IMPERIAL ECOLOGIES: INSTITUTIONALIZED POWER, LEGAL PROTEST, AND LAND ACCESS IN VIEQUES, PUERTO RICO

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Christina LeBlanc

APPROVED:

Andrew Horowitz, Ph.D.
Director

Jana Lipman, Ph.D.

David Ortiz, Ph.D.
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Introduction

Figure 1: Photograph of one set of bunkers taken in 2015, almost 15 years since the Navy used these sites to store ammunition. The open bunker appears to be used as an electronic dumpsite, with broken TVs, keyboards, telephones, and a myriad of wires spilling out of the entryway. All photographs taken by author on Vieques in January, 2015.

The bunkers on Vieques lie under a heavy cover of vines, roots, bramble and grass—the surrounding wild beginning to overtake structures that have rested unused for nearly 15 years. Some of the unlocked bunkers have been repurposed as electronic waste dumps, overflowing with broken monitors, cracked TVs, and old telephones, while others remain untouched, locked since the Navy removed the ammunition stores housed here during its tenure on the island. Bonnie Donahue includes images of these abandoned bunkers in her photography series, *Vieques: A Long Way Home*, as representative of the
long-lasting nature of the Navy’s presence on the island.¹ For, although the Navy is gone, the bunkers still remain, overgrown and wild, as a reminder of the disruptive force of the Navy on the island. Today, these bunkers serve as a reminder that, while the base now lies shuttered, the Navy’s presence still lingers on the island, haunting its lands and shores, sickening its people, and influencing the daily lives and livelihoods of its residents.

When I traveled to Vieques in January of 2015, I observed the continuing impact of the naval base that occupied the majority of the land on the island for 62 years—from 1941 to 2003—still embedded in the terrain and layout of the island. Signs greet beachgoers and warn of possible dangers still lurking in the lands and waters:

![Figure 2: A sign posted at the entryway to Playa La Chiva, or Blue Beach under Navy terminology. The sign reads, in English, “Munitions Safety: If you see something that could be a munition, follow the 3Rs, Recognize, Retreat, Report.”](image)

Such signs indicate the hazards still lying dormant in the forests, beaches, and seas of the island and implore both residents and tourists to proceed with caution. Seemingly out of place in the midst of what, on the surface, appears to be a tropical paradise, the signs serve as a lone marker of the fraught history of the land.

Reminders of the multitudes of protests and resistances to the Navy’s operations on the island also remain visible. A building in the port of Isabel II, where the ferry transporting people back and forth from Puerto Rico arrives and departs, still demands, “fuera la Marina de Vieques ya,” or “get the Navy out of Vieques now,” for all to see:

![Figure 3: A sign painted on a building in the harbor of Isabel Segunda that reads: “Fuera La Marina de Vieques Ya,” or “Get the Navy out of Vieques now.”](image-url)
While many visitors to the island may interpret this message as a reminder of struggles past, its continued visibility on the island suggests that the sentiment still holds true today. For, while the base closed in 2003, the people of the island continued to struggle against the lasting effects of the Navy’s presence and today still lacked access to the majority of land on the island.

In 1999, tensions between the civilian population and the U.S. Navy in Vieques erupted when a training mission inadvertently killed David Sanes Rodríguez, a citizen employee of the base. Sanes Rodríguez was killed when two 500-pound bombs missed their mark by a mile and a half, hitting his post during his shift. The incident incited a wave of protests led by residents of the island. These protests, beginning as local demonstrations, quickly grew to include actors from the mainland, including public figures such as civil rights leaders Al Sharpton and Jesse Jackson, and environmental activist and lawyer Robert F. Kennedy Jr. In June 2001, after over a year of protests, then president George W. Bush agreed to halt military exercises on Vieques and, in 2003, the Navy departed the island in a move that constituted a rare and hard-fought victory for the Viequenses. Anthropologist Katherine McCaffrey, who studied and participated in the protests, argues, that “by mobilizing to stop naval bombing exercises on Vieques, Puerto Ricans have challenged the structures of power that have long controlled their island.”

However, the 1999 protests continued a history of popular mobilization against the Navy on the island that did not begin or end with the Navy’s departure, but rather changed its strategy and form.

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An activist in the 1999 protests, Severina Guadalupe’s proclaimed that, “Vieques has sacrificed more for national defense than any place in the world.”[^4] The extremity of these sacrifices led to protests at the turn of century and the subsequent closure of the base. These events generated a flurry of scholarship surrounding the protests themselves, the history of the Navy in Vieques, and its significance for the United States and the world. McCaffrey’s ethnographic work explores the history of protest on the island and the longstanding tensions between the Navy and the Viequenses. Her more recent work focuses on the consequences of environmental degradation caused by the Navy and the possibilities for the future development of Vieques, raising concerns regarding tourism and gentrification. Others, such as Sherrie Baver and Deborah Berman Santana, examine the evolution of the struggle on Vieques after the base closure, examining the role of civil society in cleanup measures and achievement of movement goals respectively. This study attempts to bridge studies of the Vieques under the Navy with examinations of the post-naval period. By spanning these two separate paradigms on Vieques, I hope to uncover the continuity between these periods both in terms of systems U.S. power and control on the island, as well as within the goals and concerns of the community on Vieques.

This thesis investigates the relationship between the Viequenses, the U.S. government, the land, and the law on Vieques from 1979-2012 to illustrate how ecological empire is enacted and contested on the island of Vieques. By focusing on instances of failed and/or partial contestations of the base, I contend that while the closure of the base on Vieques constituted a victory for the people of the island, this victory still remains incomplete. The incomplete victory of Viequenses resembles Kai

Erikson’s concept of collective trauma in relation to communities impacted by disaster. This trauma serves to both disrupt daily lives long after the event itself, but also can unite the population in their shared disruption. The Viequenses continued to band together to fight for independent management of the development of their island both before and after the closure of the base to assert that the goals of their protests have yet to be met. An investigation into the Viequenses’ legal contestations of the Navy’s policies examines how these debates departed from and intersected with on-the-ground mobilizations.

While the closure of the base, represented a major victory for the Viequenses and tell an intriguing story of the relationship between social movements, civil society, and the military, I examine the periods before and after the closure of the base to uncover the persistence of imperial ecologies on Vieques.

An analysis of institutional manifestations of on-the-ground protests in Vieques before and after the base’s closure illustrates longstanding power differentials written into the policies and laws of the United States that precluded residents from contesting the Navy’s actions through official channels. Moreover, investigating into the fate of former naval lands unveils the persistence of systems of ecological empire maintained through institutional avenues and emphasizes the lingering nature of these embedded systems of power. My analysis of the imperial ecology of Vieques dialogues with broader theoretical questions of empire and space, power and agency: How do local communities utilize the law in struggles for agency? How do colonial, postcolonial, or neocolonial populations express claims of U.S. citizenship? How does the physical environment of these spaces function within U.S. military strategy and local communities’ resistance? How do

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industrial and militarized spaces transform or become redefined after their initial purpose is discontinued? Can movements for environmental justice function as a space for contesting U.S. imperialism?

Imperial ecology is enacted when a distant and overarching hegemon, in this case the U.S. government, controls the access, use, and management of land and sea through institutional channels in order to advance national priorities of defense and security. In Vieques, the authority of the Navy on the island represented a direct and explicit expression of U.S. military empire and expansion. However, the consequences of the restrictions of land on the island, and the lasting imprint on the land left by the Navy constitute a more subtle and deceptive transnational process of what I term as “imperial ecology.” This concept both differs and intersects from more traditional expressions of empire in several ways. Both processes aim to maintain a level of control over a designated space and population, and both use power to exert this control. However, while a militaristic expression of empire on Vieques hinges upon the physical presence of the base and the interactions between the personnel and the local population, the imperial ecology on the island refers to a more indirect and protracted relationship of dependency and control. The land restrictions faced by the islanders as a result of the base’s operations, as well as the longlasting ecological impacts still present long after the base’s closure constitute an imperial ecology. The U.S. Navy’s primary objective on Vieques did not include dispossessing the Viequenses; however, for the Navy, this dispossession, was a necessary consequence in order to fulfill its’ defense objectives. In this way, the imperial ecology of Vieques can be seen as an indirect by-product of U.S. military imperialism.
The concept of imperial ecology brings together several strands of scholarship on imperialism and environmental justice. I draw from Tom Griffiths and Libby Robin’s study of ecology and empire that focuses on “the ways in which environmental histories of the ‘edges’ of empire are destabilizing traditional narratives of world history.” Rob Nixon argues that the borderlands between empire, neoliberalism, environmentalism, and social justice raise transnational questions of the nature of violence and protest globally. He calls for a new interpretation of “slow violence” as a gradual and largely invisible force that nonetheless creates an insidious process of “delayed destruction,” affecting communities across the globe. The protest movements of the Viequenses, both in the form of demonstrations and legal suit, should be read as one example of struggle against slow violence—a troubling transnational trend of lingering and silent, environmental violence or “death by indirection,” as Rachel Carson famously asserted. The lasting impact of the base’s activities on Vieques exemplifies how this slow process, burdened by the distancing nature of time, often divorces the actor and actions from their eventual repercussions. In this way, the Navy’s departure represented a major victory for the Viequenses, but it did not end their suffering or their continued struggles for autonomy, safety, and redress from the Navy and the U.S. government.

The imperial ecology enacted on Vieques illuminates a more widespread phenomenon of imperial ecologies existing upon formerly militarized spaces across the globe. Former U.S. bases sites in the Philippines at Subic Bay still struggle with toxicity.

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8 Ibid., 9.
and unexploded ordnances left by the military, and the Bikini Atoll in the Marshall Islands still remain largely uninhabited after being utilized as a nuclear test site from 1946-1948. This study draws upon these examples of post militarized, toxic spaces, to argue that Vieques “remains a highly militarized space,” as Vernadette Gonzalez claims in relation to Clark Air Force Base in the Philippines. Moreover, this study hopes to critically examine “the topography of U.S. power,” as Catherine Lutz implores, in order to illustrate the spatial and structural processes of late Twentieth century empire. The common struggles faced within offshore base communities demonstrates how these topographies intersect structurally and uncovers the ecological consequences of U.S. military empire globally.

The United States used law and policy to create, maintain, and defend the imperial ecologies on Vieques in the margins of its territorial reach. The U.S. legal system, the Departments of Defense (DoD), the Department of the Interior (DoI), and the Environmental Protection Agency (EPA), maintained U.S. empire on the island and constructed the framework through which to exercise both direct and indirect control over the ecology of the island. Hannah Arendt argues that, “the supremacy of the will of the nation over all legal and abstract institutions, was universally accepted” under imperialism. However, in Vieques, the U.S. law wrote the will of the nation within its legal and institutional codes and was therefore able to manipulate these institutional

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avenues to justify their actions on Vieques.\textsuperscript{12} Arendt warns against this utilization of the law in defense of the state, asserting that without legal equality “the nation dissolves into an anarchic mass of over-and-underprivileged individuals. Laws that are not equal for all revert to rights and privileges,” as is seen in Vieques.\textsuperscript{13} However, in this case, the United States utilized the inequalities contained within the law to maintain its imperial oversight on the island and to evade responsibility, reinforcing the restrictions and difficulties faced by its citizens.

The Viequenses petitioned the U.S. government to express their discontent; however, the well-established avenues of U.S. policy, code, and jurisprudence offered little recourse for contestation and change for a population at the margins of American citizenship, geographies, and sovereignty. The United States’ skillful maneuvering of these bureaucratic avenues of contention only served to compound the power differentials at play on the island and to block the Viequenses from achieving self-determination of the land, sea, and economic rights on the island, both during the Navy’s tenure, and long after its departure. The Navy’s legacy remained, like the bunkers, imbedded within the land, livelihoods, and very bodies of the Viequenses.

\textsuperscript{12} Much of the recent literature on U.S. Empire addresses the post-9/11 era under President George W. Bush, focusing on the wars in Iraq and Afghanistan and terrorist detainee centers. In response to extensive criticism of imperial motives for these foreign wars, then Secretary of State Colin Powell maintained, “the United States does not seek a territorial empire. We have never been imperialists. We seek a world in which liberty, prosperity, and peace can become the heritage of all peoples, and not just the exclusive privilege of a few.” as quoted in \textit{Colossus: The Price of America’s Empire} by Nial Ferguson, 7. For other books on U.S. military empire, see Chamers Johnson \textit{Dismantling the Empire: America’s Last Best Hope}, \textit{Nemesis: The Last Days of the American Republic} and \textit{Blowback: The Costs and Consequences of American Empire}; David Harvey’s \textit{The New Imperialism}; Justin Hart, \textit{Empire of Ideas: The Origins of Public Diplomacy and the Transformation of U.S. Foreign Policy}; Stephen Kinzer, \textit{Overthrow: America’s Century of Regime Change from Hawaii to Iraq}; Sidney Lens, \textit{Permanent War: The Militarization of America}.

This framework of ecological empire constructs the land and sea in Vieques as inherently political and cultural concepts. I therefore employ the term ecology as a scientific concept constructed within a political and, in many ways, ideological context. Ecology refers to the relations of organisms towards one another, however, as Libby Robins claims, “imperialism and nationalism continually shaped the ways in which...sciences conceived their local environments,” contesting the universality of science and uncovering an explicitly societal context to its study.\(^\text{14}\) This concept becomes even more cogent in a Caribbean context when viewing ecology as a science of exploration, denoting centuries of scientific ‘discoveries’ undertaken by colonial explorers, often at the expense of the islanders themselves. This process of knowledge formation embedded an imperial perspective into the understanding ecology.

In Vieques, the Wildlife Refuge’s conservation mission continues to obstruct the livelihoods of the Viequenses by denying them full access to the land. Conservation movements, often led by western forces with little community input, can reproduce or bolster ecological empire. While attempting to protect the ecology or natural elements of certain spaces, western conservationists often forget to include humans as an integral aspect of their ecological systems. Several scholars from a multitude of disciplines acknowledge the imperial nature of movements for conservation championed by western non-governmental organizations, governments, and private individuals in remote or ‘exotic’ locations that ignore the labor and livelihoods of the local population in order to

promote western ideals of wilderness. Environmental justice movements, however, contrast the imperial project of many conservationists. These movements are often spearheaded by leaders in local communities and emphasize land, labor, and health concerns related to the surrounding ecology. The collective suit against the United States filed by residents, mobilized environmental justice concerns to gain economic compensation, demonstrating a difference in approach to environmental concerns. In this way, these movements shy away from shielding the land from human intervention, and focus on the consequences of environmental degradation for the populations living in these in these locations.

Much like the bunkers still occupying island territory years after the Navy’s departure, the Navy’s presence still persists on the island—its heavy metals lying abandoned in forests and seas, its former lands rendered toxic and inaccessible, and its history obscured by narratives of tropical paradise. Unlike the dormant bunkers, however,

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15 Rob Nixon explains that, “too often in the global South, conservation, driven by powerful transnational nature NGOs combines an antidevelopment rhetoric with the development of finite resources for the touristic few, thereby depleting vita resources for long term residents” (17). This idea can be seen in practice when examining Doug and Kris Tompkins’s land purchases in Patagonia. They have protected more land than any other private individuals in history by purchasing large tracts of land in Patagonia for conservation purposes, as Diana Saverin states in “The Entrepreneur Who Wants to Save Paradise,” in The Atlantic on September 15, 2014. Saverin explains that Tompkins follows a deep ecology philosophy that attempts to reduce human interference in the non-human world. However, the surrounding community distrusts this foreign intervention into local land use and land rights politics and policies. In reference to parks, Jane Carruthers, in reference to national parks, refers to a conservation-led approach to environmentalism constitutes a “fortress approach,” that treats certain parcels of lands as “islands under siege,” in her article on “Nationhood and National Parks: Comparative Examples from the Post-Imperial Experience,” in Ecology and Empire: Environmental History of Settle Societies (126). These scholars all acknowledge the separation between the human and the ecological within conservation-driven models that diverges from other expressions of environmental justice that incorporate humans within the understanding of ecological systems.

16 In contrast to theories of deep ecology—which attempts to diminish human impact on the environment to the greatest extent possible— scholars concerned with labor and ecology such as Raymond Williams acknowledge that, in the actual world, “there is then not much point in counterposing or restating the great abstractions of Man and Nature. We have mixed our labour with the earth, our forces with its forces too deeply to be able to separate either out.” Raymond Williams, Problems in Materialism and Culture (London: Verso Books, 2011), 83.
the U.S. government continues to actively assert control over the development of the island by denying the residents of the island the land or economic means necessary to move out of the shadows of the Navy’s tenure on the island. This leaves the Viequenses mired in an imperial ecology whereby they remain dependent upon the United States to remediate the lands that it initially contaminated, while continuing to experience the protracted ramifications of the Navy’s actions on the island.

