

REFRAMING PUERTO RICAN ADVOCACY: HOW THE
EMERGING U.S.-CHINA RIFT CAN HELP PUERTO RICO
REALIZE GREATER AUTONOMY

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I. INTRODUCTION

Dorado, AKA heaven on fucking earth — Logan Paul¹

Fifteen miles west of the capital of Puerto Rico, San Juan, lies a golden municipality aptly known as Dorado.² However, the gold is not shared equally there. Some of the most expensive houses ever sold in the history of Puerto Rico were sold in Dorado.³ The town boasts a

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¹ IMPAULSIVE Clips, *Why Logan Paul is Moving to Puerto Rico (Full Video)*, YOUTUBE (Feb. 17, 2021), <https://www.youtube.com/watch?v=gBy4Hp3Klgg> [<https://perma.cc/J4VS-L9SJ>].

² “Dorado” means “golden” in Spanish.

³ Emma Reynolds, *This \$45 Million Home At Dorado Beach is Puerto Rico’s Most Expensive Listing*, FORBES (Feb. 7, 2023, 7:43 PM), <https://www.forbes.com/sites/emmareynolds/2023/02/07/this-45-million-home-at-dorado-beach-a-ritz->

resort, a golf course, and a gated community all under the auspices of the Ritz-Carlton.⁴ Stunning estates, with a median selling price just over of six million dollars, dot its golden beaches.⁵ If you were to view Dorado from the sea, you would agree it is truly golden. But if you were to traverse inland, past the glittering homes and fine dining establishments, you would find not the golden dream you anticipated, but a pyritic nightmare.⁶ This is where the Paul Brothers decided to live.⁷

The YouTubers turned boxers are no strangers to controversy.⁸ Whether it be for an irreverent foray into the Suicide Forest, alleged violations of SEC regulations, or controversial public comments regarding the COVID-19 pandemic, the Paul Brothers are men who blunder indiscriminately through the world as if their safari helmets were innocently obscuring their sight.⁹ In 2021, Logan Paul announced that he was moving to Puerto Rico.¹⁰ Along with his brother, Jake, he moved into one of those stunning Dorado estates valued in the tens of millions.¹¹ It would not take long for the brothers'

carlton-reserve-is-puerto-ricos-most-expensive-listing/?sh=1f6c2a565dbf
[https://perma.cc/LU2Y-2G6W].

⁴ *Id.*

⁵ E.B. Solomont, *Why Wealthy Homebuyers Are Flocking to Puerto Rico*, WALL ST. J. (May 18, 2023, 5:30 AM), <https://www.wsj.com/articles/puerto-rico-real-estate-market-58ec50da> [https://perma.cc/2DQ5-X33B].

⁶ You would find over ten thousand human beings living in poverty—meaning that roughly a third of Dorado's inhabitants do not make enough money to meet their most basic needs. *Quick Facts: Dorado Municipio, Puerto Rico*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/doradomunicipiopuertorico/PST045223> [https://perma.cc/WR9Z-R3H7] (last visited Mar. 11, 2024).

⁷ IMPAULSIVE Clips, *supra* note 1.

⁸ Taylor Lorenz, *Jake Paul Promised Them Fame. Was It Worth the Price?*, N.Y. TIMES (Apr. 22, 2021), <https://www.nytimes.com/2021/04/22/style/jake-paul-team-10.html> [https://perma.cc/AXA6-NGPW].

⁹ Julia Mueller, *SEC Charges Lindsay Lohan, Jake Paul with Crypto Violations*, THE HILL (Mar. 22, 2023, 5:36 PM), <https://thehill.com/business/3913168-sec-charges-lindsay-lohan-jake-paul-with-crypto-violations/> [https://perma.cc/4Q9J-3UWB]; Kalhan Rosenblatt, *YouTuber Logan Paul Is Sued over 'Suicide Forest' Video*, NBC NEWS (Dec. 31, 2020, 3:12 PM), <https://www.nbcnews.com/pop-culture/pop-culture-news/youtuber-logan-paul-sued-over-suicide-forest-video-n1252610> [https://perma.cc/4LP3-26KD]; Annabel Nugent, *Jake Paul Condemned for Claiming Coronavirus Is a 'Hoax' and Calling for US to 'Open up and Go Back to Normal'*, INDEPENDENT (Nov. 26, 2020, 7:46 GMT), <https://www.independent.co.uk/arts-entertainment/tv/news/jake-paul-coronavirus-hoax-youtube-covid-b1762111.html> [https://perma.cc/46JL-2CZZ].

¹⁰ IMPAULSIVE Clips, *supra* note 1.

¹¹ Andrew Lloyd, *Inside 26-Year-Old Jake Paul's New '\$16 Million House,' Which the Controversial YouTube Star Said He Wanted to Show off to Inspire His*

Golden Retriever-esque naivete to mire them in controversy once again. In addition to the litany of controversial statements they have made, they broke one law for certain and spiritually violated another. The certain infraction arose from an incident where the Paul Brothers drove on the beaches of Dorado, an act that is generally prohibited since beaches are the spawning points for endangered baby sea turtles.¹² The spiritual infraction arose from comments Jake Paul made to the effect that he “owns” a private beach in Puerto Rico and that his stunning estate restricts, and effectively prohibits, public access.¹³ Regardless of whether these actions do constitute a legal violation, the laymen’s conception nevertheless reigns supreme in the public consciousness of many Puerto Ricans, rendering his actions tantamount to a violation of a culturally enforced public right.¹⁴

You can see images of the Paul Brothers on posters distributed at protests and posted on lampposts and buildings throughout the island.¹⁵ You can also witness Puerto Ricans, from famous celebrities to your average resident, critically invoking the names of the Paul Brothers in public condemnations.¹⁶ However, you will not witness these things merely because of the discrete events just mentioned. Their legal infractions and controversial faux pas are only a few components of a much more fundamental controversy—their mere existence in Puerto Rico. Like many wealthy Americans, the Paul

Young Viewers, BUS. INSIDER (June 2, 2023, 12:06 PM), <https://www.businessinsider.com/youtuber-jake-paul-house-tour-16-million-dollar-mansion-2023-6> [<https://perma.cc/7HBF-RBF2>].

¹² Carlos Noguerras, *The Logan Paul-Puerto Rico Phenomenon*, AL DÍA (Oct. 7, 2022), <https://aldianews.com/en/thought-leaders/logan-paul-puerto-rico-phenomenon> [<https://perma.cc/987Y-7EAL>].

¹³ *Id.* Though it is true that it is conceived to mean that all beaches in Puerto Rico are public property, rendering any access restriction a violation of a public right, the true meaning and scope of this law is largely misunderstood by the general population. See generally *¿Qué es la Zona Marítimo Terrestre?*, AYUDA LEGAL P.R., <https://ayudalegalpr.org/resource/zona-maritimo-terrestre> [<https://perma.cc/4TFU-4S2X>] (last visited Feb. 8, 2024).

¹⁴ Coral Murphy Marcos, ‘*The Beaches Belong to the People*’: *Inside Puerto Rico’s Anti-Gentrification Protests*, THE GUARDIAN (July 23, 2022, 6:00 EDT), <https://www.theguardian.com/us-news/2022/jul/23/puerto-rico-beach-anti-gentrification-protests> [<https://perma.cc/Y42U-WCXW>].

¹⁵ Coral Murphy Marcos & Patricia Mazzei, *The Rush for a Slice of Paradise in Puerto Rico*, N.Y. TIMES (Jan. 31, 2022), <https://www.nytimes.com/2022/01/31/us/puerto-rico-gentrification.html> [<https://perma.cc/FU69-V7AU>].

¹⁶ Jamie Burton, *Logan Paul Slammed for Accusing Bad Bunny of ‘Tax Fraud’ in Puerto Rico*, NEWSWEEK (Oct. 6, 2022, 5:39 AM), <https://www.newsweek.com/logan-paul-slammed-accusing-bad-bunny-puerto-rico-act-22-tax-fraud-exploitation-1749337> [<https://perma.cc/YUF7-GPVA>].

Brothers could not resist moving to Puerto Rico to take advantage of the comically lucrative tax breaks promulgated by the Puerto Rican government in 2012 through the passage of Acts 20 and 22 and further encapsulated in 2019 in Act 60.¹⁷ This tax regime—controversially boasting a 0% income and capital gains tax rate only for new residents of Puerto Rico¹⁸—has encouraged many wealthy expatriates to move to places such as Dorado, dramatically increasing housing and rent costs on the island, pricing out native Puerto Ricans from large swaths of these towns, and largely contributing to the rapid transformation of Puerto Ricans into a primarily diasporic people.¹⁹ The financial bliss these wealthy, and largely non-Puerto Rican, expatriates enjoy exists in stark contrast with the harsh austerity that many Puerto Ricans are currently experiencing in the wake of Puerto Rico's financial crisis.²⁰ These austerity measures were instituted not by the Puerto Rican people themselves, but by the Wall Street-staffed and D.C.-imposed Financial Oversight and Management Board (FOMB), colloquially known as *La Junta* by those critical of the FOMB to convey that its existence flagrantly violates Puerto Rican self-government and democratic ideals.²¹

One might ascribe malice to the Paul Brothers for their actions and even for their mere presence on the island. And once you are aware of the unstable core of the seemingly placid relationship between the United States and Puerto Rico, one borne from a legacy of schizoid jurisprudence and the contradictions inherent between colonial aspirations and democratic ideals, it is difficult not to ascribe

¹⁷ Marcos & Mazzei, *supra* note 15.

¹⁸ *Individual–Other Tax Credits and Incentives*, PWC, <https://taxsummaries.pwc.com/puerto-rico/individual/other-tax-credits-and-incentives> [<https://perma.cc/ZYH5-5GG9>] (last visited Nov. 10, 2023).

