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Responding to Hurricane Maria: The Role of Mutual Aid Societies in Withstanding Federal Failures

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Responding to Hurricane Maria: The Role of Mutual Aid Societies in Withstanding Federal Failures

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Abstract

Through a combination of research and interviews, this paper unpacks the policies that expose colonialist realities and how Puerto Rican mutual aid societies engaged with those policies in the aftermath of Hurricane Maria. Policies and decisions such as cabotage law under the Jones Act; the quality of Puerto Rican bonds being triple-tax exempt; the inability to refinance or default on debt; the Insular Cases and other Supreme Court cases; and PROMESA, have established a colonial relationship with significant material and political consequences for Puerto Rico. These consequences were brought to light after Hurricane Maria, where the U.S.'s inadequate response resulted in an unprecedented loss of lives. Following the hurricane, Puerto Rico experienced a surge of mutual aid societies and non-profit organizations that were crucial in providing disaster relief as they supplemented many gaps left by federal disaster relief. By interviewing some mutual aid societies, I excavate their perspective on the sharp growth of the third sector and analyze their short-term work providing disaster relief as well as long-term efforts towards the recovery, rebuilding, and resiliency planning of the island. These mutual aid societies underscore Puerto Rico's new agency, providing unique insights into the ways colonial policies restrict the island's self-determination while simultaneously providing a model for decolonizing at the root. I hope this project helps delineate the colonial policies that informed or exacerbated the federal response but also recognizes the growth of mutual aid networks as a source of material gain and hope.

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List of Abbreviations

CAMs: Centros de Apoyo Mutuo (Centers of Mutual Support)
CARICOM: Caribbean Community and Common Market
CDBG-DR: Community Development Block Grant Disaster Recovery Program
DOE: Department of Energy
EDA: Economic Development Administration
ELA: Estado Libre Asociado de Puerto Rico (Commonwealth of Puerto Rico)
FCC: Federal Communication Commission
FEMA: Federal Emergency Management Agency
FSP: National Food Stamp Program
FOMB: Financial Oversight and Management Board
ICCPR: International Covenant on Civil and Political Rights
ICESCR: International Covenant on Economic, Social and Cultural Rights
IMF: International Monetary Fund
INS: Immigration and Naturalization Service
NDRF: National Disaster Recovery Framework
PAN: Programa de Asistencia Nutricional (Nutritional Assistance Program)
PNP: Partido Nuevo Progresista (New Progressive Party)
PPD: Spanish Partido Popular Democratico (Popular Democratic Party)
PREC: Puerto Rico Energy Commission
PREPA: Puerto Rico Electric Power Authority
PROMESA: Puerto Rico Oversight, Management, and Economic Stability Act
RPP: Resource Phasing Plan
THIRA: Threat and Hazard Identification and Risk Assessment
SNAP: Supplemental Nutrition Assistance Program
SPR: State Preparedness Report
SSI: Supplemental Security Income
UNHCR: Universal Declaration of Human Rights
USACE: U.S. Army Corps of Engineers
USDA: U.S. Department of Agriculture
UTIER: Unión de Trabajadores de la Industria Eléctrica y Riego (Electrical Industry and Irrigation Workers Union)
WCPR: Whole Community Resiliency Plan

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Chapter 1: Setting the Scene for Federal Failures: PR's Colonial History

"If you think about it, the only positive thing that Puerto Ricans get from the relationship with the United States is its citizenship. And in this case [referring to Hurricane Maria], that citizenship was worth nothing" (ISER Caribe interview).

For over a century, Puerto Rico's status as a territory of the United States has subjected it to colonial policies and structures that perpetuate unequal treatment and economic exploitation. These colonial policies and decades of neglect and underinvestment have contributed to Puerto Rico's infrastructure vulnerabilities and state of extreme disrepair. The power grid serves as one example that made Puerto Rico significantly more susceptible to the devastating impacts of a powerful hurricane like Maria. Additionally, these colonial policies influenced the island's economic dependence on the mainland United States, leading to a lack of diversification in the economy and the weakening of local agricultural sectors. When Hurricane Maria struck, the disruption to these industries exacerbated existing economic challenges, leading to widespread unemployment and poverty and food insecurity as a major issue. Finally, this colonial relationship has enabled the federal government to evade their obligations of providing disaster relief and assistance, underscoring the systemic shortcomings of the government's treatment of the island. Puerto Rico's political status as a territory limited its ability to access resources and prevented them from effectively advocating for the assistance and resources needed to rebuild after the hurricane. While mutual aid societies emerged as a source of hope, they too were hindered by the colonial policies that have long hindered Puerto Ricans from building resilient

and self-determined communities. The history of colonial policies in Puerto Rico cannot be overstated as they heightened Puerto Rico's vulnerability to natural disasters like Hurricane Maria and further exacerbated the social, economic, and political challenges faced in its aftermath.

This first chapter narrates the chronological history of the United States and Puerto Rico's colonial relationship with each section delving into a colonial policy or decision that had significant ramifications in the aftermath of Hurricane Maria. The history of the U.S.'s acquisition of Puerto Rico, based upon geopolitical aspirations, imperialist schemes, and racist undertones, sets up the historical context for the next century of colonialism that ensued. Subsequent policies and judicial reviews have effectively solidified the island's status as a U.S. territory, entrenching the colonial and exploitative relationship between Puerto Rico and the United States, and illuminating how colonial powers often assert dominance under the guise of providing governance. Institutionalizing the second-class status of Puerto Ricans within the American legal system has further revealed the inherent racism and paternalism embedded within colonial legal structures. Attempts to provide some semblance of autonomy to Puerto Rico have only reflected "internal colonialism": where colonial powers grant limited self-rule to suppress demands for independence while retaining control over key aspects of governance. Finally, several policies aimed at helping Puerto Rico's economy have instead significantly restricted Puerto Rico's economy and hindered development, thus demonstrating how economic exploitation is integral to maintaining colonial control. According to an employee of a mutual aid society in Puerto Rico: "all of the federal rules that are made hinder the development of Puerto Rico in every single way possible" (ISER Caribe Interview). Ultimately, the U.S.'s historical

imperialist agenda manifests today through a number of colonial policies centering upon systemic racism, economic exploitation, and unequal power dynamics.

From Spanish to American Colony

Puerto Rico is the world's longest-held colony, beginning with its seizure by the Spanish in 1493 (Morales, 2019). Its colonial history unfolded from Spanish acquisition to its subsequent annexation by the United States during the Spanish-American War. The U.S.'s geopolitical strategies amidst broader imperial ambitions fueled their desire to expand their naval presence in the Caribbean. Despite promises of American liberties and self-autonomy, Puerto Rico found itself under complete U.S. sovereignty and the object of the U.S.'s colonial pursuits. Clearly marked by geopolitical and imperialist ideologies, the U.S.'s acquisition of Puerto Rico is also distinguished by perceptions of racial superiority. This lays the foundation to better understand the geopolitical strategies, imperial ambitions, and racial undertones that endure through colonial policies.

Following the Haitian Revolution at the end of the 19th century, the US's obsession with both Cuba and Puerto Rico began based on imperial expansions. When Cuba first revolted against Spain, the U.S. engaged in diplomacy, yet after the sinking of *Maine* – the battleship in Havana Harbor – the U.S. officially declared war on Spain. Within a month of the war breaking out, Senator Henry Cabot Lodge wrote to then-secretary of the Navy, Colonel Theodore Roosevelt "Puerto Rico is not forgotten and we mean to have it" (Carr, 1984: 25). After leaving office a few months later, Roosevelt urged Lodge to not let the war end without seizing Puerto Rico "I earnestly hope that no truce will be granted and that peace will only be made on consideration of Cuba being independent, Puerto Rico ours, and the Philippines taken away from Spain" (Ayala & Bernabe, 2007: 14). Three years later, the sentiment towards acquiring Puerto

Rico remained constant: Secretary of State James Blaine advised President Benjamin Harrison: "There are only three places that are of value enough to be taken, that are not continental. One is Hawaii and the others are Cuba and Puerto Rico" (Ayala & Bernabe, 2007: 14).

Marxist historians perceive the primary driving force behind conquest to be the safeguarding of the economic interests of American capitalism, which face a threat due to the shrinking domestic market; yet this perspective fails to remain foolproof in the case of Puerto Rico (Carr, 24). Prior to 1800, a high percentage of Puerto Rico's production was subsistence agriculture. When the Haitian revolution shut down the world's largest producer of cash crops and left a void on the market, both Puerto Rico and Cuba entered a massive sugar boom (Ayala & Bernabe, 2007). Yet in comparison to Cuba, Puerto Rico could only provide a very small fraction of sugar imports and therefore attracted very little investment from the U.S. (Carr, 1984). Coffee, the island's second primary export crop, also faced limited interest in American markets due to the dominance of Brazilian coffee and an oversupply in the global market (Ayala & Bernabe, 2007). Thus the U. S's desire for Puerto Rico was not based upon a capitalist desire to expand into new markets.

Instead, the motivation for conquest was based in expansionism: the strategic occupation of Puerto Rico was an essential element of also acquiring Cuba and, in the broader perspective, establishing a U.S. with a naval base in the Caribbean (Carr, 1984). Historian Raymond Carr argues that it was not McKinley's primary purpose to annex Puerto Rico and that Puerto Rico was scarcely mentioned in the diplomatic exchanges; instead, annexation was the easiest solution because "Puerto Rico is considered as a natural appendage to the Cuban question", and troops were already there (Carr, 1984: 23). Yet for the purposes of U.S. expansionism, Puerto Rico's location provides a strategically positioned transit point and a naval base in the West Indies

(Ayala & Bernabe, 2007). Major General Frank McIntyre – head of the War Department Bureau that governed Puerto Rico until 1934 – went so far as to say, “an island or small group of islands acquired primarily for naval purposes does not differ greatly from a war vessel or fleet at anchor” (Fernandez, 1996: 58). The U.S. further recognized that in the age of Imperialism, a small nation like Puerto Rico being released from Spanish Control would become susceptible to hostile powers and thus was an area of strategic concern (Carr, 1984). In addition to the naval and strategic benefits, there was a “deep and strong American sentiment that would rejoice to see the British flag, as well as the Spanish flag, out of the West Indies” (Pratt, 1934). The U.S.'s occupation of Puerto Rico was propelled by its expansionist objectives during the age of imperialism, exemplifying colonialist tendencies driven by considerations of strategic, economic, and geopolitical advantages. Perceptions of racial superiority further underscored all the U.S.’s imperialist and expansionist moves into the territories of Latin America.

In all discussions leading up to the 1898 acquisition, the U.S. presented a false narrative to the Puerto Rican citizens. The U.S.’s intentions were unequivocal: to have complete jurisdiction over the island with no inclination to granting them any form of self-autonomy. Secretary of War Elihu Root stated “As between the ceded islands and the United States, the former are subject to the complete sovereignty of the latter” (Fernandez, 1996: 4). Nelson Miles, the U. S’s first military governor in Puerto Rico, promised that American liberties would be bestowed upon Puerto Rico: “they bring you the fostering arm of a nation of free people, who greatest power is in its justice and humanity to all those living within its folds” (Carr, 1984: 32). Thus, despite Puerto Rico's Prime Minister Muñoz Rivera's initial inclination to resist the American invasion, he altered his stance upon hearing Miles offer the blessings and liberties of the American Constitution (Carr, 1984). However, the military proclamation was merely a tool

of psychological warfare by the U.S.; subsequent history suggests that the proclamation had little effect on Congress's decisions regarding the new territory. On July 25th, 1898, U.S. troops arrived in the southern port of Guanica and replaced the Spanish flag, making Puerto Rico a U.S. territory (Morales, 2019). The U.S.'s intentions regarding the acquisition were reflected in both the armistice negotiations in August of 1898 and in the hard bargaining leading up to the Treaty of Paris. In fact, the Treaty of Paris was drafted between the Spanish, the French Ambassador to the U.S. Jules Cambon, and President McKinley; no Puerto Ricans were ever part of the negotiation (Fernandez, 1996). Furthermore, no negotiating party acknowledged the 1897 Constitution under which Spain established self-government in Puerto Rico and mandated that no changes in island government could occur "without the consent of the Puerto Rican legislature" (Fernandez, 1996: 4). In hindsight, the acquisition marks the beginning of a complex history characterized by false narratives and disregarded autonomy, which continues to profoundly influence the island's socio-political landscape, reaching a critical juncture with the devastating impact of Hurricane Maria in 2017.

Foraker Act (Organic Act of 1900)

The acquisition of Puerto Rico by the United States after the Spanish-American War brought about a period of uncertainty and economic hardship for the island. The resulting Foraker Act exemplified the U.S.'s colonial ambitions and disregard for Puerto Rican autonomy, perpetuating cycles of economic exploitation and political disenfranchisement that continue to shape the island's trajectory. The imposition of tariffs and the establishment of a colonial government exacerbated economic difficulties, leading to a decline in agricultural production and widespread poverty. The concentration of power in the hands of colonial overseers deprived Puerto Ricans of meaningful self-governance. Finally, the Act's classification of Puerto Ricans

as “citizens of Puerto Rico” as opposed to US citizens raised constitutional concerns and has been the subject of a legal debate that persists today.

Despite the strong desire to acquire Puerto Rico, the U.S. did not have an immediate plan for their new territory. It was only after Hurricane San Ciriaco in August 1899 that Republican Senator Joseph Foraker from Ohio acknowledged that “since we took possession in October of 1898, the island has been ‘paralyzed and prostrate’” (Fernandez, 1996: 1). As the analysis of Hurricane Maria will later substantiate, there is a historical pattern of hurricanes serving as catalysts for revealing the vulnerabilities and inadequacies of the colonial government’s response and governance in Puerto Rico. What the federal government did know was that they had the legal right to do as they pleased: Article IX of the Treaty of Paris reads “the civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress” (Fernandez, 1996: 9). So, while it took over a year to begin the debate over citizenship, it took less than a month for President McKinley to formally establish tariffs on commercial goods. Faced with not only post-war Spanish and Cuban taxes, but now additional tariffs, many Puerto Ricans had so much difficulty selling their crops that they found themselves nearly bankrupt (Fernandez, 1996). Within just a few weeks of McKinley’s decision to impose tariffs, their currency was halved in value and thus the value of basic necessities skyrocketed (Fernandez, 1996). While intended to garner funds to go towards the Puerto Rican military government, the tangible result of the tariff was the ruination of Puerto Rico’s agriculture sector. Under the control of the Spanish, just 22% of Puerto Rico’s imports and 16% of its exports were carried on U.S. ships (Fernandez, 1996). Within just a decade after the Foraker Act, almost all the island’s imports and exports were confined to the U.S. (Fernandez, 1996), and even Brigadier General George W. Davis acknowledged that “American sovereignty for Puerto Rico has so far

been disastrous to its commerce" (Dick, 2015). The fact that a ranking American officer noted the detrimental effects of American sovereignty on the island's trade highlights the extent to which the U.S. policies hurt Puerto Rico's economy.

The challenges experienced in the initial months after the Spanish-American War resulted in congressional disagreements over the appropriate approach for the United States to adopt towards a colony that they had already brought to the verge of economic collapse (Fernandez, 1996). In February 1899, a bill to make islanders pay 25% of the prevailing tariff duties was introduced. The 25% was designed as a compromise to prove that Congress could discriminate between the mainland and its colonies while it remained low enough to keep Puerto Rican markets open to the U.S. (Fernandez, 1996). The Foraker Act ultimately settled on a 15% temporary tariff on goods being transferred between Puerto Rico and the United States (Ayala & Bernabe, 2007) and as a result, the Internal Revenue laws do not apply (Fernandez, 1996). Thus, Congress has plenary power in all imports and exports in Puerto Rico. Should Congress ever contemplate extending statehood to Puerto Rico, it would entail complete integration into the federal tax system. The exemption from federal taxation signifies their strong insistence that the island remains a colony.

Under this updated tax system, assessments were determined by the value of the land or factory, as is customary practice in the United States (Fernandez, 1996). However, the revenue agents, being all Americans, significantly increased assessed property values and by May of 1901, assessments were increased around 36% (Dick, 2015). Yet the system failed to account for economic differences between the mainland and the island considering the devastation brought by the Spanish-American War. The majority of Puerto Ricans, unable to earn or borrow sufficient funds to meet the tax requirements, faced a new provision allowing the U.S. to seize

and auction their properties (Fernandez, 1996). This clause ensures that only Americans had the authority to enforce the law, explore alternatives, or reject industries that would make it impossible for islanders to withstand the inevitable impact of each capitalist's profit-making efforts. Congress chose to endorse the production of sugar, thereby tethering Puerto Rico's economy to a single crop (Fernandez, 1996). The tariffs not only subjected Puerto Rico to the harsh realities of American capitalism but also confined them to a single-crop economy vulnerable to the whims of the U.S. government. Due to the 'uniformity clause' in the US Constitution, Congress is unable to outright prohibit tariffs in a single territory. Consequently, this treatment implies the island is considered part of the U.S., yet with imposed control. The tariffs established by the Foraker Act, therefore, simultaneously confirmed U.S. authority over Puerto Rico and delineated the island as a foreign territory (Ayala & Bernabe, 2007).

Apart from instituting tariffs, the Foraker Act aimed to establish a political and economic structure for Puerto Rico that the United States considered highly benevolent. However, this piece of legislation represented the U.S.'s attempt to meet the imperatives of a colonial endeavor. Either outcome for Puerto Rico – annexation as a future state or control without a future path towards statehood – was met with significant opposition and concern. The fear with the former was an inherently racist perspective, that the Union would become populated by "inferior races" while the concern with the latter was a departure from the U. S's principles of republicanism (Ayala & Bernabe, 2007: 25). The racialization brought to light by the Foraker Act has been poignantly reflected in perpetual cycles of colonial power dynamics within the U.S.'s governance principles and treatment of Puerto Rico. These cycles continue to shape the island's socio-political landscape today.

The former outlook, driven by racialization, persevered. Congress was adamant that Puerto Ricans were unfit to govern themselves because of their Spanish blood and the color of their skin (Fernandez, 1996). Ever since the U.S. had first become involved on the island, Puerto Ricans have been treated as invisible or child-like. In numerous cartoons from that era, the Latino figure was portrayed as a "black child," emphasizing their low standing in the racial hierarchy by introducing ape-like features (Fernandez, 1996: 13). During Congressional debates, the prevailing sentiment ranged from paternalistic concern to outright denigration of Puerto Ricans' ability to govern themselves. Some lawmakers expressed the view that Puerto Ricans had not earned the privilege of self-governance because they had not taken up arms. Senator Henry Teller (R-CO) went as far as deeming Puerto Ricans an "unworthy race" who did not deserve citizenship (Carr, 1984: 333). This sentiment was later reflected in the 1901 *Insular Cases*, where racism caused the Supreme Court's creation of a new nebulous classification of U.S. territories such that Puerto Ricans were not equal to other U.S. citizens.

Beyond the process of racialization, Congress' decision-making in formulating the Foraker Act was influenced by the widespread belief that "what America touches she makes holy." Senator George Perkins (R-CA) articulated this concept in a Congressional Statement in 1900, initially reframing the U.S.'s involvement in the Spanish-American War and the Treaty of Paris: "We did not seek [Puerto Rico]. Like a meteor from the sky that falls to the earth, we did not invite it to come, but it is here, and cannot be disposed of by declaring that there is no authority under the Constitution to remove this meteor from the earth" (Congressional Record, 3638). He then goes on to assert that Puerto Ricans were "impressed upon them by a nation in which the principles of freedom and self-government have hardly even yet taken root. They are wholly ignorant of those principles, and their beliefs and customs are not those of the Anglo-

Saxon" (Congressional Record, 3638). Though recognizing that Puerto Rico is attached to the United States, Perkins adamantly insisted that they should not enjoy any benefits of the United States until they become educated in the school of civil and religious liberty; "Heaven is not reached at a single bound" (Congressional Record, 3638). An extreme manifestation of Anglo-Saxonism ideology, Perkins essentially equated the beliefs and customs established by the superior Anglo-Saxon race with reaching Heaven and further devalued non-Anglo-Saxons.

Thus, when Senator Joseph Foraker (R-OH) – Chair of the Senate Committee on Pacific Islands and Puerto Rico – presented a legislative proposal reflecting the belief that a people full of disposition toward the United States deserve some symbol of democratic government, it was met with opposition by many congressional members, including Secretary of War Elihu Root. Root rejected Foraker's proposal to include Puerto Ricans in the colony's government, arguing that "they would inevitably fail without a course of tuition under a strong and guiding hand." He advised President McKinley to eliminate the concept of an elected house in Puerto Rico's new government, instead suggesting "let them first undergo a period of probation" and when and if they prove themselves, "give them small doses of democracy, one pill at a time" (Fernandez, 1996: 10). In the end, McKinley concurred with Senator Foraker, permitting Puerto Ricans to elect a legislature, albeit one with virtually no authority.

The legislature that was established under the Foraker Act of 1900 was "ostensibly democratic yet was top-heavy with colonial overseers at the executive level" (Morales, 2019: 24). The Act replaced the existing military government that had ruled the island since 1898 with a civilian one (Ayala & Bernabe, 2007) devoid of any semblance of checks and balances. The insular government created under the Foraker Act was headed by a governor, a cabinet, and a five-member supreme court, all appointed by the president of the United States with advice from

the Senate (Ayala & Bernabe, 2007). The governor held a four-year tenure while also holding the position of commander-in-chief of the islands' militia. Any legislation required the governor's approval to become law and if two-thirds of both houses happen to override his veto, he must simply appeal to authorities in Washington (Fernandez, 1996). Furthermore, all laws or acts had to be brought to Congress, which has the authority to "take such further action in relation to the government and administration of the island, as it may see fit" (Willoughby, 1907: 561).

Moreover, the legislation established a bicameral legislature: an Executive Council with eleven members (including the six cabinet members) appointed by the president, and a House of Delegates with thirty-five members, elected every two years (Ayala & Bernabe, 2007). Yet the two chambers were not equal in power. While house members can initiate legislation, if blocked by the Executive Council, that bill dies at once, and the same is true vice versa (Fernandez, 1996). However, the Executive Council was entrusted with the "actual work of the administration" including hiring all departmental personnel, deciding salaries, and appropriating government funds. William Willoughby, treasurer of Puerto Rico from 1901 to 1907 and then-president of the Executive Council, voiced concern that "the house of delegates might refuse to exercise its functions" and that the "Puerto Ricans might have to be granted at least the appearance of budgetary power" (Willoughby, 1907: 104). Not only was the Executive Council appointed by the President, but only five of the governing body's eleven members could be natives of Puerto Rico[1] (Morales, 2019). Moreover, as there is no requirement for a member of the House of Delegates to live in the district they represent, it opened the door for political parties to consolidate power within the House (Fernandez, 1996). In 1909, an amendment to the Foraker Act under President Taft stripped the House of Delegates of its one remaining source of

[1] This stipulation was reflected over a hundred years later in the Federal Oversight Management Board created by the PROMESA Act.

power in the bicameral system by deciding that if the budget had not been passed, the previous year's budget would run for the coming fiscal year (Carr, 1984). The Foraker Act ultimately deprived the House of Delegates of any meaningful legislative authority, thus completely depriving Puerto Ricans of the self-government power they were granted under the 1897 Carta Autonómica by Spain (Carr, 1984).

The Foraker Act also had the job of classifying the citizens of Puerto Rico. The term "Citizens of Puerto Rico" was chosen, a classification so nebulous that Congress could interpret it in whichever manner they deemed appropriate (Fernandez, 1996). However, concern surfaced over the constitutionality of the Act: the United States could not legitimately retain control and govern Puerto Rico while simultaneously demarcating it as not a part of the U.S. (Ayala & Bernabe, 2007). The constitutionality was debated in the 1901 *Insular Cases* and has continued to be debated in various Supreme Court cases for the past century. This reveals fundamental ambiguities and inconsistencies that have laid the groundwork for the complex and unresolved colonial relationship between the United States and Puerto Rico that persist to this day.

The Insular Cases and Judicial Review

The six Supreme Court Cases in 1901 that together formed the Insular Cases sought to provide clarity on Puerto Rico's status in conjunction with the U.S. Constitution. The resulting doctrine essentially authorized Congress to continue creating and maintaining a colonial regime on the island that has persisted in burdening Puerto Ricans with differential citizenship. Furthermore, the Insular Cases were only used to decide the status of U.S. territories acquired in the Spanish–American War and not of the other territories acquired at the height of the U.S.'s imperialist period. Thus, a standard legal precedent for territories remains unsettled. The Insular Cases reflect the extreme depth of the U.S.'s Anglo-Saxonism sentiments. The Supreme Court's

decisions were overtly racist: describing inhabitants of Puerto Rico as “alien races” and “savage tribes” while referring to themselves as the people’s “new master” (Cleveland, 2002: 184). Discrimination was also insidiously woven into the legal precedent of the doctrine, establishing a system of disparate treatment primarily based on race. The racist undertones are significant, and the ramifications of the Insular Cases continue to influence Puerto Rico's governance to this day.

