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Recent Publications: Puerto Rico

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Puerto Rico: The Trials of the Oldest Colony in the World. By José Trías Monge. New Haven: Yale University Press, 1997. Pp. v, 228. Price: $35.00 (Hardcover). Reviewed by Christina Duffy Burnett.

Ask yourself why you are reading a review of a book about a colony called Puerto Rico in a journal on international law. Isn't Puerto Rico a self-governing Commonwealth? Isn't it part of the United States? If you decide to buy the book, ask yourself where in the bookstore you should look for it. In the international relations section? The U.S. history section? A turn-of-the-century Supreme Court case analyzing the status of Puerto Rico (and other territories "acquired" by the United States in 1901) may provide some guidance: Puerto Rico is "foreign in a domestic sense."[1] Perhaps the bookstore has a section on "not really foreign" countries or "more-or-less domestic" territories. Try using other phrases that have described Puerto Rico over the past century to refine your search: "Possession."[2] "'A sort of an autonomous dependency'" (p. 105).[3] "Unique."[4] You may have to go to the information desk.

The subtitle of José Trías Monge's book is on the mark; the term "colony" most accurately describes Puerto Rico. For one hundred years, the island has been an "unincorporated territory," which means that the United States has no intention of making it a state anytime soon, if ever.[5] It is subject to the plenary power of Congress under the Territorial Clause of the

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1. Downes v. Bidwell, 182 U.S. 244, 341–42 (1901) (White, J., concurring). *Downes*, one of the "Insular Cases" of 1901, created the doctrine of "territorial incorporation" to justify keeping the then-newly acquired territories, without the intent of incorporating them into the Union as states. The other Insular Cases were Fourteen Diamond Rings v. United States, 183 U.S. 176 (1901); Dooley v. United States, 183 U.S. 151 (1901); Huus v. New York & Porto Rico Steamship Co., 182 U.S. 392 (1901); Armstrong v. United States, 182 U.S. 243 (1901); Dooley v. United States, 182 U.S. 222 (1901); Grossman v. United States, 182 U.S. 221 (1901); Goetze v. United States, 182 U.S. 221 (1901); and De Lima v. Bidwell, 182 U.S. 1 (1901). A series of cases between 1901 and 1922 dealt with similar issues; in 1922, the Supreme Court reaffirmed the principle of territorial incorporation set forth in *Downes*. *See* Balzac v. Porto Rico, 258 U.S. 298 (1922).

2. See, for example, the question-begging title of James Bradley Thayer, *Our New Possessions*, 12 HARV. L. REV. 464 (1899), which discussed whether (and how) the United States should keep the territories it had acquired at the end of the Spanish-American War. There are numerous references to Puerto Rico as a "possession" throughout the last century. *See, e.g.*, *Downes*, 182 U.S. at 341–42; Abbott Lawrence Lowell, *The Status of Our New Possessions—A Third View*, 13 HARV. L. REV. 155 (1899).

3. Senator Robert A. Taft described Puerto Rico in these terms in his remarks during the 1943 debate on the Tydings Bill of that year (p. 105).

4. *See, e.g.*, Torres v. Puerto Rico, 442 U.S. 465, 474 (1979).

5. *See Downes*, 182 U.S. at 339–42 (White, J., concurring). The U.S. Supreme Court has reaffirmed Puerto Rico's status as an "unincorporated territory." *See* Harris v. Rosario, 446 U.S. 651 (1980).

U.S. Constitution.[6] Residents of Puerto Rico have been U.S. citizens since 1917, but they have been denied representation in Congress except for a non-voting Resident Commissioner,[7] and they may not vote in presidential elections. Recently, the Eleventh Circuit held that consecutive trials in the local courts of Puerto Rico and the federal courts in Florida violated the prohibition against double jeopardy, because Puerto Rico's power to punish does not emanate from a separate sovereign.[8]

It might come as a surprise, then, to discover that Trías Monge's use of the term "colony" has caused an uproar in Puerto Rico. This is not because nobody there believes the term applies to the island—many have for a long time, and still do—but rather, because Trías Monge was among the architects of the Commonwealth status[9] his book maligns.[10] The Commonwealth Party leadership has long denied that this status is colonial. Many Puerto Ricans, through their support of the party, have agreed. If, then, Trías Monge thinks the Commonwealth of Puerto Rico is a colony, why did he participate in its creation? If this status has obviously colonial attributes, why do so many Puerto Ricans support it?[11] More importantly, if so many Puerto Ricans seem not to mind these colonial attributes, then why should it matter now, half a century later, if Puerto Rico is indeed a "colony"?