¹⁹ Marcos & Mazzei, *supra* note 15; Omayá Sosa Pascual, Damaris Suárez & Víctor Rodríguez Velázquez, *A Nightmare for Puerto Ricans to Find a Home, while Others Accumulate Properties*, CENTRO DE PERIODISMO INVESTIGATIVO (Dec. 19, 2022), <https://periodismoinvestigativo.com/2022/12/a-nightmare-for-puerto-ricans-to-find-a-home-while-others-accumulate-properties/> [<https://perma.cc/LH9N-ELHR>]; César J. Ayala, *Puerto Rico and Its Diaspora*, UCLA LATIN AM. INST. (Oct. 27, 2021), <https://www.international.ucla.edu/lai/article/248568#:~:text=In%202018%2C%2064%20percent%20of,the%20Puerto%20Rican%20population%20stateside> [<https://perma.cc/WY4V-SQ8C>].

²⁰ Vann R. Newkirk II, *Puerto Rico Enters a New Age of Austerity*, THE ATL. (May 5, 2018), <https://www.theatlantic.com/politics/archive/2018/05/puerto-rico-enters-a-new-age-of-austerity/559565/> [<https://perma.cc/LAH6-QZZT>].

²¹ Case Comment, *Financial Oversight & Management Board for Puerto Rico v. Centro de Periodismo Investigativo, Inc.*, 137 HARV. L. REV. 460, 465 (2023).

such malice.²² However, this ascription would be erroneous. In reality, the Paul Brothers are emblematic of the deafening indifference that the average American voter, let alone American citizen, possesses toward Puerto Rico.²³ It is this common indifference that ought to give advocates for Puerto Rican decolonization, whether through statehood, independence, or a true free association, tremendous pause.

This Note will not give a highly detailed argument, grounded in the internal and often nonsensical logic of territorial law, for what specific reform ideas advocates should promote in the public discourse. Neither will it do so through naive appeals to America's better nature, its higher ideals of liberty and justice and so on, that are typical in the public discourse undergirding domestic politics and advocacy. The discourse this Note seeks to shape, though nominally available to the public, is a somewhat more private discourse—one that, arguably, the American voter seldom participates in to any considerable degree and by which their vote is rarely affected.²⁴ The task of this Note is to change how decolonization advocates, specifically those that seek Puerto Rican decolonization through reforming the status quo to effectuate a true free association, frame their approach and to whom they approach. Though not an entirely novel approach as advocates already utilize a dual-pathway approach by advocating for decolonization both in the domestic sphere and through international channels, this Note argues that this dual approach would be greatly enhanced by making a concerted effort to shape the discourse within foreign policy spaces. Utilizing the lessons from interest convergence theory and structural realism, this Note argues that the aims of these advocates²⁵ would be best served by forcing a convergence of interests between themselves and the foreign policy elite—specifically by exploiting strategic blindsides in U.S. soft power and their ramifications for the growing conflict between

²² JOSÉ TRÍAS MONGE, *PUERTO RICO: THE TRIALS OF THE OLDEST COLONY IN THE WORLD* 86 (1997).

²³ Kyle Dropp & Brendan Nyhan, *Nearly Half of Americans Don't Know Puerto Ricans Are Fellow Citizens*, N.Y. TIMES (Sept. 26, 2017), <https://www.nytimes.com/2017/09/26/upshot/nearly-half-of-americans-dont-know-people-in-puerto-ricans-are-fellow-citizens.html> [<https://perma.cc/PA24-DGCY>].

²⁴ Stephen Hess, *Does Foreign Policy Really Matter?*, WILSON Q., Winter 1980, at 96, 97.

²⁵ Andrés L. Córdova, *What UN Recognition of Puerto Rico's Right to Independence Means for Congress*, THE HILL (June 21, 2022, 3:00 PM), <https://thehill.com/opinion/civil-rights/3531036-what-un-recognition-of-puerto-ricos-right-to-independence-means-for-congress/> [<https://perma.cc/68MG-HA8W>].

the United States and China. Specifically, this Note advances that by leveraging the current zeitgeist within the foreign policy and international trade community of safeguarding supply chains by “de-risking” China and the growing impetus to wage ideological warfare against China to shore up U.S. soft power, advocates would be able to more efficiently realize a true free association between the United States and Puerto Rico. In other words, by reframing the issues underlying the relationship between the United States and Puerto Rico in foreign policy terms, rather than almost purely a matter of domestic policy and law, Puerto Rican decolonization advocates will have a better chance of success.

II. INTEREST CONVERGENCE

*[In the U.S.S.R.] I am not a Negro but a human being for the first time in my life . . . I walk in full human dignity—Paul Robeson*²⁶

In his seminal 1980 article, *Brown v. Board of Education and the Interest Convergence Dilemma*, Derrick A. Bell argued that a key factor in the Supreme Court’s decision to upend de jure racial segregation in public schools in 1954, rather than during any of the plethora of earlier opportunities advanced by the NAACP since *Plessy v. Ferguson*, was the temporary alignment of interests between Black Americans and the white northern elite, which by extension—though left unsaid in his article—almost exclusively occupied the foreign policy establishment and thus dominated the foreign policy discourse at that time.²⁷

The early 1950s were the height of the Cold War and a mass anti-communist frenzy amongst the general population. Domestically, politicians were either kowtowing to or outright bolstering McCarthyist paranoia of secret cabals of communists infecting every level of federal political power.²⁸ In foreign policy spaces, experts such as the late Henry Kissinger were promulgating the meme of the “missile gap”—i.e., that the newly nuclear Soviet Union had outpaced

²⁶ Gilbert King, *What Paul Robeson Said*, SMITHSONIAN MAG. (Sept. 13, 2011), <https://www.smithsonianmag.com/history/what-paul-robeson-said-77742433/> [<https://perma.cc/9M5K-VMLM>].

²⁷ Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524 (1980).

²⁸ Ellen Schrecker, *McCarthyism: Political Repression and the Fear of Communism*, 71 SOC. RSCH. 1041, 1043-44 (2004).

the United States in the production of ICBMs, thus threatening the American homeland with a nuclear Armageddon and greatly diminishing the U.S.'s ability to "win" an all-out nuclear exchange with the Soviets.²⁹ As history shows, these particular fears, and many others, turned out to be pure hysteria and fabrication.³⁰ There were no significant numbers of communists in the State Department and the United States actually outproduced the Soviets in ICBMs and other critical weaponry.³¹ However, there were a few arenas where U.S. foreign policy strategists rightfully feared Soviet domination—one of which being the arenas of ideological warfare and soft power in the then newly dubbed "Third World."³² After World War II, the world bore witness to a process of massive decolonization, and both the Soviet Union and the United States were determined that the loss to the Europeans would be their gain.³³ Both powers were determined to win, or otherwise sway, these newly minted nations towards their way of life and align them with their interests to the other's detriment.³⁴ However, the Soviets in and of themselves had much more going for them in terms of qualities attractive to a recently decolonized people.³⁵ The Soviets had a system of political economy diametrically opposed to the one found in those of the former colonial powers and had scant history of colonization and imperialist conquest outside of the Eurasian Steppe. Further, the Soviets' chief rival in the battle for the hearts and minds of the predominantly non-white Third World was a nation steeped in internal racial bigotry and racist violence.³⁶ Images of police bashing in the heads of non-white protestors, unleashing dogs upon them, and so on, infested television sets around the world.³⁷ If that is what the Americans do to their citizens of color, how would

²⁹ Christopher A. Preble, "Who Ever Believed in the 'Missile Gap'?: John F. Kennedy and the Politics of National Security, 33 *PRESIDENTIAL STUD. Q.* 801, 801-02 (2003).

³⁰ *Id.*

³¹ *Id.* at 821.

³² Bell, *supra* note 27, at 524.

³³ *See generally* JESSICA M. CHAPMAN, *REMAKING THE WORLD: DECOLONIZATION AND THE COLD WAR 18-19* (2023).

³⁴ *See generally id.* at 21.

³⁵ Bell, *supra* note 27, at 524-25.

³⁶ *Id.*

³⁷ *See generally* Joshua Clark Davis, *Birmingham's Use of Police Dogs on Civil Rights Protestors Shocked Liberal Onlookers. But the Backstory Was All-American*, *SLATE* (May 16, 2023, 10:30 AM), <https://slate.com/news-and-politics/2023/05/birmingham-civil-rights-march-history-dog-photo.html> [<https://perma.cc/8RF4-LFS7>].

they treat the non-white nations of the world? This reasonable misgiving, and the greater moral authority it lent to the Soviet Union, was perhaps best encapsulated by the American civil rights figure Paul Robeson, who stated that “[in the U.S.S.R.], I am not a Negro but a human being for the first time in my life. . . . I walk in full human dignity.”³⁸

In light of this, Bell argued, upper- and middle-class whites had an interest in offsetting the greater moral authority of the Soviet Union and better safeguarding the security of the State by propagating an image of a nation on the cutting edge of human rights and equality.³⁹ This newly created interest converged, albeit temporarily, with the more enduring interest of Black America in overturning the doctrine of “separate but equal” as an important step towards racial equality.⁴⁰ This temporary convergence in interest made the decision in *Brown* “inevitable.”⁴¹

To substantiate this theory, Bell begins with noted legal scholar Professor Weschler’s search for “neutral”⁴² principles that could account for the Court’s landmark and sudden overturning of *Plessy* in *Brown*.⁴³ Though he lauded the outcome of *Brown*, Weschler took issue with the various neutral bases that scholars had advanced as undergirding the case, ultimately concluding that none were sufficient to account for such a sudden reversal of “separate but equal.”⁴⁴ After all, *Brown* was far from the first time that the Court had been made aware of the harm that school segregation inflicted upon Black children.⁴⁵ Accepting this challenge, Professor Black identified “racial equality” as the neutral principle in question, specifically stating that the Fourteenth Amendment’s Equal Protection Clause “should be read as saying that [Black people are] not to be significantly disadvantaged by the laws of the states,” that de jure segregation is one such disadvantaging of Black people by state law, and that therefore equal protection “clearly bars racial segregation”⁴⁶ However, Bell took

³⁸ King, *supra* note 26.

³⁹ Bell, *supra* note 27, at 524-25.

⁴⁰ *Id.* at 518, 524.

⁴¹ *Id.* at 518.

⁴² *Id.* at 519.

