September 1913, BIA 26429/27.

were accurate. General Davis had pointed out to Root the advantage of Executive Council appointees having a knowledge of Spanish, Latin law and Latin people.¹³³ Few appointees to any office had these qualifications. The United States did not have a core of trained colonial administrators from which such people could be drawn.¹³⁴ Most American appointees were well qualified to administer the types of jobs they were given in the island, especially in more technical jobs.¹³⁵ There were, however, numerous political appointments. The outstanding examples of both the worst and the best people appointed to administer the island came after 1917.

Puerto Ricans were displeased with the appointments made by the United States because too many good jobs went to Americans who were not particularly knowledgeable about Puerto Rico. Islanders typically considered American appointees as office seekers just as the Americans routinely accused Puerto Rican politicians of squabbling only for positions. There is evidence to indicate that both groups did concern themselves with getting the most lucrative and prestigious posts.¹³⁶ The islanders particularly resented American control of the municipal and legal institutions of the island on the grounds of tradition, power, and patronage.

¹³³Davis to Root, 20 April 1900, BIA 168/29.

¹³⁴Callcott, p. 169.

¹³⁵Jenks, p. 151; Clark, p. 94.

¹³⁶See San Juan News, 26 March 1904; Géigel, p. 37; Muñoz Marín, Del Tiempo, p. 20.

Judge Hamilton, who was himself a rather controversial appointee, advised President Wilson to maintain the system of American government, schools and courts in Puerto Rico because he saw the island as a part of his nation's policy in the West Indies.¹³⁷ Hamilton commented that he thought most Puerto Ricans preferred to be left alone but that Americans would have to legislate the real interests of the islanders and then force them to obey the law.¹³⁸ The Judge's opinion that Americanization was to the best interest of the island was shared by many Americans. One observer said that the lack of political training in Puerto Rico under Spain made impossible the amount of self-government usually considered part of the American system. This same lack, however, would make the introduction of American institutions easier.¹³⁹ As early as 1909, a Puerto Rican wrote that the smiling welcome in 1898 changed into a crescendo of disenchantment, as the conquerors failed to respect Puerto Rican institutions and rights. He felt that the Americans forgot their own history and traditions when dealing with the new colony.¹⁴⁰ By 1914 General McIntyre could refer to the latent anti-American feeling always present in Puerto Rico.¹⁴¹

¹³⁷Hamilton to Wilson, 4 February 1914, Wilson Papers.

¹³⁸Hamilton to Wilson, 1 May 1916, Wilson Papers.

¹³⁹L. S. Rowe, "The Significance of the Porto Rican Problem," North American Review 173 (July 1901):36-37.

¹⁴⁰Coll y Cuchí, p. 11.

¹⁴¹McIntyre to Yager, 2 June 1914, BIA 3377/207.

The real question in the relationship between the mainland and the island was whether mutual respect, friendship, and solidarity could be built between the two despite their differences in culture, race, and traditions.¹⁴² Puerto Rican leaders urged the people both to Americanize and to preserve their traditions, contributing to a disorientation built upon uncertainty.¹⁴³ Most Americans, like Mrs. Stoy or Judge Hamilton, saw the Puerto Ricans as permanently tied to the United States. They did not fully appreciate the fact that it was the Americans who saw such permanent union as in their best interests or that Puerto Ricans did not all agree that the relationship was in their best interests. The conflicts of Americanization progressively convinced more islanders that it was not. These unavoidable conflicts between two cultures were worsened because they took place in an ambient of colonialism rather than equality. The colonial power was hesitant to give the islanders any assurance that cooperation with it and its goals of Americanization would result in a future relationship between equals. Puerto Ricans were asked to speak English and to adopt American attitudes and institutions while being denied American citizenship. They were asked to accept American administration and Americanization of their island although their political status was unsettled and increasing numbers of them came to prefer the option of independence to that of statehood.

¹⁴²Muñoz Marín, Puerto Rico, pp. 9-10.

¹⁴³Géigel, p. 45.

CHAPTER III

THE CITIZENSHIP AND STATUS QUESTIONS

The conflicts of Americanization caused Puerto Ricans to cling to their own cultural identity when confronted by an alien culture. Despite their pride in their Latin heritage, many of them wished to become American citizens. There has been continual controversy over the political status of the island. Everyone opposed perpetual colonialism, but opinions varied as to whether independence, statehood or autonomy should be the goal of the islanders. Citizenship and cultural personality were parts of the status question. This dilemma has plagued Puerto Rico since 1898. Its solution has been postponed with compromises between ideals and realities.

Background

When, in the Fall of 1898, it became known that the United States would annex Puerto Rico, the islanders assumed that their citizenship and status would follow the usual mainland pattern of expansion. Under that pattern, they would become American citizens with territorial status leading to eventual statehood. The four military governors operated on this assumption. In the Treaty of Paris, determination of the citizenship and status of the islanders was left to

the United States Congress. During the time in which Congress failed to enact legislation for Puerto Rico, the expectation that the United States would follow its historical precedent in dealing with its new acquisitions continued.

Senator Foraker noted that in all cases, except that of Alaska, the treaties under which the United States acquired new lands stipulated that the territories would be incorporated into the nation and that their inhabitants were to enjoy American citizenship and the Constitution.¹ Alaska, acquired in 1867, became a territory in 1912. Hawaii, acquired in 1898, became a territory in 1900. These non-contiguous acquisitions followed the traditional pattern of expansion. President McKinley, although he may have thought the pattern would be applied to Puerto Rico,² wanted no commitment written into the Treaty of Paris. As Rupert Emerson wrote, the islands annexed in the Treaty were not fitted into the American sense of the "constitutional fitness of things" or the territory-state pattern. A new pattern had to be devised for the American Empire.³

With the annexation of Puerto Rico, eventual statehood seemed to represent the destined solution of giving the island the self-governing status it had sought from Spain.⁴ In 1899, both the Republican

¹Foraker, p. 468.

²Berbusse, The United States, p. 222.

³Rupert Emerson, "Puerto Rico and American Policy Toward Dependent Areas," The Annals 285 (January 1953):10.

⁴Morales Carrión, p. 156.

and the Federal parties in Puerto Rico favored statehood.⁵ The Puerto Ricans waited for Congress to legislate for them. They expected to receive citizenship, the Constitution, and a respectable amount of self-government. Willoughby, a bulwark of the American administration in the island, agreed that the cultivated, friendly Puerto Ricans had grounds to expect them.⁶

Senator Foraker's original draft of the bill for Puerto Rico, which was known as the Foraker Act after passage, included United States citizenship and the Constitution. Puerto Rico lost them on the floor of the Congress when it was decided that the bill must act as a precedent for the Philippines. The Foraker Act made the islanders citizens of Puerto Rico unless they chose to retain their previous citizenship. Primarily intended to set up a civil government, the Foraker Act contained no promise as to the future of the island. It was to be a temporary measure, and the precise status of the island in its relationship with the United States was not defined. The temporary Foraker Act was in force for seventeen years. Its vagueness on important points left ample room for argument and interpretation.

The newly created citizens of Puerto Rico quickly noted that they were citizens of a political entity that did not enjoy sovereignty and was nowhere recognized. Degetau, the first Resident Commissioner, always maintained that the terms of the Foraker Act had

⁵Mergal, p. 166.

⁶Willoughby, "Executive Council," p. 562.

made the Puerto Ricans citizens of the United States.⁷ A laborer named Jorge Cruz was brought to New York in 1900 under contract to the New York Herald in order to bring a legal suit as to whether the islanders were American citizens.⁸ In 1901, La Correspondencia argued that when Degetau was allowed to speak before the United States Supreme Court, it implied his recognition as a citizen.⁹ In 1902, the United States Commissioner of Immigration ruled that the immigration laws applied to Puerto Ricans, apparently intending that the immigration of Puerto Ricans be governed in the same manner as immigration from the Philippines.¹⁰

Puerto Ricans were entitled to the services of the American consuls when in foreign countries. Their anomalous citizenship, however, created numerous problems concerning passports, immigration, and naturalization. These problems were dealt with in a series of Supreme Court cases known collectively as the Insular Cases. In these cases, the decisions ruled that Puerto Ricans were not citizens of the United States but were not aliens either.¹¹ The bill of rights was found to be applicable to Puerto Ricans in some instances but not in others.¹² Initially, Puerto Ricans resident in the United States were naturalized

⁷The Times, Washington, D.C., 10 July 1901, BIA 168/40.

⁸La Correspondencia, 14 April 1900.

⁹*ibid.*, 2 July 1901.

¹⁰San Juan News, 3 August 1902.

¹¹Gould, p. 221.

¹²Callcott, pp. 167-168.

as American citizens. Then after the Insular Cases, naturalization was denied on the grounds that the islanders were not foreigners.¹³ The naturalization law of June 1906 was held to mean that Puerto Ricans resident in a state or an organized territory, which Puerto Rico was not, might apply for citizenship.¹⁴ Judge Hamilton complained of his distaste at having to deny naturalization to a Puerto Rican who was serving in the United States army.¹⁵

The Supreme Court decisions concerning the definition of the status of Puerto Rico in matters other than citizenship were equally confusing. Rulings handed down in the Insular Cases were closely fought and dissenting opinions were usual. This was due to the fact that the Court was composed of five Justices with imperialist leanings and four Justices who were anti-imperialists.¹⁶ The problem confronting the Court in the Insular Cases was to establish a legal background for breaking with Constitutional tradition and compromising democracy with empire.¹⁷

Downes v. Bidwell was the most important of the Insular Cases. This case tested the constitutionality of erecting a tariff between the United States and Puerto Rico.¹⁸ Puerto Rico was held to be both

¹³Muniz, p. 127.

¹⁴McIntyre to Jones, 6 May 1916, BIA 1286/after 133.

¹⁵Hamilton to Wilson, 25 November 1914, Wilson Papers.

¹⁶Gould, p. 203.

¹⁷Lewis, p. 109.

¹⁸Downes v. Bidwell, 182 U.S. 244 (1901).

foreign and domestic at the same time.¹⁹ The island was not foreign in the international sense, but it was foreign in the domestic sense.²⁰ This latter interpretation was necessary because otherwise the tariff imposed by the Foraker Act would have been unconstitutional. As Senator Foraker put it, "Porto Rico belongs to the United States, but it is not the United States, nor a part of the United States."²¹ Puerto Rico was defined as an unincorporated territory. The doctrine of incorporation was equated with the French colonial idea of assimilation. Incorporation occurred when new lands were admitted on a basis of equality with the areas already constituting the state.²² After the passage of the Jones Act, the Supreme Court again held that Puerto Rico was unincorporated territory despite the fact that its inhabitants were United States citizens.²³ In essence, the Supreme Court decisions in the Insular Cases upheld the power of the Congress to legislate for possessions as it saw fit. The Constitution followed the flag only with the express wish of Congress. Thus, the vagueness of the Foraker Act was resolved in the Insular Cases with the curious doctrine that Puerto Ricans were neither citizens nor aliens, and their island was unincorporated territory. Perhaps the only thing that was becoming

¹⁹Pagán, pp. 26-27.

²⁰Morales Carrión, p. 145.

²¹Joseph Benson Foraker, Notes on a Busy Life, 2 vols. (Cincinnati, Ohio, n.p., 1916), 2:75.

²²Alpheus H. Snow, The Administration of Dependencies (New York: G. P. Putnam's Sons - The Knickerbocker Press, 1902), p. 563.

²³Clark, p. 95.

clear was that the traditional territory-state pattern of United States expansion would not be applied to Puerto Rico.

Varying Puerto Rican Opinion

Initially, the islanders accepted the idea of statehood. Once the Puerto Ricans realized that the island might not eventually become a state, their unanimity of opinion disappeared. Under Spanish sovereignty, Puerto Ricans favored either assimilation, independence or autonomy. The same factions reappeared in 1900 favoring statehood, independence or autonomy. As a dependency of the United States, however, the issue of which political status was most desirable has been complicated by a conflict between the problems of economic survival and cultural identity.²⁴

Advocates of eventual statehood for Puerto Rico were generally admirers of the United States. They accepted the geographical tie of the island to the mainland and hoped that the wealth of the colossus would afford the opportunity to eliminate poverty among the Puerto Ricans. The democratic principles of the American Constitution were desired as a means of transforming island society. Proponents of statehood since 1900 have been a sizeable minority in Puerto Rico.

The leading statesman upholding statehood for Puerto Rico in the early years were José Celso Barbosa and Federico Degetau y González. Dr. Barbosa wanted American citizenship for the islanders, since

²⁴Wagenheim, p. 10.

he believed that self-government would follow with it.²⁵ Expansion of the hegemony of the people of the United States seemed inevitable, and Barbosa visualized American citizenship becoming what Roman citizenship had been.²⁶ Despite his Republican party's defeats and the inaction of the Congress, he continually assured the Puerto Ricans that their government would be liberalized, that they would be given American citizenship, and that the Constitution would be extended to the island as a step toward statehood.²⁷ Barbosa argued that Puerto Rican patriotism was not incompatible with statehood because he saw in the federal system a guarantee of the preservation of local pride, interest, and personality.²⁸

As Resident Commissioner, Degetau worked continually to obtain citizenship and statehood for Puerto Rico. Like Barbosa, he never lost the conviction that they could be gained. In 1901, he pointed out that the Republicans wanted territorial status as a step toward statehood, while the Federals wanted territorial status with the rights of a state, except representation in Congress. Degetau could not conceive of the validity of the Federal position.²⁹ What the Federals wanted was full self-government to the degree that a state had it. In 1910, five years after his retirement from politics, Degetau

²⁵Barbosa, 4:45.

²⁶Ibid.

²⁷Ibid., 4:11.

²⁸Ibid., 4:35.

²⁹La Correspondencia, 16 February, 1901.

spoke at a dinner honoring William Jennings Bryan. His speech reiterated his belief that immediate statehood, for which Puerto Ricans were prepared, served the best political and economic interest of the island.³⁰ Degetau's widow wrote to Representative William A. Jones that her husband's last words had been a request to continue his work for citizenship and statehood. She reminded Jones of Degetau's confidence in him as a partner in that work.³¹

Barbosa and Degetau could side-step the cultural identity issue because of their belief that Puerto Ricans could preserve their local heritage under the federal system. It might be noted that both of them had lived for years in the United States. They had witnessed the survival of local custom and heritage there. The other major Puerto Rican objection to statehood as a solution to the status question was more difficult to avoid. Puerto Rico could not afford the financial responsibilities of statehood.

Under the Foraker Act, Puerto Rico kept all revenues collected in the island for the support of its government and public works. No contributions to the United States government were expected. In addition, Puerto Rico did not have to support a defense establishment and received emergency help and a share in federal programs from the United States. José de Diego, who believed only statehood or independence were ideologically defensible positions, noted that statehood

³⁰"Remarks Made by Hon. Federico Degetau on 'Statehood' at that banquet offered to Mr. Bryan, April 9, 1910," Jones Papers, Box 89.

³¹Ana N. Degetau to Jones, 3 February 1914, Jones Papers, Box 89.

would be impossible because of the constitutional clause requiring equality among the states in contributions to the federal government.³² Even under the favorable economic arrangements of the Foraker Act, the Puerto Rican government did not have sufficient funds to carry out desired programs in education, sanitation, and road or harbor improvements.

A somewhat typical example of the arguments of an American who opposed statehood for Puerto Rico are those of Roland P. Falkner. He had been Commissioner of Education for the island from 1904 to 1907. Falkner said that either territorial status or statehood would be a disaster because Puerto Rico would lose customs revenue and be required to contribute to the federal government. Puerto Ricans who wanted statehood, according to Falkner, "share the common traits of Latin races of being more solicitous of the forms of liberty than of its substance."³³ Not surprisingly, Falkner added that statehood should not be granted because Puerto Rico's racial and language heritage made it impossible to assimilate the island into the United States. Since the islanders were mostly illiterate and all without experience in democracy, Falkner concluded that, despite their intelligence, the Puerto Ricans would not be ready for citizenship or self-government soon.³⁴ Many Puerto Ricans agreed with the substance of Falkner's

³²de Diego, p. 52.

³³Falkner, pp. 182-183.

³⁴ibid., pp. 184-185.

argument, except in regard to their being unfit for self-government.

Frank Martínez, one of the younger generation of Union party leaders, agreed. He opposed statehood because the island could not support the obligations that went with it. In addition, the dense island population could not be culturally assimilated. Because of the difference in climate and products between Puerto Rico and the United States, Martínez added that the economic interests of the two were incompatible.³⁵ Those who wanted statehood could point out that the United States was not culturally or ethnically uniform. Many nations, notably Switzerland, existed and prospered with more than one official language. The level of civilization on the island was not below that of the United States, although North Americans might not see this point. As Puerto Rico succeeded rapidly in reducing its illiteracy rate, pro-statehood islanders could also compare their island favorably with parts of the mainland in this regard. These answers to those opposed to statehood have never, however, been convincing enough to change the mind of anyone concerned with the assimilation problem.

Some of the basic arguments against statehood formed the nucleus of the arguments for independence. Cultural identity was of great importance here. Not only was it impossible for the island to be assimilated into the United States, it was undesirable. Advocates of independence had been a minority while Puerto Rico belonged to Spain. The

³⁵Muniz, pp. 100-102.

sentiment for independence would gain increasing popularity under the American regime. José de Diego became the outspoken champion of the cause of Puerto Rican independence.

In 1913, de Diego argued that, since the Foraker Act created Puerto Rican citizenship and, since sovereignty emanates from citizenship, the island was sovereign, and its status as an American colony an usurpation.³⁶ He added that continuation of the colonial situation was contrary to both American traditions and Puerto Rican dignity. De Diego saw only statehood or independence as feasible, but statehood was not desired by either the island or the United States because of the assimilation problem.³⁷ He successfully urged the Puerto Rican House of Delegates to tell the new Democratic Congress that its members did not want United States citizenship. They rejected citizenship because it would be a tie between the island and the United States that would make the achievement of independence more difficult, perhaps obtainable only in the manner tried by the American South.³⁸ De Diego urged Puerto Ricans to work for local self-government and to accept a "Platted" status like that of Cuba, but in either case he saw it only in terms of a step toward national independence.³⁹

It was difficult for Puerto Ricans to articulate arguments opposing the nationalistic appeal of the advocates of independence.

³⁶de Diego, pp. 144-145.

³⁷Ibid., p. 142.

³⁸Ibid., p. 69.

³⁹Ibid., p. 95.

Again the most telling argument was economic. Puerto Rico was too small to defend or support herself as an independent republic. The popularity among independistas of a union of Puerto Rico with Cuba and the Dominican Republic reflected their answer to this problem. Hostos saw the economies of the United States and Puerto Rico as incompatible, while the good of the Antilles was identical because their economies were identical. He advocated a union of the Antilles.⁴⁰ De Diego saw such a union as the completion of the dream of Simon Bolívar.⁴¹ Such schemes were unrealistic and premature, especially since none of the three islands enjoyed complete sovereignty at the time.

Despite Quixotic dreams of an Antillean Confederacy, the economic survival of Puerto Rico remained the nightmare of proponents of independence. La Democracia could argue in 1915 that in fact the island was being exploited economically by the United States. Puerto Ricans wanted prosperity but not exploitation. The benefits given by the island were greater than those received. The United States did not protect Puerto Rican sugar and coffee against other competitors, but American goods had a protected market in Puerto Rico.⁴² Since Puerto Rico was not foreign in an international sense, she was within the protective tariff wall of the United States. The American Attorney

⁴⁰Hostos, 4:216-217, 241.

⁴¹de Diego, p. 123.

⁴²La Democracia, 16 April 1915.

General of Puerto Rico stated that the island's businessmen felt they did not have much to gain even when the tariff was reformed. Wool, which was worn in the United States, was put on the free list; cotton, worn by the islanders and produced in the United States, was not made free of tariff. The staple foods of Puerto Rico, rice, beans, and cod, were all imported from the United States at high prices.⁴³ General McIntyre's testimony before the House of Representatives showed the domination of United States goods in the Puerto Rican market.⁴⁴

Year	Foreign Imports	Imports from the United States
1912	\$4,501,928	\$38,000,000
1913	\$3,745,057	\$33,000,000
1914	\$3,838,419	\$32,000,000
1915	\$2,954,465	\$30,000,000

Table 1: Total Dollar Value of Imports into Puerto Rico, 1912 - 1915.⁴⁵

In the fiscal year ending June 30, 1915, Governor Yager reported that 88 percent of the external trade of Puerto Rico was with the United States. Over 91 percent of the goods imported into Puerto Rico were purchased in the United States.⁴⁶

⁴³Wolcott H. Pitkin, Jr., to Felix Frankfurter, 28 January 1914, BIA 3377/148.

⁴⁴Hearings on H.R. 8501, p. 27.

⁴⁵Ibid. Tabulation from figures in text.

⁴⁶Arthur Yager, Fifteenth Annual Report of the Governor of Porto Rico (Washington, D.C.: Government Printing Office, 1915), p. 2.

José de Diego took great pains to compute a budget for an independent Puerto Rico to demonstrate that it would be \$60,000 cheaper for the island to be independent.⁴⁷ His argument that Puerto Rico could afford independence ignored any realistic assessment of the expenses of defense. It was, in addition, inconsistent with his own statement that Puerto Rico could not afford statehood. When Congress offered independence to Puerto Rico in the Tydings bill of 1936, it was on terms that virtually guaranteed perpetual poverty for Puerto Rico. The Tydings bill had been offered in a spirit of anger. Puerto Rico quickly rejected it.⁴⁸ Clearly, Puerto Rico could not afford independence without special aid and consideration from the United States. In the years before 1917 many islanders realized that their small land could not escape domination by one imperialistic power or another.

Americans who regarded the islanders as unfit to exercise the dignities of citizenship and statehood also held them to be unfit for independence. Fit or not, Puerto Rico could not receive a promise of eventual independence like that made to the Philippines. American interest in the Caribbean, accentuated by the construction of the Panama Canal, made retention of the island controlling the Mona Passage too desirable. A magazine writer named Frank Fenille was among those astute enough to equate United States' control of the Panama Canal with

⁴⁷de Diego, pp. 97, 105.

⁴⁸Frank Otto Gatell, "Independence Rejected: Puerto Rico and the Tydings Bill of 1936," HAHR 38 (February 1958):25-44.

continued control of Puerto Rico.⁴⁹ The central problem of the advocates of independence was the same as that of those wishing for statehood: Congress did not see fit to grant either.

Advocates of either statehood or independence were willing to work for self-government within the context of United States domination of Puerto Rico. No leading political figure before Luis Muñoz Marín, however, stopped viewing autonomy as a step toward something else.⁵⁰ Both Governor Hunt and Falkner noted that all Puerto Ricans, of whatever political stamp, wanted increased self-government.⁵¹ Governor Colton warned against the use of the term autonomy because of its special loaded definition in the Puerto Rican political ambient. Autonomy meant almost complete self-government without interference from the United States, especially to the members of the Union party. It was true, as Colton stated, that the island Republicans and conservatives opposed autonomy in this sense.⁵² Dr. Barbosa and his followers, however, certainly favored increased democratic participation by the islanders in the running of Puerto Rico.

Autonomy, before the development of the Associated Free State ideology, was primarily a stop-gap and compromise goal. It was none

⁴⁹"Puerto Rico and American Citizenship," Review of Reviews 38 (July 1908):96.

⁵⁰Luis Muñoz Marín, El status político de Puerto Rico (Puerto Rico: Editorial del Departamento de Instrucción Pública, 1956), pp. 1-2.

⁵¹Hunt, p. 10; Falkner, p. 181.

⁵²Colton to Edwards, 15 November 1911, BIA 1286/27.

the less ardently wished for by the islanders. Muñoz Rivera, despite his sentiments in favor of independence, was the leader of the autonomist forces in Puerto Rico until his death in 1916. He had compromised with principle in making the pact with Sagasta in order to secure the Autonomist Charter of 1897 for Puerto Rico. He would compromise again in order to obtain as much self-government and privilege for Puerto Rico as he could in the Jones Act.⁵³ Like de Diego, Muñoz Rivera tried to head off a grant of collective American citizenship without a plebiscite. Collective citizenship meant that all citizens of Puerto Rico automatically became citizens of the United States; Puerto Rican citizenship would disappear. Muñoz preferred individual citizenship because those who wished to remain citizens of Puerto Rico could do so while those who wanted to be citizens of the United States could apply to the courts for American citizenship. Muñoz accepted collective citizenship for himself and for Puerto Rico in order to obtain greater self-government.

In 1908, Muñoz Rivera spoke before the House of Delegates in defense of Puerto Rico's right to self-government. His speech argued against the American opinion that Puerto Ricans were not ready for self-government. His conclusion was that the islanders had to ask for statehood or full autonomy. Should their efforts fail, the last recourse would be a demand for independence.⁵⁴ Muñoz accused the United States of an unjust abuse of power in denying self-government

⁵³Frank Otto Gatell, "The Art of the Possible: Luis Muñoz Rivera and the Puerto Rican Jones Bill," The Americas 17 (July 1960):1-20.

⁵⁴Muñoz Rivera, Obras, 2:178.

to Puerto Rico. Self-government was "el estrecho minimum de nuestras modestas aspiraciones."⁵⁵ In 1911, Muñoz told an American audience that the United States' own history of opposition to an oppressive colonialism was the basis for this hope that Puerto Rico would receive statehood or full autonomy.⁵⁶ In 1914, he wrote that independence was preferable to statehood, but statehood would be happily accepted if it was offered immediately. Statehood would offer the rights of self-government the islanders wanted. Muñoz noted that both statehood and independence were impossible.⁵⁷ His first concern was consistently self-government. He would accept any status that offered autonomy. He has been criticized for his compromises and for changes in his stand on status and citizenship. He was, however, the giant of Puerto Rican politics. His changes of attitude reflect changes in Puerto Rican opinion just as his compromises represent a masterful appreciation of reality unusual in a poet.

A last important opinion, that of labor leader Santiago Iglesias Pantín, could be classified as upholding autonomy. Iglesias considered independence hopes as speculative and sentimental.⁵⁸ He opposed independence because he believed that the aspirations of the Puerto Rican

⁵⁵ *ibid.*, 2:181.

⁵⁶ *ibid.*, 2:244-5, 248.

⁵⁷ *ibid.*, 2:265.

⁵⁸ Santiago Iglesias Pantín, Luchas Emancipadoras, 2d ed. (San Juan: Imprenta Venezuela, 1958), p. 394.

worker would more readily be achieved with the help of the labor movement in the United States and of American democratic principles. He thought of statehood as a possibility for the future but held that concern about that eventuality was premature. Consistently from 1898 to 1917, Iglesias and his labor union, the Free Federation, advocated and worked for collective United States citizenship. He considered Puerto Rican citizenship to be one recognized nowhere.⁵⁹ His lack of sentimental attachment for Puerto Rican citizenship may have been partly due to the fact that he had been born and raised in Spain. Iglesias favored reform of the Foraker Act to increase Puerto Rican self-government,⁶⁰ but his lack of trust in the island's prominent leaders influenced him to want full self-government only when literacy and independence of the political machine had been achieved by most islanders. In 1901, Iglesias succeeded in tying his island labor movement to the American Federation of Labor. This was important because the backing of the A. F. of L. aided him in avoiding additional arrests and harassment in his efforts to organize Puerto Rico's workers.⁶¹ It was important also because Iglesias had the partnership of Samuel Gompers and the lobby of the A. F. of L. in pressuring Congress to grant collective American citizenship to the islanders.

⁵⁹ *Ibid.*, p. 153.

⁶⁰ Iglesias to Gompers, 29 April 1914, BIA 1286/132.

⁶¹ William G. Whittaker, "The Santiago Iglesias Case, 1901-1902; Origins of American Trade Union Involvement in Puerto Rico," The Americas 24 (April 1968):378-393.

Transitions in the Citizenship-Status Controversy

The major transition in Puerto Rican sentiment relative to the citizenship-status question was an increase in the number and virulence of the supporters of an independent island republic. Some wily island politicians may have made much of independence talk more to exert pressure on the colonial power, or to win votes, than to win independence. Despite this factor of purely strategical rhetoric, Puerto Ricans had an adequate number of grievances to explain why many would come to reject their tie with the United States. Changing attitudes toward citizenship reflect this rejection and a growing desire for independence. In 1900, the Puerto Ricans were disappointed that the Foraker Act did not make them citizens of the United States. They asked repeatedly for citizenship. Before the outbreak of World War I, however, some islanders would speak of American citizenship as a chain imposed on them by the American Congress.

Muñoz Rivera's party was the focal point for the expression of changing Puerto Rican opinion. The Federal party reacted favorably to the element of anti-imperialism in the Democratic Platform of 1900 and the campaign of William Jennings Bryan. At the Caguas convention, the Federals unanimously supported a resolution in support of Bryan. They held that he and his program were the hope for autonomous government in Puerto Rico. Stating that the Federals wanted to be a national party with full American citizenship, the resolution declined to adopt the name of Bryan's party because it was not known how the mainland

Democrats felt about it and because the Puerto Ricans were not yet American citizens.⁶²

Between 1900 and 1904, however, the Federals were the political "outs" in Puerto Rico. This was due to many factors, including nonparticipation by the Federals, favoritism by the administration toward the pro-American Republicans, and continued popularity of Barbosa's statehood and citizenship ideal. When Muñoz Rivera reorganized his followers as the Union party in 1904, its long domination of island politics began. The platform of the Union party included the option of independence. For the first time, a major statement demanded either statehood or independence. The inclusion of independence reflects growing discontent with the status quo of the Foraker Act.⁶³ In 1905, a convention of island teachers sent a memorial to Congress stating that Borinquen wanted to be either a state of the United States or an independent republic like Cuba.⁶⁴ The next year, Matienzo Cintrón wrote that, although Puerto Rico had asked politely for citizenship, the United States had the right to say that they could not or did not want to grant it. But to say that the islanders were not prepared was humiliating. Should the Americans deny citizenship, they could not deny independence. That would violate the rights of the Puerto Ricans

⁶²La Correspondencia, 2 October 1900.

⁶³Lewis, p. 104.

⁶⁴La Democracia, 3 July 1905.

and the Monroe Doctrine.⁶⁵ Matienzo seems not to realize that the Monroe Doctrine denied new colonies to European powers without denying them to the United States.

Meanwhile, the islanders received encouragement that their wish for citizenship would soon be fulfilled. President Theodore Roosevelt in his messages of 1905, 1906, 1907, and 1908 asked the Congress to make the Puerto Ricans citizens of the United States. In 1906, Roosevelt appointed a Puerto Rican, Tulio Larrinaga, to represent the United States at a Pan-American Congress. This was partly motivated by the President's desire to embarrass Congress into granting citizenship.⁶⁶ His support for a grant of citizenship to Puerto Rico was consistent with his Caribbean policy. Puerto Rico should be held because she controlled one of the major sea passages between the Atlantic and the Panama Canal. The Puerto Ricans responded to Roosevelt's encouragement by sending a joint resolution of their legislature to Congress requesting American citizenship.⁶⁷ Senator Foraker had introduced a citizenship bill. Representative Jones supported it. Strong opponents to the measure were few, but they were powerful. Senator Root led the Senate opposition to citizenship because he thought that Puerto Rico should be treated as Cuba and the Dominican Republic were to keep American policy in the Caribbean consistent. Speaker Joseph Cannon

⁶⁵Díaz, Matienzo, 2:109-110.

⁶⁶Morales Carrión, p. 146.

⁶⁷Muniz, p. 124.

opposed citizenship for Puerto Rico in the House of Representatives. His attitude toward the islanders can best be described as contemptuous. The opposition of two powerful Congressmen made it impossible for less powerful men, like Foraker and Jones, to overcome the indifference of the majority in Congress.⁶⁸ As we shall see with regard to later legislation, the greatest problem in getting a bill for Puerto Rico passed in Congress was indifference. The Puerto Ricans were, after all, no Congressman's constituents.

