

**University of Connecticut
Department of Political Science
Institute for Puerto Rican & Latino Studies**

POLS 2998/PRLS 3298: Puerto Rican Politics & Culture

**Tu 4:00-6:30pm
FS 25**

Fall 2010

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The United States has governed Puerto Rico as an unincorporated territory for more than a century and has used the precedent established by this relationship to legitimate its imperialist policies. The United States acquired Puerto Rico amidst the Spanish-American War of 1898 and has governed Puerto Rico as a foreign locality in a domestic sense. This means that Puerto Rico can be selectively treated as a foreign locality for constitutional purposes. The resulting legal precedents established by this relationship have been used to legitimate the creation of torture and detention camps in Guantanamo Bay, Cuba, for the kidnapping of foreign nationals, and even to understand the citizenship status of the former Republican Party's presidential candidate, Senator John S. McCain. The study of this legal and political relationship can provide important insights about the nature of United States Empire.

Grading

Grading will be based on the ability of the students to understand the assigned readings and their ability explain the arguments present in the assigned texts. Grades will be based on the ability of students to substantiate their arguments with the assigned texts. If the student neglects to provide textual evidence substantiating his or her claim, the student will be graded accordingly. I will not offer the opportunity to re-write assignments. Please plan accordingly. Do not expect extra-credits or special considerations. All work needs to be handed on time. Unless you coordinate with me ahead of time, I will not accept late work. All late assignments will be penalized by 1-2 per late day. Again, please plan accordingly.

Participation (10%). Students will be awarded up to 10 points for daily participation in class. This means that students are required to actively engage the class readings. While students will not be penalized for class absence they will not receive participation credits if they are not present in class. All students are encouraged to attend every class.

Journals (20%). Each journal question will be worth 2 points. One point will be assigned for the answer to the question and one point will be assigned for the proper use of textual evidence and citations. There is no page limit required. Please write as much or as little as you need to answer the question. Journals will be collected on October 5, 2010 and on December 7, 2010.

In-Class Presentation (10%). Each student will be required to write a short summary of one of the assigned readings and present his or her summary in-class. Students must provide a digital copy on the Monday prior to their presentation. All presentations will be posted on the HuskyCT site. Presentations should include: a clear explanation of the thesis, a discussion of the structure of the text, and a discussion of the key arguments of the assigned text. These should be anywhere between 3-5 pages in length.

Letter to a Legislator (10%). Each student will be required to write a comprehensive letter to their legislator addressing one of the two following questions: 1) Should Congress change the status of Puerto Rico? (the student needs to choose a status), or 2) Should Puerto Ricans be granted a democratic right to vote in Federal elections and the right to representation in Congress beyond that of a Resident Commissioner or Delegate? Your letter

should be well substantiated and address all of the key issues discussed in class. You will be graded based on your ability to formulate a clear and substantiated argument. This assignment is due on Tuesday, November 30, 2010 in-class.

OpEd (5%). Students are expected to write a 750 word Opinion Editorial that addresses either of the following questions: 1) Should United States citizens residing in Puerto Rico be entitled to the same civil rights as citizens residing elsewhere? or 2) Should Puerto Ricans be entitled to a natural-born citizenship status? This assignment is due on Tuesday, October 19, 2010 in-class. For more information on how to write an OpEd article see the following link:http://action.aclu.org/site/PageServer?pagename=AP_write_op_ed

Final Exam (45%). This will be a multiple-choice cumulative exam on the assigned class readings. The Final Exam schedule is to be determined.

Puerto Rican Studies Association: The Puerto Rican Studies Association will be holding its 9th Biennial Conference in Hartford, CT between October 21 and 23, 2010. Students interested in volunteering to work in the conference will have an opportunity to earn an additional credit as part of an independent study. Students will be required to participate in the conference during the dates of the conference and will also be required to write a short 10-15 page research paper based on one or several of the papers presented during the conference. Those interested should contact me and enroll in the following course number: PRLS 3299-007 (13138). Students wishing to enroll in this independent study must also be enrolled in the POLS 2998: *Puerto Rican Politics & Culture* course.