⁴³ *Id.* at 519-20.

⁴⁴ *Id.* at 521.

⁴⁵ Bell, *supra* note 27.

⁴⁶ *Id.* at 522.

issue with Black's analysis.⁴⁷ Bell noted that although "[o]n a normative level . . . racial equality appear[ed] to be [the neutral principle upon] which *Brown* rest[ed] . . . on a positivistic level [this could not be the case] at least to the extent that [racial equality] threatens to impair the societal status of whites."⁴⁸ Indeed, this reading is justified by judicial activity subsequent to *Brown*, which helped undermine the promise of *Brown* and opened the door to resegregation.⁴⁹ Thus, Bell's answer to Weschler's challenge is the principle of interest convergence: that is, the Fourteenth Amendment on its own "will not authorize . . . racial equality . . . where the remedy sought threatens the superior societal status of middle and upper class whites," and so "[t]he interest of [Black people] in achieving racial equality will be accommodated only when it converges with the interests of whites."⁵⁰ By convergence, Bell specifically meant that such racial remedies would either "secure, advance, or at least not harm [the] societal interests deemed important by middle- and upper-class whites."⁵¹ Although Bell explored a number of different ways in which the interests of upper- and middle-class whites were satisfied by the titanic shift towards desegregation by *Brown*,⁵² the most salient in his eyes was the interest of upper- and middle-class whites in neutralizing the moral edge of the Soviet Union in the eyes of the emergent nations of the Third World.⁵³ Indeed, this point was made explicitly by the federal government in its amicus curiae brief to the Court in *Brown*.⁵⁴ The lawyers for the NAACP illustrated this interest in even more dire terms than the federal government did, stating that

⁴⁷ *Id.* at 523.

⁴⁸ *Id.*

⁴⁹ See generally Erwin Chemerinsky, *The Segregation and Resegregation of American Public Education: The Court's Role*, 81 N.C. L. REV. 1597 (2003).

⁵⁰ Bell, *supra* note 27, at 523.

⁵¹ *Id.*

⁵² *Id.* at 524-25.

⁵³ See Derrick A. Bell, *Racial Remediation: An Historical Perspective on Current Conditions*, 52 NOTRE DAME L. REV. 5, 12 (1976).

⁵⁴ "It is in the context of the present world struggle between freedom and tyranny that the problem of racial discrimination must be viewed . . . [for] discrimination against minority groups in the United States has an adverse effect upon our relations with other countries. Racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith." *Id.* at 12 n.30 (alteration in the original) (quoting Brief for the United States as Amicus Curiae at 6, *Brown v. Board of Educ.*, 347 U.S. 483 (1954) (No. 1)).

“[the survival] of our country in the present international situation is inevitably tied to resolution of this domestic issue.”⁵⁵

As a side note, it is important for the purposes of advocacy that leverages interest convergence to dispel with the misguided interpretation that momentous victories for justice, such as *Brown*, occur only when the self-interest of the oppressors overlaps with the interests of the oppressed. Indeed, Bell noted that the geopolitical value of abolishing de jure segregation was insufficient on its own “to produce a decision as important as *Brown*.”⁵⁶ It is perhaps more correct to interpret self-interested motivations such as geopolitical value as supplementing, rather than supplanting, the moral motivations for such windfall reform, providing just enough additional, albeit amoral, impetus to push the efforts of those who primarily act on moral motivations towards victory.⁵⁷ We must keep this truth firmly in mind when outlining how exactly advocates for true free association may go about realizing their goals. Otherwise put, one must not advocate for Puerto Rican autonomy on geopolitical grounds to the detriment of the moral grounds.

To better articulate the advocacy lessons of interest-convergence theory, it is important to note that Bell’s analysis of the temporary alignment of interests is only part of the story. Though there is ample historical evidence of middle- and upper-class fears of Soviet world domination in the lead-up to the Court’s decision in *Brown*, there is sparse evidence that this general fear was particularized into an explicit general consensus amongst upper- and middle-class whites that the United States needed to take action to neutralize the Soviet’s moral advantage, let alone that eliminating de jure segregation was the means to achieve such an end. Such insight requires an inordinate level of foreign policy knowledge that the average citizen traditionally does not possess.⁵⁸ If anything, given the enduring legacy of American exceptionalism in mainstream America’s imagination, it is more reasonable to conclude that the average citizen at this time thought the complete opposite: that American democracy was the lodestar of moral governance and that the Soviet system was obviously an

⁵⁵ *Id.* (quoting Brief for Appellants at 194, *Brown v. Board of Educ.*, 347 U.S. 483 (1954) (No. 1)).

⁵⁶ Bell, *supra* note 27, at 525.

⁵⁷ *Id.*

⁵⁸ Hess, *supra* note 24.

unabashed evil.⁵⁹ However, such level of insight is par for the course for the foreign policy establishment, and there is ample evidence that it was keenly aware of the need to neutralize the Soviet moral advantage, in part by eliminating de jure segregation.⁶⁰ As such, it is best for advocates of true free association to conceptualize the mechanism underlying Bell's analysis as the temporary convergence of Black America's interest in realizing justice and equality and the interest of upper and middle-class whites in curbing Soviet domination, an interest produced by the existential angst wrought by the Red Scare. This temporary convergence was formed through the institutional pressure exerted by the keenly attune foreign policy establishment upon the organs of governmental power—in this case, the Supreme Court. Furthermore, this refined conceptualization of the lesson derived from *Brown* is of paramount importance for advocates of true free association because it will narrow the focus of the prescription for such advocates to a two-pronged approach to autonomy advocacy, one that incorporates both top-down and bottom-up techniques.

A. The Interest-Convergence Prescription

Such a prescription calls for advocates to leverage interest convergence by making it a top priority to influence the thinking of thought leaders in the foreign policy establishment. To illustrate this point, it is appropriate to first provide historical context.

The quest for Puerto Rican autonomy began long before American troops ever stepped foot on the island in 1898.⁶¹ During the period of Spanish rule over the island—particularly in the nineteenth century—Puerto Rico was able to realize self-government and autonomy, albeit to a limited degree and subject to the whims of the Spanish Crown.⁶² The liberal reforms of 1812 granted Puerto Rico limited home rule and representation in the Spanish Parliament.⁶³ However, this brief dalliance with autonomy was short-lived, and

⁵⁹ See generally Peter S. Onuf, *American Exceptionalism and National Identity*, 1 AM. POL. THOUGHT 77 (2012).

⁶⁰ Bell, *supra* note 53, at 12 n.30.

⁶¹ Marisabel Brás, *Autonomy and War*, LIBR. OF CONG., <https://www.loc.gov/collections/puerto-rico-books-and-pamphlets/articles-and-essays/nineteenth-century-puerto-rico/autonomy-and-the-war/> [https://perma.cc/NZ3S-QQG5] (last visited Oct. 19, 2024).

⁶² See generally MONGE, *supra* note 22, at 5-20.

⁶³ *Id.* at 9.

Puerto Rico oscillated from some amount of autonomy to virtually none depending on the internal politics of Spain at any given time.⁶⁴ Before the outbreak of the Spanish-American War, Puerto Rico was able to briefly realize a high degree of autonomy upon the promulgation of the Autonomic Charter in 1897.⁶⁵ The Charter granted Puerto Rico a bicameral legislature elected by universal male suffrage that could legislate on essentially any matter except those relating to military defense.⁶⁶ However, this high degree of autonomy ended upon the Spanish ceding Puerto Rico to the United States at the conclusion of the Spanish-American war.⁶⁷

In the early days of U.S. rule, Puerto Rican autonomy grew haphazardly until the establishment of the Commonwealth of Puerto Rico. Throughout the pre-Commonwealth period, Puerto Rican activists, as is the case today, were divided into three broad schools of decolonial thought that often fluctuated in their respective proportions of popular support.⁶⁸ These camps comprised of activists that sought decolonization through integration with the United States (“statehood” activists), through outright independence (best exemplified by Pedro Albizu Campos and the Nationalist Party), or through free association (best exemplified by Luis Muñoz Marín and the Popular Democratic Party or the PPD).⁶⁹ Due to the general unpopularity of the statehood position, and the United States’ often violent and draconian crackdowns upon nationalist elements both before and after the establishment of the Commonwealth, Muñoz Marín’s camp prevailed.⁷⁰ The decades-long struggle of those who identified with the PPD and various other factors coalesced in the drafting and eventual passage by Congress of Public Law 600 in 1950.⁷¹ This law was in many ways a truncated version of what free association activists sought: that is, “to advance self-government through the recognition of the right of the people of Puerto Rico to adopt a constitution [truly] of their own [making]”; [to] explicitly [place] “the relations between the United States and Puerto Rico on a mutual consent basis”; and [to

⁶⁴ See generally *id.* at 5-20.

⁶⁵ *Id.* at 13.

⁶⁶ *Id.* at 12-15.

⁶⁷ Brás, *supra* note 61.

⁶⁸ See generally MONGE, *supra* note 22, at 12-15.

⁶⁹ See generally *id.* at 88-98, 107-18.

⁷⁰ See generally *id.* at 107-18.

⁷¹ See generally *id.* at 110-18.

bring about] “substantial changes in such relations.”⁷² Public Law 600 accomplished this first objective, albeit incompletely as the Puerto Rican Constitution was still subject to congressional approval and Congress successfully insisted on the elimination of the social equity portions of its Bill of Rights, which called for “the right to social protection in the event of unemployment, sickness, old age, or disability; the right to obtain work; the right to an adequate standard of living; and the rights of mothers and children to special care and assistance.”⁷³ However, it failed to realize a U.S.-Puerto Rican relationship built on mutual consent going forward and rid the relationship of its colonial vestiges as sovereignty unilaterally rested within the purview of the federal government.⁷⁴

The contradictions inherent between the guise of free association and the harsh reality of the paternalistic nature of the U.S.-Puerto Rico relationship have come to a head in the last couple of decades. As previously alluded to, the installation of the FOMB pursuant to PROMESA, in response to a dire debt crisis that some have contended was caused at least in part by the vestiges of the colonial U.S.-Puerto Rican relationship that Public Law 600 failed to abolish, has come to be seen by many as emblematic of the aforementioned contradiction.⁷⁵ Congress, and not the Puerto Rican government, gave the FOMB considerable power over the fiscal decisions and budget⁷⁶ of Puerto Rico, culminating in what amounts to a quasi-branch of the Puerto Rican government, imposed unilaterally by the United States, that has little to no democratic accountability to the Puerto Rican people and through which the U.S. exercises veto power over many of the fiscal decisions of the Puerto Rican government exercises veto power over many of the fiscal decisions of the Puerto Rican government.⁷⁷ The Court’s decision in *Financial Oversight and Management Board for Puerto Rico v. Centro de Periodismo Investigativo, Inc.* illustrated this

⁷² *Id.* at 109.