There is a Citizenship Clause in the Fourteenth Amendment of the U.S. Constitution stating that “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States” (Perez, 2008: 1036); however, if the self-executing logic of this clause were truly infallible, persons born in Puerto Rico would have automatically become U.S. citizens when Puerto Rico was incorporated into the U.S. under the Treaty of Paris. Prior to 1898, territories annexed by the United States followed through on this principle as they were automatically assumed to be on a path towards statehood: the Louisiana Purchase; purchasing Florida from Spain; admitting the State of Oregon into the Union; Texas and other previously Mexican territories ceded to the U.S. under the Treaty of Guadalupe-Hidalgo (“Treaty of Guadalupe-Hidalgo”, 1848). The annexation of Puerto Rico, Guam, and the Philippines – three primarily non-white territories – caused the U.S. for the first time to hesitate at admitting new territories as states. Thus, the Supreme Court decided to devise two categories of newly annexed territories: incorporated territories on the path to statehood and unincorporated territories unlikely to become states. Puerto Rico, Guam, and the Philippines were placed in the latter category.

In *Downes v. Bidwell,* the Court, articulated by Justice Edward Douglass White, asserted “[W]hile in an international sense Puerto Rico was not a foreign country, since it was subject to the sovereignty of the United States, it was foreign to the United States in a domestic sense

because the island had not been incorporated into the United States, but was merely appurtenet thereto as a possession" (Helfield, 2013). Thus, persons born in Puerto Rico are not "born in the United States"" under the Citizenship Clause of the Fourteenth Amendment and do not form part of the U.S. for constitutional purposes (Perez, 2008). Justice White cited Article IX of the Treaty of Paris to make this conclusion. It provides that "[t]he civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress," and Congress had not yet provided for the incorporation of Puerto Rico into the Union (Perez, 2008: 1039). Thus, not only is Puerto Rico deemed an "unincorporated territory", but the Supreme Court set a precedent that Article IX of the Treaty of Paris trumps the Constitution in matters pertaining to the civil rights and legal status of these territories (Torruella, 2013).

The implications of this legal doctrine are significant. Because Congress had not yet "incorporated" Puerto Rico into the United States, the U.S. The Constitution will not fully apply to Puerto Rico ex propio vigore[2] (Torruella, 2013). Only the rights deemed "fundamental" to the Constitution will be applied to unincorporated territories, and these will be determined on a case-by-case basis, thus allowing Congress complete discretion instead of following precedent (Torruella, 2013). What differentiates the "fundamental rights" from the "artificial or remedial rights" within the Constitution is that the latter are "peculiar to Anglo-Saxon jurisprudence" according to Justice Brown (Perez, 2008: 1038). The racist undertones of his statement are clear: only Anglo-Saxons should have all of the legal protections guaranteed under the Constitution.

From a legal perspective, the logic of D*ownes v. Bidwell* does not hold fast under common law principles; under a proper interpretation of the Fourteenth Amendment, persons

[2] Latin term meaning "by its own force". The term underscores that without further authorization by the proper authority, the Constitution does not apply to Puerto Rico.

born in Puerto Rico should have been considered U.S. citizens upon the ratification of the Treaty of Paris (Perez, 2008: 1057). Creating a distinction between unincorporated and incorporated territories "gave sanction to indefinite colonial rule over majority-nonwhite populations at the margins of the American empire" (Ponsa-Kraus, 2022). The Court manipulated the unique geographic and socio-political situation of these newly acquired territories to form a legal doctrine that was undoubtedly racially motivated (Ponsa-Kraus, 2022). Furthermore, all of the territories acquired by the United States prior to the Spanish-American War – predominantly white-populated territories – were incorporated territories where the Constitution fully applies.

Justice White argued that there are three stages to transforming a foreign territory into a state of the Union: acquisition, incorporation, and admission to statehood. The first and third processes have legal precedents: 'acquisition' refers to the United States assuming sovereign proprietorship, and 'admission to statehood' means the territory becomes the seat of a self-governing commonwealth. However, the Supreme Court's introduction of the nebulous term "incorporated", lacks the authority of a legal principle (Randolph, 1901). While those territories deemed "incorporated" enjoy the rights under the Constitution *ex propio vigore*, those denominated to "unincorporated" territories require congressional action to be given the same rights (Lawson, 2009). The *Insular Cases* established this discriminatory precedent, where resident aliens physically located within a U.S. state enjoy greater benefits and rights under federal law than citizens of the U.S. who are resident aliens physically located within Puerto Rico (Lawson, 2009). In essence, the *Insular Cases* restricted the application of constitutional provisions to a specific territorial group as a means of excluding any individuals whom Congress was unwilling to consider as equals.

Even seventy-nine years later, the Supreme Court upheld in *Harris v. Rosario* that Congress may discriminate against Puerto Ricans in administering the federal Aid to Families with Dependent Children Program (Lawson, 2009). The Court ruled that Puerto Rico is a "territory belonging to the United States, and [Congress] may treat Puerto Rico differently from the states, provided there is a rational basis for its actions" (Carr, 1984: 101). *Harris v. Rosario* perpetuates a system of unequal treatment but is just a single example proving how Puerto Ricans' differential citizenship and lack of protection under the U.S. Constitution *ex propio vigore* has extreme discriminatory consequences.

One fundamental right not guaranteed to Puerto Ricans under the U.S. Constitution is protection from discriminatory tariffs imposed on commodity imports at rates higher than those applied to the mainland. The case *De Lima v. Bidwell* concerned tariffs on goods imported from Puerto Rico into New York. The Supreme Court decided that the tariffs on sugar were illegal because, after the Treaty of Paris, Puerto Rico was not foreign (Torruella, 2013). This case concerns the Constitution's uniformity clause: Article 1 Section 8, which states that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises…but all Duties, Imposts and Excises shall be uniform throughout the United States" (U.S. Constitution art. I, § 8, cl. 1). Because Puerto Rico was foreign to the United States under the Constitution, it was a "necessary consequence" that the Uniformity Clause was "not applicable to Congress in legislating for Puerto Rico" (Perez, 2008: 1039). This decision upheld Congress's ability under the Foraker Act to impose discriminatory tariffs on Puerto Rico's products entering the United States market by ships while allowing the same type of products shipped by boat from one state port to another state port to enter tariff-free (Helfield, 2013). The decision of *De Lima v. Bidwell* means that Congress can impose discriminatory tariffs without violating the Constitution's

requirement that federal taxes be "uniform throughout the United States." It is a fundamentally undeniable principle of the U.S. that the Constitution, not Congress, determines the civil rights of those subject to the U.S.'s jurisdiction (Torruella, 2013). By giving Congress the power to determine the Civil Rights of Puerto Ricans, the Supreme Court wholly disregarded this principle, thus ignoring the very foundation of constitutional governance in relation to their newly acquired territory.

In a subsequent 1904 Supreme Court Case not part of the Insular Cases – *Gonzales v. Williams* – it was decided that Puerto Ricans had acquired the nationality of the United States and would not be "foreigners". This was a necessary legal premise that allowed the United States to absorb new "unincorporated territories for economic exploitation by creating a free-trade opportunity within its territory," while not violating its own constitution (Morales, 2019: 23). Through several legislative and judicial actions, the U.S. put Puerto Rico into an orbit of non-incorporation (Ayala & Bernabe, 2007). The island is intricately connected to the United States, with U.S. federal legislation extending comprehensively to the island, akin to a traditional territorial model of statehood. However, it continues to be insistently defined as not part of the U.S.(Ayala & Bernabe, 2007).

The political and judicial discourse during the creation and immediate aftermath of the Foraker Act was consistently accompanied by an undercurrent of colonialism. In drafting the Act, Senator Foraker himself stated "The sooner this country realizes that it is a power among the nations of the world and wants colonial possessions, the better" (Carr, 1984: 24). Furthermore, all requests of greater autonomy by Puerto Rico were ignored or denied by Congress. In February of 1904 – the first time Puerto Rico's resident Commissioner was granted the right to speak to Congress – he was denied the right to a secretary or to receive mileage.

These two rights were granted to the delegate from Hawaii (Congressional Record, 1526): a state that would not achieve statehood for another 54 years. Despite these clear offenses, the U.S. had no recognition of the injustices they were imparting: President Theodore Roosevelt told Senator Foraker that it "was one of the best bits of legislation ever put on our statute books" and that "marked progress had been made in the difficult matter of granting to the people of the island the largest measure of self-government that can with safety be given at the present time" (Fernandez, 1996: 44). The Foraker Act laid the foundation for a legal relationship which inherently places Puerto Ricans and other colonies as second-class citizens. Subsequent policies are therefore going to be fundamentally based on subjugation, exploitation, and domination, and perpetuate systemic injustices and inequalities.

Jones Act and Merchant Maritime Act

The following section is on the Jones Act, which although it enacted some positive changes, ultimately consolidated authority within U.S. colonial powers, echoing the Foraker Act's precedent. The Jones Act vested significant powers in presidential appointees, further strengthening U.S. control over Puerto Rico's governance and educational system. Its fiscal provisions also exacerbated economic fragility, contributing to Puerto Rico's dependency on the federal government. Following the Jones Act, the Merchant Maritime Act of 1920 imposed significant financial burdens on Puerto Rico, hindering its economic development and violating its human rights. While all of the Jones Act indirectly contributed to the exacerbation of Hurricane Maria's damage through its perpetuation of colonial control and economic dependence, the Merchant Maritime Act directly triggered a cascade of human rights violations in the aftermath of the hurricane.

Between the Insular Cases in 1901 and 1917, Congress passed over twenty-one different bills proposing to grant citizenship to the residents of Puerto Rico (Torruella, 2013). The influx of bills culminated in the Jones-Shafroth Act, which President Wilson signed on March 2, 1917, giving Puerto Ricans statutory citizenship; a series of restrictions and stipulations to their citizenship delineates them as statutory citizens as opposed to constitutional citizens (Benito). The Jones Act implemented a small number of positive changes, though ultimately consolidated all significant authority in the control of U.S. colonial authorities, thus echoing the precedent set by the Foraker Act. First, the Jones Act made the Puerto Rican Senate an elected body, thereby eliminating the powers of the Executive Council (Fernandez, 1996). Yet within the Jones Act, this one favorable provision for Puerto Rican autonomy was eclipsed by numerous provisions that further entrenched U.S. control on the island.

The governor gained new and significant powers, including the exclusive responsibility of presenting the budget at the commencement of each legislative session. Additionally, the government obtained a line-item veto authority over appropriations from the island's elective bodies, and the governor acquired veto power over all legislation (Fernandez, 1996). The Jones Act also vested significant powers in two presidential appointees—the Commissioner of Education and the auditor of Puerto Rico—who played crucial roles in shaping the island's educational system and overseeing financial matters, respectively. The Commissioner of Education sought to foster loyalty to the American language and flag, thereby strengthening the prevailing influence of U.S. authorities as outlined in the Jones Act (Fernandez, 1996). The Federal Courts remained as they had always been, controlled by U.S. judges. Yet as President Wilson's Secretary of War Garrison put it, "[they] have no idea that they are the protectors of American citizens in Puerto Rico" (Fernandez, 1996: 72). The ramifications of the Jones Act's

distribution of power to Presidential Appointees have been ongoing for decades. In the 1940s, Puerto Rico's Legislature passed a law making Spanish the language of instruction in public schools. American economist Rexford Tugwell – Puerto Rican governor from 1941 to 1946 – vetoed the law. The legislature overrode the veto, but Tugwell convinced President Truman, whose presidential authority was final under the Jones Act. The Supreme Court upheld Truman's veto in 1948. Educational self-determination is crucial for preserving and promoting the culture, traditions, languages, and identity of a region. U.S. federal control over the education system in Puerto Rico has been linked to challenges in preserving cultural self-determination on the island, and this control has contributed to a historical narrative where the Puerto Rican identity has been diluted and erased by colonialism.

The implications of the Jones Act cannot be understated: as an unincorporated territory, Puerto Rican citizens are excluded from the fundamental freedoms and rights guaranteed under the U.S. Constitution (Benito). Establishing U.S. citizenship further made Puerto Ricans eligible for the draft: a strategic military move by a country on the precipice of a global war. Thus, under the Jones Act, Puerto Ricans have "differential citizenship", defined legally as "the granting of special group-based legal or constitutional rights to national minorities and ethnic groups" (Campo, 2017). By establishing a precarious legal status as a territory, the Jones Act set the stage for a "severe future debt crisis raising constitutional and bankruptcy issues" (Whiting, 2019). As explained by historian Raymond Carr, the "supreme gift of citizenship was the fruit of Congressional weariness as much as of democratic conviction" (Carr, 1984: 52). But where the U.S. had anticipated these concessions to be met with gratitude by Puerto Ricans, the premise of differential citizenship within the Jones Act served only to exacerbate colonial tensions.

Furthermore, the Jones Act's fiscal component implicitly recognized the unlikelihood that cash flow requirements on the island would be satisfied through insular taxation. By triple-tax exempting Puerto Rican government bonds – those from federal, state, and local taxes – the government bonds became highly attractive to mainland financial interests (Dick, 2015). This financial apparatus makes Puerto Rico irresistible to investors, providing a potential avenue for economic development and job creation (Bonilla, 2020b). This had significant ramifications in post-Maria Puerto Rico as it opened the door for mainland financial interests to invest in and essentially exploit the island's vulnerability. Furthermore, this new taxation system seriously hurt Puerto Rico's economy, leaving it fragile and dependent on the federal government and creating a vicious cycle where the government must "levy high [taxes] on narrow bases" (Dick, 2015). The Jones Act was intermediate to the Underwood-Simmons Tariff Act in 1913 and the Revenue Act of 1918. The former created duty-free international trade by removing tariffs in the sugar refining industry, while the latter granted U.S. taxpayers a credit in an amount equal to any income taxes paid to foreign countries (Dick, 2015). These fiscal provisions, solidifying Puerto Rico's status as a tax haven for U.S. companies, aimed to attract mainland financial interests for economic development, but inadvertently contributed to the fragility of Puerto Rico's economy, perpetuating a cycle of dependence on the federal government.

In 1920, the Merchant Maritime Act of 1920 – an amendment to the 1917 Jones Act – was passed in order to encourage greater commercial use of U.S. ships. This Jones Act required that any ships transporting goods from one U.S. port to another be U.S.-flagged, U.S.-built, U.S.-owned, and crewed by U.S. citizens (Grabow et al., 2018: 1). Thus, the Jones Act prohibits non-qualifying vessels from transporting cargo between two U.S. ports and also operating in inland waterways. While most countries have some form of this "cabotage" law, there are only eleven

other countries that fully exclude all foreign vessels and the U.S. is ranked by the World Economic Forum as having the most restrictive global cabotage law (Grabow et al., 2018: 4).

This Act placed a disproportionately heavy burden on the U.S. territories located hundreds of miles from the U.S. mainland like Puerto Rico, as it significantly inflated shipping and transportation costs and prevented the territories from taking advantage of the numerous international trade routes of the Caribbean (Grabow et al., 2018: 15). Because of the significant financial and economic burden it imposes, Daniel Nina at the University of Puerto Rico has argued that the Jones Act is in violation of U.S. international responsibilities to maintain human rights (Nina, 2016). Irrespective of potential violations of international obligations, it remains an inherently discriminatory policy that has significantly impeded Puerto Rico's ability to thrive economically and achieve self-determination.

After being granted citizenship under the Jones Act, the Supreme Court still decided to corroborate the decision from the *Insular Cases* that native-born Puerto Ricans had no constitutional right to U.S. citizenship. In this 1922 case, *Balzac v. Porto Rico,* the Supreme Court interpreted that nowhere in the Jones Act was there a clear statement of intent by Congress to incorporate Puerto Rico into the United States (Perez, 2008: 1041). Thus, in the words of the Court, all the Jones Act had done was to "give them the boon[3]" because "it became a yearning of the Porto Ricans to be American citizens" (*Balzac v. Porto Rico,* 1922). This decision undermines the Jones Act and underscores the continued legal and political obstacles Puerto Ricans deal with in fully asserting their rights as American citizens.

[3] In this context, 'boon' means doing a favor, doing something that would benefit the Puerto Ricans.

1952 Constitution

In 1952, Puerto Rico implemented a new constitution, claiming to have ceased its colonial status and associated freely with the United States, yet this constitution provided only limited progress in terms of advancing self-determination. Congress rejected certain provisions of Puerto Rico's Constitution and heavily modified others so that the United States retained unilateral control over Puerto Rico. The resulting Estado Libre Asociado de Puerto Rico (Commonwealth of Puerto Rico) had increased local control, but still lacked substantive power akin to U.S. states. Subsequent efforts to clarify Puerto Rico's status and transform the ambiguous relationship between Puerto Rico and the United States into a genuine contract have been met with more legal ambiguity and debate. 21st-century court decisions have made no further progress.

In 1952, the United Nations was told that, through "informed and democratic processes," Puerto Rico had ceased to be a colony and now freely associated itself with the United States (Carr, 1984: 80). But while Puerto Rico implemented a new constitution into effect on July 25th, 1951 (Morales, 2019) it provided minimal advancements in terms of self-determination for the Puerto Rican people (Carr, 1984: 81). Throughout the 1940s, Congress had kept a watchful eye on the Puerto Rican separatist movement as they became increasingly radical. Concerned that the separatists would bring international attention to the obviously colonial practices they were employing, Congress approved legislation giving the island a semblance of self-determination, hoping to present an argument to the international world that they had ended the colonial relationship (Torruella, 2013).

The road to the Commonwealth began with Public Law 600, which Congress approved on July 3rd, 1950 (Carr, 1984). Public Law 600 reads, "This Act is now adopted in the nature of

a compact so that the people of Puerto Rico may organize a government pursuant to a Constitution of their own adoption" (Gobierno de Puerto Rico, 1950: 319). First presented to the citizens of Puerto Rico via an island-wide referendum, the legislature of Puerto Rico was responsible for drafting the Constitution, including a bill of rights (Gobierno de Puerto Rico, 1950). The Public Law then charged the President of the United States with transmitting the Constitution to Congress (Gobierno de Puerto Rico, 1950) and the Constitution became effective upon approval by Congress (Fliess, 1952).

However, the legal authority of Congress – as outlined in the United States Constitution and Foraker Act – essentially granted unilateral control over the future relationship between the mainland and the island, irrespective of modifications introduced by Public Law 600. Congress showed no inclination to alter its approach to governing Puerto Rico's affairs even after the enactment of Public Law 600 (Fliess, 1952). As Senator Joseph O'Mahoney (D-WY) asserted, "the Constitution of the United States gives the Congress complete control and nothing in the Puerto Rican Constitution could affect or amend or alter that right" (Helfield, 2013). In summary, the implications of Puerto Rico's new constitution were such that "though the formal title has been changed, in constitutional theory Puerto Rico remains a territory. This means that Congress continues to possess plenary but unexercised authority over Puerto Rico" (Helfield, 1952). While presented as a huge success for Puerto Ricans fighting for self-determination and the removal of colonial policies, the 1952 Constitution granted a small degree of local autonomy, yet the island's territorial status remained firmly under U.S. control.

The Constitution was adopted on February 4, 1952, and submitted to President Eisenhower on April 9th (Fliess, 1952). While Congress ultimately approved it, they objected to two provisions in the Bill of Rights; ultimately, they permanently eliminated Section 20 and

heavily modified Section 5 (Helfeld, 2013). Prior to being struck from the Constitution, Section 20 had read: “The Commonwealth also recognizes the existence of the following human rights: The right of every person to receive free elementary and secondary education; The right of every person to obtain work; The right of every person to a standard of living adequate for the health and well-being of himself and of his family, and especially to food, clothing, housing and medical care and necessary social services; The right of every person to social protection in the event of unemployment, sickness, old age or disability; The right of motherhood and childhood to special care and assistance” (PR Const art II § 20). The article further read: “The people and the government of Puerto Rico shall do everything in their power to promote the greatest possible expansion of the system of production, to assure the fairest distribution of economic output, and to obtain the maximum understanding between individual initiative and collective cooperation” (PR Const art II § 20). David Helfeld, former Dean of the University of Puerto Rico School of Law, reflects that Congress considered section 20 to be too socialistic and that paternalism drove their inability to approve such an article (Helfeld, 2013). Presented to Congress in the very early stages of the Cold War, any semblance of socialism in the document was sure to face intense scrutiny. The modification made to Section 5 ensures that parents have the right to send their children to private and religious schools. Congress failed to elaborate on why they required this modification; Helfeld speculates that since the right of parents to determine the education of their children is a fundamental right of the federal constitution, it is one of the constitutional rights that is unquestionably applicable to Puerto Rico. Further, it was a way for Congress to demonstrate their dominant superior power (Helfeld, 2013). The legislative revisions made to the Puerto Rican Constitution by Congress were underscored by their ongoing

attempts to assert control over the island as well as their resistance to socialist-oriented ideologies in the time of the Cold War.

The resulting Commonwealth of Puerto Rico was unlike that of any state, nor was it remotely similar to other models of autonomous, sovereign states (Carr, 1984). Progress was undoubtedly made: important areas of government being controlled by the federal government were transferred to local control and Puerto Ricans were given increased control of their own affairs (Fliess, 1952). Yet Puerto Rico remained without any of the substantive power that states in the U.S. possess. As explained by Raymond Carr, "the factual change initiated by public law 600 was of sufficient substance that it brought with it permanent legal consequences"; yet "the record does not make clear the precise consequences." (Carr, 1984: 100). Thus, the courts faced the problem of understanding the legal implications of a territory that was a 'state' within the most accepted meaning of the word but was expressly not a state of the union (Carr, 1984). Congress's intent behind the ambiguous and imprecise nature of Public Law 600 has been left unresolved in congressional debates, and continues to lack clarity, thus leading to ineffective policies.

Debt Restructuring Policies

The economic landscape of Puerto Rico in the 20th century after the Jones Act was significantly influenced by various pieces of legislation, including the Revenue Act of 1921 and Operation Bootstrap, which shaped the island's development and dependency on the United States. These laws, aimed at boosting industrial growth and attracting American investment, inadvertently deepened Puerto Rico's economic reliance on the mainland. Subsequent legislation, like Section 936 of the International Revenue Code and PROMESA, further entrenched colonial

power dynamics and failed to adequately address Puerto Rico's economic challenges, leading to ongoing political and economic tensions between the island and the mainland.

While the Jones Act gave the Puerto Rican government the ability to issue triple tax-exempt bonds, several other influential pieces of legislation were enacted in the 20th century, shaping Puerto Rico's economic landscape and triggering a cascade of events leading to severe economic distress. Section 262 of the Revenue Act of 1921 granted corporations an exemption from taxation on all income generated from U.S. possessions, with taxation applicable upon repatriation. The income was exempted to the extent that "at least eighty percent of such person's earnings from the three preceding years derived from U.S. possessions (including, but not limited to, Puerto Rico), and at least fifty percent of such person's earnings from the three previous years derived from active income earned in U.S. possessions" (Dick, 2015). These tax incentives at the federal level supplied essential capital for infrastructure development via the establishment of public corporations and spurred industrial growth in Puerto Rico by encouraging the expansion of American corporations' operations (Meléndez, 2018b).

Symbolic interest in Puerto Rico resurfaced after WWII and Puerto Rico became a player in the geopolitical tension between the Soviet Union and the United States. Ramón Grosfoguel contends that in the Cold War era, the State Department sought additional concessions in Puerto Rico due to concerns about the United States' image among newly independent third-world countries. Consequently, there was a substantial surge in U.S. federal assistance allocated to the island for housing, health, and education, with the aim of showcasing the island as an exemplar of democracy and capitalism (Grosfoguel, 2003). In accordance with the different historical changes throughout the 20th and 21st centuries, The U.S. "revised its colonial project" and Puerto Rico experienced a major economic restructuring (Grosfoguel, 2003). The pieces of

legislation passed during this time illustrate that, in the latter half of the twentieth century, the United States presented indebtedness as a remedy for Puerto Rico's challenges in navigating the recession of the 1970s, eventually setting the stage for speculation on the escalation of its obligations (Morales, 2019).