It matters a great deal, argues Trías Monge, and his book gives a potent account of the reasons. He provides a rich yet succinct history of the evolution of the status question as a persistent problem in Puerto Rican politics; he calls, urgently, for a resolution to this problem (although the parameters of his proposal remain, frustratingly, too vague); and he insists

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6. U.S. CONST. art IV, § 3, cl. 2 ("The Congress shall have the Power to dispose of and make all needful rules and regulations respecting the Territories and other Property of the United States.").

7. The position is currently held by the Honorable Carlos Romero Barceló, former Governor of Puerto Rico. The position of Resident Commissioner is elective. The Resident Commissioner of Puerto Rico serves in the House of Representatives and, together with the Delegates from Guam, the U.S. Virgin Islands, American Samoa, and Washington, D.C., may serve and vote in Committee. The fifth populated U.S. territory, the Commonwealth of the Northern Mariana Islands (CNMI), has only a Resident Representative to the United States who lives in Washington, D.C., but is not a member of Congress. None of the territories has a representative in the Senate. For an explanation of representation of U.S. territories in Congress, see GENERAL ACCOUNTING OFFICE, No. GAO/OGC-98-5, REPORT TO THE CHAIRMAN; and Abraham Holtzman, *Empire and Representation: The U.S. Congress*, XI:2 LEGIS. STUD. Q. 249 (1986).

8. United States v. Sánchez, 992 F.2d 1143, 1151–53 (11th Cir. 1993). *But see* United States v. López Andino, 831 F.2d 1164 (1st Cir. 1987) (holding Puerto Rico sovereign for purposes of double jeopardy doctrine); *cf.* United States v. Wheeler, 435 U.S. 313 (1978) (holding Indian tribes sovereign for purposes of double jeopardy and contrasting lack of sovereignty of territorial governments to "unique and limited" sovereignty of Indian tribes).

9. "Commonwealth" is the mistranslation of "*Estado Libre Asociado*," which literally translated would be "Free Associated State."

10. For a thoughtful discussion of the more and less negative connotations of the word "colony" in the context of U.S.-Puerto Rico relations, see Judge José A. Cabranes, U.S. Court of Appeals for the Second Circuit, Speech at the *Foreign in a Domestic Sense* Conference at Yale Law School (Mar. 27, 1998).

11. In a 1993 plebiscite, Puerto Ricans voted 49% in favor of "enhanced" Commonwealth status (p. 135).

that Congress must express a clear position on the status options acceptable to it, beyond its now tiresome assurances that it will "respect" the will of the Puerto Rican people. In one of many memorable lines in a book suffused with wit and wisdom, Trías Monge charges: "Let the Puerto Ricans choose, it is grandly said. Choose what?" (p. 3).

The most important achievement of the book is its challenge to the idea that Puerto Rico's ambiguous status poses no problem because its people have, in the exercise of their right to self-determination, democratically chosen this status. As a major participant in the events that led to the creation of Commonwealth status, Trías Monge is in an excellent position to explain why, after a convention establishing the Constitution of the Commonwealth of Puerto Rico, a vote of 76.5% approving Commonwealth status, and its victory in two subsequent plebiscites,[12] Puerto Rico is still a colony, and status is still a problem.

The problem is this: The people of Puerto Rico approved Commonwealth status in 1952 under what appears to have been the widespread misunderstanding that it was merely a transitional status and that it represented a partial grant of sovereignty by Congress to Puerto Rico.[13] Congress consistently has stonewalled subsequent attempts by Puerto Rican political leaders and delegates in Washington to "enhance" this status.[14] The people of Puerto Rico chose not Commonwealth, but "enhanced" Commonwealth, in a 1967 plebiscite;[15] Congress failed to grant the requested enhancements. The people chose "enhanced" Commonwealth again in 1993, this time with a forty-nine percent vote; once more, these enhancements were rejected (although this time, with statements far less ambiguous than Trías Monge acknowledges).[16] Thus, as the author confirms, the people of Puerto Rico have not democratically chosen their current status. Instead, they have asked Congress for a status different from the current one ever since the very year they achieved it. As Trías Monge puts it: "So much for self-determination." (p. 132).

The book begins with an account of Spanish rule on the island, which lasted four centuries, until the United States won the Spanish-American War

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12. The second plebiscite took place in 1967, and Commonwealth, "purged of its colonial connotations," won (p. 130). A version of Commonwealth won a third plebiscite, in 1993, but this time by a three-percent margin (p. 135).