⁷³ *Id.* at 116-17.

⁷⁴ MONGE, *supra* note 22, at 124, 129.

⁷⁵ Perry T. Graham, *Municipal Bankruptcy in the “Oldest Colony in The World” After Puerto Rico v. Franklin California Tax-Free Trust And PROMESA*, 63 LOY. L. REV. 179, 202-03 (2017).

⁷⁶ See generally DEEPAK LAMBA-NIEVES, SERGIO M. MARXUACH & ROSANNA TORRES, CENTER FOR A NEW ECONOMY, PROMESA: A FAILED COLONIAL EXPERIMENT? (2021).

⁷⁷ James T. Campbell, *Aurelius’s Article III Revisionism: Reimagining Judicial Engagement with the Insular Cases and “The Law of the Territories,”* 131 YALE L.J. 2542, 2546-47 (2022).

interpretation.⁷⁸ The case implied that, although the Puerto Rican government has waived its immunity on actions arising from the Commonwealth's constitutional right to examine and possess public documents, the FOMB is not subject to the Puerto Rican government's immunity waiver—rendering it an entity that is nominally a part of the Puerto Rican government but practically supersedes it.⁷⁹

In response, many Puerto Ricans have taken to the streets of San Juan and elsewhere to resist the usurpation of Puerto Rican autonomy that the FOMB represents.⁸⁰ However, such protests have largely focused on addressing more immediate material concerns, such as the runaway rise in the cost of housing and living on the island and other immediate consequences of austerity. Although these maladies are the immediate effects of Puerto Rico's incomplete autonomy, the street action has not organized to such a point so as to clearly and cohesively protest the incompleteness of autonomy itself. Furthermore, these protests reverberate little in mainstream America.⁸¹ Intermittently, Puerto Rican issues briefly make an appearance in the news cycle stateside when convenient, only to disappear.⁸² And such brief moments of mainstream American inquiry focus mostly on calls for alleviating the material suffering of Puerto Ricans, such as repealing the Jones Act.⁸³ When Americans do call for a reform of the U.S.-Puerto Rican relationship, they almost exclusively call for Puerto Rico's admission as a state. Though statehood would technically achieve decolonization under United Nations Resolution 1541 (XV),

⁷⁸ Fin. Oversight & Mgmt. Bd. for P.R. v. Centro de Periodismo Investigativo, 588 U.S. 399 (2023).

⁷⁹ Case Comment, *supra* note 21, at 466.

⁸⁰ See Laura N. Pérez Sánchez, *May Day Protests in Puerto Rico Show an Economy Still on the Brink*, N.Y. TIMES (May 9, 2023), <https://www.nytimes.com/2023/05/09/us/may-day-puerto-rico-protest.html> [<https://perma.cc/6ZTV-AKSC>]; Marisel Moreno, *Puerto Ricans Have Had Enough: #RickyRenuncia Is About a Lot More Than Roselló*, THE HILL (July 24, 2019, 3:00 PM), <https://thehill.com/opinion/campaign/454558-puerto-ricans-have-had-enough-rickyrenuncia-is-about-a-lot-more-than-rosello/> [<https://perma.cc/XH72-TU7W>].

⁸¹ Dropp & Nyhan, *supra* note 23.

⁸² See Anushka Shah, Allan Ko & Fernando Peinado, *The Mainstream Media Didn't Care about Puerto Rico Until It Became a Trump Story*, WASH. POST (Nov. 27, 2017, 6:00 AM), <https://www.washingtonpost.com/news/posteverything/wp/2017/11/27/the-mainstream-media-didnt-care-about-puerto-rico-until-it-became-a-trump-story/> [<https://perma.cc/6UVP-GPYJ>].

⁸³ See generally N.Y.C. BAR ASS'N, REPORT BY THE TASK FORCE ON PUERTO RICO IN SUPPORT OF PERMANENTLY EXEMPTING PUERTO RICO FROM THE JONES ACT (2018), <https://www.nycbar.org/wp-content/uploads/2023/05/2017359-JonesActPRexemption.pdf> [<https://perma.cc/4J5G-GLDJ>].

the popularity of this route amongst Puerto Ricans is grossly overstated.⁸⁴ Furthermore, ever since the establishment of the Commonwealth, the independence route of decolonization has been more or less a non-starter.

Given this, it is likely that reforming the status quo is the most preferable route to decolonization under international law. However, as illustrated, current bottom-up advocacy efforts have failed to make significant inroads into realizing this goal. This is not surprising given the shortcomings of the bottom-up approach, which are emblematic of the major obstacles present in achieving justice in the purely domestic sphere. Success in the domestic sphere of politics relies in no small part upon winning the hearts and minds of voters. And because the average American voter is not even aware that Puerto Rico and the United States have a relationship, let alone that it is a problematic one, the path to realize greater autonomy through domestic politicking cannot be the only means at the disposal of advocates.⁸⁵

Another reason why a domestic advocacy pathway has largely failed to make significant inroads into decolonization is because it does not account for the fact that geopolitical considerations have substantially shaped the relationship between the United States and Puerto Rico. The establishment of the *Estado Libre Asociado* was seen primarily from San Juan's point of view as a new and optimistic path to decolonization that could enable Puerto Rico to be a standard of decolonization through free association and "a new pattern of political freedom."⁸⁶ From the American perspective, a key implicit consideration in creating the *Estado Libre Asociado* was to signal the United States' "sincerity" and goodwill towards the Third World to the international system and particularly Latin America.⁸⁷ From Washington's perspective, the relinquishing of only some, but not all, of its control over Puerto Rico could be accounted for by the fact that it did not want to forego Puerto Rico's geostrategic value "as a useful guardian of eastern access to the Panama Canal" and a center of

⁸⁴ Frances Robles, *23% Of Puerto Ricans Vote in Referendum, 97% Of Them For Statehood*, N.Y. TIMES (June 11, 2017), <https://www.nytimes.com/2017/06/11/us/puerto-ricans-vote-on-the-question-of-statehood.html> [https://perma.cc/9LAM-FDZY].

⁸⁵ Dropp & Nyhan, *supra* note 23.

⁸⁶ Luis Muñoz Marín, *Puerto Rico and the U.S., Their Future Together*, FOREIGN AFFS. (July 1, 1954), <https://www.foreignaffairs.com/articles/puerto-rico/1954-07-01/puerto-rico-and-us-their-future-together> [https://perma.cc/ETR2-WGE7].

⁸⁷ *Id.*

gravity for the U.S.'s military presence in the Atlantic and Caribbean.⁸⁸ Because the domestic-focused framework of advocacy largely omits the geopolitical aspect of the U.S.-Puerto Rico relationship, it fails to incorporate strategies that could help it effectively advocate in the arena of foreign policy.

This is best illustrated through the myriad of times certain Puerto Rican advocacy groups, historically comprised of independence activists with the support of Cuba but now also including statehood and free association reformists, tried to “place [the status of Puerto Rico] within the context of international law” as a way to realize their decolonial aspirations while avoiding the pitfalls of domestic politicking.⁸⁹ The story of this process begins with Article 73(e) of the United Nations Charter, which stipulates that Member States administering “territories whose peoples have not yet attained a full measure of self-government” have a general duty “to transmit regularly to the Secretary-General . . . statistical and other information of a technical nature relating to [the] economic, social, and educational conditions in [said] territories”⁹⁰ Additionally, per Resolution 222 (III), the General Assembly urged Member States who ruled over non-self-governing territories within the scope of Article 73(e), as enumerated by Resolution 66 (I), to furnish its reasoning in the event that the Member State no longer transmits the aforementioned information.⁹¹ In January 1953, the United States informed the United Nations of its intent to cease its transmittal of information regarding Puerto Rico.⁹² Over the course of that year, the United States participated in debate after debate within the halls of the United Nations to make its case that the establishment of the *Estado Libre Asociado* had sufficiently decolonized the U.S.-Puerto Rican relationship.⁹³ And though many doubts regarding whether this was actually true lingered among many Member States, the General Assembly nonetheless passed Resolution 748 (VIII), which stated that the United States no longer needed to transmit information regarding

⁸⁸ MONGE, *supra* note 22, at 119; *see generally* Sara Grusky, *The Changing Role of the US Military in Puerto Rico*, SOC. & ECON. STUD., Sept. 1987, at 37.

⁸⁹ Córdova, *supra* note 25.

⁹⁰ U.N. Charter art. 73, ¶ e.

⁹¹ G.A. Res. 222 (III), at 84-85 (Nov. 3, 1948); G.A. Res. 66 (I), at 124-26 (Dec. 14, 1946).

⁹² MONGE, *supra* note 22, at 122.

⁹³ *Id.* at 122-23.