In 1944, the Industrial Tax Exemption Act – which later became known as *Operación Manos a la Obra* ("Operation Bootstrap") – was spearheaded with the intention of transforming Puerto Rico from "a declining agrarian economy into an expanding industrial structure" (Dick, 2015). At first, Operation Bootstrap was "one of the most spectacular economic achievements of the post-war era" according to the New York Times (Dick, 2015). Granting U.S. corporations a minimum of ten years of immunity from Puerto Rican income and property taxes, coupled with the provisions of Section 262 of the U.S. Tax Code, Operation Bootstrap effectively transformed the island into a complete tax haven for American corporations seeking to enhance their international competitiveness. In the mid-1900s, a surge of American companies flowed into Puerto Rico, leading to substantial growth across all major economic sectors. By 1972, due to the integral role of Puerto Ricans in the workforce, a Chicago Tribune reporter declared the island's per capita income to be "among the world's highest" (Dick, 2015). While Operation Bootstrap did serve to reinvigorate the island's economy, it also deepened economic dependency, perpetuated labor exploitation, and limited the island's economic sovereignty and autonomy.

Since Operation Bootstrap, the accumulation of U.S. capital has continued on the island, a manifestation of U.S. colonial control over Puerto Rico's economic affairs. In 1976, the International Revenue Code introduced Section 936 with the aim of bolstering the island's economic recovery. This provision exempted American companies from federal taxes on income repatriated from Puerto Rico (Meléndez, 2018b). The goal was to create a more efficient system

for tax exemptions and while the change did offer opportunities for economic development, such tax incentives perpetuate the colonial power dynamics (Dick, 2015). Heavy incentives for external corporations to invest in Puerto Rico meant that these corporations overshadowed or marginalized smaller local businesses. Instead of prioritizing local economic needs, the U.S. established an ineffective tax system that ensures Puerto Rico will remain "docile and subservient to corporate interests that would exact an overwhelming toll on the island's economic development" (Dick, 2015).

In 1984, Congress implemented Section 903(1) of the Bankruptcy Code, redefining 'state' and excluding Puerto Rico's municipalities from seeking municipal bankruptcy protection. In 1996, Congress approved the Small Business Job Protection Act. At this point, the island's economy entered into a steady decline as it lost new investments (Meléndez, 2018b). However, the majority of these funds were allocated to address operational costs and only a small percentage of it was directed towards infrastructure investments (Meléndez, 2018b).

PROMESA was a bipartisan solution enacted by the 114th Congress in 2016 to Governor García-Padrilla declaration that Puerto Rico's public debt is "unpayable" (Meléndez, 2018b). At the time, Puerto Rico's public debt was upwards of $74 billion and was attracting widespread media attention. If Congress did not pass legislation like PROMESA, imminent legal and political chaos was inevitable (Meléndez, 2018b). The legislation provided Puerto Rico with a legal pathway for debt restructuring in bankruptcy protection, while in return, the U.S. imposed a seven-member Oversight Board to monitor Puerto Rico's finances. Not only does the board "have the authority to supersede local law in matters that affect the Commonwealth's budget and compliance with an approved fiscal plan", only one appointee has to "maintain a primary residence in the territory or have a primary place of residence in the territory" (U.S. Public Law,

2016). As such, local government officials are rendered powerless and thus “Puerto Rico remains stuck in the powerlessness of its colonial status and can’t find a path to economic self-determination” (Morales, 2019).

There was considerable discussion, both within Congress and Puerto Rican politics, regarding the effectiveness of PROMESA in addressing the island’s debt crisis. In Puerto Rico, the PNP candidate supported the Oversight Board, but not the debt restructuring mechanism. Believing that the root of Puerto Rico’s crisis was local mismanagement; the PPD candidate rejected the implications of the Oversight Board but favored the debt restructuring portion (Meléndez, 2018b). Meléndez’s understanding is that it was the only politically feasible and viable option available in 2016, yet he contends that it failed to adequately and comprehensively establish a plan to achieve its ultimate objective: stabilizing the Puerto Rican economy (Meléndez, 2018b). PROMESA failed to distribute federal resources; address the imminent health crisis; or develop a transparent plan for job creation and economic development. Instead of a solution like that proposed by Senator Bernie Sanders (D-VT) where Puerto Rico would be given the authority to restructure its debt under the supervision of a bankruptcy court (a right granted to every municipality in the U.S.), PROMESA undermined Puerto Rico’s autonomy and exacerbated the strained colonial relationship (Meléndez, 2018b). In retrospect, all of the initiatives and legislative actions to spur economic growth in Puerto Rico have only served to further entrench economic dependency and perpetuate colonial power dynamics. Despite efforts to address the island’s debt crisis, attempts have ultimately fallen short of their objectives, highlighting the complexities and limitations of resolving Puerto Rico's economic challenges within the framework of colonial governance.

International Status Debate

The issue of Puerto Rico's status has been addressed in legislation such as the Foraker Act, the Insular Cases, the Jones Act, *Balzac v. Porto Rico*, the Constitution of Puerto Rico, Public Law 600, and PROMESA. It has also been subject to numerous Supreme Court cases, and annual discussions amongst the United Nations Decolonization Committee, and several referendums have been authorized by federal legislation such as the 1992 Puerto Rican Self-Determination Act[4] and Puerto Rico Democracy Acts of 2007[5] and 2010[6]. Despite these efforts, the debate persists without clarity. Within this debate, there is both an international and a domestic element. International pressure for the U.S. to decolonize Puerto Rico has been funneled through the U.N.'s annual Decolonization Committee, which has the job of implementing and upholding the Declaration on the Granting of Independence to Colonial Countries and Peoples. The legal status has shifted over time so that currently in the eyes of international law, Puerto Rico qualifies as an associated state rather than a colony since it exercises substantially the nature and degree of local autonomy and self-governance agreed upon in 1952 (Lawson, 2009). However, legal scholars consider domestic law as it concerns Puerto Rico to range from "benign neglect" (Lawson, 2009) to "racist petard[s]" which courts have used to "repurpose them to defuse constitutional objections" (Ponsa-Kraus, 2022). The following

[4] The 1992 Puerto Rican Democracy Act authorized a referendum on September 16, 1991 with the following political status options: (1) independence; (2) statehood; (3) a new commonwealth relationship; or (4) none of the above. This bill was approved by the House of Representatives but was not approved by the Senate (H.R.316).

[5] The 2007 Puerto Rico Democracy Act similarly directed the Puerto Rico State Elections Commission to conduct a plebiscite by December, 2009, giving voters the option to vote "to continue Puerto Rico's present territorial status and relationship with the United States or to pursue a constitutionally-viable permanent non-territorial status." This bill had bi-partisan support in the House but the Senate never voted on it (H.R.900).

[6] The 2010 Bill authorizes the government to conduct a referendum and if they vote to keep their current political status, to conduct the same referendum every eight years. If they choose a new status, they must conduct another plebiscite with the options of "becoming fully independent from the United States, forming with the United States a political association between sovereign nations that will not be subject to the Territorial Clause of the Constitution, being admitted as a state of the Union, or continuing its present political status". This bill passed the House and was referred to the Senate Committee on Energy and Natural Resources but died when the session ended (H.R.2499).

section first traces the international legal framework of Puerto Rico's status and second delves into the most recent domestic cases and explains which historical legislation and cases are still relevant today.

Every year, the United States faces criticism as a colonial entity by the committee, which has further requested that the U.S. transfer sovereign powers to the island and free Puerto Rico from the pressures of colonial authority (Carr: 1984). However, in 1953, the United States delegation presented General Assembly resolution 748 (VIII) proclaiming "in the framework of its Constitution…the people of Puerto Rico have been invested with attributes of political sovereignty, which clearly identify… the status of an autonomous political entity" (Carr: 1984, 342-343). Approved by the Committee of Information on Non-Self-Governing Territories, this resolution thus removed Puerto Rico from the list of non-self-governing territories and subsequently Puerto Rico's obligation to present an annual report to the UN (Carr: 1984).

The situation once again shifted in 1960. Fueled by a trend of former colonies in Africa and Asia attaining independence, the United Nations enacted General Assembly Resolution 1514 (XV), giving rise to the creation of the Decolonization Committee. The resolution aimed to "transfer all powers to the peoples of those [non-self-governing] territories without any conditions or reservations, in accordance with their freely expressed will and desires" (Carr: 1984: 347). The Resolution further elucidated three criteria for non-self-governing territories to achieve this status. Puerto Rico fulfilled only the first and third criteria, which are as follows: sovereign independence, free association with an independent state, and integration with an independent state. "Free association" denotes that the state should have the freedom to "alter the status of the territory associated with an independent state," a freedom not given to Puerto Rico without the agreement of Congress as a legally established "Commonwealth" (Carr: 1984, 347).

Furthermore, the Constitution created by Puerto Rico had not been passed without "outside interference" as Congress had made significant alterations to the version put forward by Puerto Rico (Carr: 1984).

It was largely the efforts of Cuba that continued to put the relationship between the U.S. and Puerto Rico on the agenda of the Decolonization Committee year after year. In a statement to the General Assembly, Fidel Castro stated "Everyone in Latin America knows that the U.S. government has always laid down the law that might is right, which it has used to destroy the Puerto Rican nation and maintain its dominion over the island" (Carr: 1984, 348). In 1972 and 1973, the status of Puerto Rico was given a full public hearing and the Decolonization Committee agreed to continue examining the case; in 1975, the issue was postponed *sine die*[7]. In response to the public hearing, the U.S. government stated that they regard the "discussion of Puerto Rico's status in international forums, particularly in forums which deal with colonial issues, as inappropriate" (Carr: 1984, 352). They contended that Puerto Ricans were freely able to exercise their right to self-determination, that the Decolonization Committee was interfering in domestic affairs, and that Resolution 748 (VIII) had not been reversed. Both the PPD and PNP – the two predominant political parties in Puerto Rico at that point — agreed with the U.S.'s statement, passing joint resolution No. 452 condemning the Committee's call for a public hearing. Yet despite condemning the Committee's actions, in 1978, all the major Puerto Rican political parties publicly demanded a change in Puerto Rico's status. In 1981, the Decolonization Committee referred the case of Puerto Rico to a "separate item" on the General Assembly 1982 agenda (Carr: 1984). Immediately, the U.S. delegation reached out to non-aligned nations, heavily insinuating that a vote against the United States would carry penalties. Once more, U.S.

[7] Meaning there is no appointed date for resumption.

politics had outmaneuvered the Decolonization Committee and resisted global pressure for decolonization.

Today, Puerto Rico is not on the U.N. list of the 17 non-self-governing territories, defined as "territories whose people have not yet attained a full measure of self-government" ("Non-Self-Governing Territories"). In contrast to the other territories listed, Puerto Rico functions under its own Constitution and government, which excludes it from the legal qualification and completely ignores the limited degree of self-determination granted by their own constitution. In June 2023, the Special Committee on Decolonization today approved a draft resolution calling on the U.S. to assume its responsibility to reaffirm the inalienable people of Puerto Rico to self-determination and independence. The draft resolution is aimed at allowing the Puerto Rican people to make decisions in a sovereign manner, and to address their urgent economic and social needs, including unemployment, marginalization, insolvency and poverty, and the problems related to education and health. Thus, even though Puerto Rico does not legally qualify as a non-self-governing territory, the U.N. still understands it to be a U.S. colony.

Likewise, while they present a facade to the international community, the U.S. undoubtedly continues to treat Puerto Rico as a colony, both through upholding historic colonial legislation and in their contemporary decisions. On April 7th, 1998, a federal district court dismissed the lawsuit of Jennifer Efrón, a Puerto Rican living in Florida who was trying to safeguard the permanence of her U.S. citizenship (Perez, 2008). Worried about the statutory and potentially revocable nature of her citizenship,[8] Efrón tried to "upgrade" her status to that of a "constitutional" citizen by filing an application for naturalization. Although it was unable to guarantee the irrevocability of her statutory citizenship, the Immigration and Naturalization

[8] Because Puerto Rico citizen's U.S. citizenship is not protected under the 14th Amendment, Congress can unilaterally make the decision to revoke that American citizenship.

Service (INS) refused to process Efrón's application because, technically, she was already a U.S. citizen (Perez, 2008). Instead of addressing the issue of differential citizenship that Efrón's suit brought to light, the court argued that the claim was nonjusticiable since Efrón had U.S. citizenship (Perez, 2008). Therefore, the court upheld the decision from the *Insular Cases*, to exclude Puerto Ricans from falling under the scope of the Fourteenth Amendment's Citizenship Clause. When given a chance to remedy the grave inconsistencies in the Supreme Court's Fourteenth Amendment jurisprudence nearly a hundred years later, the Florida district court instead chose to sustain the discriminatory citizenship status of Puerto Ricans.

These decisions are not just limited to state courts; in 2022, the Supreme Court decided that equal protection under the Fifth Amendment – which guarantees that the federal government will not discriminate against individuals without a rational basis – does not apply to Puerto Rico. The case concerned José Luis Vaello Madero, who received federal social security benefits[9] while living in New York ("*United States v. Vaello Madero*"). Vaello Madero moved to Puerto Rico in 2013 and continued to receive SSI payments through 2016 when he was told that being a resident of PR disqualified him. He was then sent a bill by the federal government for $28,081, the money that they had accidentally sent him for those three years ("*United States v. Vaello Madero*"). Vaello Madero sought to invoke his right to equal protection under the Constitution's Fifth Amendment Due Process Clause. While the District Court and Court of Appeals sided with him, the Supreme Court reversed those previous decisions (Supreme Court, 2022). The court's opinion, delivered by Justice Kavanaugh, cites the difficulties of governing territories and asserts that "Congress must make numerous policy judgments that account not only for the needs of the

[9] These Supplemental Security Income (SSI) payments are available to people whose income falls under a certain threshold and either have a disability or are over the age of 65. They are available to residents of all fifty states, Washington D.C., and the Northern Mariana Islands.

United States as a whole but also for (among other things) the unique histories, economic conditions, social circumstances, independent policy views, and relative autonomy of the individual Territories" (Supreme Court, 2022). The Court further substantiated their decision through the deferential rational-basis test: because Puerto Rican residents are exempt from most federal taxes and tariffs, there is a rational basis for the differential treatment of U.S. citizens living in Puerto Rico versus in the States (Supreme Court, 2022).[10] However, this rational-basis test relies entirely on precedent (precedent deeply embedded in over a century of colonialism) and fails to actually evaluate whether there was a rational basis for discriminating against the class of would-be beneficiaries. The Court further contended that if they were to support Vaello Madero's claim, they would be forced to re-evaluate the entire system of federal benefits programs and extend all programs in the States to the Territories (Supreme Court, 2022). Instead of separately considering equal protection under the Fifth Amendment Clause, the Supreme Court conflated this case with previous opinions on the Territory Clause of the Fourteenth Amendment. As a result, Puerto Rico continues to be denied equal protection from discrimination under the Constitution solely on the basis of their Territorial residence.

At this time, almost every other colony in the world has gained political independence or formal political integration with their metropolis (Ayala & Bernabe, 2007). But with a history deeply entrenched in colonial policies and a clear absence of intention from the U.S. to grant Puerto Rico sovereignty, there is no doubt that Puerto Rico has always been, and remains a colony. Chapter 3 will further explore how these policies enabled the federal government to

[10] The "deferential rational-basis test" is a legal standard used in constitutional law to determine the constitutionality of a certain law or governmental action. If the law or action is deemed to have any rational basis to a legitimate government interest (regardless of whether that basis was the reason it was enacted by legislature), the court will uphold it.

provide inadequate levels of disaster relief and assistance, resulting in repercussions so profound many lives were lost.

Chapter 2: Identifying and Addressing the Issue

Research Objectives

My initial objective throughout this research is to ascertain the relationship between colonial policies and the disproportionately destructive nature of Hurricane Maria. There is a significant amount of scholarship linking colonialism and mechanisms of economic control. Furthermore, scholars have identified how economic policies such as that which makes Puerto Rican government bonds triple-tax exempt and PROMESA – which renders Puerto Ricans unable to have autonomy over their finances – make the island significantly more susceptible to an increased number of investors in the wake of natural disasters: the phenomena known as disaster capitalism. The colonial policies certainly had consequences that exacerbated the destruction of Hurricane Maria and impeded attempts to provide relief, although the relationship is not as straightforward as between colonial policies and economic exploitation. Thus, I aim to explore the ways in which colonial policies and the federal response to the hurricane are both rooted in historical marginalization and racism, as well as convoluted political motives and dynamics. Furthermore, as I elaborate on in Chapter 3, the precarity of Puerto Rico's economy and lack of self-determination because of these colonial policies led to increased devastation after the hurricane. Through my research, I conclude that Hurricane Maria not only exposed the consequences of colonial negligence but also revealed intentional manifestations of colonial control that erected inadequate systems and frameworks unprepared for a disaster of Maria's magnitude. Additionally, the scarcity of clean water, food, and shelter, coupled with the delayed reestablishment of electricity throughout the island, inflicted severe repercussions on the well-being and security of its inhabitants and resulted in an unprecedented amount of damage and loss

of lives. In Chapter 3, I identify three specific areas where the impacts of colonial policies are significant.

1. Food Accessibility and Puerto Rico's Agricultural Sector are profoundly impacted by historical colonial policies. Both the Jones Act and PROMESA compounded the challenges faced by Puerto Rico in maintaining essential supplies, especially regarding food availability, post-Hurricane Maria. The escalated shipping costs mandated by the Jones Act and the fiscal austerity measures imposed by PROMESA disrupted food distribution networks, limited access to affordable food options, and heightened food insecurity. Moreover, the island's deficient agricultural sector and heavy dependence on imports, glaringly exposed by Hurricane Maria, can be linked back to historic debt-restructuring initiatives like Operation Bootstrap.
2. The Electric Grid serves as an example highlighting both the consequences of colonial negligence but also the inadequacy of the disaster response framework. The devastation of Puerto Rico's electric grid was one of their most significant challenges following Hurricane Maria, exacerbating the loss of essential services, endangering additional lives, and causing enduring disruptions to energy access and reliability. However, Maria did not simply obliterate an immaculate grid; rather, it laid bare the island's fragile and antiquated electricity infrastructure, mismanaged by the heavily indebted monopoly electric utility (PREPA). In addition to the immediate task of rebuilding a completely ravaged and historically inadequate grid, the federal framework for long-term reconstruction fell short of meeting Puerto Rico's needs. Although the Stafford Act offers a comprehensive

framework for disaster response and relief, its inadequacy in addressing Puerto Rico's distinct vulnerability as a U.S. colony allowed FEMA to undertake only minimal efforts to restore Puerto Rico to its pre-Maria condition.

3. The third segment of this chapter transcends the discussion of how colonialism and colonial policies worsened the impact of Hurricane Maria, delving into the neocolonialist motives of the U.S. towards Puerto Rico and entrenched perceptions of unequal citizenship that shaped their inadequate response. This section examines FEMA's mandate to provide assistance, an obligation it effectively fulfilled following previous hurricanes on the mainland U.S., yet it faltered in extending comparable aid to Puerto Rico. FEMA's unpreparedness for a crisis like Hurricane Maria reveals a significant deficiency in their emergency planning; the absence of adequate frameworks for addressing natural disasters in the U.S. Territories; and is underscored by perceptions of differential citizenship and racism.

My second objective is to identify the ways in which mutual aid societies compensated for things that should have been the obligations of federal response workers. Gaps caused by colonial structures opened the door for mutual aid networks to emerge as federal government inaction and mismanagement left a void in basic social services that needed to be filled. After Maria, Puerto Rico experienced a huge increase in mutual aid societies, which provided relief in many different areas and was instrumental in reducing harmful impacts on communities. After conducting interviews with several mutual aid societies and reading scholarly perspectives on mutual aid societies, I conclude that the emergence of mutual aid networks in Puerto Rico in the

aftermath of Hurricane Maria was not so straightforward as simply providing disaster relief and aid. As I explain in Chapter 4, the fundamental principles of mutual aid groups, which focus on empowering self-determination and fostering community solidarity, inherently surpass the divisions imposed by the federal government's colonialist agenda. By growing their own crops, supporting one another, and adopting self-sufficient practices for disaster preparedness and recovery, they are creating a model of self-determination and self-sufficiency. Furthermore, by prioritizing community needs above all else, mutual aid groups diverge from the primary historical goal of colonialism, which is to serve the interests of the colonizer's economy. Therefore, Mutual aid groups in Puerto Rico following Hurricane Maria deserve acknowledgment not only for filling the gap left by governmental neglect in terms of relief efforts but also for challenging the dominance that colonial structures and policies have long held over Puerto Rico.

As I came to realize that what was accomplished by these Mutual Aid Societies extended well beyond just their material impacts, I began to see the emergence of so many community-led organizations as a catalyst for both political and social change in Puerto Rico. Driven by the motto “solo el pueblo salva al pueblo” and emboldened by both the federal government and Puerto Rican government’s failure to provide relief after Maria, community-led groups led a series of rebellions known as the Verano Boricua[11] rebellions. LeBrón argues that it’s easy to view the Puerto Rican elite and government as “puppets of the U.S. colonial regime, forced into implementing exploitative and deadly policies on the population”, yet asserts that although local elites are essential for the implementation of colonial policy, “they govern in a manner that works to ensure and consolidate their own positions of privilege within the local power

[11] These rebellions, referred to as “El Verano Boricua” translates directly to “The Boricua Summer”. It refers to the summer of 2019, when Puerto Ricans rebelled against their government, ultimately causing their governor to resign.

structure" (LeBrón, 2021). This insight prompts me to scrutinize not only the actions of the federal government but also those of Puerto Rico's own government and elite entities, which are often complicit in perpetuating the colonial relationship with the U.S. As I expound upon in Chapter 5, Puerto Rico's government is characterized by corruption and self-interest and has frequently prioritized maintaining the status quo and serving their own interests over advocating for the well-being and autonomy of the Puerto Rican people. I therefore argue that the mechanisms needed to sustain the colonial framework and perpetuate the exploitation of Puerto Rico's resources and people include the collusion between local and federal powers.

My third objective emerged as I was conducting field research. Through much of the literature on the role of mutual aid societies in providing relief after Maria, there is a prevailing narrative: the federal government responded poorly to the Hurricane yet allowed for the emergence of a powerful community response and the creation of a mutual aid network across the island. Thus the narrative presented recognizes the role of colonialism and an improper U.S. response, but in highlighting the success of mutual aid societies, fails to adequately address any of the pervasive implications of colonialism. The narrative I uncovered is a little more multi-faceted. Colonial policies and other vestiges of colonialism not only impeded the top-down federal response to the hurricane but also the ability of these bottom-up mutual aid societies to respond as well. Throughout the remainder of this paper, my objective is to offer a comprehensive perspective on how colonialism-influenced policies shaped the full extent of Hurricane Maria's devastation in Puerto Rico. The ramifications of colonialism extend beyond rendering Puerto Rico increasingly vulnerable and ill-prepared to confront a natural disaster of Hurricane Maria's magnitude and also encompass allowing the U.S. to escape accountability for its abysmal response. Colonialism permeated the very fabric of Puerto Rican society, entrenching

power dynamics and economic disparities that hindered both top-down federal relief efforts and local community responses.

Literature Review & Defining Key Concepts

Given the severity of damage that Hurricane Maria inflicted on Puerto Rico and the exacerbation of damage by the U.S. government's response, a significant amount of relevant literature has been published on the issue. Climate change is the undercurrent running through all literature on the response to Hurricane Maria. It is rarely expounded upon in significant ways, instead simply providing context and projecting a sense of urgency onto the research. However, both political and economic manifestations of colonialism are extremely conceptually intertwined and important foundations in the discussion on Hurricane Maria. Given the highly intersectional and cross-discipline nature of this issue, I have divided the literature review into four major themes: colonialism, mutual aid, disaster relief, and disaster capitalism. While I could have added several more key concepts, I believe that these four capture the bulk of my argument and provide a strong framework.

In the colonialism section, I begin with the origin of the term and trace its early evolution. In understanding colonialism, we must grapple with its historical entanglement with imperialism, the consequences and impacts of the relationship between the colonizers and the colonized, how to operationalize colonial relationships, and what necessitates the end to such a relationship. Additionally, we must examine post-colonialism, characterized by the persistence of colonial legacies and offshoots like neocolonialism and neoliberalism, which continue to shape power dynamics and exacerbate disparities. I then whittle down these concepts as they apply to Puerto Rico. Ramon Grosfoguel's work provides historical background on the U.S.'s colonization motives and examines potential political reasonings behind their decisions towards the island

since. Ed Morale's book *Fantasy Island,* written in the aftermath of the Hurricane, helpfully critiques the U.S.'s neglectful response, arguing that it exposed the racist colonialism entrenched in U.S. policies towards Puerto Rico since 1898. Through these examples, Morales underscores how Puerto Rico's colonial status perpetuates economic exploitation and systemic inequalities, hindering its ability to chart its own path toward autonomy and prosperity.