Many people were aware that Congressional failure to grant citizenship to the islanders was an important cause of discontent. Examples of pleas for the passage of a citizenship bill as a panacea for Puerto Rican criticism of the American regime came both from islanders and mainlanders.⁶⁹ Falkner attributed the inaction of the Congress to a lack of definite policy toward the future of the island. A grant of citizenship without a firm policy would be opening up broader questions.⁷⁰ Bonsal agreed and added that the policy vacuum was more difficult to fill because it involved the future of the Philippines and, perhaps, Cuba as well as Puerto Rico.⁷¹ Many Puerto Ricans, like

⁶⁸U.S., Congress, Senate, Committee on Pacific Islands and Porto Rico, Hearing, on bill S. 2620, to provide that the inhabitants of Porto Rico should be citizens of the United States. 59th Cong., 2d sess., 1906.

⁶⁹Manuel V. Domenech to Governor James F. Fielder, 27 June 1913, Wilson Papers; Hamilton to Wilson, 5 August 1913, BIA 1286/90; José Aponte to President Taft, 18 December 1911, BIA 1286/35; Roberto H. Todd to Edwards, 31 January 1912, BIA 1286/40.

⁷⁰Falkner, p. 180.

⁷¹Bonsal, p. 296.

Matienzo Cintrón, felt humiliated by the American refusal to grant citizenship because they knew that it was largely due to the opinion that the islanders were not prepared for citizenship. This insult to Puerto Rican pride is a factor in the growth of independence sentiment.

During the last part of the Roosevelt administration and the beginning of the William Howard Taft administration, Puerto Rican discontent became more pronounced. Patience with the temporary Foraker Act and its odious Executive Council was wearing thin. In December, 1908, the island Republican party sent a delegation to Washington to request a quick grant of collective American citizenship, an elected upper house for the legislature, and protection for Puerto Rico's coffee industry.⁷² That same year, Muñoz Rivera delivered his famous speech to the House of Delegates threatening an independence movement if autonomy or statehood was not forthcoming.

In 1909, for the first time, the House of Delegates was entirely composed of Union party candidates. Muñoz Rivera decided that it was the moment for stronger protest. As a result, the House of Delegates refused to approve appropriations for the coming year. This action may be called the first step toward the Jones Act. Taft and Congress were outraged at what they chose to call the irresponsibility of the islanders. Puerto Rico was suddenly important enough to get a bill through Congress, but it was simply a bill to negate the protest and provide money for the coming year's government. The reaction of the

⁷²Republican party Delegation Credentials, 17 December 1908, BIA 719/5.

President and the Congress further disillusioned Puerto Ricans. Taft's Secretary of War, Jacob Dickinson, reported that his investigation following the crisis indicated that there was a virtually universal desire among the islanders for American citizenship. Dickinson, however, thought that granting citizenship would hurt investments and development in the island.⁷³

Governor Regis H. Post and the island's Attorney General disagreed. Post wrote to Secretary Dickinson saying that he and the Attorney General, Henry M. Hoyt, supported a legal suit being brought to get a Supreme Court determination of citizenship.⁷⁴ The Governor also conducted his own poll of about two-hundred prominent islanders to gain support for his requests to the War Department for citizenship and other reforms. The response to Post's poll favored citizenship by a vote of 188 for and eighteen against United States citizenship.⁷⁵ After George R. Colton replaced Post, Hoyt continued the Post policy by advising the new Governor that, since the islanders had the rights of citizens of the United States, they necessarily were American citizens.⁷⁶ Governor Colton and Hoyt tried to get an executive department determination that the Puerto Ricans were American citizens.⁷⁷ A Law Officer in the island's government, Paul Charlton, agreed that the

⁷³Wagenheim, p. 69.

⁷⁴Post to Dickinson, 25 August 1909, BIA 1286/10.

⁷⁵Post report, September 1909, BIA 168/58.

⁷⁶Hoyt to Colton, 14 December 1909, BIA 1286/12.

⁷⁷Colton to Edwards, 15 December 1909, BIA 1286/13.

Puerto Ricans had the rights of citizens; therefore, their official designation as such was a matter of sentiment.⁷⁸ Such arguments that a grant of citizenship was only a formality did not impress the Supreme Court, the War Department, or the Puerto Ricans.

Despite the efforts of Governor Colton to get citizenship for the islanders, it was during his tenure that the separatist movement grew and flourished. The Republican platform of 1908 had committed Taft to seeking citizenship for the Puerto Ricans, but the question of future status was undecided. During Taft's administration, two reform bills for Puerto Rico were introduced into the Congress. The Olmsted government bill was a bitter disappointment to the Puerto Ricans. It would allow them to become American citizens, but the self-government features of the Olmsted bill were only a very slight improvement over the Foraker Act. Then a citizenship bill was introduced just as Puerto Rican unanimity concerning citizenship was collapsing. Neither bill was passed by Congress.

While Congress dragged its feet on the Olmsted government bill and the citizenship bill, the strength of the Union party increased in Puerto Rico. In 1910, the Union outpolled the Republicans almost two to one. Luis Muñoz Rivera became Resident Commissioner.⁷⁹ His absence from Puerto Rico after 1910 lessened his control of the Union party. The radicals, led by de Diego, gained the upper hand until

⁷⁸Charlton to Edwards, 21 December 1909, BIA 1286/11.

⁷⁹Aitken, p. 56.

Muñoz was forced to fight down independista sentiments, which he shared, and reassert autonomous principles. Autonomy had been the major goal for defining the relationship of Puerto Rico with Spain. It would be more difficult to sell this same goal in a relationship with the United States.

In July 1911, de Diego, writing as President of the House of Delegates, asked the Secretary of War for collective United States citizenship for Puerto Rico.⁸⁰ Henry Stimson was more willing than Dickinson had been to work for it, but he faced the same problem that had plagued Roosevelt. It was difficult to get a citizenship bill through the Congress when most Representatives and Senators were indifferent or hesitant about granting statehood. Stimson decided to declare openly what had been done before more subtly. He stated in December, 1911, that citizenship did not mean statehood someday and that Puerto Rico would probably never become a state. But citizenship without statehood was not exactly what the Puerto Ricans had in mind. Matienzo Cintrón thought that there were already two kinds of United States citizenship: that of the whites and that of the blacks, who vote if the whites wish and live if the whites wish. The Puerto Ricans would have a third type of citizenship: citizenship for convenience and business with colonialism and without sovereignty.⁸¹ Elihu Root, who wanted Puerto Rico to be a protected republic like Cuba, advised

⁸⁰de Diego to Stimson, 27 July 1911, BIA 1286/19.

⁸¹Díaz, Matienzo, 2:111-112.

Stimson that despite his statement that Puerto Rico would never be a state, the islanders would resent being inferior citizens and eventually would demand the full rights of citizens of the United States.⁸²

Stimson's citizenship-without-statehood idea prompted the Union party to be critical of a grant of collective citizenship. Many preferred that citizenship be granted to all who chose it but not imposed upon everyone. The War Department opposed individual citizenship on grounds of practicality. Processing each individual application for citizenship in the courts would be time-consuming and costly. Felix Frankfurter, a law officer of the Bureau of Insular Affairs at this time, suggested that collective citizenship be granted with the proviso that it could be declined by registering intent to refuse it with the courts.⁸³ His idea would become law in the Jones Act but not before a good fight against collective citizenship by the Union party.

The years 1912, 1913, and 1914 were the flood tide of independence agitation in Puerto Rico. In 1912, two new organizations aiming for independence were formed: the Civic Association and the Independence party. Governor Colton noted that the men forming the Civic Association had been supporters of United States citizenship. They were men with prominent positions in Puerto Rico. Colton concluded that they had turned to independence because of the inaction of Congress and the statements of some Americans which caused the islanders to

⁸²Root to Stimson, 7 December 1911, BIA 1286/36 1/2.

⁸³Edwards to Colton, 22 November 1911, BIA 1286/22.

give up hopes for an end to colonialism in Puerto Rico.⁸⁴ Matienzo Cintrón led the formation of the Independence party in February, 1912. The Independence party was unable to garner enough support to challenge the Union party and the Republicans in the election of 1912. It faded from importance in the Puerto Rican political scene with the death of Matienzo in December, 1913.⁸⁵

De Diego's faction of the Union party retained leadership of the struggle for independence. In 1913, the House of Delegates unanimously endorsed a memorial asking that the Puerto Ricans, who love their citizenship as such, be consulted before United States citizenship was given.⁸⁶ In October, 1913, the House proclaimed the right of Puerto Rico to national independence.⁸⁷ De Diego wrote to the War Department stating his wish that Puerto Rico become a protectorate like Cuba.⁸⁸ The November, 1913, convention of the Union party at Miramar rewrote the platform of 1904. Statehood was removed from the platform and independence stressed. In March of 1914, the Union party-controlled House of Delegates sent a memorial to the President and Congress rejecting collective American citizenship.⁸⁹

⁸⁴Colton to McIntyre, 2 March 1913, BIA 26429/2.

⁸⁵Manuel Maldonado-Denis, Puerto Rico: A Socio-Historic Interpretation, trans. Elena Vialo (New York: Vintage Books, 1972), pp. 98-99.

⁸⁶Muniz, p. 121.

⁸⁷de Diego, p. 33.

⁸⁸de Diego to McIntyre and Garrison, 18 November 1913, BIA 26429/23.

⁸⁹de Diego, pp. 133-134, 197-205.

In the Fall of 1915, Muñoz Rivera left Washington to reassert his leadership of the Union party. José de Diego was President both of the Union party and of the House of Delegates. De Diego rejected the partial reform represented by the Olmsted and Jones government bills. His leadership in Puerto Rico, during the absence of Muñoz, had been important in changing the attitude of the dominant Union party from one of moderation to one of demands for independence. Aitken states, without documentation, that Muñoz returned because Woodrow Wilson demanded that independence be taken out of the Union party platform before reform legislation would be passed.⁹⁰ I have been unable to find evidence to either support or refute this contention. It is plausible because of the time-gap during 1915 on the Jones bill. Aitken, however, was the only source to make this claim, and his work is primarily a biography of Muñoz Rivera's son which would not imply intensive research on a period when Muñoz Marín was about seventeen.

Muñoz Rivera had, however, become convinced that independence agitation under de Diego's leadership was partly responsible for the delay in the passage of the Jones bill. Martin Travieso, Jr., the acting governor of Puerto Rico, reported the discussion at a meeting of the Central Committee of the Union party on October 9, 1915. Muñoz criticized de Diego's leadership of the party because he felt the Union should be using all of its energies to secure passage of the Jones bill giving increased self-government and citizenship. De Diego's

⁹⁰Aitken, p. 57.

independence agitation and his plans to visit Santo Domingo and Cuba did not meet with Muñoz' approval. All of the other members of the Central Committee supported Muñoz, but de Diego refused to back down.⁹¹ The full convention of the Union party would decide the issue.

Muñoz Rivera reported the results of the Union party convention held on October 24, 1915. By a vote of 106 to thirty-five, the Union decided to pursue a policy aimed entirely at self-government. Independence was retained in the party platform as an ideal for the future, not an issue for the present. The Union officially wished to maintain cooperation with the island's government and that in Washington. This was the best means to obtain the aspirations of the Union party.⁹² In a later explanation to the Union party of his fight with de Diego, Muñoz said that it had been difficult speaking of realities to those absorbed in visions and dreams.⁹³ De Diego was replaced as President of the Union party by Antonio Barceló, Muñoz' hand-picked successor. The undaunted de Diego continued in his criticism of the Jones bill and in plans for a speaking tour of Cuba and the Dominican Republic.

The reasons for the growth of independence agitation are many. Fundamental reasons for discontent were the failure of Congress to grant American citizenship and to pass a new organic act without some of the paternalistic features of the Foraker Act. The problems of Americanization and Puerto Rican resentment of their treatment by the

⁹¹Travieso to Col. Charles C. Walcutt, 9 October 1915, BIA 719/37.

⁹²Muñoz to Yager, 30 October 1915, BIA 719/39.

⁹³La Democracia, 17 November 1915.

Americans contributed to desires for independence which thrived upon hispanidad. There was also the realization that the Puerto Ricans would be second-class citizens at best. After years of training in American procedures and of agitation for self-government, the amount of reform embodied in the Olmsted and Jones bills seemed much less than what was expected by the Puerto Ricans.

In addition, complaints about the increasing American domination of the island's economy became more frequent after 1909. The ascendancy of the business "Trusts" under Governor Colton, who was anxious to develop business in the island, was equated with the rise of the separatist movement.⁹⁴ The Puerto Ricans had tried to salvage their coffee industry, but hurricanes and a lack of protection against the competition of cheaper grades of coffee had ruined its prosperity.⁹⁵ When the tariff was revised in 1913 to put sugar on the free list, the plight of the powerful sugar industry in Puerto Rico strained Puerto Rican loyalty to the United States.

The factors contributing to the growth of independence sentiment were not always understood by Americans. Governor Yager's personal analysis of the causes of independence agitation are an example. He stated:

I think that the independence movement in Porto Rico was built up upon the foundation of a rather sentimental attitude, caused by the denial of citizenship, and the cause of it was a political matter. The politicians took great interest in the appointment of a certain official there. The official was not appointed.

⁹⁴Pica Pica, 28 November 1911, BIA 750/9.

⁹⁵Ibid.

An American was appointed instead, and that just furnished the match to the fuse. They are a very sentimental people. They can get up a very strong excitement in a few minutes about matters of really no great importance. That is the Latin-American temperament, and so they exploded and went off rapidly and committed themselves in general to a propaganda for independence; then, having gone off, it is not always easy to get back; but they have gotten back.⁹⁶

To the Puerto Ricans, of course, the appointment of an American to a post desired for a Puerto Rican was extremely important. Such a situation was clearly an issue of the islanders' lack of control over the affairs of their island. It was a denial of self-government.

The years of the strongest independence agitation, 1909 to 1914, coincide with years during which either an organic act or a citizenship bill were in the Congressional works. I think that the stepping up of pressure for independence in 1912 and 1913 can be tied to the change of administration in Washington. Going on previous statements by Wilson and Bryan, many Puerto Ricans thought that the United States under their leadership might give the island its independence if it were made clear that independence was what Puerto Rico wanted. Judge Hamilton just assumed that the United States would keep the island.⁹⁷ Governor Yager, in his inaugural address, flatly stated that the American flag would never be lowered over Borinquen. The realization that independence was not a realistic option did diminish the agitation of some independence advocates. Independence was not an option because Wilson and his administration made it clear that they were not considering independence for Puerto Rico any more than Roosevelt or Taft had.

⁹⁶Hearings on H.R. 8501, p. 9.

⁹⁷Hamilton to Wilson, 5 August 1913, BIA 1286/109.

Another reason for the ebbing of independence agitation was that Muñoz Rivera was made to see that the display of pro-independence and anti-American citizenship feelings in the island only made the passage of reform for Puerto Rico more unlikely. José Coll y Cuchí would say that the Union party backed down on its nationalism in 1915 because of World War I.⁹⁸ This seems to be at least partly true. The coming of World War did encourage Washington to demonstrate its democratic principles by granting some semblance of justice to Puerto Rico. World War I also made the certain control of the approaches to the Panama Canal of vital interest in Washington. In addition, the war caused the islanders to reconsider the advisability of being cut adrift from the food supply and protection of the United States.

While the Puerto Ricans accumulated discontent and debated the future status of their island, the administrators of Puerto Rico and the Bureau of Insular Affairs continuously pushed to get legislation through Congress. If the American government as a whole had no policy toward its new colony, the people who had to administer Puerto Rico perforce developed their own. That policy was that the island should receive United States citizenship and moderate reform of the Foraker Act. The growth of the separatist movement coincides with the beginning of serious attempts to achieve legislation. Both can be dated from the appropriations crisis in the Puerto Rican House of Delegates in 1909.

⁹⁸Coll y Cuchí, p. 13.

CHAPTER IV

FAILURE OF REFORM: 1909 - 1913

From 1909 until the passage of the Jones Act, legislation for Puerto Rico was almost continually before the American Congress. An emergency appropriations amendment was passed in 1909. A political reform bill and a citizenship bill, however, were not approved. Against the background of mounting Puerto Rican resentment, American political leaders often seemed strangely blind to the urgency of the needs of the colony. Puerto Rico, unlike the Philippines, had never, since the conquest, engaged in armed resistance to American rule. It was when the islanders did engage in deliberate obstruction of the orderly process of civil government that the Americans took speedy action. Their action was to legislate away the avenue of obstruction the Puerto Ricans had used.

The Legislative Crisis of 1909

The most hated feature of the Foraker Act was the Executive Council. That body was entirely appointed by the American President. It was dominated by Americans. There were six mainlanders and five islanders. The Council was the upper house of the insular legislature and, at the same time, six of its members were heads of the executive

departments of the island government. Until 1914, the six department heads were always the six North Americans on the Executive Council. An assembly of the municipalities of the island met in San Juan in 1905. It drafted a memorial to Congress which fairly represents the continuing opinion of Puerto Ricans toward the Executive Council. While complaining of the power given to Americans who came to the island with no knowledge of its language, traditions or problems, but immediately decided its fate, the message asked for an elected senate of fourteen, and for department heads appointed by the governor of Puerto Rico with the consent of the insular senate.¹ Less politely, José de Diego argued for the same end saying that, in the Puerto Rican legislature, one branch represented the oppression of a foreign government and the other branch was the only instrument of the will of the country.²

In the insular election of November, 1908, the Unionists polled 101,033 of a total 158,134 votes cast.³ The Republicans got 54,962 votes and Iglesias' Labor polled 1,327. The entire House of Delegates was composed of Union party members. Two appointed Republicans sat on the Executive Council, but they could not influence any break in the solidarity of the Unionists in the House. Willoughby had, in his 1907

¹La Democracia, 25 July 1905.

²de Diego, p. 17.

³Cayetano Coll Cuchí, ed., Pro Patria. Relación documentada de los trabajos llevados a cabo en la ciudad de Washington por la Comisión de la cámara de delegados de Puerto Rico con motivo de los conflictos legislativos de 1909 (San Juan: M. Burillo & Co., 1909), p. 90.

article defending the Executive Council, almost predicted the means the House could use against the Council. He said that should conflict between the two branches reach the point where any legislation would be difficult, "with the exception of the passage of a general appropriation act, ...the injury will be negative rather than positive, the most critical period of the change from the system of Spanish to American law and government having now been passed."⁴ Representatives of the Council pointed out that it was the usual practice for the House of Delegates to delay the appropriations bills until the last day of the legislative session in an attempt to get affirmative action from the Council on House bills.⁵

The opening of the insular legislature in January, 1909, was soon followed by a joint meeting of the House of Delegates and the Central Junta of the Union party. On January 12, this joint meeting adopted a resolution saying that it was necessary to work against the Foraker Act and that the House would vote for laws tending in the direction of increased autonomy for the islanders.⁶ One action of the Delegates was to ask the heads of the executive departments of the government to supply them with reports on their activities.⁷ The first

⁴Willoughby, "Executive Council," p. 569.

⁵U.S., Congress, Senate, Committee on Pacific Islands and Porto Rico, Amending Act to Provide Revenues, etc. for Porto Rico, a report to accompany H.R. 9541, S. Rept. 10, 61st Cong., 1st sess., 1909, p. 10.

⁶Coll, Pro Patria, p. 19.

⁷Ibid., pp. 21-22.

serious clash occurred between Muñoz Rivera and Governor Post. On January 15, Muñoz addressed the House complaining of Post's action in appointing as the alcalde of Caguas a man who, Muñoz claimed, had been recommended by one American instead of the man recommended by the Union party. Post replied that he always considered the choice of the Union when filling a vacancy, but that the responsibility was his, and sometimes he felt the party choice was one that would benefit the party rather than the island as a whole. Muñoz responded that this attitude was tyranny and personal caprice, since the choice of the Governor should follow the will of the citizens. On January 25, Post invited the Unionist Junta to a meeting. The Governor asked the Union leaders to soothe the bad feelings in the House because he felt that extremists only lessened the chance of Congress granting self-government. On their part, the Unionists said that bad feelings had been caused by the negative articles about the island appearing in the American press and because it appeared that the Puerto Ricans were considered unfit for government jobs, even as tax assessors.⁸ The sentiments expressed in this confrontation at the opening of the legislature would be reflected in the major clash which came at the end of the session.

The appropriations bill passed by the Executive Council was amended by the House of Delegates to cut every possible salary and especially to strike out all revenue for the Federal Court. A Puerto Rican account of these amendments says that salaries were reduced

⁸ Ibid., pp. 21, 25-32.

following the recommendation of its committee on finance, and that, while some Federal Court salaries were reduced by 90 percent, only part of its expense budget was trimmed.⁹ The Federal Court with its American judges and American legal procedures was a special target of dislike. An American account of the House amendments says that the House cut every salary that had not been fixed by Congress.¹⁰ The Executive Council refused to adhere to the amendments made by the House in the appropriations bills.

On March 10, 1909, the crisis began when the Executive Council advised the House that it would not approve the budgetary changes of the House and that it had chosen a conference committee. The same day the Council altered substantially or rejected completely several bills introduced by the House. These bills embodied changes which the Union party wanted badly because they enhanced Puerto Rican control. The islanders tried to put property assessment in the hands of three assessors chosen by lot from the twenty largest taxpayers instead of local boards under the control of the American Treasurer of Puerto Rico. This proposal reflected the influence of the wealthy in the Union party as much as a desire for control by islanders. The Executive Council rejected this proposal on the grounds that the taxpayers most able to pay should not be the people to decide how much they and others should pay. The Council rejected a House bill for an agricultural bank because the money called for in the bill was not

⁹Ibid., p. 44.

¹⁰Report to accompany H.R. 9541, p. 10.

available. A bill to establish a manual training school was objected to because it put the new school under a department headed by a Puerto Rican.¹¹ This bill was amended to put the school under the Commissioner of Education, who had always been an American, because the Foraker Act required that schools be under his jurisdiction. Two bills passed by the House were combined by the Council: a bill to have the councils, not the governor, fill vacancies in the municipal councils and in the posts of alcaldes, and a bill to replace justices of the peace with elected municipal judges. The House of Delegates saw these last two bills as putting the selection of public servants in the hands of the people.¹² The Executive Council saw them as putting this control into the hands of the Central Junta of the Union party.¹³

The first conference committee of March 10, 1909, met for several hours without agreement. A second committee appointed by each branch of the legislature met late into the night without a settlement. March 11 was the last day of the regular session, and a new conference committee failed. Governor Post said that he was told that the radicals in the House planned to push for adjournment without approving an appropriations bill. Post quickly agreed to a special session to begin March 12 when representatives of both houses requested it.¹⁴ Before adjourning, the House of Delegates passed a memorial to the

¹¹ *ibid.*, pp. 10-11.

¹² *Coll, Pro Patria*, p. 47.

¹³ Report to accompany H.R. 9541, pp. 10-11.

¹⁴ *ibid.*, p. 6.

President and Congress calling the Foraker Act unjust and requesting an entirely elected legislature with an upper house having the power to approve the appointments of the governor for heads of executive departments.¹⁵

The special session was primarily intended to work out the appropriations impasse. Governor Post had, however, asked that a few measures he favored be considered as well. This left the door open for the House of Delegates to ask for reconsideration of its bills. Over the week end, the Union party held an assembly. The Central Junta offered to resign if the assembly did not approve the actions of the House. The Unionists gave Muñoz Rivera, de Diego, and the others ovations of support and asked them not to resign. A resolution was approved by the assembly of the Union party stating that the party would continue to push for radical change in the Foraker Act to gain more self-government and that it fully supported the House and the Central Junta. Only Hostos' old crony, Dr. Zeno Gandía, voted against de Diego's suggestion that the resolution also include a statement of respect for the American people but a determination to fight against those American functionaries in the island who failed to contribute to the development of democratic institutions.¹⁶

Reinforced by the support of the Union, the House of Delegates was not in a mood to back down. The last two days of the special

¹⁵Coll, Pro Patria, p. 47.

¹⁶ibid., pp. 58-60, 64-65.

session, March 15 and 16, saw no solution to the crisis. The Executive Council still wanted the appropriations bill passed by the House without amendments. The House still wanted its bills approved, especially the municipal bill taking the power to fill vacancies away from the governor. During the special session, Governor Post had threatened that failure to pass the appropriations bill would force him to refer the matter to Congress.¹⁷ This he would do. The special session adjourned with both the Executive Council and the House of Delegates appointing representatives to tell their side of the story in Washington.

The Council picked three of its American members to represent it: William F. Willoughby, the Secretary of Puerto Rico, Henry M. Hoyt, the Attorney-General, and George Cabot Ward, the Auditor. The Puerto Ricans on the Executive Council, both Republicans and Unionists, tended to side with the House of Delegates on the appropriations dispute, even when they acknowledged that the Council's reasons for opposing the House bills were valid. Representing the House of Delegates were Luis Muñoz Rivera, Cayetano Coll Cuchí, and Eugenio Benítez Castaño. The three Puerto Ricans sailed on March 18, 1909, and arrived in New York on March 23. Benítez returned to the island early because of illness, but Muñoz and Coll did not arrive back in San Juan until May 6. During their stay on the mainland, the islanders spent much of their time trying to combat the unfavorable interpretations of the House of Delegates

¹⁷Report to accompany H.R. 9541, pp. 6-7.

action that were appearing in the press.¹⁸ Their main purpose, however, was to prevent, if possible, a quick joint resolution of the Congress that would end their chance to have their side of the story heard. They wanted to convince as many Congressmen as possible to back their cause.¹⁹

Joined by the Unionist Resident Commissioner, Tulio Larrinaga, the islanders first important meeting was with the Secretary of the Interior, Richard Ballinger, on March 25. Coll reported that Ballinger did not say that the islanders were right but that he would have done the same if he had been one of them.²⁰ When they met with Ballinger on March 29, the representatives of the Executive Council were also present. Coll and Muñoz left this meeting convinced that the Secretary was on the side of the Council in the dispute.²¹ Ballinger quite succinctly summed up the crisis in his letter to President Taft. He said that the House of Delegates had refused to approve the appropriations bill unless the Executive Council approved bills giving greater autonomy and participation to the islanders. The recommendations of the Secretary to Taft were important because the President based his own upon them. Ballinger saw the administration confronted

¹⁸Coll, Pro Patria, pp. 71, 145, 209, 119-120, and 154-155.

¹⁹*Ibid.*, p. 150.

²⁰*Ibid.*, p. 77.

²¹*Ibid.*, p. 96.

with two questions, that of appropriations and that of self-government. He suggested that the two be handled separately, recommending that the appropriations crisis be settled by Congressional amendment similar to appropriations provisions in previous legislation for Hawaii and the Philippines. Self-government could then be considered later.²²

The next meeting of the Puerto Rican delegates was with President Taft himself. Taft's apparent ignorance of what had happened in the legislative deadlock surprised the islanders. Secretary Ballinger interrupted the President to tell him that his comments did not accurately reflect the situation. Taft then asked Coll to explain his side of the story. When Coll had finished, President Taft told the islanders to go home and approve the budget. The President would then, within a few months, send a commission to the island to investigate and advise him concerning future reform legislation. At the end of the brief interview with Taft, the Puerto Ricans decided to concentrate on trying to bring their argument for reform of the Foraker Act before Congress.²³

On April 2, 1909, Muñoz, Coll, and Benítez met with the head of the Committee on Insular Affairs in the House of Representatives. He promised the Puerto Ricans his assistance should the legislative clash

²²Affairs in Porto Rico. Message from the President (Taft) inviting the attention of the Congress to legislative difficulties in Porto Rico, with accompanying papers, and recommending an amendment to the Foraker Act. S. Doc. 40, 61st Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1909), p. 6.

²³Coll, Pro Patria, pp. 103-105.

come before Congress.²⁴ Senator Chauncey Depew of New York, chairman of the Senate Committee on Pacific Islands and Porto Rico, saw the islanders in his home on April 3. The Senator impressed Coll as being sympathetic. He invited the islanders to meet with the full Senate Committee. This meeting of April 6 was a failure because only Depew and one other Senator came. The other members were too busy with the tariff to attend. Another meeting called for April 8 was better attended, but Coll reported that the Senators put the islanders on the defensive.²⁵

By mid-April, Muñoz and Coll realized that they could not block the Taft administration's presentation of legislation to overturn the protest of the House of Delegates. They also felt that the members of Congress were too involved in the tariff question to take the time to listen to them. For these reasons, they drafted a memorial to all the Congressmen and decided to return home. Their long memorial was intended to inform the Congressmen about Puerto Rico. It included a comparison of the Spanish Autonomous Charter and the Foraker Act, as well as an analysis of Puerto Rico under American rule. The memorial was dramatically addressed:

The undersigned, as representatives of a people in servitude, beg of you, the representatives of a free people, that before casting your vote in Congress on the question of Porto Rico you read these short pages and be convinced that we are simply asking for our rights and appealing to your sense of justice.²⁶

²⁴ *Ibid.*, pp. 111-112.

²⁵ *Ibid.*, pp. 119-120, 123-124.

²⁶ Muñoz, Coll, and Benítez, "To the Congress," p. 1, Jones Papers, Box 89.

Essentially, the memorial asked for reform of the Foraker Act to provide for an elected Senate having the power to approve appointments to be made by the governor rather than the President.

President Taft brought the Puerto Rican question to the attention of Congress in a special message on May 10, 1909. On April 7, Taft had asked Attorney General George Wickersham to render an opinion on Section 36 of the Foraker Act to see whether the Executive Council might approve appropriations without action by the House of Delegates.²⁷ Wickersham's negative response was embodied in the President's remark that the terms of the Foraker Act left the question in doubt, but it was too late to overturn the precedent followed since 1900 in giving the House of Delegates a role in the approval of all expenses except those set by the Congress.²⁸ Following Ballinger's suggestion, Taft recommended that Congress amend the Foraker Act to provide that the budget of the previous year would be effective should the Puerto Rican legislature fail to approve appropriations for the next year. Taft's message showed his interpretation of the appropriations crisis as evidence that the legislature was too irresponsible to have control of appropriations. He recited all the financial benefits to the island of the Foraker Act and the major improvements made in the areas of health, education, roads, and trade. The Puerto Ricans were ungrateful and, the President thought, had been extended too much self-government too quickly. Taft, however, did agree that the Congress

²⁷Coll, Pro Patria, pp. 122-123.

²⁸Affairs in Porto Rico, p. 2.

might soon consider reform of the Foraker Act to change the balance of power between the Executive Council and the elected representatives of the islanders.²⁹

Congress, already in special session, acted to pass a bill amending the Foraker Act in line with Taft's suggestions. Marlin E. Olmsted became the new chairman of the House Committee of Insular Affairs. Coll thought this was because the Speaker, Joe Cannon, felt the previous chairman was too friendly to the islanders.³⁰ Olmsted introduced the appropriations amendment, which would come to carry his name. Debate was brief, but one Representative objected to being asked to punish the House of Delegates for doing precisely what the Congress did every day.³¹ After the House of Representatives approved the amendment, Senator Depew introduced it into the Senate on July 3, 1909. The first section of the bill enacted the budget carry-over proposal. Section 2 authorized the President to name one executive department to handle all the business between the island and the United States. Prior to 1909, each insular executive department had reported to the corresponding department of the federal executive.³² This second provision had not appeared in the draft amendment sent to Congress by the

²⁹ *Ibid.*, pp. 2-6.

³⁰ Coll, Pro Patria, p. 111.

³¹ *Ibid.*, p. 93.

³² Report to accompany H.R. 9541, p. 1.

White House. It had been inserted by Olmsted.³³ The Olmsted amendment passed on July 15, 1909. Taft's Executive Order on the same day put the amendment into effect. He chose to put all of Puerto Rico's affairs under the War Department and its Bureau of Insular Affairs.³⁴

When the island's Attorney General interpreted the terms of the Olmsted amendment as making appropriations and authorizing the governor to cover the expenses of government from them, the Union party objected. It brought a suit asking for an injunction to stop the governor from making payments.³⁵ This attempted protest failed. The following year, the House of Delegates passed the appropriations bill, but added a protest against the interpretation of the Olmsted amendment given by the island's executive branch of government.