**Foreign in a Domestic Sense: The Exceptionality of Puerto Rico’s Legal Status**

Puerto Rico’s unique status in relation to the United States is integral to understanding the failure of legal protest in Vieques. The United States acquired Puerto Rico, along with Guam, Cuba, and the Philippines, in 1898 in the Treaty of Paris at the close of the Spanish-American war.\(^1\) Formerly a Spanish colony, Puerto Rico became a U.S. possession and, from 1901 to 1905, a series of legal decisions, known as the Insular Cases, constructed the legal relationship between Puerto Rico and the United States that still exists today. With the Insular Cases, the Supreme Court created the unincorporated territory as a new legal and political concept within American law.\(^2\) These decisions situated Puerto Rico as “‘foreign to the United States in a domestic sense,’ belonging to—but not a part of—the United States.”\(^3\) Currently, the island possesses Commonwealth status in relation to the United States with enhanced citizenship benefits;

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however, these enhanced citizenship benefits do not include the right to vote in federal elections. Puerto Ricans living on the island, therefore, possess U.S. citizenship in a nominal sense—they have passports and do not have a separate, independent Puerto Rican citizenship—but cannot exercise this citizenship through representational democratic avenues.

In many ways, Puerto Rico served as a sounding board for American imperial ambitions, as the base on Vieques served as a literal testing ground for the weaponry of empire. Puerto Rico’s inclusion as a colony marked a imperial shift in U.S. foreign policy that continued through the twentieth century. Laura Briggs argues that Puerto Rico was central to the initiation of the United States’ new, imperial strategy forming at the turn of the twentieth century as a testing ground for U.S. expansionary policies. Puerto Rico functioned as the spatial representation of a political strategy of expansion undertaken by the United States, ushering in a new global status quo. American perceptions of the tropics during the early Twentieth century often associated the unruly vegetation and ecology with human lawlessness and corruption, and as the United States refocused its foreign policy outwards, the remoteness and perceived lawlessness of tropical locations positioned them as an attractive test site for U.S. technologies. John Lindsay-Poland

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20 Currently, only Puerto Rico and the Northern Mariana Islands hold U.S. Commonwealth status. The most amorphous definition for a U.S. territorial possession, Commonwealth does not prescribe any specific political status or relationship and is applied to both states and territories. For territories, it is usually applied to possessions that have a higher level of autonomy and their own constitution and governmental structure. For more information, see “Acquisition Of U.S. Nationality In U.S. Territories And Possessions” from the U.S. Department of State Foreign Affairs Manual, January 3, 2013, http://www.state.gov/documents/organization/86756.pdf.

22 Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002). Anthropologist Laura Briggs expands upon this phenomenon, stating, that “Puerto Rico is a good place to think about the meanings of colonialism and globalization because it has for a century been where the U.S. has worked out its attitudes towards its expansionism,” 2.
explains how, as one of the United States’ most secure tropical possessions, sites in Panama became military testing centers.\textsuperscript{23} As a U.S. territory, Puerto Rico was another secure tropical possession and therefore was ideal for testing new military strategies to deploy in future tropical imperial pursuits.

U.S. legal code often facilitated and maintained the relationship between territorial expansion and imperialism in the United States, as was the process with the Insular Cases. In reference to the American Guano Islands, currently the only incorporated territory under U.S. purview, Christina Duffy-Barnett, a legal scholar of U.S. empire, explains how “legal borderlands served as the proving ground for principles of U.S. imperialism.”\textsuperscript{24} It is precisely these “legal borderlands” that this thesis engages, analyzing Vieques as at the margins of U.S. law and empire and examining the possibility for legal contestations in such a space, defined as separate and different within U.S. law. Moreover, the U.S. military’s presence within these liminal spaces at the margins of empire served as harbingers of U.S. hegemony and influence.

Puerto Rico’s colonial status is integral to the racialization of Puerto Ricans in relation to the American populace as a whole. During the time period of the Insular Cases, theories of scientific racism and manifest destiny had gained hold throughout much of the United States. Political scientist Rogers M. Smith states that during the 1890s, when the United States acquired Puerto Rico, “most American political leaders and intellectuals openly and routinely endorsed the alleged racial superiority of peoples


\textsuperscript{24} Christina Duffy Burnett, “The Edges of Empire and the Limits of Sovereignty: American Guano Islands,” \textit{American Quarterly} 57:3 (2005): 779. The difference between unincorporated and incorporated territories, according to Duffy Burnett, lies in the idea that incorporated territories are “part of” the United States, while unincorporated territories “belong to” the United States. The difference between these ideas denotes that incorporated territories will eventually become states, while unincorporated areas may not. 780.
of northern European descent and their ‘manifest destiny’ to, quite literally, rule the world.”25 These ideologies of racial superiority allowed the Supreme Court to justify its decision to maintain possession of Puerto Rico, but not include its peoples within the general voting population of America. Puerto Rico’s people would therefore be elevated through their relation to the United States, while being excluded from basic democratic processes. Smith explains that, while Puerto Ricans were racially separate from Americans, this separation did not include recognition of an independent nationality, similarly to African American inclusion.26 The emphasis on racial difference without national recognition reinforced the ‘foreign in a domestic sense’ standing of Puerto Rico in relation to the United States, and again underlined the marginality of the Viequenses population.27 This intentional middle ground created a situation in which the United States was able to maintain political and sovereign control over the island, while at the same time excluding its population and avoiding integration or assimilation.

**Setting the Stage: Building a Theater of Command in the Caribbean Basin**

The United States built its base on Vieques in 1941 during a period of radical military expansion in the Caribbean during World War II. Under the jurisdiction of the U.S.’s Southern Command, referred to as SOUTHCOM, the United States operated a multitude of bases throughout the Caribbean Sea between 1939 and 2000. These bases formed a ‘theater of command’ in 1939, responding to the escalation of World War II in

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26 Ibid., 379-380. Smith compares Puerto Rican national inclusion to African American’s experience in America as both separate racially and, for many years, without equal citizenship rights, but without acknowledgement of claims of nationalism or independence.

27 Ibid.
Europe. The United States was able to capitalize on the looming threat of Nazism in World War II to achieve imperial advancements in the Caribbean arguably only matched by the War of 1898. In 1939, the United States and Britain signed the Destroyers for Bases agreement that significantly increased U.S. military presence in the region.28 

These smaller bases represented an unprecedented advance in U.S. outposts in the Caribbean region. While the majority of these bases were only temporarily utilized, the Destroyers for Bases agreement shifted the balance of power in the region, moving away from the lingering colonial influence of Great Britain, towards the imperially inclined United States.29 The United States’ proximity served both as justification and an imperative for U.S. military strategy. The rapid expansion of these bases demonstrated the United States’ aim to achieve military and political prominence in the region.

While the smaller bases acquired by the United States served as a demonstration of U.S. influence in the region, the United States focused on Puerto Rico for its major fleet operations. After a failed attempt to build a base outside of San Juan, the U.S. Navy

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28 According to “Building the Navy’s Bases in World War II: History of the Bureau of Yards and Docks and the Civil Engineer Corps 1940-1946, Volume II” published by the U.S. Navy and the Cordell Hull’s Destroyers for Bases Agreement on September 2nd, 1940, the Destroyers for Bases agreement represented the largest expansion of military power in the Caribbean since the Spanish-American War. During this period, the United States military “divided the Caribbean into three main areas, focusing major strength at Puerto Rico, Guantánamo, and Trinidad.” The British Ambassador to the United States at the time, Lord Lothian, acknowledged that the deal was not founded upon one-for-one monetary exchange of value stating that, “without endeavoring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved.” Lothian’s statement indicated that the land leased to the United States held far more value than the destroyers given to Britain, Britain in 1939 desperately needed the destroyers offered by the United States government and, in addition, valued the opportunity to bolster allied naval support in the Caribbean without stretching their own already taxed military capabilities. Britain leased the land to the United States for a period of 99 years free of any and all rent and charges, an arrangement that would endure unless both parties agreed to an alternative. Britain’s overstretched military needed the destroyers to combat the Germans, allowing the United States to acquire these bases with little financial sacrifice. This deal helped to solidify allegiance between the two nations.

29 Harvey Neptune argues that, “these islands belonged to Britain, but they lay in America’s backyard, a geopolitical factor that the relevant scholarship has yet to adequately integrate.” Harvey Neptune, Caliban and the Yankees: Trinidad and the United States Occupation (Chapel Hill: University of North Carolina Press, 2007), 6.
refocused its energies on building the Roosevelt Roads Naval Station in 1940. Located in Ensenada Honda on the east coast of Puerto Rico, Roosevelt Roads also incorporated almost three quarters of the land on Vieques. The military’s acquisition of the land was facilitated by the poverty of the Vieques community and the already existing sugar latifundia on the island under which two sugar corporations controlled 71% of the land on Vieques—equivalent to that attained by the Navy. With the land from Vieques, Roosevelt Roads constituted the largest military installation in the world up until the closure of the facilities on Vieques in 2003. In order to acquire the land on Vieques, however, the U.S. Government displaced roughly 40-50% of the population of Vieques, many moving to St. Croix and the U.S. Virgin Islands. Although this displacement greatly reduced the population of the island, 9,228 people still remained on the island by 1950 and lived in close proximity to naval facilities.

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30 In 1898, when the United States took possession of Puerto Rico from the Spanish in the Spanish-American War, they additionally took over former Spanish military installations. The San Juan naval station was one of these installations that were expanded by the United States Navy in 1904 and 1905. Faced with mounting alarm in Europe in the 1930s, Washington directed that the 340 acres of swampland in the harbor be converted into a naval air station. As mentioned previously, San Juan was chosen as the administrative headquarters of U.S. military expansion in the Caribbean. However, the grander plan for the base as the major U.S. fleet operations installation in the Caribbean was thwarted by the difficulties of building on the swampland, the vulnerability of the area to surprise attacks, and multiple U-Boat attacks on supply ships bound for Puerto Rico. By mid-1943 the Navy was unable to complete its work in San Juan and instead turned its focus to the Roosevelt Roads station on the main island and Vieques.
During the 62 years of U.S. naval occupation of Vieques, from 1941 to 2003, the U.S. Navy utilized approximately 29,000 acres of land.\textsuperscript{35} The base was part of the larger Roosevelt Roads Naval Station, headquartered near Ceiba, Puerto Rico—on the island’s eastern coast.\textsuperscript{36} The Navy located the base on Vieques on both the eastern and western edges of the island, splitting its operations into a munitions facility on the western tip of the island, with its live training facilities to the east as can be seen on the map below:

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{fig4.png}
\caption{Map illustrated on large canvas by members of the anti-base movement now residing at El Fortín Conde de Mirasol Archives.}
\end{figure}

Throughout the Navy’s tenure on the island, a community of roughly 9,400 U.S. citizens lived sandwiched between these facilities, in the central section of the map, making up the communities of Isabel II and Esperanza. These Americans lived with the constant presence of the U.S. military on their shores and in their towns, and with the sound and shock of bombs being dropped just miles from their homes. The relationship between the civilian population and their naval compatriots was often tense, and at times,


\textsuperscript{36} Ibid.
downright hostile. Island residents—known as Viequenses—objected to the Navy using their home as a live training site and proxy war zone.

After 1957, the naval base on Vieques operated under an alternate mission as the center of the Atlantic Fleet’s guided missile operations in the face of escalating Cold War politics. During the 1950s and 1960s, the base on Vieques facilitated major U.S. Cold War maneuvers in Latin America, indicating its centrality to U.S. military might in the region. The base on Vieques served as a launching point for intervention in Guatemala in 1954 and the Dominican Republic in 1965, and additionally, served as refuge for surviving military forces fleeing the Bay of Pigs failure in 1961. The centrality of Vieques’ naval facilities in major counter-Soviet maneuvers across Latin America reinterpreted the significance the military presence on Vieques within a solidly Cold War framework of protecting the United States from leftist-leaning Latin American governments, and reinforced their importance to U.S. military imperatives.

One of the new objectives of the base included the testing of all weapons systems within the Atlantic Fleet Weapons Training Facility (AFWTF). In 1959, reeling from the recent events of the Cuban Revolution, and the threat of the rise of communism, the Navy activated a marine base on Vieques. Named Camp García in honor of the first Puerto Rican to win the Congressional Medal of Honor, the base’s main purpose was to provide facilities for amphibious marine training. The United States viewed Vieques as a crucial training site due to the infrastructure already available on the island and its

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proximity to Fidel’s Cuba.\textsuperscript{40} Vieques’ centrality to U.S. military policy and the extensive nature of ongoing testing on the island led the Navy to develop a plan to remove the entire Viequenses population from the island in 1961.\textsuperscript{41} While ultimately unsuccessful, this removal plan indicated the scale of the Navy’s military training objectives for the island. With a population of nearly 10,000 residents still residing on the island, the Navy moved forward with its plan to utilize the AFWTF site as a testing ground for “new and existing weapons systems,” while the Viequenses continued to live on the island as the Navy deployed live bombs and weapons on its eastern lands.

\textbf{Archives and Research}

Research for this project involved archives from New York to Vieques, Puerto Rico. I traveled to archives on the mainland, as well as in Puerto Rico, to locate primary documents ranging from naval communications to fishermen’s festival brochures and posters. Undertaking a multiarchival approach, I conducted research in New Orleans, New York, and Vieques. I began by reviewing digitized governmental archives available through Tulane newspaper and legal databases, as well as nationally available online


\textsuperscript{41} Katherine T. McCaffrey, \textit{Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico} (New Brunswick: Rutgers University Press, 2002), 38-40. The Navy coveted ‘\textit{una página en blanco}’ where they could run weapons testing without restraint or fear of civilian repercussions. However, Luis Muñoz Marín, the Governor of Puerto Rico, contested this plan by writing to President Kennedy and explained the political repercussions of the removal of the Vieques population. In light of this relationship, Muñoz Marín argued that the forceful removal of an entire population by the Navy would be seen as evidence of colonialism and imperialism and threatens Puerto Rico’s ability to true self governance and determination. The U.S. highlighted Puerto Rico as an archetype of democracy and economic success in the Caribbean. Simultaneously, since 1953, the U.S. maintained that “Puerto Rico has exercised its right to self-determination, has attained a full measure of self-government, has decided freely and democratically to enter into a free association with the United States. Muñoz Marín’s refusal to capitulate to the Navy’s plans indicated a shift in U.S. hegemony in the Caribbean. For while the growth of the base bolstered U.S. military might in the Caribbean, Muñoz Marín’s response indicated that the regional political climate no longer supported the rapid expansion undertaken during the looming threat of WWII.
databases, such as the Naval History and Heritage Command database. I also incorporated legal documents and letters from the Eaves Law Firm in Jackson, Mississippi who provided council for the Viequenses in the *Sanchez vs. United States of America* case in 2007.

Over the summer of 2014, I visited the Centro, Center for Puerto Rican Studies in New York. A collaboration between Hunter College and the CUNY system, Centro is home to one of the most extensive archives of Puerto Rican newspapers (recorded on microfilm) published both on the island in cities such as San Juan and Ponce, as well as within Puerto Rican communities on the mainland in New York and other major urban centers. The majority of these catalogs have yet to be digitized, and, as such, Centro provides much needed access to these rare documents. In January of 2015, I traveled to Vieques to visit the archives housed in *El Fortín Conde de Mirasol* in the town of Isabel II. Also home to a museum of Vieques art and history, *El Fortín* provided a wealth of resources written and published directly by the Viequenses population, including pamphlets for a variety of festivals and community events, bulletins from advocacy groups, local periodicals, and environmental and technical reports. These documents proved invaluable role in lending voices and images speaking to life on the island, as well as uncovering the rhetoric used by the Navy and other U.S. agencies to explain their actions on the island.
My study begins in the late 1970s with the story of the fishermen’s struggle for livelihood rights on Vieques. Although often referenced as the unsuccessful precursor to the protests at the turn of the century that resulted in the closure of the Vieques naval base, the fishermen’s protests stand on their own as an example of the difficult intersection of popular protest, politics, and legal suit. The fishermen engaged in mobilizations that included the invasion and occupation of naval spaces, thereby claiming their right to access these lands and waters in order to provide for their families. Meanwhile, the governor of Puerto Rico, joined by the fishermen, filed suit against the U.S. government for its actions on Vieques. The history of the suit introduces key themes—the relationship of the Viequenses to the land and sea on the island of Vieques, the economic rights and resources for the local population, the primacy of U.S. security initiatives in relation to economic and environmental rights of its citizens, and the colonial power differentials embedded within the U.S. legal system and within Puerto Rico’s nonsovereign relationship with the United States. The fishermen’s protest, while unsuccessful in either shuttering the base or altering its operations, illustrated how the Viequenses framed their grievances in terms of livelihood and land—and sea—and how these grievances became amplified and dispersed as Puerto Rican political actors and radical activists became involved in the struggle, and introduced broader issues of Puerto Rican statehood and sovereignty. The eventual dismissal of the suit against the U.S. government also foreshadowed the inadequacies of American courts to provide recourse to contest the Navy’s actions or to gain compensation after the closure of the base.