Puerto Rico to the United Nations.⁹⁴ As per the Resolution, the *Estado Libre Asociado* had “invested [the people of Puerto Rico] with attributes of political sovereignty which clearly identif[ies] the status of self-government attained by the Puerto Rican people as that of an autonomous political entity.”⁹⁵ This finding occurred, most notably for advocates engaging in the foreign policy leg of the dual-approach, before the General Assembly approved Resolution 1541 (XV).⁹⁶ In addition to outlining the three paths of decolonization—integration with an independent sovereign state, independence, or free association with an independent state—Resolution 1541 (XV) also stipulated the basic conditions by which one may determine whether a non-self-governing territory had decolonized through free association:

Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people.⁹⁷

Because the United Nations was unable to adjudge the Puerto Rican case in light of this criteria in its deliberations surrounding Resolution 748 (VIII), advocates of the foreign-policy leg of Puerto Rican decolonization have sought time and time again to relitigate the Puerto Rican case.⁹⁸ By doing so, these advocates hope to relist Puerto Rico as a Non-Self-Governing Territory subject to Article 73(e) reporting obligations, which would, in turn, pressure the United States to take steps to decolonize its relationship with Puerto Rico. This is undoubtedly a promising route in that such advocates have a good case under Resolution 748 (VIII). For example, there is little doubt that Puerto Rico was unable to “determine its internal constitution without

⁹⁴ G.A. Res. 748 (VIII), at 25-26 (Nov. 27, 1953).

⁹⁵ *Id.* at 26.

⁹⁶ MONGE, *supra* note 22, at 136.

⁹⁷ G.A. Res. 1541 (XV), at 29-30 (Dec. 15, 1960).

⁹⁸ Córdova, *supra* note 25.

outside interference” as Congress required notable revisions to Puerto Rico’s proposed constitution before they approved it.⁹⁹

Though a promising route on paper, the fact that activists have yet to gain General Assembly recognition of Puerto Rico as a colony subject to the purview of the United Nations, despite the consistent recommendation of the United Nations Special Committee on Decolonization to do so, testifies to a few key issues with how this more foreign-policy focused approach is currently exercised.¹⁰⁰ The first glaring issue is that it ignores the politics of the United Nations. The United States hosts the headquarters of the United Nations and is the United Nations’ single greatest source of funding, which surely has some effect on the hills on which the General Assembly is willing to die.¹⁰¹ At the end of the day, a formal colonial designation of the U.S.-Puerto Rico relationship is a black eye that the General Assembly would not inflict upon the United States absent sufficient pressure from the international community to do so. Further, considering that the only consistent champion of this route to decolonization has been Cuba and, to a lesser extent, Venezuela, Russia and Syria—nations not known for their cachet in the international community or for being in the good graces of the United States—the international pressure is insufficient to get the General Assembly to accept the regular recommendations of the Special Committee on Decolonization.¹⁰² However, the crucial issue with how the foreign-policy route is pursued is because advocates fail to account for what actually motivates nation-states in the international system.

If the General Assembly were to accept the Special Committee on Decolonization’s recommendation and officially designate Puerto Rico a colony of the United States, Puerto Rican activists would merely be in the position of the dog who caught the car. In other words, what would happen next? This is not to denigrate the power, albeit indirect, that international bodies and legal systems possess in shaping the conduct of nations. However, as will be explored in this Note, it is fanciful to hold that such a designation alone would be sufficient to

⁹⁹ G.A. Res 1541 (XV), *supra* note 97; MONGE, *supra* note 22, at 116-17.

¹⁰⁰ Córdova, *supra* note 25.

¹⁰¹ See *Funding the United Nations: How Much Does the U.S. Pay?*, COUNCIL ON FOREIGN RELS. (Feb. 29, 2024, 12:00 PM), <https://www.cfr.org/article/funding-united-nations-what-impact-do-us-contributions-have-un-agencies-and-programs#:~:text=Every%20member%20of%20the%20United,contributions%20to%20specific%20UN%20programs> [https://perma.cc/JHL4-DXRF].

¹⁰² Córdova, *supra* note 25.

prompt the United States to transform its relationship with Puerto Rico. Even if it complied with the General Assembly's designation and intermittently transmitted information related to the prevailing material conditions in Puerto Rico pursuant to Article 73(e), the pressure that this would exert on the United States would still likely be insufficient to decolonize its relationship with Puerto Rico. As previously stated, advocates pursue the foreign-policy pathway in a manner that fundamentally misunderstands the motivations of nations. Assuming a structural realist framework, states are primarily motivated by the anarchic power structure of the global system and their place within said structure—anarchic in that there is no higher power that exists above any one state.¹⁰³ In this framework, international bodies that constitute a collection of nation-states, such as the United Nations, have power in a limited sense; however, this power ultimately reflects the homeostatic tendency of the international system.¹⁰⁴ In other words, international bodies are instruments by which states seek to maximize their power and their chances of survival in the international system.¹⁰⁵ Thus, the conduct of nations in the international system is geared to maximizing state security which, despite any moralistic window-dressing or garnishment, is largely the result of amoral calculus.¹⁰⁶ This amoral calculus is why the strategic goals and fault lines of nations often survive changes in their internal political structures. For example, some have argued that this amoral calculus is why Russian foreign policy remained substantively unchanged between the Tsarist, Soviet, and contemporary periods of Russian history.¹⁰⁷ Seen in this light, U.S. action subsequent to World War II vis-à-vis Puerto Rico, though flying in the face of the lofty American ideals exhibited in the Atlantic Charter,¹⁰⁸ is not so surprising given the strategic value of Puerto Rico during the Cold

¹⁰³ John Mearsheimer, *Structural Realism, in* INTERNATIONAL RELATIONS THEORIES: DIVERSITY AND DISCIPLINE 71, 72-74 (Tim Dunne, Milya Kurki & Steve Smith eds., 2007).

¹⁰⁴ Claire R. Kelly, *Realist Theory and Real Constraints*, 44 VA. J. INT'L L. 545, 562-65 (2004).

¹⁰⁵ *See id.*

¹⁰⁶ *See* Mearsheimer, *supra* note 103, at 73-74.

¹⁰⁷ *See generally* RUSSIAN FOREIGN POLICY IN THE TWENTY-FIRST CENTURY AND THE SHADOW OF THE PAST (Robert Legvold ed., 2007).

¹⁰⁸ *The Atlantic Charter*, N. ATL. TREATY ORG., https://www.nato.int/cps/en/natohq/official_texts_16912.html [<https://perma.cc/M276-YM3B>] (July 2, 2018, 1:58 PM).

War.¹⁰⁹ However, it would be a misinterpretation to conclude that because structural realism places nation-states as the fundamental units of the international system, nation-states are purely rational and impersonal entities.¹¹⁰ Like how the fundamental particles of physics are further composed of subatomic particles, nation-states are composed of the humans that compose its foreign policy apparatus, which, in America's case, is the foreign policy establishment.¹¹¹ Though such an elite, which differs in composition and breadth depending on the national system in question, may arguably represent a collective wisdom, it is ultimately subject to the limits of human perception.¹¹² The foreign policy elite of a nation, though leagues more informed than the average citizen, nevertheless operates on incomplete information when debating which strategy or choice to recommend to the ultimate decisionmakers in international relations.¹¹³

Given the lessons of structural realism and its relation to the foreign policy elite, advocates who have been employing the foreign-policy route have been putting the cart before the horse—advocating for foreign policy change while failing to shift the minds of those that most immediately govern said domain. In other words, success in the foreign-policy pathway of advocacy requires the United States to view decolonization of Puerto Rico as falling within its strategic interests—which requires the foreign policy establishment of the United States to perceive such decolonization as within the strategic interests of the United States. As such, the interest-convergence prescription is simple—advocates must make a concerted effort to influence the discourse of the foreign policy establishment so as to convince them that Puerto Rican decolonization is within the strategic interests of the United States. By doing so, advocates will be able to forge a temporary alignment of interests between themselves and the foreign policy elite and thus realize the interest-convergence benefits that aided in bringing about the *Brown* decision, increasing the likelihood that the United States would be receptive to altering the existing relationship

¹⁰⁹ MONGE, *supra* note 22, at 119.

¹¹⁰ See Mearsheimer, *supra* note 103, at 72, 74.

¹¹¹ See generally Hal Brands, Peter Feaver & William Inboden, *In Defense of the Blob: America's Foreign Policy Establishment is the Solution, Not the Problem*, FOREIGN AFFS. (Apr. 29, 2020), <https://www.foreignaffairs.com/united-states/defense-blob> [<https://perma.cc/9U2L-ARR3>].

¹¹² See *id.*

¹¹³ See *id.*

between itself and Puerto Rico for the better.¹¹⁴ The question then is as follows: how do advocates go about influencing the discourse of the foreign policy establishment? This inquiry harbors two subsidiary questions. First, and perhaps most importantly, what opportunity, or strategic lack or blind spot to put it more accurately, could advocates exploit to forge this convergence of interest? Secondly, how may advocates accomplish this feat in practice?

Before answering the first subsidiary question, it is important to address a potential hamartia of the interest-convergence prescription. One potential criticism of employing the interest-convergence framework to realize Puerto Rican decolonization is that even if it were to lead to greater autonomy for Puerto Rico, how could one be sure that the wins will endure? After all, even Bell admits that the windfall victory of *Brown* did not prevent subsequent judicial action from undermining the decision's potential for realizing the myriad goals of the Civil Rights Movement.¹¹⁵ Though a fair criticism, it is far from a fatal rebuke of interest-convergence's applicability for advocacy purposes as advocates for racial integration, and civil rights in general, had a much more uphill battle relative to the battle that advocates for Puerto Rican decolonization have in the present day.¹¹⁶ Ultimately, advocates for racial integration contended with the societal expectations of largely lower class Southern whites that were deeply ingrained over centuries of slavery and Black subordination—expectations that were not going to disappear with one Supreme Court decision, no matter how monumental or historic.¹¹⁷ However, such societal expectations are not present in the case of Puerto Rico. Though Puerto Ricans are no strangers to racism,¹¹⁸ whether when moving to the States or in the Insular Cases that birthed many of the maladies that plague the U.S.-Puerto Rican relationship,¹¹⁹ mainstream America is largely indifferent to matters concerning the relationship between the United States and Puerto Rico.¹²⁰ It would be

¹¹⁴ Bell, *supra* note 27.

¹¹⁵ *Id.* at 525-26.

¹¹⁶ *Id.* at 525.

¹¹⁷ *Id.* at 525-26.