13. For a discussion of this contested status and an assessment of the confusion and obfuscation surrounding its origins, see JUAN R. TORRUELLA, THE SUPREME COURT AND PUERTO RICO: THE DOCTRINE OF SEPARATE AND UNEQUAL 160–200 (1985); and 4 JOSÉ TRÍAS MONGE, HISTORIA CONSTITUCIONAL DE PUERTO RICO, ch. 39 (1980–1983 & 1994).

14. See, for example, Trías Monge's discussion of the Fernós-Murray Bill (pp. 126–29) and of various proposed bills between 1989 and 1991 (pp. 133–34). More importantly, a recent and extremely controversial bill, the Young Bill (introduced in the House by Representative Don Young of Alaska) rejected the Commonwealth Party's proposed enhancements. *See infra* notes 33–35 and accompanying text.

15. *See* 4 TRÍAS MONGE, *supra* note 13, at 244–46.

16. *See infra* note 33–35 and accompanying text (discussing Young Bill); *see also* H.R. 3024, 104th Cong. (1996) (original version of Young Bill); Don Young, Chairman, House Committee on Resources, Press Release on "United States-Puerto Rico Political Status Act" (Mar. 6, 1996).

in 1898 and took as spoils of war the islands of Puerto Rico, Guam, and the Philippines.[17] Throughout the book, Trías Monge recalls the final shining moment in Puerto Rico's relationship with Spain: the Autonomic Charter of 1897, granted to Cuba and Puerto Rico by the Spanish government.[18] While, as Trías Monge rightly observes, the Autonomic Charter has been "unduly romanticized by many" (p. 15), it granted these islands autonomy[19] greater than that possessed by any Caribbean colony until after the Second World War, and arguably greater than that the United States has granted Puerto Rico to date—particularly because it included representation in the Spanish Parliament along with Spanish citizenship. The Autonomic Charter thus granted the islands increased autonomy without full independence or full incorporation into the metropolis, a central theme of Trías Monge's book and of the Commonwealth Party's platform.

With the Autonomic Charter as a backdrop and something of a baseline standard, Trías Monge embarks on the story of Puerto Rico's relationship with the United States. Its early stages are best summarized as a painful and embarrassing story of hypocrisy and paternalism, beginning with an infamous decree by General Nelson A. Miles proclaiming the arrival of the United States and the "blessings of enlightened civilization." In a chapter laced with exquisite sarcasm, Trías Monge observes that the first military governor "started acquainting Puerto Ricans with the blessings of enlightened civilization by suppressing Parliament, and the . . . Diputación Provincial and making extensive changes in the judicial system" (p. 31).

Chapters 3 through 9 present a tightly woven history of the next five decades in the U.S.-Puerto Rico relationship, focusing on the evolution of the island's political parties and the ways in which these shaped and were shaped by the ubiquitous status debate. These chapters recount a history marked by occasional watershed moments in Congressional legislation over Puerto Rico granting powers of self-government inch by excruciating inch; in the interstices of these fits of absent-minded imperialism, the political life of Puerto Rico took shape in the form of parties inevitably defined by their positions on the status question.

The first of these Congressional moments of activity, the Foraker Act of 1900,[20] created a civil government headed by a Governor appointed by the President of the United States; after much debate, most of it concerning the "fitness" of the inhabitants of the new "possessions" to govern themselves, the Act failed to grant U.S. citizenship to Puerto Ricans.[21]

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17. Treaty of Peace, Dec. 10, 1898, U.S.-Spain, 30 Stat. 1754. The United States also took Cuba, but only temporarily. *See id.* art. I.

18. *See* 1 TRÍAS MONGE, *supra* note 13, chs. 7–8.

19. "Autonomy" is a vague term. I use it here because it has long been used in Puerto Rico to describe a variety of status options somewhere in between independence and full incorporation into the United States as a state, most notably by members of the Commonwealth Party to describe the status they seek. Trías Monge asserts the connection between the Autonomic Charter and "autonomist thinking" in Puerto Rico (p. 14).