The second section explores how rooted in cooperation and solidarity, the concept of mutual aid has a rich history dating back to indigenous communities and has been utilized in Puerto Rico's tight-knit communities for generations. It emerges in response to systemic failures or crises, filling gaps where governmental assistance falls short, especially during disasters like Hurricane Maria. Scholars like Peter Kropotkin laid the theoretical groundwork for mutual aid as a means of resistance against authoritarianism and as a pathway to social change. Dean Spade further outlines three key elements of mutual aid: meeting survival needs, mobilizing people and building solidarity, and being participatory and anti-authoritarian. Mutual aid projects, such as those by Mutual Aid Disaster Relief, not only respond to visible crises but also address underlying systemic issues like capitalism and colonization. In Puerto Rico, mutual aid has become a crucial tool for community empowerment and disaster relief, highlighting the potential for grassroots initiatives to drive self-determination and challenge colonial structures.

The third section explores disaster relief, which encompasses a wide range of activities, from immediate emergency response to long-term recovery efforts. Evaluating the success of disaster relief involves various metrics, including federal spending, resource distribution, and mortality rates. In the United States, FEMA coordinates disaster response and recovery efforts through the National Preparedness System, which includes prevention, protection, mitigation, response, and recovery strategies. However, disaster relief is a highly fragmented process that

involves significant challenges in coordinating various entities. This section folds into the previous one as mutual aid societies play a crucial role in filling gaps in relief efforts.

The final section of this literature review explores disaster capitalism, a concept used to describe how private interests exploit destabilizing events to advance their agendas. In the aftermath of Hurricane Maria, Puerto Rico became a target for such exploitation, characterized by the increased presence of wealthy investors seeking to reshape the island's economy. This phenomenon reflects a deliberate pro-corporate agenda implemented under the guise of disaster response and thus illuminates the severe shortcomings of the disaster response framework. While some scholars frame this as “disaster colonialism,” emphasizing the deepening of coloniality through repeated disasters, others argue that disaster capitalism is rooted in racial-colonial capitalism and highlight how vulnerabilities to exploitation are entrenched in colonial histories. Scholars Bonilla and Klein focus specifically on the aftermath of the Hurricane, helping to situate these concepts within my own project. Understanding theories of disaster capitalism and disaster colonialism provides a roadmap for understanding Hurricane Maria as a culmination of over a century of colonial-capitalist exploitation and layered traumas.

The primary gap in existing literature that I have identified is the role of mutual aid societies in the larger context of colonial impacts on the response to the hurricane. There is literature on the emergence of these grassroots organizations and theories as to the larger role they play in the self-determination process of Puerto Rico. However, there is not much analysis on their work in relation to colonial policies; how these groups were hindered by such policies, or how they aimed to circumvent such policies through their work. By interviewing mutual aid societies, my research seeks to begin addressing this gap.

Colonialism

Defining colonialism requires grappling with its historical, geographical, social, cultural, and ideological dimensions, as well as its legacy, ongoing effects, and subsidiary concepts. It is an inherently complex and contested concept that continues to be subject to debate and reinterpretation in academic and public discourse. According to the Dictionary of the Social Sciences, a colony is "a territory, subordinate in various ways—political, cultural or economic—to a more developed country. The supreme legislative power of the administration rest[s] with the controlling country, which [is] usually of a different ethnic group from the colony" (Kolb, 1964). In his 1972 *Definition of Colonialism,* Ronald J. Horvath makes the important distinction that colonialism refers specifically to group domination: both intergroup and intragroup domination (Horvath, 1972). Based upon these initial definitions, there is no doubt that Puerto Rico was formed as, and remains a colony.

One of the most difficult aspects of defining colonization is its historical entanglement with imperialism; both are forms of conquest with the aim of economic or strategic benefit (Reddy, 2023). Imperialism is generally understood to characterize cases "in which a foreign government administers a territory without significant settlement" (Reddy, 2023) – American dominion over Puerto Rico certainly classifies. But there is a general lack of consensus among scholars differentiating the two. Some describe imperialism as a more indirect form of domination while colonialism requires dependencies directly governed by the colonizing nation. Others argue that colonialism refers to territories intended for settlement, while imperialism focuses on territories for economic exploitation. Horvath's argument aligns more with this latter distinction, arguing that what sets the two apart is the "presence or absence of significant numbers of permanent settlers in the colony from the colonizing power" (Horvath, 1972).

Imperialism is domination in which very few permanent settlers migrate to the colony whereas colonialism refers to intergroup domination where a significant number of people from the colonizing entity permanently migrate to the colony (Horvath, 1972).

Another important aspect of colonialism is the relationship between the colonizers and the colonized. Horvath argues that there are three manifestations of this relationship: extermination, assimilation, and relative equilibrium[12] (Horvath, 1972). Furthermore, there exists the challenging question as to how this relationship ends. The end of a colonial relationship can involve struggles for independence, decolonization efforts, international pressure, negotiations, and changes in the domestic dynamics of colonizing powers. In his 1974 book *The Colonizer and the Colonized,* Albert Memmi argues that the only way to end a colonial relationship is a revolution and that inevitably, the day will come "when the colonized lifts his head and topples the always unstable equilibrium of colonization" (Memmi, 1974: 195). His rationale is that the very foundation of a colonial relationship is oppression. Therefore, only the "complete liquidation of Colonization permits the colonized to be freed" (Memmi, 1974: 195). While Memmi's argument is just one perspective, his book remains a foundational text in the study of colonialism, offering profound insights into the enduring legacies of colonization. In the context of Puerto Rico, Memmi's argument raises the question of whether small acts of resistance – such as the emergence of mutual aid societies – are sufficient to achieve liberation, or whether a complete overhaul of the political and legal relationship is necessary.

Operationalizing colonial relationships is a whole additional field of colonial and postcolonial studies. The University of Zurich identifies fifteen different indicators: length of colonial domination; form of political domination; level of colonial violence; colonial

[12] Neither extreme versions of extermination or assimilation: "a lack of wholesale acculturation or eradication" where "settlers and indigenes may live either side by side or apart" (Horvath, 1972).

instrumentalization of ethnolinguistic/religious cleavages; gradualism in the transfer of administration; trade policy; trade concentration; investment concentration; investment in infrastructure; plantations; mining; colonial immigration; colonial mission; labor immigration; and centralization and partition (University of Zurich). Several of these can certainly be applied to Puerto Rico.

1. Length of colonial domination: Puerto Rico was under Spanish colonial rule for over four centuries until 1898 and has been a territory of the U.S. since.
2. Form of political domination: As a territory of the U.S., Puerto Rico lacks full political autonomy, and its governance is subject to U.S. federal laws and oversight.
3. Level of colonial violence: Puerto Rico has experienced periods of political repression and violence under colonial rule, particularly during the early years of U.S. control and in events like the Ponce massacre[13].
4. Trade Policy and Trade Concentration: Trade policies and colonial policies like the Jones Act have perpetuated Puerto Rico's economic dependence on the mainland U.S. and limited its economic development.
5. Investment in infrastructure: Puerto Rico has historically faced underinvestment in infrastructure compared to mainland U.S. states, contributing to disparities in areas such as transportation, utilities, and public services.

Colonialism is not just a historical concept; while many historically colonized territories are now independent and self-determined, remnants of colonialism persist in various forms, including socio-economic inequalities, cultural hegemony, and institutional structures. These

[13] On Palm Sunday, 1937, the police shot a number of unarmed demonstrators from the Puerto Rican Nationalist Party while they were peacefully marching in Ponce (Maldonado-Denis, 1969).

remnants can be manifested through colonial offshoots like energy colonialism, neocolonialism, and neoliberalism, which continue to shape power dynamics and exacerbate disparities in post-colonial societies. These arguments are encapsulated in the concept of "coloniality of power" articulated by Peruvian sociologist Aníbal Quijano. "Coloniality of power" is a framework – primarily focused on how Eurocentrism distorts Latin American experiences – that examines how colonial legacies continue to shape contemporary power structures and social hierarchies: "the model of power that is globally hegemonic today presupposes an element of coloniality" (Quiijano, 2000). The coloniality of power is not limited to the historical period of formal colonial rule but persists in various forms in contemporary society through both overt forms of discrimination and more subtle mechanisms of social control that perpetuate unequal power relations along racial, ethnic, and cultural lines. Quiijano argues that "one of the fundamental axes of this model of power is the social classification of the world's population around the idea of race" and that while "the racial axis has a colonial origin and character… it has proven to be more durable and stable than the colonialism in whose matrix it was established" (Quiijano, 2000). Within this framework, we comprehend the coloniality of power as a cornerstone of modernity, providing the structural foundation for global capitalism and other systems of domination. The racial axis serves as the pervasive undercurrent that influences all aspects of these systems. Given both the overt and subtle racist undertones of the colonial policies examined in Chapter 1, the coloniality of power concept foreshadows the following chapters, which aim to explore the modern manifestations of colonialism.

One of the leading theorists on decolonization and post-colonialism, Frantz Fanon, whose book *Wretched of the Earth* (1961) further delves into the challenges of post-colonial governance (Reddy, 2023). One such challenge is total culture obliteration, brought on by the "leveling

nature of colonial domination" including "the new legal system imposed by the occupying power, the marginalization of the indigenous population and their customs by colonial society, expropriation, and the systematic enslavement of men and women" (Fanon, 1961: 170). Fanon further argued that while collective identity rooted in ethnicity or national consciousness can be a powerful tool for resistance against colonial oppression, it can also be manipulated by elites to serve their own economic interests (Reddy, 2023). Like Memmi, Fanon agrees that decolonization requires violence. He argued that "the colonized must see violence in decolonization as that which leads not to retrogression, but liberation."

Understanding of post-colonialism would not be complete without the inclusion of racial capitalism: the understanding that racialized exploitation and capital accumulation are mutually reinforcing (Robinson, 2000). However, while the cultural critique and academic inquiry into the legacies of colonialism and imperialism have been instrumental in remedying the lingering remnants of colonialism, some indigenous scholars argue that the concept obscures the continued existence of settler colonialism (Reddy, 2023). It serves as a reminder that we must examine both post-colonialism and remaining examples of colonialism without overlooking one or the other. In Puerto Rico specifically, this means examining not only the contemporary dynamics that perpetuate colonial structures and power imbalances but the historical legacies and policies that have major ramifications today.

The relationship between the United States and Puerto Rico has undoubtedly involved elements of both imperialism and colonialism, and the U.S. has amended its colonial project in response to the different historical changes of the 20th century. In the first half of the century, the U.S.'s interests were focused on the military, but after World War II, Puerto Rico was put in the middle of the U.S. and Soviet Union during the Cold War. The U.S. pressed for concessions to

Puerto Rico to put on a show of democracy and capitalism, thus explaining the increase in U.S. federal assistance given to Puerto Rico in areas like housing, health, and education. These historical contexts culminate in Grosfoguel's primary argument: today, the U.S. aims to recolonize the island by transforming it into a neo-colony, ultimately with the goal to reduce the cost of transnational capital production, while also maintaining the military use of the island. Understanding the U. S's political impetus to transform Puerto Rico into a neo-colony significantly helps to contextualize the U. S's response to Hurricane Maria.

According to the Internet Encyclopedia of Philosophy, neocolonialism reflects the "actions and effects of certain remnant features and agents of the colonial era in a given society" (Afisi). First appearing as a term in Jean Paul Sartre's 1964 Colonialism and Neocolonialism, neocolonialism is a more subtle process than settler colonialism[14], simply the propagation of social-economic and political activities (Afisi). In a very influential book, *Neo-colonialism: The Last Stage of Imperialism,* former President of Ghana Kwame Nkrumah asserted that neocolonialism is the "sum total of these modern attempts to perpetuate colonialism while at the same time talking about 'freedom' (Nkrumah, 1966: 186). Nkrumah's main argument is that neo-colonialism is manifested primarily through economic or monetary methods of control such as promoting civil servants into positions of power or imposing a banking system that favors the colonizing power (Afisi). In fact, he argues that multilateral aid from organizations like the IMF and World Bank is a "neo-colonialist trap" (Nkrumah, 1966: 188). Nkrumah's argument foreshadows disaster capitalism by suggesting that these institutions exploit crises or emergencies to further entrench economic dependence and control over formerly colonized

[14] As defined by the Legal Information Institute at Cornell Law School, settler colonialism is "a system of oppression based on genocide and colonialism, that aims to displace a population of a nation (oftentimes indigenous people) and replace it with a new settler population."

nations. Economic mechanisms of neo-colonialism lay the groundwork for the exploitation and profiteering that characterize disaster capitalism, which, as this research later lays out, was apparent in the aftermath of Hurricane Maria.

Considering these dominant scholarly understandings of neo-colonialism, Grosfoguel's characterization of Puerto Rico as a neo-colony is absolutely correct. Nkrumah's argument is especially pertinent to Puerto Rico: since the Spanish-American War, each economic control mechanism imposed by the U.S. on Puerto Rico, from the Foraker Act to Operation Bootstrap to PROMESA, has been infiltrated by neo-colonialist motives. Former Puerto Rican jurist Juan R. Torruella argued that both the political and economic manifestations of Puerto Rico's colonial relationship have been made clear. He cited the fact that Puerto Rican residents lack any voting representation in Congress, even though this body enacts absolute legislation with significant implications for the island. Furthermore, Puerto Ricans are denied any say as to how these laws are administered: "This absolute vacuum or deficit of democratic entitlement carries over to the administration of these congressionally imposed laws" (Torruella, 2013: 82). The relationship between Puerto Rico and the U.S. meets another fundamental tenet of colonial relationships: economic subjugation and exploitation of natural resources and a labor force. Torruella cites examples like the historical imposition of strict agricultural quotas and the modern-day economic dependencies deriving from restrictions on the importation of commodities (Torruella, 2013: 82). Politically, what "exists is government without consent of the governed" (Torruella, 2013: 82) and economically, the asymmetrical power dynamics, exploitation, and limited economic sovereignty have enshrined Puerto Rico as subordinate to the economic interests of the U.S. Thus, Puerto Rico and the U.S. are a "classic colonial relationship" (Torruella, 2013: 82).

Ed Morales builds on this by outlining how the "classical colonial relationship" causes Puerto Rico to be "stuck in the powerlessness of its colonial status and can't find a path to economic self-determination" (Morales, 2019: 6). He begins with the history of Puerto Rico as a colony, thus identifying a causal relationship between colonialism and the economic exploitation of the island in the mid-twentieth century. Several legal decisions and court cases reflect this causal relationship. Viewing Puerto Ricans as "alien nationals" via *Gonzales v. Williams* was a necessary legal premise that allowed the United States to absorb new "unincorporated territories for economic exploitation by creating a free-trade opportunity within its territory" (Morales, 2019: 23). Both the Foraker Act and later, PROMESA, established a form of government or oversight body in Puerto Rico that was ostensibly democratic and heavily influenced by "colonial overseers". In the context of Hurricane Maria, Morales argues that the U.S.'s neglectful deployment of FEMA and lack of care in providing relief to Puerto Rico showcased the racist colonialism that has persisted in the U.S. since 1898.

Mutual Aid

Mutual aid as a concept was introduced in the late 19th century. For indigenous people and marginalized communities, mutual aid has been used for centuries as a response to various injustices (Greenfield, 2022). In the Caribbean and specifically Puerto Rico, where people are inherently set up in open communities due to subtropical weather conditions and living on an island, the practice of mutual aid is "an ancient tradition" (Cordero, 2022). Mutual aid arises from the recognition of the inadequacy and inequity of existing social systems in meeting the needs of all individuals and communities (Spade, 2020). Oftentimes, it first emerges as a response to systemic failures or crises, such as poverty, inequality, natural disasters, or political repression. Especially during times of disaster relief, mutual aid is critical because the

government response is likely to be significantly slower and more regulated. The fact that mutual aid organizations are so local allows them to assist vulnerable communities more quickly, and they are more likely to be familiar with the community's specific needs and values. Furthermore, the Federal Emergency Management Agency (FEMA) focuses more on big-picture rebuilding such as improving damaged infrastructure. Mutual aid groups therefore help to fill the gap and provide immediate assistance for communities (Greenfield, 2022).

The scholarly study of mutual aid as a concept began with Peter Kropotkin, who wrote a book entitled *Mutual Aid* in 1902. While not a staunch anti-Marxist, Kropotkin disagreed with many elements of the Marxism ideology and was committed to creating an alternative socialist movement for a more egalitarian society (Kinna, 1995). He ultimately created the theory as a means of keeping the anarchist tendency alive, a way of resisting both authoritarianism and individualism (Kinna, 1995). He further broke mutual aid down into biological and ethical categories. Mutual aid is an instinctual inclination towards cooperation, and ethical mutual aid is the resulting habit of this biological instinct (Kinna, 1995). When put in the historical context of when these writings were first published, the concept of mutual aid emerges as a hopeful counter-narrative. During this period, many European nations were grappling with authoritarianism, imperialism, and the looming threat of WWI. Rigid hierarchical structures and centralized control were particularly prevalent and shaped political and social structures in Europe (Kinna, 1995). The concept of mutual aid pushes back against these prevailing ideologies; by focusing on the human capacity for cooperation, Kropotkin offered mutual aid as an alternative way of reconceptualizing the current state system. This historic emergence of mutual aid created the foundation of the concept as it exists today: despite being encouraged or inhibited in its development by historical circumstances, it challenges the legitimacy of existing

power structures and proposes an alternative vision of social organization grounded in solidarity and mutual support.

In her book, *Disaster Anarchy: Mutual Aid and Radical Action*, Rhiannon Firth echoes Kropotkin's theories, contending that anarchist relief endeavors provide more than just an efficient means of practical assistance that could be assimilated into neoliberal policies. Instead, they serve as an ontological rupture, embody prefigurative utopias, showcase autonomous manifestations of agency and solidarity, and function as tools for raising consciousness and educating against the inequalities inherent in the perpetual crisis of capitalism. Mutual aid therefore emerges as a prefigurative phenomenon that connects non-hierarchical organization with structural critiques of disaster capitalism and climate change (Firth, 2022).

In his book *Mutual Aid,* Dean Spade identifies three key elements of mutual aid. First is what has been established above, "meet[ing" survival needs and build[ing] shared understanding about why people do not have what they need" (Spade, 2020: 9). Oftentimes, this first element exposes the gaps in governmental assistance. The second element is that "mutual aid projects mobilize people, expand solidarity, and build movements" (Spade, 2020: 12), which reflects Kropotkin's original understanding of mutual aid as a way of pushing back against dominant colonial ideologies. Spade argues that the linkage between mutual aid and social change is inseparable: "We see examples of mutual aid in every single social movement" (Spade, 2020: 7) because they are based on a shared understanding that current situations are unjust. However, political activity often follows the immediate response to the crisis because it can be too difficult to spark change when struggling for survival. Therefore, when mutual aid is most successful, the result is new ways of living and new systems of care. Furthermore, a key component of this element is the belief that collective action is the best way forward and that those most directly

affected by the crisis have the strongest understanding of how to solve their problems. Finally, the third element is that "mutual aid projects are participatory, solving problems through collective action rather than waiting for saviors" (Spade, 2020: 16). The very foundation of mutual aid is in the people, presenting an approach that is not only inherently anti-authoritarian but also upends existing hierarchical structures through its bottom-up approach. The mutual aid societies that emerged in the wake of Hurricane Maria certainly exemplified this bottom-up approach: they prioritized community needs above all else, intentionally operated without the support of the federal or local governments, and focused upon creating self-determined communities that can rely on self-sustainable practices for disaster preparedness and recovery.

Mutual Aid is undoubtedly a core component of disaster relief. When disasters strike, formal systems of aid and assistance are unable to fully meet the needs of affected communities and thus mutual aid networks can help to fill the gap. The organization *Mutual Aid Disaster Relief* partners with local manifestations of mutual aid, cognizant of not supplanting or replacing spontaneous manifestations of mutual aid with their own forms of support. Their mission highlights the centrality of mutual aid in not only responding to visible crises, but invisible crises of "capitalism, colonization, resource extraction, gendered violence, white supremacy, and ableism, among other forms of domination" (Mutual Aid Disaster Relief). A huge component of their work is direct relief, for example, "building wellness centers, providing life-saving medication, cleaning debris, gutting flooded homes, distributing supplies, distributing masks and other personal protective equipment, assisting with sustainable rebuilding efforts through water purification and solar infrastructure, tarping roofs…" (Mutual Aid Disaster Relief), these forms of aid are done through mechanisms of decentralization and liberation. Unlike traditional forms of disaster relief and aid that often rely on centralized institutions and hierarchical structures,

mutual aid is at its core, a radical approach to disaster relief that supports the self-determination of the people and communities themselves.

In Puerto Rico, the source of increased social conflict is Puerto Rico's lack of control over its own economy and development, and only through major institutional changes allowing greater control over trade and investment policies; and expansion of political autonomy, will poverty, crime, and human rights abuses be limited (Bosque-Pérez, 2005). These speculations provide crucial insight to my own research. Because the general population is reluctant to engage in sweeping political change in the "absence of well-defined political and transitional mechanisms", the prospects for unleashing a broad movement toward full decolonization are unlikely (Bosque-Pérez, 2005: 96). However, the emergence of grassroots organizations and mutual aid societies presented a reality-based logic for self-determination that was instrumental in providing aid and catalyzed the creation of a network of community-based islands across the island.

Disaster Relief

Disaster relief is a very complex process; it involves combinations of emergency response, humanitarian aid, medical assistance, providing shelter, distributing food and other necessities, rebuilding infrastructure and necessary systems, and long-term recovery assistance. Additionally, it can be measured in a myriad of ways, from how many homes were rebuilt; how much energy was restored to the island; how many people were treated in the hospital; how many people were relocated after being displaced, etc. As such, there are any number of ways to evaluate the 'successes' or 'failures' of the U.S. response and to operationalize the ways in which mutual aid societies filled the gap. Much of the scholarship I've read uses federal spending, federal resources distributed, and both direct and indirect storm-mortality counts as the

foremost measurements of disaster relief response (Willison et al., 2019). Yet several other variables are equally relevant: mutual aid societies delivered many other forms of material impacts, including satellite cell phones distributed; water purification systems installed; households given water, fuel, groceries, and other necessities; and amount of money raised.

In the U.S, FEMA is the primary federal agency responsible for coordinating disaster response and recovery efforts. FEMA's comprehensive approach to disaster relief is organized through the National Preparedness System, which encompasses five distinct areas: Prevention, Protection, Mitigation, Response, and Recovery ("National Disaster Recovery Framework"). A key element within this system is the National Disaster Recovery Framework (NDRF), which is designed to strategically address primarily the final stage of recovery. However, it is also structured to integrate seamlessly with the other mission areas, ensuring a holistic and coordinated approach to disaster management ("National Disaster Recovery Framework"), because pre-disaster preparedness can make a huge difference in the recovery process. Oftentimes, recovery – which involves redeveloping and revitalizing the communities impacted – will begin while emergency response activities are ongoing. The NDRF focuses on five specific areas: economic recovery, health and social services, housing, infrastructure systems, and natural and cultural resources ("National Disaster Recovery Framework").

While FEMA is responsible for the bulk of the coordination, it acknowledges in the NDRF the importance of partnerships and interagency cooperation. Non-Governmental Organizations (NGOs) are an extremely important component of disaster relief since they "provide[e] contextually based insight and access to potential recovery partnerships and resilience champions" ("National Disaster Recovery Framework", 12). A lot of these organizations form the coalitions Voluntary Organizations Active in Disaster (VOAD) or

Community Organizations Active in Disaster (COAD). While distinct from mutual aid societies, the two groups are alike in that they work to meet the otherwise unmet needs of communities. Ultimately, in times of disasters, the logistics are so difficult that coordinating across all the government agencies and non-governmental organizations is a challenge. These challenges were glaringly apparent in Hurricane Maria; as addressed in more detail in Chapter 3, federal workers and mutual aid organizations did not collaborate and in some cases, clashed.