¹¹⁸ See generally Ileana I. Diaz, *Malignant Citizenship: Race, Imperialism, and Puerto Rico-United States Entanglements*, 25 CITIZENSHIP STUD. 333, 333 (2021) (arguing that the incomplete citizenship rights of Puerto Ricans cannot be sufficiently explained upon race neutral bases but instead are better understood “as a deeply racialized product of . . . colonialism and imperialism . . .”).

¹¹⁹ See *Downes v. Bidwell*, 182 U.S. 244, 282 (1901).

¹²⁰ Dropp & Nyhan, *supra* note 23.

an exaggeration to suggest that advocates of Puerto Rican decolonization face a level of societal resistance in the same universe as that faced by integrationist advocates. The mind struggles to conjure up a potential threat to the way of life of any cohort of Americans by granting Puerto Rico more autonomy in accordance with international law. This criticism, at best, indicates that advocates who wield interest convergence theory should remain vigilant and solidify as much of the gains made during the brief convergence of interests between themselves and the U.S. so that these wins will not be undone once the interests diverge.

With this hamartia neutralized, what U.S. strategic shortcoming can advocates exploit to forge a convergence of interests between themselves and the U.S. foreign policy elite?

III. THE OPPORTUNITY TO LEVERAGE INTEREST CONVERGENCE

*International law for thee, but not for me — Unknown*¹²¹

On February 6, 2024, two weeks shy of the two-year anniversary of Russia's illegal invasion of Ukraine—in violation of international law¹²²—Tucker Carlson interviewed Vladimir Putin in the Kremlin.¹²³ At the start of the interview, Carlson asked Putin, in so many words, why he decided to invade Ukraine.¹²⁴ What ensued was a roughly a two-hour rant on Russian history from as far back as the eighth century which, in Putin's eyes, justified Russia imposing its hegemony over Ukraine.¹²⁵ To the audience, and to the mildly annoyed Carlson, this long-winded rant endowed the same level of unease that one may

¹²¹ Daniel Markind, *International Law for Thee But Not for Me*, TIMES OF ISRAEL (Oct 25, 2024, 6:19 PM), <https://blogs.timesofisrael.com/international-law-for-thee-but-not-for-me/> [<https://perma.cc/34XG-JQJQ>].

¹²² John B. Bellinger III, *How Russia's Invasion of Ukraine Violates International Law*, COUNCIL ON FOREIGN RELS. (Feb. 28, 2022, 2:25 PM), <https://www.cfr.org/article/how-russias-invasion-ukraine-violates-international-law> [<https://perma.cc/SLZ8-MNP8>] (arguing that the Russian invasion of Ukraine violates the use of force prohibition enshrined in Article 2(4) of the United Nations Charter and cannot be excused on grounds of self-defense under Article 51 of the United Nations Charter).

¹²³ Interview by Tucker Carlson with Vladimir Putin, President of Russ., in Moscow, Russ. (Feb. 6, 2024), <http://en.kremlin.ru/events/president/news/73411> [<https://perma.cc/6ZXS-9RRR>].

¹²⁴ *Id.*

¹²⁵ *Id.*

experience when cornered by a Russian history major at a bohemian Bushwick house party coupled with the dread at the realization that said Russian history major is currently responsible for scores of war crimes and the deaths of almost four hundred thousand Ukrainian soldiers and thousands of Ukrainian civilians.¹²⁶ Along the way, Putin painted a one-sided and critical picture of U.S. leadership after the collapse of the Soviet Union: a story of promises made and promises broken in which the newly “bourgeois” Russian state extended its hand in friendship to the West, only for it to be slapped away.¹²⁷ However, one comment Putin made during his rant, which may have flown under the radar for many watching, illustrated a common perception in the non-Western world of which many in the Western foreign policy establishment are already aware. In recounting the NATO intervention in the disintegrating Yugoslavia, he asserted that the United States had “let the genie out of the bottle” by bombing Belgrade in violation of international law,¹²⁸ implying the commonly held perception that the rules-based international order and international law are merely cudgels that the United States wields against non-Western nations who act contrary to U.S. interests. Otherwise put, when international law proves inimical to its interests, the United States has no qualms with disregarding it. This “common perception” has existed perhaps since the birth of the rules-based world order, which was born from the ashes of the Second World War primarily by U.S. strength and initiative.¹²⁹ Although the United States positioned itself during the Cold War as the champion of freedom-loving peoples around the world, the irony of its actions against democracy and freedom was not lost on the Third World, lending

¹²⁶ Helene Cooper, Thomas Gibbons-Neff, Eric Schmitt & Julian E. Barnes, *Troop Deaths and Injuries in Ukraine War Near 500,000, U.S. Officials Say*, N.Y. TIMES (Aug. 18, 2023), <https://www.nytimes.com/2023/08/18/us/politics/ukraine-russia-war-casualties.html> [<https://perma.cc/GQN7-525W>]; *Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova*, INT’L CRIM. CT. (Mar. 17, 2023), <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> [<https://perma.cc/V9WR-WHYH>].

¹²⁷ See Interview with Vladimir Putin, *supra* note 123.

¹²⁸ *Id.*

¹²⁹ See generally David A. Lake, Lisa L. Martin & Thomas Risse, *Challenges to the Liberal Order: Reflections on International Organization*, 75 INT’L ORG. 225, 226-27, 248, 251 (2021); Andrew Latham, *The Rules-Based International Order is Ending. What Will Replace It?*, THE HILL (Nov. 15, 2022, 12:00 PM), <https://thehill.com/opinion/national-security/3736389-the-rules-based-international-order-is-ending-what-will-replace-it/> [<https://perma.cc/XYD6-AF5L>].

credence to the narrative that the U.S. merely uses appeals to the rules-based international order to loftily shroud their great power gamesmanship.¹³⁰ Indeed, as it will be explained, this cruel irony is not lost on the Global South now. It is the “common perception,” a potentially hamartian consideration for well-crafted U.S. strategy in the perilous years to come, that will be the focal point upon which advocates should leverage the lessons of interest convergence to eventually realize true autonomy for Puerto Rico.

A. The Strategic Shortcoming of U.S. Hypocrisy

The Vice President of the EU Commission put it rather succinctly when, in his recent speech regarding EU geopolitical strategy vis-à-vis the wars in Ukraine and Gaza at the Munich Security Conference,¹³¹ he stated that in regards to garnering cooperation with the Global South on said security concerns, “[i]t is clear that the wind is blowing against the West,” and that the Western powers must “win the battle of the narrative [of double standards]”¹³² In other words, the “common perception” is rearing its head once more.¹³³ This time, it is undermining the U.S.-led proxy war effort in Ukraine. The Biden administration has gone to considerable lengths to paint the Russo-Ukrainian war as a major battle in the war between liberal democracy and tyrannical authoritarianism, calling upon all members of the international community to join the West in coming to Ukraine’s aid by lending direct support to Ukraine or by sanctioning

¹³⁰ See Daryl Glaser, *Does Hypocrisy Matter? The Case of US Foreign Policy*, 32 REV. INT’L STUD. 251, 254, 256 (2006).

¹³¹ *Munich Security Conference: High Representative Josep Borrell on the New Geopolitical Agenda*, EEAS PRESS TEAM (Feb. 18, 2024), https://www.eeas.europa.eu/eeas/munich-security-conference-high-representative-josep-borrell-new-geopolitical-agenda_en [<https://perma.cc/VB4G-HQBN>]. MSC is the largest independent forum devoted to fostering dialogue on international security policy. It regularly brings together heads of states, high-ranking foreign policy figures, and foreign policy experts and thought leaders, many of which belong to the United States foreign policy establishment) to discuss both current and future international security issues. See *About the Munich Security Conference*, MUNICH SEC. CONF., <https://securityconference.org/en/about-us/about-the-msc/> [<https://perma.cc/4XLJ-W8F6>] (last visited Nov. 13, 2024); *History of the Munich Security Conference*, MUNICH SEC. CONF., <https://securityconference.org/en/about-us/history/> [<https://perma.cc/7FBS-6H5W>] (last visited Nov. 13, 2024).

¹³² *Id.*

¹³³ See Glaser, *supra* note 130.

Russia.¹³⁴ The Global South, as will be discussed, has been hesitant to heed this call.¹³⁵ Much of this hesitation is merely a matter of realpolitik. For example, despite pressure from Washington, India has remained more or less neutral in the conflict, opting to continue doing business with Moscow.¹³⁶ This neutrality could be seen as the latest evolution of India's historically non-aligned school of foreign policy thought that has persisted since Nehru helped craft the Non-Aligned bloc in the Cold War: that is, that the security interests of New Delhi are generally best served in an increasingly multi-polar world order by declining to join any particular side.¹³⁷ Other non-Western nations, particularly Brazil¹³⁸ and many Middle Eastern and African nations, have not signed on due to their resource dependence on Russia, particularly in the realm of agriculture. However, as alluded to by the EU Commission Vice President, this lack of movement is also due to the “common perception,” which renders Washington's call to ensure respect for international law and the rules-based world order a hollow one in the eyes of many non-Western nations.¹³⁹ This perception has had tangible consequences for the U.S.-led effort in Ukraine, as the Global South's continued neutrality has largely contributed to the ineffectiveness of the extreme measures that Washington and its intimate allies have implemented to cripple the Russian war effort. Despite the crippling economic sanctions on Russia from the West—

¹³⁴ See Joseph R. Biden, Jr., *President Biden: What America Will and Will Not Do in Ukraine*, N.Y. TIMES (May 31, 2022), <https://www.nytimes.com/2022/05/31/opinion/biden-ukraine-strategy.html> [<https://perma.cc/DL73-KCZD>].

¹³⁵ Michael Kimmage & Hanna Notte, *How Russia Globalized the War in Ukraine: The Kremlin's Pressure-Point Strategy to Undermine the West*, FOREIGN AFFS. (Sept. 1, 2023), <https://www.foreignaffairs.com/russian-federation/how-russia-globalized-war-in-ukraine> [<https://perma.cc/XWH2-UMU4>].

¹³⁶ See Stefan Hedlund, *India-Russia Relations Show Renewed Spark*, GIS (Feb. 23, 2024), <https://www.gisreportsonline.com/r/indo-russian-friendship-is-being-reaffirmed/> [<https://perma.cc/YKW3-4FHL>].