20. Ch. 191, 31 Stat. 77 (1900) (codified as amended at 48 U.S.C. §§ 731–916 (1994)).

21. For a detailed account of the history of the U.S. citizenship of Puerto Ricans, see José

Congress' next major move took place in 1917 with the passage of the Jones Act,[22] under which "American citizenship was conferred in a most inelegant way" (p. 72). With the renewal of the rhetoric of self-determination after the Second World War came the Elective Governor Act,[23] under which Luis Muñoz Marín, the founder of the *Partido Popular Democrático* or "Commonwealth Party" and primary inventor of the status of that name, became the island's first elected governor. Here Trías Monge's analysis turns to a detailed explanation of the events of 1950–52: the creation of Commonwealth status, the Constitutional convention, and the victory of Luis Muñoz Marín at the polls.

The next four chapters describe the genesis of Commonwealth status and its would-be trial by fire before the Decolonization Committee of the United Nations,[24] examine subsequent attempts to understand the true meaning of this status, and discuss other attempts at postcolonial arrangements in the Caribbean and in U.S. territories. Among the models that inspired Commonwealth status, Trías Monge identifies the Statute of Westminster, "which stated that no British law would apply to the dominions, except at their request or with their consent, and that the dominions could repeal any British law until then applicable to them" (p. 110). Trías Monge describes the United States' success, upon the creation of Commonwealth status and the approval of the Constitution of Puerto Rico, in removing Puerto Rico from the Decolonization Committee's list of non-self-governing territories. The removal was premised on the theory that Puerto Rico had entered into a "bilateral compact" with the United States which could not be altered without the consent of both parties, notwithstanding the embodiment of this "compact" in a federal statute.[25]

Chapters 10 and 11 rely primarily on Congressional hearings and administrative reports, while Chapter 12 cites U.N. resolutions and documents. Not until Chapter 13 does Trías Monge's analysis of origins of Commonwealth status cite American case law,[26] and then without discussion. Yet the events before the United Nations occurred the same summer that *Mora v. Mejías*,[27] the first federal court decision analyzing Puerto Rico's status, was decided. Although this case has long been characterized as noncommittal on the question of the contested "bilateral compact" theory, the Court of Appeals did reject the District Court's reasoning that Puerto Rico's new status meant the Fifth Amendment's due process guarantee no longer applied to Puerto Rico due to the island's status as a territory, but

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A. CABRANES, CITIZENSHIP AND THE AMERICAN EMPIRE: NOTES ON THE LEGISLATIVE HISTORY OF THE UNITED STATES CITIZENSHIP OF PUERTO RICANS (1979).

22. Ch. 145, 39 Stat. 951 (1917) (codified as amended at 48 U.S.C. § 737 (1994)).

23. 61 Stat. 770 (1947).

24. This review uses the term "would-be" because the United States made representations suggesting a change in the status of the island which subsequently turned out to be seriously misleading. *See, e.g.*, TORRUELLA, *supra* note 13, at 160–200.

25. Act of July 3, 1950, Pub. L. No. 81-600, 64 Stat. 319 (codified at 48 U.S.C. §§ 731–916 (1994)).

26. Chapter 10 does cite 1–5 TRÍAS MONGE, *supra* note 13.

27. 206 F.2d 377 (1st Cir. 1953), *aff'g* Mora v. Torres, 113 F. Supp. 309 (D.P.R. 1953).

rather now applied as a result of the consent of the Puerto Rican people.[28] While the Court of Appeals reserved judgment on the inevitable further question—whether the Fourteenth Amendment now applied to the island instead of the Fifth[29]—the court's refusal to accept the District Court's reasoning concerning the constitutional implications of Puerto Rico's new "Commonwealth" status arguably sheds some light on the question of whether Congress entered into a compact relinquishing part of its sovereignty over the island. The omission of these cases from a discussion of the origins and meaning of Puerto Rico's status is puzzling.[30]

The final chapters turn to the present, offering a striking and powerful indictment of Puerto Rico's colonial dilemma. Providing a much-needed model of civility and constructive dialogue, Trías Monge fairly and impartially places the blame where blame is due: not only upon Congress, but also on all the political parties in Puerto Rico, which have engaged in a bitter and nasty debate, often misleading the people in the service of political aims. Trías Monge's description of the effects of continued colonial status makes an invaluable contribution to a discussion too often stymied by defensive claims that the United States has been a relatively benevolent master. While true (for whatever "benevolent" imperialism is worth), colonial status has deeply divided Puerto Rico, distorting and distracting its political life, and constantly reminding its people that, for whatever reason, they are not welcome as full and equal participants of the Union. In the Chapter 15, Trías Monge reiterates his call for a clear Congressional response, offering the vague contours of his own ideas for an "enhanced" Commonwealth status. Given the repeated rejections of such proposals in the past, the chapter raises again the question of the missing constitutional jurisprudence.