The effects of the legislative crisis of 1909 and the reaction of the Taft administration and Congress are several. American opinion, indicated by the islander's problems with the press, tended to follow Taft's disapproval of the House of Delegates for acting in an ungrateful and irresponsible way. As Kal Wagenheim concludes, the Olmsted amendment did emasculate the protest of the House of Delegates against the Executive Council.³⁷ The House of Delegates in the future would have less leverage to apply against the Council.

³³Olmsted to Edwards, 2 November 1909, BIA 3377/11.

³⁴(Taft) Executive Order, No. 1110, 15 July 1909, BIA 168/50.

³⁵Post to Edwards, 4 August 1909, BIA 168/57.

³⁶Falkner, p. 188.

³⁷Wagenheim, p. 68.

José Coll y Cuchí, who sat in the House of Delegates in 1909, was correct in calling the 1909 crisis the beginning of the fight for a new organic act.³⁸ This is true because it brought the islanders' objections to the Foraker Act to the attention of the mainlanders. In addition, the incidental consolidation of Puerto Rican affairs under the War Department resulted in a series of officials who were willing to work diligently to get a new organic act for the island. Both Clarence Edwards and Frank McIntyre as successive heads of the Bureau of Insular Affairs worked to that end. Secretaries of War Jacob Dickinson, Henry Stimson, Lindley Garrison, and Newton Baker were influential advocates of reform legislation for Puerto Rico. President Taft did send a commission to determine the need for reform. The appropriations crisis was the first step toward the Jones Act because a new organic act proposal would be introduced into the Congress within a year.

The Olmsted Government Bill

In the Fall of 1909, Representative Olmsted wrote to General Edwards of the Bureau of Insular Affairs asking for an outline of the changes in the Foraker Act recommended by Governor Post and the Bureau.³⁹ Edwards replied that the changes were few but important. He had sought the advice of Post, Willoughby, Ward, and Hoyt. Governor

³⁸Coll y Cuchí, p. 8.

³⁹Olmsted to Edwards, 28 October 1909, BIA 3377.

Post had asked the leading island politicians of every party for their desires. He had also circulated a questionnaire to several hundred prominent Puerto Rican lawyers, planters, and businessmen to determine their ideas on citizenship, the Federal Court, and miscellaneous reforms. Post, soon to be replaced by Colton, seems to have been the only one who thought to ask the islanders what they wanted when drawing up his recommendations for reform of the Foraker Act.

General Edwards' letter advised Olmsted that desired reforms included more power for the governor, especially over his assistants, so that he would be more responsible to the United States. Edwards wanted a sanitation department to consolidate health and sanitation services under an experienced Army Surgeon. He advised having the judges appointed by the governor in order to take the courts out of politics and to prevent the insular legislature from interfering with them. Edwards wanted to restrict the suffrage with a literacy or minimum tax payment requirement. He pointed out that in the last election over 100,000 of the 150,000 Puerto Ricans voting could not read in any language. Edwards wanted a provision of American citizenship by naturalization whereby any Puerto Rican who asked to be a citizen could become one. The General said he did not see why the Secretary and the Auditor should be on the Executive Council but thought this unimportant. He made no further recommendation relating to the hated upper house. Governor Post, Edwards said, was a good man with good ideas, but his concern for separating legislative and executive functions

seemed an unnecessary reform.⁴⁰ General Edwards' previous experience had been primarily with the Philippines, and some of his recommendations were based upon that experience. His recommendations did not, however, reflect the aspirations of the Puerto Ricans for more self-government.

In November, Santiago Iglesias sent lengthy petitions to President Taft on behalf of the Free Federation of Labor. He complained of the conditions of the island's workers, the lack of adequate sanitation facilities and schools, and the contempt with which the workmen of the island were treated by Americans and Puerto Ricans alike. Iglesias asked for the application of some American labor legislation to the island and for a Department of Labor and Agriculture. His petitions represented a point of view in sharp contrast to that of the Union party. He stated that the islanders wanted to be citizens of the United States and to be protected as such. He said: "We do not ask at this time self-government, because we are convinced that those who are in a position to rule our affairs would bring slavery, ignorance and disgrace for the 90 per cent of the population." Iglesias favored an appointed Executive Council until the literacy of the island was much improved. He stated that the dominant Union party was against labor legislation and added that the island had too many anti-American and reactionary politicians.⁴¹ The conservative Taft reacted

⁴⁰Edwards to Olmsted, 30 October 1909, BIA 3377.

⁴¹Iglesias and Abraham Peña to Taft, 27 November 1909, BIA 3377/5.

more positively to the petition of the socialist Iglesias than he had to those of the economically conservative Union party politicians because of Iglesias' pro-American stand and, perhaps, his affiliation with the A. F. of L. Willoughby, the outgoing Secretary of the island, had to draft a long, detailed report to Iglesias' petition by request of the President.⁴²

In late December, 1909, Secretary of War Dickinson and General Edwards sailed to Puerto Rico. Their purpose was to spend a week getting a better idea of conditions in the island and to work out a draft bill for reform of the Foraker Act with Governor Colton.⁴³ The arrival of these dignitaries coincided with a pact between the Union and Republican parties. Muñoz and Barbosa agreed to work together to achieve American citizenship and change in the Executive Council. This agreement was ratified by the governing boards of both parties.⁴⁴ Although the Union party would break the pact regarding citizenship in January, it was in effect while Dickinson, Edwards, and Colton were working on their bill.

One of the decisions made by the three American administrators during their meeting was to draft a new organic act rather than amend the Foraker Act. On January 3, 1910, Colton mailed Edwards the rough draft of the bill, commenting that Hoyt was busy correcting it.⁴⁵

⁴²Willoughby to Taft, 7 December 1909, BIA 3377/3.

⁴³Edwards to Colton, 16 December 1909, BIA 3377/2.

⁴⁴Pedreira, pp. 147-148.

⁴⁵Colton to Edwards, 3 January 1910, BIA 3377/11.

Hoyt personally did not see any need to change the organic act and thought that opposition to the Executive Council was based on prejudice or ignorance.⁴⁶ Governor Colton sent a second draft of the bill to the Bureau of Insular Affairs on January 12. In this draft, Colton had specified that not more than two heads of executive departments should be appointed to the senate. This reform stemmed from the problem of the executive dominating the upper house of the legislature under the terms of the Foraker Act.⁴⁷ While Edwards and Dickinson were debating the final form of the bill to be presented to the President, Colton had to deal with an angry Union party.

Colton was trying to get the appropriations bill through the insular legislature before the terms of the new organic act proposal became known. The Governor was sure the reorganization of the Health Department would cause a storm because it abolished a Union party controlled agency. Colton stopped publication of an article about the terms of the bill.⁴⁸ Muñoz Rivera had been told that a New York newspaper had published an article to the effect that Taft would recommend voluntary citizenship and the Health Department change, but nothing else. Colton quickly assured Muñoz that the Secretary of War had not yet made his report to Taft. He told Edwards that Muñoz would control the House of Delegates barring anything that would cause him to join a

⁴⁶Hoyt to Edwards, 7 December 1909, BIA 3377/2.

⁴⁷Colton to Edwards, 12 January 1910, BIA 3377/18.

⁴⁸Colton to Edwards, 3 January 1910, BIA 3377/20.

stampede of the radicals. Colton added that Muñoz and the islanders expected comprehensive reform of the Foraker Act.⁴⁹

A draft of the bill was given to Taft and Olmsted on January 28, 1910. It was primarily the bill sent to Edwards on the 12th. The few changes made included complete separation of the executive and legislative with no department heads in the senate.⁵⁰ Important provisions of the new organic act proposal included protection for Puerto Rican coffee and individual United States citizenship to islanders who wanted it. After two years, only citizens of the United States could vote or hold office in Puerto Rico. Reorganization of the executive departments of the insular government included the Department of Labor and Agriculture, which Iglesias wanted, and the change in the health and sanitation system that Edwards wanted. The legislature would also be reorganized. The senate would be composed of thirteen men, none of them executive department heads. Eight of the senators were to be appointed by the President. The remaining five senators would be elected by the islanders. Voting qualifications were to go into effect after the next general election. The 500 acre limit on landholding by corporations was raised to 5,000 acres, but penalties for infraction of the higher limit were provided. This provision of the proposed bill reflected the desire of the growing sugar interests in Puerto Rico for more land. All officials of the insular courts were to be appointed by the governor, unless American law

⁴⁹Colton to Edwards, 24 January 1910, BIA 3377/23.

⁵⁰Edwards to Colton, 28 January 1910, BIA 3377/after 27.

provided otherwise.⁵¹ Although this proposed organic act was an improvement on the Foraker Act, especially in the elimination of the Executive Council, it reflected the wishes of General Edwards more accurately than those of the Union of Puerto Rico.

The President's recommendations for Puerto Rican legislation were read to the Congress on January 29, 1910. Taft transmitted the Secretary of War's report and asked that his suggestions be adopted. He commented only on the plan to provide American citizenship for those islanders who applied for it and on the need for educational or property qualifications to limit manhood suffrage in the island.⁵² Secretary Dickinson's report stated that he had sought and received opinions from numerous individuals and organizations in Puerto Rico. He cited the communication of the mayor and council of Arecibo as typical of the opinions he received. The representatives of Arecibo advised Dickinson that they wanted American citizenship, preferably collective citizenship. Arecibo asked for more self-government and the right of the island to make its own laws via two elected legislative houses. A joint committee of the representatives of the Union and Republican parties asked Dickinson for collective citizenship and an entirely elected senate.⁵³ In 1910, the parties agreed that United

⁵¹"Memorandum of proposed changes in the Organic Act of Porto Rico," BIA 3377/27.

⁵²Conditions in Porto Rico. Message from the President (Taft) of the United States transmitting a report by the Secretary of War upon conditions existing in Porto Rico, H. Doc. 615, 61st Cong., 2d sess. (Washington, D.C.: Government Printing Office, 1910), p. 1.

⁵³Ibid., p. 3.

States citizenship should be granted collectively. All citizens of Puerto Rico automatically became American citizens with a grant of collective citizenship. Individual citizenship required that every islander who wanted to be an American citizen would have to make application. Processing the applications alone would take much time. Dickinson then noted that many prominent islanders and Americans thought that the self-government desired by Arecibo and the leading parties of the island would be a disaster for the political and economic development of Puerto Rico and would retard investments.⁵⁴

Secretary Dickinson said that American citizenship should be granted. He preferred individual, not collective, citizenship because of the Spaniards in Puerto Rico who did not want to be citizens of the United States. Dickinson also thought it better to give individual citizenship with citizenship as a voting qualification than to give everyone American citizenship and then restrict the suffrage of the new citizens. He suggested that those who applied voluntarily for citizenship should have the right to vote subject also to literacy, property, or tax-paying. Dickinson did not think that it would be wise to give in to the demand for an elected senate. He suggested a compromise of eight appointed and five elected members.⁵⁵ The draft of the proposed new government bill was attached to his report.⁵⁶

⁵⁴ *Ibid.*, p. 4.

⁵⁵ *Ibid.*, pp. 4-6.

⁵⁶ *Ibid.*, pp. 9-25.

About the same time, Congress received a memorial from the House of Delegates asking that the jurisdiction of the Federal District Court of Puerto Rico be changed. In the Foraker Act this court had the same jurisdiction as any American District Court. On March 2, 1910, Congress had enacted an extension of this jurisdiction to include civil cases in which either party was a citizen of the United States or a foreign state or when the dispute involved more than one-thousand dollars. The House of Delegates objected to the extended power of the Federal District Court because it represented a low opinion of the honesty and capability of Puerto Rican judges. In addition, the House thought American judges without knowledge of Spanish law or the language of the island were not qualified to exercise the power of the Federal Court.⁵⁷ Governor Colton pointed out that the American lawyers in the island represented American money, and they wanted the Federal Court. Colton thought the Federal District Court did adequately protect non-resident investors.⁵⁸ Section 74 of the Olmsted bill did not decrease the powers of the Federal Court. It did, however, provide that in the future the salaries and expenses of the court would be paid by the revenues of the United States, not those of the island.⁵⁹ The insular legislature would no

⁵⁷"A Memorial to the Congress of the United States, adopted on the 14th day of January, 1910, but the House of Delegates of Porto Rico," Jones Papers, Box 89.

⁵⁸Colton to Edwards, 22 February 1910, BIA 3377/45.

⁵⁹Conditions in Porto Rico, p. 23.

longer be able to slash the funds of the Federal District Court as it had tried to do in the appropriations bill of 1909.

Puerto Rican reaction to the Secretary of War's recommendations for a new government bill came quickly. Governor Colton found this reaction "rather puzzling." He commented:

As might be supposed, the radicals and the Unionist leaders were very indignant over (1) the election of delegates by districts; (2) the abolishment of the Unionist political department (Health, Charities and Correction); (3) the fixing of elections at intervals of four years; (4) the appointment instead of election of municipal judges; and other provisions which will tend to reduce political agitation.⁶⁰

Colton noted that many islanders, including conservatives and the Republicans, objected to two provisions of the bill. He suggested that the bill be changed so that franchises would not be granted without the approval of the island legislature and that Army officers would not be appointed as the heads of executive departments with the possible exception of an Army Surgeon as Commissioner of Health. Colton said that these changes would make the bill acceptable to most islanders. The radicals and Unionists had been trying to stage mass meetings and protest rallies, but without much success.⁶¹ Governor Colton considered provisions of the bill as reducing political agitation. These same provisions were seen by the islanders as reducing self-government.

José de Diego characterized the Olmsted government bill as an attack on Puerto Rican liberties. He drafted a protest of the House

⁶⁰Colton to Edwards, 21 February 1910, BIA 3377/37.

⁶¹Ibid.

of Delegates to Representative Olmsted.⁶² Testifying before the Committee on Insular Affairs, Muñoz Rivera said that the Union party had always asked for citizenship. American citizenship was the universal desire of the islanders, but Muñoz himself had changed his mind because of the unanswered pleas of the Puerto Ricans. He thought it beneath the dignity of his people to have to beg repeatedly for what was their right.⁶³ Muñoz told Colton that the islanders had not expected their prudent attitude to be met by such a disappointing bill. The Olmsted bill, Muñoz said, would delay Americanization and leave the islanders bitter. Colton thought that such were the feelings of the radicals, but not the substantial people of the island.⁶⁴

Cayetano Coll Cuchí told the Committee on Insular Affairs that both the Republican and Union parties had agreed to work for an elected senate and American citizenship. He thought in terms of the Canadian example for his island. Coll wanted the Foraker Act left the way it was except for an elected upper house and separation of the legislative and executive parts of the government. He was a Unionist in favor of the statehood plank in the party platform, but he thought the Canadian type of parliamentary government was what had existed in Puerto Rico when the Americans landed. The islanders had been

⁶²José de Diego, "Speech before the House of Delegates," 10 February 1910, BIA 3377/36.

⁶³U.S., Congress, House, Committee on Insular Affairs, Hearing upon the Bill proposing to amend the present Organic Law of Porto Rico, 61st Cong., 2d sess., 1910, pp. 144-145.

⁶⁴Colton to Edwards, 21 February 1910, BIA 3377/37.

satisfied with that. Coll said that no bill was better than the Olmsted bill as it stood. He forwarded amendments suggested by the House of Delegates. These included the retention of Puerto Rican citizenship, the appointment of department heads from among Puerto Rican citizens by the governor, and an entirely elected legislature.⁶⁵ Colton told Edwards that Coll was a "political shyster" having no standing with the substantial people of Puerto Rico.⁶⁶ Governor Colton's references to the "substantial people" occur frequently in his letters. He seems to mean those who had a leading part in the business community. Quite probably, the members of the business community with readiest access to the Governor's ear were Americans.

Colton's evaluation of the Union party leaders was roughly the same as that of labor leader Iglesias. Like him, Colton saw the Puerto Rican people as oppressed by their leaders because these leaders had no interest in the material well-being of their constituents. The politicians lived in San Juan. They had little knowledge of the people they were supposed to represent or concern for the improvement of agriculture and business.⁶⁷ Colton said that the salvation of Puerto Rico depended upon taking despotic power away from a few bosses. He felt the new election provisions in the Olmsted bill would accomplish this goal.⁶⁸ The Governor argued that protests against the Olmsted bill

⁶⁵Hearing upon the Bill proposing to amend, pp. 147-163.

⁶⁶Colton to Edwards, 21 February 1910, BIA 3377/34.

⁶⁷Colton to Edwards, 9 March 1910, BIA 3377/65.

⁶⁸Colton to Edwards, 23 February 1910, BIA 3377/40.

were staged by Muñoz' political machine, but the people generally were not very interested.⁶⁹ Opposition to the Olmsted bill was a struggle for government by boss Muñoz instead of the people of the island, according to Colton. Intelligent island professionals and businessmen were afraid to express their opinions because of the power of the political machine. Self-government for the islanders could be protected by giving the educated Puerto Ricans free representative government. Free government was impossible without breaking the machine. Colton thought that the machine could be broken by the Olmsted bill's restrictions on the suffrage and changes in the electoral districts.⁷⁰

One Puerto Rican of whom Colton approved was Eduardo Giorgetti, Chairman of the Porto Rico Association, a businessman's group. Giorgetti was a friend of Muñoz and a Unionist, but he was a "substantial" enough businessman. A cable from Giorgetti to Brigadier General Edwards requested that control of franchises remain with the insular senate and that Section 72 of the Olmsted bill be revised.⁷¹ This section covered the limitation on landholding. Giorgetti's changes would make the law inapplicable to individuals or to individuals as stockholders or unincorporated firms. Governor Colton forwarded the cable with his recommendation for its approval because local business people were often stockholders or directors in several sugar firms.⁷²

⁶⁹Colton to Edwards, 24 February 1910, BIA 3377/41.

⁷⁰Colton to Edwards, 27 February 1910, BIA 3377/44.

⁷¹Giorgetti to Edwards, 24 February 1910, BIA 3377/68.

⁷²Colton to Edwards, 26 February 1910, BIA 3377/42.

Colton cabled Edwards stressing the concern in the island among influential people about Section 72. Edwards replied that the bill, as it would be reported, would not restrict individual land ownership.⁷³

Governor Colton asked General Edwards to make Section 61 of the Olmsted bill, which would divide the island into thirty-five districts, applicable to the next election. This would cause a favorable statement about the bill from the Republican party of the island.⁷⁴ Section 61's change in the electoral districts would insure representation of the Republican party in the insular legislature. The Governor's efforts were rewarded with a statement of the Republican party by José de Guzmán Benítez. The statement said that the Republicans were generally pleased by the Olmsted bill. They did, however, want collective American citizenship and an entirely elected senate. To give the intelligent Puerto Ricans participation in their government, the Republicans wanted the electoral changes in the bill to assure their own party some minority representation in the legislature. The Republicans approved of appointed court officials but asked that only the Sanitation Department be under an Army officer and that the funds of the insular government be deposited in the island's banks.⁷⁵ Barbosa and his paper, El Tiempo, tended to side with the Union party against the bill despite general Republican support. El Tiempo printed

⁷³Colton to Edwards, 8 March 1910; Edwards to Colton, 8 March 1910, BIA 3377/56.

⁷⁴Colton to Edwards, 28 February 1910, BIA 3377/47.

⁷⁵José de Guzmán Benítez to Dickinson, 3 March 1910, BIA 3377/51.

Puerto Rico.⁷⁹ Olmsted redrafted the bill, including amendments by the Committee on Insular Affairs, to avoid debate on amendments on the floor of the House of Representatives. He omitted the tariff sections of the bill because strictly this matter belonged to the Ways and Means Committee, not Insular Affairs. Olmsted hoped to avoid opposition from Ways and Means or prolonged debate on the tariff.⁸⁰ Representative Olmsted told Edwards on March 22 that the bill might be reached on a calendar Wednesday in four or five weeks. Without a special rule authorizing consideration of the government bill, however, the House could well decide to give other legislation precedence and the session would run out.⁸¹

A minority report on H.R. 23000 was submitted by Representative William A. Jones on April 1, 1910. Jones and six other members of the Committee on Insular Affairs, including Tulio Larrinaga, objected to the Olmsted bill. They called the bill restrictive, reactionary, and ungenerous. Individual citizenship upon application could require years of processing by the courts. Only about 200,000 of the more than one million islanders would be eligible for citizenship. The insular senate should be entirely elected by the people. Those sections creating a public-service commission were poorly written. The minority did not think the 500 acre limit on corporate landholding should be raised because there were only about 200,000 acres on the

⁷⁹ Ibid.

⁸⁰ Olmsted to Dickinson, 22 March 1910, BIA 3377/74.

⁸¹ Edwards to Colton, 22 March 1910, BIA 3377/after 71.

island suitable to sugar cultivation. Half of this acreage was already under cultivation, and most of it was held in large parcels. Jones and his supporters also objected to the excessive powers of the executive department of the federal government having jurisdiction over Puerto Rico.⁸² The War Department was not specified, but Colton argued that the Bureau of Insular Affairs of the War Department was an advantageous executive department because it was removed from party politics in the United States.⁸³ Representative Jones' dissenting opinions about the Olmsted bill mirrored Puerto Rican objections. Jones' stand in 1910 would lead the islanders to expect much from him when he became chairman of the Committee on Insular Affairs.

On April 12, Secretary Dickinson asked President Taft to try to influence a special rule to bring the Olmsted bill onto the floor of the House. As Olmsted suggested, without such a rule, the bill would be delayed enough to prevent passage in the Senate.⁸⁴ General Edwards saw the consideration of the bill as still four or five weeks off in mid-April. He had persuaded Olmsted to try to put a protective tariff on coffee entering Puerto Rico, but the General decided to wait until the bill reached the Senate before asking for further changes.⁸⁵

⁸²U.S., Congress, House, Committee on Insular Affairs, Civil Government for Porto Rico, H. Rept. 750, part 2, Views of the Minority to accompany H.R. 23000, 61st Cong., 2d sess., 1910.

⁸³Colton to Muñoz, 1 April 1910, BIA 127/2.

⁸⁴Dickinson to Taft, 12 April, 1910, BIA 3377/86.

⁸⁵Edwards to Colton, 14 April 1910, BIA 3377/81.

Senator Chauncey Depew told Edwards that he would not be able to get the bill through his Committee because Senator Henry Cabot Lodge thought the bill a bad precedent for the Philippines and because Senator Moses E. Clapp completely opposed it. Edwards thought that passage by the House of Representatives and the influence of the President would get the bill through the Senate.⁸⁶

Governor Colton decided to go to Washington to work on a compromise intended to end agitation in the island and to promote Americanization. This plan was to grant collective citizenship and an elected senate to meet the islanders' demands, but to retain enough executive power in the government to insure its efficiency.⁸⁷ Justifying his compromise proposal, Colton said he saw the future of Puerto Rico from a business perspective. He felt that a political ambient acceptable to all the parties and the people would be important in solving the "Porto Rican problem." All parties and factions agreed, for the first time, on wanting collective citizenship and an elected senate. Colton thought that commercial progress would be great if the political aspect of insular life were more satisfactory. The limited suffrage and redistricting of the island would break the control of the bosses. Therefore, Colton was completely willing to take all of the responsibility for recommending the compromise.⁸⁸ The decision for approving the compromise was referred to President Taft.

⁸⁶Edwards to Colton, 16 April 1910, BIA 3377/after 83.

⁸⁷Colton to Taft, 20 April 1910, BIA 3377/85.

⁸⁸(Colton), "Confidential Memorandum," BIA 3377/86.

Colton waited in Washington for the decision that would tell him whether to go ahead with the compromise or go back to Puerto Rico. Dickinson asked Taft to let the Governor know whether he would consider changing his mind and increase the number of elected senators.⁸⁹ As demonstrated in Taft's remarks concerning the Olmsted appropriations amendment the year before, the President thought that extreme care should be exercised in giving increased self-government to the "irresponsible islanders." Colton went back to Puerto Rico.

House Resolution 591 was approved giving special status to the Puerto Rican government bill. Olmsted by late May said he could get the bill through the House. Colton hoped this was true because, if it failed, Muñoz Rivera would claim credit for the defeat of the bill.⁹⁰ Olmsted was right. The bill passed the House on June 16, 1910. McIntyre reported that Olmsted had managed it beautifully. All the amendments he wanted were passed but none that he opposed.⁹¹ Colton's hopes were high. The manager of the Central Aguirre Sugar Company asked Senator Lodge to end limitation on corporate landholding. The Governor hoped that this problem would be taken out of the government bill to be treated separately. This, Colton believed, would end opposition to the Olmsted bill in the Senate.⁹² La Democracia praised the efforts of the islanders to amend or defeat the bill, unsuccessful

⁸⁹Dickinson to Taft, 29 April 1910, BIA 3377/86.

⁹⁰Colton to Dickinson, 20 May 1910, BIA 3377/88.

⁹¹McIntyre to Colton, 16 June 1910, BIA 3377/91.

⁹²Colton to Dickinson, 20 May 1910, BIA 3377/88.

as they had been. It predicted that although the bill had passed the House of Representatives, it would not pass the Senate.⁹³ The second session of the Sixty-first Congress ended on June 25 without action by the Senate on the Olmsted bill.

Governor Colton wasted no time in urging the Bureau of Insular Affairs to continue its efforts to get the Olmsted bill passed. The day after the November election, Colton penned another argument for passage to Edwards. He noted that the Union party had again won every seat in the island's legislature and that Muñoz Rivera had easily won the race for Resident Commissioner. Colton was pleased that the election in the island had been conducted without incident. He also reported that the attitude of Muñoz and the Union party had been much less antagonistic in this campaign. The reconciliation was so total that Colton claimed a new party of radicals was forming to take over the role of opposition to the government.⁹⁴ Edwards responded that he was already at work trying to get Taft to push for passage of the Olmsted bill in the Senate.

However, Edwards said it was generally believed that the bill would not pass. The Senate objected to the landholding provision of the bill and to the partly elected senate. Edwards hoped that the land question would become a separate measure; otherwise, it could defeat the Olmsted bill. During the House debate on the bill, the proposal for the insular senate had been amended so that the number

⁹³La Democracia, 29 June 1910.

⁹⁴Colton to Edwards, 9 November 1910, BIA 3377/99.

of elected members would be gradually increased. Many Senators, according to Edwards, thought it too much of a concession having any elected senators in the island.⁹⁵ President Taft also opposed the progressive increase in the number of elected senators, but he recommended passage of the bill in his message to Congress.⁹⁶

Giorgetti cabled Dickinson requesting that the provision limiting agricultural landholding be stricken from the Olmsted bill for separate consideration.⁹⁷ Colton forwarded to the Senate a statement that the agricultural and business interests of the island agreed that section 65 of the Olmsted bill should give corporations the right to own or control 5,000 acres of land for cultivation plus extra land for pasturage.⁹⁸ The House of Representatives had amended the Olmsted bill to make the limitation 3,000 acres rather than the 5,000 of the original bill. The Senate Committee hearings on the Olmsted bill are conspicuous for the absence of testimony by persons without an interest in sugar. Job E. Hedges argued against the acreage limitation. He was echoed by the manager of the Santa Ysabel Sugar Company, the president and counsel of the Central Aguirre Sugar Company, the vice-president of the Fajardo Sugar Company, and the secretary of the South Porto Rico Sugar Company. Resident Commissioner Larrinaga also testified. He said that he had been raised on a sugar plantation which

⁹⁵Edwards to Colton, 1 December 1910, BIA 3377/after 99.

⁹⁶Taft quoted in Callcott, p. 274.

⁹⁷Giorgetti to Dickinson, 19 December 1910, BIA 3377/100.

⁹⁸Colton to Dickinson, 2 January 1911, BIA 3377/103.

made him knowledgable on the subject. Speaking for the people of Puerto Rico, he said that the islanders considered the 3,000 acre limit of the House bill as settled. Since the island was primarily agricultural, the limitation on investing in more than one corporation meant that islanders would have to invest abroad. Investment in island corporations would then be left to outsiders. Larrinaga concluded that the effects of the law would be absentee ownership which he termed "the curse of colonies."⁹⁹

General Edwards attended the meeting of the Committee on Pacific Islands and Porto Rico on January 20. He succeeded in preventing some amendments.¹⁰⁰ The same day, the bill was reported by Depew to the Senate with amendments but without unanimous approval of his committee. Larrinaga cabled de Diego that the bill came before the Senate calling for an entirely appointed insular senate. It also had been amended so that, excepting cane and sugar manufacturing corporations, agricultural corporations were limited to 3,000 acres. Sugar corporations would be allowed 5,000 acres plus any land held on leases shorter than twenty years. The House of Delegates approved an immediate protest and agreed to adjourn as a demonstration of protest.¹⁰¹ The five islanders on the Executive Council sent a statement that an

⁹⁹U.S., Congress, Senate, Committee on Pacific Islands and Porto Rico, Hearing on the bill (H.R. 23000) to provide a Civil Government for Porto Rico, and for Other Purposes, 61st Cong., 2d sess, 1911.

¹⁰⁰Edwards to Colton, 20 January 1911, BIA 3377/after 103.

¹⁰¹"Resolution of the House of Delegates," 23 January 1911, BIA 3377/109.

elected senate was desired in Puerto Rico but that the upper house should certainly not be more restrictive than that which passed the House of Representatives.¹⁰² Governor Colton remarked that the appointed upper house feature of the Senate bill caused a sensation among the island politicians but that the people were not much interested except in a better health and sanitation law.¹⁰³ The Governor apparently felt that the people would be interested only in those matters that he knew would benefit them directly.

The Secretary of War thought the Olmsted bill still had some good features, such as the bill of rights, American citizenship, and a sanitary service. He urged Depew to aid in passing the bill.¹⁰⁴ Colton was surprised that the bill had gotten out of committee. He wrote that citizenship, sanitation, and appointed judges were the really crucial needs of the island. Perhaps, he said, they could be passed as a separate bill.¹⁰⁵ On March 7, 1911, Colton was advised that:

The Olmsted bill went quietly to sleep in the Senate. Senator Root was opposed to the citizenship clause, Senator Lodge opposed to the elective senate, and a number of senators in opposition had been lined up against the proposed land holding section, as well as any modification of the bill looking toward an appointive senate. At the end of the session it was perfectly apparent that the bill could not be passed and that any effort to pass it would be used by those opposed to the

¹⁰²Barbosa, et al., to Secretary of War, 25 January 1911, BIA 3377/110.

¹⁰³Colton to Edwards, 25 January 1911, BIA 3377/108.

¹⁰⁴Dickinson to Depew, 25 January 1911, BIA 3377/104.

¹⁰⁵Colton to Edwards, 31 January 1911, BIA 3377/107.

administration simply to take time and prevent the passage of the measures which were being urged by the administration.¹⁰⁶

Edwards did not think the extra session would consider Puerto Rican legislation. He reported that Clapp would be the new head of the Senate Committee on Pacific Islands and Porto Rico. Jones would be chairman of the House Committee on Insular Affairs. Several of the Republicans gone from the Senate and House committees had been friends of Puerto Rican legislation in the past.¹⁰⁷

The newspaper Pica Pica wondered whether the defeat of the Olmsted bill was due to the greed of the sugar corporations, the efforts of the Puerto Ricans, or the hand of God.¹⁰⁸ Muniz, whose dissertation is based largely upon the partisan La Democracia, attributed the demise of the bill to the fact that it did not represent the just hopes of the islanders.¹⁰⁹ It did not, of course, but protests from the Puerto Ricans defeated the Olmsted bill only to the extent that their friends in Congress would not push a bill the island did not want. Taft's influence and the opinions of important Senators against increased self-government for the island were more important factors in the failure of the Olmsted bill.