Traditionally, disaster relief was perceived as devoid of political implications and regarded as solely a humanitarian concern. However, in the 1970s, disaster literature underwent a division and two distinct scholarly perspectives emerged: behaviorist and structuralist (Firth, 2022). The former approach considers disasters as events caused by physical hazard agents like hurricanes or tornadoes and focuses on understanding the societal responses to these events. It continues to see disasters as apolitical and views technical solutions as the best response to such events (Firth, 2022). The latter approach views disasters not as isolated incidents but as part of enduring social patterns and emphasizes solutions that analyze the political and social factors that allowed such vulnerability to exist in the first place (Firth, 2022). Critics of the behaviorist perspective argue that the terms “natural disasters” and “risk management” tend to lead us to perceive loss of life and infrastructure damage, which often disproportionately affect marginalized communities, as inevitable and requiring top-down management within a problem-solving framework. This approach also overlooks and is ineffective in addressing unforeseen hazards and addressing long standing social issues such as poverty, crime, and inequality (Firth, 2022). This perspective is ineffective in the case of Hurricane Maria because it focuses entirely on the climate-induced disaster without understanding any of the compounding effects of colonialism. The structural approach aims to extend the timeframe of disasters, viewing them as

part of ongoing socio-cultural patterns and practices. When applied to Puerto Rico, it recognizes that the destruction created by Hurricane Maria was not a mere chance occurrence, but heavily influenced by their colonial relationship with the United States.

Disaster Capitalism

Colonial impacts extended beyond the U.S.'s lackluster response to Maria; they are at least partially responsible for Puerto Rico being exposed to disaster capitalism and exploitation in the wake of the hurricane. The concept of disaster capitalism was introduced by Naomi Klein to describe the phenomenon when private interests take advantage of a particular region in the aftermath of a major destabilizing event. This was certainly present in Puerto Rico after Hurricane Maria. Klein lays out the scene a few months after the hurricane hit: the emergence of an entire network of grassroots organizations, coupled with rich investors attempting to create a 'new' Puerto Rico based upon crypto currency. The government at the time, under Governor Ricardo Rosselló had a vision of Puerto Rico as a blank slate that welcomed new investors, a "neoliberal paradise". Klein argues that this "neoliberal paradise" arose as they experienced the "shock-after-shock doctrine" (Klein, 2018: 53). Using this analysis, Maria was not a singular event, but an occurrence that exposed the trauma that began with the racist colonial history and continued through to the economic and debt crises today. Klein further defines "shock doctrine as "the deliberate exploitation of states of emergency to push through a radical pro-corporate agenda" (Klein, 2018: 45). Particularly applicable to Puerto Rico is the adject ceoncept "seatsteading"; using floating islands as a blank slate to build completely sovereign city-states. Klein's argument is reminiscent of Grosfoguel's assertion that the U.S. aims to transform Puerto Rico into a neo-colony for the purposes of reducing the costs of transnational capital production. The concept of "shock doctrine" helps contextualize colonial policies such as PROMESA and

cabotage law, while "disaster capitalism" conceptualizes the economic exploitation of vulnerable communities that occurred after Maria.

Puerto Rico has been a highly attractive place to hedge funds since the Puerto Rican government began issuing "triple tax-exempt" bonds[15] (Sheller, 2018), and the wave of investors and entrepreneurs with links to the cryptocurrency industry can be linked back to that financial apparatus (Bonilla, 2020a). This reveals a form of economic colonialism where the U.S. government indirectly encourages the financial exploitation of Puerto Rico's economy, without addressing the underlying structural issues. It has perpetuated a cycle of dependence reinforcing Puerto Rico's status as a colony that culminated in the "grotesque outgrowth of the more general processes of offshoring of banking hidden financial circulation, tax avoidance and secrecy economies in special zones beyond state regulation" (Sheller, 2018: 12). The term "outgrowth" is crucial here, indicating that the surge of cryptocurrency in Puerto Rico following Hurricane Maria was not solely an unwanted consequence of the disaster, but rather an intensification of pre-existing manifestations of colonialism revealed and exacerbated by the disaster. What investors described as a way of sustainable development was leveraging of the emergency in a manner that had significant consequences for Puerto Rico (Sheller, 2023). In fact, 98% percent of Puerto Rico was declared an "opportunity zone" for foreign investment, privatization, and profiteering in the wake of Maria (Bonilla, 2020a).

Bonilla further breaks down the "colonial capitalist exploitation" into several contemporary colonial policies that, in conjunction, have led to Puerto Rico's significant public debt crisis. One example of a colonial policy she scrutinizes is Act 20/22, which was passed in 2012. It allows wealthy elites from the U.S. to use Puerto Rico as a tax haven; government

[15] Tax exemptions at the local, state and federal level.

officials promised it would be beneficial in that newcomers would invest in the local economy and create jobs. This piece of legislation played a crucial role in the "disaster capitalism" that followed Maria but is just one of the many colonial policies that made the hurricane's impacts so devastating.

Many scholars conceptualize this phenomenon as 'disaster colonialism' as opposed to 'disaster capitalism'. The former examines how colonialism operates through repeated disaster; and how "procedural vulnerability is deepened through disasters and subsequently leveraged to deepen coloniality" (Rivera, 2020), while the latter concept focuses more narrowly on the economic exploitation following disasters. The former concept is a more apt encapsulation of Hurricane Maria: "Disaster capitalism" captures the immediate aftermath of a natural disaster and the opportunism that follows. The concept is temporally limited, as it does not adequately encapsulate the history of colonialism that allowed the accelerated exploitation to ultimately occur. Anthropologist Yarimar Bonilla echoes this sentiment, arguing that "disaster capitalism needs to be understood as [a] foundationally form of racio-colonial capitalism" (Bonilla, 2020b: 3). By thus expanding the notion of disaster capitalism beyond its limited temporal scope, we can understand how Hurricane Maria reveals not only gaps in economic policies as they existed in 2017 but how extreme vulnerability to exploitation is rooted in colonial legacies. Hurricane Maria was not a singular event, but the "culmination of over a century of colonial-capitalist exploitation and layered traumas" (Bonilla, 2019).

These scholarly perspectives underscore the impacts of colonialism extend beyond the inadequate response of the U.S. government to Hurricane Maria, playing a significant role in exposing Puerto Rico to disaster capitalism and exploitation in the aftermath of the hurricane. Naomi Klein's concept of disaster capitalism becomes evident as she describes the emergence of

wealthy investors aiming to reshape Puerto Rico, under the vision of a "neoliberal paradise" promoted by the government at the time. This exploitation, rooted in colonial legacies, is further elucidated by scholars such as Grosfoguel and Bonilla, who argue that Puerto Rico is being transformed into a neo colony to serve the interests of transnational capital. The surge of cryptocurrency and the designation of Puerto Rico as an “opportunity zone” for foreign investment underscore the economic colonialism that has been perpetuated by the U.S. government for over a century.

Methodology

My research relies on three elements of research methodology: interviews, archival research, and content analysis. Through both the archival research and content analysis, I paid particular attention to attribution of responsibility as well as examining underlying reasons behind the unfolding of historical events. The qualitative research was conducted during January 2023 in San Juan, Puerto Rico through several in-person and Zoom interviews. These interviews with various mutual aid efforts complemented the US’s presented narrative and revealed more vividly the effects of colonial policies on not only the federal response, but also the community’s own ability to respond.

In total, I conducted four semi-structured interviews that were typically about one hour in duration. My first interview was with a representative at Acomerpr, an organization focused on food security and encouraging local economic and agricultural development. While Acomerpr was not yet established at the time of Hurricane Maria, its work remained relevant even a year later, as Maria caused the collapse of all local agriculture, and infrastructural issues made access to food a large issue for an extended period of time. Since being formed during the COVID-19

pandemic, Acomerpr has collaborated with 33 other organizations and ended up providing support to more than 58 municipalities throughout the island.

The next interview I conducted was with a team member at The Foundation for Puerto Rico. Founded more than a decade ago, it was founded with the mission of transforming the island's economy. Its three areas of focus include: visitor economy; education and leadership; and resiliency and infrastructure. Following the hurricane, it established the "Hurricane Maria Relief Fund" to provide basic needs in the wake of the Hurricane and create critical and sustainable infrastructure and have raised $4.22 million.

My third interview was with a volunteer at ISER Caribe, or the Institute for Socio-Ecological Research. As a non-profit organization, its mission is to "work directly with local communities through a transdisciplinary approach by conducting participatory research and engagement," particularly surrounding the ecological restoration of coral reefs, potable water, and climate change science. Through local activities and education, it aims to develop participatory actions, capacity building and horizontal knowledge transfer. Following Hurricanes Irma and Maria, it created an emergency relief campaign that distributed solar-powered lamps, water filters, and other necessary supplies. It also served as a fiscal sponsor to small community organizations that were created to respond to the hurricanes. While more of a research organization than one dedicated to relief, its engagement in the community and partnerships with other organizations following Hurricane Maria provided me with a unique insight into mutual aid networks across the island.

My last interview was with an executive at PRxPR, a coalition of Puerto Rican business leaders with the mission to rebuild Puerto Rico. It is a private, non-partisan, no-overhead-funding organization and 100% of the donations go directly to affected communities. Long-term, their focus is on food and agriculture; clean water; and fuel and renewable energy initiatives. In fact,

the decision not to receive any overhead funding and instead create a private fund was a very intentional one; the team wanted money to go directly to the people without dealing with any red tape. Thus, having an insight into their management decisions provided me with a clear understanding of their prioritization of direct impact and frustration with the colonial bureaucratic obstacles in place.

While the third and fourth chapters are primarily centered around qualitative data, I supplemented the interviews with many reports from U.S. government agencies like FEMA as well as publications from Puerto Rican organizations (both those that I interviewed and those that I was not able to). I also selected several secondary sources that delve into the colonial history of Puerto Rico, explore the federal response to Hurricane Maria, assess the subsequent rise of a mutual aid network across the island, and other aspects relevant to my research. As evident in the literature review above, most of the literature that assesses the U.S.'s treatment of Puerto Rico from the Spanish-American War through Hurricane Maria takes a highly critical approach and will therefore provide helpful insights.

Through these various forms of methodology, I sought to explore the varying perspectives of those directly involved in the response to Hurricane Maria. Much of the existing literature primarily focuses on the inadequate U.S. response and highlights how mutual aid societies filled in the gaps. By including the perspectives of the mutual aid societies themselves, I seek to provide a more holistic understanding of the colonial impacts on Puerto Rico and how they manifested in the response to the hurricane. Thus, this research also aims to explore the tensions, complexities, and gaps within existing literature.

Chapter 3: Colonialism Compounds Hurricane Maria

Hurricane Maria struck Puerto Rico on September 20th, 2017. Technically a Category 5 hurricane when it struck Dominica and Category 4 when it reached Puerto Rico, the devastation was extensive and far-reaching and the destruction penetrated every structure and home across the island, leaving no community untouched. The hurricane made landfall near Yabucoa, a southeastern town where 99% of the municipal buildings were completely destroyed (Deiber, 114). On the northeastern coast of the island, the entire neighborhood of Punta Figuera – a fishing village located in Ceiba – ceased to exist (Deiber, 114). In Toa Baja, an area directly to the west of San Juan, at least eight people drowned as whole neighborhoods became entirely submerged (Deiber, 114). The hurricane, which raged on the island for more than 30 hours, destroyed the island's electric grid and irreparably damaged the agricultural sector, medical sector, and private sector (Bonilla and LeBrón, 2019). On average, Puerto Rican households went eighty-four days without electricity, sixty-eight days without water, and forty-one days without cellular telephone coverage (Sweet, 2018). A month after Hurricane Maria made landfall, not only did 80% of the island remain without power, but not a single school on the island had reopened, 30% of the island remained without water, supermarkets could only stock a random selection of non-perishables, and almost 5,000 people were living in temporary shelters (Deibert, 133). A year later, thousands of citizens remained in temporary housing. Furthermore, a greatly reduced public works budget resulted in collapsed bridges and unrepaired roads, and a dismantled public health system led to bacterial outbreaks and a collapsed hospital system (Bonilla, 2020a). While natural disasters are bound to instill damage to infrastructure, much of Puerto Rico's destruction would not have occurred had the colonial government not let Puerto

Rico's infrastructure deteriorate. Alternatively, the destruction could have been significantly minimized with a proper federal response.

The colonial neglect of necessary infrastructures like access to electricity, potable water, quality healthcare; lack of political self-determination and economic independence; and lack of preparation and concern on the part of the federal government, was responsible for a much higher death toll than should have occurred. Where President Trump called the response an "unsung success" and reported only 64 deaths on the island, a George Washington University study revealed a death toll of at least 2,975; a number that was much closer to the final death toll calculated by CNN and Puerto Rico's Centre for Investigative Journalism. Well into 2018, Trump disputed the death toll. He tweeted "Three thousand people did not die in the two hurricanes that hit Puerto Rico. When I left the island, AFTER the storm had hit, they had anywhere from six to eighteen deaths" (Deibert, 2019: 144). The New York Times later reported in 2018 that the latest estimate, including delayed deaths due to lack of medical attention and basic supplies, was nearly 4,600 people. They further reported that 1,052 more people than usual died in the 42 days after the storm (Fink, 2018).

Hurricane Maria laid bare not only the effects of colonial neglect but also deliberate forms of colonial dominance that established systems and structures that were ill-equipped to handle a disaster like Maria. According to scholar Ed Morales, Maria was "the final straw that exposed the illusion of U.S. citizenship that islanders had been granted in 1917" (Morales, 2019: 3). While Puerto Ricans have been dealing with the implications of their status for over a century, this quote points to the Hurricane's role in truly revealing the underlying inequalities and disparities in rights, resources, and support given to Puerto Rico. The first two sections of this chapter – *The Electric Grid* and *Food Accessibility* – provide just two examples of the

numerous social structures or systems that Puerto Rico has never had autonomy over. Scholars consider the hurricane itself to be one of the most destructive storms to ever hit the Atlantic and to have triggered one of the worst humanitarian disasters to occur in the United States (Chilton, et al. 2020). The impacts on the island are countless and ongoing: from post-disaster trauma and a spike in suicide rates to the extended interruption to educational systems, the impact of Maria on the island cannot be overstated. Furthermore, the lack of access to potable water, food, and shelter, as well as the delayed restoration of electricity across the island had severe impacts on the health and safety of people on the island. By mid-October, at least 5,000 people were still living in temporary shelters in the island's schools (Deibert, 2019), thus lacking adequate sanitation facilities and increasing the risk of spreading illnesses and infections. Unfortunately, this paper is limited in its ability to give due consideration to all the hurricane's impacts.[16]

Therefore, this chapter focuses specifically on the impacts of the Hurricane most directly implicated by colonial policies and supplanted by mutual aid societies: the agricultural sector and the electrical grid. While not a manifestation of colonialism, the federal 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act excused the federal government from properly restoring and rebuilding Puerto Rico's electric grid, which has long suffered from colonial neglect. Furthermore, a significant portion of the work done by mutual aid societies (addressed

[16] For further reading, see the following:
Migration from Puerto Rico to the United States following the Hurricane: Melendez, Edwin, and Jennifer Hinojosa. 2017. "Estimates of Post-Hurricane Maria Exodus from Puerto Rico." Center for Puerto Rican Studies , Hunter College , CUNY RB2017- 01: 1-7.
Mental health impacts, see Orengo-Aguayo, R., Stewart, R. W., de Arellano, M. A., Suárez-Kindy, J. L., & Young, J. (2019). Disaster Exposure and Mental Health Among Puerto Rican Youths After Hurricane Maria. *Jama Network Open.* National Library of Medicine. *2*(4).
Economic impacts: Caraballo-Cueto, J. (2021). The Economy of Disasters? Puerto Rico Before and After Hurricane Maria. *CENTRO: Journal of the Center for Puerto Rican Studies*, *33*(1)
Environmental impacts, particularly on forests: Feng, Y., Negrón-Juárez, R.I., & Chambers, J.Q. (2020). Remote sensing and statistical analysis of the effects of hurricane María on the forests of Puerto Rico. *Remote Sensing Environment*, 247.

more explicitly in Chapter 4) focused upon providing temporary light and electricity to residents of the island. The section on the electrical grid therefore not only exposes the life-or-death ramifications of colonial neglect but also serves as an example of mutual aid societies stepping in to fill critical gaps in disaster response and recovery efforts. The following section, *Food Accessibility,* similarly explores how historical colonial policies had substantial consequences in the wake of Hurricane Maria, but how mutual aid societies attempted to circumvent these policies by providing relief in alternate ways. Together, the Jones Act and PROMESA exacerbated the difficulties Puerto Rico encountered in sustaining basic necessities, particularly food availability, following Hurricane Maria. The increased shipping expenses enforced by the Jones Act and the fiscal austerity measures mandated by PROMESA disrupted food supply chains, restricted access to economical food choices, and intensified food insecurity. Additionally, the island's insufficient agricultural sector and heavy reliance on imports that Hurricane Maria brought to light as a significant issue, can be traced back to debt-restructuring policies such as Operation Bootstrap.

The third section of this chapter goes beyond the ways in which colonialism and colonial policies exacerbated the damage of Hurricane Maria to explore the ways in which the U.S.'s neocolonialist intentions with Puerto Rico and engrained perceptions of differential citizenship informed their inadequate response. This section explores the domains where FEMA was tasked with delivering aid – areas of responsibility that it successfully fulfilled in the wake of previous hurricanes that hit the mainland U.S., yet it failed to replicate in extending similar aid to Puerto Rico. FEMA's lack of preparation to deal with a crisis like Hurricane Maria exposes a major gap in their emergency preparedness planning: not having sufficient frameworks for dealing with natural disasters in the U.S. Territories is a further manifestation of neo-colonialism. The Trump

Administration and FEMA's neglect of Puerto Rico "laid bare the racist colonialism with which the United States has often administered Puerto Rico" (Morales, 2019: 3). While Hurricane Maria opened the door for the U.S. to provide more aid and economic relief to the island, the lack of action and disaster relief provided aligns with the exploitation of Puerto Rico's economic struggles that began in 1898. The negligible response to Hurricane Maria qualifies as an indicator of colonialism due to evident disregard for the island's welfare and sovereignty.

Impacts on Electric Grid

One of the biggest challenges Puerto Rico faced in the aftermath of Maria was the destruction of the electric grid, as it compounded the loss of essential services, put the health and safety of many additional lives at risk, and had shockingly long-lasting impacts on energy access and power reliability. In fact, considering both the number of people affected and the length of the blackouts, it has been ranked the worst blackout in U.S. history and second-worst globally (Houser & Marsters, 2018). It took 328 days for power to be completely restored to all residents across the island (Zahn, 2022). This extended lack of electrical power across the island significantly contributed to the loss of lives. The hospital in Aguadilla had no electricity at all for fifty-three days (Deibert, 2019: (143), and hospitals use electricity for several critical functions and the operation of medical equipment that are essential for patient care. When doctors arrived from Orlando's Florida hospital in Aguadilla, they were unable to conduct CT scans, and could only complete X-rays by stepping outside and holding the film up to sunlight (Deibert, 2019).

Another critical issue was the lack of ability to communicate across the island. Maria caused destruction to 1,360 of the island's total 16,000 cell phone towers and 85% of both above-ground and underground phone and internet cables (Deibert, 2019). Two days later, the Puerto Rican government was fully unable to communicate in any way with 40 out of the

island's 78 municipalities (Deibert, 2019). The government was fully unable to coordinate relief efforts, and those communities in need of urgent assistance were unable to access essential services. Five days later, the Federal Communications Commission (FCC) reported that 95.2% of cell sites in Puerto Rico were out of service (Jones, et al., 2019). The FCC further reported in a report on the 2017 Atlantic hurricane season's impact on communications that Hurricane Maria's impact on the communications infrastructure resulted in much longer recovery times compared to Hurricane Harvey's effect on Texas, Hurricane Irma's effect on Florida, or Hurricane Nate's effects along the Gulf Coast. After six months, 4 percent of cell sites remained out of service and thus completely inoperable. After a significant hurricane of this scale, outages are "more typical of a few days after, not many months after" (Public Safety and Homeland Security Bureau, 2018: 15). Communication networks play a crucial role in disaster response and can be the difference between life and death.

However, Maria did not destroy a perfect grid. Instead, it exposed the island's fragile and old electricity infrastructure mismanaged by the heavily indebted monopoly electric utility, the Puerto Rico Electric Power Authority (PREPA). Although under a different name then, PREPA was established in 1941. The largest supplier of electricity in Puerto Rico, serving 1.4 million customers across the island, it owns electricity generation, transmission, and distribution systems (Jones, et al., 51). In 2014, PREPA's longstanding status as a self-regulating utility was ended by the passage of the Transformation and Energy Relief Act. Under this act, the Puerto Rico Energy Commission (PREC) was created and granted the authority over PREPA's rates, generation interconnection, and compliance with renewable portfolio standards (Jones, et al., 52). In 2016, although PROMESA established a Financial Oversight and Management Board and required PREPA to draw up a fiscal plan, Puerto Rico's governor and legislature retained most of the

control over PREPA (Jones, et al., 52). However, throughout the beginning of the 21st century, PREPA is characterized as being heavily influenced by the current leading political party and mismanagement of funds. As a result, they held over $9 billion in debt, which accounts for 12% of the island's total debt (Smith-Nonini, 67). It remains somewhat unclear as to how they amassed such significant debt. However, PREPA did borrow $10 billion by issuing power revenue bonds for the purpose of capital improvements. The utility was struggling to keep its plants operating as oil prices were especially high, and in 2017, had spent 40-60% more on fuel in the past few years than it had budgeted for (Smith-Nonini, 75). The inability to oversee its own finances due to PROMESA compounded PREPA's struggles by preventing it from managing its debt, implementing reform, and investing in critical infrastructure. Puerto Rico's challenges with energy can be traced back to Operation Bootstrap (Smith-Nonini, 75). Emphasizing the importance of tax breaks, duty-free trade, exploitable local labor, and especially cheap prices for crude oil and electricity, Operation Bootstrap galvanized the large-scale movement of oil-based industries onto the island (de Onís, 2017). Indeed, going back centuries, both the Spanish and U.S. colonial governments in Puerto Rico have practiced extractivism and exploitation of the island's resources to achieve energy dominance. Energy politics in Puerto Rico is just one more example of Puerto Rico's colonial subjugation, a concept known as 'energy colonialism' (de Onís, 2017). The term "energy colonialism" encapsulates the island's long history of a site for resource extraction to benefit external powers and highlights how Puerto Rico's energy policies and infrastructure have been shaped by colonial priorities rather than serving the needs of the local population.

Because PREPA had insufficient capital resources for over a decade, it fell significantly behind on repairs and updates to infrastructures. Transmission systems were significantly

deteriorated, and energy reliability was a pressing issue (Jones, et al., 53). The grid was already extremely prone to blackouts, experiencing them at a rate twelve times higher than the U.S. average (Jones, et al., 55). Furthermore, the island's electricity generators are twenty-eight years older than the average in the U.S. (Jones, et al., 55). In addition to deteriorating systems, the spatial distribution of the grid significantly contributes to the challenges faced when restoring power in the aftermath of storms. The major power plants that generate most of the island's electricity, such as at Aguirre, Costa Sur, AES, and EcoEléctrica, are located on the southern coast of Puerto Rico. Given that approximately 2 out of the island's 3.2 million residents live in the larger urban areas in the northern part of the island, a significant amount of the electricity must be transferred across the island's central mountain range via transmission lines (Jones, et al., 60). Longer transmission lines are comparatively problematic in times of storms for several reasons: they are more exposed to adverse weather conditions and increased likelihood of damage; it is more challenging to identify points of damage; it requires more time and resources to repair the longer infrastructure; it can have cascading effects on the overall resilience of the grid and lead to more widespread power outages; and maintenance costs are higher. Furthermore, the particularly rugged terrain of central Puerto Rico makes it increasingly difficult for distribution and transmission line workers to repair damage (Jones et al., 60). As such, it was the transmission and distribution infrastructure that faced the brunt of Maria. PREPA estimated that 80% of PREPA's total 2,478 miles of transmission lines and 31,485 miles of distribution lines were damaged (Jones et al., 60).

Not only did Puerto Rico experience frequent outages due to inadequate infrastructure, but Hurricane Irma also made landfall on the island on September 6. Three days before Hurricane Maria, PREPA reported that 63,503 customers lacked electricity (Jones et al., 59).

Then Hurricane Maria hit, impacting all seventy-eight municipalities across the island. After nine days, 1.57 million electricity customers in Puerto Rico, 95% of all customers, remained without power. Even after two weeks, less than 10% of people had power. 199 days later, while PREPA had restored power to 95.8% of customers, 62,000 people remained without power (Jones et al., 61).