Required Texts

Students who are interested in the successful completion of this course should purchase the following texts:

- José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (New Haven: Yale University Press, 1997).
- Efrén Rivera Ramos, *American Colonialism in Puerto Rico: The Judicial and Social Legacy* (Princeton: Markus Weiner Publishers, 2007).

All texts are available at the COOP Bookstore. Additional readings are available in HuskyCT. All students should read all of the assigned readings in order to successfully complete this course.

HuskyCT Section: POLS2998 - Political Issues-SEC003-1108

Course Outline

August 31, 2010 Introduction

Part I: Constitutional Context

September 7, 2010 Territorial Precedents

- WW Willoughby, selections from *The American Constitutional System*
- Rivera Ramos, Chapter 1
- *American Insurance v. Canter* 26 U.S. 511 (1828)
- *Dred Scott v. Sandford*, 60 U.S. 393 (1856)

Recommended Reading:

- Max Farrand, *The Legislation of Congress for the Government of the organized Territories of the United States, 1789-1895* (Newark: Wm. A. Baker, Printer, 1896).
- José López Baralt, *The Policy of the United States Towards its Territories with Special Reference to Puerto Rico* (Rio Piedras: Editorial de la Universidad de Puerto Rico, 1999).

Journal Question # 1: Compare and contrast Chief Justice Marshall's and Chief Justice Taney's arguments regarding the application of the bill of rights in the territories. Is their position different? Can Congress enact legislation that deprives the citizens of territories from the Bill of Rights?

September 14, 2010 The Spanish American War of 1898

- Trias Monge, Chapters 1-3
- The Treaty of Paris of 1898
- Elihu Root, "The Principles of Colonial Policy"
- Abbott Lawrence Lowell, "The Status of Our New Possessions-A Third View"

Recommended Readings:

- Torruella, Juan R., *Global Intrigues : The Era of the Spanish-American War and the Rise of the United States to World Power* (San Juan, P.R.: La Editorial, Universidad de Puerto Rico, 2007).

Journal Question # 2: Explain the Third View position. How does it depart from precedent?

September 21, 2010 The Foraker Act of 1900

- Trias Monge, Chapters 4-5
- Rivera Ramos, Chapter 3
- *The Foraker Act of 1900*
- *Gonzalez v. Williams* 192 U.S. 1 (1904)

Recommended Reading:

- Gould, Lyman Jay, and Jorge Luis Morales, *La Ley Foraker : Raíces De La Política Colonial De Los Estados Unidos* (Puerto Rico: Univ., 1975).
- Burnett, Christina Duffy, "'They Say I Am Not an American...': The Noncitizen National and the Law of American Empire," *Virginia Journal of International Law*. 48.4 (2008): 659.

Journal Question # 3: Discuss two ways that the Foraker Act departs from prior precedents.

September 28, 2010 The Insular Cases of 1901

- Rivera Ramos, Chapter 4-5
- *Downes v. Bidwell*, 182 U.S. 244 (1901)

Recommended Readings:

- Christina Duffy Burnett, and Burke Marshall, eds. *Foreign in a Domestic Sense: Puerto Rico, American Expansion and the Constitution*. (Durham: Duke University Press, 2001).
- Juan R. Torruella, *The Supreme Court and Puerto Rico* (Río Piedras: Editorial de la Universidad de Puerto Rico, 1988).
- Efrén Rivera Ramos, *The Legal Construction of Identity* (Washington, American Psychological Association, 2001).

Journal Question # 4: What is the Court's position towards the Dred Scott precedent?