Lewis noted that sugar defeated the bill as much as the islanders or President Taft. Senators with trust-busting convictions

¹⁰⁶Edwards to Colton, 7 March 1911, BIA 3377/111.

¹⁰⁷ibid.

¹⁰⁸Pica Pica, 11 March 1911, BIA 3377/113.

¹⁰⁹Muniz, p. 80.

refused to give in to the demands of the sugar interests for land.¹¹⁰ There was a deadlock between the anti-trust faction in the Senate and the supporters of the sugar lobby. Colton and Edwards had been correct in their judgment that the Olmsted bill had a better chance of passing if they could take the land acreage limitation provision out of the bill. In what would become time honored practice, the Governor and the Bureau of Insular Affairs quickly forgot the last failure of reform legislation and began working for the next bill in the next Congress.

The Jones Citizenship Bill

In November, 1911, Governor Colton wrote to General Edwards emphasizing the importance of granting American citizenship to the islanders. He attributed much of the discontent in Puerto Rico to Congressional failure to make the islanders citizens of the United States. Colton added that agitators and those displeased with the government could always use the citizenship issue to arouse support. He claimed that anti-American statements by Puerto Ricans and other Latin Americans implied that citizenship had been withheld because the American government viewed Latins as a race inferior to the North Americans. Colton commented that the new Secretary of War, Stimson, was planning to urge a grant of citizenship coupled with a definitive statement that the island would never become a state in the United

¹¹⁰Lewis, p. 92.

States.¹¹¹ The Governor's remarks show that the strategy of the administrators of Puerto Rico for the next Congress was aimed at a grant of citizenship, not another government bill.

Stimson's report to the President argued that the tie between the United States and Puerto Rico was permanent and had always been so regarded. It was, therefore, time to grant citizenship as a bond and to work for the greatest possible self-government in the island using the British Commonwealth system as a model.¹¹² Muñoz Rivera congratulated Stimson on his idea for self-government on the Commonwealth pattern. The new Resident Commissioner added that Congress should not legislate on sanitation, courts, or electoral redistricting. These subjects would be better left to the island's legislature. Muñoz stated that his island would like United States citizenship but not citizenship without self-government.¹¹³ He signed his letter to Stimson as "L. M. Rivera," a form he would also use with President Wilson and other North Americans. This practice did not prevent him from criticizing Martin Travieso for using the Anglicized "Jr."¹¹⁴

The Bureau of Insular Affairs had given two bills to Representative Jones for introduction into the House: a collective citizenship bill and a sanitation bill. General Edwards reported that Jones was

¹¹¹Colton to Edwards, 15 November 1911, BIA 1286/27.

¹¹²Stimson, quoted in Muñoz to Stimson, 20 December 1911, BIA 1286/36.

¹¹³Muñoz to Stimson, 20 December 1911, BIA 1286/36.

¹¹⁴Muñoz Rivera, Obras, 2:317.

in favor of the citizenship bill but that some of the members of his Committee on Insular Affairs opposed it because they felt that citizenship was necessary in order to get a general government bill through the Congress. According to Edwards, when McIntyre told Jones that the Puerto Ricans wanted citizenship, Jones replied that this was not so. Muñoz Rivera had told Jones that the elective senate was more important to the islanders than citizenship. McIntyre commented that Muñoz wanted an elected senate more than other Puerto Ricans did because an elected senate meant a senate appointed by Muñoz. Jones thought that the citizenship bill could be gotten through the House easily, but he wanted to work with his own committee to get its complete support before bringing the bill onto the floor of the House. Edwards said that Muñoz had lunch with Secretary Stimson and that the Secretary told Edwards that he was very favorably impressed with the island leader.¹¹⁵

The House of Delegates passed a message to the House Committee on Insular Affairs when the members learned that Jones had introduced a citizenship bill without additional reforms. Their cable asked the Congress not to approve a citizenship bill without including self-government. Governor Colton decided not to forward their cable. He called de Diego for an interview in an attempt to get the House of Delegates to rescind their message. Speaker de Diego told Colton that the House felt that if citizenship was passed alone, self-government reform would not follow. Colton reported that he convinced de Diego

¹¹⁵Edwards to Colton, 10 January 1912, BIA 3377/115.

of the harm the message would cause to friends of the island in Congress. De Diego and Giorgetti agreed to meet in a closed session of the House and get the message withdrawn.¹¹⁶ They were able, with the exertion of considerable pressure, to get the official message withdrawn, but the House sent the same statement of its views to Muñoz.

Governor Colton explained the stand of the Union party leadership to General Edwards. The Republicans in the island, he said, had always wanted citizenship and eventual statehood, but the Union party had stood for autonomy. What they wanted most was an elected senate. Colton thought the "substantial" working and business people did not want a great increase in self-government because this would mean boss rule. This was Iglesias' view. Colton added that the Puerto Ricans were very proud. They wanted to seem to run their island themselves and do it well. The Governor felt that an elected senate would be good if the governor had an absolute veto, but unwise without it. Colton said few islanders were unaware of their incapacity for complete self-government. An elected insular senate, Colton thought, would be conservative in their handling of business but would incur the same fault as the House of Delegates in disregarding the interests of the island's workers.¹¹⁷

Representative Jones introduced the citizenship bill on February 13, 1912, as H.R. 20048. In his committee report to accompany the bill, Jones cited the 1908 platforms of both American parties as

¹¹⁶Colton to Edwards, 17 January 1912, BIA 1286/38.

¹¹⁷Colton to Edwards, 20 January 1912, BIA 3377/121.

favoring a grant of citizenship to Puerto Rico. The bill would give collective citizenship to all islanders. A proviso that anyone could apply within six months to retain his previous citizenship was included in the bill "to avoid the possibility of its being said now, or hereafter, that American citizenship was forced upon the people of Porto Rico."¹¹⁸ Jones told Edwards that he was committed to introducing a general government bill regardless of the fate of the citizenship bill. Muñoz and Jones had agreed to try for a good sanitation bill from the island's legislature. Failing passage of such a bill in the island, Jones would introduce the sanitation bill into Congress.¹¹⁹

The citizenship bill passed the House of Representatives easily on March 4, 1912. Jones recalled later that only ex-Speaker Cannon had spoken against it and thought only Cannon had voted against it.¹²⁰ H.R. 20048 went without amendment to the Senate. There it languished in the Committee on Pacific Islands and Porto Rico.

Muñoz Rivera made it clear that the island still wanted more self-government.¹²¹ Iglesias, however, worked to get the citizenship bill through the Senate. He persuaded the labor unions of New York to

¹¹⁸U.S., Congress, House, Committee on Insular Affairs, Citizens of Porto Rico to be made citizens of the United States, H. Rept. 341 to accompany H.R. 20048, 62nd Cong., 2d sess., 1912, p. 3.

¹¹⁹Edwards to Colton, 16 February 1912, BIA 3377/after 124.

¹²⁰U.S., Congress, House, Committee on Insular Affairs, A Civil Government for Porto Rico, Hearings on H.R. 13818, 63rd Cong., 2d sess., 1914, p. 70.

¹²¹Muñoz to Stimson, 30 March 1912, BIA 127/15.

pressure their Senator, Root, to pass the bill.¹²² He went to Washington to help get citizenship. He wrote to President Taft asking him to recommend the bill.¹²³ Taft's secretary asked Edwards whether the President had said anything about it.¹²⁴ Taft had already recommended citizenship for Puerto Rico publicly. He wrote to Iglesias that, although he favored the granting of citizenship, he also thought it the duty of the United States to allow the island to develop its own traditions. Therefore, self-government could be increased only as fast as the Puerto Ricans developed traditions of self-government.¹²⁵ The American Federation of Labor sent an appeal to the Senate requesting United States citizenship for Puerto Rico.¹²⁶ Fifty-seven Senators replied that they were favorably considering a vote to give citizenship to the island, but three said no. The bill was still in committee, so Iglesias asked Taft to assist it again.¹²⁷

In May, acting-chairman Moses E. Clapp explained to the Secretary of War why the citizenship bill was still in his Committee on Pacific Islands and Porto Rico. The chairman of the committee was William Lorimer, of Illinois. He was in Chicago, he was ill, and

¹²²Iglesias to Colton, 9 March 1912, BIA 25142/1.

¹²³Iglesias to Taft, 4 April 1912, BIA 1286/with 45.

¹²⁴Charles D. Hilles to Edwards, 8 April 1912, BIA 1286/45.

¹²⁵Taft to Iglesias, 15 April 1912, BIA 1286/46.

¹²⁶U.S., Congress, Senate, Committee on Pacific Islands and Porto Rico, A People Without A Country, S. Doc. 599, 62nd Cong., 2d sess., 1912.

¹²⁷Iglesias to Taft, 19 July 1912, BIA 1286/66.

was about to be tried on charges that would cost him his seat in the Senate. Clapp was having trouble getting a quorum of the committee since he was only its acting head.¹²⁸ Stimson wrote to eight Senators asking them to attend the meeting of the committee Clapp was calling for May 7, 1912.¹²⁹ The War Department drafted a long memo for the committee meeting to explain why citizenship was desirable from the points of view both of the islanders and the United States.¹³⁰ The meeting of May 7 was held, but the citizenship bill was not reported out, despite the personal pleas of Stimson.

Stimson wrote directly to Senator Lorimer saying that Senator Clapp felt out of Congressional courtesy that he could do no more without word from Lorimer. The Secretary of War had to write two more letters before he received a response other than a letter from Lorimer's secretary saying he was ill. Lorimer finally answered that he would have to look at the citizenship bill. If he could not return to Washington, Lorimer would tell Clapp to go ahead and push for the passage of the bill.¹³¹

The Senate took no action on the bill. National party conventions in the summer of 1912 kept the Senators busy. Lorimer's case

¹²⁸Clapp to Stimson, 1 May 1912 and 2 May 1912, BIA 1286/48 & 49. Lorimer's election was invalidated because of corruption.

¹²⁹Stimson to Poindexter, Fletcher, et al., 4 May 1912, BIA 1286/49.

¹³⁰War Department Memorandum, 6 May 1912, BIA 1286/52.

¹³¹Stimson to Lorimer, 16 May 1912, BIA 1286/55. Lorimer to Stimson, no date, BIA 1286/58.

was voted upon on July 7. McIntyre, now the acting head of the Bureau of Insular Affairs, hoped that with the Lorimer issue settled, the citizenship bill would progress.¹³² Lorimer was replaced by Senator Clapp. General McIntyre reported that Clapp told him it was still hard to get a quorum of the committee. The Senate roll-call on July 15 showed six of the eleven members absent, apparently out of town. Senator Clapp told McIntyre that he did not want to report the bill without the formal support of his committee because he knew that Senator Root opposed the bill.¹³³ Clapp called one committee meeting in July, and no one attended. He was planning another for July 27, and it was noted that eight members of the committee were actually in Washington.¹³⁴ McIntyre cabled Charles D. Hilles in New York asking him, as Chairman of the Republican National Committee, to aid in getting a quorum at the committee meeting. Hilles answered that he could not help because he was in New York.¹³⁵

The discouraged Secretary of War told President Taft that the only thing that could help the citizenship bill was a Senate committee chairman who was really interested in it.¹³⁶ Taft wrote personal letters to three Senators asking them to vote for the citizenship

¹³²McIntyre to Carrel, 14 June 1912, BIA 1286/after 60.

¹³³McIntyre to Stimson, 16 July 1912, BIA 1286/64.

¹³⁴War Department Memorandum, 25 July 1912, BIA 1286/with 65.

¹³⁵McIntyre to Hilles, 26 July 1912. Hilles to McIntyre, 26 July 1912, BIA 1286/67.

¹³⁶Stimson to Taft, 24 July 1912, BIA 1286/65.

bill.¹³⁷ The convention of the Puerto Rican Republican party cabled Taft asking for the passage of the citizenship bill.¹³⁸ On August 10, 1912, Stimson and Colton both greeted the new chairman of the Committee on Pacific Islands and Porto Rico, Miles Poindexter, with letters urging the passage of the bill even though the end of the session was near.¹³⁹ A few days later, McIntyre told acting-Governor Carrel that the weather was hot and the Senators tired. The Senate would adjourn without action on the citizenship bill.¹⁴⁰

The election in the United States in 1912 resulted in a Democratic victory. A new administration and a new Congress would take over soon. In Puerto Rico, the Republican party did somewhat better than it had in the previous two elections. The Union party, however, was still dominant and Muñoz Rivera still the political titan of the island. Governor Colton reported that the election had again gone off smoothly.¹⁴¹ The Democratic victory did not dampen the hopes of the Republican administration in Washington and in Puerto Rico to get the citizenship bill passed in the next session of Congress.

Willis Sweet, a prominent island Republican and editor of The Porto Rico Review, published a long article in favor of the passage of

¹³⁷Taft to Fletcher, et al., 26 July 1912, BIA 1286/69.

¹³⁸Carrel to Taft, 30 July 1912, BIA 1286/after 70.

¹³⁹Stimson to Poindexter, 10 August 1912, BIA 1286/70. Colton to Poindexter, 10 August 1912, BIA 1286/after 70.

¹⁴⁰McIntyre to Carrel, 13 August 1912, BIA 1286/after 70.

¹⁴¹Colton to McIntyre, 6 November 1912, BIA 1028/25.

the citizenship bill. He repeated the rumor that the Senate committee would report the bill favorably and that a majority of the Senators would support it.¹⁴² Governor Colton forwarded the Sweet article to Secretary Stimson. Colton told Stimson that it was still very important to get the bill through for American and Republican prestige in the island and in Latin America. The Governor added that many islanders were so discouraged that they were joining the disappointed office-seekers in favoring independence.¹⁴³ The citizenship bill was not reported out of committee when Congress reopened because Senator Poindexter was in Panama. Stimson planned to see him about the bill as soon as possible after his return on January 11, 1913.¹⁴⁴

One Senator who had not made up his mind about the citizenship bill was James P. Clarke. McIntyre wrote urging Clarke to support the bill. He told the Senator that the pressure for the passage of the bill from the American Federation of Labor was due to Iglesias' zealous determination to get citizenship for Puerto Rico. Clarke's criticism of A.F. of L. pressure was the major reason for his hesitation. McIntyre assured Clarke that 90 percent of the islanders were pro-American and wanted citizenship.¹⁴⁵ McIntyre told Colton that Iglesias' activity had hurt the chances of the bill in the Senate. On February 11,

¹⁴²The Porto Rico Review, San Juan, 11 December 1912, BIA 1286/84.

¹⁴³Colton to Stimson, 13 December 1912, BIA 1286/85.

¹⁴⁴McIntyre to Colton, 28 December 1912, BIA 1286/86.

¹⁴⁵McIntyre to Clarke, 17 January 1913, BIA 1286/after 91.

McIntyre was sure the bill would not pass because the Taft administration did not now have enough influence to get it through.¹⁴⁶ Stimson had not yet given up. He kept asking Poindexter to get the bill out of committee. Stimson also secured the promise of Senator Root that he would allow the bill to come to a vote should it get out of committee.¹⁴⁷

The Senate committee decided to report the bill on February 21, although there was opposition. McIntyre hoped no messages against the bill would come from Puerto Rico.¹⁴⁸ Colton said he was now sure the bill would not pass, since the House of Delegates cabled the Senate asking that no action be taken.¹⁴⁹ H.R. 20048 was actually reported by Senator Poindexter without amendment on February 24, 1913. The bill was to be called on March 3. McIntyre again asked Senator Clarke, the senior Democrat on the committee, not to oppose the bill.¹⁵⁰ Iglesias also asked President-elect Wilson to intercede with Clarke, of Arkansas.¹⁵¹ On March 3, the Congressional Record shows two messages asking that the citizenship bill not be passed. One was from José de Diego as Speaker of the House of Delegates. The other was from Luis Muñoz Rivera as Resident Commissioner. The tenor of these messages

¹⁴⁶McIntyre to Colton, 11 February 1913, BIA 1286/98.

¹⁴⁷Stimson to Colton, 15 February 1913, BIA 1286/97.

¹⁴⁸McIntyre to Colton, 21 February 1913, BIA 1286/after 98.

¹⁴⁹Colton to McIntyre, 19 February 1913, BIA 1286/102.

¹⁵⁰McIntyre to Clarke, 28 February 1913, BIA 1286/after 103.

¹⁵¹Iglesias to Wilson, 25 February 1913, BIA 1286/104.

was that the islanders wanted to be consulted before a hasty grant of United States citizenship. They said they were loyal to the United States but had to speak for the respect due to the sovereignty of the Puerto Rican people.¹⁵² The islanders of the Union party did not want the bill to pass because they hoped for self-government or better from the new Wilson administration.

After the letters from the Puerto Ricans were read into the Congressional Record, the Senate took up the question of paying someone to write a history of the Sixty-second Congress. This session of the Senate did not take up the Puerto Rican bill again. In April, McIntyre told Iglesias that the special session soon to start would not consider the bill either. It had been called to take up revision of the tariff and, possibly, currency reform. It would have no time for Puerto Rico.¹⁵³

Puerto Rican dissatisfaction with the Foraker Act, especially the Executive Council, found expression in the appropriations crisis of 1909. Muñoz Rivera led the protest of the House of Delegates that would initiate an investigation by the Taft administration. Recommendations for reform of the Foraker Act resulted in the Olmsted bill, which was disliked by the Puerto Ricans because it did not offer any real increase in self-government. The failure of the Olmsted bill prompted an attempt to pass a citizenship bill for Puerto Rico. This

¹⁵²U.S., Congress, Senate, Congressional Record 62nd Cong., 3d sess., 49:4746.

¹⁵³McIntyre to Iglesias, 7 April 1913, BIA 1286/107.

bill also failed. It was also opposed by Puerto Rican leaders, including Muñoz Rivera.

The change of administration in Washington in 1913 caused the Union party to hope for reform in the direction of autonomy or independence. The Bureau of Insular Affairs saw in the change a chance to get a government bill through Congress. Jones' citizenship bill and the Olmsted government bill had both passed the House of Representatives easily. Both had drifted out of existence in the Senate. A better result for reform legislation for Puerto Rico was expected from the new administration and Congress. The Democrats and William Jennings Bryan, especially, were, after all, the champions of anti-imperialism.

CHAPTER V

A REFORM BILL FOR PUERTO RICO

The factors that contributed to the failure of reform legislation for Puerto Rico during the years of Republican administration in Washington would also delay legislation under the Democrats. Important among these factors was the relative unimportance of the island in the thinking of many Congressmen. American leaders continued to disagree about the policy that should be adopted toward the insular possessions. The assumption that Puerto Rico would be retained by the United States while the Philippines would be given independence predominated. The islanders presented conflicting requests to the mainland leadership.

Sugar, landowning limitations, and the tariff would complicate the campaign for reform legislation in Puerto Rico under the Wilson administration as they had the Congressional history of the Foraker Act. Foraker's bill had, however, been a Republican measure. Democratic opposition to the bill and to imperialism committed the Wilson administration to reform. One analyst commented that the Congress of Wilson's first term produced more positive legislation than at any time since Alexander Hamilton.¹ The majority of this legislation was

¹Richard Hofstadter, The American Political Tradition and the Men Who Made It (New York: Vintage Books, 1959), p. 258.

markedly in the nature of reform measures. Wilson himself, the Democratic takeover after so many years of Republican domination in Washington, and the influence of the Progressive movement, made reform the order of the day. The islanders and the American administrators of Puerto Rico had every reason to expect that a new government bill would be among the reforms adopted.

Shaping A Government Bill

The commitment of the Democratic party to the enactment of a new government bill for Puerto Rico dated from the Foraker Act of 1900. That first organic act, which was termed "temporary" in its title, had been opposed by Democrats in 1900. Congressman William A. Jones, now the chairman of the House Committee on Insular Affairs, had been one of the most vocal opponents of the Foraker Act in 1900. His personal concern with the replacement of the temporary Foraker Act was indicated by his introduction of a government bill while his citizenship bill was still before the Congress. In May of 1912, he introduced H.R. 24961, which generally followed the lines of the Olmsted bill, although it included a wholly elected upper house for the insular legislature.² No action was taken by the Congress on this bill, and the new administration would draft a new proposed organic act. Islanders remembered the stand taken by William Jennings Bryan, now Wilson's Secretary of State, against the imperialism of the

²News cable to Colton, 31 May 1912, BIA 3377/126.

Republicans in his campaign of 1900.³

Governor Colton, who would remain in office until the expiration of his term in November, 1913, had organized the customs services for the Philippines and the Dominican Republic before his appointment as governor of Puerto Rico. With his years of experience in Latin America, he sought to advise the new Democratic administration about the island's need for a new government bill. In a personal memorandum to the new Secretary of War, Lindley Garrison, Colton stressed the importance of granting American citizenship to the Puerto Ricans as soon as possible. He also recommended an elective upper house for the insular legislature to be tempered by an absolute veto power for the governor. He suggested a Public Service Commission composed of the six executive department heads plus three elected members, to take over the executive duties of the Council established by the Foraker Act. Lastly, he repeated his suggestion that the island be divided into thirty-three districts for the election of the members of the insular lower house to assure minority party representation.⁴

The Governor forwarded his memorandum with a long "Personal" letter explaining his thinking to Garrison. Colton, in a markedly patronizing tone, remarked that he liked Latin Americans, especially the Puerto Rican lower classes which he termed "charming." "We must first of all realize," he wrote, "that we are dealing with a race whose

³Pedro Gómez Lassere to Bryan, 11 October 1913, BIA 26429/32.

⁴Colton to Garrison, 5 April 1913, BIA 3377/130 1/2.

moral and other standards and ideals are as different from ours as possible among human beings." He thought the Foraker Act had given too much self-government because the islanders "are, almost without exception, lacking in basic honesty, truthfulness and moral courage." Politics brought out the worst characteristics of the Latin, who tended to identify patriotism with partisan politics, according to Colton. Despite what he regarded as a too rapid grant of self-government in 1900, he advised Garrison that in 1913 the governmental system of the island should be adapted as much as possible to the aspirations of the Puerto Ricans. He knew the aspirations of the islanders included a large increase in self-government, especially in regard to the insular senate. The veto of the governor and the Public Service Commission were intended to be the American guardians of the majority of the island's people against the oppression of the minority of the ruling class. Governor Colton illustrated the importance of this need by relating his experience with a charity school as an example of the lack of concern of the Puerto Rican upper classes for the welfare of the people. He had been thoroughly shocked by conditions he found in a boys' charity school staffed with Puerto Rican administrators. He was still more shocked when the island politicians responded to his criticism of the school by considering the political implications of trying to reform the school.⁵

Governor Colton's evaluation advising a grant of self-government

⁵Colton to Garrison, 5 April 1913, BIA 3377/130 1/2.

to the islanders coupled with the retention of the last word in American hands was based upon several years of experience in Puerto Rico. About about a week of experience, Judge Peter Hamilton told President Wilson that a grant of anything like self-government would have to be slow.⁶ Islanders advised the new administration differently. Muñoz Rivera wrote to President Wilson that the islanders had progressed in their ability for self-government in the past fourteen years. He stated that the Puerto Ricans wanted either statehood or independence, but they demanded at least a quick grant of self-government.⁷ Antonio Barceló, whom Muñoz would choose as his heir to leadership of the Union party, told President Wilson that the island hoped the new administration would be just and grant self-government without undemocratic limitations.⁸

The preparation of the first draft of the government bill of the Wilson administration was done by Frank McIntyre, Chief of the War Department's Bureau of Insular Affairs. McIntyre had it ready in July of 1913. The draft was shown to Muñoz Rivera, who objected to several provisions of the bill. Muñoz told McIntyre that biennial assemblings of the legislature served to ruin the power of the upper house to confirm executive appointments. The Unionist leader felt that the insular governor and legislature, and not the president, should appoint the civil service commissioner. Muñoz also objected to the committee

⁶Hamilton to Wilson, 18 April 1913, Wilson Papers.

⁷Muñoz to Wilson, 1 May 1913, BIA 26429/10.

⁸Barceló to Wilson, 2 June 1913, BIA 26429/14.

in charge of the approval of franchises being dominated by appointees. Since his own generation was Spanish in its background and thinking, Muñoz said that future generations should decide the question of the final relationship of the island with the United States. He told McIntyre that the lack of a citizenship provision in his draft bill was good because it did not close the door entirely on the rising independence sentiment in Puerto Rico.⁹

General McIntyre explained the reasoning behind the provisions of his draft bill to Secretary Garrison. He saw an advantage in drawing up a constitution for Puerto Rico in its homogeneous and compact population. The disadvantages were more numerous. The islanders lacked both experience in self-government and a deep belief in popular government. Puerto Rico had two classes: the educated and the totally uneducated. Government must be in the hands of the educated, but they had no interest in the well-being of the uneducated class. Lastly, the islanders dealt with government without honesty and therefore without confidence. McIntyre also noted that there was a problem of Puerto Rican prejudice against the Americans and their institutions wherever they were different from traditional ideas.

McIntyre said that the Foraker Act had given twelve years of efficient government. A few changes were necessary in the interest of efficiency, but the Foraker Act was not satisfactory to the Puerto Ricans interested in government. Those interested were few in number, but McIntyre argued, they were the only group through which an appeal

⁹McIntyre, Memo, 22 July 1913, BIA Luis Muñoz Rivera, personal file.

for popular support could be made. His draft bill would displease both Puerto Ricans and Americans. The Federal Court was abolished in McIntyre's draft because he thought it caused unfriendliness towards the United States, since it was a special court open to Americans. Puerto Rico would retain its Puerto Rican citizenship because the insular House of Delegates had opposed American citizenship in its last session. McIntyre thought that the Congress should not again consider American citizenship for the island until the representatives of the people of Puerto Rico should petition that it do so.¹⁰

Also in July, 1913, Senator Poindexter introduced a Puerto Rican government bill, S. 2712, which was like the bill Jones had introduced into the House in 1912.¹¹ This bill, also like Jones', would be forgotten in committee while the administration prepared a bill.

Early in his last month on the island, Colton advised Garrison that the political leaders of Puerto Rico were to have an important meeting. He wrote:

The principle leaders of all political elements in the island consisting of not more than twelve persons, who represent and control political public opinion therein, realizing the impossibility of obtaining satisfactory revision of the organic act while the questions involved are subject of general public discussion in Porto Rico have decided to hold a conference during the present month to agree on fundamental principles which they desire incorporated in the law.¹²

¹⁰Memo, "Proposed Act Creating A Constitution for Porto Rico," BIA 3377/130. File indicates memo from McIntyre to Garrison, 1913.

¹¹U.S. Congress, Senate, Committee on Pacific Islands and Porto Rico, Civil Government for Porto Rico, S. 2712, 63rd Cong., 1st sess., 1913.

¹²Colton to Garrison, 2 September 1913, BIA 168/63.

Colton added that the confidential meeting would give its ideas to one person for transmittal to the Secretary of War. The island leaders involved in the conference would agree to stop any interference from Puerto Rico with the passage of a bill incorporating their aspirations. Since he would soon no longer be governor, Colton offered his services as transmitter and supporter of efforts to get such a bill passed.¹³

The leaders of all political elements failed to reach a complete consensus. Muñoz Rivera arrived in Puerto Rico on October 16, 1913. He reported to President Wilson that the islanders' "deep disgust" with the government of the Foraker Act caused them to celebrate the Democratic victory in 1912 because Democratic congressmen and newspapers had always favored the island's right to greater privileges and more freedom than had been granted by the Foraker Act. During his trip to the island, he told Wilson, he had concentrated on heading off declarations from independence-minded islanders and reaffirming his confidence in the Democratic administration. He stated that the coming Union party convention would be moderate in tone and that he felt that public opinion favored moderation. He ended with a plea for action conforming to the dignity of Puerto Ricans and the principles Democratic politicians had previously stated.¹⁴

On the same day that Muñoz wrote to Wilson, La Democracia

¹³ Ibid.

¹⁴ Muñoz to Wilson, 18 November 1913, BIA 26429/33.

published an editorial defining the Unionist leader's position on the status issue. Muñoz had not wanted to make a statement before the Union convention but had decided to point out that he believed what he had always believed. He was a defender of the independence of the island eventually and of autonomy immediately. The article noted that island leaders knew that Puerto Rico would never be a state, and, therefore, they were not insisting on statehood. They did insist upon autonomy and, if that were not granted, they would insist upon independence.¹⁵

The next two years of island politics revolved around Muñoz' continuing efforts to moderate the demands of the independence faction of the Union party led by de Diego. The struggle began as the convention of the party was held in San Juan on November 22, 1913. Its purpose was to amend the platform of the party. The young Martin Travieso, Jr., already an American citizen and soon to be Secretary of Puerto Rico, submitted one proposed amendment. He called for a form of autonomous government, including a popularly elected senate and house with powers over instruction, taxation, and the well-being of the working classes. His plan was silent on the question of the future status of the island. José de Diego's plan also demanded autonomous government, but it stated that autonomy was to be preparatory to independence. Muñoz Rivera supported a third plan calling simply for the continuance of the platform of the previous year.¹⁶

¹⁵La Democracia, 18 November 1913.

¹⁶Travieso to McIntyre, 26 November 1913, BIA 26429/36.

The fight in the convention was between Travieso and de Diego. Travieso reported that Muñoz Rivera decided to support de Diego's amendment because he was put in the position of having to choose between his old friend and the younger party men led by Travieso.¹⁷ De Diego's amendment to the Union party platform carried easily.

Despite the fact that the Union party convention had not been as moderate as Muñoz had promised, President Wilson included Puerto Rico in his first annual message to Congress. On December 2, 1913, he said:

We can satisfy the obligation of generous justice toward the people of Puerto Rico by giving them the ample and familiar rights and privileges accorded our own citizens in our own Territories.¹⁸

The President noted that legislation for Hawaii and Puerto Rico might be based on the assumption that a permanent bond with the United States was possible, but legislation for the Philippines should envision eventual independence.¹⁹ Wilson had responded to the requests of the Puerto Ricans, including Muñoz, by recommending reform legislation for the island. It might be noted, however, that the rights and privileges of citizens in territories before their admission to statehood were not necessarily much of an improvement on what the islanders already had in the Foraker Act. Governor Arthur Yager, a Kentucky educator and an old friend of Wilson, wrote the President reporting

¹⁷Ibid.

¹⁸U.S., Congress, Congressional Record, 63rd Cong., 2d sess., 1913, 51:75.

¹⁹Ibid.

the good impression created by his remarks to Congress. Yager added that he felt reform of the Foraker Act would determine the success of his administration. He was willing to work very hard for such reform and pointed out that the island politicians had agreed to put aside factional squabbles to concentrate on securing reform. He was optimistic enough about quick reform to suggest that vacancies in offices not be filled until new legislation had been passed.²⁰

Although McIntyre's draft bill had been ready months before, the Bureau of Insular Affairs chief forwarded it to the new governor, noting that the Secretary of War had not yet had time to review and approve it. McIntyre told Yager that his plans were based upon the Olmsted government bill, the Jones bill of 1912, his survey of legislation for the territories, and suggestions from various sources. He added that he thought the proposal to increase the number of executive department heads appointed by the governor rather than the president was a mistake. McIntyre put it in because he felt it necessary to yield to the sentiment for autonomy in the island. The proposal for reform was sent to Yager for his opinion before Garrison's approval because a bill would have to be introduced soon to be passed during the present session of Congress, and McIntyre thought Garrison would not give final approval until Yager's views were known.²¹

Yager reported that he was most favorably impressed after his tour of the island by the prosperity of its industries, the patriotism

²⁰Yager to Wilson, 3 December 1913, BIA 3377/132.