¹³⁷ See Sumit Ganguly & Manjeet S. Pardesi, *Explaining Sixty Years of India's Foreign Policy*, 8 INDIA REV., no. 1, 2009, at 4, 6.

¹³⁸ Juliana Steil, *Bolsonaro diz que Brasil adotará posicionamento 'neutro' com relação à Ucrânia*, G1 (Feb. 27, 2022), <https://g1.globo.com/sp/santos-regiao/noticia/2022/02/27/bolsonaro-diz-que-ligou-para-putin-e-que-situacao-e-delicada-nao-podemos-interferir.ghtml> [<https://perma.cc/J8BY-WE7F>].

¹³⁹ Branko Marcetic, *US Hypocrisy on Foreign Policy Undermines the 'Rules-Based' Order it Claims to Defend*, CURRENT AFFS. (Jan. 18, 2023), <https://www.currentaffairs.org/2023/01/us-hypocrisy-on-foreign-policy-undermines-the-rules-based-order-it-claims-to-defend> [<https://perma.cc/HZY5-GJ9E>].

over 16,500 in total¹⁴⁰— the substantial exclusion of Russian banks from the Swift system,¹⁴¹ and significant increases in export controls on dual-use and military goods, the growth rate of the Russian economy has nevertheless outpaced the global economy.¹⁴² The rise in Russian living standards has risen no less dramatically, with Russia now boasting its lowest poverty rate since the fall of the Soviet Union.¹⁴³ Though much of this could be contributed the Kremlin's dramatic increase in spending to fund the industries necessary for the Russian war effort, which will most likely lead to massive economic undoing once said state spending ceases upon the conclusion of the Russo-Ukrainian War, it is nonetheless the case that U.S. and Western economic warfare alone have been insufficient, at least for the war's duration, to halt the Russian war machine.¹⁴⁴ Russia's seeming resilience is due in large part to the Global South's overwhelming acquiescence to Russia. Russia's economic isolation from the West, for example, has made it more reliant on energy exporting, and the energy demands of many nations of the Global South have enabled Russia to redirect its energy exports away from their former European customers to said nations.¹⁴⁵ Furthermore, its continued economic ties with the Global South enables Russia to bypass Western export restrictions of dual-use goods by allowing it to secure alternative supply chains of such goods.¹⁴⁶

¹⁴⁰ *What Are the Sanctions on Russia and Have They Affected Its Economy?*, BBC (Feb. 23, 2024), <https://www.bbc.com/news/world-europe-60125659> [<https://perma.cc/286R-CQLV>].

¹⁴¹ Russel Hotten, *Ukraine Conflict: What Is Swift and Why Is Banning Russia So Significant?*, BBC (May 4, 2022), <https://www.bbc.com/news/business-60521822> [<https://perma.cc/7LUZ-6RWU>].

¹⁴² Alexandra Prokopenko, *Putin's Unsustainable Spending Spree: How the War in Ukraine Will Overheat the Russian Economy*, FOREIGN AFFS. (Jan. 8, 2024), <https://www.foreignaffairs.com/russian-federation/putins-unsustainable-spending-spree> [<https://perma.cc/5L78-36LF>].

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Eugene Chausovsky, *The Global South Is Keeping Russia's Energy Economy Afloat*, FOREIGN POL'Y (June 26, 2023, 11:08 AM), <https://foreignpolicy.com/2023/06/26/the-global-south-russia-energy-economy-putin/> [<https://perma.cc/BUG8-2D53>].

¹⁴⁶ Georgi Kantchev, Paul Hannon & Laurence Norman, *How Sanctioned Western Goods Are Still Flowing into Russia*, WALL ST. J. (May 14, 2023, 8:00 AM), <https://www.wsj.com/articles/how-sanctioned-western-goods-are-still-flowing-into-russia-916db262> [<https://perma.cc/PJ25-Z3BZ>].

As such, it is clear that in the increasingly multi-polar world system,¹⁴⁷ the U.S. foreign policy establishment can no longer afford to address the “common perception” with mere allegations of “whataboutism” or Kremlin apologism.¹⁴⁸ This is true not only for the sake of defending Ukraine, but also for what the shortcomings in U.S.-led Ukrainian defense entails for the U.S.’s more existential strategic considerations—its conflict with China. The realist would hold that Washington’s motivations for its drastic actions vis-à-vis the Russo-Ukrainian War go beyond the immediate aims of defending democracy in Ukraine and crippling the Russian affront to freedom and the rules-based world order. Put otherwise, in supporting Ukraine, Washington is also running a simulation of a, one may argue likely¹⁴⁹, hot war with Beijing by honing the supply chain maintenance and long-distance military logistics capabilities that would be required to wage such a war.¹⁵⁰ But the realist lens also reveals the strategic vulnerability that is the “common perception.” The larger portion of nations in the Global South that have opted for neutrality or acquiescence amidst the Russo-Ukrainian War acknowledge the “common perception” as one of the primary motivations underlying their respective neutrality policies.¹⁵¹ Elizabeth Sidiropoulos of the South African Institute of International Affairs has stated how such is

¹⁴⁷ See generally Emma Ashford & Evan Cooper, *Yes, the World is Multipolar*, FOREIGN POL’Y (Oct. 5, 2023, 4:19 AM), <https://foreignpolicy.com/2023/10/05/usa-china-multipolar-bipolar-unipolar/> [<https://perma.cc/3NFN-FSW6>] (explaining that multipolarity occurs in the international system when significant geopolitical power is diffused among three or more states).

¹⁴⁸ Marcetic, *supra* note 139.

¹⁴⁹ See generally Dan Lamothe, *U.S. General Warns Troops That War with China Is Possible in Two Years*, WASH. POST (Jan. 27, 2023, 10:42 PM), <https://www.washingtonpost.com/national-security/2023/01/27/us-general-minihan-china-war-2025/> [<https://perma.cc/ZXW3-NXCZ>].

¹⁵⁰ Shawn Ryan Show, *Andrew Bustamante – CIA Spy / World War 3, Money Laundering, and the Next Superpower*, YOUTUBE (Mar. 27, 2023), <https://youtu.be/jYT75nQE4uI?si=c61a3M-DNDzikzXy> [<https://perma.cc/EWY2-PP2S>].

¹⁵¹ See Alexander E. Gale, *Why the Rest of the World Has Not Aligned with the West against Russia*, MOD. DIPL. (June 10, 2023), <https://moderndiplomacy.eu/2023/06/10/why-the-rest-of-the-world-has-not-aligned-with-the-west-against-russia/> [<https://perma.cc/26LV-NA3N>] (“Led by Washington, the democracies of Europe and North America have rallied behind Ukraine since the Russian invasion last February. Western state actors have coalesced around the narrative that the war in Ukraine is a battle between liberal democracy and freedom versus tyranny and imperialism. However, this narrative has failed to resonate with non-Western members of the international community and many state actors have been extremely hesitant to join the West in sanctioning Russia or aiding Ukraine.”).

a key consideration within South African foreign policy discourse.¹⁵² Indeed, this is the case for nations throughout Africa, which constitutes a significant obstacle in the U.N. General Assembly's measures to condemn Russia's actions and Western efforts to isolate the Russian economy.¹⁵³ In a similar vein, though material concerns are the primary factor, the "common perception" has significantly contributed to Brazil and India's staunch reluctance to abandon their ties with Russia.¹⁵⁴

The fact that the "common perception" is a key undermining factor in the efficacy of the U.S. response against Russia underscores the importance of the Global South in any future great power conflict, which members of the U.S. foreign policy establishment contend is on the horizon.¹⁵⁵ The neoliberal dream that the forces of globalization would democratize China in short order has been shattered.¹⁵⁶ Further, the U.S.'s strategic pivot to Asia, which started under the Trump Administration and has been solidified under the Biden Administration, has culminated in a growing bipartisan China strategy consisting of both containment and economic de-risking.¹⁵⁷ As

¹⁵² Gideon Rachman, *Why the Global South Won't Take Sides on Ukraine*, FIN. TIMES (May 5, 2022), <https://www.ft.com/content/9a2e1947-6870-4d88-81dc-a38e126393ad> [<https://perma.cc/8RQJ-WQT6>].

¹⁵³ Patrick Gathara, *Why Africa Does Not Appear to Be 'Standing with Ukraine'*, AL JAZEERA (Mar. 23, 2022), <https://www.aljazeera.com/opinions/2022/3/23/why-africa-does-not-appear-to-be-standing-with-ukraine> [<https://perma.cc/G2BJ-YZ2B>].

¹⁵⁴ Gideon Rachman, *Putin, Ukraine, and the Revival of the West*, FIN. TIMES (Apr. 15, 2022), <https://www.ft.com/content/7d9ff69b9-2f04-451a-a0d5-e1242a2bcb99> [<https://perma.cc/MNU9-GYTH>].

¹⁵⁵ See generally Andrew F. Krepinevich, Jr., *The Big One: Preparing for a Long War with China*, FOREIGN AFFS. (Dec. 12, 2023), <https://www.foreignaffairs.com/china/united-states-big-one-krepinevich> [<https://perma.cc/F326-YJ3H>].

¹⁵⁶ See generally Ian Johnson, *Xi's Age of Stagnation: The Great Walling-Off of China*, FOREIGN AFFS. (Aug. 23, 2023), <https://www.foreignaffairs.com/china/xi-jinping-age-stagnation> [<https://perma.cc/F4VR-MHTA>].