Trías Monge, of course, knows the constitutional jurisprudence cold; the omission of this material is obviously the result of a deliberate but curious decision. The book explains and challenges Puerto Rico's colonial status but scarcely mentions the federal constitutional framework that governs. The few exceptions include an eight-page discussion of the Insular Cases of 1901–05 in Chapter 4 (pp. 44–48); an occasional comment questioning the applicability of the Territorial Clause to Puerto Rico; and several implicit references to constitutional arguments by way of their summary rejection, primarily in Chapter 14. Yet the book is devoid of analysis concerning the post-1952 case law that discusses "Commonwealth" status. Instead, it looks to the Autonomic Charter, the Statute of Westminster, and a selection of models granting varying degrees of

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28. *See id.* at 382 (declining to decide what lower court had decided in dicta in *Mora*, 113 F. Supp. at 318–319).

29. Justice Rehnquist subsequently ruled out this possibility, albeit in dicta, in *Examining Bd. v. Flores de Otero*, 426 U.S. 572, 606–07 (1976) (Rehnquist, J., dissenting on other grounds).

30. For a similar criticism, see Juan R. Torruella, *¿Hacia dónde vas Puerto Rico?*, 107 YALE L.J. 1503 (1998).

"autonomy" and "sovereignty" to territories in situations similar to Puerto Rico's. Why?

In part, one suspects the answer lies in Trías Monge's apparent judgment that U.S. constitutional jurisprudence is basically irrelevant to Puerto Rico's status. The following statement suggests as much: "There are no limits to the arrangements that can be worked out between a former colonial power and its possessions. The Constitution of the United States is not such a quirky document that it deprives the nation of possibilities open to others to shed an ill-fitting colonial dress" (pp. 170–71). If this is right, then whatever light American constitutional jurisprudence can shed on the status of its territories is indeed irrelevant. If, in the end, the federal Constitution is not so "quirky" as to limit the Congress' power to act with respect to the territories, then a review of this book obviously belongs in a journal on international law.

Trías Monge does explain, without delving into detail, the basic positions in the constitutional debate. In brief, one side (generally the supporters of Commonwealth status) has argued that when Puerto Rico became a Commonwealth, the island acquired a certain degree of sovereignty and the people of Puerto Rico entered into a "bilateral compact" with the United States, whose provisions may be modified only by mutual consent. The other side (generally the supporters of statehood and independence) has insisted that even had it wanted to do so, Congress could not have entered into such a compact, primarily because its plenary power under the Territorial Clause would not allow it to make a permanent, partial grant of sovereignty. The former believe that if Congress' power is plenary, then Congress must have virtually unlimited power to enter into relationships with its territories. The latter believe that Congress' "plenary" power is nonetheless limited by other provisions of the Constitution: Congressional action with respect to a territory would necessarily take the form of legislation; Congress' authority to legislate with respect to the territories derives from a constitutional provision, the Territorial Clause; one Congress cannot by legislation bind a subsequent Congress' constitutional power. A compact that can be legislated away by a subsequent Congress, goes the argument, is no compact at all.

Although he does not discuss the case law, Trías Monge dismisses the latter argument in Chapter 14. He rejects the "quaint notion that autonomist options based on the mutual consent idea are not open to the United States because supposedly one Congress cannot tie the hands of another" (p. 171). This statement, together with the author's confidence that the Constitution cannot be so "quirky" as to forbid creative solutions to the status problem, effectively communicates Trías Monge's disdain for what he considers unimaginative constitutional objections—he calls them "fanciful legal objections" and "dated legalisms" (pp. 167 and 171)—to the "enhancements" to Commonwealth status. He goes on: "The Insular Cases interpreted the United States Constitution to mean that the United States

could acquire and govern colonies. It would be simply astounding to hold that it cannot permanently divest itself of the power to govern them to the extent that the national interest should dictate" (p. 171).

Yet this claim casts doubt on Trías Monge's decision to put aside American constitutional jurisprudence, for it makes clear that his proposed status alternatives inevitably depend on the answer to a constitutional question: whether the Congress may *permanently* divest itself of *some* of its power to govern its territories. It is neither astounding nor quaint to say that a Congress cannot by legislation bind a subsequent Congress' constitutional power. This may not allow as imaginative a solution as one would like, but if it is correct, and Congress cannot permanently, partially divest itself of its sovereignty over Puerto Rico, the Statute of Westminster and the Autonomic Charter of 1897 will not make any difference.