²¹McIntyre to Yager, 10 December 1913, BIA 3377/after 131.

and efficiency of its officials, and its people. He noted that he had been well received by the islanders. Yager's inaugural statement that he thought the American flag would wave indefinitely over Puerto Rico had caused some dissatisfaction among the radicals. The governor said:

But the independence people, and even Mr. de Diego and his crowd, have generally acquiesced in it and told me that it suited them exactly. Mr. de Diego insists that he never for one moment thought otherwise. All they want or profess to want is a larger share in the insular government; that is, some form of self-government that would be entirely consistent with the continuation of American supremacy and control.²²

Yager's views on reform of the insular government were that simple amendments to the Foraker Act would be better than an entirely new organic act. He suggested the following reforms: an elected senate, redistricting the island into thirty-three or more districts for delegates to the house, a purely administrative Executive Council retaining control of franchises, and an absolute veto for the governor. He also recommended appointment of executive department heads by the governor, modification of the jurisdiction of the Federal Court, and individual citizenship upon application by islanders who desired American citizenship. He thought these reforms would satisfy all but a very few extremists, whom he described as either among the Spanish or American elements in the island.²³

Governor Yager's thinking reflected the ideas of Governor Colton and the members of his administration, who were holdovers from the

²²Yager to McIntyre, 13 December 1913, BIA 3377/134.

²³Yager to McIntyre, 15 December 1913, BIA 3377/134.

previous governorship. The intention of the reforms was basically to alleviate the most serious of the islander's grievances against the system of the Foraker Act, while buttressing American control to avoid any pitfalls that might come with increased self-government by making the governor powerful. After receiving McIntyre's draft for a new organic act, Yager said that a new constitution would be quite satisfactory. He told McIntyre they had the support of Senator Ollie M. James and of Harvey Helm of the Insular Affairs Committee.²⁴

M. Drew Carrel, who wanted to resign as Secretary of Puerto Rico, wrote to McIntyre that the political situation in the island was most favorable to passing new legislation. Carrel echoed Colton and Yager in saying that the island politicians realized a bill could never pass the Congress while they interfered. They agreed not to interfere, provided the new bill granted increased autonomy. Carrel reported that the Republicans, as always, wanted American citizenship. The Union party leaders could not endorse American citizenship for political reasons but would not oppose optional citizenship.²⁵

In the fall of 1913, the island political leaders had agreed to adopt a cooperative attitude among themselves and with the new administration to achieve reform of the Foraker Act. Muñoz wrote to de Diego in January, 1914, however, that should the Sixty-Third Congress fail to pass legislation for Puerto Rico, there would be an inevitable

²⁴Yager to McIntyre, 19 December 1913, BIA 3377/135.

²⁵Carrel to McIntyre, 7 January 1914, BIA 3377/141.

surge of majority support for the "national life of Puerto Rico," He added that he did not think reform would come so quickly because President Wilson planned to push only legislation reflecting the platform on which he had been elected. The Baltimore platform said nothing about Puerto Rico. Muñoz told de Diego that he thought they had lost the opportunity to turn home rule into a fact that would lead to independence.²⁶ Muñoz had also been busy preparing his own draft of a new organic act for Puerto Rico. It had been completed in December, 1913, and Representative Jones and the Union party were given copies.

Attorney General Wolcott H. Pitkin, Jr., like Governor Colton, took it upon himself to transmit to the War Department the views of the business interests of the island. Pitkin was a Harvard educated lawyer from New York, who had spent the years before his appointment as Attorney General of Puerto Rico as an assistant U. S. attorney. He would end his career as general attorney and director of I.T.T. Corporation. He expressed these views in much greater detail than had the governor. Since the opinions that were most often heard in Washington were those of the politicians, Pitkin felt those of the business community, which were heard only in private conversation, should be considered. The businessmen, according to Pitkin, did not consider the citizenship issue especially important but would like the privilege of optional American citizenship granted, although Puerto Rican citizenship was sufficient for business purposes. Pitkin reported

²⁶Muñoz to de Diego, 23 January 1914, La Democracia, 2 November 1915.

that the businessmen felt that statehood would harm the island financially through the loss of the use of all its own revenues. The businessmen told Pitkin that talking about independence was a waste of time. They thought, however, that independence might be advantageous in allowing the island to seek its imports from other countries. They noted that the reduction in the tariff had not been extended to cotton, which islanders wore, but had been to wool. Also, the beans, codfish, and rice, which were the staples of the Puerto Rican diet, were all imported at high prices from the United States. Although Pitkin agreed that greatly increased autonomy was desired by all of the Puerto Ricans, the businessmen of the island had more confidence in an American governor's integrity than in that of a Puerto Rican governor.²⁷

After Carrel had studied the terms of McIntyre's draft bill for Puerto Rico, he submitted to Governor Yager a memorandum containing some points of clarification, omission, and error. Carrel's comments are reflected in Yager's analysis of the bill. The question of citizenship was left completely out of the December draft. Yager argued that this issue should be settled and citizenship granted with the new organic act. Carrel had recommended that Section 41 concerning landholding by corporations be stricken from the bill. Yager referred to the land section as one he had not had time to consider. He did not know the intention of this section, but commented that the tariff revision on sugar had caused distress to the industry on the island.

²⁷Pitkin to Frankfurter, 28 January 1914, BIA 3377/148.

He thought a further burden unwise.²⁸

In the reform of the tariff that had made the Senate too busy to consider Jones' citizenship bill in 1913, Puerto Rico's hold on a share of the United States sugar market was shaken by a tariff reduction that made her less able to compete with Cuba. A 1903 agreement gave Cuba a twenty percent reduction in the tariff on sugar. Sugar and wool were the two important and controversial items put on the free list in the tariff reform. The duty on sugar was reduced from 1 2/3 cents to 1 1/4 cents per pound. In addition, sugar was to be free of duty after May 1, 1916. In 1916, however, the 1 1/4 cents duty, which was 1 cent on Cuban sugar, was retained by the Congress.²⁹ Cuban sugar was more cheaply produced than was Puerto Rican sugar. Cuba's formidable production capacity became a threat to the smaller island's place in the American market when the tariff was reduced. President Wilson insisted that sugar and wool be on the free list. His administration was determined to overturn the Republican protective tariff, especially on raw materials consumed in vast quantities by the American people.³⁰ Tariff reduction was a basic reform of Wilson's first term. Cotton was not included in the tariff reform

²⁸Carrel memorandum to Yager, 28 January 1914, BIA 3377/154; Yager to McIntyre, 28 January 1914, BIA 3377/138.

²⁹F. W. Taussig, The Tariff History of the United States, 8th ed., (New York: Augustus M. Kelley, Publishers, 1967), pp. 425-427.

³⁰Arthur S. Link, American Epoch (New York: Alfred A. Knopf, 1959), p. 128.

because Puerto Rico was not considered when the bill was drafted. The mainland still produced much of its own cotton. Puerto Rico was the importer.

Governor Yager also commented on the draft bill's destruction of the jurisdiction of the Federal Court in Puerto Rico. He said he had not reached his own conclusions on the Court issue but reported that many Americans in the island were afraid that any change in the competency of the Court would "affect injuriously their interests and ultimately the interests of the island in general."³¹ Judge Hamilton from 1913 to 1917 would write a flood of letters combating every rumor that the powers of the Federal District Court were to be decreased or the Court abolished. His letters usually constituted a plea that new legislation for Puerto Rico raise his salary to one equivalent to that of Federal Court judges on the mainland. In January, 1914, Hamilton wrote one such letter to Representative Jones. Hamilton argued that the insular Supreme Court could not be allowed to replace the Federal Court because his court was the only one using the jury for civil cases and because admiralty, equity, and bankruptcy law could not be handled in the insular courts based on Spanish legal precedent. The judge pointed out that the three greatest sugar centrals were American, and they produced one-half of the island's sugar. In addition, the island's merchants were mostly Spaniards or other foreigners, and the growing fruit and new industries were American owned. These economic facts made the need for a separate Federal District Court apparent

³¹Yager to McIntyre, 28 January 1914, BIA 3377/138.

to Hamilton.³² Americans did consider the Federal District Court in the island as the special protector of their interests. This is why the Puerto Rican press and House of Delegates particularly disliked it.

Governor Yager went to Washington to discuss the final draft of the administration bill. McIntyre, Garrison, and he met and examined the latest draft of the bill. The bill they agreed upon included giving the citizens of Puerto Rico the option of becoming American citizens without delay or cost. The Governor described the provisions of the bill as an attempt to give the islanders more self-government without threatening the stability or efficiency of the administration of the island. He argued that the bill should be passed quickly because the Puerto Ricans had already been greatly disappointed that the Congress had not recognized the improvements in the development and education of the people. Secondly, he noted that the new tariff changes had been a "crushing blow" to the sugar industry, making it even more appropriate for Congress to gratify the Puerto Ricans. Liberalization of the island government was in line with the platform and history of the Democratic party and also, he thought, important in view of American relations with Latin America.³³

Secretary Garrison forwarded Yager's remarks to President Wilson. The Secretary stressed the losses to the island economy because of the elimination of a tariff on sugar. It was, he noted, embarrassing that the economic crisis caused by the new tariff made it almost

³²Hamilton to Jones, 30 January 1914, Jones Papers, Box 89.

³³Yager to Garrison, 13 February 1914, BIA 3377/with 142.

impossible to raise the money that had already been appropriated for improvements in the island. Garrison told the President that he agreed with the bill Yager favored. It was essentially the Bureau of Insular Affairs' bill, prepared by McIntyre but amended to include Yager's suggestions. Garrison asked Wilson whether he wanted the bill brought up before Congress, where it would consume much time.³⁴ President Wilson answered his Secretary of War saying that he did want a liberalization of the island government from the current session of Congress, if possible.³⁵

The fifth draft of the proposed government bill was taken to Capitol Hill by Governor Yager.³⁶ Secretary Garrison sent a copy to President Wilson noting that the bill had been gone over by Muñoz Rivera, Yager, and the executive department heads in the island government.³⁷ Charles Hartzell, one administrator in the insular government, had been the special advocate for the protection of American business in Puerto Rico. He was a lawyer whose career prior to his appointment as Secretary of Puerto Rico had been in Colorado Republican politics. McIntyre cabled him that the Federal Court would be retained in the new bill and that it would say nothing about landholding.³⁸ Hartzell sent his approval of these terms of the bill to

³⁴Garrison to Wilson, 16 February 1914, Wilson Papers.

³⁵Wilson to Garrison, 18 February 1914, Wilson Papers.

³⁶BIA memo, 17 February 1914, BIA 3377/with 129.

³⁷Garrison to Wilson, 19 February 1914, BIA 3377/144.

³⁸McIntyre to Hartzell, 18 February 1914, BIA 3377/143.

Senator Shafroth.³⁹ Attorney General Pitkin was particularly concerned that the suffrage be restricted because he believed the substantial islanders' votes were meaningless while the majority of the voters were illiterate and propertyless. His special plea to Yager noted that:

The American interests in Porto Rico, who ought to be alive to the importance of this particular consideration, have apparently lost sight of it completely, and seem to have expended all their energies in fighting the landholding restrictions against sugar companies, which appear to have been eliminated from the bill, and the provisions for the abolition of the Federal Court, which seems likewise to have been eliminated.⁴⁰

American interests had gotten their two most important changes through the intercession of the island administrators, including Yager, with the Secretary of War and the head of the Bureau of Insular Affairs.

As Garrison noted, Muñoz Rivera had also gone over the draft of the new bill. The island leader had met with Yager and McIntyre on February 12. During this meeting, Muñoz Rivera had especially stressed the desire of the islanders for an entirely elected legislature and an insular cabinet appointed by the governor with the advice and consent of the island's upper legislative house. Muñoz Rivera later succeeded in getting three amendments to the administration bill. The first two increased the number of members in both branches of the legislature, and the third made it possible for the insular legislature to have effective approval of appointments.⁴¹ Muñoz was consulted, as he had been by McIntyre the previous summer, but the

³⁹Hartzell to Shafroth, 19 February 1914, BIA 3377/145.

⁴⁰Pitkin to Yager, 23 February 1914, BIA 3377/156 1/2.

⁴¹Muniz, pp. 92 and 98.

changes he influenced were not as great as the leader of the island might have expected. He had approved McIntyre's exclusion of a citizenship provision in the early draft of the bill, but citizenship was included in the final draft sent to Congress in February, 1914.

The Wilson administration's government bill for Puerto Rico was prepared by Frank McIntyre. Citizenship was included primarily due to the advocacy of Governor Yager. The landholding and Federal Court provisions were changed because of the pressure from Americans on the island. Muñoz Rivera suggested changes tending toward greater representation and self-government for the islanders. The administration bill was ready for Congress, where it soon acquired the name of the Jones bill.

The Jones Bill in the House

On February 24, 1914, President Wilson advised Garrison that he thought the Puerto Rican government bill too important to be squeezed onto the crowded Congressional calendar when there would not be enough time for discussion. He suggested that the good intentions of his administration be illustrated by getting the bill considered by the committee and reported out to the House. No attempt to get the bill passed in the present Congress was to be made.⁴² On the same day that Wilson wrote to Garrison, Representative Jones introduced the administration bill into the House of Representatives. The next day, Senator Shafroth introduced his bill into the Senate. Muñoz

⁴²Wilson to Garrison, 24 February 1914, BIA 3377/147.

Rivera introduced his own bill into the House on February 27, 1914.

The House Committee on Insular Affairs quickly held hearings on the Jones bill, H.R. 13818. Yager, Garrison, McIntyre, Muñoz Rivera, and Frank Martínez, the vice-president of the Union party, testified before the Committee. Yager stated that the Jones bill had been prepared with the collaboration of himself, McIntyre, Garrison, and "Mr. Rivera." He added that the purpose of the Jones bill was to give the islanders more self-government and noted that the Jones bill differed from the bill prepared by the administration in its citizenship provision. Jones had inserted the citizenship provision of previous legislation he had sponsored: collective American citizenship to all islanders who did not formally decline it within six months. Yager did not approve of Jones' citizenship section and said it was the only part of the bill to which he objected. He preferred that American citizenship be granted to the islanders individually upon application, as was provided in the administration draft of the bill and in Senator Shafroth's bill. Representative Finis J. Garrett, of Tennessee, questioned Yager as to whether it was wise for the United States to announce that it was going to keep Puerto Rico and not absolutely assure that the islanders become American citizens. Yager responded, "We have done it."⁴³

Secretary Garrison echoed Yager's statements regarding the urgency of passing legislation for Puerto Rico. He pointed out that

⁴³U.S., Congress, House, Committee on Insular Affairs, A Civil Government for Porto Rico. Hearings before the Committee on Insular Affairs on H.R. 13818, 63rd Cong., 2nd sess., 1914, pp. 4, 5 and 7.

Yager opposed the grant of collective citizenship because of the islanders' political attitudes that would accept optional citizenship, but rejected the idea that citizenship be forced upon them. For himself, Garrison said that since there was no sentiment in the United States for the independence of Puerto Rico and no thought that the annexation of the island was other than permanent, it would be best to settle the question by a collective grant of citizenship. Garrison did not oppose Jones' plan for collective citizenship with the right of denouncing it, but his preference was for granting citizenship to anyone who simply registered on the voting roll as such. Garrison's plan included the proviso that only American citizens could vote or hold office after the second election.⁴⁴

Muñoz Rivera testified before the Committee on Insular Affairs that he had introduced his bill to express the aspirations of Puerto Rico rather than to conflict with the Jones bill. He stated that his 93,000 constituents wanted the question of citizenship left out of the bill, as they would regard citizenship without statehood as second-class citizenship. Muñoz Rivera opposed the absolute veto of the governor, appointees having a vote in the senate, dividing the island as the governor's appointees might decide, and a public service commission composed only of bureaucrats. He also objected to the island's funds being deposited outside of Puerto Rico. He urged the Congress to amend the Jones bill by striking out the features he

⁴⁴ *ibid.*, pp. 30-33.

opposed. With such amendments, he regarded the Jones bill as "a step toward the attainment of genuine home rule, to which we are entitled and which we have and will claim always in conformity with your democratic and republican principles."⁴⁵ Frank Martínez agreed with his party's leader that the citizenship issue should be postponed. He thought compulsory citizenship, which he called any system that gave only American citizens the vote, might imply incorporation of the island as a Territory. Territorial status would be costly to the island, which could not afford to send its revenues to the Federal Government.⁴⁶

The Jones bill, when it appeared as H.R. 13818, had changed from the administration draft in more than the citizenship clause. McIntyre had intended that the spelling of the island's name revert to the historic form of Puerto Rico. When he first noticed that H.R. 13818 used Porto, McIntyre was not sure whether this was Representative Jones' wish or a printers' error.⁴⁷ Jones had spoken against the arbitrary Porto spelling in Congress in 1900. If it was a printers' error, this error reappeared in new drafts of the Jones bill as H.R. 14696 and H.R. 14866, despite the intention of McIntyre and Yager to restore the Spanish spelling. In addition to substituting his own citizenship section, Representative Jones' bill omitted Section 40 of the administration draft, which provided

⁴⁵ *ibid.*, pp. 54-55.

⁴⁶ *ibid.*, p. 67.

⁴⁷ McIntyre to Hamilton, 26 February 1914, BIA 3377/with 152.

that after a set date no islanders could hold office unless they were U.S. citizens. McIntyre commented that this provision was crucial if the bill were to have Jones' collective citizenship provision. The Bureau of Insular Affairs head thought that Section 40 was omitted because Jones had not used the same final draft that had been sent to the President.⁴⁸ Jones made one other intentional change on his own. Section 36 in H.R. 13818 on appropriations was Jones' construction of the existing law.⁴⁹ The interpretation of the powers of appropriation had been debated in Puerto Rico since the 1909 crisis over legislative appropriations.

The tasks of the Committee on Insular Affairs during the second session of the Sixty-Third Congress were to amend the proposed government bill and to choose between the various bills offered. Muñoz Rivera's bill, H.R. 13979, had been, as one commentator notes, submitted for the record.⁵⁰ Its author called it the aspirations of the islanders. Muñoz' bill retained Puerto Rican citizenship for the islanders, who would form a body politic together with the American citizens resident in Puerto Rico. The veto of the governor could be overturned by a two-thirds vote of both of the entirely elective legislative branches. The redistricting of the island would be done by a board that included representatives from the Union and Republican parties. Muñoz' bill provided for the election of two Resident

⁴⁸McIntyre to Garrison, 25 February 1914, BIA 3377/149.

⁴⁹Charles C. Wallcutt, Jr., to Daniel D. Walton, 26 February 1914, BIA 3377/with 152.

⁵⁰Gattell, "Luis Muñoz Rivera," p. 9.

Commissioners. In general, Muñoz' proposed organic act embodied the amendments he wished made to the Jones bill and restricted the power of the appointed governor and administrators while enhancing that of the local legislature.⁵¹

The proposed government bills for Puerto Rico, which were introduced into the Senate, were never considered by the House Committee on Insular Affairs. They were, however, important as alternatives to the Jones bill while the House discussed the terms of the new organic act. Outside of the Congress, interested persons could debate the merits of the Senate and House bills for Puerto Rico. The bill introduced by Senator John F. Shafroth as S. 4604 was practically identical to the Jones bill. Senator Shafroth was born in Missouri in 1854. He became a lawyer and represented Colorado in the House of Representatives from 1895 to 1905. He refused to serve the term in the 58th Congress to which he had been elected because the election of 1904 had been full of allegations of fraud. He was governor of Colorado from 1909 until 1913 when he entered the Senate.

Shafroth's bill provided for individual citizenship, and it was essentially the administration bill before Jones changed the citizenship clause. Muñoz' bill had been introduced for the record. That of Shafroth was introduced to keep the question of individual citizenship open. Even more, I think the purpose of the Shafroth bill was to avoid the pitfall of the Senate, where Puerto Rican legislation had ended in the past. Shafroth's purpose was to get a

⁵¹U.S., Congress, House, A Bill to Provide Civil Government for Porto Rico. H.R. 13979, 63rd Cong., 2d sess., 1914.

bill working through the Senate before the House sent up its island legislation. President Wilson had already given up the idea of the Sixty-Third Congress passing Puerto Rican legislation, but many of his fellow Democrats had not yet done so.

Senator Shafroth understood that the Committee on Pacific Islands and Porto Rico would face quorum problems, as it had in the past when the busy senators did not have the time to consider legislation for Puerto Rico. For this reason, he requested Garrison and others to submit their views in writing. Garrison quickly sent his response to Shafroth so that his ideas on the necessity of new legislation for Puerto Rico would be available to the members of the Senate committee. He restated the views he had given the House.⁵² Shafroth's quorum fears were well founded. He gave a hearing to one islander, Benigno Fernández García, which was attended only by Shafroth and one other Senator from the committee.⁵³

McIntyre was concentrating on getting the Jones bill through the House of Representatives. He provided Jones with a comparison of the Foraker Act with both the Jones and Shafroth bills. McIntyre added a memo outlining the proposed changes in the organic law. These included the restoration of the Puerto Rico spelling and an extensive Bill of Rights. The latter was taken from the Olmsted bill and was also included in Muñoz Rivera's draft bill.

⁵²Garrison to Shafroth, 2 March 1914, BIA 3377/after 152.

⁵³McIntyre to Yager, 10 March 1914, BIA 3377/after 156.

McIntyre commented on Muñoz' concern that no island funds be in banks outside of the island. He said that large deposits had been in the United States in former years, especially from the sale of \$4,000,000.00 in irrigation bonds. There were no deposits of Puerto Rican funds in the United States during the period from July to December, 1913.⁵⁴

The Bureau of Insular Affairs chief was much encouraged by the good attendance and interest shown by the members of the House Committee on Insular Affairs during the hearings and by the attitudes of Muñoz and Martínez. The Union party would have political problems because of the terms of the Jones bill. Still, McIntyre stated, the two leaders would be happy to have the bill passed. Their hope was for quick passage, however, and they implied that the bill might be less acceptable the following year.⁵⁵

On March 9, the House committee decided to set up a sub-committee to continue their review of the Jones bill section by section. Three men were chosen for that task: Jones, Garrett, and Horace M. Towner, of Iowa. All three sub-committee members favored the Jones bill.⁵⁶ Jones had wanted the sub-committee because he was very discouraged by the amount of time consumed while the full committee reviewed the bill. McIntyre noted that there was no opposition from the Republican members of the Committee on Insular Affairs

⁵⁴McIntyre to Jones, 3 March 1914, BIA 3377/with 152.

⁵⁵McIntyre to Yager, 3 March 1914, BIA 3377/after 152.

⁵⁶McIntyre to Yager, 10 March 1914, BIA 3377/after 156.

to the proposed bill. He added that Jones felt only a special rule allowing only four hours for consideration of the bill by the full House would make passage in the current session possible.⁵⁷

Governor Yager hoped that the Shafroth and Jones bills would be passed swiftly in their respective branches of the Congress. This would leave only the citizenship question to be settled by a conference committee of the House and Senate.⁵⁸ Meanwhile, he forwarded the comments of several American administrators in the island on the bills. Their suggestions tended toward the smoothing out of terminology and the legal implications of some provisions of the bills.⁵⁹ A sanitation service official, Dr. W. F. Lippitt, sent his views on citizenship. He said he favored collective citizenship and thought that it was "the desire of the nine out of ten of the better class of people on the island and they are really the only ones that ought to be considered." He went on to say that the Union party was the majority in the island. Perhaps Yager was correct that the Union party should be allowed to save face on the citizenship issue, especially since the leaders had all agreed to apply quickly for citizenship when the bill had been passed.⁶⁰

The sub-committee of the Committee on Insular Affairs completed

⁵⁷McIntyre to Yager, 6 March 1914, BIA 3377/after 156.

⁵⁸Yager to McIntyre, 11 March 1914, BIA 3377/161.

⁵⁹ibid., and Yager to McIntyre, 12 March 1914, BIA 3377/168.

⁶⁰Lippitt to McIntyre, 11 March 1914, BIA 3377/166.

its discussions of the Jones bill on March 16. The following day, Jones introduced it as H.R. 14694. It was to replace the bill introduced by Jones in February but was primarily just a corrected version. Collective citizenship unless denounced before a court within six months was still in the new bill.⁶¹ The suggestions on refinement of terms and legal implications transmitted by Yager had been incorporated into H.R. 14694.⁶² McIntyre noted that the provision that only American citizens could hold office or vote was back in the bill.⁶³ The General said that the change in the bill he most regretted was that taking executive department heads out of the legislature. He felt that separation of powers had not been successful in Latin countries. McIntyre reported that Senator Shafroth's quorum problems continued, but Jones, Towner, and Garrett thought they could get the bill through the House easily enough.⁶⁴ H.R. 14694 was to have an even shorter life than the February Jones bill. It was referred back to the Committee on Insular Affairs on March 17, 1914.

Muñoz Rivera and Martínez appeared again before the House committee on March 18. They argued for several amendments to the Jones bill. Their arguments against the governor's veto power did not

⁶¹U.S., Congress, House, Committee on Insular Affairs, H.R. 14694, 63rd Cong., 2d sess., 1914.

⁶²McIntyre to Yager, 17 March 1914, BIA 3377/159.

⁶³BIA Memo initialed F.M.I., 17 March 1914, BIA 3377/159.

⁶⁴McIntyre to Yager, 17 March 1914, BIA 3377/161.

prevail. Martínez got a voice, but not a vote, for the executive department heads in the insular senate. Muñoz Rivera succeeded in getting the mental asylum and blind school put under the jurisdiction of the Commissioner of Health rather than Education. He also got an amendment fixing a firm date for annual sessions of the insular legislature.⁶⁵ By the time the full committee finished amending the bill, Jones found it expedient to reintroduce it as H.R. 14866 on March 20, 1914. H.R. 14866 was the bill of the full committee, but no major changes had been made.⁶⁶

Senator Shafroth had gone from two to three Senators attending his committee hearings. He asked the Secretary of War to write to all members of the Committee on Pacific Islands and Porto Rico requesting their cooperation in getting legislation for Puerto Rico passed. Senator Clapp had raised the question of the indirect consequences of granting citizenship to the islanders. Garrison enclosed a lengthy legal opinion by Felix Frankfurter in his letter to the Senators to reassure them on this point.⁶⁷ Garrison was happy to comply with Shafroth's request because he was hopeful now and was urging action. McIntyre feared that there were too many other issues, including Panama Canal tolls, before the Senate.⁶⁸

⁶⁵Muniz, pp. 99-111.

⁶⁶U.S., Congress, House, Committee on Insular Affairs, Civil Government for Porto Rico, H.R. 14866, 63rd Cong., 2d sess., 1914.

⁶⁷McIntyre to Shafroth, 22 March 1914, BIA 3377/171.

⁶⁸McIntyre to Yager, 20 March 1914, BIA 3377/170.

H.R. 14866 was reported out of the Committee on Insular Affairs on March 26. McIntyre did not see any problem for passage in the House.⁶⁹ The committee report recommended passage of the Jones bill. The committee thought that the important provisions of the bill were the Bill of Rights and the grant of American citizenship. An elected senate of nineteen was another reform that the committee said the people of Puerto Rico could be trusted with, especially since the governor had an absolute veto power. The bill also created new executive departments of agriculture and labor, and of health. There were to be no property or literacy requirements for voters already registered. In the future, however, only American citizens over 21 who were literate or owned taxable property could register to vote.⁷⁰

The citizenship issue was beginning to stir up controversy in Puerto Rico, despite the truce called by the political leaders in 1913. Rumors that Muñoz Rivera had consented to collective citizenship caused confusion and consternation in the Union party.⁷¹ Iglesias forwarded the demands of his labor union to the War Department. These included collective citizenship and a department of agriculture and labor, both of which were in the Jones bill. Labor also wanted an eight-hour day, protection for child labor, and civil rights

⁶⁹McIntyre to Yager, 27 March 1914, BIA 3377/177.

⁷⁰U.S., Congress, House, Committee on Insular Affairs, Civil Government for Porto Rico, H. Rept. to Accompany H.R. 14866, 63rd Cong., 2d sess., 1914.

⁷¹Yager to McIntyre, 18 March 1914, BIA 3377/174.

written into the bill.⁷² Like Iglesias' followers, Barbosa's Republicans also wanted collective citizenship. Muñoz had testified that the Republicans received 58,000 votes to the Union party's 92,000 in the last election and thus were a valid representative of public opinion in the island.⁷³ Iglesias and Barbosa were not a part of the arguing in Puerto Rico. A split in the heterogeneous Union party was responsible for the breach in the calm, united stand of the islanders.

The Union party on March 9 adopted resolutions which were also adopted by the House of Delegates on March 18, 1914. De Diego and Barceló forwarded these resolutions to the effect that Muñoz Rivera's bill alone satisfied the islanders' aspirations toward autonomous government. The resolutions opposed the end of Puerto Rican citizenship but said that optional individual citizenship, as in the Shafroth bill, was acceptable. The absolute veto of the governor was also attacked, but the Shafroth bill was still regarded as a positive step that retained Puerto Rican personality.⁷⁴

Noting that the island Republicans had chosen a delegation to press for a grant of collective American citizenship, McIntyre commented that the House of Delegates was composed of Union party men. He regarded the House memorial as an action intended for the benefit

⁷²Iglesias to McIntyre, 14 March 1914, enclosing memo, BIA 3377/176.

⁷³Hearings, on H.R. 13818, p. 53.

⁷⁴de Diego and Barceló to Yager, 24 March 1914, BIA 3377/184.

of local political consumption.⁷⁵ He found island reaction discouraging: "This is simply following the precedent of several years and making it difficult for men already somewhat puzzled to find out what Porto Rico desires to meet the wishes of the people."⁷⁶ Governor Yager thought that the Union party leaders were being "foxy" on the citizenship issue. De Diego and Barceló had given him verbal agreement, but Yager had not been able to get a written promise that they would not interfere with individuals choosing to declare for American citizenship.⁷⁷

Antonio Barceló, speaking as president of the Union party, gave an interview opposing the absolute veto of the governor in the Jones bill. He stated that like Muñoz Rivera, he preferred independence, but would accept statehood if it were offered immediately.⁷⁸ Muñoz also stressed his opposition to the absolute veto and to the date of the insular senate sessions being left to the governor's discretion.⁷⁹ The Democratic Club of Ponce expressed its opposition to the absolute veto, although it asked for collective citizenship.⁸⁰ President Wilson declared in 1914 that the Philippine Island bill should give the governor a conditional veto power with an absolute

⁷⁵McIntyre to Garrison, 16 April 1914, BIA 3377/187.

⁷⁶McIntyre to Yager, 17 April 1914, BIA 3377/after 187.

⁷⁷Yager to McIntyre, 25 March 1914, BIA 3377/182.

⁷⁸La Correspondencia, 3 April 1914.

⁷⁹McIntyre Memo, 22 May 1914, BIA 3377/200.

⁸⁰Ponce Democratic Club Resolution, 5 April 1914, BIA 3377/193.

veto for the President.⁸¹ Later it would be Wilson who would decide to give the Puerto Ricans their wish and take the absolute veto of the governor out of the Jones bill.

Although the Jones bill had already been reported from the committee to the House, debate on various provisions continued. Yager did not like the change in the latest draft of the bill which lowered the property qualifications for the insular senate to \$1,000.00. He stated: "I think it is generally desired in Porto Rico that the elective senate should represent the conservative classes and those who have property interests more especially."⁸² He also argued that the jury system should not be extended.⁸³ Yager wanted the Jones bill amended so that literacy and property qualifications for the vote would apply immediately to all islanders, even those who had already been voting.⁸⁴

The Governor favored these undemocratic changes because of his paternalistic attitude toward the islanders which was greatly influenced by his subordinates in the island and their concern that reform for Puerto Rico would not endanger American interests there. He and these other men experienced in the problems of governing Puerto Rico attributed the problems to the unpreparedness and incapacity of the uneducated islanders. McIntyre said that the changes Yager wanted

⁸¹Jones to Wilson, 25 June 1914, Wilson Papers.

⁸²Yager to McIntyre, 31 March 1914, BIA 3377/185.

⁸³Yager to McIntyre, 19 June 1914, BIA 3377/212.