In the wake of disasters, it is standard practice in the U.S. for state governments to request "mutual aid", whereby utilities cross state borders to assist in power restoration (Smith-Nonini, 70). Several utility companies on the mainland that had responded to Hurricanes Harvey and Irma offered to assess the damage and provide assistance in restoring the grid. However, PREPA did not take them up on this offer (Deiber, 119). Instead, PREPA chief executive Ricardo Ramos signed a $300 million no-bid contract with Whitefish Energy, a Montana-based company, to resurrect the island's electrical grid. Whitefish Energy had two-full time employees. It asserted that it had 280 part-time subcontract workers on the island of Puerto Rico and were hiring at a rate of 20 new workers every day (Deiber, 119). Ricardo Ramos explained that he had never heard of the company before, but after checking them out on the internet, "they showed a lot of experience" (Deiber, 120). No straightforward answer has been provided as to why this company was chosen over experienced utility companies offering to help. However, Whitefish is based in the Montana town where Ryan Zinke, then-U.S. Interior Secretary, is from. Although Zinke denied helping Whitefish get the contract, he and Ramos are good friends (Smith-Nonini, 2020). Despite the lack of clear rationale, the decision to hire Whitefish raises questions about the transparency and fairness of the contractual agreement, reflecting broader concerns about Puerto Rico's history of limited autonomy and decision-making power, particularly in crucial sectors like the electrical grid.

By the end of October, PREPA was generating only 30% of its normal electrical output; finally, the current governor Rosselló canceled the contract with Whitefish and formally requested mutual aid. At that point, the Trump administration assigned the U.S. Army Corps of Engineers to oversee grid restoration in collaboration with PREPA. USACE had never been part of grid restoration and PREPA had one-third of its usual workforce due to austerity measures (Smith-Nonini, 2020). In addition to the challenges of organizing a depleted and inexperienced workforce, there were significant challenges in accessing the necessary electrical parts and other resources. At the time, Puerto Rico was competing with Florida and Texas for electrical parts to repair their own grids. It was not until mid-January, four months after the hurricane made landfall, that a full workforce and enough equipment to repair the grid arrived (Smith-Nonini, 2020). In the more mountainous parts of central Puerto Rico, it took eleven months for repairs to even begin. Loss of electrical power does not just mean the loss of lighting and charging for communication devices. A study found by the George Washington University of Public Health estimated that 2,975 extra deaths occurred during the last three months of 2017 and significant causes for these later deaths were the lack of air conditioning, refrigeration, respiratory therapy, and kidney dialysis (Milken Institute School of Public Health, 2018).

In addition to the immediate challenges of restoring a completely destroyed and historically inadequate grid, the federal framework for rebuilding the grid in the longer term was insufficient to meet the island's needs. FEMA's framework for disaster recovery underscores the crucial role of the local government in leading pre-disaster preparedness and mitigation efforts, as well as managing the post-disaster recovery, but fails to acknowledge the uniqueness of Puerto Rico's situation as a colony. FEMA states that "Post-disaster recovery is a locally driven process, and the state supports communities by coordinating and/or providing any needed

technical or financial support to help communities address recovery needs" ("National Disaster Recovery Framework", 17). While charging all local governments with being the primary entity responsible for recovery, FEMA fails to acknowledge that Puerto Rico lacks any self-determination or autonomy. This was certainly relevant in the aftermath of Hurricane Maria, FEMA overlooked the need for additional support due to Puerto Rico's lack of autonomy. The only specification that the NDRF provides is that "due to their remote locations, territories and insular area governments often face unique challenges in receiving assistance from outside the jurisdiction quickly and often request assistance from neighboring islands, other nearby countries, states, the private sector or nongovernmental resources, or the Federal Government" ("National Disaster Recovery Framework", 19) Thus, it is able to acknowledge how Puerto Rico is geographically different from the mainland U.S. but fails to consider the unique circumstances of the island based on its colonial history. This aspect of the NDRF is particularly ironic because it acknowledges the potential need for assistance from neighboring islands for territories. It is extremely paradoxical because the Jones Act prohibits any direct shipments of supplies or food from other islands to Puerto Rico.

Beyond FEMA's system for disaster preparedness and recovery, the primary framework that outlines federal obligations in responding to disasters is the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Passed in 1988, the Stafford Act was most recently amended in 2016 (Jones, et al., 2019). In the definition section, the Stafford Act establishes that Puerto Rico be given equal relief to the continental states and section 308 ensures "Nondiscrimination in Disaster Assistance" ("Robert T. Stafford Disaster Relief and Emergency Assistance Act", 2013). However, like the NDRF, the Stafford Act designates certain amounts of aid and financial assistance based on the local government's capacity without considering that

Puerto Rico's local government has been subjected to over a century of colonization and political subjugation: "The president shall take into account….the degree of commitment by the State or local government to reduce damages from future natural disasters" ("Robert T. Stafford Disaster Relief and Emergency Assistance Act", 2013: 7).

Another relevant section of the Stafford Act is Section 406: Repair, Restoration, and Replacement of Damaged Facilities. Under this section, "The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility… which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred…". The Act aims to limit the amount of damage that falls under its jurisdiction. It also specifies that things should only be rebuilt to their condition pre-disaster because the federal funds it uses for relief are for emergency purposes only, not long-term improvements (Jones et al., 53). Thus, the Act essentially prohibits the modernizing of equipment or improvement of infrastructure projects. Bruce Walker, reliability assistant secretary at the DOE concluded, "The Stafford Act does not contemplate, as it's written, rebuilding an electric system" (Wiley, 2018). As a result, utility linemen were forced to exactly reconstruct highly outdated and obscure hardware that had long gone out of service (Interviews, USACE staff, January 24, 2018, as cited in Smith-Nonini, 2020). While the Stafford Act does provide a comprehensive disaster response and relief framework, it is insufficient in its failure to address the unique precariousness of Puerto Rico as a U.S. colony and allowed FEMA to do the bare minimum in restoring Puerto Rico to its pre-Maria state.

Food Accessibility

Another profoundly critical issue following Hurricane Maria was the scarcity of access to food; Puerto Rico's deprivation of the fundamental human right to food is directly linked to enduring over a century of U.S. colonial policies. The island has never had a fully self-sustained food system. However, prior to 1947 – the year Operation Bootstrap was launched – agriculture was the "backbone of the economy" (Reel, 2017). However, with the incentives established under Operation Bootstrap as well as the tax breaks established in the 1970s allowing industrial companies to avoid corporate income tax on profits made in Puerto Rico, workers had more than enough reasons to stop farming and work in factories (Reel, 2017). However, Puerto Rico does have a tax on inventories. As a result, supermarkets and grocery stores, especially the smaller-scale ones, generally do not have large inventories (Acomerpr interview).

There are numerous other reasons as to why agriculture on the island has essentially disappeared. Firstly, Puerto Rican land laws from the 1940s prevented the farms from expanding or merchandising like those on the mainland, thus preventing Puerto Rico from competing internationally (Harris & Spiegel, 2019: 27). Secondly, Puerto Rico's government exhibited poor land use regulation; they employed weak permitting systems and expedited the appropriation of public lands for private and industrial purposes. Thus, the majority of agricultural land became allocated for industrial purposes (Diaz, 2021: 113). Thirdly, the introduction of federal nutrition assistance programs in the 1970s and 1980s increased overall spending on food, but also markedly increased spending on processed foods (Diaz, 2021: 114). The U.S. National Food Stamp Program (FSP) was introduced to the island in 1974 and was replaced in 1981 by the Nutritional Assistance Program (PAN) (Harris & Spiegel, 2019: 27). Although farmers benefited from PAN, it created a dependency whereby all agricultural markets became dependent on PAN

funds for survival (Diaz, 2021: 114). Harris & Spiegel, 2019 describe the relationship between Puerto Rico's food-insecure population and the agricultural sector as "fuel[ing] a self-perpetuating cycle that does not lend itself to building resilient food systems" (Harris & Spiegel, 2019: 27). This all stems from the federal government: "small-scale [farming] is not something they [the federal government] support…the reality is they prefer large agribusinesses" (Iser Caribe Interview). The land that is available for agricultural purposes is for export purposes, not for internal consumption, so the commodities go to a larger market to make more money rather than producing food for the local people (Iser Caribe Interview).

These policy-based reasons for the lack of internally focused agricultural production are further compounded by social issues. Puerto Rico, like many other countries, is experiencing a demographic change. "We are aging, rapidly, extremely fast. And a lot of young professionals are migrating to the States" (Acomerpr interview). As a result, a lot of older adults are living alone without the ability to go to the supermarket. Thus, the issue goes deeper than financial barriers, it extends to physical limitations. Additionally, there is a stigma towards agriculture on the island; the government's policies of industrialization and economic growth inadvertently assigned a negative connotation to agriculture. It became associated with people with "very low education" and therefore nobody wanted to identify with the sector (Acomerpr Interview). Furthermore, there are no seed banks on the island beyond experimental seed banks that belong to private companies or universities (Acomerpr Interview). The U.S. has twenty seed banks that hold hundreds of thousands of different varieties of crops. (Eckelkamp, 2018). These seed banks play a vital role in safeguarding agricultural biodiversity, supporting sustainable food production, and enhancing resilience to food insecurity in the face of various challenges such as natural disasters. Additionally, there is only one major food pantry and distribution center on the island:

the Food Bank of Puerto Rico. While it has been operating for twenty years, it is a nonprofit organization and does not have the capacity to serve and distribute to the whole island (Acomerpr Interview).

Finally, availability and accessibility of food in Puerto Rico are heavily controlled under the Jones Act, requiring the transport of cargo between points of the U.S. be on ships "(1) owned by U.S. citizens and registered in the U.S.; (2) built in the U.S.; and (3) operated with predominantly U.S.-citizen crews" (Diaz, 2021: 115). Because of the collapse in the agricultural sector in the latter half of the twentieth century, Puerto Rico now imports 85% of its food (Diaz, 2021). This has a major effect on both cost and on efficiency. Because of the Jones Act, food in Puerto Rico costs twice as much as it does in Florida and as it does in the U.S. Virgin Islands, which are exempt from the law (Diaz, 2021: 115). Furthermore, Puerto Rico is unable to have direct trade with neighboring countries. To get bananas from the Dominican Republic for example, the bananas must go to Jacksonville. Florida, be put into U.S. ships with U.S. Merchant Marines or sailors, and then travel all the way back to the Port of San Juan. Not only does that dramatically increase the cost of fuel, but it also lowers the shelf life of the product: "At the end of the day, we're literally paying more money for food that will last a few days from the fridge" (Acomerpr Interview). Finally, there is a lack of port diversification in Puerto Rico and imports come almost exclusively from one port, the Port of San Juan. The underutilization of other ports, the one in Ponce, for example, heightens the island's vulnerability during natural disasters. (Acomerpr Interview). Every single one of these colonial policies, economic decisions, and social factors in Puerto Rico contributed to the huge issue of food inaccessibility after Hurricane Maria.

While the consequences of the Jones Act are consistently significant, the ramifications are even more pronounced when emergencies like Hurricane Maria occur. It took a week and a half for any resources to reach the island. While people in the Dominican Republic and other neighboring islands had been offering aid and resources, "we could not accept it because we are a U.S. colony" (ISER Caribe Interview). Hurricane Maria erased 80% of Puerto Rico's crop value, approximately $780 million in agriculture yields (Deibert, 2019: 115). In addition to the crops, the supply chains were also affected. Puerto Rico was forced to import over 95% of its food (Diaz, 2021: 116)[17]. The Jones Act proved to be a major impediment to this already fraught situation. There were shipments from other countries that were willing to send supplies, but for almost the entire time the island was recovering from the hurricane,[18] they could only receive shipments from U.S. ships. Thus because of "this absurd, antiquated protectionism, it's now twice as expensive to ship critical goods– fuel, food and building supplies, among other things– from the U.S. to Puerto Rico, as it is to ship from any other foreign port in the world" (Diaz, 2021: 116). Thus, it was a combination of devastating crop losses, disrupted supply chains, and the hindrance imposed by the Jones Act that exacerbated Puerto Rico's food inaccessibility crisis.

Gabriela Valentín Diaz argues that the lack of food sovereignty in Puerto Rico violates the elements of the ICCPR protecting the rights to self-determination and political participation. By not giving the people of Puerto Rico the opportunity to exercise the right to self-determination or true representation in Congress or input on presidential elections, they have not been given the opportunity to choose the structure of their food system. Furthermore, although

[17] For a more comprehensive overview of Hurricane Maria's impact on Puerto Rico's agricultural sector, see the report from the USDA: *Puerto Rico's Agricultural Economy in the Aftermath of Hurricanes Irma and Maria: A Brief Overview*

[18] The Jones Act was temporarily waived for ten days as will be further elaborated on in the 'U.S. Federal Response' section.

the U.S. has not ratified the ICESCR which enshrines the right to food, it has supported the Universal Declaration of Human Rights which states that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food" (Diaz, 2021: 121). Without a doubt, the violation of Puerto Rico's civil and political rights in conjunction with the history of colonial policies has significantly hindered the sustainable accessibility, availability, and adequacy of food in Puerto Rico.

U.S. Federal Response

The failure to have sufficient frameworks in place for dealing with Hurricane Maria is largely a reflection of colonialism, manifested through economic policies. While Maria may have exposed these structures, the damage was done by decades of mismanagement, unjust policies, and colonial structures. In fact, reports from the U.N. have confirmed that Puerto Rican citizens have faced persistent human rights violations for decades (Chilton et al. 2020). The damage in Puerto Rico was not brought upon by the hurricanes but "the slowly accruing effects of racio-colonial governance", and the infrastructural "aftershocks" were not the result of climate change, but of a failed political and economic system (Bonilla, 2020).

Given that Puerto Rico is an unincorporated territory of the U.S., it is the role of the federal government to oversee relief. The response was coordinated by the FEMA. Funding channeled in through FEMA covers rescue missions, clearing of roads, distribution of food and water, medical care, creation of temporary shelters, and providing an alternate source of power (Meléndez, 2018b). FEMA provided survivors in Puerto Rico with around $6 million in recovery aid and total funds towards the island. According to a mutual aid society heavily involved in the relief process, "FEMA actually became an obstruction" (ISER Caribe Interview). In fact, it was already 2018 by the time it took them to "understand the terrain, understand what was going on,

understand who is who" (Foundation for PR Interview). By all accounts, including a number of admissions from FEMA and U.S. officials, the U. S's response was abysmal. Trump's actions and tweets in the wake of the Hurricane received a lot of media attention, but the problems with the federal response ran far deeper.

In the first several days after Hurricane Maria made landfall, there was neither a sense of urgency nor a sense of concern on the part of U.S. officials. It took five days after the storm made landfall on the island for a single senior administration official to arrive on the island (Deiber, 117) and Puerto Ricans involved in mutual aid societies did not see FEMA for another two months; "they weren't anywhere to be found" (ISER Caribe Interview). Finally, White House Homeland Security Adviser Tom Bossert and FEMA Administrator Brock Long arrived on September 21st (Deiber, 117). Even back in the U.S., the first Situation Room[19] meeting regarding the situation in Puerto Rico did not happen until six days after the storm. As Representative Darren Soto, a Democrat from Florida put it, "We've invaded small countries faster than we've been helping American citizens in Puerto Rico" (Deiber, 117). On September 25th, the Trump Administration announced that they had no plans to waive federal restrictions under the Jones Act despite waiving it in the wake of Hurricanes Harvey and Irma; the Department of Homeland Security had asserted that U.S. flagged vessels alone would be sufficient in providing supplies to the island (Deiber, 117). Finally on September 28th, twelve days after Maria made landfall, it was announced that the Jones Act would be waived, for 10 days only (Deiber, 117). This was not enough time for a Norwegian ship to transport 53 containers of aid from New Orleans to Puerto Rico, or for a Dutch vessel, owned by Greenpeace, to carry supplies to the island (Grabow et al., 2018: 9). The Jones Act places an unnecessary

[19] The White House's Conference room and intelligence management center where meetings are held to monitor and deal with crises at home and abroad.

burden on Puerto Rico and serves as an impediment in times of disaster. This problem would be mitigated through presidential waivers, but the U.S.'s strong opposition to the liberalization of Puerto Rico's governance raised significant hesitations about lifting the Act at all.

At this point, a media war broke out between officials in the U.S. and in Puerto Rico. Elaine Duke, Trump's acting head of Homeland Security, described the situation in Puerto Rico as a "really a good news story in terms of our ability to reach people and the limited number of deaths that have taken place in such a devastating hurricane" (Deiber, 121). Carmen Yulín Cruz, the Mayor of San Juan responded, "This is a people are dying story. This is a life or death story. This is a story of devastation that continues to worsen" (Deiber, 121). Trump then took to Twitter, criticizing Cruz for her "poor leadership" and Puerto Ricans for "want[ing] everything to be done for them when it should be a community effort." He praised the federal workers for doing an amazing job despite having no access to electricity, roads, or phones, and graded the federal response as an A+ (Deiber, 122). He had not yet been to visit the island. When he did finally visit the island nearly two weeks after Maria made landfall, he was there for less than five hours and did not leave the San Juan metropolitan area (Deiber, 122). During those five hours, he stated that Maria was "not a real catastrophe like Katrina"; falsely asserted that Puerto Rico's grid had been "devastated before the storm had hit"; fabricated a death count of sixteen people; told the governor that "you've thrown our budget a little out of whack"; and then threw paper towels into the crowd (Deiber, 123). Trump's response to Hurricane Maria underscored a contentious narrative characterized by his criticism of local leadership; dissemination of misinformation; and deeply insensitive comments and actions.

The U.S.'s atrocious response to Maria was not just limited to the insensitivity of a select few politicians, it extended to countless instances of FEMA's inadequate preparedness and

extreme inefficiency. On October 23, FEMA's Regional Administrator landed a helicopter on the island and told residents that within the next week, it would distribute 50,000 more tarps and 500 generators that had been positioned on the island before the storm. FEMA had only prepositioned 12,000 tarps and 25 generators on the island before the storm (Deiber, 125). In a series of falsehoods used to explain its own failures, FEMA claimed it took longer because the roads were closed, which they were not (Deiber, 125). Throughout the relief effort, it coordinated with three different companies to bring tarps to the island. The first two did not bring a single tarp, and the third, which specializes in the importation of hookah tobacco, provided some tarps, all of which failed quality control inspection (Deiber, 125). The satellite phones that were delivered by FEMA to the island did not, in fact, work in the Caribbean (Deiber, 125). Finally, internal documents published by FEMA revealed that of the FEMA staff brought to Puerto Rico, a quarter were later classified "untrained" and another quarter "unqualified" (Deiber, 125).

FEMA did not just fail to facilitate the assistance that it was tasked with providing, it obstructed mutual aid societies from giving aid. An employee at ISER Caribe – which provided aid to a significant amount of the island in the months after Maria – was returning to Puerto Rico from the mainland six days after the hurricane. He and his partner had purchased several chainsaws, but FEMA had just passed a regulation indicating that you could not take chainsaws on a flight for this situation only. On any other day of the year, you could take chainsaws, but not in the aftermath of the hurricane. He tried reasoning or handing the chainsaws off to first responders, but "reasoning is not something that FEMA does very well" (ISER Caribe Interview). Another example is when the organization received a container full of materials from friends in the U.S. What should have been an easy collection of those materials turned into a whole ordeal of getting around the red tape (ISER Caribe Interview). This interviewee cited

several more examples of federal workers asking his organization for help: both FEMA workers and the U.S. military called his cell phone to ask him for help and federal workers "literally asked us for directions because they didn't know where to go" (ISER Caribe Interview). In both cases, the ISER Caribe employee declined because at that point, it would have further impeded the efforts of mutual aid societies. Thus, FEMA was not only ill-equipped to handle such a disaster, but they were also oftentimes an impediment to the groups that were actually providing relief.

The issues derived not only from coordination and communication challenges but downright neglect. Truckloads of other relief supplies, including food and water that had been donated by non-profit groups and private entities, and were supposed to be distributed by the National Guard, were found ten months after the hurricane, infested by rats (Deiber, 125). Furthermore, satellite imagery circulated in the media (and corroborated by researchers at Amnesty International) showing $22 million worth of drinking water left on a tarmac with no sign of being distributed for months (Amnesty, 2018). Access to water was one of the most pressing concerns on the island in the aftermath of the hurricane; the photographic evidence of mismanagement thus reflects an egregious failure by the U.S. to provide appropriate humanitarian assistance. By the end of January, FEMA announced it was officially shutting off all food and water aid for Puerto Rico, asserting that its analysis showed that only 1% of islanders still relied on assistance. At that point, there were many towns like Morovis, where almost the entire town lacked electricity and up to a third of citizens still depended on food rations (Deiber, 125).

In addition to general inadequacy and neglect, FEMA requirements were onerous and culturally out of touch (Amnesty, 2018). Lawyers at Ayuda Legal Huracán Maria, a local

organization helping residents navigate through FEMA decisions, asserted that as many as 62% of applicants were denied FEMA assistance for rebuilding their homes: “double victimization” (Amnesty, 2018). For one, FEMA mostly required applications to be made online when most of the island remained without electricity. Additionally, few FEMA officials spoke Spanish (Amnesty, 2018). FEMA’s process ultimately failed to account for the language barrier and cultural differences between Puerto Rico and the mainland United States. Despite the U.S. having ratified human rights instruments that require emergency assistance to be done in a way that is not discriminatory, their response to Maria was full of discrimination.

Additionally, whereas Congress allocated $42.7 billion in relief funds, less than $20 billion of that has reached the Island (Hispanic Federation, 2018). These numbers fall far short of Trump’s claim that Puerto Rico had received $90 billion in federal recovery funds, which he claimed was more than “any state in the history of the U.S” (Deiber, 166). Many U.S. legislators have released public statements on this issue, including Senate Democratic Leader Chuck Schumer, who stated that “It is shameful that two years after Hurricane Maria and Irma, Puerto Rico is still unable to access more than $18.4 billion in federally-appropriated resources” (Hispanic Federation, 2018). These failed promises reflect a dynamic where the U.S. is not fully transparent with Puerto Rico about their intentions, thus exacerbating the harmful impacts of colonial relations.

When PROMESA was enacted in 2016, it was done so under the premise that it was not going to be a “bailout”. As such, the disbursement of even a $4.9 billion federal loan for disaster relief exacted tight scrutiny by both FEMA and the Oversight Board (Meléndez, 2018b: 64). Governor Rosselló had requested $94.4 billion from Congress to rebuild the island’s infrastructure, housing, schools, and hospitals, planning to allocate “$31.1 billion for housing

and $17.8 billion to rebuild and make the power grid more resilient" (Bases, 2017). In addition to short-term disaster relief being distributed by FEMA, $30 billion has been earmarked for Puerto Rico. This includes $1.5 billion through the CDBG-DR program, $4.8 billion to fund Puerto Rico's Medicaid program for two years, $2 billion for electric power restoration, and an additional $9 billion for housing and infrastructure projects (Meléndez, 2018b). However, the conservative party's "no bailout" narrative of PROMESA and opinions on local fiscal mismanagement was enforced by PREPA's disastrous contract with Whitefish (Meléndez, 2018b). In a hearing of the House Committee on Natural Resources committee, former Chairman Rob Bishop (R-UT) asserted that the government of Puerto Rico had a "credibility gap" and that it "raises grave concerns about PREPA's, and by association, the government of Puerto Rico's ability to competently negotiate, manage and implement infrastructure projects without significant independent oversight" (Meléndez, 2018b: 64). PROMESA established a system that made any attempts towards economic recovery in Puerto Rico hinge on congressional action. The 114th Congress was extremely stingy towards the economic crisis in Puerto Rico, and in the wake of Maria, disaster recovery assistance and the timing of federal appropriations were unknown factors with high degrees of uncertainty (Meléndez, 2018b: 66-67). The burdens imposed on Puerto Rico through PROMESA underscore the colonial frameworks that oversee the island's economic recovery and fiscal stability, a reality that was starkly revealed in the aftermath of Hurricane Maria.

Furthermore, when put into comparison to lower-grade hurricanes that hit the U.S. mainland, Harvey, and Irma, where Congress authorized $15.25 billion in disaster aid (Willison et al., 2019), the disparities in aid allocation become glaringly apparent. It took 4 months for a comparable amount of disaster funding to reach Puerto Rico that Florida and Texas received in 2

months. While the Trump administration attributed the delayed response to geography, the geographical distance is simply not enough to account for a 2-month difference (Willison et al., 2019).