Perhaps Trías Monge is right. Perhaps the Congress has the power to enter into any number of permanent arrangements involving partial grants of its sovereignty to other political bodies, which would in turn become neither states nor colonies but something in between. Perhaps, as he puts it in Chapter 14, "sovereignty, like the atom, can be split" (p. 170),[31] permanently. This position, however, is not obvious, and it requires more attention than Trías Monge gives it here. Trías Monge, a preeminent legal scholar who counts among his works a five-volume constitutional history of Puerto Rico,[32] has indeed paid closer attention to these questions. But this latest book purports to reduce the question of status to its essence. Without a discussion of the constitutional implications of his proposed Congressional act, the question remains whether a partial and permanent grant of sovereignty to an entity other than a state of the Union would not fundamentally alter the structure of the Union.

The choice to put aside the constitutional arguments raises yet another question: where is the Young Bill?[33] This bill, vigorously debated in Puerto Rico and bitterly opposed by the Commonwealth Party, recently passed in the U.S. House of Representatives by a single vote. Extensively debated in the press in Puerto Rico a year before the publication of Trías Monge's book, the bill attempts to provide a clear answer to Trías Monge's own question: "Choose what?" The answer, as originally written into the bill, was either statehood or independence; the bill omitted the Commonwealth option altogether, on the reasoning that the continuation of this status is constitutionally problematic.[34] The Commonwealth Party roared. Commonwealth status was added, sans enhancements. All of this happened in 1996 and early 1997. Why is there no mention of it in Trías Monge's book?[35]

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31. This is an infelicitous simile, since an atom, once split, is no longer an atom.

32. 1–5 TRÍAS MONGE, *supra* note 13.

33. United States-Puerto Rico Political Status Act, H.R. 856, 105th Cong. (1998).

34. Interview with Manase Mansur, Advisor on Insular and International Affairs, House Committee on Resources (Aug. 1998) (on file with author).

35. *See* H.R. 3024, 104th Cong. (1996). This was the original version of the Young Bill,

As a matter of international law, Congress has the "power," according to the words in the Territorial Clause, to divest itself partially and permanently of its sovereignty. Certainly the words of the clause, standing alone, do not limit Congress' power; it is easy to concede, as a logical exercise, that the lesser power follows from the greater. But the Territorial Clause does not stand alone. As a matter of domestic law, that power is defined and limited by other parts of the Constitution setting forth the structure of American federalism. If Congress divests itself partially and permanently of sovereignty over a territory, it creates an entity that does not exist anywhere in the Constitution—not in Articles I, II, or III, not in the Territorial Clause, not anywhere. It is the Constitution as a whole, not any inherent limitation in the text of the Territorial Clause itself, that limits Congress' power to split its sovereignty.

Luis Muñoz Marín stood before Congress in 1952, prior to the adoption of the Commonwealth Constitution, and argued forcefully that the new "Commonwealth" status would not perpetuate inequality, as it would be "'unthinkable that a free people, a people worthy of American citizenship, should go to the polls and vote for a status that they conceive as one of inequality'" (p. 116). As Trías Monge tells it:

> The gnawing feeling that these words were not fully heeded in the course of establishing the Commonwealth of Puerto Rico, that the resulting relationship still had not been adequately purged of all of its colonial connotations, clearly impelled Muñoz Marín to dedicate the rest of his years to efforts to add to the powers of the Puerto Rican people within a framework of association with the United States (p. 116).

That gnawing feeling must have come from Muñoz Marín's recognition, deep down, that nimble sleight of hand would never slip Commonwealth status past very real constitutional objections. Using sleight of hand to slip this status past a people worthy of American citizenship proved easier; ironically, it undermined that very citizenship. Trías Monge's nimble pen may have moved lightly over U.S. constitutional jurisprudence, but this should not diminish the accomplishment of his important, insightful, and engaging book. Heeding his call for civility, we must now embark on a dialogue worthy of American citizens.

Environmental Issues

Trade and the Environment : A Comparative Study of the EC and United States Law. By Damien Geradin. Cambridge : Cambridge University Press, 1997. Pp. xxiii, 231. Price: $64.95. (Hardcover). Reviewed by Jean Albert.

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which excluded the Commonwealth option altogether. The recently passed Young Bill is perceived by many as an attempt to force statehood on Puerto Rico, and the omission of Commonwealth from the original version as an insult to the Puerto Rican people's power of self-determination. Perhaps this is why Trías Monge deems it unworthy of discussion.