⁸⁴Yager to McIntyre, 14 October 1914, BIA 3377/218.

could be made easily.⁸⁵

The Customs Service objected to a provision of the Jones bill that was intended to protect the island's high-quality coffee from cheaper grades being transhipped as Puerto Rican coffee.⁸⁶ The Customs Service won their point that special services to protect island coffee would involve duplicate customs organizations. American sanitation officials also argued over the terms of the quarantine provision of the Jones bill.⁸⁷

Senator Shafroth intended to let Jones get his bill through the House before taking any action on Puerto Rican legislation in the Senate.⁸⁸ The year of the Sixty-Third Congress remaining after the report of the Jones bill was filled with frustration for those who also waited for the Jones bill to pass the House. Senator Willard Saulsbury, of Delaware, introduced S. 5845 in June. He was a lawyer, businessman, and banker who served in the Senate for only one term. His bill differed from the other government bills already introduced primarily in making Puerto Rico a Territory. Territorial status implied future statehood, so the island Republicans supported Saulsbury's bill. This support did not succeed in getting the bill out of the Senate committee any more than Union party support had gotten Muñoz Rivera's bill out of committee in the House. Neither bill was

⁸⁵McIntyre to Yager, 23 October 1914, BIA 3377/218.

⁸⁶William McAdoo to Wilson, 17 June 1914, Wilson Papers.

⁸⁷McAdoo to Jones, 27 March 1914, Jones Papers, Box 89. The Sanitation Service objected to stringent rules on administrative grounds.

ever seriously considered by the Congress.

The Jones bill had been reported unanimously by the Committee on Insular Affairs. Yager and McIntyre continued to push and hope that the Sixty-Third Congress would pass it. Even the House, which had been quick in passing earlier legislation, failed to consider the Jones bill in 1914. Judge Hamilton and Governor Yager hoped the President's troubles with Mexico would provide impetus for the passage of the Jones bill. Yager pointed out the usefulness of a Puerto Rican brigade in the event of war.⁸⁹ Neither trouble in Mexico nor the outbreak of war in Europe aided the Jones bill in 1914. Both events complicated the atmosphere in Washington. They probably worsened the chances of the bill because they brought a heavy load of legislative business which caused the Jones bill to languish.

Representative Jones was himself another reason why the House did not pass his government bill for Puerto Rico. He was born in Warsaw, Virginia, in 1849. He became a lawyer, but his career was in the House of Representatives where he represented the 1st Virginia district from 1891 to 1917. Jones died on April 17, 1918. Luis Muñoz Rivera told McIntyre in May that Jones was cool toward the bill. McIntyre said this was due to complaints from the island about the bill.⁹⁰ Jones was trying to find a time for the bill in June, but his absence from the Capitol slowed it up.⁹¹ McIntyre

⁸⁹Hamilton to Wilson, 22 April 1914, Wilson Papers; Yager to McIntyre, 20 April 1914, BIA 3377/194.

⁹⁰McIntyre Memo, 22 May 1914, BIA 3377/200.

⁹¹Jones to Wilson, 26 June 1914, Wilson Papers.

in September sometimes thought the bill could still be passed if Jones were really interested. Jones, however, was in bad health and was more interested in his bill for the Philippines than in that for Puerto Rico.⁹² Yager and McIntyre usually attributed Jones' attitude to the frustrations involved in attempting to please the divided Puerto Ricans who could not agree on what they wanted from Congress.

President Wilson had intended to help the Jones bill provided it did not threaten to prolong the session of Congress.⁹³ The bill got on the Union Calendar and could be called for consideration at any time.⁹⁴ A caucus of the House Democrats in May decided to concentrate on anti-trust legislation and appropriations for the rest of the session.⁹⁵ Representative Garrett tried to get a special rule from the Rules Committee that would bring the Puerto Rican government bill up for consideration. Jones believed that the bill could be gotten through with this special rule, since the session of Congress would continue into the Autumn.⁹⁶ Garrett was unable to get a quorum of the Rules Committee, and Jones was not in Washington to help.⁹⁷

Wilson had assured his friend Hamilton that "You may be sure that if there is the least scrap of room for the legislation about

⁹²McIntyre to Yager, 16 September 1914, BIA 3377/215.

⁹³Yager to McIntyre, 27 March 1914, BIA 3377/178.

⁹⁴McIntyre to Yager, 5 May 1914, BIA 3377/after 194.

⁹⁵Yager to McIntyre, 20 May 1914, BIA 3377/202.

⁹⁶McIntyre to Yager, 12 June 1914, BIA 3377/207.

⁹⁷McIntyre to Yager, 22 July 1914, BIA 3377/214.

Porto Rico this session, I will press it.⁹⁸ That room for the Jones bill did not develop. No one in Washington was prepared to offer any appreciable amount of opposition to the Jones bill, with the exception of Muñoz Rivera. The administration and Congressional leaders favored the bill. It did not pass the House of the Sixty-Third Congress because it was not considered important enough to be squeezed into an unusually busy session. Reform for Puerto Rico would wait for the Sixty-Fourth Congress.

⁹⁸Wilson to Hamilton, 18 June 1914, Wilson Papers.

CHAPTER VI

PASSAGE OF THE JONES BILL

The Sixty-Fourth Congress would pass the Jones bill during the last few weeks of its existence. After a year of virtual inactivity, the House of Representatives passed it in May, 1916. The Senate did not follow suit until February, 1917. An important factor contributing to the success of the Jones bill was the attitude of President Wilson. His decision to push for quick passage of the bill and the determined efforts of the Secretary of War, Newton D. Baker, ended stagnation in the Congress.

Passage in the House

Early in 1915, the Puerto Rican House of Delegates scored an impressive victory. It drafted a memorial to Washington that did not simply disappear after polite acknowledgment of its receipt. The memorial of March 9, 1915, asked for five specific reforms. Most important among them was a legislature composed to two entirely elected branches. This was a reform provided in the Jones bill. Appointment of executive department heads by the governor with the approval of the insular senate was requested. The Jones bill stated that four of the six department heads would be so selected. The islanders wanted

their local legislature to have full powers in local matters. The Jones bill provided for this generally. In addition, the House of Delegates wanted the governor to have a conditional, not an absolute, veto power, but the Jones bill gave the governor broad powers, including an absolute veto. Lastly, the island's House requested that the granting of franchises for public and quasi-public works be approved by a committee of the legislature. The Jones bill put franchises in the hands of a public service commission of appointed officers.¹ The franchise question is an example of the Puerto Ricans' desire to gain control of matters important in the development of the island. Their desire conflicted with American determination to keep such important matters out of the island's party politics. Franchises were an issue for the same reason that control of the Department of Education and the office of the Auditor were an issue. De Diego's cable transmitting the memorial pointed out that the House of Delegates was composed of both Union and Republican party members who agreed on the requests of the memorial.²

Governor Yager stated that the absolute veto power of the governor had been written into the Jones bill to gratify the estimated three to five thousand Americans resident in Puerto Rico. They feared an entirely elected legislature without a veto.³ Garrison sent the

¹War Department Memorandum for Secretary of War, 22 March 1915, BIA 3377/225.

²de Diego cable to Wilson, 10 March 1915, quoted in Garrison to Wilson, 12 March 1915, Wilson Papers.

³Hearings, on H.R. 8501, p. 17.

memorial to Wilson commenting that the Jones bill provided for an absolute veto, but "It might be well to grant him a conditional veto, with absolute veto in the hands of the President, as was done in the Philippine bill."⁴ President Wilson answered that he thought the Jones bill was "likely to satisfy all reasonable present demands in the island." Wilson decided, however, that the next Congress should amend the bill to make the governor's veto for Puerto Rico like that for the Philippines.⁵ McIntyre explained to Yager that this meant that the President would have a definite veto should the legislature overturn a veto of the governor.⁶ The decision had been made to gratify the islanders in their virtually unanimous opposition to an absolute veto power in the hands of the governor by giving them no more than what the rebellious Philippines were to receive in this regard.

The Congress took no further action on the new government bill for Puerto Rico during 1915. Judge Hamilton urged President Wilson to make the Jones bill an administration measure to get it passed.⁷ Hamilton was interested in amendments to the sections of the bill concerning the Federal District Court. In August, 1915, he restated his plea of June that the Jones bill be passed swiftly because of the discontent in the island.⁸ An English language periodical in

⁴Garrison to Wilson, 12 March 1915, Wilson Papers.

⁵Wilson to Garrison, 15 March 1915, Wilson Papers.

⁶McIntyre to Yager, 19 March 1915, BIA 3377/224.

⁷Hamilton to Wilson, 15 June 1915, Wilson Papers.

⁸Hamilton to McIntyre, 21 August 1915, BIA 3377/226.

Puerto Rico also expressed concern over the independence speeches being made by de Diego and the adverse effect these might have on the Jones bill.⁹ As Gatell's article notes, there was no legislative progress on the Jones bill during 1915, but the year was noteworthy for a struggle in the Union party that resulted in the defeat of de Diego and the official withdrawal of independence demands by the party.¹⁰ Muñoz Rivera returned to Puerto Rico and reasserted his leadership at a convention of the Union party. De Diego would resign as President of the party when the Union concurred with Muñoz' assertion that the immediate demand of the Puerto Ricans was for self-government, not independence. The publication in 1916 of de Diego's articles and speeches from 1913 to 1916 and of his collection of poetry indicate his continuing struggle for independence. The poetry was filled with images of the United States' eagle victimizing the Puerto Rican lamb.¹¹

In November, 1915, Governor Yager wrote to President Wilson about getting Puerto Rican legislation through the next session of the Congress. Yager had the Bureau of Insular Affairs draw up a new bill for introduction into Congress. The new bill was the same as the bill that had been reported favorably by the Committee on Insular Affairs in 1914 in all but two ways. The changes made taxes collected

⁹Porto Rico Progress, 11 August 1915, BIA 26429/44A.

¹⁰Gatell, p. 12.

¹¹José de Diego, Cantos de Rebeldía (Barcelona: Casa editorial Maucci, 1916).

on Puerto Rican cigars in the United States return to the island treasury. More important was the new provision that qualifications for the right to vote in Puerto Rico would apply immediately upon passage of the Jones bill rather than application to future registrations of voters.¹² Wilson replied to Yager's request that he make the Jones bill a party measure and mention it in his message to Congress by saying that "You may be sure that I will take the deepest interest in the programme for Puerto Rican legislation and shall try in every way to promote its passage."¹³ The President also promised Muñoz Rivera that Puerto Rico would be mentioned in his message.¹⁴

With President Wilson's support, prospects looked good for the passage of the Puerto Rican government bill in 1916. McIntyre met with both Shafroth and Jones. He reported that the Senator did not approve of all of the amendments Yager wanted in the Jones bill, but he was anxious to introduce and push the bill through the Senate. Shafroth was trying to get the members of the Committee on Pacific Islands and Porto Rico to agree to amend from the floor of the Senate in order to avoid the quorum problems of the committee. Jones told McIntyre that he expected no problem in getting the bill passed in the House of Representatives. McIntyre noted, however, that Jones did not seem in as much of a hurry as Senator Shafroth was. The

¹²Yager to Wilson, 2 November 1915, Wilson Papers.

¹³Wilson to Yager, 8 November 1915, Wilson Papers.

¹⁴Wilson to Rivera, 30 November 1915, Wilson Papers.

senior Republican on the House Committee on Insular Affairs, Judge Horace M. Towner, of Iowa, favored the Jones bill. Towner had tried to give the Puerto Rican bill preference over Jones' bill for the Philippines, but Jones had blocked his attempt.¹⁵ Jones had written to Yager that he planned to push the Philippine bill first, but that both bills, he hoped, would be passed quickly.¹⁶ Jones was simply more interested in the Philippine bill, as Towner was more interested in the Puerto Rican bill.

Now that it seemed the Jones bill would be passed, the Puerto Ricans again stepped up their demands. Vicente Balbás Capó printed an article that would be a model for dissident island polemicists in the future. Balbás contended that the United States was interning belligerent vessels in San Juan harbor, thus jeopardizing the island's neutrality. He added that the islanders wanted peace, but heard that Wilson planned to put 150,000 of them into the American army. A grant of citizenship under these conditions, Balbás thought, would be an iniquity.¹⁷ Foreign merchant vessels that had been trading with Puerto Rico were interned during the war. General McIntyre mentioned the President of the Hamburg-American Line specifically but did not name the place of internment.¹⁸ Balbás' figure of 150,000 men would represent all of the Puerto Ricans eligible for the draft.

¹⁵McIntyre to Yager, 10 December 1915, BIA 3377/after 230.

¹⁶Yager to McIntyre, 17 December 1915, BIA 3377/237.

¹⁷Heraldo Español, 13 December 1915, BIA 3377/with 238.

¹⁸Hearings, on H.R. 8501, p. 26.

José de Diego forwarded another memorial from the House of Delegates to the President and Congress. This memorial repeated the requests of the March message but added two more. The House of Delegates wanted a provision in the Jones bill that only bona fide residents of Puerto Rico be eligible to hold public office. They also asked that the jurisdiction of the Federal District Court be transferred to the Supreme Court of Puerto Rico.¹⁹ Opposition to the U.S. Court and to American office-holders had a long history in the island.

McIntyre and Yager met to go over the new draft bill. The final proposal was prepared under Yager's direction in Puerto Rico. He brought it with him to Washington in January, 1916.²⁰ Jones introduced the new draft of the bill as H.R. 8501 on January 10, 1916. The Committee on Insular Affairs held hearings on the new draft of the Jones bill within a few days.

Governor Yager testified before the Committee on Insular Affairs on January 13 that both political parties in the island favored a grant of United States citizenship. The Republicans had always wanted citizenship, and the Union party had recently ceased to oppose it. Muñoz Rivera took the opportunity to clarify his party's position. He prefaced his remarks by stating that in the November 1914 election the Republicans got 83,000 votes and the Union party 118,000. He said that the Union party still stood for ultimate independence, although this had been relegated to the position of a future goal.

¹⁹de Diego to the President and Congress, 10 December 1915, BIA 3377/235A.

²⁰Yager to McIntyre, 22 December 1915, BIA 3377/238.

For this reason, the Union party wanted the question of citizenship to be left open for the present because it would be an embarrassment to the United States if citizenship were granted and, later, the independence of Puerto Rico were given. Even before Muñoz made his statement, however, an exchange between Yager, Garrett, and James H. Davis, a former Populist from Texas, made it clear that a grant of citizenship would be a part of any bill for Puerto Rico. The congressmen pointed out emphatically that the Constitution had no place in it for subjects, only citizens.²¹

On January 15 the committee went into executive session to consider H.R. 8501. In 1914, the committee in the Sixty-Third Congress had been composed of fourteen Democrats and seven Republicans. During the Sixty-Fourth Congress there were thirteen Democrats and eight Republicans. Muñoz Rivera was listed as a member of the committee in 1916. In addition to Jones, seven Democrats were on the committee during both Congresses. They represented Tennessee, Kentucky, Indiana, Oklahoma, Missouri, Pennsylvania, and Ohio. Five Republicans served on the committee during both Congresses. They were from Iowa, Minnesota, Ohio, North Dakota, and Maine. The changes in the personnel of the committee seem to represent no real difference, except that a representative from Louisiana, a state with an important beet-sugar industry, was no longer on the committee.²² The Committee on

²¹Hearings, on H.R. 8501, pp. 7, 8 and 10.

²²ibid., p. 2.

Insular Affairs could be expected to report the Jones bill favorably.

Jones introduced the committee's replacement for H.R. 8501 on January 18. The Jones bill was reported out of committee as H.R. 9533 on January 15, 1916. H.R. 9533 was identical to H.R. 14866 except for some amendments, primarily those Yager wanted. Among the latest changes were the conditional veto for the governor with an absolute veto for the President. A further concession to the House of Delegates had been made by increasing the number of members on the public service commission to allow for three elected representatives of the islanders to control franchises for public works. The last change considered of substantial importance by the committee was a further liberalization of the already generous policy of reserving the tax revenues of the island for its own use. In this case, all internal revenue taxes were to go to the island treasury, whether they were collected in the island or in the United States, if they were collected on Puerto Rican goods.²³ Jones and his committee had gotten the bill in a new form reported to the House of Representatives in record time.

While the House committee had been working on the Jones bill, Senator Shafroth's Committee on Pacific Islands and Porto Rico held hearings at which Barceló and Coll Cuchí spoke for the Union party. Shafroth, however, intended to go little further until the bill was passed in the House. He then planned to substitute the House bill

²³U.S., Congress, House, Committee on Insular Affairs, Civil Government for Porto Rico, H. Rept. 77 to Accompany H.R. 9533, 64th Cong., 2d sess., 1916, pp. 1-2.

however, "worried by the contentions from Porto Rico - one committee opposing the citizenship provisions of the bill, and the other committee opposing practically everything else except citizenship."²⁶

Barceló and Coll Cuchí were in Washington arguing against the collective citizenship provision and for further democratization in the Jones bill. Judge Willis Sweet and Roberto Todd represented the island Republicans arguing for Saulsbury's bill, which would make Puerto Rico an organized, incorporated Territory of the United States. The House of Delegates drafted a resolution on February 15 asking for amendments to the Jones bill, including requests that the salaries of appointed officials not be increased and that Spanish, as well as English, be the official language in the Federal District Court.²⁷ The House of Delegates later sent a unanimous petition to Jones asking that the Federal District Court be abolished. They argued for the abolition of the Court citing precedent in the Territories. Also, the House of Delegates said the Federal Court disregarded the civil law of Puerto Rico and that abolishing it would be economical.²⁸ In the Territories there were Federal judges appointed by the President to administer United States law, but there were no Federal District Courts. The Court had been stricken from the Philippine bill. The Puerto Ricans wanted the Presidential appointees on the island's

²⁶McIntyre to Yager, 18 February 1916, BIA 3377/247.

²⁷Puerto Rico, House of Delegates, Resolution, 8th Assb., 2d sess., H.D. 1, 1916.

²⁸Herminio Díaz to Jones, 17 April 1916, Jones Papers, Box 89.

Supreme Court to take over the duties of the Federal District Court.²⁹ McIntyre in 1913 had planned to abolish the Court for economy in the island government. Iglesias was the one who was against everything in the Jones bill except citizenship.

All of the requests from Puerto Rico, coming as McIntyre and Jones were anxious to push the Jones bill through Congress, only tended to irritate the General and Jones. Jones, according to McIntyre, "does not seem to be impressed by any of the testimony which has been submitted against certain features of the bill. To Mr. Jones, of course, this is an old story."³⁰ Governor Yager told McIntyre that people in Washington could not see the real situation from which the contentions of the islanders arose. Yager advised that a bill be passed quickly based on the best judgment of the Congress and ignoring "the squabbles and factional controversies of the various leaders of various groups all of whom have some political or personal motive and many of whom are insincere in their opposition to the various features of the bill."³¹ In view of the attitudes of Jones, McIntyre and Yager, it is surprising that the islanders were able to influence as many amendments to the Jones bill as they did.

On March 2, Jones gave McIntyre news both good and bad. The good news was that the Philippine bill passed the Senate and would return to the House without amendment. Jones also told the General

²⁹Hearings, on H.R. 8501, p. 25.

³⁰McIntyre to Yager, 25 February 1916, BIA 3377/250.

³¹Yager to McIntyre, 29 February 1916, BIA 3377/254.

there would be an attempt to attach an amendment to the Puerto Rican bill enacting the prohibition of alcoholic beverages. McIntyre asked Yager whether he would prefer to drop the bill should the prohibition clause be added to it.³² Yager wanted the bill passed even with prohibition.³³ Jones was still confident that the Puerto Rican bill would get through the House. McIntyre, however, continued to keep Jones and Towner constantly aware of the importance of passing the bill. There seemed to be very little interest in the reform bill for Puerto Rico among the Senators, and this worried McIntyre.³⁴ Shafroth's secretary told McIntyre that there would be little Senate opposition to a prohibition amendment to the Jones bill. Jones, however, planned to join Yager in fighting against prohibition. He regarded it as strange to give Puerto Rico increased self-government and then legislate a prohibition of alcohol for the island. McIntyre said Jones had been receiving requests from Puerto Rico for prohibition. One from a gentleman with an American name claimed that all the labor troubles and strikes in the island were caused by rum.³⁵

On March 24, 1916, a caucus of the Democrats in the House of Representatives put the Jones bill for Puerto Rico on the list of nine measures to be passed in the current session.³⁶ The Sixty-Fourth

³²McIntyre to Yager, 2 March 1916, BIA 3377/after 253.

³³Yager to McIntyre, 10 March 1916, BIA 3377/257.

³⁴McIntyre to Yager, 17 March 1916, BIA 3377/after 256.

³⁵McIntyre to Yager, 24 March 1916, BIA 3377/after 258.

³⁶McIntyre to Yager, 25 March 1916, BIA 3377/after 258.

Congress was composed of 230 Democrats and 196 Republicans, but the Republicans had shown little disposition to oppose the Jones bill for Puerto Rico. Making the bill a Democratic measure would make passage by the House only a question of time. The time, according to McIntyre, had been chosen by Wilson. It was to be passed after the Philippine and shipping bills and if adequate progress had been made on the appropriations bills.³⁷ The Puerto Rican government bill came up before the House on May 5, 1916. On May 2, Jones had asked for unanimous consent to consider the bill on the 5th. The consent was given with the proviso that debate would be limited to three hours with Jones and Towner each controlling half of the time. Jones gave Muñoz Rivera twenty-minutes of the time he controlled. Muñoz Rivera's speech was a famous appeal for his island. He asked Congress to give Puerto Rico a truly republican form of government with which the islanders could show their fitness for independence in the future.³⁸

After the speeches of May 5, debate on the Jones bill in the House of Representatives took place primarily on May 22. Meyer London, a socialist congressman from New York, moved that the bill be amended to strike the provision of Section 26 that required senators to own taxable property in Puerto Rico with a value of at least \$1000. London argued that this provision was reactionary, that it created

³⁷McIntyre to Yager, 17 April 1916, BIA 3377/after 260.

³⁸U.S., Congress, House, Congressional Record, 64th Cong., 1st sess., 1916, 53:7281-2, 7470.

divisions among the Puerto Rican people, and that it gave the propertied class the power to rule. His motion was defeated by a vote of four in favor to forty-two opposed, despite the fact that no one spoke in defense of the \$1000 property qualification for members of the island senate.³⁹

Congressman R. Wayne Parker, a Republican from New Jersey, wanted to amend the Jones bill to give the Puerto Rican legislature the power to impose tariffs on trade between the island and the United States. Parker argued that the prosperity of the island might depend upon her ability to defend her economy from that of the United States. His proposal would have allowed the imposition of only a small percentage of American tariff rates. Richard W. Austin, a Republican from Tennessee, spoke against Parker's plan. Austin said:

This is true, but we want absolute free trade between our country and its colonial possessions, as we have between the different states. We sold \$7,500,000 to the Philippines, Porto Rico, and the Hawaiian Islands under foreign flags, and last year under our flag we sold \$85,000,000, because of our tariff laws, which gave us an opportunity to go in without paying custom duties.⁴⁰

Parker's amendment was not adopted by the House of Representatives.⁴¹

Most of the debate in the House was, however, concerned with Section 35 of the Jones bill, which determined who would have the right to vote in Puerto Rico. Representatives Jones and Towner drew up a substitute for the original Section 35. The original read:

³⁹ibid., p. 8460.

⁴⁰ibid., p. 8474.

⁴¹ibid.

That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or who is not a bona fide taxpayer in his own name in an amount of not less than \$3 per annum.⁴²

The substitute Section 35 read:

That the qualified electors of Porto Rico shall consist of all male citizens of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898) who are able to read or write either the Spanish or English language, and who shall be bona fide taxpayers in their own name and in an amount not less than \$3 per annum.⁴³

Jones said the change was made primarily because the property qualification was not intended to be additional to literacy but an alternative. The only difference in the property qualification wording is, however, a change in connective from "or" to "and." Insertion of the word "male" is the major change in the two sections. James R. Mann, of Illinois, moved to strike out the word "male" and insert "without regard to sex." Jones said there was no desire for woman-suffrage in Puerto Rico,⁴⁴ but Muñoz had supported it as early as 1908.⁴⁵ Mann's motion carried by a vote of fifty-one to thirty-six. London then moved that the literacy and property qualifications be stricken. After long debate, his motion failed by a vote of nine ayes and

⁴² *Ibid.*, p. 8464.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, p. 8465.

⁴⁵ Muñoz Rivera, Obras, 2:176.

fifty-nine noes.⁴⁶

An attempt to strike the property qualification was withdrawn after it was explained that it was not a further restriction on the vote. It was an alternative intended to give the vote to taxpayers who might be illiterate. Jones tried to withdraw his substitute Section 35 because Mann's woman-suffrage amendment had been added to it, but Mann prevented withdrawal. Republican Frank W. Mondell, of Wyoming, proposed the insertion of a proviso that all Puerto Ricans who had previously voted retain the privilege. Before his motion was considered, there was a long discussion of the evils of voting machines in lieu of ballots, as demonstrated by elections in Chicago. When Mondell's motion came to a vote, it was defeated twenty-seven to fifty-one. Democrat George Huddleston, of Alabama, offered an amendment to strike out the literacy and taxpaying requirements, even though such a motion had already been defeated. Huddleston said that the congressmen knew very little about Puerto Rico, and, therefore, the islanders should decide the qualifications for voting. The amendment was defeated. When Jones' substitute Section 35 came to a vote, it was defeated by a vote of thirty-eight to forty-nine.⁴⁷ The original Section 35 stood without amendment.

The Jones bill passed the House of Representatives without the necessity of a roll-call on May 23, 1916. No prohibition amendment had been attached in the House because Secretary Baker had persuaded

⁴⁶Congressional Record 53:8465-8468.

⁴⁷*ibid.*, 8468-8473.

North Carolina Democrat, Edwin Y. Webb, not to introduce a prohibition amendment because Puerto Rico's revenues would suffer terribly should prohibition be enacted.⁴⁸ Woman-suffrage in Puerto Rico was defeated when the substitute Section 35 was voted down. The governor lost the power to appoint immigration and customs officials. The Federal District Court remained unchanged except that its jurisdiction was changed from disputes involving \$1000 or more to those involving \$3000 or more. In the District Courts of the United States the limit was \$3000. The House of Representatives made no other major amendments to the Jones bill.⁴⁹

Although the House of Representatives had 426 members, fewer than one-hundred of them had cast a vote during the debate on the Jones bill. The Jones bill passed the House easily. It would be difficult to argue that the bill had been passed easily because the congressmen were especially interested in reform legislation for Puerto Rico. As a Democratic measure with the support of President Wilson, the Jones bill was assured of passage by the House.

Passage in the Senate

The Jones bill was reported to the Senate on May 24, 1916. Senator Shafroth intended to speed it through the Committee on Pacific Islands and Porto Rico.⁵⁰ Several amendments Yager wanted made in the

⁴⁸Baker to Webb, 15 May 1916, BIA 3377/after 268.

⁴⁹McIntyre to Yager, 23 May 1916, BIA 3377/after 269.

⁵⁰Shafroth to Baker, 24 May 1916, BIA 3377/271.

bill were accepted by Shafroth, who had a few amendments of his own in mind. One of Shafroth's changes was the insertion in the bill of rights of detailed procedures for the passage of legislation. McIntyre thought this change unobjectionable, although it embodied avoidable rigidity.⁵¹ Governor Yager, however, opposed this change.⁵² Discussions of various minor changes continued after the passage of the Jones bill by the House. There were only two major issues: the franchise and prohibition.

Senator Shafroth told McIntyre that Senator James K. Vardaman, of Mississippi, had decided to insist upon a prohibition amendment. Vardaman was on the Committee on Pacific Islands and Porto Rico. He had been the one Senator besides Shafroth to show any real interest in the Puerto Rican government bill. Shafroth also reported receiving many protests against the restrictions on the right to vote in the Jones bill. The Senator wanted to amend the bill so that the property and literacy requirements would not apply for ten years. McIntyre tried to assure Shafroth that they had considered this problem, but the last election in Puerto Rico had convinced Yager and Pitkin that the situation needed immediate change. Despite his concern with the prohibition and franchise problems, Shafroth intended to report the bill. He had, however, already called several meetings of the committee which were attended by three or fewer members. A

⁵¹McIntyre to Yager, 2 June 1916, BIA 3377/after 273.

⁵²Yager to McIntyre, 14 June 1916, BIA 3377/275.

total of twelve Senators were on the committee. Shafroth was going to try to report the bill with the individual concurrence of the twelve members.⁵³

Yager and Baker had their own plan for combating the indifference of the Senate to the Jones bill. Yager sent a cable to Wilson stressing the need for settling the Puerto Rican question in view of the crisis in Mexico. Comments such as this by Yager, and the fact that a Puerto Rican Brigade was being organized, contributed to the plausibility of the "cannon fodder" theory, which holds that the islanders were made United States citizens in order to draft them into the armed services. Baker forwarded the cable to Wilson with the comment that Shafroth was anxious to pass the Jones bill, but the Senate was not interested. Yager's cable might help Shafroth in the Senate.⁵⁴ The President took the hint. He sent the cable to Shafroth with a note stressing his concern with the passage of the Jones bill as of the "utmost importance."⁵⁵ The Senate of the Sixty-Fourth Congress had fifty-six Democratic and forty Republican members. Wilson's decision had gotten the Jones bill through the House within two months. The Senate was even more strongly Democratic, but it was less responsive.

Senator Shafroth reported the Jones bill from committee to the Senate on July 3, 1916. The Senate committee had made a number of

⁵³McIntyre to Yager, 22 June 1916, BIA 3377/275.

⁵⁴Baker to Wilson, 24 June 1916, BIA 3377/278.

⁵⁵Wilson to Shafroth, 26 June 1916, Wilson Papers.

amendments to the bill passed by the House. The most important one was the committee's try at a compromise on the issue of qualifications for the suffrage in Puerto Rico. A ten-years grace period was to be granted before the literacy or property qualifications were enforced. McIntyre had not convinced Shafroth that immediate limitation on the suffrage was needed. Another amendment, to strike out a phrase in the section defining the jurisdiction of the Federal District Court, concerned McIntyre. The Senators had intended to broaden the jurisdiction of the Court. McIntyre thought the new section would tend to give Americans resident in Puerto Rico privileges in the Court that would not be available to the Puerto Ricans.⁵⁶ McIntyre had become sensitive to the islanders' opposition to the Court as the special protector of American interests.

Willis Sweet, Roberto H. Todd, and Manuel F. Rossy signed a message on behalf of the island Republicans stating their satisfaction with the Jones bill as it was reported from the Senate committee. They urged passage of the bill, but hoped that prohibition would be left to the island's legislature.⁵⁷ José Celso Barbosa thought that the Jones bill was anti-democratic in some features, especially the limitations on legislative power. By June, 1916, however, Barbosa was anxious that the bill be passed.⁵⁸ He wanted American citizenship, as always, and had given up hope of influencing a more liberal

⁵⁶McIntyre to Towner, 17 July 1916, BIA 3377/283.

⁵⁷McIntyre to Shafroth, 18 July 1916, BIA 3377/282.

⁵⁸Barbosa, 4:127-128.

reform measure. Antonio Barceló sent a letter pleading with Wilson for quick passage of the Jones bill to give justice to his island.⁵⁹ Muñoz Rivera also asked Wilson to use his position to get the bill through and avoid another disappointment to the Puerto Ricans.⁶⁰ Whatever objections they still had to the features of the Jones bill, the island's political leadership all wanted the bill passed quickly in the summer of 1916. The notable exception was José de Diego. He was thoroughly disenchanted by the provisions of the Jones bill, which he called an imperialistic bill.⁶¹ In 1916, he no longer held any position of power within the Union party and, therefore, he could even criticize Muñoz' La Democracia for calling the Jones bill more liberal and just than the Foraker Act when so large a percentage of the voters would lose its privilege to vote.⁶²

Secretary of War Baker advised President Wilson of continuing criticism in the island, especially that of de Diego. Baker thought that a grant of citizenship would quell the independence agitation.⁶³ Wilson's reply was: "Thank you for your letter about the Porto Rican bill. It furnishes me with just the ammunition I want."⁶⁴ McIntyre

⁵⁹Barceló to Wilson, 19 July 1916, Wilson Papers.