FEMA itself admitted faults in its response, reporting that "their effort featured notable and persistent coordination challenges in resource prioritization, resource movement and tracking, commodity distribution efforts, and contracting processes" (Benito). In the 2017 Hurricane Season After-Action Report, an entire section of its analysis was limited to the "exceptional circumstances" in Puerto Rico (Lele, 2020: 717). FEMA further acknowledged that it could have better leveraged "open-source information and preparedness data, such as capability assessments and exercise findings" (FEMA, 2018c). The report goes on to describe that the longest mission in the agency's history was marked by logistical problems, including that it had entered the 2017 hurricane season with staffing shortages. It further admitted to losing track of how much aid it had delivered and to whom. In another report, FEMA administrator Brock Long wrote "The 2017 hurricane season showed that all levels of government — and individual families — need to be much better prepared with their own supplies, particularly in remote or insular areas where commodities take longer to deliver" (Robles, 2018). While FEMA had committed to updating the Region II Caribbean Response Plan just before the 2017 Hurricane Season, operators did not have an existing Resource Phasing Plan (RPP) during the response to Maria. It was also in the early stages of developing a new Threat and Hazard Identification and Risk Assessment (THIRA) and State Preparedness Report (SPR). Ultimately, the leadership in FEMA acknowledged that it should have better anticipated that the projected severity of the storms would cause long-term significant damage to Puerto Rico's infrastructure.

FEMA's admittance of its faults highlights just how ill-prepared the federal agency was to manage a crisis outside of the continental United States.

One year after Maria, Centro de Periodismo Investigativo filed a lawsuit, forcing the federal government to acknowledge its failure to fully devise an emergency plan for Puerto Rico that could address a disaster on the scale of Hurricane Maria in the future (Deiber, 156). Despite this admission, there are continued inquiries into alleged mismanagement by the U.S.(Benito). Natural disasters like Hurricane Maria underscore the significant consequences of non-sovereignty and disposability, not only in Puerto Rico but also across the wider Caribbean. Both media reports and scholarly analyses agree on the inadequacy of the federal response and raise questions about the extent of subsequent reforms and whether they are significant enough to prevent a repeat of Maria. All natural disasters present unprecedented situations and create situations of disaster relief that are learning processes for everyone involved. Yet "given the loss of life" extends beyond the normal deaths in comparable disasters, "it was just a very high-priced learning period" (Foundation for PR Interview).

Although Hurricane Maria exposed the pervasive role of colonialism via the U.S.'s failed response, a more positive outcome is that it ignited the emergence of a hugely impactful coalition of mutual aid societies and community groups that worked to help the vulnerable communities left unaided by the U.S. The very emergence of so many community-led organizations exposes the failure of the federal response; had the U.S. had a sufficient framework for disaster response that was not based upon colonial policies, mutual aid societies would not have needed to play such a significant role in relief efforts.

To summarize, Hurricane Maria's devastation in Puerto Rico exposed deep-seated issues rooted in colonial policies, rather than merely being a result of the storm's impact. Decades of

mismanagement and neglect, compounded by discriminatory practices, hampered the relief efforts. Despite being an unincorporated territory of the U.S., Puerto Rico received a disparity in aid allocation compared to mainland disasters, highlighting systemic inequalities. FEMA response was characterized by delayed aid, logistical failures, ill-preparedness, and cultural insensitivity and misinformation spread by the Trump administration further exacerbated the situation.

Chapter 4: Mutual Aid Network Emerges in PR

Mutual aid has long been a crucial part of disaster relief yet emerged in an unprecedented way in the aftermath of Hurricane Maria. Mutual aid societies are significantly better situated to help the communities of Puerto Rico because unlike FEMA and other federal workers, the aid was tailored to the actual needs of the community; and was based on a comprehensive understanding of the struggles Puerto Rico faces as a colony; and through an extensive network of community contacts and lack of bureaucratic red-tape and rigid hierarchies, was able to mobilize resources faster and more efficiently. While FEMA's efforts "never reflected the realities of the community that supposedly are looked at" (ISER Caribe Interview), mutual aid societies are built on reciprocal relationships and mutual support. In contrast, FEMA was ill-prepared, unqualified to handle such a disaster, and downright neglectful. Moreover, FEMA operated within defined mandates; governed by the Stafford Act, its primary responsibility was to deliver immediate relief and restore the island to its pre-Hurricane condition, and there were no directives regarding the cultivation of resilience or preparedness measures. In comparison, mutual aid societies have the capacity to surpass mere relief efforts to bolster resilience and strengthen the island's preparedness for future crises, because they have been committed to assisting each other amidst the oppressive mantle of colonialism for over a century.

Disaster relief typically involves collaboration among government agencies, NGOs, the private sector, and community-based organizations. Due to notable deficiencies in FEMA assistance and the fact that colonial policies largely prevented other countries and NGOs from assisting, community-based organizations played a disproportionately vital role in aiding Puerto Rico's recovery from Hurricane Maria. What emerged was a striking phenomenon: community initiatives, known as Centros de Apoyo Mutuo (CAMs), emerged across the island as the

foremost entity responsible for assisting their communities. The power of mutual aid societies is their foundation in communities, because "when everything collapses, the life-saving infrastructure is our knowledge of one another's skills, our trust of one another, our capacity to forgive our neighbor, work with our neighbor, and mobilize" (Nieves, 2021: 367). Infrastructures and political structures can always be dismantled, but community relationships are incorporeal structures that can withstand political, economic, social, and natural disasters.

Unifying Tenets: Mutual Aid as Resistance

While a wide range of roles and missions emerged across the matrix of mutual aid, through both content analysis and interviews several overarching tenets have emerged to group the individual organizations as mutual aid networks: 1). Either implicit or explicit recognition of the history of colonialism and colonial policies; 2). Reliance on the emerging mutual aid network across the island as a way of enabling cross-sectoral collaboration; 3). Horizontal organization, and with a significant presence from younger generations and females; 4). Born from collective solidarity with no specific political ideology or theory; and 5). A refusal to conform to the federal government's practices. This last tenet is a bit more complicated as the mutual aid societies spanned every dimension of the matrix of decolonization. However, even if the organization did not overtly state a departure from the federal government's methods, the fundamental principles of mutual aid societies, rooted in reinforcing self-determination and uniting communities through a shared purpose, inherently operate beyond the divisions imposed by the colonialist agenda of the federal government.

First, unlike the federal government, which failed to acknowledge the role of colonialism in exacerbating the damage inflicted by Maria, mutual aid societies "know how to differentiate between those issues born from the natural disaster and those born from institutional failure"

(Vélez-Vélez, 2018). Christine Nieves, who established Proyecto de Apoyo Mutuo (Project for Mutual Aid) to coordinate relief efforts, states "It was not a natural disaster, it was a political and man-made one… How many Boricuas[20] would have survived if they had lived in self-organizing communities like the one I became part of after Hurricane Maria?" (Nieves Rodriguez, 368). While most communities have not explicitly renounced colonialism or turned to political ideologies as a form of rebellion, they have always "been doing the most radical thing, especially for a colony: building a foundation based on dignity, abundance, and self-love" (Nieves Rodriguez, 368). Adherence to these fundamental principles by Puerto Rican communities fosters a sense of intrinsic worth and solidarity that transcends the constraints of colonial oppression and the narrative of inferiority that it has imposed on Puerto Rico.

Second, the work of individual community-based organizations would not have been successful without the island-wide collaboration that occurred; one organization even referred to multi-sectoral conversations as "our superpower" (Foundation for PR Interview). The level of connection between organizations and sectors was not as significant before, but Maria was the catalyst that brought together these different groups (Iser Caribe Interview). Regarding their immediate relief work, Iser Caribe was associated with at least 10 different organizations, while AcomerPR had a network of 50+ organizations and community leaders to best assess where the needs were and how to most effectively allocate resources. The Foundation for PR became the central hub for coordinating this island-wide collaboration. The building housing their office was one of the very few on the island with power, clean water, and internet. Almost immediately, the small office space was opened for approximately 200 different organizations and private sector companies to operate from (Foundation for PR Interview). Unlike the more disaster relief-

[20] Boricuas refer to people who are from Puerto Rico, either by birth or descent.

focused organizations, the Foundation for PR's mission has always been grounded in cross-sectoral collaboration. Foundations function as overseeing bodies that facilitate and offer grants to other organizations and institutions and they accomplish this by sharing knowledge on the pre- and post-award process, helping organizations become formalized, and assisting with marketing and fundraising (Foundation for PR Interview). The island-wide collaboration enabled communities to assist each other when possible and seek help when needed; the true gift that a mutual aid network provides.

Third, mutual aid societies operate on the model that community empowerment stems from the communities itself and thus tend to be horizontally organized. This concept is referred to as "desde abajo y desde adentro" (from below and from within) (Vélez-Vélez, 2018). This structure stems from the belief that, unlike any other type of infrastructure or organization, communities are indestructible: "Communities are the most important force that allows humans to weather great storms, literally and metaphorically. The climate crisis will intensify, but our communities will continue to rise - because they are always standing" (Nieves Rodriguez, 368). Additionally, authority stemming from the communities is going to be both more accurate and relevant. The Puerto Rican people and communities that were able to recover more quickly helped to identify the communities in most dire need that FEMA failed to even consider because they were small, not easily accessible, rural communities (PRxPR Interview). As a result, organizations such as PRxPR that did overhead administrative planning never acted without first asking the community leaders what they most needed (PRxPR Interview).

Furthermore, while horizontally organized, women have been at the forefront of this emerging mutual aid network as the primary organizers and leaders (PRxPR interview). There are two reasons for this. First, women were more receptive to taking on the disaster relief tasks

that the conditions of Hurricane Maria required. Second, women have been significant contributors to social justice movements throughout history, albeit invisibilized, and therefore are equipped to handle the leading roles (Vélez-Vélez, 2018). According to Cordero, having women at the forefront of this movement is a semblance of decolonization; it "breaks [s] the old paradigms of oppression that mimic colonialist systems dominated by men" (Cordero, 2022). By centering decision-making processes within the community itself, mutual aid societies not only address immediate needs more effectively but also challenge traditional power structures by facilitating a more equitable approach to disaster response.

Fourth, while mutual aid networks have certainly intersected with political ideologies or movements, namely anarchy, and decolonization, they are created (or formerly established organizations taking on a different role in times of disaster) as a form of action for the sole purpose of survival. While a lot of the groups created to fill a gap have now become semi-permanent organizations and connected with previously established nonprofits to engage in long-term projects (Soto, 2020), mutual aid societies are fundamentally meant to exist in the short term. Christine Nieves launched Proyecto de Apoyo Mutuo within five days of Hurricane Maria hitting. Within ten days, it had fed over three hundred people (Nieves, 2021). The Foundation for PR established a subgroup to distribute aid, launching more than 230 different missions with more than 500 volunteers (Foundation for PR Interview). In fact, what makes organizations like these so powerful is that "we as an organization are not attached to any of that [referring to political motives]. Our only interest is that we need to make Puerto Rico better" (Foundation for PR Interview). The power of mutual aid networks lies in their capacity to mobilize swiftly and effectively in response to immediate needs. While they may ultimately intersect with political

ideologies their primary purpose remains grounded in survival and community support, thus showcasing the resilience and solidarity inherent in human connections during times of crisis.

The fifth tenet – the refusal to conform to the federal government's practices – is primarily reflected through the language in which the organizations self-identify. The mutual aid efforts are often referred to in Puerto Rico as *autogestión,* which directly translates to "self-determination" (Cordero, 2022). Additionally, a primary governing principle that most, if not all, grassroots initiatives united under was "apoyo mutuo, esfuerzo propio" (Vélez-Vélez, 2018), translating to "mutual support, self-effort". The goals of providing the rest of their communities and other communities were rooted in a democratic participatory model, aiming to avoid reverting to models of dependency and passivity that the colonial relationship with the U.S. has perpetuated for over a century. PRxPR was created as a disaster relief fund in the wake of Hurricane Maria when the founders realized that they simply could not rely on any government, not state, not municipal, not federal. They had to do something on their own (PRxPR Interview). This refusal to acknowledge hierarchical power schemes, helped it function as a model for eventual decolonization, while not directly catalyzing decolonization itself.

Many scholars agree that some of the most crucial steps in dismantling colonialism are collective solidarity and reinforcing self-determination (Cordero, 2022 and Vélez-Vélez, 2018), both fundamental principles of mutual aid societies. The very fact that these communities are now growing their own food and investing in agriculture, assisting other communities, and relying on self-sustainable practices for disaster preparedness and recovery, is inherently revolutionary (PRxPR Interview). By prioritizing community needs above all else, mutual aid societies break away from the primary historical motive of colonialism, which is to benefit the colonizer's economy. Decolonization begins when communities begin the process of self-

determination, giving them autonomy despite a colonizer's oppression; "mutual aid can help us finally understand that there will never be a better advocate for the Puerto Rican people than Boricuas themselves." (Cordero, 2022). Many scholars assert that mutual aid societies are a form of anarchism (Dilawar, 2018 and Firth, 2022). Christine Nieves' work in the neighborhood Marian to restore electricity two months before assistance workers showed up, is self-described as an "anarchistic organiz[ation]": "revolution with more purpose than protest" (Dilawar, 2018). The organization Mutual Aid Disaster Relief, self-proclaimed to be a "grassroots disaster relief network based on the principles of solidarity, mutual aid, and autonomous direct action" also takes on anarchistic organizing (Dilawar, 2018). The intersection of anarchy and decolonization reflects a shared commitment to challenging systems of oppression and fostering transformative change toward a more just and equitable world. Mutual aid societies in Puerto Rico after Hurricane Maria should be credited with not just filling the gap left by governmental neglect in terms of relief, but with undermining the control that colonial structures and policies have long had over Puerto Rico.

Points of Divergence: Between Material Gain and Social Change

All mutual aid societies and non-profit organizations were for several months in the wake of Hurricane Maria, in pure survival mode, but have since transitioned to projects spanning the continuum of decolonization. This transition of mutual aid societies and nonprofit organizations from survival mode to projects focused upon community rebuilding and resilience signifies a shift towards holistic community empowerment and sustainable resilience-building efforts. While there are several tenets that make the mutual aid societies present in Puerto Rico after Hurricane Maria similar to one another, they also differ in several basic ways: 1) geographic focus; 2) scope of services; 3) the extent to which they choose surpass relief and focus upon

rebuilding and resilience; 4) organizational structure and partnerships; and 5) funding mechanisms. First, in terms of geographic focus, mutual aid societies can operate at different scales and choose specific projects that help their individual communities or the section of the island in which they operate. The second difference lies in the scope of services. After the immediate weeks and months of providing whatever services were most needed, some mutual aid societies shift to provide specific types of assistance while others offer a broader range of services. Third, mutual aid societies differ because many choose to surpass mere relief and ultimately transition into providing long-term resiliency planning and rebuilding. It is at this point, when building resilient and self-sustainable communities, that mutual aid societies challenge the enduring legacies of colonialism and provide a model for decolonization. Fourth, while mutual aid societies tend to be horizontally organized and rooted in communities, their partnerships still range from informal grassroots networks to more formalized nonprofit organizations with boards of directors and staff members. Furthermore, they diverge in their collaborations and partnerships, from other mutual aid societies, grassroots initiatives, and other non-profit organizations to government agencies and private foundations. The final point of divergence is how the mutual aid societies access funding, whether they apply for non-profit status as a 501(c)(3), rely on private donations, government grants, membership dues, revenue-generating activities, or another source altogether.

Iser Caribe, the Foundation for PR, and PRxPR are all prime examples of how organizations made the transition from immediate disaster relief to longer-term rebuilding and planning through a variety of geographic focuses, missions, and organizational structures. In the first few months after Hurricane Maria, Iser Caribe focused exclusively on water filtration and solar energy alternatives. In the first few weeks, it sorted through and distributed truckloads of

donations with batteries, water bottles, and other relief donations. Using donations, it purchased thousands of water filtration systems from the company Sawyer and traveled to different communities, teaching the people how to use them. Likewise, it partnered with MPOWERD Inc. to distribute thousands of solar-powered Luci lights across the island (Iser Caribe Interview). While the organization's mission from the beginning has been researching coral reef restoration and climate change science, Hurricane Maria caused it to shift a little more towards climate resilience and disaster preparedness. This includes thinking about solar-powered lights on a community-based scale rather than simply individual Luci lights, and its focus over the past year of opening a climate justice hub. This hub will be in its new main office in Cabo Rojo and will be equipped not only with emergency services but also sustainable systems for education purposes, ultimately functioning as a "stable space that supports decentralized organizing and ensures the sustainability of grassroots movements" (Iser Caribe website). This includes anything that it can model that is suitable for a tropical environment: a solar-powered lighting system, vertical gardening, water filtration systems, and water catchment systems. The goal is to educate communities so that they will be able to replicate the systems on a larger scale in their own communities (Iser Caribe Interview). These systems help to restore agency for historically marginalized communities and allow them to develop sustainable livelihoods that are less dependent on external assistance.

The Foundation for PR meets all the overarching tenets regarding mission, but functions more as a financial institution than a community-based organization and lacks the typical grassroots organizational structure of mutual aid societies. A non-profit whose mission is to transform Puerto Rico's economic development situation and unleash their potential in the global economy, its main source of income is federal funding and private foundations. However, its role

was integral in facilitating the mutual aid network that arose across the island and a subset of their work after Hurricane Maria was heavily reminiscent of mutual aid societies. When Maria hit, "we shifted…from knowledge to action. From designing possible solutions to implementing it ourselves" (Foundation for PR Interview). This period of immediate relief lasted approximately three months, in which the Foundation operated in a manner reminiscent of a mutual aid organization. It opened its office to 200+ organizations to operate out of; facilitated fiscal sponsorship programs for those organizations; designed and established the Small Business Cash program; and assisted with the distribution of water, food, and immediate necessities. The fiscal sponsorship program had been active prior to Hurricane Maria yet expanded after the disaster by bringing in an additional $10 million for the organizations to operate on. The Small Business Cash program involved providing cash to business owners, thereby defying the typical numbers that FEMA sees for business survival (Foundation for PR Interview). Finally, it personally undertook missions to distribute basic necessities. Conditions at this point were so dire at that point that the National Guard accompanied it for around ⅓ of its brigades: "When you were traveling with water or rice it's like you're traveling with gold" (Foundation for PR Interview). In 2018, it shifted to more resiliency-focused initiatives: after collaborative agreements with the USDA Forest Service and EDA, it has been developing an economic development strategy for the Eastern region and whole-community resiliency planning (WCPR Program). This latter initiative estimates that in a year and a half, more than 80 communities across the island will have their first community-resiliency plan (Foundation for PR Interview). These long-term initiatives empower communities to address immediate needs, build long-term resilience, and assert control over their own development trajectories, thereby challenging the structural inequalities and dependencies perpetuated by colonialism.

PRxPR also transitioned through numerous initiatives, beginning with immediate disaster assistance, before moving to longer-term projects aimed at preparing communities for future disasters and heightening community independence. One of the largest issues it identified in the immediate aftermath of Maria was that FEMA was providing boxes of uncooked rice and beans to communities without power. It therefore identified which communities had community kitchens and worked to set those up in the communities without access to water or power (PRxPR Interview). These community kitchens soon transformed into longer-term community resilient shelter hubs. These hubs not only function as a space that can function as a shelter, but primarily serve as an economic engine to create a self-sustainable community since they are operational purely through rainwater capturing and water-filtration systems and solar panels. These hubs have had measured success; when Hurricane Fiona hit Puerto Rico in September 2022, the community centers continued to run at 100% operational capacity without any governmental assistance (PRxPR Interview). PRxPR also recently received a donation from Ford to create a food-access program where cars help transport produce and transport elderly people from their homes to places where they can get hot food (PRxPR Interview). These long-term hubs, like Iser Caribe's climate justice hub, provide models for self-sustainable communities, rather than relying on governmental or institutional intervention, and are thus pivotal in times of disaster where the intervention is inadequate.

Another decision where mutual aid societies diverge after their initial creation is whether to apply for status as a non-profit organization by applying for a 501(c)(3).[21] Iser Caribe, Acomerpr, and Foundation for PR all have 501(c)(3) status. Iser Caribe has had it for almost ten

[21] Section 501(c)(3) is the portion of the US Internal Revenue Code that allows for federal tax exemption of nonprofit organizations that meet the code's requirements. These nonprofits may be considered public charities, private foundations, or private operating foundations ("Exemption Requirements").

years but must get recertified every year and need to be audited by the federal government to make sure that its finances are being used correctly. However, federal funds typically cannot be used for relief work because they are instead designated for specific purposes and are subject to specific regulations. Iser Caribe relied on private foundations and individual donations for relief work (Iser Caribe Interview). Acomerpr also receives a balance of funding: it has received grants from AARP to develop community gardens, grants from the USDA, and donations from organizations like Pepsi and Walmart. The Foundation for PR has likewise relied on both federal grants and private foundations such as the Peter Alfond Foundation (Foundation for PR). In comparison, PRxPR is a private fund and was organized in partnership with the Conservation of Trust of Puerto Rico, which is 501(c)(3) certified. It receives its money from individual donors, corporations, and other NGOs that do not want to give the money to entities that have a lot of overhead where the bulk of the money does not go toward the people. 100% of the funds that we raised go directly to the community (PRxPR Interview).

While there are benefits from having this designation such as being eligible to apply for federal grants, there are new forms of dependency that emerge in the nonprofit sector and federal grants are inaccessible for many organizations. Thus, most mutual aid networks have chosen not to incorporate themselves and either take advantage of connections with organizations that do have 501(c)(3) status (Vélez-Vélez, 2018). One of the key things that the government did in the aftermath of Hurricane Maria was to put Puerto Rico as a top priority so that NGOs requesting 501(c)(3) would get fast-tracked into getting approved. While that was key in terms of disaster relief, it made it very difficult for non-501(c)(3) organizations to fundraise because they couldn't offer donors the same tax deductions and may have struggled to attract funding compared to their 501(c)(3) counterparts (Foundation for PR Interview). Gaining 501(c)(3) status does not

inherently preclude an organization from functioning as a mutual aid society. It does signify that the organization is recognized as a tax-exempt nonprofit by the IRS. To reach this status, organizations may not actively attempt to influence legislation or political campaigns; operations must exist for exempt purposes[22]; and they cannot be organized for the benefit of private interests or shareholders ("Exemption Requirements"). What defines a mutual aid society is not whether it is tax-exempt, but its fundamental mission and purpose as an organization. Therefore, while choosing to become a tax-exempt non-profit, an organization can remain a mutual aid society if its activities and missions continue to operate on principles of solidarity and the promotion of community support and welfare.

Ultimately, there is no clear blueprint for mutual aid societies; it is a largely nebulous concept that adapts and evolves according to the specific needs, resources, and dynamics of the communities it serves. Part of the inability to truly define mutual aid societies lies in the fact that they do not adhere to rigid structures, instead thriving on flexibility, innovation, and collaboration. They are unique in their ability to organically evolve, creatively address emerging challenges, and nurture resilience at the grassroots level. In essence, mutual aid societies serve as dynamic hubs of communal support that continuously reshape themselves to meet the evolving needs of their members. Therefore, they are more uniquely situated to act and enact change than more formalized or institutionalized organizations.

[22] According to the IRS, "exempt purposes" are "charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals" ("Exemption Requirements")

Systemic Impediments: Mutual Aid is not a Panacea

Mutual aid, while valuable and often crucial in disaster relief efforts, is limited in its capacity as a community-driven network. More vulnerable populations may face increased barriers to participating in or benefiting from mutual aid efforts, as communities with greater resources or social capital are better positioned to mobilize mutual aid than those facing systemic inequalities and disadvantages. Furthermore, while mutual aid can address immediate needs, it may not have the capacity or expertise to effectively navigate broader challenges of long-term recovery and infrastructure rebuilding. While operating outside of bureaucratic procedures, mutual aid societies still face significant obstacles from the federal government, such as receiving funding. Additionally, colonial policies like the Jones Act are a barrier preventing mutual aid societies from acting at their full capacity. It is therefore essential to recognize the limitations and complement mutual aid societies with other mechanisms of disaster relief. Effective disaster relief requires a multi-sectoral approach that leverages the strengths of mutual aid alongside formal institutions and resources.