¹⁵⁷ See Gordon H. Hanson, *Washington's New Trade Consensus: And What it Gets Wrong*, FOREIGN AFFS. (Dec. 12, 2023), <https://www.foreignaffairs.com/reviews/washingtons-new-trade-consensus-hanson-lighthizer> [<https://perma.cc/Z8M9-D2A9>]; Anthea Roberts, *From Risk to Resilience: How Economies can Thrive in a World of Threats*, FOREIGN AFFS. (Oct. 24, 2023), <https://www.foreignaffairs.com/world/risk-resilience-economics> [<https://perma.cc/6F6F-X9KZ>]; John Lee, *A Paradigm Shift in America's Asia Policy: Washington Must Get More Countries Off the Sidelines in its Contest with China*, FOREIGN AFFS. (Nov. 21, 2023), <https://www.foreignaffairs.com/asia/paradigm-shift-americas-asia-policy> [<https://perma.cc/8DY4-3N92>].

evidenced by measures such as the passage of the Inflation Reduction Act,¹⁵⁸ the passage of FIRRMA and Executive Order 14083's expansion of CFIUS review,¹⁵⁹ the launch of the Indo-Pacific Economic Framework,¹⁶⁰ and the passage of the CHIPS Act, Washington has sought to shift its supply chains away from China through a combination of friend-shoring, which entails moving manufacturing from China to more politically or strategically aligned countries like Mexico, and reshoring manufacturing to the United States itself.¹⁶¹ Further, the U.S.'s Integrated Deterrence Framework—notably manifesting via the increases in Japanese defense spending and the militarization of the Ryukyu Islands, the return of U.S. troops to the Philippines for the first time in over thirty years, the augmentation of the AUKUS alliance by giving the Australians nuclear submarine technology and coordinating submarine patrols, and the bolstering of Taiwan's military defense—illustrates the growing containment posture that the Washington possesses vis-à-vis Beijing.¹⁶²

As such, the growing conflict between the United States and China bears many of the hallmarks of a cold war. However, unlike during the Cold War, where the foreign policy establishment was arguably unanimous on containment to advocate for the dismantling of Jim Crow at home, the foreign policy establishment has yet to reach unanimity on the ideological dimension of the U.S.-China cold war.¹⁶³ Though Biden and others have framed this cold war as a global battle between liberal democracy and authoritarianism, many have

¹⁵⁸ Agathe Demarais, *What Does 'De-Risking' Actually Mean?*, FOREIGN POL'Y (Aug. 23, 2023, 10:18 PM), <https://foreignpolicy.com/2023/08/23/derisking-us-china-biden-decoupling-technology-supply-chains-semiconductors-chips-ira-trade/> [<https://perma.cc/6HER-QWG5>].

¹⁵⁹ See Justin Muzinich, *American National Security Has an Economic Blindspot: How to Reduce the Vulnerabilities that Free Markets Create*, FOREIGN AFFS. (Aug. 3, 2023), <https://www.foreignaffairs.com/united-states/american-national-security-has-economic-blindspot> [<https://perma.cc/9VDJ-3JUR>].

¹⁶⁰ See generally *FACT SHEET: In Asia, President Biden and a Dozen Indo-Pacific Partners Launch the Indo-Pacific Economic Framework for Prosperity*, THE WHITE HOUSE (May 23, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/23/fact-sheet-in-asia-president-biden-and-a-dozen-indo-pacific-partners-launch-the-indo-pacific-economic-framework-for-prosperity/> [<https://perma.cc/6PCX-GFVT>].

¹⁶¹ Demarais, *supra* note 158.

¹⁶² U.S. DEP'T OF DEF., 2022 NATIONAL DEFENSE STRATEGY OF THE UNITED STATES OF AMERICA 1-2, 14 (2022).

¹⁶³ Bell, *supra* note 53, at 12 n.30.

questioned the importance, or even the existence, of an ideological dimension.¹⁶⁴ Part of this skepticism is surely because of the foreign policy establishment's reluctance to acknowledge the vulnerability attendant to the "common perception" that the Western response to the Russo-Ukrainian War has revealed and that China makes moves to exploit.¹⁶⁵ For example, long-standing U.S. support for Israel in its actions against Palestinians—perhaps one of the biggest contributors to the "common perception"—coupled with the assistance in brokering détente between Saudi Arabia and Iran, has enabled China to increase its influence in favor to both Shia and Sunni powers in the Middle East.¹⁶⁶ Further, polls show that China is now more favored than the United States amongst the younger generations of Arab publics.¹⁶⁷ Lastly, China has gone to great lengths to ensure that its official geopolitical positions align more closely with those of the Global South in the hopes that it could count on the acquiescence or support of the Global South during a potential invasion of Taiwan.¹⁶⁸

B. Opportunity For Advocacy

The ongoing debate regarding the ideological dimension of the U.S.-China rivalry provides a prime opportunity where advocates for true free association can leverage interest-convergence theory. Exploiting such an opportunity will require advocates to communicate to the thought leaders in the foreign policy establishment that

¹⁶⁴ See, e.g., *Are the United States and China in an Ideological Competition*, CTR. FOR STRATEGIC AND INT'L STUD. (Dec. 13, 2019), <https://www.csis.org/blogs/freeman-chair-blog/are-united-states-and-china-ideological-competition> [<https://perma.cc/J52R-UVR7>] (per Jessica Chen Weiss, Associate Professor of Government at Cornell University, China's embrace of "democratic dysfunction . . . does not amount to a grand strategy bent on . . . exporting autocratic [ideas] . . . abroad").

¹⁶⁵ Mark Leonard, *China's Game in Gaza: How Beijing is Exploiting Israel's War to Win Over the Global South*, FOREIGN AFFS. (Jan. 8, 2024), <https://www.foreignaffairs.com/china/chinas-game-gaza> [<https://perma.cc/HA65-NN6J>].

¹⁶⁶ Richard Javad Heydarian, *China is Exploiting Western Hypocrisy in the Middle East*, AL JAZEERA (June 10, 2021), <https://www.aljazeera.com/opinions/2021/6/10/china-is-exploiting-western-hypocrisy-in-the-middle-east> [<https://perma.cc/N46L-SK7V>].

¹⁶⁷ Mohammed Abdelbary & Abbas Al Lawati, *China Surpasses US in Popularity Among Arab Youth as Beijing Expands Middle East Footprint*, CNN (June 21, 2023, 9:51 AM), <https://www.cnn.com/2023/06/21/middleeast/china-surpasses-us-mideast-survey-mime-intl/index.html> [<https://perma.cc/6YMN-8HHQ>].

¹⁶⁸ *Id.*

neglecting the ideological dimension will not only hurt the strategic position of the United States if a hot war were to ever break out with China, but also detracts from the U.S.'s ability to best navigate the cold war that has already broken out between itself and China. Advocates must push for this shift in perspective along with the perspective that forging a new relationship with Puerto Rico—one built on true free association as stipulated previously under the U.N. Charter—is an excellent way to combat the “common perception” undergirding the ideological strategic vulnerability of the United States.

One specific framing could more explicitly target Washington's “de-risking” trade consensus. Such an argument could highlight the massive upside of placing Latin America as the anchor for Washington's de-risking policy. For example, the Biden Administration identified semiconductor, pharmaceutical, critical minerals, and high-capacity batteries as the most critical supply chains that the United States must secure.¹⁶⁹ Integration with Latin America presents a unique opportunity for Washington to achieve supply chain security in these areas.¹⁷⁰ Latin America has a general abundance of the minerals identified as critical by the Biden administration and, in particular, minerals necessary for high-capacity battery production such as lithium.¹⁷¹ Latin America, specifically Mexico and Argentina, already boast robust pharmaceutical production industries that could prove to be a geopolitically safer source of critical pharmaceuticals than nations in the Indo-Pacific.¹⁷² Further, Latin America has the potential to be a geopolitically safer and cost-effective provider of back-end chip production than the Indo-Pacific.¹⁷³ Despite the dramatic increases in Chinese investment and trade with the region in the past two decades,¹⁷⁴ the United States is nevertheless in a prime position to realize this potential. Indeed, Washington has started, albeit timidly, to seize this prime opportunity by leading the Americas Partnership for Economic Prosperity, which promises to bolster trade

¹⁶⁹ Shannon K. O'Neil, *The United States' Missed Opportunity in Latin America*, FOREIGN AFFS. (Feb. 20, 2024), <https://www.foreignaffairs.com/united-states/united-states-missed-opportunity-latin-america> [<https://perma.cc/Q8AE-JTYC>].

¹⁷⁰ *See generally id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

and investment in Latin America and provide greater financing for energy and trade infrastructure projects in the region.¹⁷⁵ However, to truly seize the Latin American opportunity to progress towards supply chain security by leaps and bounds, Washington will need to make a more concerted effort to alleviate the lingering skepticism amongst Latin American republics fostered by the “common perception” and, more specifically, by the legacy of US intervention in Latin America.¹⁷⁶ Given sufficient spotlight, decolonization of Puerto Rico could be an important step in ameliorating what lingering distrust within Latin America remains, thus bolstering U.S. efforts to integrate its supply chains with Latin America.

IV. CONCLUSION

Up until this point, advocates have taken a dual-approach to decolonization—advocacy in both the domestic and international spheres. As demonstrated, both advocacy pathways are necessary given their respective limitations: namely, that the domestic pathway is limited by the sheer indifference of mainstream Americans and that the foreign policy pathway is limited due to the mistaken assumptions regarding what actually motivates nation-states. In manufacturing a convergence of interests between advocates for decolonization and the foreign policy elite—namely by exploiting the current and potential strategic ramifications of the “common perception”—advocates will leverage the lessons of structural realism and interest convergence theory to enhance the foreign pathway of the dual-approach and increase the likelihood that the U.S.-Puerto Rican relationship will truly become decolonized.

Now that the opportunity is clear, the question of how advocates can actually exploit this opportunity remains. In other words, how exactly do advocates approach the foreign policy elite? This question is far from clear and advocacy groups will need to figure out the means that will work best given their capabilities. It may not be necessary for advocates to drop whatever routes of activism and awareness raising they are currently engaged in and staff the halls of foreign policy think tanks or write exclusively in more consequential foreign policy publications such as *Foreign Affairs*. The approaches will be myriad, but the guiding principle is nevertheless clear: whatever route

¹⁷⁵ O’Neil, *supra* note 169.

¹⁷⁶ *Id.*

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advocates take, they should keep the interest-convergence prescription firmly in mind, whether they take direct measures to influence the thinking of the foreign policy establishment or incorporate these ideas into other arenas of discourse.