Chapter Two continues to examine land access on Vieques but from an institutional vantage point, focusing on the transfer of the majority of former naval lands
in 2003 to the U.S. Department of the Interior to be managed as a National Wildlife Refuge. Subsequently, in 2005, much of the same land was designated as a Superfund site—a label assigned by the EPA to highly toxic and/or contaminated plots of land. The chapter first traces developments in land use policy and environmental and health issues on the island through the 1980s and and 1990s while the base was still operational, and then hones in on the transitional period post-closure. I then explore the tensions and contradictions implicit in the overlapping designations of Wildlife Refuge and Superfund site. While one connotes pristine and pure land to be protected from development, the other implies toxicity and land rampaged by industry or military, in dire need of remediation. The concurrent allocation of these lands as both a Superfund and Refuge still precludes the Viequenses population from accessing the majority of their island to develop as they see fit, or utilize these lands to make a livelihood. In many ways, the cleanup efforts of the EPA replicate the service sector economy previously fostered by the Navy and dissimilar to the independently employed fishermen I follow in Chapter One. These land designations represent a manipulation by the U.S. government of American land policy to continue to maintain control and oversight on the island of Vieques and to protect the government from negative repercussions related to the dangerous toxicity left in the Navy’s wake.

Chapter Three investigates the 2007 lawsuit Juanita Sanchez et. al vs. United States of America filed by a collective of over 7,000 Viequenses in an attempt to gain compensation for damages rendered during and after the Navy’s tenure. These damages in large part refer to the environmental and health problems that continue to plague the residents of Vieques, as evidenced by the Superfund designation of former naval lands.
Since the Navy retired from the island, residents have complained of significant health complications arising from naval procedures, and the continued presence of heavy metals and toxins on the islands. Currently, the cancer rate on Vieques is significantly higher than that of Puerto Rico or the mainland United States. 42 Residents attribute this high rate of illness to the Navy’s maneuvers and the continued toxicity of the land and sea surrounding their community. However, much like the earlier suit in the 1970s, in 2012, the U.S. Department of Justice dismissed the lawsuit with no compensation given to the plaintiffs to address these concerns. This ruling explicitly crystallized U.S. hegemony on the island that the Navy had previously insinuated through their dismissal of the fishermen’s grievances and their unilateral transfer of land without community consultation. However, the case also illustrated how the Viequenses perceive the mechanisms of imperial ecology on their island, and how these perceptions diverge from the Navy’s understanding of its action on the island. This case, therefore, depicted the difficulties of uncovering, examining, and proving the processes of imperial ecology on Vieques.

The epilogue of this story introduces a new force quickly gaining influence on the island. As Vieques becomes more and more distanced from its naval past—if not for the residents as this study claims, then for the international community—the global press and travel corporations have proclaimed that Vieques is one of the last ‘undiscovered’ and virgin outposts left in a Caribbean. The Wildlife Refuge quickly became a refuge for tourists to escape to “untouched beaches” and pristine shores, and the Navy’s bombing of the island became a brief mention in tours of the bioluminescent bay and snorkeling

charters. The W Retreat and Spa- Vieques, an international hotel chain operated by Starwood Hotels, opened in 2010 on the northern coast of the island. Billed as the first retreat of its kind by Starwood in North America, the hotel’s campus boasts two private beaches, two restaurants, a full service spa, fitness center, a pool bar with private cabanas nearby, and an overall ‘new way to escape’ on the island.\textsuperscript{43} As the population on Vieques continues to struggle with the ruin left in the Navy’s wake, multinational tourism corporations are quickly buying up the little land available for development on the island. While this development brings jobs, money, and conveniences to the island, international tourism has the possibility to become another foreign power on the island, denying the Viequenses the right to manage and cultivate their own lands—the same right that the first group of a dozen or so fishermen fought for when they sailed into Navy waters 37 years ago.


On February 27, 1978, twenty-five small fishing boats navigated out into the Caribbean waters off the shores of Vieques, a small island around nine miles off the eastern coast of Puerto Rico. While these fishermen had traversed these waters for years for their trade, on this day, they were not embarking to fish. Rather, their short sail to the tip of the island was an act of protest. The fishermen steered their boats towards the waters by the tip of the island where the Coast Guard eventually apprehended the group. For, on this day, the fishermen had sailed into U.S. naval waters. From 1941 until 2001, the U.S. Navy operated bases on both the eastern and western tips of the island of Vieques. During the Navy’s occupation of the two ends of the island, a community of roughly 10,000 U.S. citizens resided sandwiched in-between the bases, living with the daily presence of naval officers, munitions, firearms and bombing. The “pequeña flota pesquera,” or small fishing fleet, left the shores of Vieques on February 27th to protest the Navy’s training exercises on the island and to contest their hardships in making a living.¹ The fishermen claimed that the Navy’s actions on the island denied “the residents’ right to use land and water of the island” and resulted in an “alleged violation of the fishermen's constitutional right to earn a livelihood.”² By occupying naval waters,

² Jane B. Baird, “Fishermen of Vieques sue U.S. Navy for $100 million,” San Juan Star (San Juan, PR).
the fishermen attempted to voice these claims, and succeeded in temporarily halting naval exercises.

Beginning as a small, localized movement with personal and economic goals, the fishermen’s movement soon grew to include a lawsuit against one of the largest and most iconic national institutions, the U.S. Navy. While the movement began as a demonstration focused on the economic rights of the fishermen and other residents of Vieques, over four years of popular protest and legal action, the struggle broadened to include multiple factions of Puerto Rican politicians, citizens, and organizations, and the U.S. court system. What began as the fishermen’s stand to demand their right to fish the waters of their island expanded into a broader discussion of Puerto Rican sovereignty and United States-Puerto Rico relations. And finally, what began as non-violent protests transformed into more radical, violent dissent from extremists on both sides of the conflict, dissolving the possibility for compromise.

This chapter tells the story of the fishermen and the transformations of their struggle against the Navy in Vieques. Led by the Asociación de Pescadores de Vieques, or the Association of Vieques’ Fishermen, formed in 1975 to address logistical problems faced by the fishermen, the group initiated several mobilizations emphasizing their rights to fish the waters of Vieques.¹ Beginning with a surprising, if temporary, victory in halting the Navy’s operations in early 1978, the struggle continued until 1982. The fishermen’s story is one of popular protest and legal action, of right to livelihood and Puerto Rican sovereignty, of peaceful demonstrations and radicalized violence. The

¹ The Fishermen’s Association initially focused on addressing the immediate problems faced by the fishermen such as the lack of a dock and a proper location to clean and sell fish. Gerald Singer, Vieques: A Photographically Illustrated Guide to the Island, Its History and Its Culture (St John: Sombrero Publishing Company), 171.
‘lucha de los pescadores’ or the ‘fight of the fishermen’ reflected broader economic concerns of Americans in the midst of an economic downturn, and entered into the tail end of the strongest Puerto Rican independence movement during the twentieth century.

The fishermen’s movement demonstrated how the amplification of a local and targeted movement could be co-opted by multiple actors and existing power dynamics and political circumstances within which it is situated. The Association’s actions were explicitly political and aimed at gaining rights and access to the land and sea in order to earn a livelihood and support their family. As their struggle became more visible and garnered more press, Puerto Rican politicians framed the movement in the context of Puerto Rican independence and statehood politics, resulting in a high profile lawsuit against the Navy. While the lawsuit represented the most public and definitive support for any anti-base movement on the island, it also resulted in a shift away from the narrative set forth by the fishermen. In order to legally contest the Navy’s actions, the lawsuit focused on environmental infractions, rather than the concerns of land access.

Frustrations with the slow pace of these legal maneuvers and the lack of support from the courts for curtailing the Navy’s operations led to a backlash of increased demonstrations on the island—eventually resulting in violence from both pro-Navy actors and pro-independence actors unaffiliated with either the Navy or the fishermen. The inadequacies of legal channels to contest the Navy on Vieques left few options for the fishermen to continue to advocate for their livelihoods on Vieques, resulting in the eventual dissolution of the movement in 1983. When Governor Romero funneled the fishermen’s movement through the institutional processes of the U.S. legal system, the protest lost the
voices of its initiators and became fragmented and unfocused, and incorporated into larger conversations of Puerto Rico’s status in relation to the United States.

I utilize three different newspapers in this chapter - The San Juan Star, an English language newspaper published in San Juan, El Diario, a Spanish language newspaper published in New York, and The New York Times. In addition to these newspapers, I analyzed a multitude of documents published by the Cruzada Pro Rescate de Vieques (Crusade for the Recovery of Vieques), the community organization that arose out of the fishermen’s protests in the late 1970s, including community bulletins, articles, flyers, and other organizing materials. Additionally, studies on the archetype of the fishermen in Caribbean society informed this chapter. By placing this scholarship in conversation with sources published during the mobilization, I examine how the fishermen’s priorities of economic and land rights for the Viequenses enter into ongoing conversations of sovereignty, self-sufficiency, and land access.

The fishermen’s struggle against the Navy demonstrated the intersections between popular protest and judicial action. In conjunction with the fishermen’s movement, Governor Carlos Romero Barceló introduced a rare lawsuit against the U.S. Navy in 1978. The court case modified, redirected, and, in many ways, transformed the fishermen’s goals and grievances, thereby changing the movement itself and endangering the fishermen’s ability to maintain control over the scale and direction of their original campaign. The struggle’s expansion and incorporation of greater themes of Puerto Rican sovereignty and legal discourse laid the foundation for future protests that, in 2003, resulted in the abdication of the Navy from all lands on Vieques. The fishermen’s story also began a largely unsuccessful tradition on Vieques of suing for citizenship rights that
I further examine in chapter three of this study. The eventual dismissals of these suits calls into question the capacity of the U.S. legal system to address the citizenship claims of its subjects. In many ways, the story of the fishermen tells a story of empire and citizenship as founded in U.S. law.

This struggle resonated far beyond the island’s borders. While the initial grievances of the fishermen did not include claims for Puerto Rican independence, or Puerto Rican statehood, their struggle cannot be divorced from the historical or political realities of Puerto Rico in the late 1970s. Support for Puerto Rican independence had reached an all time high earlier in the decade, and while this support began to wane by the late 1970s, radical *independista* factions were still active within Puerto Rican communities.\(^2\) A pro statehood politician, Carlos Romero Barceló, held the governor’s office. The closure of the U.S. naval base on Culebra -- a nearby island off of Puerto Rico -- in the early 1970s persisted in recent memory for many Puerto Ricans as an independista victory. On the mainland, American society was in the midst of an economic downturn, while the OPEC energy crisis exacerbated an existent lack of trust in President Jimmy Carter. The Cold War also weighed heavily on the minds of many Puerto Ricans and mainlanders due to Puerto Rico’s proximity to communist Cuba. The battle on Vieques reflected these political, social, and economic realities, and the multitude of actors involved in the struggle attempted to adapt their rhetoric and

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strategies to avoid conflating the fishermen’s movement with movements for Puerto Rican independence.

Placing claims of rights to livelihood and masculine self-sufficiency as central to my analysis, I trace the transformations of these claims over time as both the stated goals and participants of the movement expanded. This study explores the fishermen’s protest in Vieques as one case within the study of the interaction between social movements and legal contestation and examines how U.S. institutions influence the lifestyles and livelihoods of the Viequenses.

The failure of both the protest and the suit to end, halt, or modify the Navy’s actions demonstrated how the conflicts between protest, law, and violence serve to distract, fragment, and disperse social movements. Puerto Rico’s colonial status only amplified contestations over citizenship claims or independence. This fragmentation complicated the clarity of purpose and eventually distorted the goals of the mobilization, leaving the movement with very little chance to succeed. The fishermen’s struggle against the Navy in the late 1970s grew to represent an intersection of law, empire, Cold War militarism, and radical nationalism within the small space of the island of Vieques.

As the fishermen launched their boats into the water on February 27th, 1978, it is unlikely that they envisioned their protest turning into a legal battle between the Puerto Rican governor and the U.S. Navy. Using tactics of occupation to emphasize the importance of spatial access to their livelihoods, the fishermen not only launched their boats, but launched a struggle for self-sufficiency and self-governance that would eventually include a multitude of actors and reach the Supreme Court of the United States. While ultimately unsuccessful in altering the Navy’s operations, the fishermen
became a symbol for autonomy and resistance in the face of U.S. hegemony and imperialism in Puerto Rico.

**The Man and The Sea: Framing the Inception of the Fishermen’s Movement**

The fishermen’s demonstration in February 1978 resulted in the arrest of Jesús Medina Meléndez and Mario Antolino Felix, two leaders within the Association of Vieques’ Fishermen, for fishing in restricted waters. The Navy did not ask the fishermen to leave the area, according to Medina Meléndez, but rather immediately arrested several of the fishermen and confiscated their boats and around 100 kilograms of fish they had caught the day before. The Coast Guard’s response confirmed the fishermen’s belief that their freedom to go out to sea and make a living was at risk. Additionally, their arrest elevated the publicity of the fishermen’s struggle, propelling their narrative into local papers in Puerto Rico, as well as in Spanish language newspapers in the United States.

The Coast Guard compromised the livelihood of the fishermen further through confiscating their property and the products of their labor during the arrest, highlighting the stated grievances of the association. The Coast Guard’s severe response to the presence of the fishermen in naval waters publicized the fishermen’s grievances and gave them a national platform to contest the Navy’s actions in Vieques.

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3 “Apresan Barco Pesquero Frente a Vieques,” *El Diario/La Prensa* (New York, NY), 2/27/1978. Three weeks before the incident on February 27th, other fishermen were arrested for trespassing in naval waters according to Tomas Stella and Harry Turner of the San Juan Star’s article “Navy vows advance notice on maneuvers.” La Fortaleza, as the Governor’s office is colloquially called, referred to Commander Flanagan’s (commander of Roosevelt Roads) abrasive and rude manner, and his insensitivity towards both the fishermen and the residents of Vieques. These interpersonal conflicts fueled the tensions surrounding the base’s activities.

The protests, organized by the Fishermens’ Association, focused on the right to livelihood of the fishermen, rather than the Navy’s departure. The fishermen’s claims that the Navy’s training exercises were disrupting the waters around the island propelled these well-planned protests and mobilizations. The fishermen lamented that the Navy habitually destroyed their nets and longlines, compromising their catch, and hindering their ability to make a livelihood from fishing. Additionally, they claimed that the restrictions on the waters surrounding the island made it difficult to access certain fishing areas and required the fishermen to go further out into the ocean, raising costs. However, the fishermen did not advocate for the closure of the base as a whole, unlike other protests against the Navy in Puerto Rico. The president of the fishermen’s association and prominent local figure, Carlos Zenón, argued that the purpose of the fishermen’s demonstrations was not to “block target practice,” but rather to ensure that the fishermen could fish the waters of Vieques successfully and without harassment.

The arrest and confiscation of the fishermen’s boats and catch in Vieques also directly contested the archetype of the lone fishermen within Puerto Rican and Caribbean history. Anthropologists David Griffith and Manuel Valdés Pizzini assert that fishermen in the Caribbean have historically engaged in an independent economic activity when compared to peasant farming largely because of the “common property nature of the resource”-- the sea. The Navy’s ownership of the majority of the Vieques’ coastline and waters compromised the common property of the ocean, restricting the fishermen’s

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6 All translations were performed by the author. The original text reads, “Bloquear las prácticas de tiro y si pescar en áreas que son destruidas por los bombardeos que comenzaron ayer.” “Tensa Situación en Vieques Por Maniobras Navales,” El Diario/La Prensa (New York, NY).
independence and contesting the freedom so integral to the conceptions of fishermen in the Caribbean. For, through restricting access to the ocean, the Navy in effect appropriated ownership of the waters, negating the communal aspect of the resource.

Additionally, by including their families in such a visible demonstration, the fishermen emphasized their role as the provider for the household, a masculine role central to their public identity. During the fishermen’s demonstration on the water on the 27th, the families of the fishermen, mainly women and children, entered a U.S. Navy firing zone on the island, openly ignoring the warnings that they were to stay out of the restricted area for their own safety. 8 For while Griffith and Pizzini argue that, “the masculine aura that surrounds fishing tends to hide...the entire social universe that is controlled and governed by women in the fishers’ domestic circles,” the inclusion of women and children in this protests instead reified the fishermen’s masculine role as an independent laborer and economic provider, procuring a livelihood for his family. 9 Moreover, the fishermen escaped the service-sector industry jobs created by the base, and maintained their independence as self-employed men. 10

The Vieques fishermen were not the first to contest U.S. military presence in the Caribbean. Cuban fishermen previously challenged U.S. military presence in their waters, using their position as independent, solitary men who rely on the ocean for their sustenance to advocate for their right to make a living unhindered by U.S. regulations and restrictions. In 1959, a group of fishermen in Guantánamo Bay who, as self-led

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10 See Cynthia Enloe’s discussion of the gendered nature of service-sector industries, especially when built around base communities in Bananas, Beaches, and Basins: Making Feminist Sense of International Politics.
producers, “did not depend on the same neocolonial exchanges as Guantánamo’s other economic sectors,” accused the military base of interfering with their rights to fish and claimed that the base conducted military exercises in the best fishing waters.\(^\text{11}\) Newspapers in Cuba represented these fishermen as working-class, independent revolutionaries striking out against the Navy, once again framing fishermen as the lone working man struggling in nature to carve out a living for himself and his family.\(^\text{12}\) While the Vieques fishermen were not incorporated within a revolutionary or communist Cuba context, their actions and representations still drew upon archetypes of masculinity and independence so frequently ascribed to fishermen, by focusing on the right to work, to make a living, and to provide for their families.