⁶⁰Muñoz to Wilson, 19 July 1916, Wilson Papers.

⁶¹de Diego, Nuevas Campañas, pp. 244-261.

⁶²Ibid., p. 258.

⁶³Baker to Wilson, 21 July 1916, Wilson Papers.

⁶⁴Wilson to Baker, 24 July 1916, Wilson Papers.

had been the source of Baker's information. He noted that Baker had responded with more interest in the passage of the bill than in the past.⁶⁵

Senator Robert F. Broussard had four intended amendments to H.R. 9533 printed for circulation in the Senate. He was from Louisiana, where his brother was a prominent Progressive. Broussard's amendments were aimed at Puerto Rican sugar. The first would enforce the landholding limitations on corporations passed in 1900. The second restated the five-hundred acres limit and prohibited corporations from dealing in real estate. The third set up a court jurisdiction to handle forfeiture of lands held in excess of the law. The last provided for annual reports of land held by corporations to be included in the governor's report to Congress.⁶⁶

McIntyre did not think these amendments would be adopted by the Senate. He was concerned, however, because they might "introduce that element which defeated the bill some years ago and which I feel will continuously defeat it. It was only by omitting all reference to agricultural land holdings that I felt we had a good chance of passing the bill." "That element" was "The big sugar people in Porto Rico."⁶⁷

Muñoz and McIntyre were working in concert to get the Jones

⁶⁵McIntyre to Yager, 26 July 1916, BIA 3377/289.

⁶⁶U.S., Congress, Senate, Amendments to H.R. 9533, 64th Cong., 1st sess., 1916.

⁶⁷McIntyre to Yager, 26 July 1916, BIA 3377/289.

bill through the Senate. McIntyre asked Muñoz to see Broussard, with whom he was acquainted, to block the sugar amendments.⁶⁸ Muñoz later met with McIntyre. They agreed that the Jones bill might not be passed without help from Wilson. Muñoz' concern for the passage of the bill was communicated to Baker who called two Senators who might help, Vardaman and John W. Kern, of Indiana. Both were asked to come personally to see Baker the next morning. Both Senators did come to visit Baker and promised to help get the Jones bill through.⁶⁹

Time was running out on the first session of the Sixty-Fourth Congress. 1916 was a major election year. There would be no continuation of Congress into October as there had been in 1914. Shafroth made a last minute effort. He was promised time for the Puerto Rican bill, if not too much time was necessary. The Jones bill might not take much time in the Senate if prohibition were not brought up. Shafroth tried to get an agreement from Senator Asle J. Gronna, of North Dakota, who was the leader of the prohibition forces in the Senate. Gronna refused to agree to Shafroth's proposal that the prohibition of alcohol be submitted to the Puerto Rican electorate at the first election after passage of the Jones bill. Then Shafroth suggested that prohibition be voted upon by the islanders whenever 10 percent of them so requested. This too was declined. Senator Gronna and his supporters wanted time in the Senate to be heard.⁶⁹

⁶⁸McIntyre to Yager, 28 July 1916, BIA 3377/after 290.

⁶⁹McIntyre to Yager, 4 August 1916, BIA 3377/after 290.

⁷⁰McIntyre to Yager, 7 September 1916, BIA 3377/after 293.

Congress adjourned on September 8, 1916. The same day, Wilson signed a bill that postponed the November, 1916, election in Puerto Rico until another date was fixed.⁷¹ The purpose of the bill, which was effective only if the Jones bill did not pass, was to protect supporters of the bill from denunciations that the administration was really uninterested in passing the Jones bill.⁷² Postponement of the election was interpreted as a capitalist conspiracy by Manuel F. Rojas, an island socialist. Yager was sure that the major parties in Puerto Rico did not interpret the postponement the same way. He was, however, quick to send Samuel Gompers a copy of Rojas' police record in order to discredit both Rojas and Iglesias.⁷³

Muñoz Rivera took advantage of the recess of Congress to return to Puerto Rico. He intended to work with the Union party but became ill, and died on November 15, 1916. The islanders mourned their great leader. Even Representative Jones kept preserved among his papers those copies of Porto Rico Progress which reported Muñoz' death and the respects paid to him.⁷⁴ Gatell concluded that Muñoz' important contribution to the Jones Act was in keeping the Union party from a radical course and suppressing independence agitation.⁷⁵

⁷¹McIntyre to Yager, 8 September 1916, BIA 3377/after 293.

⁷²McIntyre to Yager, 7 September 1916, BIA 3377/after 293.

⁷³Yager to McIntyre, 12 September 1916, BIA 1028/46.

⁷⁴Jones Papers, Box 89.

⁷⁵Gatell, "The Art of the Possible," p. 20.

Gatell's conclusion would be more convincing if he had shown that the attitude of the Union party and independence propaganda had been of primary importance in delaying the Jones Act. His article is based on many of the same sources used in his paper, and his failure to prove that agitation in the island delayed legislation is understandable in view of the relative silence of the sources on this point. McIntyre and Yager told Muñoz that the islanders were delaying legislation. They added that Representative Jones became more interested in the Philippine bill because of the attitude of the Puerto Ricans. The evidence provided by Yager and McIntyre may well have been due more to their desire to keep Muñoz and his party in line than to the fact that they were really harming the Jones bill. Although I agree that the aspect emphasized by Gatell was one contribution, Muñoz' contribution to the Jones Act cannot be isolated so easily. In addition, Muñoz had been the leading spokesman for reform of the Foraker Act almost since its passage. He was also the planner and executor of the appropriations crisis of the House of Delegates in 1909. This event was the first step toward the Jones Act.

Antonio Barceló inherited Muñoz' leadership of the Union party, as Muñoz had intended. The leader's death prompted an agreement between Barceló, Giorgetti, and Travieso to heal the rifts in the party ranks and work together.⁷⁶ Muñoz' death did not end the party he had built and led. Nor did it end the determination of Yager and McIntyre to get the Jones bill passed. President Woodrow Wilson agreed to

⁷⁶Travieso to Baker, 16 November 1916, BIA 3377/295.

"try to interest myself continuously in the matter until something is accomplished."⁷⁷ The Democrats would have fewer seats in the Senate of the Sixty-Fifth Congress. This probably reinforced Wilson's wish for quick passage of the Jones bill.

The problems of prohibition and the franchise still had not been settled. Iglesias protested against limitations on the franchise in Puerto Rico.⁷⁸ McIntyre met with the labor leader and gathered the impression that Iglesias' protest was so vigorous because he felt he could now command more votes among the illiterate with Muñoz Rivera dead.⁷⁹ The General's cynical imputing of Iglesias' motives, however, does not invalidate the argument that giving United States citizenship with one hand and taking away the right to vote with the other was inconsistent at best.

President Wilson's message to Congress put the Puerto Rican bill among the three pieces of legislation of "capital importance." Wilson said the bill must be passed because the laws in effect were unjust. He added it should be passed "at once." The only serious problem was prohibition. Shafroth thought the Jones bill could not pass without a prohibition amendment.⁸⁰ Baker gave Shafroth a copy of McIntyre's study showing how greatly the revenues of the island

⁷⁷Wilson to Yager, 27 November 1916, Wilson Papers.

⁷⁸Iglesias to Wilson, 23 November 1916, Wilson Papers.

⁷⁹McIntyre to Yager, 1 December 1916, BIA 3377/after 308.

⁸⁰McIntyre, quoting Wilson, to Yager, 5 December 1916, BIA 3377/after 300.

would suffer if the prohibition of alcohol were passed.⁸¹ McIntyre said that the prohibition forces in the Senate were more uncompromising than ever. They were anxious for a test of their strength in Congress, and the Jones bill served as a perfect opportunity.⁸² Yager hoped that even should the Senate pass the prohibition amendment the House Conference Committee would strike prohibition from the Puerto Rican bill as they had from the Philippine bill.⁸³

Yager chose a bi-partisan commission of islanders to go to Washington and present a united stand in favor of the Jones bill to the Senate. Barceló for the Union party and Manuel Domenech for the Republicans headed the group. They were under strict orders from the parties, and the members had been carefully chosen. Yager assured McIntyre that they would behave and thought the islanders would learn at first hand the difficulties against which he and McIntyre had been fighting to get the bill passed. The visit would be "a good schooling for them, provided they really work and endeavor to use their opportunity."⁸⁴ McIntyre reported that the members of the commission "could not have behaved better."⁸⁵ Yager and McIntyre had for years worked diligently to get citizenship and increased self-government for the Puerto Ricans, to whom they referred in a manner appropriate for

⁸¹Baker to Shafroth, 4 December 1916, BIA 3377/300.

⁸²McIntyre to Yager, 5 December 1916, BIA 3377/after 300.

⁸³Yager to McIntyre, 6 December 1916, BIA 3377/305.

⁸⁴Yager to McIntyre, 19 December 1916, BIA 3377/311.

⁸⁵McIntyre to Yager, 22 December 1916, BIA 3377/309.

children. Their paternalism explains their continued support for veto powers and limitations on the right to vote. They might have supported prohibition if such a measure did not imply economic disaster for the government of a sugar island.

In January, 1917, McIntyre reported that Senator Shafroth was confident that the Jones bill would pass the Senate. Baker was sure that Wilson could be counted upon to assist. McIntyre thought Wilson's assistance would be necessary. The Committee on Pacific Islands and Porto Rico held a meeting to consider the proposed amendments of Broussard concerning limitations on corporate landholding. Only three Senators were present, but Broussard was there. McIntyre felt that Broussard had been convinced to drop his amendments.⁸⁶

Wilson had asked several times that the Democratic leadership in the Senate make the Jones bill a party measure. McIntyre thought that any changes Yager wanted should be left to the good graces of the House Conference Committee, thus avoiding additional complications in the Senate.⁸⁷ McIntyre had already enlisted William A. Jones' services as champion of Yager's cause when the bill would come to conference.⁸⁸ In January, 1917, it seemed certain that the Jones bill would pass if only Shafroth could get the Senate to consider it.

On January 29, 1917, Shafroth asked for the unanimous consent of the Senate to consider the Puerto Rican bill on the next day. A.

⁸⁶McIntyre to Yager, 17 January 1916, BIA 3377/318.

⁸⁷McIntyre to Yager, 25 January 1916, BIA 3377/320.

⁸⁸McIntyre to Yager, 2 February 1917, BIA 3377/326.

J. Gronna objected. Later Shafroth moved that the Jones bill be the special order for January 30. After a long debate on the time that would be needed for the bill, Shafroth was asked to withdraw his motion because Gronna's proposed amendment to the bill would make it impossible to finish it the next morning.⁸⁹ On January 30, Shafroth asked for unanimous consent to consider the Jones bill. Senator Wesley L. Jones, of Washington, objected because Gronna was not present. Shafroth then moved that the Jones bill be the special order for the evening session. A roll-call vote of fifty ayes and three nays made the Jones bill the special order. Among the forty-three Senators who did not vote was Gronna, although he was present.⁹⁰

During the evening session of January 30, the Senate discussed the proposed grant of collective United States citizenship to the Puerto Ricans. Reed Smoot, a Republican from Utah, argued that it would be better to have all of the Puerto Ricans who wished to become citizens make a declaration to that effect. Smoot thought it strange to ask them to make a declaration if they did not wish to be citizens of the United States. Albert Fall replied that in all previous acquisitions of territory by the United States collective citizenship was granted. The Senator from New Mexico pointed out that the previous grants of citizenship to new territories also had the provision that someone could decline citizenship within a

⁸⁹Congressional Record 54:2161-2162.

⁹⁰ibid., 2220-2223.

year.⁹¹ Senator Vardaman, from Mississippi, questioned the wisdom of granting citizenship to the island because he was convinced that the prevailing sentiment there was for eventual independence. He made a point of saying that the Puerto Ricans were not receiving good enough treatment from the United States. Part of his remarks seemed most sympathetic to the cause of the islanders. He added:

We considered the matter carefully, and while I have no desire in the world to coerce them, I really had rather they would not become citizens of the United States. I think we have enough of that element in the body politic already to menace the Nation with mongrelization, but if the Porto Ricans are going to be held against their will, as we are holding them now, then we ought to legislate for their interests. We should make the coercion as palatable as possible.⁹²

Gronna agreed with his fellow prohibitionist. He thought granting citizenship under the circumstances did not represent government by consent of the governed for Puerto Rico. Apparently he did not realize the inconsistency in his views because he insisted upon imposing prohibition without the previous consent of the island. The Senate passed an amendment making the time during which citizenship could be declined one year instead of six months.⁹³ Further changes in the citizenship section were not made. During the rest of the session, the amendments of the committee to the bill were quickly agreed to by the Senators present. There was little discussion of any issue except that of secret sessions of the legislature.

⁹¹ *Ibid.*, 2250-2251.

⁹² *Ibid.*, 2250.

⁹³ *Ibid.*, 2251.

⁹⁴ *Ibid.*, 2252-2265.

On January 31, Shafroth tried to get permission for the special order calling up the Jones bill to continue. Senator Smoot, although he thought Shafroth could get the Puerto Rican bill passed, objected because the regular order for the day included an appropriation bill. Harry Lane, a Democrat from Oregon, also objected. He said the session the night before had been a waste of the Senate's time because only six Senators attended and because the bill needed too many corrections.⁹⁵ The record of the evening session shows that at least twelve Senators were present. There was no roll call, but that number spoke during the session. On February 1, Shafroth tried to get the bill considered at an evening session. A roll-call vote of thirty-five to twenty was short of the two-thirds Shafroth needed.⁹⁶ On the third, Shafroth asked unanimous consent that the Puerto Rican bill be the special order for February 5. Again he did not get enough votes.⁹⁷ He asked that the bill be considered Monday. Wesley Jones said that would be acceptable, but only if a quorum were present at the time the session opened. Shafroth argued against making a quorum a condition for consideration of the bill. He said: "The reason is that there are not enough Senators interested in the measure to come here at night."⁹⁸ When the evening session of February 5 opened, only

⁹⁵ *Ibid.*, 2309.

⁹⁶ *Ibid.*, 2360.

⁹⁷ *Ibid.*, 2538.

⁹⁸ *Ibid.*, 2616.

twenty Senators were present so the Senate adjourned.⁹⁹

Shafroth was able to bring the bill up before the Senate again on February 10. James E. Martine, a Democrat from New Jersey, successfully blocked an attempt to restore the \$1000 value in taxable property qualification for members of the senate in Puerto Rico. Martine also stopped an amendment making a \$500 property requirement for senators.¹⁰⁰ Broussard's original four amendments to enforce rigidly limitations on landholding had been dropped. He insisted that a statement of principle, at least, be put into the Jones bill. This amendment was next approved by the Senate. The provision stipulated that the 500 Acre law was still in effect, that the governor would report annually on agricultural real estate, and that the right to legislate on this matter was reserved to Congress.¹⁰¹

Martine objected to the property requirement for the vote, but Shafroth said he had a new Section 35 to offer. The substitute provided that all who had voted previously in Puerto Rico retained that right, but literacy in Spanish or English or status as a taxpayer to the amount of not less than \$3 per year would be qualifications in the future. All voters had to be citizens of the United States. William E. Chilton, a West Virginia Democrat, agreed with Martine that a property requirement was unacceptable. Martine and Chilton remained unconvinced, even though it was carefully explained to them that the

⁹⁹ *Ibid.*, 2630.

¹⁰⁰ *Ibid.*, 3005.

¹⁰¹ *Ibid.*, 3006.

\$3 in taxes in fact enfranchised more of the islanders. Hoke Smith, of Alabama, was the primary defender of the taxpaying alternative requirement in Section 35. When Martine said he also opposed the literacy qualification, Albert Fall gave a long speech. He insisted that there were already too many aliens in the United States and wanted the bill to insure that Puerto Ricans would become assimilated. Citizenship and literacy were necessary to Fall for this purpose. Approval of the whole of Section 35 was not due for a vote as yet. The Senate approved the amended part of the section which allowed previous voters to retain the franchise.¹⁰² A few more amendments by the committee were quickly agreed to on February 10. The bill was then dropped because Senator Fletcher insisted that executive business be taken up.¹⁰³

The Jones bill came up for consideration again on February 12. Much of the time available for it was consumed in arguments about the amount of the salary of the governor of Puerto Rico.¹⁰⁴ A. J. Gronna then introduced his prohibition amendment. It read:

That one year after the approval of the act, and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale any intoxicating drink or drug: Provided, That the [Puerto Rican] legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violation of this provision with reference to intoxicants shall be a fine of not less than \$25 for

¹⁰² *Ibid.*, 3007-3010.

¹⁰³ *Ibid.*, 3010-3011.

¹⁰⁴ *Ibid.*, 3070-3072.

the first offense, and for second and subsequent offenses a fine of not less than \$50 and imprisonment for not less than one month or more than one year.¹⁰⁵

Gronna's arguments for the adoption of prohibition consumed the balance of the time available for the Jones bill on February 12.

Now that the controversial prohibition issue was definitely attached to the Jones bill, Shafroth again began to have difficulties in getting the bill called up for the attention of the Senate. On February 16, he asked unanimous consent to proceed to H.R. 9533. Henry Cabot Lodge, of Massachusetts, objected because the bill was important and would require too much time in the Senate. He thought debate on the imposition of prohibition without a referendum would be lengthy.¹⁰⁶ On the 17th, Poindexter made a motion for immediate consideration of the Jones bill. Several Senators objected because they disagreed with Poindexter's assertion that the Jones bill would require only about twenty minutes of the Senate's time.¹⁰⁷

Shafroth sought assistance from Secretary Baker. Baker said that he did not know what to suggest. He thought that:

The procedure in the Senate seems to give to individual Senators the right not only to press their views but to postpone more or less indefinitely the consideration of measures in which they have reason to believe their views will not be reflected.¹⁰⁸

Baker added an interpretation of the Wilson administration's

¹⁰⁵ibid., 3072.

¹⁰⁶ibid., 3386-3387.

¹⁰⁷ibid., 3482.

¹⁰⁸Baker to Shafroth, 16 February 1917, BIA 3377/after 327.

view of the importance of the bill for Puerto Rico. He said:

The whole moral dominance of the Government of the United States in the American Mediterranean is involved in our treatment of the people of Porto Rico, and these unfortunate delays give agitators not only opportunity but illustration for argument as to our neglect of the real interests of the peoples associated with us. If we are really to face in any short time a large international crisis, the contentment of the people of Porto Rico is of the utmost importance, and I confess that the thought of teasing their impatient desire for citizenship by further delay fills me with grave apprehension.¹⁰⁹

The urgent appeal of the Secretary of War prompted Shafroth to attempt a compromise with Gronna on prohibition. He hoped to get the Jones bill passed in the Senate on February 17 by agreeing to include prohibition. Ten percent of the island's voters could petition for a plebiscite which could overturn the amendment.¹¹⁰ Gronna's prohibition amendment was agreed to in the Senate on February 17 with the added proviso that the Puerto Ricans could petition for a plebiscite.¹¹¹ The Jones bill did not, however, pass on that day.

After the approval of prohibition, the Senate went to the consideration of Section 35, which defined the right to vote in Puerto Rico. George W. Norris, of Nebraska, objected to the wording of the section because the intention of three alternative classes of qualification gave the Puerto Rican legislature the power to impose one of them but not the others. Senator Fall agreed that the section did give the legislature that power. Fall wondered if the Senate realized

¹⁰⁹ *Ibid.*

¹¹⁰ McIntyre to Yager, 17 February 1917, BIA 3377/after 327.

¹¹¹ Congressional Record 54:3468.

the extent of power and self-government it was granting.¹¹²

Martine then offered a substitute for Section 35 which would give the vote to all males over twenty-one who were citizens of the United States. He argued against further qualifications because the sugar plantations and franchises were owned by "a clique of wealthy men in the United States, in England, and in Scotland, and it is their purpose and desire to control the elections in the island." Limiting the suffrage made it possible for them to do just that, according to Senator Martine.¹¹³

Senator Smith objected to Martine's proposal that everyone be allowed to vote whether or not they had the capacity to vote. Smoot suggested another alternative section. Smith agreed to Smoot's proposal that the phrase empowering the Puerto Rican legislature to fix qualifications for the vote be stricken. Norris and Smoot supported the idea that the property qualification be stricken as well.¹¹⁴ The debate on Section 35 became very confused, with several motions on the floor and several Senators trying to speak at once. Senator Clapp then made a motion that the three-dollar qualification be stricken from the section. He said that in theory the taxpaying provision would enlarge the electorate, but it would also provide opportunity to control the electorate.¹¹⁵ The debate became undisciplined and

¹¹² *Ibid.*, 3469.

¹¹³ *Ibid.*, 3470.

¹¹⁴ *Ibid.*, 3470-3471.

¹¹⁵ *Ibid.*, 3473.

confused again until finally Clapp's motion was called for a vote. The motion carried by a vote of thirty-one to sixteen.¹¹⁶

Martine's substitute for Section 35 was then rejected without necessity for a roll call.¹¹⁷ An attempt was made to move on to another section of the bill, but Robert LaFollette, of Wisconsin, interrupted. He said he was unwilling to allow the Puerto Rican legislature to fix the qualifications for voters in the island and insisted on calling for a quorum call in order to have time to go over all the corrections and changes in Section 35. His amendment to cut out the power of the legislature in Section 35 was agreed to easily.¹¹⁸ The whole of the amended Section 35 was then agreed to by a vote of forty-one to thirteen. La Follette again reopened the issue of the voting section. Fall and La Follette began to argue. Lee S. Overman, a Democrat from North Carolina, then insisted that the Senate return to regular order, since debate on the bill was becoming prolonged.¹¹⁹ The Jones bill got no further on February 17.

La Follette was still unhappy with Section 35. Representative Jones was recruited to reassure the Senator that the Puerto Rican legislature could not now fix a property qualification.¹²⁰ On February

¹¹⁶ *Ibid.*, 3476.

¹¹⁷ *Ibid.*, 3477.

¹¹⁸ *Ibid.*, 3477-3478.

¹¹⁹ *Ibid.*, 3479.

¹²⁰ McIntyre to Yager, 21 February 1917, BIA 3377/after 329.

20, Shafroth asked for continuation of the debate on the Jones bill. Atlee Pomerene, a Democrat from Ohio, objected because the interstate commerce bill was due to come up. Pomerene did not believe Shafroth's contention that the Jones bill would not take much time. Shafroth's motion to consider the bill passed. He then introduced a substitute Section 35 which had been approved by La Follette.¹²¹

The new section specifically outlawed any property qualification for the vote in Puerto Rico. Some Senators questioned whether the section provided for woman-suffrage since it did not specify "male." Shafroth said the Puerto Rican legislature could decide on woman-suffrage since the new Section 35 read:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States, 21 years of age and over, and have such additional qualifications as may be prescribed by the Legislature of Porto Rico: Provided, That no property qualification shall ever be imposed or required of any voter.¹²²

The new Section 35 was approved by the Senate. The entire Jones bill was then read and approved on February 20 without a roll call.¹²³

Conference Committees from the House and Senate were then selected to iron out the differences between the Senate and House versions of the Jones bill. Shafroth, Poindexter, and Kern represented the Senate. Jones, Garrett, and Judge Towner were the committee from the House. The report of the Conference Committee was submitted on

¹²¹Congressional Record 54:3666.

¹²²ibid.

¹²³ibid., 3666-3667.

February 23, 1917. The Gronna prohibition amendment was not killed by the Conference Committee as Yager had hoped. Broussard's mild landholding amendment also remained in the bill. The Senate's extension to one year of the time during which islanders could reject citizenship stood. La Follette's insistence on the outlawing of a property qualification for the vote carried through the Conference Committee. The literacy requirement of the original Jones bill was also gone. Shafroth's substitute Section 35 did not provide for a literacy test because he knew Martine would continue to fight. In addition, President Wilson had recently vetoed an immigration bill because it contained a literacy requirement.¹²⁴ Shafroth did not want to risk opposition from Senators who feared another veto. The Senate's removal of a property qualification for members of the island's senate also stood through the Conference Committee.¹²⁵ Representative Jones, who had agreed to fight for changes Yager and McIntyre wanted, did not agree to the end of the property qualifications and literacy tests in the bill.¹²⁶ His opinion did not carry the committee.

The report of the Conference Committee was accepted by both Senate and House of Representatives with little argument. President

¹²⁴ *Ibid.*, 3473.

¹²⁵ U.S., Congress, Conference Report, to accompany H.R. 9533, Civil Government for Porto Rico, Rept. 1546, 64th Cong., 2d sess., 1917.

¹²⁶ McIntyre to Yager, 21 February 1917, BIA 3377/after 329.

Wilson signed the Jones bill into law on March 2, 1917, using a pen that had belonged to Luis Muñoz Rivera. McIntyre, Shafroth, Jones, a representative of the Union party, and Samuel Gompers were present for the signing.¹²⁷ McIntyre and Yager could console themselves that some features of the Jones Act with which they disagreed or disapproved had been the result of congressional ignorance. Both men had commented frequently, while the bill was being discussed in Congress, on the almost total lack of information congressmen exhibited about Puerto Rico. This included those who were members of the House Committee on Insular Affairs and the Senate Committee on Pacific Islands and Porto Rico. For their part the Puerto Ricans could adopt the attitude of La Democracia that the Jones Act represented progress toward their goals rather than their fulfillment.¹²⁸

The Jones Act was the product of seventeen years of protest by the islanders, led by Muñoz Rivera, against the Foraker Act. It was also the product of four years of labor by McIntyre and Yager. Shafroth's contribution in the difficult task of getting a bill through the Senate justifies the name Jones-Shafroth Act for the product of his work. Jones and Secretary Baker also contributed much. Their labors might, however, have been fruitless without Wilson's support.

Judge Hamilton wrote to thank Wilson for the Jones Act, which neither Jones nor Shafroth could get through Congress.¹²⁹ Pedro

¹²⁷McIntyre to Yager, 2 March 1917, BIA 3377/335.

¹²⁸La Democracia, 21 February 1917.

¹²⁹Hamilton to Wilson, 19 February 1917, Wilson Papers.

Capó-Rodríguez, a prominent Puerto Rican intellectual, celebrated the anniversary of the Jones Act by expressing thanks to President Woodrow Wilson.¹³⁰ The Jones Act had been demanded by Puerto Rico. It had been written by McIntyre and Yager. It was passed by Wilson with the able assistance of Jones, Shafroth, and Baker. The indifference of the American Congress to reform of the government of Puerto Rico was overcome only when Wilson decided that the bill would be passed at once, rather than if time allowed.

¹³⁰Pedro Capó-Rodríguez, Just a Word for Puerto Rico (Washington, D.C.: n.p., 1918), pp. 3-4.

CHAPTER VII

THE JONES ACT

Puerto Rico was governed under the terms of the Jones Act for thirty-five years. There were no important amendments to the Jones Act until 1947 when the islanders began to elect their own governor. Then in 1952, Public Law 600 created a Puerto Rican Commonwealth in which the islanders finally exercised a full measure of self-government. Between 1917 and 1947 there were only very minor victories for the islanders: the official spelling of the island's name reverted to Puerto Rico and the administration of the island changed from the jurisdiction of the War Department to that of the Department of the Interior. The long-lived Jones Act was an improvement over the Foraker Act. Its terms redressed many of the most serious grievances of the Puerto Ricans.

Americanization

Among the provisions of the Jones Act were many that can be classified as contributing to the Americanization of the island. The most crucial and most controversial was the grant of collective United States citizenship in Section 5. This section declared all citizens of Puerto Rico to be citizens of the United States. Islanders

did not need to take any action to become American citizens. If they preferred to retain their previous citizenship, they had to take an oath before the district court within a year renouncing American citizenship. The Jones Act did not contain any restrictions on naturalization of those who chose to retain Puerto Rican citizenship initially.¹ They could, however, not vote or hold office. Fewer than three-hundred islanders rejected American citizenship.² Vicente Balbás Capó remained a citizen of Puerto Rico, but José de Diego did not. To have chosen to reject United States citizenship meant losing one's political privileges.

The greatest criticism of the grant of United States citizenship came from the nationalists who followed Balbás and de Diego. De Diego had opposed American citizenship because he knew it would make the ultimate achievement of independence much more difficult. Balbás' initiation of the "cannon fodder" theory of American citizenship was echoed by later nationalists. José Coll y Cuchí commented:

Hasta ahora, sólo sabemos que somos soldados de primera clase y ciudadanos de segunda. Podemos dar ciento cuarenta mil hombres para morir cuando y donde lo ordene el Presidente de los Estados Unidos; pero no podemos dar un voto para elegir al Presidente que nos mande a la muerte.³

Puerto Rican participation in war has given credence to this assertion. José Enamorado Cuesta equated the grant of citizenship

¹U.S., Congress, House, An Act to Provide Civil Government for Porto Rico, Pub. L. 368, 64th Cong., 2d sess., 1917, H.R. 9533, p. 3 (hereafter cited as U.S., Congress, Porto Rico).

²White, p. 47.

³Coll y Cuchí, p. 11.

with the organization of Puerto Rican military units and the desire to draft 50,000 islanders.⁴ In World War I, roughly 236,000 Puerto Ricans were registered for the draft, but fewer than 18,000 were drafted.⁵ Voluntary enlistments were numerous. The disproportionately heavy casualties among Puerto Rican soldiers in later wars has contributed greatly to the fact that the "cannon fodder" theory is widely believed. Even Puerto Ricans who favor statehood for their island will tell you that American citizenship was granted because the United States needed to draft the Puerto Ricans.⁶

Section 35 of the Jones Act defined the right to vote in Puerto Rico. Those who had voted previously were not disenfranchised. Voters were to be United States citizens over twenty-one. The island's legislature could prescribe further qualifications, but a property qualification was specifically debarred.⁷ This section of the Jones Act represents Americanization in the sense that the best traditions of American democracy overcame the determined efforts of Governor Yager to impose literacy or property qualifications. The legislature of Puerto Rico did impose the qualification that voters be males. Universal manhood suffrage continued to be the rule after the passage of the Jones Act because the legislature never did impose

⁴Enamorado, p. 173.

⁵Muniz, p. 201.

⁶Interview with Dr. Miguelina Hernández and Don Martín Hernández, Puerto Rican employees of the Chicago Board of Education, February 23, 1975.

⁷U.S., Congress, Porto Rico, p. 15.

literacy or property qualifications.

The Jones Act incorporated a lengthy Bill of Rights. Among the traditional American rights granted to the island were guarantees against excessive bail, unreasonable search or seizure, and abridgement of the freedom of speech, press, assembly, and petition. Freedom of religion was guaranteed. There was a prohibition of either establishing one religion or using public funds or property to support a religion. Slavery and titles of nobility were outlawed. Reflections of the Wilsonian reform era in the Bill of Rights included an eight-hour work day for island public works employees and restrictions against employing children under fourteen in dangerous jobs. Also in the Bill of Rights was the amendment prohibiting alcoholic beverages,⁸ by far the strangest inclusion of an American reform idea in the Jones Act. The inclusion of the prohibition of alcohol points out that there were two classes of Americanization provisions in the Jones Act. The grant of citizenship, broad suffrage, and the guarantees of civil liberties represent Americanization in the sense of extending American privileges to the islanders. Gronna's prohibition amendment was Americanization of Puerto Rico in the sense of extending currently popular reform ideas to the island.