Even after organizations attain the 501(c)(3), it remains exceptionally difficult to access any federal funding. Approximately 95% of the available federal fund grants or funds and programs are through reimbursement, and almost all federal grants require an average of a 20% match of private funds. Thus, the amount of money that an NGO needs to have in order to acquire and implement the grant is huge, and there are many organizations that may have the infrastructure and ability to implement great programs, but they cannot access the grants. For example, the Foundation for PR faced a very difficult company decision in applying for its first federal grant through the Economic Development Administration: it had to put in $1.3 million, which at the time was all its operational funds (Foundation for PR Interview).

The ability of organizations, even ones with 501(c)(3), to utilize federal funds in times of natural disaster is also extremely complicated. Firstly, using federal funds for relief work is unlikely to align with the eligibility criteria or intentions for usage set forth by the funding agency. Furthermore, the usage of federal funds often requires extensive documentation and reports and is thus rendered highly impractical to deal with immediate relief efforts. As a result, these organizations are often forced to rely solely on donations and private grants to support relief work. For example, Puerto Rico does not have SNAP like the mainland U.S. Instead, their older version, NAP, is "very limiting, specifically when it comes to natural disasters" (Acomerpr Interview). Whereas SNAP has the administrative mechanisms to distribute disaster food stamps, Puerto Rico's system relies on Congress for approval - a process that could easily take upwards of 6 months (Acomerpr Interview).

Furthermore, as I discussed in Chapter 3, the Jones Act was an extremely major impediment to the distribution of disaster relief and aid. The Jones Act requires all goods transported by water between U.S. ports to be carried on U.S.-flagged ships, constructed in the U.S., and owned and crewed by U.S. citizens and permanent residents (Robinson, et al., 2022). As a result, disaster relief organizations could not accept a significant amount of international aid that was sent to the island. The Jones Act raises a significant number of concerns about sovereignty and disposability in the Caribbean. As the mayor of San Juan asks, "Why would you systematically deny food, water, and medication to a group of people? It's close to genocide … it's a human rights violation … this is not a hyperbole; it's a slow death" (Moreno, 2017, as cited in Robinson, et al., 2022). The issues with the response transcended the mere fact that FEMA was neglectful, more focused on following bureaucratic procedures than delivering adequate aid and withheld critical resources and information. When mutual aid societies attempted to take

matters into their own hands, they were systematically prevented from receiving external aid and help and colonial policies prevented them from comprehensively executing their goals.

Structural Changes: Preparedness and Resiliency

As explained in the first two sections of this chapter, the most crucial changes after Hurricane Maria occurred at the community level. Community empowerment has manifested in many ways, including resilience hubs, models of self-sustainable infrastructure that can withstand natural disasters, and community-based disaster preparedness programs. However, there have also been changes on a larger scale. These include rebuilding and restructuring Puerto Rico's food system and expanding renewable energy as a means of increasing resiliency to power outages.

Rebuilding Puerto Rico's food system and increasing agricultural production on the island has been a mission undertaken primarily by mutual aid societies and NGOs. There are a huge number of organizations, in addition to the ones I interviewed, that not only worked to feed people after Maria but have been implementing longer term initiatives. World Central Kitchen is a non-profit that served over 3.7 million meals right after Maria. After the immediate period of providing meals, it implemented the Plow to Plate program (now called the Food Producer Network) to offer grants to support small farmers on the island. The grants aim to help farmers focus on agroecological and sustainable methods with the ultimate goal of maximizing fresh, healthy, and affordable food in Puerto Rico (Diaz, 2021). Organización Boricua is another organization dedicated to food sovereignty, climate justice, and expanding agroecology across the island (Diaz, 2021). It sends out "agroecology brigades", delivering traditional seeds and soil and training people in their cultivation (Sheller, 2018). Hurricane Maria brought to light the

insufficiency and unreliability of Puerto Rico's food system, and the fact that it hinged almost entirely on the Jones Act, an extension of the U.S.'s colonial power.

In terms of the energy grid, Puerto Rico has also undergone significant changes to its energy infrastructure and governance in an effort to increase resilience to natural disasters. The Puerto Rico Electric Power Authority (PREPA) experienced substantial upheaval after its significant miscalculations when signing the contract with Whitefish Energy. The illegal clauses of the contract led FEMA to insist that it be canceled. Governor Rosselló then forced Chief Executive Ramos to resign (Smith-Nonini, 2020). Over the next ten months, PREPA went bankrupt and had five different CEOs (Deiber, 2019). In January 2018, Governor Rosselló announced that PREPA would be privatized, sparking an island-wide debate about this decision's implications for reliability and rates (Smith-Nonini, 2020). While it was not actually until 2023 that a new private company – Genera PR – was awarded a contract to take over the power generation previously owned by PREPA (Acevedo, 2023), the initial threat of privatizations sparked anti-austerity activism in 2018. The activism was led by UTIER, one of the labor unions representing PREPA workers, over concerns that a privatized utility would not consider environmental concerns or rate affordability (Smith-Nonini, 2020).

Amidst these structural changes, local organizations and international companies rallied to address the crisis. Companies such as Tesla, Sonnen, Sunrun, and Blue Planet Energy, alongside nonprofits like Resilient Power Puerto Rico and Para la Naturaleza, played pivotal roles in deploying solar and battery-storage solutions across the island (Jones et al., 2019). Initiatives like microgrids, enabled by regulatory developments such as the Puerto Rico Energy Commission's new Regulation on Microgrid Development, emerged as key strategies for enhancing energy resilience (Jones, 2019). The Regulation on Microgrid Development was

intended to “provide a stable and predictable regulatory framework, capable of fostering innovation and economic growth through continued investments in the development and deployment of microgrid systems” (Jones, et al., 2019: 64). PREPA has been continuously renewing and updating their Integrated Resource Plan, which provides a framework for the clean-energy transition with a heavy focus on microgrid implementation (Jones, et al., 2019). Microgrids are self-contained power systems that operate independently from the main grid; therefore, during disasters, microgrids play a crucial role in providing power to critical infrastructures. They are able to restore power more quickly than the main grid since they are smaller and more localized. Furthermore, they present a diversification of energy sources, as they can integrate other renewable energy sources. Despite the complexities, Puerto Rico has certainly made progress in undertaking a decentralized and resilient approach to the energy transition. The localized approach to energy fosters increased community involvement, similar to mutual aid societies that emerge after disasters. Communities with microgrids are significantly more self-sustainable and less reliant on the island-wide infrastructures that the colonial government has let deteriorate and become outdated.

The work that mutual aid societies have done in both alleviating hunger and increasing self-sustainability through initiatives like community gardens, sustainable farming, and locally sourced restaurants is a strong step towards reclaiming Puerto Rican identity and autonomy. Likewise, increasing community resilience to natural disasters through energy restoration without relying solely on external aid or intervention is a crucial step towards long-term sustainability and self-reliance.

Chapter 5: Lessons From Mutual Aid

Mutual Aid as Social Change

In Puerto Rico, the goals of mutual aid societies after Maria were twofold. The first was to fill in the immediate gaps and help particularly vulnerable communities. The second goal was to demand accountability and action from both the U.S. government and Puerto Rican government (Soto, 2020). “Solo el pueblo salva al pueblo”, translating to “only the people save the people,” became a rallying cry for the community members engaging in and with these mutual aid societies. (Soto, 2020). The high impact of community groups culminated in the summer of 2019, when mass protests ousted Governor Ricardo Rosello, marking the first time a democratically elected Puerto Rican governor vacated their post (LeBrón, 2021). The manifestations were a culmination of many frustrations with the government, both because of its place in colonial rule, as well as the corruption and avarice of the elites controlling the political systems (LeBrón, 2021). They were about the unequal political and economic structures making the island increasingly unlivable, as well as the colonialist policies that have exploited Puerto Rico for over a century. Maria served as the catalyst for Verano Boricua, surpassing the point to which Puerto Ricans were able to continue withstanding these governmental failures.

Following Hurricane Maria and the inadequate or simply nonexistent emergency relief that they received, Puerto Ricans dealt with significant frustrations not only towards the federal government but their own government as well. In her book *Against Muerto Rico: Lessons from Verano Boricua,* Marisol LeBrón argues that the traumas Puerto Ricans faced from not just the storm, but also from the government were the public reckoning needed to spark Verano Boricua (LeBrón, 2021). Furthermore, it was not just action born from trauma, it was a way of mourning and commemorating the loss of those who died during Maria. Because Maria resulted in so many

extra deaths, it inserted “a presentness, a now-time that cannot be ignored … the opening of a timeless space, a suspension of the furious forward flow of the historical events piling up day by day” (Caban, 2020). Both the feelings of state abandonment and the mechanisms for honoring everything lost during the hurricane intertwined to fuel the revolutions.

While the response to governmental neglect was what fueled Verano Boricua, it was made possible by collective action. Mutual aid societies create an exemplary model for collective action. In the aftermath of the hurricane, these organizations formed brigades to deliver aid across the island, established connections and solidarity across both organizations and communities and reclaimed public spaces. Through these actions, mutual aid societies affirmed the capacity of Puerto Ricans to “correct the dereliction of the corrupt state by occupying those social spaces and actions it had abandoned” (Guimond, 2022). Both the emergence of mutual aid societies and Verano Boricua operated on common principles of horizontality and inclusivity (Villarrubia-Mendoza and Vélez-Vélez 2019). As a result, dozens of mutual-aid centers, solidarity groups, and politically engaged artists’ collectives that were highly active in the aftermath of Hurricane Maria were instrumental in arranging the protests of July 2019 (Caban, 2020). Like a striking characteristic of the work done in the wake of Hurricane Maria, the rebellions were heavily led by the youth and in particular, young women (Caban, 2020). The reasoning behind the rebellions also stemmed from the understanding dominating the motives of mutual aid societies after Hurricane Maria, that Puerto Rico’s biggest threat was political disasters, not natural ones (Caban, 2020). The missions of mutual aid societies after the hurricane were not just to deliver aid and rebuild, but to fight back against the colonialism and disaster capitalism that was tearing apart their island. The emergence of mutual aid societies after Hurricane Maria was a testament to the power of collective action; demonstrated the power of

youth and female-led rebellions; and created a stellar model for resistance against colonialism. Thus, they seamlessly transitioned into political revolutions like Verano Boricua.

Verano Boricua specifically began on July 22nd, 2019, when hundreds of thousands of Puerto Ricans marched, demanding Governor Ricardo Rosselló Nevares resign (Cabán, 2020). The underlying catalyst for the rebellions was Hurricane Maria, but the more immediate reason that transformed individual and small-group activism into this historic large-scale rebellion was the release of 889 pages of Telegram chats amongst Rosselló's inner circle (Valentin Ortiz and Minet, 2019). These telegram chats, obtained and released by the Centro de Periodismo Investigativo, demeaned Puerto Rico (particularly targeting women and the LGBTQ+ community) and mocked the people who died following Hurricane Maria (Cabán, 2020). Rosselló's position as governor could simply not withstand the collective political awakening and non-partisan attacks.

Although Rosselló resigned from office, not only was the Puerto Rican government still an extension of the U.S. colonialist agenda, but many corrupt cabinet members that had served under Rosselló remained in positions of power. In January 2020, a popular investigative blogger live streamed himself entering a warehouse full of disaster aid supplies[23] that had been sitting untouched since being delivered to the island after Maria. The untouched bottles of water were particularly problematic; due to a lack of access to clean water, dozens of people contracted and died from leptospirosis. The livestream ignited an angry crowd against the government that had knowingly withheld supplies, "every item held up to the crowd was an indictment against un gobierno asesino, or a murderous government" (LeBrón, 2021: 14). The livestream followed just a few weeks after the island's south coast was battered by a 6.4 magnitude earthquake and thus

[23] These supplies included: water bottles, tarps, batteries, propane cooking stoves, cots, diapers and baby formula (LeBrón, 2021).

ignited protests about how the current governor, Wanda Váquez[24], was handling post-disaster relief. The political situation had not changed dramatically enough since Maria in 2017, and Puerto Ricans felt Váquez's recovery efforts to be highly reminiscent of Rosselló's mismanagement. The evening after the livestream, a protest occurred outside of the governor's mansion demanding justice for those who died due to government corruption and neglect.

The cabinet members and elites in Puerto Rico are not just puppets in the U.S.'s colonial regime for implementation purposes, nor are they bound by federal bureaucracy to inaction. While these local elites are crucial for carrying out the colonial policies and allowing capitalist investors to exploit the island's vulnerable state, their method of governing further consolidates their own power (LeBrón, 2021). Marisol LeBrón argues that the protestor's demands "gave us a glimpse of possibilities beyond the necropolitical governance offered by the criollo power elite" (LeBrón, 2021: 38). Although the rebellions' outcomes fell short of fundamentally changing the corrupt Puerto Rican government or the grip of U.S. colonial rule, they do offer a glimpse into potential future political horizons. Furthermore, their continuation foreshadows some imminent and necessary change.

Puerto Rico's Challenges

Puerto Rico faces numerous challenges, both stemming from its geographical location in the Caribbean and its colonial relationship with the United States. First is its high exposure and vulnerability to natural disasters, which underscores a critical need for robust disaster preparedness, response, and recovery strategies. However, these strategies are made more complicated due to their relationship with the U.S. The political status of Puerto Rico has been a

[24] Váquez was Secretary of the Department of Justice under Rosselló (LeBrón, 2021).

contentious issue for decades, with ongoing debates over statehood, independence, or maintaining the current territorial status. However, this status is unlikely to shift in the near future. This has many implications for Puerto Rico. First, as an unincorporated territory of the United States, it lacks full sovereignty and representation in the federal government. Second, it is unable to forge its own relationships with other Caribbean nations and have a say in Caribbean affairs. Finally, colonial policies such as debt-restructuring policies and the Jones Act have allowed the U.S. to economically exploit Puerto Rico and perpetuate a cycle of dependency and vulnerability for Puerto Rico by limiting its ability to pursue self-determination.

As an island situated in the Caribbean, Puerto Rico faces not only the ramifications of colonial policies elaborated upon in this paper but also a myriad of hazards owing to its geographical location. Puerto Rico lies in Hurricane Alley, an area in the Atlantic Ocean between the west coast of Northern Africa and the east coast of Central America which has the optimal conditions for hurricanes to form (Shultz et al., 2019, cited in Robinson, 2023). While models predicting the impact of climate change on the frequency of hurricanes have some uncertainty,[25] there is no doubt that with accelerating global warming, hurricanes in the Caribbean will continue to increase in intensity (Landsea & Knutson, 2022). Storm inundation levels during hurricanes will increase due to sea-level rise, which will lead to significantly more coastal destruction and damage. Addressing the intertwined issues of colonial policies and geographic vulnerability is crucial for Puerto Rico's resilience and future well-being.

Puerto Rico’s status as an unincorporated territory to the United States remains enshrined in the Insular Cases, in which the Supreme Court decided that Puerto Rico does not have the full protections of the United Constitution. To be brief, the Insular Cases are based upon racist

[25] While some studies project a decrease, most studies predict that the numbers of Atlantic hurricanes reaching Category 4 and 5 intensity is projected to increase about 10% (Landsea & Knutson, 2022).

premises and are politically contentious. Instead of a principled application of constitutional law, the Insular Cases justify colonialism by perpetuating the unequal treatment of territories acquired during the Spanish-American War differently from incorporated territories or states. The Constitution is based upon the fundamental principle of democratic representation; the perpetual territorial status of Puerto Rico inherently contradicts this principle. In fact, the Yale Law Journal called the Insular cases "bad law", likening them to *Plessy v. Ferguson.* The Journal called for not merely just an alternative interpretation of them, but a total erasure of the doctrine of territorial incorporation from American constitutional law; "they cannot be redeemed, even by conscripting them into service for the noble goal of protecting their victims from a certain harm" (Ponsa-Kraus, 2022: 2460). While a complete overhaul of the legal understanding of territorial incorporation is unlikely, it is a positive sign that there is scholarly attention on the significant racist and colonialist undertones of the Insular Cases.[26]

Despite the significant amount of progress that mutual aid societies and social movements have made in increasing community resilience and self-determination, it is highly unlikely that Puerto Rico will politically escape from the bounds of its colonial status any time soon. Puerto Rico has conducted seven non-binding referendums on its political status. The latest, held in November 2020, saw approximately half of registered voters participating, with 53% voting in favor of statehood and 47% against it (Amiri & Coto, 2022). Even if statehood had won a majority over free association in any of the referendums, Congress would have the power to reject the petition for statehood (Perez, 2008: 1080). In December 2022, the House of Representatives passed a bill 233-191 allowing Puerto Rico to hold a binding referendum for the first time. The referendum would offer three options: statehood, independence, or independence

[26] For a recent example, see United States v. Vaello Madero. (2022). *Harvard Law Review.* 136(1).

with free association, and would commit Congress to accept Puerto Rico if passed. For the first time, this referendum would have not included maintaining Puerto Rico's current status as a U.S. commonwealth (Amiri & Coto, 2022). Despite approval from the House, this bill made no progress in the Senate and was therefore inconsequential. While the proliferation of referendums and bills regarding Puerto Rico's political status shows incremental progress, there is such a lack of decisive action that real change is unlikely. Even if a successful referendum were to occur, it would be insufficient for redefining Puerto Rico's future; "[answers] are unlikely to be discovered through myopic fixation on the perennial question of statehood, independence, or preservation of the political status quo" (Dick, 2015: 86).

One of the major ramifications of being an unincorporated territory is the lack of voting representation. While its residents are U.S. citizens, they do not have voting representation in Congress and cannot vote in presidential elections unless they establish residency in one of the mainland states. This has significant implications for democratic principles, federal policy outcomes, access to resources, and the island's ability to exercise self-determination. Without voting representation in Congress, their interests may not always be adequately represented in federal policymaking processes. As a result, they are limited in their ability to pursue self-determination and determine their own political future: "a people without a voice, which in this case we don't have because we don't get a vote in U.S. politics, can't do much" (Iser Caribe Interview). A vision reflective of the people and community of Puerto Rico can only be truly realized through an inclusive and participatory democratic governance. Yet this is impossible given that Puerto Rico is ruled by a five-person junta who is created by the President and is able to override decisions made by the local government of Puerto Rico (Iser Caribe Interview).

Furthermore, Puerto Rico's lack of sovereignty limits its ability to independently engage with other Caribbean nations and participate fully in regional affairs. As a territory of the United States, it does not have the authority to enter into international agreements or establish diplomatic relations with other countries on its own. Instead, its international relations are managed by the U.S. federal government. For Puerto Rico to be fully self-determined, it needs the ability to form relationships with other Caribbean nations, yet they cannot participate in CARICOM[27], nor voice themselves at any larger organization or political structure (Iser Caribe Interview).

Finally, a stark reality of Puerto Rico is that colonial policies heavily amplify its struggles, such as dealing with natural disasters, and impede their efforts towards self-determination and social progress. Many of the debt restructuring policies imposed on Puerto Rico by the U.S. government and the federally appointed Financial Oversight and Management Board have included harsh austerity measures. These measures have led to significant cuts in public services, including healthcare, education, and infrastructure. These cuts not only disproportionately affect vulnerable communities but make the island significantly more susceptible to destruction in the wake of natural disasters like Hurricane Maria. Furthermore, cuts in public spending have reduced aggregate demand, stifled economic growth, and exacerbated unemployment and poverty rates. This economic downturn has further strained the island's ability to repay its debts and undermined Puerto Rico's ability to exercise self-determination and make decisions that reflect the interests and priorities of its residents. Furthermore, while the creation of the advisory board under PROMESA was intended to provide financial oversight and relieve local governors and politicians from being forced to make painful

[27] CARICOM is the Caribbean Community and Common Market, a regional group formed in 1973 to encourage common policies and economic goals.

cuts to economic programs, it has resulted in the board being out of touch with the needs of a burgeoning humanitarian crisis. FOMB's austerity measures have, in reality, further burdened vulnerable communities and failed to adequately address underlying socio-economic challenges.

Likewise, the Jones Act has done significantly more harm than good: it increases the cost of living for residents; increases the costs of goods; reduces flexibility in Puerto Rico's supply chain; limits economic opportunities by making it more difficult to compete in regional and international markets; and has been a major impediment to disaster response efforts. In March of 2019, Utah Republican Senator Mike Lee introduced a bill to repeal the Jones Act, particularly noting that it prevents Puerto Rico from "rapidly receiv[ing] the help they need in the wake of natural disasters" (Deibert, 2019: 165). Republican Representative from California Tom McClintock co-introduced the bill, arguing that the solution cannot be to just waive the Act in times of disaster, but to "repeal this disastrous law altogether" ("Lee, McClintock Introduce Bill", 2021). Yet despite the Jones Act being an extraordinarily archaic, burdensome act that discriminates against Puerto Rico and is especially damaging in times of disasters, reforming or repealing it remains a complex and politically contentious issue.

In summation, Puerto Rico faces multifaceted challenges stemming from its geographical location and colonial relationship with the United States, including vulnerability to natural disasters, political status debates, and economic exploitation through colonial policies. Unfortunately, natural disasters are simply a reality that are only going to intensify as climate change worsens. Colonial policies on the other hand, are a reality that can and should be addressed. Yet given the failure of numerous attempts to politically correct these colonial policies, it appears improbable that they will be addressed soon. The complexities of all these

challenges underscore the critical need for alternative solutions to address Puerto Rico's sovereignty, resilience, and self-determination.

Envisioning a Future

There have been countless different books and articles written about Puerto Rico's future all envisioning slightly different ways in which Puerto Rico can continue to increase their self-determination and autonomy. Scholars like Ameya Lele argue that the solution lies in a comprehensive reconfiguration of their political relationship with the U.S, which requires both international cooperation and a willingness from Congress to re-address Puerto Rican sovereignty (Lele, 2020). Lele recommends that the U.S. reclassify Puerto Rico as a non-self-governing territory, which will allow the UN Special Committee on Decolonization to generate another report on Puerto Rico, analyzing whether their autonomy is enough to not be considered a colony (Lele, 2020). In 2019, the Special Committee on Decolonization had approved a draft resolution calling on the U.S. to facilitate the realization of the right of Puerto Ricans to self-determination ("Speakers Voice Concern"). Yet because Puerto Ricans have not voted in a majority for either the option of statehood or a commonwealth in previous plebiscites, the US continues to avoid the issue and let Puerto Rico remain in limbo. Yet through "diplomacy and external pressures, the international community can try to influence action on behalf of Puerto Rico" and renew the necessary discourse surrounding the island (Lele, 2020: 745).

In addition to international pressure, the federal government is ultimately responsible for allowing Puerto Rico to exist outside of the bounds of their current colonial status. Puerto Rico's financial affairs need significant re-orientation; the financial support given to help Puerto Rico recover from Hurricane Maria should have been accompanied by a debt-restructuring process and systemic reform (Whiting, 2019). Elizabeth Whiting argues that increasingly financial

vulnerability as in the case of Puerto Rico is most successfully addressed when "federal decision-making practice[s] restraint in intervening in territorial economies and take[s] fewer liberties with respect to applying inconsistent tax policy as well as work[s] to eliminate the archaic shipping regulations that serve as a stranglehold on territorial manufacturing and import sectors" (Whiting, 2019: 274). When applying Whiting's argument to Puerto Rico, this would require re-evaluating three major elements of colonial policies. First would be PROMESA, since the power of FOMB is practically the antithesis of "restraint in intervening in territorial economies." Second, is the Jones Act, which allows government bonds to be triple-tax exempt and therefore makes those bonds become highly attractive to mainland financial interests; an "inconsistent tax policy" compared to the mainland. Third is redressing the "archaic shipping regulations" of the Merchant Maritime Act, which certainly continues to have a stranglehold on territorial manufacturing, not just in the wake of disasters.

The emergence of a mutual aid network following Hurricane Maria and the wave of social activism since reflects the potential for positive change in Puerto Rico through activism and cultural revitalization efforts. By giving individual communities the tools to increase self-sustainability and increasing community resilience, Puerto Rico demonstrates their ability to exist outside of their colonial relationship with the United States. And by continuing to put the island's people at the forefront of all action, Puerto Rico continues to build upon their momentum, with the hope that the perception of growth will transform into tangible progress. As Puerto Rico navigates its path towards greater self-determination and autonomy, it becomes increasingly evident that international attention, federal policy reform, and grassroots activism are all essential components in reshaping its future narrative, emphasizing self-determination and autonomy, cultural preservation, and resiliency in the face of destructive natural disasters.

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Appendix of Interviews

1. Representative from Acomerpr, January 10th, 2024
2. Team member at Foundation for PR, January 11th, 2024
3. Team member at Iser Caribe, January 15th, 2024
4. Member of PRxPR Leadership Team, January 19th, 2024