In 1971, public protests against U.S. naval presence in Culebra, an island off Puerto Rico and close to Vieques, utilized a much broader rhetoric of leftist critiques on U.S. imperialism and independence movement. The Navy had maintained a presence on Culebra since the beginning of the twentieth century, and by World War II, were using the island as a gunnery and bombing test site. By 1970, the Navy owned one third of the island and the entirety of its coastline, along with exclusive use of its airspace.\(^\text{13}\) During the same year, the Navy’s attempt to evict residents of the island resulted in widespread protest against the Navy’s actions. The Puerto Rican left and, in particular, the Puerto Rican Independence Party (PIP), championed the Culebra cause and referred to the Navy’s presence on the island as a clear example of the consequences of Puerto Rico’s

\(^{11}\) Jana Lipman, *Guantánamo: A Working Class History between Empire and Revolution* (Berkeley: University of California Press, 2008), 149.

\(^{12}\) Ibid.

commonwealth status. Police arrested Rubén Berrios Martínez, the president of PIP, and sentenced him to three months in a federal prison for demonstrating on naval waters, a visible ruling that led to further uprising, this time among the students at the University of Puerto Rico. These protests eventually ended the Navy’s operations on the island; however, this success in Culebra translated into increased naval bombardments and maneuvers on Vieques by mid-decade in compensation.

In March 1978, Governor Carlos Romero Barceló filed an injunction with the U.S. District Court requesting that the U.S. Navy and Marine Corps halt military operations on or around Vieques. Unlike Culebra, on Vieques, Puerto Rican moderates and mainstream politicians were the first to join residents in their struggle by initiating legal action against the Navy. San Juan Star reporter Tomas Stella wrote that despite, “indications of deteriorating relations between the armed forces and the pro statehood [sic] governor, virtually no one expected Romero to go as far as to seek an injunction,” acknowledging the extremity of such a tactic for the governor as a member of the New Progressive Party (NPP) which advocated for Puerto Rican statehood. The petition cited violations of federal and commonwealth laws-- focusing on transgressions of environmental regulations-- and claimed that naval exercises caused “irreparable damage” to the residents of Vieques. This irreparable damage included the destruction and/or degradation of beaches, reefs, marine life, and archeological, historical, and natural resources. The suit named Secretary of Defense Harold Brown as defendant,

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14 Ibid, 71.
16 Some of the federal laws cited in the injunction include the national Environmental Policy Act, the Federal Water Pollution Control Act, the Marine Protection Research and Sanctuaries Act, the Clean Air Act, and the Noise Control Act of 1972. Other federal statutes allegedly violated were the Resource
along with Secretary of the Navy W. Graham Clayton Jr., Chief of Naval Operations
Adm. James Holloway, Commander in Chief of the Atlantic Armed Forces Adm. Isaac
Kid Jr. and Marine Corps Commandant General Louis H. Wilson. The petition also
claimed that these defendants violated the instructions from former President Richard
Nixon and from Secretary of Defense Elliot Richardson that Vieques would not replace
Culebra for target practice purposes, specifically citing the increase in military operations
after the closure of the base on Culebra.

Some members of the community, however, posited that the governor’s moderate
politics freed him to take more decisive action in response to Vieques. An anonymous
editorial in the same issue of the Star argued that, “Carlos Romero Barcelo can sue the
U.S. Navy and ask that it be barred from military operations on or around Vieques
because he is an unquestioned pro-American statehood governor.” Not only did Romero
sue the U.S. Navy, but, the editorial contended, the move was politically strategic for the
governor because:

It reinforces his image as a man of strong character willing to confront openly
wrong where he perceives it, it serves as a demonstration that although he is a
statehood, he will fight for Puerto Rican causes against Washington if
necessary, and, finally, he gets across the point that, again, being a statehooder, he
can strive for equal justice and equal treatment.

Conservation and Recovery Act, the Endangered Species Act, the Coastal Zone Management Act and the
National Historical Preservation Act. The suit also claimed violations of commonwealth laws dealing
mainly with environmental protection. Additionally, the suit asserted that the armed forces had become a
public nuisance on Vieques and have violated the 1st and 5th Amendments to the U.S. Constitution, by
denying residents of Vieques the opportunity to express themselves about the increase in military
operations.

20 Ibid.
This statement illustrates the interactions between Puerto Rican sovereignty, Puerto Rican national politics and the movement of the pescaderos. For, while the fishermen represented themselves as concerned about the right to livelihood and environmental grievances related to their trade, the legal claims as set forth by the governor broadened these grievances to include larger questions of the future of Puerto Rico’s relationship to the United States. Through filing an injunction, the governor propelled the grievances of the local fishermen into a national context and utilized their protests to direct attention to his pro-statehood political position. The injunction represented an attempt by the governor to assert claims upon the government of the United States as an American governor.

Party politics on the island further highlighted the contentious political atmosphere in Puerto Rico due to an increased support for independence movements in the 1970s.\(^{21}\) Governor Romero’s injunction against the Navy represented the strongest action ever taken by a Puerto Rican politician against the U.S. military, even though both the Popular Democratic Party (PDP) and the Puerto Rican Independence Party (PIP) criticized Romero.\(^{22}\) President of the PDP and former Governor Rafael Hernández Colón doubted the legal effectiveness of the strategy, while Rúben Berrios Martínez, the president of the PIP, asserted the move was political theater and worried that the suit

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\(^{21}\) For examples of increased Puerto Rican nationalism in the 1970s see Katherine McCaffrey’s analysis of the closure of Culebra in *Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico*. For information on the rise of nationalist movements on the mainland, see the anthology *The Puerto Rican Movement: Voices from the Diaspora* edited by Andrés Torres and José E. Velázquez. Also see Meg Star’s “‘Hit them Harder’: Leadership, Solidarity, and the Puerto Rican Independence Movement” and Lorrin Thomas’ *Puerto Rican Citizen: History and Political Identity in Twentieth-Century New York City*.

would take years to resolve, in effect delaying decisive action in the Vieques struggle.\textsuperscript{23} The surprising injunction filed against the Navy by Governor Romero transformed what began as small demonstrations by a group of local fishermen, into a larger legal battle. Unlike the independence politics of the Culebra protests, the suit emphasized the environmental regulations violated by the Navy, and the health concerns that these transgressions could cause the residents of the island, rather than emphasizing Puerto Rico's colonial status or the imperial actions of the U.S. Navy.

Furthering the conflict, the Fishermen's Association filed an $100 million dollar suit against the U.S. Navy one week later, expanding upon the claims made by the governor's injunction. While Romero's injunction focused on violations of numerous federal environmental laws, the fishermen broadened their claims to include alleged unconstitutional expropriation of lands, the residents’ right to use the land and water of the island on which they live, and the violation of the fishermen’s right to earn a livelihood. Carlos Zenon, the President of the Fishermen's Association stated that, "what is happening in Vieques is not merely a problem of environmental contamination... It is a question of being able to survive the dangers we are exposed to, the fact that we are not able to develop the island economically and the continual damages from Navy exercises."\textsuperscript{24} This focus on economic rights joined an ongoing debate within the U.S. government regarding the right to work. As unemployment and inflation rose in the early 1970s, Minnesota Senator Hubert Humphrey and California Congressman Augustus Hawkins introduced a bill proposing a federal guarantee of full employment. Referred to

\textsuperscript{23} Ibid.
\textsuperscript{24} Jane B. Baird, “Fishermen of Vieques sue U.S. Navy for $100 million,” \textit{San Juan Star} (San Juan, PR), Mar. 9, 1978.
as the Humphrey Hawkins Full Employment Bill, the attempted legislation argued that economic and civil rights “were the twin requirements of social justice.” The fishermen’s claims for the right to make a worthwhile livelihood followed these discussions of full employment, and framed the Viequenses’ grievances around economic independence, avoiding the nationalistic and racialized rhetoric of the late 1960s and early 70s, both on the mainland and in Puerto Rico.

The emphasis in the Fishermen’s Association’s rhetoric on economic rights and compensation for the people of Vieques illustrates the fishermen’s attempt to refocus their struggle on the local, personal, and practical, in contrast to the injunction filed by the governor. Juan Valera and Pedro Saade, the attorneys representing the fishermen, advocated for $10,000 per resident of Vieques in restitutions for damages rendered, and enhanced land and livelihood rights for their community. This both placed a number on the damages incurred by individual residents and emphasized the importance of enhanced agency for the residents in addition to financial restitutions for the hardships experienced under the Navy’s tenure.

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25 Jefferson Cowie, Stayin’ Alive: The 1970s and the Last Days of the Working, (New York: The New Press, 2010), 270. The Humphrey-Hawkins Full Employment Bill proposed a federal guarantee of a job and argued that national planning should achieve a full employment economy to such an extent that the bill initially included the right to sue the government for a job. Full employment in the initial versions of the bill was clearly and ambitiously defined as 3% unemployment to be achieved within 18 months after congress passed the legislation. The bill attempted to move away from the racially oriented rhetoric of civil rights and focus on economic rights for all, regardless of race. However, from 1974, until it was eventually signed into law in 1978, debates surrounding the bill weakened substantially, and created a bill that was only symbolically significant, with little economic meaning for American citizens.

26 Earlier during the decade in New York City, Chicago, and other urban centers with significant Puerto Rican populations, Puerto Rican youth began organizing into ethnic nationalist groups such as The Young Lords Party and the Puerto Rican Solidarity Committee (PRSC). Both organizations started on the mainland. The Young Lord Party grew out of an informal street organization in Chicago and became politicized when it moved its headquarters to New York in 1969, and the PRSC began in 1975 in New York. The Young Lords were active throughout the 1970s, though after 1973 their capacity was diminished in large part due to repression and surveillance from the FBI’s COINTELPRO projects.

Valera and Saade also filed a petition for a restraining order against the Navy, on the grounds that either the fishermen or the land would “suffer permanent damage unless the bombing was immediately halted.”

Judge Torruella, the judge for U.S. District Court for the District of Puerto Rico, rejected the lawyers’ petition for a restraining order against the Navy, illustrating the burden of proof placed upon the fishermen by the courts. A moderate, Torruella was educated on the mainland and, later in his career, became an outspoken advocate of Puerto Rican citizenship rights and published scholar of several works on the legal status of Puerto Rico. The plaintiffs had to prove that the Navy’s actions violated legal statutes, and that the long-term damage to both the island itself, and the life of the residents resulted from these infractions. Therefore, while livelihood claims allowed the fishermen to garner national interest in their movement and plight, these same claims could not stand alone in a court of law.

Recognizing the difficulty of advocating for livelihood rights within a court of law, the fishermen plaintiffs built their case upon contestations of the Navy’s initial acquisition of base lands by the Navy, citing violations of the Federal Tort Claims Act, as well as the Foraker and Jones Act, which delineated the U.S. citizenship status of Puerto Ricans. Through citing these landmark cases within Puerto Rican history, the attorneys

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28 “Judge denies injunction to bar Navy ‘games’,” *San Juan Star* (San Juan, PR), Mar. 15, 1978.
29 Judge Torruella, the Judge for the District Court of Puerto Rico at the time, was educated on the mainland and received his law degree from Boston University. Torruella worked for private practice in Puerto Rico before being appointed to the District Court by Gerald Ford. He has written several books on the legal status of Puerto Rico and the Insular Cases that define Puerto Rico’s standing in relation to the United States, including *The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal*, in which he argues that the Insular Cases are unconstitutional and set up a de facto system of unequal citizenship, and *Global intrigues: The Era of the Spanish-American War and the Rise of the United States to World Power*.
30 The Foraker Act, passed in 1900, and the Jones Act, in 1917, serve as the foundation for Puerto Rican citizenship. The Foraker Act established Puerto Rican citizenship in Puerto Rico under the jurisdiction of the United States, while the Jones Act expanded this citizenship, making Puerto Ricans United States citizens in the eyes of the government and the law.
emphasized the rights of the Viequenses as U.S. citizens, something that Governor Romero emphasized in his pro-statehood rhetoric. The fishermen’s case, unlike the Governor’s, did not cite violations of environmental statutes such as the Clean Air Act and the Public Policy Environmental Act as the foundation of their claims against the Navy. The fishermen’s challenge to the Navy’s acquisition of the land on Vieques also alluded to broader critiques of U.S. colonialism that previous protests avoided. The fishermen’s case contested the Navy’s basic right to operate on the island, which challenged U.S. security imperatives in Puerto Rico, and, therefore, broadened the framing of the fishermen’s claims.

The fishermen requested permission to join the government’s suit as interested parties due to limited resources and funds to pursue their own legal action, as well as the narrow scope of their claims. However, the criticism of U.S. presence on the island made joining the legal cases politically difficult for Romero. Before representing the fishermen’s movement, both Varela and Saade had earned reputations as suspected *independistas*, even though the fishermen’s movement had attempted to distance itself from the politics of independence. The Puerto Rican government, as well as the attorneys handling the government case worried that the conflation of the government suit with that of the fishermen would “introduce political elements that would only slow the proceedings down.”³¹ Despite this resistance, Varela and Saade understood that in order to advocate for the fishermen, they would have to shift their grievances and legitimize their claims by joining forces with the government’s legal action. The government’s resistance did not last long and, after a week of discussions, the government allowed the

³¹ “Judge denies injunction to bar Navy ‘games’,” *San Juan Star* (San Juan, PR), Mar. 15, 1978.
fishermen to intervene in the case. Shortly after this, Misieon [sic] Industrial de Puerto Rico, a leftist environmental organization, and the Fundacion Arqueologica e Histeorica de Puerto Rico [sic], a historical research and preservation non-profit joined the suit along with the government and fishermen.32

Meanwhile, as the lawsuit expanded to include multiple parties, Governor Romero continued to publicize the plight of the Vieques to a national audience. In a public letter to President Jimmy Carter, Romero addressed the environmental elements of the suit briefly, but then focused on the citizenship issues uncovered by the Navy’s actions on Viequenses. He referred to “the compelling political reasons for not using an island inhabited by U.S. citizens as a target for live ordinance, there are overriding human and moral consideration that apply here.”33 He furthered this appeal, stating “In short, it is the pursuit of happiness and the enjoyment of life without undue inconvenience and harassment that is the real interest at stake here,” displaying a marked shift in rhetoric from the environmental discourse set forth within the original lawsuit.34

Demonstrating political acumen, Romero modified his rhetoric in relation to his audience. When suing the Navy, he focused on environmental infractions and the possible health and ecological consequences; however, when directly appealing to the president, he focused on citizenship rights and civil liberties. He argued that the pursuit of happiness should be guaranteed for American citizens, revisiting the right to livelihood language used by the fishermen in their initial protest, and again framed the struggle as focused on the day-to-day existence of the Viequenses. This framing strategy also

33 “CRB asks Carter intervention with Navy,” San Juan Star (San Juan, PR), Mar. 9, 1978.
34 Ibid.
focused the struggle around citizenship rights of Puerto Ricans, emphasizing Romero’s statehood position.

The relocation of Operation Solid Shield, a major military maneuver scheduled to take place on Vieques on May 5th, 1978, to bases in North Carolina and Georgia represented an immediate and remarkable success of Romero’s appeal to President Carter.35 An annual exercise, Operation Solid Shield constituted the largest show of military force and training in Latin America and displayed a hegemonic presence in the region by the U.S. military.36 The Navy designed the exercise, which included 30,000 military personnel and 40 Atlantic Fleet ships, to increase the military’s capacity, simulating an attack and recapture of an enemy-held island.37 The exercise planned to incorporate multiple branches of the U.S. military including the Army, Navy and the Marine Corps. Therefore, the operation’s cancellation on Vieques was a highly visible and significant victory for both Governor Romero and the fishermen themselves.

Romero’s direct appeal to President Carter garnered the largest success for the people of Vieques, indicating the power of their claims of American citizenship. Additionally, it highlighted the political capital of these claims when mobilized in a direct appeal to the president, rather than within legal actions aimed against the military. However, the cancellation, while certainly a win for the movement, only temporarily alleviated the tensions between the Navy and the community, and not a lasting solution or modification of the status quo.

Splintered Consciousness: The Consequences of Movement Amplification

The media’s portrayal of the fishermen’s protests shifted to emphasize the governor’s suit, moving away from covering the protests themselves. The coverage of the protest movement quickly refocused on the legal battle between Puerto Rican politicians and the U.S. Department of Defense. While during the initial phases of the fishermen’s protests, the voices of Fishermen’s Association leaders Carlos Zenon and Jesus Medina Melendez were oft-quoted in both local and mainland papers, after Governor Romero filed the injunction against the Navy, the coverage of the struggle shifted away from the protestors to focus on the legal battle. The reduced coverage of the fishermen’s voices elucidated the fragmentation of the movement as it grew and framed the struggle within a broader context of sovereignty and citizenship for Puerto Ricans. The movement, in essence, outgrew the fishermen themselves, expanding into a platform to stake citizenship claims upon the United States.