Section 17 gave the Commissioner of Education great power. He approved all spending for education. The Commissioner prepared all courses of study, subject only to the governor "if he desires to act." Also, the Commissioner had the power to set rules for the selection

⁸ Ibid., pp. 1-3.

of teachers and to approve the appointments of teachers.⁹ Under Section 13 of the Jones Act, the Commissioner of Education was one of the two department heads who was to be appointed by the President with the consent of the United States Senate rather than by the governor with the consent of the Puerto Rican upper house.¹⁰ Control of education was kept in American hands. The Puerto Rican legislature would have no authority to debate or enact a law concerning the use of English in the schools. Representative Jones stated in the House of Representatives that the intention of having the President appoint the head of education was to assure the teaching of English by removing the control of education from the islanders.¹¹ This feature of the Jones Act, creating a powerful Commissioner beyond the control of the elected representatives of the people of Puerto Rico, was predictably among the most distasteful provisions of the Act in the eyes of José de Diego.¹²

Section 41 of the Jones Act retained the Federal District Court in Puerto Rico. The court had the same jurisdiction as district courts in the United States. In addition, it had jurisdiction over the naturalization of aliens and Puerto Ricans. The crucial power of the court was that it had:

⁹ *Ibid.*, p. 7.

¹⁰ *Ibid.*, p. 6.

¹¹ U.S., Congressional Record, 64th Cong., 1st sess., 53:8458.

¹² de Diego, Nuevas Campañas, pp. 247-248.

jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States, not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$3000.¹³

Americans with an interest in the island had successfully insisted on the retention of this court to protect their interests, despite the opposition of Puerto Ricans to it. The Act also provided that all pleadings before the court be in English, that jurors have an adequate knowledge of English, and that appeals from this court go to mainland tribunals rather than the Supreme Court of Puerto Rico.¹⁴

The Jones Act did represent a further commitment to Americanization in Puerto Rico. This commitment was based on the fact that American citizenship was granted because the retention of the island by the United States had become the general assumption by Americans. In one way, however, the Jones Act was interpreted as Americanizing no more than had the Foraker Act. Alaska had been recognized as incorporated territory when citizenship was granted. Puerto Rico was not.¹⁵ In 1918, two cases went to the United States Supreme Court on appeal from the Supreme Court of Puerto Rico and the Federal District Court. The U. S. Supreme Court overturned the rulings of the courts on the island and held that Puerto Rico was still not incorporated territory

¹³U.S., Congress, Porto Rico, p. 17.

¹⁴*ibid.*, p. 18.

¹⁵Lewis, p. 111.

of the United States.¹⁶ Trumbull White argued that the constant use in the Jones Act of the phrase "elsewhere in the United States" meant the merging of mainland and island with the grant of citizenship.¹⁷ White's argument appears sound, especially when based on the Alaskan precedent. However, the phrase he finds so meaningful by its constant usage only appears once in the Jones Act. The fact that the Wilson administration did not really regard the island and the United States as merged is demonstrated by the fact that the Jones Act provided that the President could pick the department of the Federal Government to which Puerto Rican affairs would pertain.¹⁸ Wilson left Puerto Rico under the Department of War. The significance of the decision of the Supreme Court that Puerto Rico was not yet incorporated territory until the Congress should specifically so provide was that the American Constitution still did not apply to Puerto Rico. The island remained the ward of Congress.

Self-Government

At the time of the passage of the Jones Act, citizenship and Americanization were controversial issues on the island. Self-government was not. Santiago Iglesias was almost the only islander on record to oppose increased autonomy for Puerto Rico. Constant demands by the

¹⁶People of Porto Rico v. José Muratti, 245 U.S. 639 (1919); People of Porto Rico v. Carlos Tapia, 245 U.S. 639 (1919).

¹⁷White, pp. 53-54.

¹⁸U.S., Congress, Porto Rico, p. 5.

Puerto Ricans for the reform of the Foraker Act in the direction of more self-government had been the main reason for the passage of an entirely new organic act. The reforms desired by the American administrators of Puerto Rico could have been made by amending the Foraker Act and passing a citizenship bill. To include self-government reforms, which were demanded on the island, it was easier to draft a new government bill.

The most important demand of the islanders for reform of the Foraker Act was that for an elected upper legislative house. Section 26 of the Jones Act provided that the nineteen members of the Senate of Puerto Rico be elected for four year terms. Senators had to be over thirty, literate in either English or Spanish, residents of the island for at least two years and of their districts for at least one year. The Senate was a purely legislative body, but it was empowered to approve the appointments made by the governor. The House of Representatives was to have thirty-nine members elected every four years. Representatives had to be twenty-five, literate in Spanish or English, and residents of their districts for one year before election. Members of either house were eligible for re-election.¹⁹ Puerto Rico had its entirely elected legislature without the restrictions on the vote which Governors Colton and Yager had seen as checks against abuse of this increase in self-government.

Colton and Yager had also wanted the island redistricted into new representative districts. This reform was to be a check on election

¹⁹ *ibid.*, pp. 9-10.

abuses and the power of the Union party. It was also to assure minority party representation. Section 28 provided that the island be divided into thirty-five representative districts and seven senatorial districts. The old hated Executive Council was to make the division for the first election under the Jones Act. The division into districts by the Executive Council needed only the approval of the governor to be final. The legislature of Puerto Rico could, however, revise the boundaries of the districts in the future.²⁰

The Senate and House of Representatives were empowered by the Jones Act to be the sole judges of the qualifications, election, and return of their members. Sessions of the legislature were to meet every two years although the governor could call special sessions.²¹ Biennial sessions, as Muñoz Rivera had argued, did weaken the power of the Senate to confirm appointments, since the governor's choice did hold his post until the next session. The Jones Act included Shafroth's rather long list of provisions outlining simple parliamentary procedure to insure that the Puerto Rican legislature would know how to pass a bill. These included the provisos that no law could be passed except by bill and that a bill should cover only one subject.²²

Puerto Rico's legislature had the power to legislate broadly. It could change or create municipalities and the laws in force in the island. The legislature could change or organize courts and their

²⁰ibid., p. 10.

²¹ibid., p. 11.

²²ibid., pp. 11-13.

jurisdictions, except that of the Federal District Court. The legislature could not create any new executive department, but it could consolidate or abolish departments - with the approval of the President of the United States. The legislature could also regulate rates and service of rail carriers in Puerto Rico. Other types of public carriers were under the Interstate-Commerce Act of the United States²³ because these were predominantly water carriers servicing the mainland and island. Puerto Ricans achieved their goals of gaining an elected Senate and eliminating the Executive Council as a legislative body. The significance of this step toward self-government was diminished by the strength of the executive branch created by the Jones Act.

The governor appointed by the President, with the approval of the United States Senate, continued to head the island's executive. He was the supervisor of the government, commander of the militia and could suspend the writ of habeas corpus. He had the power to remit fines and grant pardons or reprieves.²⁴ His most important powers involved the vetoing of legislation. The veto procedure was complicated. A bill passed by majority vote of both houses of the legislature went to the governor who had ten days to consider it. If he did not approve a bill, he sent it back to the legislature stating his objections. Two-thirds vote of both houses sent the bill back to the governor. If the governor still did not wish to sign the bill, he sent it to the President. The President had an absolute veto. If he did not

²³ *ibid.*, pp. 15-17.

²⁴ *ibid.*, pp. 5-6.

approve a bill, it did not become law. Every law passed in Puerto Rico still had to be submitted to the Congress which retained the power to annul any legislation.²⁵ The Puerto Ricans had opposed an absolute veto power for the governor. As José de Diego pointed out, however, the governor still had an absolute veto through the President.²⁶ The power of the island's legislature was restricted deliberately by the authority of the American President and Congress to kill their legislation.

The executive branch also consisted of the six heads of the executive departments. The attorney general and the Commissioner of Education were appointed by the President. The remaining four, for the departments of Finance, Interior, Agriculture and Labor, and Health, were appointed by the governor with the approval of the island Senate.²⁷ The Executive Council continued to exist but as an entirely executive body, functioning as the cabinet of the governor. Approval by the elected representatives of the Puerto Ricans of executive appointments was an important move toward self-government.

The last member of the executive council was the auditor. Like the Commissioner of Education and the attorney general, he was appointed by the President. Appeal from the decisions of the auditor went to the governor, from whom there was no appeal. The auditor reviewed expenditures by all governmental units and agencies in the island. He had

²⁵Ibid., p. 12.

²⁶de Diego, Nuevas Campañas, p. 259.

²⁷U.S., Congress, Porto Rico, p. 6.

ultimate control of Puerto Rico's money and the ways in which it was spent.

A member of the House of Representatives asked William Jones why the auditor should be appointed by the President when the intention of the Jones bill was to give Puerto Ricans control over the management of their affairs. Jones replied that the bill was not intended to give the islanders full control over their domestic affairs. "It is intended," he said, "to give them the fullest measure of self-government that, in the opinion of the committee, ought to be bestowed upon them, taking into consideration the interests of the United States."²⁹ The islanders would be given no control over the auditor because that official was the supervisor of the revenues.

Some retention of control in crucial areas in American hands was a major feature of the Jones Act. The Commissioner of Education and the attorney general were to be chosen by the President because their areas of control would be important for Americanization. The auditor was to be appointed by the President because the administrators of Puerto Rico did not wish the self-government of the islanders to be extended to exclude American supervision of revenues. In other areas as well, the Jones Act carefully restricted the islanders' control over their money.

The island of Puerto Rico and its municipalities were restricted as to the amount of debt they could incur. No public indebtedness over

²⁸ *Ibid.*, p. 8.

²⁹ U.S., Congressional Record, 64th Cong., 1st sess., 53:8458.

seven percent of the value of the property of the municipality or island was permitted.³⁰ Restrictions on the amount of debt that a governmental unit could incur were usual practice in the United States. There, however, the people of the State, Town, or County set their own limitations.

A more serious curtailment of Puerto Rican control of finances was found in the provisions of the Jones Act concerning appropriations. At the beginning of each biennial session of the legislature, the governor was to submit a budget as the basis of the budget for the next two years. After the budget was passed by a majority of both houses, the governor had the usual review. In the case of appropriations, he could approve parts of a bill but strike those to which he objected. An appropriations bill then stood with the governor's objections omitted, without further review by the legislature. If no appropriations bill was passed by the legislature, previous appropriations for expenditures were automatically appropriated for the next year.³¹

In the event that the island treasury did not have adequate funds to cover all appropriations, the Jones Act set out the order in which expenses were to be paid. First priority went to the costs of the government and to interest on the public debt. Second were institutions of involuntary confinement. Third was education. Then the other expenses of the island could be paid.³² Congress had not

³⁰U.S., Congress, Porto Rico, p. 3.

³¹*Ibid.*, p. 14.

³²*Ibid.*, pp. 11-14.

forgotten the appropriations crisis of 1909. The island legislature had less control of expenditures under the Jones Act than it had under the Foraker Act.

A last feature of the Jones Act relating to self-government concerns the Public Service Commission. Under the Foraker Act, the Executive Council had control of the approval of franchises for public works, utilities, and transportation. The new Executive Council remained a part of the Public Service Commission which had control of franchises under the Jones Act. In addition to the six department heads, the auditor and two elected representatives made up the Commission.³³ Muñoz Rivera had fought for and won the place on the Commission for elected officials. As a result, the islanders had some say about who six of the nine members of the Public Service Commission were to be. Two were elected, and four confirmed by the island Senate.

As this analysis of the self-government aspects of the Jones Act shows, the amount of self-government granted to the island was quite limited. The islanders were not satisfied. As early as August, 1917, the legislature petitioned President Wilson and Congress for complete self-government.³⁴ In the absence of further legislation by Congress, the islanders tried to enlarge the powers of the legislature. They were especially concerned with attacking the powerful governor. After the hated Executive Council was no longer the upper

³³ *Ibid.*, pp. 15-16.

³⁴ Petitions to the President and Congress, signed by Antonio Barceló and José de Diego, 14 August 1917, BIA 26429/53 A & B.

house of the legislature, the most desired reform was an elected governor. The great power of the governor was more offensive to Puerto Ricans because the governors were always North Americans. Only in 1946, just before the island began to elect its governor, was a Puerto Rican appointed by the President to govern Puerto Rico.

Fiscal Provisions

There was one area concerning which islanders and mainlanders agreed that the Foraker Act had been just and wise. That area was the fiscal provisions that reserved the income of the island's government entirely for its own use. This policy was continued and expanded by the Jones Act. Both Governor Yager and General McIntyre had asked Congress to turn over to the island government all revenues on the island's products collected in the United States. These revenues, almost entirely on cigars and cigarettes, would add approximately \$500,000 to the island's income.³⁵ Section 9 of the Jones Act applied the statutory laws of the United States to Puerto Rico with the exception of the internal revenue laws, as the Foraker Act had done. In addition, the Jones Act provided that the taxes collected in the United States under its internal revenue laws on the products of Puerto Rico revert to the island's treasury.³⁶

The island legislature could not impose duties on its exports. It could, however, enact property taxes, internal revenue taxes,

³⁵U.S., Congress, Hearings, on H.R. 8501, 1916, pp. 18, 28.

³⁶U.S., Congress, Porto Rico, p. 5.

license fees, and royalties to support its government.³⁷ Puerto Rico had to pay the salaries and expenses of its government and improvements, except that the United States would pay the costs of harbors, buoys, lighthouses, barracks, and defense works.³⁸ All of the property that passed to the United States government from the Spanish crown was returned to the people of Puerto Rico and the control of its legislature, with the exception of previously reserved properties necessary for public purposes under United States control.³⁹ The treasury of the United States would pay the \$7,500 annual salary of the Resident Commissioner who would also receive the franking privilege, stationary allowance, and paid clerk that members of the House of Representatives received.⁴⁰ All of the expenses of the Federal District Court, including the salaries of the judge, district attorney, and marshal, would be paid by the United States rather than the island. The income of this court in fines, fees, etc., would go to the Treasury of the United States.⁴¹ It was, I think, wise that Puerto Ricans not be asked to pay for a court that they despised because it served the special interests of the Americans. The rest of these fiscal provisions appear to be quite generous.

³⁷ *Ibid.*, p. 3.

³⁸ *Ibid.*, p. 4.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, p. 15.

⁴¹ *Ibid.*, pp. 17-18.

General McIntyre had drafted the proposed bill that became the Jones Act with a definite goal of cutting expenses. A tentative comparison of costs between the Foraker and Jones Acts was given to Representative Jones in 1916. It estimated that the costs of elections and salaries under the Foraker Act had totalled \$176,965.76 per year. The Jones Act estimate was \$120,951.02. A savings of \$56,000 per year would come with the Jones Act despite the fact that the salaries of the governor, department heads, and other officials were all raised by the Jones Act.⁴² This was possible because the costs of elections were halved by making them every four years instead of every two. Also the approximately \$42,000 annual expenditure for the Federal District Court would no longer be borne by the island treasury.

After the passage of the Jones Act, the Union and Republican parties argued about the costs of government under the Jones and Foraker Acts. The Union party thought that the Jones Act would be more economical. The Republican party believed the Foraker Act less costly. A comparison of actual costs of government, including more than just elections and salaries, showed the Union party to be correct. The expenses of government under the Foraker Act had been \$255,670 annually. Under the Jones Act, \$204,030 was spent. The savings was roughly \$51,000 per year.⁴³ In the War Department estimate and in practice the Jones Act saved about \$50,000 a year. Since the two

⁴²War Department Memorandum, 2 March 1916, Jones Papers, Box 89.

⁴³Muniz, p. 157.

comparisons are so similar in results, the savings can be attributed to the less frequent elections and the fact that Puerto Rico no longer had to pay for the Federal District Court. The court alone accounted for the bulk of the savings.

The Americanization provisions of the Jones Act included features that extended citizenship and American privileges and reforms to the Puerto Ricans. They also included the imposition of prohibition which was hardly a major benefit to an island whose economy was dominated by sugar cane. Congress insured their goal of Americanization by retaining an American court and American control of education in the island. The self-government reforms of the Jones Act were a compromise. Congress granted increased self-government and participation in government to the islanders. At the same time, Puerto Ricans were given only as much self-government as American congressmen and administrators thought was good for them. The Jones Act was intended to reform the island's government by acknowledging the demands and the seventeen years of improving governmental competency of the Puerto Ricans. It was also intended to safeguard the interests of the United States from too much self-government by retaining American control of certain important matters as well as keeping the ultimate authority over the island in the hands of the United States Congress. Although the United States government expected to retain control of Puerto Rico, the fiscal provisions of the Jones Act indicate that it did not intend to profit monetarily from the relationship. American trade balances, businessmen, and

investors were profiting enough.

Interpretations

Whatever the shortcomings of the Jones Act, it is generally acknowledged as an improvement over the Foraker Act, and it was so regarded by the islanders. The followers of Barbosa and Iglesias had always wanted United States citizenship. As Judge Hamilton noted, the Union party accepted the Jones Act as a step toward further reform. In addition, they regarded the Jones Act as the special achievement of their late leader, Luis Muñoz Rivera.⁴⁴ Muñoz' death had helped to consecrate the legislation he had worked so long and so hard to see. The Puerto Rican House of Delegates conferred honors on Woodrow Wilson, William A. Jones, Senator Shafroth, General McIntyre, and Governor Yager in celebration of the Jones Act.⁴⁵ Responses such as the flood of voluntary enlistments in the American Armed Forces and the popular ratification of prohibition could not have been expected if the Puerto Ricans in 1917 had been unhappy about the Jones Act.

José de Diego was an exception. He had always regarded the Jones Act as imperialistic,⁴⁶ José Coll y Cuchí saw the Jones Act and the grant of United States citizenship as a utilitarian instrument of the United States that deprived the Puerto Ricans of higher

⁴⁴Hamilton to Wilson, 21 February 1917, Wilson Papers.

⁴⁵Muniz, p. 158.

⁴⁶de Diego, Nuevas Campañas, pp. 246ff.

goals.⁴⁷ Enamorado Cuesta regarded President Wilson as an aggressor throughout Latin America, who give United States citizenship only to gain soldiers and to end Puerto Rican hopes for liberty.⁴⁸ Silén, who belongs to a present day group of nationalists who aspire to follow the path of Cuba, sees the Jones Act as removing the last obstacle to American economic penetration of the island.⁴⁹ These four men were nationalist polemicists of different eras.

More moderate Puerto Rican writers are less critical of the Jones Act. Pedro Capó-Rodríguez stated that the Puerto Ricans were loyal to their fellow citizens regardless of their goals for the future. The Puerto Ricans had learned much through their relationship with the United States but were ready for "the full measure of liberty belonging to us as a people."⁵⁰ Luis Muñoz Marín, promoter of the Associated Free State ideal and, like his father, a consummate politician and perennial caudillo of Puerto Rico, praised the friendship of the United States and his island. He saw the grant of United States citizenship as a unique example of the extension of this privilege to an entire people. The role of the United States in Puerto Rico and the Philippines had been to test the flexibility of the American Constitution.⁵¹ Antonio Fernós-Isern, a political follower

⁴⁷Coll y Cuchí, p. 11.

⁴⁸Enarorado, p. 234.

⁴⁹Silén, p. 58.

⁵⁰Capó-Rodríguez, p. 5.

⁵¹Muñoz Marín, Puerto Rico, p. 10.

of Muñoz Marín and Resident Commissioner at one time, saw the Jones Act as giving limited relief to Puerto Rican grievances, but it remained a mere organic act with Congress the benevolent sovereign of Puerto Rico.⁵² Few Puerto Ricans ever regarded the Jones Act as the embodiment of their aspirations. Nor could they do so. The status issue remained unsettled. Puerto Ricans wanted statehood, independence, or complete self-government. Delores Muniz, whose dissertation reflects a Union party slant due to heavy reliance on La Democracia as a source, correctly concludes that the Jones Act was accepted, although it did not satisfy Puerto Rican aspirations, until such time as the status issue would be decided.⁵³

An interpretation of the Jones Act coming closest to that of the Puerto Rican nationalists is that of Gordon Lewis. He criticized the Jones Act for imposing a separation of powers designed to encourage fights rather than cooperation between the legislature and the executive.⁵⁴ Lewis' view of the relationship between the island and the United States is not so much pro-Puerto Rican as it is critical of American injustice. A view opposite is presented by Trumbull White. His rather superficial study of Puerto Rico refuses to see Puerto Rican discontent or its causes. His view of the Jones Act was simply that it was "infinitely more liberal" than was the Spanish Autonomous

⁵²Fernós-Isern, p. 20.

⁵³Muniz, pp. 142-143.

⁵⁴Lewis, p. 108.

Charter,⁵⁵ a debatable point.

Victor Clark noted that both houses of the Puerto Rican legislature were elected by the same people at the same time. Thus, they represented the same interests which Clark seems to criticize because the United States Congress was designed to represent different interests.⁵⁶ Thomas Aitken, in his uncritical biography of Muñoz Marín, points out a more important defect in the Jones Act. The legislature was made responsible to the Puerto Rican voters while the executive was responsible to Washington. This system guaranteed dispute and discontent.⁵⁷ Leland Jenk's brief but penetrating study continually impresses with the quality of its analysis. He states that the American bond had resulted in a lengthening of political infancy for the Puerto Ricans, who were made distinctly second-class citizens, unless they resided on the mainland. He characterized the government established by the Jones Act as one of "divided responsibility."⁵⁸

Rexford Tugwell, who was Franklin D. Roosevelt's well-intentioned Good-Neighbor governor, simply stated some important political truths. Congress delayed legislation for Puerto Rico primarily because time spent on such bills was of no political value. The predominating attitude toward Puerto Rico was one of indifference. The

⁵⁵White, p. 41.

⁵⁶Clark, p. 109.

⁵⁷Aitken, p. 61.

⁵⁸Jenks, pp. 150-152.

grant of United States citizenship in the Jones act was, to Tugwell, not a part of any policy, but the result of a vision of the strategic possibilities at a time when the loyalty of the islanders was important.⁵⁹ Tugwell's view is persuasive, except that I see the grant of citizenship as a part of the decision to keep Puerto Rico. That decision had been made by many, including Woodrow Wilson, before the outbreak of World War I.

The major flaw in the Jones Act as a governmental system was that noted by Aitken and Jenks. The compromise between autonomous reform and American control created a political ambient almost as uncooperative as that of the Foraker Act. Puerto Rican desire for complete self-government could not, however, have been successfully compromised with American opinion that the Puerto Ricans were not to be trusted with it. Only after thirty-five years of dispute and of growth would the islanders be granted the degree of self-government they had ardently sought long before the United States Army landed in Puerto Rico.

⁵⁹Tugwell, pp. 70-71.

CHAPTER VIII

CONCLUSION

The Puerto Ricans had been fighting for self-government since the mid-nineteenth century. Their success in obtaining the Autonomous Charter from Spain, however, only served to make the form of government imposed by the United States Congress in the Foraker Act less acceptable. The Foraker Act denied citizenship and the United States Constitution to Puerto Rico because the Congress had a precedent for the Philippines in mind when the bill was passed. That was not, however, why the civil government features of the Foraker Act were so ungenerous. The bill was drafted and passed swiftly by men who had little knowledge of the Puerto Ricans and less confidence in the islanders' ability to govern themselves. Self-government became the crucial issue in Puerto Rican-American relations between 1900 and 1917.

There were many factors that contributed to the American opinion that the Puerto Ricans were not ready for self-government. Racial prejudice was one factor. Even those Americans who seemed sympathetic toward the islanders often exhibited patronizing and paternalistic attitudes. Puerto Ricans were regarded as inferior to North Americans. The ethnic factor of American prejudice included cultural

as well as racial ingredients. The islanders were predominantly Roman Catholic, and anti-Catholic prejudice fortified the anti-Black and anti-Latin American sentiments held by many Americans. Religion, however, was a less important issue than was language. The majority of the Puerto Ricans could not speak English. American policy makers did not share the islanders' concern for the preservation of Spanish. Most Puerto Ricans were illiterate. American educational tradition had long stressed the idea that education was necessary for good citizenship. In short, the island with its dense homogeneous population could not be assimilated easily into the United States. Since assimilation would be so difficult, Americans could not see how their traditional rights and privileges of self-government could be given to a people so unlike themselves. Previous territorial expansion by the United States had proceeded with new areas being assimilated and then given statehood. This pattern seemed inappropriate for Puerto Rico.

During the nineteenth-century struggle for autonomy within the Spanish Empire, Puerto Rico developed political traditions that were carried over into the American era. These traditions further convinced Americans that Puerto Rico was not prepared for citizenship and self-government. The political parties and the press in Puerto Rico were bitterly factional. They seemed to allow political considerations to dominate every issue. As a consequence, Americans could attribute Puerto Rican discontent and aspirations for self-government to purely political motives. The political parties in the island aroused fierce loyalties that occasionally inspired violence. These loyalties were

built upon the personalism and bossism that characterized Puerto Rican political life. The existence of manhood suffrage, when the majority of the voters were illiterate and dispossessed, accentuated the problem of bossism. United States congressional leaders and administrators regarded many Puerto Rican politicians as mere office-seekers or as irresponsible and ungrateful. The domination of the Union party, whose members included the prominent and wealthy, strengthened the conviction of some observers that the island's political leaders had no concern for the welfare of the majority of the people.

The American assumption of their own superiority, coupled with the valid criticisms of Puerto Rican politics contributed to the slowness of many to see that the grievances of the islanders were also valid. Agitation and petitions from Puerto Ricans tended to receive a hostile reception. They could cause a retardation of any impetus to reform instead of directing reform in accordance with the wishes of the islanders. The persistent petitions of the islanders became, however, a primary reason for the enactment of an entirely new organic act to replace the Foraker Act. When reform of the political system created by the Foraker Act was contemplated, American officials planned a new government bill that would acquiesce in the major demands of the islanders for self-government. At the same time, they carefully built into reform proposals measures such as the veto of the governor and limitations on the right to vote. The intention of these measures was to protect the interests of the United States against any possible abuse of the increased self-government granted to the Puerto Ricans.

Originally the United States had no firm policy as to the future of Puerto Rico. Uncertainty gradually changed to a general understanding that the United States would keep the island. Puerto Rico would remain a possession of the United States for the same reason that motivated American intervention in Nicaragua, Haiti, and the Dominican Republic. That reason was the Panama Canal. Puerto Rico controlled the Mona Straights, one of the two major lanes of access to the Caribbean from the Atlantic.

The decision to retain Puerto Rico as a part of increased United States involvement in the Caribbean due to the acquisition of the Panama Canal implied an obligation to grant United States citizenship to the Puerto Ricans. Citizenship, however, logically meant that the islanders would receive the same rights and privileges of self-government other Americans had. The decision to hold Puerto Rico had not also implied American confidence in the ability of the islanders to govern themselves. Officials of the United States regarded their governmental system in Puerto Rico as training for further self-government which they hesitated to grant too quickly. The unassimilated island could not become Americanized soon enough to avoid the dilemma of a colonialism incompatible with both the traditions of the United States and the aspirations of the Puerto Ricans.

Puerto Rican response to their treatment by the United States varied. Some political leaders never stopped agitating for citizenship and statehood. Others turned to hopes for independence in reaction to American chauvinism and the realization that autonomy in

any meaningful degree was not forthcoming. The terms of the Olmsted bill and the Jones Act did not fulfill the islanders' aspirations. Disenchantment with the Americans continued to grow in Puerto Rico. American insistence that the island Americanize its language and institutions before receiving citizenship and self-government contributed to the Puerto Rican determination to defend their hispanic heritage. The influence of the sugar interests and the general growth of United States economic control of the island, together with institutions such as the Federal District Court, helped to convince islanders that the interests of the United States, not their own, were determining the policies of the administration of Puerto Rico. The islanders' dislike for the Executive Council, the Federal District Court, and the teachers, administrators, and missionaries as agents of Americanization was tied to the wounded pride of the Puerto Rican. He found himself regarded as an inferior unable to determine his own destiny or that of his homeland. Demands for self-government for Puerto Rico grew in volume and intensity as time passed and the aspirations of the islanders remained frustrated.

The appropriations crisis of 1909 represented the beginning of the road to the Jones Act, just as it was the first successful attempt by the islanders to obstruct the governmental system established by the Foraker Act. The island received unusual attention from the President, Congress, and mainland press. President Taft stifled the appropriations avenue of protest against the system of the Foraker Act. At the same time, Taft promised to look into the need for reform of

that system. The Taft administration reform bill, the Olmsted bill, did not in fact represent any substantial increase in self-government for Puerto Rico. Its death in the U. S. Senate was aided both by the sugar interests of Puerto Rico and by the opposition of the Puerto Rican political leaders. The Jones citizenship bill was the next Puerto Rican reform measure to die in the Senate, this time primarily because of the relative unimportance of the island in the thinking of the busy Senators. Both the Olmsted and Jones citizenship bills passed the House of Representatives with remarkable ease. The Jones government bill would have a slower transit through the House.

The successful passage of a reform government bill for Puerto Rico can be seen as a part of the whole reform movement in United States history that took hold during Woodrow Wilson's first term as President. Wilson's administration was committed to reform for Puerto Rico because of Democratic opposition to the Foraker Act, a Republican measure. By 1913, however, Democrats had dropped their anti-imperialist campaign to the extent that Wilson stated that Puerto Rico would remain a possession of the United States. Despite General McIntyre's initial draft of the administration government bill that did not confer United States citizenship, citizenship would have to be included in any reform bill for Puerto Rico. A grant of citizenship was essential in a government bill both because less support or interest could be gained in the Congress without a citizenship provision and because the decision to hold Puerto Rico demanded the simple justice of an extension of citizenship to the islanders. In addition, it was felt

that a grant of citizenship would gratify the Puerto Ricans and end agitation and dissatisfaction in the island. Puerto Rican sentiments opposed to American citizenship were simply overruled by the United States because citizenship was the crucial bond between the mainland and the island.

The Jones government bill, prepared by McIntyre and Yager in the main, with modifications by Jones, Wilson, and Muñoz Rivera, did represent a real advance in the amount of self-government allotted to Puerto Rico. The Executive Council, as the upper house of the island legislature, had been the most hated feature of the Foraker Act governmental system. This was because the Executive Council was dominated by Americans and because it could and did prevent the enactment of legislation desired by the elected representatives of the Puerto Rican people. The Jones Act replaced the Executive Council with an entirely elected legislature for Puerto Rico. Restrictions on the competence of the island legislature and the powerful executive branch of the government of the Jones Act partly nullified the success of the Puerto Ricans in gaining an entirely elected legislature.

The Jones bill spent three years in the House of Representatives before it was passed in May 1916. This delay was due to the overwhelming importance of reform of the tariff in 1913. In 1914 and 1915 delay was due to Representative Jones' illness and greater interest in his bill for the Philippines. The Congress was still very busy with the reform legislation of the Wilson era. World War I and the preparedness controversy absorbed the attention of Washington.

President Wilson had always wanted the Jones bill passed when time permitted. He had clearly intended that the bill be enacted from early 1914. Only when he gave the Jones bill priority did the Congress overcome its general indifference to Puerto Rico and pass the Jones bill into law.

Passage in the Senate was complicated by several issues. Prohibition was imposed upon Puerto Rico, incongruous though it was in a government bill. Land-limitation amendments threatened to cause the opposition of the sugar interests of Puerto Rico to the Jones bill. The most difficult problem for Senator Shafroth in gaining passage of the bill, however, was to gather enough interest in the bill to get it out of committee and then considered on the floor of the Senate. The Senate disagreed with the House of Representatives that limitations on the right to vote should accompany a bill increasing self-government or that property qualifications for office or the franchise were appropriate. The Jones Act differed from the Olmsted bill and the Jones citizenship bill in that it passed the Senate in less time than the House. In addition, it was in the Senate, and not the House, that the democratic tendencies of the Jones Act were broadened.

After seventeen years of discontent with the Foraker Act, the islanders seemed pleased with the passage of the Jones Act. Few Puerto Ricans chose to renounce citizenship, although to have done so would have deprived them of their civil rights. The Jones Act did eliminate the Executive Council and replace it with an entirely

elected senate. In the Jones Act, however, the executive branch of the government remained powerful. This power was in the hands primarily of Americans. The struggle of the Puerto Ricans for self-government continued after 1917. Their next goal was the right to elect their own governor, and, thereby, to gain control of the powerful executive created by the Jones Act.

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