October 5, 2010: The Jones Act of 1917

- Trias Monge, Chapters 6-7
- Rivera Ramos, Chapter 7
- *The Jones Act of 1917*
- *Balzac v. People of Porto Rico*, 258 U.S. 298 (1922)

Recommended Readings:

- Cabranes, José A., ***Citizenship and the American Empire : Notes on the Legislative History of the United States Citizenship of Puerto Ricans*** (New Haven: Yale University Press, 1979).

Journal Question # 5: *How does the Jones Act bill of rights compare to the United States bill of rights? Does the Jones Act of 1917 contain the same rights as those in the Constitution?*

Journals 1-5 Due in-Class

October 12, 2010 The 1930s and 1940s

- Trías Monge, Chapters 8-9
- Jorge Rodríguez Beruff, “*From Winship to Leahy*”
- *The Nationality Act of 1940* [54 Stat. 1137 (1940)]
- *Nationality Laws of the United States*, selections from Message from the President of the United State, 1938.

Recommended Readings:

- Rodríguez Beruff, Jorge, ***Strategy as Politics: Puerto Rico on the Eve of the Second World War*** (San Juan: La Editorial, Universidad de Puerto Rico, 2007).

Journal Question # 6: *Should persons born in Puerto Rico be considered natural-born citizens after 1941?*

October 19, 2010 The 1950s

- Trías Monge, Chapters 10-12
- *Reid v. Covert*, 354 U.S. 1 (1957)

OpEd Due in Class.

Part II: Issues

October 26, 2010 Citizenship

- *Rogers v. Bellei*, 401 U.S. 815 (1971)
- José Álvarez González, “*The Empire Strikes Out*”

Recommended Readings:

- Perez, Lisa Maria. “*NOTE - Citizenship Denied: The Insular Cases and the Fourteenth Amendment,*” *Virginia Law Review*, 94.4 (2008): 1029.

Journal Question # 7: *Do you agree or disagree with Álvarez González’ argument?*

November 2, 2010 Kidnapping & Civil Rights

- *U.S. v. Verdugo-Urquidez*, 494 U.S. 259 (1990).

Journal Question # 8: *Should the United States have the power to kidnap foreign nationals and deny them access to the bill of rights when prosecuted in the United States? Do you agree or disagree with Chief Justice Rehnquist’s argument?*

November 9, 2010 Torture and Detention Camps

- *Boumediene v. Bush*, 553 U.S. 773 (2008).

Recommended Readings:

- Raustiala, Kal, ***Does the Constitution Follow the Flag? : The Evolution of Territoriality in American Law*** (Oxford; New York: Oxford University Press, 2009).

- Neuman, Gerald L., "The Extraterritorial Constitution After *Boumediene V. Bush*," *Southern California Law Review*, 82.2 (2009): 259.

November 16, 2010 Voting Rights

- Katherine Culliton-González, "Time to Revive Puerto Rican Voting Rights"
- *Igartua De La Rosa v. United States*, 417 F.3d 145 (2005).

Recommended Readings:

- Fernando Byron Toro, *ELECCIONES Y PARTIDOS POLITICOS DE PUERTO RICO* (Mayagüez: Editorial Isla, Inc. 1977).
- Gregorio Igartua, *U.S. Democracy for Puerto Rico, A Denial of Voting Rights in Presidential Elections to Over 3.5 Million American Citizens* (1995).

Journal Question # 9: *Should Puerto Ricans be granted the right to vote in federal elections?*

November 30, 2010 Cultural Politics

- Jorge Duany, "Nation and Migration"
- Raquel Z. Rivera, "Will the Real Puerto Rican Culture Please Stand Up?"

Recommended Readings:

- Juan Flores, *From Bomba to Hip-Hop* (New York: Columbia University Press, 2000).
- Frances Negrón-Muntaner & Ramón Grosfoguel, *Puerto Rican Jam* (St. Paul: University of Minnesota Press, 1997).

Journal Question # 10: *How political is the cultural argument articulated by Duany and Rivera?*

Letter to a Legislator Due in-Class

December 7, 2010 Conclusion

Final Exam TBA