As the coverage of the suit increased, public criticism of the resistance to the naval presence in Vieques grew within Puerto Rico. Many residents of the main island asserted that the closure of the base would result in an economic downturn for both Vieques and the main island of Puerto Rico, downsizing jobs and reducing tourist dollars spent by military men and women while on leave.38 One resident of Vieques even asserted that the fishermen on the island of Vieques were “some of the wealthiest people here and they only check their traps every two or three days when they need money,” insinuating that the fishermen’s livelihoods were in no way compromised and

questioning their work ethic.\textsuperscript{39} John A. Franciscus, a resident of San Juan, discussed the livelihood of the Viequenses as well, stating “Arise Vieques. Defend the Navy. You have nothing to lose but your security, your economic livelihood and your future,” implying that the departure of the Navy from Vieques would in fact compromise the livelihoods of its residents, rather than bolster their ability to make one.\textsuperscript{40} These critiques emphasized the economic consequences of the Navy’s departure, underscoring Puerto Rico’s dependence on service sector jobs from mainland industry.

Máximo Cerame-Vivas, a Puerto Rican marine biologist, artist, and columnist, critiqued Romero’s legal battle, rather than the fishermen’s protests. He posited, “Puerto Rican separatists always run to Federal Court to have their rights redressed by the very same system they have vowed to destroy,” questioning the ability of the U.S. court system to serve as a space of protest for Puerto Rican politicians.\textsuperscript{41} Additionally, he characterized the suit as filed by separatists, construing the case within the broader terms of Puerto Rican nationalism, even though he was aware that Governor Romero supported Puerto Rican statehood. In this case, Governor Romero instead turned to the courts to exercise the legal rights bestowed upon Puerto Ricans by the fact of their citizenship and emulated state claims upon the federal government. Cerame-Vivas asserted that “Gov Romero is a master of politics” and critiqued him for bringing legal action against the United States, instead contending that Romero should have attempted to mediate the

\textsuperscript{39} “Reader suggests why not let Viequenses decide for themselves,” \textit{San Juan Star}, (San Juan, PR), Mar. 17, 1978.

\textsuperscript{40} John A. Franciscus, “A Pro-Navy View on the Vieques issue” \textit{San Juan Star}, (San Juan, PR) Feb 27, 1978.

\textsuperscript{41} Maximo Cerame-Vivas, “Vieques and Mount Olympus,” \textit{San Juan Star}, (San Juan, PR), Mar. 11, 1978.
situation to ameliorate Viequenses concerns while allowing the Navy to continue its
exercises in service of “the national interest.”

When the court finally issued its decision after over a year of deliberation, it ruled
overwhelmingly in favor of the Navy. The court took three months of deliberation and
over a year to publish the decision on September 17th, 1979. Judge Torruella referred to
the legal process as a “homeric voyage through the evidence,” referencing the epic scale
of the sixty-three witnesses, two field trips to various sites on Vieques, and the multitude
of legal claims made by the multiple plaintiffs. The District Court’s opinion stated that:

Considering all of the above... under the present circumstances the continued use
of Vieques by Defendant Navy for naval training activities is essential to the
defense of the Nation and that the enjoining of said activities is not an appropriate
relief for the correction of the cited statutory violations.

Citing the primacy of national defense, Judge Torruella argued that Vieques was the only
place where the Atlantic Fleet could adequately train in amphibious exercises during
peacetime. Torruella ruled that the Navy violated environmental regulations and ordered
that the Navy file a permit to release firing ordinances into Vieques waters.

Additionally, the court denied the plaintiffs’ temporary injunctive relief, citing the same
cause of the primacy of U.S. national defense.

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42 Ibid.
44 Ibid, 82.
45 Ibid, 79. The text of the decision in finding the Defendant Navy in violation, cites that: (1) That
Defendant Navy is in violation of the Federal Water Pollution Control Act, Supra, by reason of its lack of a
NPDES permit to cover the occasional release or firing of ordinance into the waters of Vieques, (2) That
Defendant Navy is in violation of Executive Order 11593, Supra, by reason of its failure to nominate to the
Secretary of the Interior various sites in Vieques that may be eligible for listing in the National Register of
Historic Places, and/or by its failure to seek the opinion of the Secretary respecting said eligibility, and (3)
That defendant Navy is in violation of the National Environmental Policy Act, supra, by its failure to file an
environmental impact statement in connection with its activities in and around Vieques.
This decision emphasized the delay of legal action and the legal shortcomings of the plaintiffs’ arguments. Torruella stated that the “Plaintiffs’ sudden awakening to rights that they have had for such long periods of time can not bring about a halt, and consequent disruption, to activities that have been taking place for at least an equal length of time.” This critique underscored the long history of naval activity on the island, however, it did not acknowledge the more recent increase in maneuvers after the closure of Culebra and did not refer back to the initial fishermen’s protests that spurred this legal action. This evaluation ignored the difficulties of mounting a legal case against the Navy for the residents of Vieques, a remote and largely impoverished island at the margins of U.S. citizenship. The residents essentially needed the Governor to file suit in order to access the capacity and legitimacy possessed by the governor’s office.

Judge Torruella asserted that military presence on Vieques facilitated the movements of goods and justified the peacetime operations of the Navy in Vieques through this economic and consumption-laden framework, conflating U.S. military endeavors with neoliberal economic pursuits. The decision illustrated the clout of national security imperatives, even during peacetime, in order to facilitate the flow of goods and capital within the U.S. sphere of influence. The court argued, that:

from an economic and defense standpoint, the United States is an island which must import 90% of its strategic materials over the sea lanes of the world. Petroleum is the single most important commodity moved by the sea, the primary sources in the Atlantic seaboard being the Middle East, and secondarily, South America. These sea lanes are also of vital importance in allowing the United States to meet its international obligations.

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46 Ibid, 81.
47 478 F. Supp. 646 United States District Court D. Puerto Rico, 82.
In the midst of the 1979 energy crisis, the concern about protecting and facilitating international trade during peacetime pervaded the rhetoric of the District D courtroom and influenced the justification of Judge Torruella’s decision. In contrast to the fishermen’s claims for a right to earn a livelihood, the claims made by the court emphasized the rights of free trade and consumption for American citizens, as consumers.

Utilizing the law to advocate for citizenship rights from the United States uncovered inherent contradictions within the U.S. legal system, especially with regards to Puerto Rico. U.S. law defines and protects U.S. borders and holdings to ensure the security of the nation. The legal system also constructed and continues to define Puerto Rico’s status as a U.S. territory and Puerto Rican’s citizenship status. The Viequenses, had to prove that their livelihood concerns superceded national security imperatives, while advocating for their rights as American citizens within the legal apparatus that initially constructed the current modified status of Puerto Ricans’ U.S. citizenship.

Meanwhile, as the decision of the District D court forced Romero and the fishermen to appeal to the First Circuit Court of Appeals, the fishermen continued to protest the Navy’s actions on the island. Specifically, Zenón and others were acting against the court’s refusal to order the suspension of naval activities during the trial. In an interview with the New York Times, fisherman Carlos Zenón argued that “all we are

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48 Jimmy Carter, “Crisis of Confidence” (speech, Washington, DC, July 15, 1979), Carter Center, http://www.cartercenter.org/news/editorials_speeches/crisis_of_confidence.html. Fueled by the energy crisis beginning in the summer of 1979, Jimmy Carter gave one of the most remembered speeches of his career as President, entitled “Crisis of Confidence.” In the speech, Carter spoke to the American public about waning faith in American government, values, and way of life, as well as the doubts expressed by Americans for the future of their nation. Carter implored citizens to unite and address the problems in America in the same way that they would tackle the energy crisis at hand. Drawing advice from multiple politicians and advisors, Carter stressed the participatory nature of democracy and requested that Americans should let their voice be heard.

49 643 F.2d 835.
doing… is fishing in the best waters around the island, the shelf on the eastern end which yields the best lobster, snapper and perch. We have to fish to live and we will continue to fish despite all court orders.” After these demonstrations, lasting roughly a week, the Navy obtained a court order barring Carlos Zenon from entering restricted areas surrounding naval operations.

The fishermen’s demonstrations emphasized their frustrations with the slow timeline of the legal process and the dismissal of the suit by the Puerto Rican court. Filing a complex suit with multiple plaintiffs and defendants became a long and tedious process, and while the suit was being argued, decided, and written, the fishermen and other residents of Vieques were still living under the strain of naval presence and activity on the island. Juan Varela, the lawyer representing the fishermen, stated that the case must be decided promptly for the safety of all, however, the timeline and scope of the lawsuit did not allow for this type of expediency. For the fishermen, the continuation of naval activity represented a disregard of their complaints and a disrespect of their land. This slow and tedious process highlighted the limits of legal protest in the face of U.S. military might, but the grassroots mobilizations of the fishermen alone could not halt the Navy’s procedures in the long-term, forcing the fishermen to pursue legal avenues for a more longstanding victory.

The tensions between the Viequenses and the Navy continued to build as naval operations moved forward, inspiring other political groups to join the protests. In the beginning of February, 1979, a group of around 100 Puerto Rican protesters led by the

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51 Ibid.
(Crusade for the Recovery of Vieques) set up camp inside a Marine bivouac area on Vieques while, simultaneously, on the north side of the island, 40 Crusade members took six boats to the small island of Yaye, near the eastern tip of the island, and pitched campsites. Although working with the Fishermen’s Association, Crusade framed their goals and grievances as more explicitly anti-imperial in contestation of militarized expansion and the public and press viewed the organization as a more radical anti-Navy, anti-American group led by communist agitators. Authorities arrested thirteen participants and a reporter from El Nuevo Dia in the protests, releasing them shortly after. During the same month, 30 to 40 fishermen and sympathizers attempted to hold religious services on a beach within Navy lands. When the protesters refused to leave the military reservation at the request of Rear Admiral Arthur K. Knoizen, the Navy’s commander in the Caribbean, authorities arrested 21 of the demonstrators, including the three clerics who led the religious ceremony.

The outcomes of these protests illustrate the changing nature of the movement from a small, relatively peaceful, movement led by fishermen, towards larger, more visible mobilizations met with increased repression from the Coast Guard, the police, and the Navy. Judge Torruella eventually tried thirteen protesters and handed down unusually heavy sentences for a misdemeanor offense, sentencing five of the demonstrators to jail terms. These protesters received jail sentences after proclaiming they would prefer to serve jail time than to go through a process of appeals within a judicial system whose

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53 According to the *New York Times* article “Bishop and Ministers are Arrested by Navy in Puerto Rico Protest,” published on May 20th, 1979, Bishop Antonio Parrilla from the Roman Catholic church, the Rev. Andre Trevathan, an Episcopal minister, and the Rev. Wilfredo Velez, a Methodist minister were arrested in the demonstration.
jurisdiction they did not recognize as advocates for Puerto Rican independence. By refusing representation, the accused contested U.S. sovereignty and the jurisdiction of U.S. law in Puerto Rico, questioning the law’s ability to function as an effective space for asserting citizenship claims.

At the onset of the fishermen’s struggle, their claims did not include nationalist rhetoric or aims. Rather, the fishermen emphasized their right to make a living and support their families as U.S. citizens. Governor Romero’s suit echoed these claims upon U.S. citizenship and, as an advocate for statehood, he clearly and consistently avoided nationalist rhetoric. However, as the protests grew and the legal case began to appear less promising, the anti-Navy movement shifted to incorporate the radical politics of Puerto Rico in the 1970s, and moved away from the livelihood and citizenship claims of its origins.

**Radical Revisions: Movement Cooptation and Legal Dismissal**

The Fishermen’s Association’s rhetoric reflected the frustrations regarding the lawsuit’s lack of success and indicated a heightened animosity between the protestors and the Navy, shifting rhetoric toward a more radical and confrontational stance. Carlos Zenón proclaimed that, “if the Navy wants a fight, we are going to give it to them. We are not going to be pushed around anymore. We are going to fight them on the grounds we know the best, the sea.” In addition, he implored Governor Romero to step in to

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avert a possible civil war.\textsuperscript{57} The Navy’s tactics also displayed increasing hostility, as exemplified in their request for residents participating in the protests to sign statements saying that they would not return to Vieques, the island they called home, or participate in any further protests.\textsuperscript{58} Activists shifted their rhetoric away from measured language focused on a compromise between the fishermen and the Navy, towards more militaristic statements, referencing fights, civil war, and standing their ground. The protesters’ mobilizations on the ground in Vieques became more spectacular and varied, drawing upon religious values of the community and the visibility of occupying naval spaces, which also undercut the Navy’s dominance in their own territory. No one was calmly waiting for the legal decision in Vieques; popular protest did not wait on the schedule of the courts.

Once the court published its decision in September of 1979, it took another year for the appeal to be argued and decided, during which time, the conflict escalated into violence. That December, a band of armed men attacked a bus of Navy personnel outside of San Juan resulting in the death of two sailors, with 10 more injured. Hours later, three Puerto Rican nationalist groups, the \textit{Organización de Voluntarios de la Revolución Puertorriqueña} (Volunteers of the Puerto Rican Revolution), the Boricua Popular Army (or Macheteros), and the \textit{Fuerzas Armadas de Resistencia Popular} (Armed Forces of Popular Resistance), claimed joint responsibility for the attack. The most active of these groups was the Macheteros, who emerged in 1978 by claiming responsibility for the shooting of a Puerto Rican policeman. These nationalist groups linked their attack to the Vieques protests in the same communiqué in which they claimed responsibility for the

\begin{footnotes}
\item[57] Ibid.
\item[58] Ibid.
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shooting. They asserted that, “we warn the Yankee imperialists that they must respect the life and security of our prisoners according to the Geneva Convention on War.”

This warning stemmed from the reported suicide in August 1979 of Angel Rodríguez Cristóbal, one of the jailed protesters from the demonstrations on Vieques in May, who purportedly hung himself in a Tallahassee Federal prison. While prison officials claimed that Rodríguez Cristóbal, a member of the Puerto Rican Socialist Party, committed suicide, many of his friends and political associates, as well as many Puerto Ricans on the island and mainland, insisted that federal officials murdered him. The heightened rhetoric and violence of these actions against the military echoed the independista politics of the Culebra protest, and exposed a radical faction of the Vieques protests.

While the fishermen were not responsible for or associated with the attack on the Navy bus, the mention of the Vieques protests in the nationalists’ manifesto immediately associated the Viequenses with what was being hailed as an act of domestic terrorism. In the coverage of the event, a subtitle of an article published in the New York Times read, “Involved in Vieques Protest,” linking these dissidents with the Vieques protest movements. However, none of the language from the nationalist groups reflected the fishermen’s economic and livelihood grievances, nor did they indicate that their organizations’ members had participated in the demonstrations in Vieques. The implied relationship between the instances of protest cast the fishermen’s struggle as violently

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62 Ibid.
radical, and distracted attention from the original stated goals of their association. The violent and illegal actions of these radical nationalists colored the protests on Vieques as radically nationalist by association.

Pro-Navy activists also escalated their tactics. A little over a month after the bus shooting, police charged a Navy lieutenant, Alex Joseph de la Zerda, with bombing the Puerto Rico Bar Association and with conspiracy to bomb a commuter airline, owned by Vieques Air Link-- an airline company that transported passengers between San Juan and Vieques. De la Zerda job with the Navy was to assist the organization in resolving community relations problems in Vieques and he was arrested along with two anti-Castro Cubans living in Puerto Rico. De la Zerda believed both the Bar Association and the owners of the commuter airline to be supporters of the fishermen’s movement.63 One of the other accused, Roberto Lopez Gonzalez, owned a target shooting range on Vieques and founded the Pro Navy Vanguard, a pro-Navy organization on Vieques. The closure of the base would have jeopardized Lopez Gonzalez’s business, ironically reflecting livelihood concerns similar to those of the fishermen. After the filing of the suit by Governor Romero, Lopez Gonzalez gave a speech accusing both Romero and the protesters of being “stooges of the international Communist conspiracy,” because of their perceived anti-U.S. military stance.64 This statement revealed Cold War anxieties of the era, particularly in the Caribbean with neighboring communist Cuba. The perception of de la Zerda and his colleagues placed the fishermen as anti-imperialist nationalists and

64 Ibid.
socialists who wanted to break ties with U.S. military and industry and become an independent nation.

In January 1980, Governor Romero, politically opposed to both socialism and nationalism, publicly stated that he was re-evaluating his oppositional stance in regards to the Navy’s presence due to heightened U.S. security imperatives in the face of escalating Cold War tensions, although his tentative shift could also be explained by a radicalizing movement, increased arrests and an appeal that looked likely to fail in the courts.\(^{65}\) The following January 1981, the U.S. Court of Appeals dismissed the majority the plaintiffs appeal citing lack of jurisdiction. This lack of jurisdiction ruling indicated the court’s hesitancy to intervene in U.S. military and security policy. However, the Court of Appeals did overturn one aspect of the District Court’s ruling and cited the Navy for violations of the Federal Water Pollution Control Act. The Court remanded that the defendants cease violation of the act until it obtained a permit.\(^{66}\) While this constituted a small legal victory for the plaintiffs, the court refused to rule against military imperatives in favor of Viequenses grievances and, therefore, ruled mainly in the Navy’s favor.

In response to the Court of Appeals ruling, the Navy surprisingly filed a quick appeal to the U.S. Supreme Court, which reversed the Court of Appeals decision. The Supreme Court’s ruling allowed the Navy to continue to operate without restrictions on Vieques.\(^{67}\) Even though the Navy was only required to obtain a permit to placate the Court of Appeals, appealing to the Supreme Court allowed the Navy to solidify their

\(^{65}\) Ibid.
\(^{66}\) 456 U.S. 305, 102 S.Ct. 1798.
\(^{67}\) Ibid.
position on Vieques and end any further legal action against the Navy by both Romero and the fishermen.

The Navy’s appeal, along with the violence that became associated with the protests, ended the fishermen’s movement without significant change to the status quo on Vieques. During the same time that the Supreme Court overturned the ruling, the protest movement on Vieques was disillusioned due to the violence surrounding their cause and the lack of success of their claims within the U.S. legal system. Conflicts between the Crusade and the Fishermen’s Association began to hinder the movement and, in 1983, Governor Romero signed a memorandum of understanding with the Navy officially ruling out any further legal action. However, the fishermen’s movement did increase the visibility of the Viequenses population both in Puerto Rico and on the mainland and contributed to larger struggles surrounding Puerto Rican-U.S. relations. Their protest effectively displayed the complicated processes of movement transformation from popular protest, to legal debate, to radical violence, and served as a case study for Puerto Rican politics of statehood and independence movements in the 1970s. The movement provided a platform for Governor Romero to radically assert his statehood claim and to demand the fulfillment of citizenship rights for Puerto Ricans.

**Failure’s Instruction: Intersecting Processes of Protest and Law**

The fishermen’s protests, while ultimately unsuccessful in closing and or altering the bases’ operations, represented a valiant contestation of U.S. hegemony in Puerto Rico. Although the fishermen initially avoided framing their struggles within this context, citing economic grievances instead, their labor served as a compelling and unique metaphor for independence, freedom, and self-sufficiency. The fishermen’s desire to be
self-employed, to utilize the sea as common property, and to be free to support their
families with nothing more than a boat, a line, and the water represented an economic
possibility that was rapidly disappearing during the 1970s. While much of the American
economy transitioned to service sector employment, similar to the economy supported by
the base on Vieques, the fishermen still represented a producer-oriented economy, with
little alienation from their work or product. A self-sufficient, masculine archetype defined
the fishermen within Puerto Rican society and positioned them as ideal resistors to the
Navy’s expansive influence on the island. By framing their dispute as one of economic
rights and the freedom to support themselves and their families, the fishermen deftly
personalized overarching grievances of many Puerto Ricans in order to gain widespread
support for the movement and present themselves as apolitical.

Governor Romero expressed his support for the movement by filing a lawsuit
against the Navy, which eventually conjoined with the Fishermen’s Association. The
governor’s radical action indicated the effectiveness of the fishermen’s strategies of
developing widespread support for the movement. A pro-statehood governor, Romero
attempted to demand citizenship rights from the United States in order to legitimize his
goals for Puerto Rican statehood. By filing the suit, Governor Romero greatly expanded
the publicity of the movement and prompted political debate regarding the fishermen’s
protest. These debates, along with the lawsuit, further broadened the movement, while
simultaneously silencing the voices of the fishermen themselves as the movement
outgrew its grassroots origins. The media’s coverage of the remarkable nature of the suit
eclipsed the mobilizations of the fishermen, while the lawsuit introduced a multitude of
actors and fragmented the fishermen’s initial movement. Additionally, the legal process
diverged from the processes of the social mobilization, both in framing and language, as well as in timeline. This made it difficult for the fishermen to assert a unified and publicized set of grievances, goals, and tactics.

The initial dismissal of the lawsuit, however, reinvigorated activists on the island as the fishermen, residents, and Puerto Rican leftist organizations became frustrated with the length of the process and the dismissal of their concerns. The protests on the island grew and included a multitude of groups, rather than just the fishermen themselves. This resulted in a transformation of the movement over time to include broader themes of Puerto Rican-U.S. relations and Puerto Rican independence. The rhetoric of the fishermen and the Navy became more antagonistic as the protest continued over two and a half years. Simultaneously, both the lawsuit and the protests uncovered debates over whether the U.S. judicial system could, in fact, function as a space to simultaneously contest the U.S. military and while advocating for Puerto Rican citizenship rights. The law defines and maintains U.S. territory and security and the status of Puerto Rican in regards to the United States. Judge Torruella’s dismissal of the suit, due to lack of jurisdiction to override U.S. security imperatives in the interest of the Viequenses, illustrated these inherent contradictions within U.S. legal protest.

The failure of the lawsuit in support of the movement, along with the repression of protesters, and the protracted timeline of the protests radicalized both the protesters and pro-Navy actors. While the fishermen themselves never utilized violent tactics, splinter groups of independistas associated themselves with the struggles on Vieques, radicalizing the movement. Additionally, pro-Navy actors also resorted to violence, proclaiming that the protestors were communists and utilizing Cold War rhetoric to stake
their claims. After the movement radicalized, the fishermen’s protests waned and the dismissal of the appeal defeated the movement and ended the anti-base demonstrations. The Supreme Court confirmed the Navy’s right to continue maneuvers on Vieques and emphasized the extent to which the courts supported the Navy’s hegemonic presence on the island.

The failure of the protest illuminates the difficulties inherent in combining legal action and social protests. While the fishermen succeeded in expanding and transforming their movement, in many ways, this expansion dispersed the goals and tactics of their mobilizations, broadened the grievances and claims towards the United States and eventually radicalized the protest, associating the fishermen’s initial livelihood claims with violent independistas, viewed as terrorists by the United States. This made the fishermen’s protest inseparable from the political realities of Puerto Rico in the 1970s. Beginning as support for independence was in decline, the fishermen’s protest attempted to avoid this rhetoric, however, the underlying issues of colonial power structures and U.S. hegemony at play in Vieques became central to the movement by the end of the protest. Both the protest movement and the subsequent suit against the Navy demonstrated how the interactions between protest, law, and violence can fragment movements, and incorporate more universal societal grievances, distracting the movement from its original goals and losing the voices of its originators.
Chapter Two: Polluted Paradise: Contradicting Interpretations of Land in Vieques, Puerto Rico, 2003-2014

After the Supreme Court dismissed the case brought against the United States by Governor Romero and the fishermen at the beginning of the 1980s, Governor Romero signed a Memorandum of Understanding (MOU), known as the Fortin Accord, with the Navy in 1983, officially ending the protests. The Navy committed to “strive to improve the welfare of the people of Vieques,” by providing the community with full employment through jobs on the base, reemphasizing the concerns of the fishermen regarding the island’s dependence on the Navy and the United States for its development. Within the MOU, the Navy stated its obligation “to be a good neighbor to the people of Vieques,” in exchange for its continued operations on the island. Additionally, the document required that the Navy develop a Management Advisory Committee to oversee environmental issues such as conservation zones, endangered species, noise and historic

2 Ibid.
3 U.S. Congress, House. Vieques Lands Transfer Act of 1994, Presented by Carlos Romero-Barceló. (Calendar Day, February 9), 1994, 103rd Cong., 2nd sess., 1994, H.R. 3831. This bill was introduced at hearing before the Subcommittee on Insular and International Affairs of the Committee on Natural Resources, House of Representatives to authorize and direct the transfer of certain lands on the Island of Vieques, Puerto Rico, to the municipality of Vieques, and for other purposes.
4 The term “good neighbor” originates from President Franklin Delano Roosevelt's inaugural address on March 4, 1933 in which he stated that “in the field of world policy I would dedicate this nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others.” Roosevelt intended this sentiment to speak to U.S.-Latin American relations after a period of military interventions and interventionist policies in the 1910s and 20s. https://history.state.gov/milestones/1921-1936/good-neighbor.
preservation. The committee included representatives from the Commonwealth Department of Natural Resources, the U.S. Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The Management Advisory Committee established by the MOU initiated a relationship between the USFWS and the Department of Defense on the Navy that would eventually define land use policy for the majority of the island up until today.\(^5\) For, when protests against the base forced led to the Navy’s closure of the base in 2003, the Navy transferred the majority of its land to the U.S. Department of the Interior, which placed the land under the purview of the U.S. Fish and Wildlife Service (USFWS) as a Wildlife Refuge.\(^6\) While the Navy officially transferred its lands to USFWS in 2003, the agency, as well as other park services, had been involved in the management of the land on Vieques for two decades prior.\(^7\) This departmental transfer did not change the basic fact that the federal government continued to own and control a vast section of Vieques.

In 2005, the Environmental Protection Agency (EPA) designated the same parcel of land as a Superfund site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, identifying the land as a hazardous waste site and in need of remediation. In this chapter, I investigate how the two seemingly contradictory classifications of national Wildlife Refuge and Superfund site – implying a place at once pristine and polluted – exist and overlap upon the same space.


This chapter analyzes the institutional processes of redefining former lands in order to maintain U.S. hegemony and control on the island. The federal government strategically condoned the dual designations of Wildlife Refuge and Superfund site to reduce the urgency of remediation on the island and reproduce and replicate decades-long systems of land restriction that threaten the livelihoods of the Viequenses.

Expanding upon Katherine McCaffrey’s work on the ramifications of the environmental protection of former naval lands, I examine how the contradictory land use definitions that now categorize the majority of land on island function in tandem to continue to dispossess the Viequenses.8 I build upon McCaffrey’s assertion that environmental justice movements can constitute a struggle against exclusion and marginalization, but make the distinction that although the Superfund designation highlights the toxic ramifications of the Navy’s tenure, it simultaneously justifies the restrictions placed upon the island’s land.9 Exploring two contradictory designations—pristine and polluted—this chapter investigates how the classifications of national Wildlife Refuge and Superfund site work together to shield the United States from the lasting consequences of naval practices, and to allow the United States to oversee and control the remediation on the island—a strategy the United States continued to practice later in the decade through invoking sovereign immunity as I examine in Chapter Three.

The land on Vieques joined a multitude of former military sites on the National Priorities List (NPL) that records all active Superfund sites. Of the around 1,200 current

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Superfund sites listed by the EPA, nearly 900 of these sites are abandoned military facilities or facilities that produced materials and products for the military or supported the military’s needs.\(^\text{10}\) Moreover, according to Robert Durant’s book study on the greening of the U.S. military, 81 percent of federal facilities listed on the NPL belonged to the Department of Defense.\(^\text{11}\) These numbers indicate a troublesome linkage between some of the most toxic sites in the country with military endeavors. Statistics such as these suggest that the imperial ecologies on Vieques, while unique due to the colonial relationship between Puerto Rico and the United States, may be present elsewhere both in the United States and on former offshore military facilities.

More broadly, this chapter focuses on the process of re-defining former militarized spaces. The impressions of previous use often haunt abandoned military and industrial spaces, what some environmentalists refer to as ‘ghost habitats, echoing past structures of power and hegemony in newly articulated manners. In the case of Vieques, the United States utilized the Department of the Interior and the EPA to retain control of former naval lands. While frequently the story of a protest ends once the movement ‘succeeds’ or ‘fails,’ the transitional period post conflict is often still fraught with lingering tensions and unresolved questions. This chapter analyzes the echoes of historical U.S. influence on Vieques within American land use policy post-base closure. The transfer of lands after the closure of the naval base illuminated the partial nature of the Viequenses victory against the Navy and illustrated how the United States used


conservation as a strategy to maintain an ecological empire on the island.

The designations of Wildlife Refuge and Superfund site arose from different origins, agencies, strategies, and imperatives. While one calls to mind images of conservation, virgin lands, untouched beaches, and natural treasures that must be protected from industrial expansion and pursuits of progress, the other evokes images of ravaged, toxic land, already spoiled by the consequences of modernity, militarism, and chemicals and heavy metals. While one policy was handed down from above with little community input (the Wildlife Refuge), the other emerged as a result of demands from the community of Vieques, and from Puerto Rican politicians to protect American citizens from health and environmental danger (the Superfund designation). Today, Viequenses still lack authority to utilize and develop the majority of the lands on their island.

The Superfund cleanup activities have only remediated one-third of the designated land on the island. With the rise of touristic development from external sources driving up land prices and costs of living, the people of Vieques continue to struggle to thrive or, in many cases, survive—as I will address in Chapter Three. The transfer of lands directly after the closure of the base built upon land use and health developments during the 1980s and 90s and situated Vieques as one case of many in the U.S. Department of the Interior’s history of dispossession. I argue that the management of the Wildlife Refuge and Superfund site function in tandem to oversee and regulate the majority of the land on the island.

1980s Vieques saw little cohesive resistance against the Navy after the failure of the fishermens’ protests at the start of the decade; however tensions remained high
between the general populace and the Navy. In 1988 Rafael Cruz Pérez, an engineer born on Vieques, released a report that uncovered three different sources of contamination resulting from the Navy’s activities on the island: the chemical composition of the missiles' charge and their reaction composition, the particles of dust and rock that are thrown into the atmosphere as a result of the projectile's impact/explosion, and the metallic residues left by the projectiles when they fragment.\textsuperscript{12} Cruz Pérez’s study found high levels of explosive contaminants in the local drinking water.\textsuperscript{13}

A year later, in 1989, 500 people seized and occupied approximately 800 acres of unused military lands. By far the most organized demonstration of the decade, the leaders framed their actions as a move in self-defense to ensure the survival of the Viequenses. However, the movement died quickly a few weeks later in the face of infighting when many protesters proved to be more interested in selling off seized lots to international developers.\textsuperscript{14} This brief demonstration emphasized both the continued value and importance of land on the island, as well as the disillusionment of the community after a decade of little mobilization on the heels of an unsuccessful movement.

The early 1990s on Vieques witnessed several developments both in anti-base mobilization and land use policy on the island, reminiscent of previous debates in the 1970s and 80s, and foreshadowed the land struggles to come post-closure. In 1993, the

\textsuperscript{12} According to the Cruz’s bio at the beginning of the report, Rafael Cruz Pérez is a native of Vieques originally and worked as an environmental consultant. Additionally, Cruz Pérez served as an artillery officer in the United States Army. Rafael Cruz Pérez, “Contaminación Producida Por Explosivos Y Residuos De Explosivos En Vieques, Puerto Rico,” \textit{Dimensión}, June 1988. Found by author in the archives at El Fortín Conde de Mirasol, Vieques,\textsuperscript{13} Cruz Pérez’s study has been cited extensively by anti-base movement leaders after it was released and during the protests in the 1990s. For some examples see “Navy drops Napalm on Vieques,” Robert Rabin, “Vieques: An Ecology Under Siege,” Robert Rabin, and the United States Committee on Energy and Natural Resources, Senate Testimony by the \textit{Comite Pro Rescate Y Desarrollo de Vieques}, May 6, 1999.\textsuperscript{14} Katherine McCaffrey, \textit{Military Power and Popular Protest: The U.S. Navy in Vieques, Puerto Rico} (New Brunswick: Rutgers University Press, 2002), 103.
Comité pro Rescate y Desarrollo de Vieques (the Committee to Rescue and Develop Vieques) formed after five bombs were dropped six miles off-target, landing in the buffer area between naval and civilian areas.\footnote{Ibid., 124.} This group’s name referenced back to the Crusade to Rescue Vieques from the 1970s, as discussed in Chapter One, and attempted to revitalize organized mobilization against the base. In 1994, shortly after the committee’s founding, now Resident Commissioner (and former governor and leader of the 1970s lawsuit against the Navy) Carlos Romero Barceló introduced an act in congress to transfer 8,000 acres of federal lands on the western side of Vieques back to the municipality of Vieques to be used for “public purposes” as decided by the residents of the island.\footnote{U.S. Congress, House. Vieques Lands Transfer Act of 1994, Presented by Carlos Romero-Barceló. (Calendar Day, February 9), 1994, 103rd Cong., 2nd sess., 1994, H.R. 3831. The Resident Commissioner of Puerto Rico is a non-voting member of the house of representatives who is elected to a four-year term of service. Puerto Rico is the only U.S. territory to hold this position.} Known as the “Vieques Lands Transfer Act of 1994,” the bill represented the first attempt by Romero to support the cause in Vieques after his approval of the MOU in 1983 officially ended the fishermen’s struggle. The committee supported this act, while explicitly acknowledging the initiative was “the initial step for the recovery of land in Vieques,” rather than a final outcome.\footnote{Statement of Dr. Rafael A. Rivera-Castano. U.S. Congress, House. Vieques Lands Transfer Act of 1994, Presented by Carlos Romero-Barceló. (Calendar Day, February 9), 1994, 103rd Cong., 2nd sess., 1994, H.R. 3831, 115.}

The Navy’s strong opposition to the bill led to its eventual demise in U.S. congress. Rear Admiral Ernest E. Christensen, Jr., Commander, Fleet Air Caribbean gave the Navy’s statement against the act, framing the decision as an issue of “whether the ammunition which is stored on the western side is worth more than the municipality of
Vieques to this Nation than to the Nation in its national defense.” Christensen proceeded to unequivocally state the primacy of the value of the base over the municipality, leaving little space for the consideration of the worth of the Americans living on the island. Christensen’s statement directly opposed Romero’s emphasis on the Navy’s good neighbor agreement in the MOU and disregarded the longstanding struggle for land rights by the people of the island. As Romero articulated on the House floor, “the people of Vieques want to control their future and that future cannot be separated from their land.” This act however, was unable to garner the votes necessary and the self-determination so desired by the Viequenses remained out of reach, a trend that would continue on the island into the 21st century.

The Navy reframed the base on Vieques as the stronghold for U.S. drug policy in the Caribbean during 1980s and 1990s. Known for their ample coastlines, these Caribbean nations served as transit points for cocaine and marijuana being transported largely on small speedboats, cargo containers or privately owned fishing boats, with the occasional use of small aircrafts. It is estimated that in the 1980s, approximately 10% of U.S. cocaine was carried through the region. In 1994, the same year the as the Vieques Land Trust Act, the United States announced its intent to construct a Relocatable-Over-The-Horizon-Radar (ROTHR) installation in Vieques. The constructed the ROTHR to scan aircrafts in transit through the Caribbean, searching for drugs and contraband

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moving into the United States. This radar demanded a sizeable expansion of facilities in Vieques and solidified the base’s anti-drug significance. While the Viequenses contested the radar, the project proceeded as planned. Residents expressed concerns regarding the health risks of the radar after charred plastics and animal remains were found near the facility. The invisible threat of radio frequency rays shooting across the island, with little known about their impacts on the island or its residents, serves as a cogent metaphor for the opaque nature of ecological empire.

In 1999, after the death of David Sanes Rodríguez in a training mishap in which two 500-pound bombs missed their mark by a mile and a half, civil disobedience protests emerged involving a multitude of Puerto Rican and U.S. advocacy organizations. These protests, while broken apart by federal marshalls in May of 2000, led to debates in Washington D.C. that culminated in President George W. Bush announcing his plan to halt all military exercises on Vieques in 2003. Bush acquiesced to mounting pressure from advisors concerned about the Latino vote on the mainland, while giving the Navy ample time to wind down their operations on the island. While this decision appeared to be a victory for the movement, after September 11th, 2001, opposition leaders were concerned that Bush would revoke his verbal commitment in light of new global

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threats. The base, however, did officially close in 2003, ending the Navy’s operations on the island, but not freeing the Viequenses from U.S. jurisdiction on the island.

**Reinscribing the Wild: The Creation of Vieques National Wildlife Refuge**

On April 30th, 2003, at noon, the Navy, under the supervision of Rear Admiral Michael K. Loose and pursuant to the Spence National Defense Authorization Act, terminated all Navy and Marine Corps operations on Vieques. The next day, the Department of the Interior established the Vieques National Wildlife Refuge (NWR). This land transfer occurred without any reimbursement from the Department of the Interior to the Navy, and the department immediately acquired jurisdiction, custody, and control of these lands. The map below from the USFWS shows the Wildlife Refuge areas:

![Map of the Vieques National Wildlife Refuge](http://www.fws.gov/caribbean/Refuges/PDF/Vieques.pdf)

**Figure 5:** Map of the Vieques National Wildlife Refuge from the Vieques National Wildlife Refuge website. [http://www.fws.gov/caribbean/Refuges/PDF/Vieques.pdf](http://www.fws.gov/caribbean/Refuges/PDF/Vieques.pdf).

The lands from the Navy consisted of 14,573 acres on the Eastern tip of Vieques, and

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25 Ibid., 174.
3,100 acres on the Western side that now constitute the Vieques Wildlife Refuge.

Many Viequenses objected to this transfer, arguing that the Wildlife Refuge, while preserving ‘wild’ land for some (predominantly mainland) Americans on vacation, restricted others from making a living. These claims echoed past grievances expressed by the fishermen. The fishermen explicitly contended that they had a right to make a livelihood off of the islands lands and waters. They asserted that naval presence on the island restricted their ability to fish the surrounding waters and that naval maneuvers affected the marine habitat and threatening their ability to make a catch. While unsuccessful in either closing the base or altering naval procedure, the fishermen’s framing of their grievances within the context of a right to work, and right to develop, framework resurfaced after the reappropriation of naval lands on Vieques.

The Viequenses asserted that the creation of a Wildlife Refuge on former Navy lands constituted a continuation of U.S. policies designed to keep the Viequenses from controlling the majority of the land on the island. Instead, they argued that the government maintained control of who accessed the land, how the land would be developed, and how the land was presented in the public and touristic spheres. One of the lead organizers of the 1999 protests, sparked by the death of a civilian, and a member of the Committee for the Rescue and Development of Vieques (CPRDV), Robert Rabin, wrote before the closure of the base that portions of the land “must be designated for housing and others for conservation and preservation,” to achieve a balance between economic and environmental concerns.\(^\text{27}\) He argued that, “Vieques must not be turned

\(^{27}\) Robert Rabin, “Development of a Free Vieques,” www.vieques-island.com/navy/freevqs.html. The Comite Pro Rescate y Desarrollo de Vieques (committee for the Rescue and Development of Vieques) was founded in 1993 with the stated purpose to end the bombing and other destruction of Vieques by the United
into some type of National Park for the benefit of tourists, ignoring the needs of the people of Vieques who must have access to land for farming, and other economic development projects.  

Rabin’s perceptive warning uncovered a critical gap between the rhetoric of politicians and officials, attempting to move past the struggle of the protests and move forward, and the attitudes of the residents of Vieques looking forward to their economic future and to the future of their lands.

The creation of the Wildlife Refuge on Vieques, therefore, served as a more contemporary illustration of a pattern of dispossession undertaken by the U.S. Department of the Interior (DoI) that began with the creation of the national parks system in the mid-nineteenth century. Mark David Spence’s analysis of the dispossession of native lands during the formation of the nation’s first national park in Yellowstone examines how the laws and policies surrounding land preservation “have reified a certain conception of wilderness” as a space devoid of humans and human interaction, as well as a space of leisure. This understanding of wild left little space for human labor or development linked to the land for the native populations who resided either within or nearby these lands. The Viequenses faced this same dilemma once the Navy transferred its lands to the DoI, and continued to obscure the livelihoods of the residents of the island.

In contrast, the website and in promotional materials of the U.S. Fish and Wildlife Services presents the land of the Refuge as a diverse ecological environment that

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29 Mark David Spence, Dispossessing the Wilderness (Oxford: Oxford University Press, 1999), 70.
warrants being preserved. President Theodore Roosevelt established the first National Wildlife Refuge by executive order in 1903 and intended Wildlife Refuges to promote conservation and recreation by preserving specific wilderness areas for public use and enjoyment.  

Housed under the Department of the Interior, the USFWS now maintains Wildlife Refuges across U.S. territories. The USFWS lauds the Refuge on Vieques as one of the “most ecologically diverse Refuge(s) in the Caribbean,” and states that the objective of the Refuge is “to maintain this rare local subtropical dry forest habitat and wetlands ecosystem for resident and migratory birds and rare and endangered species.”

Promotional materials advertise Vieques’ coral reefs and seagrass beds existing in the surrounding waters, and state that the Refuge is home to at least five plants and ten animals on the endangered species list. Additionally, USFWS states that the Refuge seeks to protect important archeological and historic sites that house artifacts of Taino culture and sugar cane production. However, nowhere on the fact sheet is there any mention of the legacy of the Navy within the space of the Refuge; neither is there an

30 The Refuge system continued to grow throughout the 20th century. Congress passed numerous rounds of legislation to solidify the jurisdiction of the Refuge system over acquisition and development of earmarked lands, and to fund the creation of a more expansive Refuge system. The Migratory Bird Conservation Act passed in 1929 and further established a ‘Refuge System’ within the Department of the Interior, and created a one-dollar Federal hunting stamp to fund the conservation of land in order to protect migratory bird habitats. After this bill was passed into law, in 1934 the Duck Stamp Act passed through congress and increased the price of stamps, serving as a stimulus for the Refuge System. This bill also opened up certain lands within the refuges for hunting. In the same year, J. Clark Salyer II was assigned to direct the fledgling refuge program and over the next thirty years selected lands to be incorporated into system, and campaigned for their acquisition by the federal government. The Fish and Wildlife Act of 1956 broadened the authority of the refuge system to acquire and develop refuges, and in 1962, Congress passed the Refuge Recreation Act of 1962 which authorized the recreation use of refuges as long as its’ use did not compromise the primary purpose of conservation.


32 In 1973, Congress passed the Endangered Species Act that provides protective measure for endangered species. The law specifies that habitats of endangered species can be designated as Wildlife Refuges in order to protect these species. Since the law was passed, over 25 new refuges have been added under this act.

emphasis on ‘preserving’ this history, or even an acknowledgement of its impact on the lands in question.

In the more expansive brochure for the Wildlife Refuge, the absence of the Navy is also apparent. The brochure briefly mentions the history of the Navy’s presence on Vieques, explaining that, “during the 40’s, approximately 26,000 acres were expropriated by the U.S. Navy for use as a base and training facility. Many Viequenses were relocated to other areas of the island such as Monte Santo and Santa Maria. Later, others were displaced to St. Croix.”34 While this acknowledges the land’s history of naval presence, there is no mention of the training exercises conducted upon these spaces, or the unexploded ordinances, heavy metals, and other hazardous materials that the Navy used and left behind in its wake. The displacement of Viequenses by the Navy never appears again in the USFWS literature about the Refuge, and no mention is made of the current residents of the island and their restricted access to the Refuge today.

Instead, the brochure goes on to delineate the variety of ecological habitats encompassed within the area, the multitude of avian, mammalian, amphibian and marine life that live within the lands, and visitor opportunities to explore the ‘wild.’35 Oriented towards providing “a safe environment for wildlife-oriented public use and enjoyment,” no mention is made of limited possibilities to work, fish, hunt, or develop these lands for the Viequenses themselves.36 The lack of discussion of community use of the land reflected the U.S. visions for the land as primarily wild and recreational, rather than as developable terrain to build a Viequenses- led economy. This language also erased

35 Ibid.
36 Ibid.
inhabitants from the foreign imagining of the island, expanding upon Rebecca Solnit’s observation that “the gap between our view of landscape and of history is full of lost stories, ravaged cultures, obliterated names.” The USFWS publicity materials solidly reinforced this gap—nowhere in these publications are the names of Carlos Zenón or the Fishermens’ Association—rather the materials focus on the landscape and ecology of the park, without including residents within this ecology.

Many members of congress lauded the departure of the Navy from Vieques in 2003 as a landmark success of popular protest in the face of military might. Aníbal Acevedo Vila, the Puerto Rican Resident Commissioner in the U.S. House of Representatives proclaimed on the day of the Navy’s departure, that:

For the first time in over 60 years, Viequenses awoke this morning, their island not having been bombed last night, the island not to be bombed today, and knowing for certain that the island shall never be bombed again. Now the shore of Vieques will be dominated only by the sound of the surf, the birds, and the wind.

This proclamation again emphasized the natural beauty of the island as the defining characteristic of the land. Acevedo-Vila accentuated the ecological bounty of the island, rather than the vestiges of its militarized past. Similarly, in a speech on the floor of the House during the same year, Alcee L. Hastings, a representative from Florida, echoed these sentiments. “These days, we hear so much about weapons, terrorism, and the military,” stated Hastings, “it warms my heart that the sounds of exploding bombs has been replaced by the laughter of children enjoying hiking, cycling, wildlife observation,

swimming, and fishing.” Hastings juxtaposed post-September 11th conversations of weapons and terrorism with the transition of the former base into an area where children frolic in the wild. These images attempted to transition the discourse surrounding Vieques away from U.S. militarism, imperialism, and popular protest, and towards a narrative that uplifted the natural beauty of the island, and framed the island as a space of pleasure, leisure, and wild beauty. This reframing of the island as a space of leisure however, left little room for those who work and labor on the island to be included within this new narrative. Similarly to the fishermen in Chapter One, the work and labor of the Viequenses is both hindered and silenced by the imagining of the island as a paradise, as before when it was imagined as a training ground.

Many island residents asserted that the Wildlife Refuge designation perpetuated what they saw as a decades-long tradition of economic and imperial dispossession. The 1960s environmental activist Rachel Carson had defined the “land behind the sign” of the Wildlife Refuge as “dedicated by the American people to preserving, for themselves and their children, as much of our native wildlife as can be retained along with our modern civilization.” But from the perspective of the Viequenses, preserving ‘as much of our native wildlife’ as possible meant continuing a tradition of excluding the American people living on the island from developing the land and benefiting from the island’s resources. The Refuge occupies the majority of land on the island, as was the case in the Navy’s previous tenure on the island. The Viequenses’ historical inability to develop these lands caused economic hardships for residents of the island. In 2004, a year after

39 Ibid.
the creation of the Wildlife Refuge, 64.6 percent of the almost 10,000 residents lived in poverty.\(^{41}\) Residents argued that the lack of access to all the lands on the island and the restricted ability of the Viequenses to develop the island fully for tourism hindered economic prospects on the island, much like the fishermen did thirty years prior.\(^{42}\) The absence of opportunities for the Viequenses to earn a comfortable livelihood demonstrates the corporal consequences of imperial ecologies.

The Refuge on Vieques takes part in a trend in the late twentieth and twenty-first centuries of labeling as ‘wild’ lands that were rendered toxic due to defense and military initiatives. Currently, Wildlife Refuges in Colorado and Illinois lie upon former Department of Defense (DoD) sites used to manufacture chemical and explosive weaponry respectively-- both designated as Superfund sites by the EPA.\(^{43}\) A third Refuge in New Jersey is situated upon a former asbestos dump site.\(^{44}\) This phenomenon represents a shift in the American historical and cultural conceptions of wild within a new context of reclamation and restoration of lands soiled by progress and might, rather than a preservation of virginal pure lands at risk of corruption. The policies of the U.S. DoI, DoD, and EPA cooperate to promote this conceptual shift.

\(^{42}\) Carlos Romero-Barceló asserted in his statement before the House in the 1994 Vieques Lands Transfer Act hearing that, “lack of control of over two-thirds of the island by the local authorities is widely recognized as the principal cause of Vieques’ economic and social woes. Trying to find a solution to the current problems, the local planning board and the municipal government have engaged and commenced the implementation of a tourism industry strategy. The truth of the fact, however, is that this gloomy economic picture can only be improved if and when the municipal government acquires sufficient lands to develop the required infrastructure for the implementation of this strategy.” Vieques Lands Transfer Act of 1994, Presented by Carlos Romero-Barceló. (Calendar Day, February 9), 1994, 103\(^{rd}\) Cong., 2\(^{nd}\) sess., 1994, H.R. 3831 8, 13.
After the creation of the Wildlife Refuge, the CPRDV sent a letter to the National Association of Latino Elected and Appointed Officials, an organization of Latinos in the United States involved in local and federal politics, contesting this re-designation of former Navy land as Wildlife and Fisheries territory. The CPRDV argued that the federal government should not control this land at the expense of local economic development. They posit that the creation of a Wildlife Refuge on over 17,000 acres of the island prevented the islanders from full access to the natural resources and land of their island, perpetuating the problems faced by the fishermen in the 1970s. Nilda Medina, the spokesperson for the CPRDV, proclaimed, “we demanded--and still do--a return of the land to the people of Vieques.”45 She asserted, “the Navy’s long-overdue departure from Vieques was a huge victory for our people… However, it is only the first battle in the overall struggle to right the wrong that has taken place.”46 These critiques of the Refuge came directly from the residents of the island itself, rather than from politicians in San Juan or Washington, illustrating the will of the local people with regards to the designation of their former lands. The CPRDV celebrated the victory of the base closure and the success of the popular protest; however, they also struggled to refocus these celebrations on their initial claims and goals —the return of the land to the people in Vieques to work and develop as they see fit.

Hazardous History: The Legacies of Environmental Degradation in Vieques

The CPRDV, as well as many Puerto Rican and mainland politicians, described persisting environmental, ecological, and health concerns due to hazardous materials left

46 Ibid.
behind in the Navy’s wake – suggesting the incomplete success of the base’s closure. In the CPRDV’s letter, Medina explained that, “in their 62 years of bombing here in Vieques, the Navy used everything from live bombs, napalm, and depleted uranium, just to name a few toxins and chemicals.” The deployment of these chemicals on Vieques, Medina argued, created widespread health problems on the island. Medina stated that the Viequenses “continue to suffer and struggle with what the Navy caused and left behind after their 62 years of exploiting our people.” The film, Vieques: Paradise Lost, produced in 2003, as well as organizations such as the League of United Latin American Citizens, La Raza, and many other Latino and community-based organizations, cited the health hazards of the leftovers of naval presence on the population of the island. The persisting environmental and health concerns on the island after the departure of the Navy contradicted the message promoted by the creation of a Wildlife Refuge on former Navy lands. The images of napalm, toxins, and cancer put forth by many living on Vieques radically contrasted with images of children playing in the wild lands, beaches and oceans of the island.

The environmental and health risks caused by chemicals and toxins left in the Navy’s wake caused then Governor of Puerto Rico, Sila Calderón, to request that Vieques be designated as a Superfund site in 2005. Established in 1980, the Superfund is the environmental program that addresses abandoned hazardous waste sites and allows the EPA to clean up and remediate these sites and to compel responsible parties to

perform cleanups and/or reimburse the government for EPA-led projects. The Superfund program defines a site as a candidate for cleanup based on its “risk to human health or the environment or both,” with both being the case on Vieques.

The cleanup process for Superfund sites is often quite involved, expensive, and slow-moving. First, the site is assessed and then placed on the National Priorities List for the EPA, then the Agency proceeds to either conduct or oversee removal and remediation actions, enforce action against potentially responsible parties, involve the community, and ensure long-term protectiveness over the area involved. The Superfund designation identifies some of the most severely polluted and toxic sites in America and attempts to hold responsible individuals, organizations, and corporations accountable for the toxicity found within these sites.

The push to designate former Navy lands as a Superfund site resisted the narrative put forth by the Department of the Interior that these lands were pristine wild to be preserved, and instead painted the territory as a post-militarized, dangerous, and toxic frontier that needed immediate containment and remediation. In his speech commemorating the one-year anniversary of the departure of the Navy from Vieques, Aníbal Acevedo-Vila, Puerto Rican Resident Commissioner in the U.S. House of Representatives, capitalized on his floor time in front of the House to advocate for the Governor’s Superfund request. He stated that, “although the Navy has left Vieques, much remains to be done before the residents of Vieques have the peace and justice they

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50 Ibid
51 Ibid.
52 Ibid.
Acevedo-Vila’s appeal highlighted the incomplete victory of the Navy’s departure, for while the Navy itself was gone, their weapons, materials, and residues remained, impacting both the land and the people of the island. In February of 2005, the Governor of Puerto Rico signed an act that allowed the EPA to add portions of former naval lands to the Superfund National Priorities list.

The Wildlife Refuge and the Superfund site were conceptualized and established two years apart from one another and through differing governmental departments; however, these agencies communicated and worked together to determine land use policy on the island. Regionally, the two designations differ administratively as the USFWS include Puerto Rico within their southeastern branch, while the EPA situates Puerto Rico within Region 2, which encompasses New Jersey, New York, Puerto Rico and the U.S. Virgin Islands. While the management structures of the departments differed, in order to manage the same parcel of land, all organizations developed a Federal Facility Agreement in 2007 to allocate the responsibilities of each party. Established by the EPA, the Navy, the Department of the Interior, and the Commonwealth of Puerto Rico, the agreement delineated the cooperation between all parties in managing the cleanup process, restricting public access to hazardous areas, and enforcing these restrictions.

This outlined a cohesive strategy between these government agencies, in conjunction with Puerto Rico, to control land use within the refuge’s borders.

The EPA identified extensive amounts of both unexploded ordinances, as well as

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remnants of exploded ordinances, in the former range area of Vieques and in the surrounding waters. Working with the EPA to develop and implement a remediation plan, the Navy led and continues to lead the bulk of the cleanup programs. The Navy split the remediation of 37 areas of concern into two programs, the Munitions Response Program (MRP) and the Environmental Response Program (ERP), with the MRP responding to any munitions related contaminations and the ERP assessing any more typical chemical contamination sites. As of April 2014, the Navy has spent approximately $190 million on its remediation work under these two programs in Vieques. The Navy shouldered the funding of the majority of the cleanup process, indicating the Navy’s culpability for the hazardous materials and chemical contamination of large swaths of the island.

As one of the core principles of the Superfund’s mission, the Navy attempted to engage the local population in the remediation process, but this involvement has been strained and led to mixed results for residents. Navy contractors hired local residents to conduct work on the multiple sites and trained thirty-one residents to be unexploded ordnance technicians. The EPA estimates that the Superfund cleanup activities contributed approximately $41 million to the local economy of the island. In 2014, around 50 Viequenses were still employed on the site, and made up around two-thirds of the total workforce. However, the jobs created were unsustainable for the Viequenses, for, after remediation work is completed, it is doubtful that there will be high demand for unexploded ordnance technicians. The Navy’s creation of 50 jobs within a population of roughly 9,000 people is significant, however, it also replicated former employer-

56 Ibid.
employee structures in place before the closure of the base. Historically, Viequenses provided the service sector labor for the base community while being exposed to potentially harmful materials, noises, and risky maneuvers. Additionally, these jobs also exposed workers to potentially toxic and dangerous materials. These service sector jobs created by the EPA reinforced economic dependency on the mainland that the Navy instituted during its residency on the island.

Although the EPA added Vieques to the National Priorities List, the newly instituted Superfund site entered into a hostile climate for environmental politics. Midway through George W. Bush’s presidency, Democrats in Congress expressed concern about Bush’s environmental record. Representative Raul Grijalva from Arizona stated that “the George W. Bush Presidency is the worst environmental Presidency in the history of this country.”\textsuperscript{57} Other members of congress echoed the strong indictment of the President’s environmental policy, citing lack of regulations, lack of concern for the health of the population, and the threat to clean air and water resulting from this deregulation. John Dingell, a representative from Michigan, spoke about the “extreme, anti-environment agenda” in reference to the Superfund specifically, citing concern over the transfer towards a ‘pay the polluter’ model, rather than the ‘polluter pays’ model that previously functioned under the Clinton administration.\textsuperscript{58} He also criticized the decline in efficiency and expediency within the program, with the average completed site cleanup per year declining 45 percent, from 87 in the late 1990s, to 40 in 2003. This decline in

\textsuperscript{57} U.S. Congress, House of Representatives, \textit{Earth Day. April 22, 2004}, 108\textsuperscript{th} Cong., 2004, Congressional Record.

\textsuperscript{58} U.S. Congress, House of Representatives, \textit{Earth Day. April 22, 2004}, 108\textsuperscript{th} Cong., 2004, Congressional Record. Representative Dingell states that in 1995, the Clinton administration paid for 82 percent of cleanups from the Superfund Trust Fund, which is funded by polluter-paid fees, while under the Bush administration emptied the fund, placing the payment for cleanups upon the tax base.
both funding and productivity of the Superfund program in 2003 created a difficult atmosphere the Vieques remediation proposal.

The cleanup of Vieques proved to be a glacial endeavor, reinforcing some of these criticisms from the Democratic congressmen. Although the Navy spent and continues to spend significant funds on the Vieques Superfund process, to date, the Navy has only cleared approximately 3,109 out of an estimated 9,000 acres of former naval lands. Much of the unremediated land is still restricted from public use due to the possible presence of munitions and unexploded ordinances. In addition, the National Oceanic and Atmospheric Administration (NOAA) and the Navy have partnered on pilot studies to assess the technologies available for detecting underwater munitions to account for the presence of sensitive coral reef ecosystems; however, these studies are ongoing and the Navy has not commenced any cleanup activities.\(^{59}\) The sluggish pace of the cleanup, mired by pilot projects and extensive preliminary assessments prior to implementation, leave much of the so-called pristine, tropical, Caribbean habitats inaccessible due to their danger to both local residents and tourists.

**Contradictory Connotations: Overlapping Divergences of Land and Space**

The simultaneous re-inscription of former Navy lands as both a Wildlife Refuge and Superfund site is explicitly contradictory. In many ways, this contradiction originated from the reality that these classifications developed as part of unrelated policy processes. However, the Federal Facilities Agreement ensured that all departments active in managing former naval lands interwove their policies in terms implementation, allowing

for greater interdepartmental cooperation. This afforded the United States an opportunity
to develop a cohesive land use strategy. The U.S. Fish and Wildlife Services, therefore,
restricted visitors from entering potentially hazardous sites and managed the flow of
people through the refuge in coordination with both the EPA and the Navy, displaying
this cooperation in practice.60

The interaction between these entities, as well as the initial transfer of land from
the Navy to the Department of the Interior, demonstrated the United States’ restriction
and control of the majority of the land on Vieques and continues a legacy of colonial
power structures that have defined United States-Vieques relations for the past 77 years.
Both designations bolster the oversight and control of land by the United States, and limit
the use of the land by the surrounding community displaying ecological empire in
process. The creation of a Wildlife Refuge upon former Navy lands excluded the
Viequenses from leading the development of the land for either work or leisure. Instead,
the United States constructed a barrier, in the form of the Wildlife Refuge, between the
potentially hazardous remnants of naval activities and the population. The refuge created
a transitional grace period for the Navy and attempted to deter rumors of or objection to
the incomplete reality of naval departure.

By maintaining consistent control of the majority of lands on the island, the
United States created a de facto safeguard against any repercussions arising from the
Navy’s occupancy of the land. Therefore, once the Governor, as well as many other
politicians and community members, petitioned for a Superfund site, the Wildlife Refuge

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60 United States Environmental Protection Agency, Region II, United States Department of the Navy,
afforded the government the opportunity to oversee and manage its application. In this way, the United States utilized the term wilderness strategically, to denote a space where humans are either unwelcome, or, as stated in the Wilderness Act of 1964, “where man himself is a visitor who remain.” In the case of Vieques, the United States strategically defined former naval lands as a space where man is not permitted to remain to protect his own safety.

The continued control of the use, access, and management of land on Vieques directly contests American imaginaries of the wild as a ‘pure’ and ‘untouched,’ depoliticized space, and instead imagines the wild on Vieques as a highly political and constructed reality—an imperial ecology. While the Puerto Rican demand for Superfund recognition attempted to uncover this conflicted wild by highlighting its toxicity, the EPA’s inefficient cleanup efforts, and service-oriented approach to community involvement, again reproduced patterns of colonial dependency between the United States and the Viequenses. The reinscription of land after the closure of the base allowed the United States to reinterpret and shift its land policies towards in order to maintain colonial, institutional, and environmental oversight, of the land on the island, reflecting the preeminent dynamics of the relationship between the United States and Puerto Rico throughout the 20th century.

Chapter Three: The Navy Can Do No Wrong: Life, Liberty and Sovereign Immunity on Vieques

While the federal government redefined the status of former military lands on Vieques, the people of the island continued to assert their agency as U.S. citizens by filing suit against the Navy to gain compensation for damages rendered as a consequence of the Navy’s actions. This chapter investigates the Sanchez vs. United States of America class action lawsuit filed in 2007 by a collection of 7,125 individuals and estates from the community of Vieques who sought financial compensation for widespread injuries and permanent damage resulting from the U.S. Navy’s operations.¹ As in Chapter One, the Viequenses turned to legal avenues to assert their rights as U.S. citizens. However, while the 1970s lawsuit attempted to modify the Navy’s actions, the 2007 suit sought compensation for damages rendered both during and after the Navy’s tenure on the island. A U.S. Court of Appeals dismissed the Sanchez et. al suit in 2012, resulting in no compensation for the residents of Vieques—also reminiscent of the earlier 1970s suit. The ruling cited sovereign immunity as the grounds for dismissal, in many ways explicitly confirming and defending U.S. occupation and authority on Vieques previously displayed, both in the fishermen’s war and the land transfer post-closure.

¹ Civil Action No. 3:09-cv-1260, 5/18/2009: 1. From here on, I will be using this citation format to cite the case documents. As all documents pertain to the same case, their civil action number is the same, and I include the date to differentiate between documents.
In this chapter I argue that the Viequenses case laid bare the realities of ecological empire on the island. The residents’ argument indicted the restrictions to land access and land use as indicative of a larger strategy of dispossession and control that the U.S. Navy did not acknowledge within its discourse. The Navy’s disavowal of these processes illustrates Rob Nixon’s assertion that “it is a pervasive condition of empires that they affect great swathes of the planet without the empire’s populace being aware of that impact.”\(^2\) For, as the Viequenses recognized and contested the systemic and embedded imperial ecology defining their daily lives and livelihoods, the United States did not acknowledge these processes on the island.

In my analysis of the legal briefs from both sides of the conflict, as well as letters and transcripts of congressional hearings, I found that the language used by the two parties and the ruling of sovereign immunity explicitly illuminated inherent disparities in power and issues of neocolonial global environmental and legal inequalities. The citizens of Vieques focused on the negligence of the United States and lack of community consultation, to advocate for compensation for damages and access to land on the island. Conversely, the United States successfully justified its actions on Vieques by emphasizing the military imperative of the base. The Navy argued that the U.S. military in this case was above reproach under the doctrine of sovereign immunity.

The legal doctrine of sovereign immunity—originating as a holdover of from British law—illustrates how laws compose “arenas of authority and official knowledges

of ecologies that may be re-written and resisted,” and constitute an artifact of their time.\(^3\) This idea highlights the concept that laws are not infallible, but rather can be seen as artifacts or social constructs, lacking the relevance and temporality they may once have carried. The nation constructs laws within a specific cultural context and therefore these laws often require revision or reimagining. The legal system, however, is often slow to adapt to societal changes, making it difficult for popular protest to flourish within these flawed and hegemonic systems. Moreover, Hannah Arendt asserts that national interest had gained priority over law as a result of the rise of imperialism, indicating a diminishing importance of the legal system in the modern era.\(^4\) The Juanita Sanchez et. al case contradicts this assertion, rather illustrating how the doctrine of sovereign immunity reinforces and enacts U.S. imperial ambitions, concretizing the significance of law for U.S. empire in Vieques.

The Vieques residents framed their grievances by arguing that the Navy failed to warn the residents of the island of the environmental and health consequences of the base’s operations. These plaintiffs claimed damages and cited eight causes of legal action-- negligence, wrongful death, survival, negligent infliction of emotional distress, trespass, nuisance, civil taking and fear and fright. Juanita Sanchez, who originally filed the lawsuit on behalf of the more than 7,000 plaintiffs, filed the suit on behalf of her minor child, Debora Rivera-Sanchez.\(^5\) The suit alleged that hair tests performed on nine-

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year old Debora found toxic levels of lead, cadmium, and aluminum and that she suffered from anemia and severe stomach problems. The Viequenses contended that many on the island experienced similar or more severe health problems resulting from the Navy’s actions on the island.6

Claiming that these health problems constituted injuries to the population, residents requested that the United States provide financial compensation for the damages rendered by the Navy. Health problems have plagued other populations residing nearby former military installations in other offshore locations. On former Subic Bay Naval Facility and Clark Air Base lands in the Phillipines, both closed in 1992, many pregnant women experienced miscarriages and numerous children were born with disabilities or diagnosed with cancer.7 In 1993, the World Health Organization confirmed that areas in Subic Bay were polluted with toxic chemicals, fuels, pesticides, and unexploded ordnance that residents believe caused these problems.8 In the former nuclear test site of the Bikini Atoll in the Marshall Islands, both residents and tourists are concerned with whether or not former testing lands are really safe, displaying distrust in the scientific data presented by U.S. experts and government officials. For, while a recent study on the radiation levels on the island registered below the international standard of 100 millirems, the Bikinians later realized that the standard used by the EPA domestically was only 15

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7 Bayanihan Foundation Worldwide, “Toxic Wastes Left Behind at the former US Military Installations in Clark and Subic, Philippines.”
millirems, uncovering a troublesome policy discrepancy.⁹ Both the Filipinos living near Subic Bay and the Bikinians filed class action lawsuit to gain compensation for damages rendered, as did the Viequenses in 2007.¹⁰

In response to the Viequenses suit, the United States successfully cited sovereign immunity to contest their claims-- employing the two discursive prongs of discretionary conduct and public policy imperatives. The two differing and competing narratives illuminated disparities of power between the Vieques movement and the U.S. government. These divergent arguments also indicated a difference in perception between the Viequenses and the United States. While the Viequenses identified a pervasive and systemic process of dispossession and environmental degradation, the United States refused to acknowledge these claims and instead focused on the national security need for the base and the technical aspects of the Navy’s obligations to the residents of the island. However, the Viequenses’ arguments focused on the indirect and embedded realities of the imperial ecology as being “incremental and accretive,” and therefore difficult to pinpoint or prove within a court of law.¹¹ Moreover, the impunity provided by the doctrine of sovereign immunity cited by the United States widened the legal disparities within the case. I argue that the hidden and protracted processes of imperial ecology along with the colonial imbalances of power within U.S. law rendered the U.S. legal

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system an inadequate avenue for advocating for reparations and furthering popular protest for the Viequenses.

The attempt by the citizens of Vieques to gain financial compensation to remedy damages caused by U.S. naval presence re-emphasized the partial nature of the victory resulting from the closure of the base in 2003. I hope to underscore the shortcomings of legal protest for the people of Vieques and reassert that the lingering lack of access to land and health problems on the island are emblematic of the echoing nature of post-militarized spaces. Beginning with an analysis of the claims of the Viequenses, I delineate how the collective continued to focus their grievances around the threat of the Navy’s actions and the repercussions those actions pose to their lives and livelihoods. I then explore the Navy’s justification for its presence on the island, arguing that the Navy asserted its lack of culpability by citing the doctrine of sovereign immunity which shielded the organization from suit and laid bare the imperial realities of base-community relations more explicitly than in any other instance during its tenure on the island. The dismissal of the case illustrated how the competing arguments of these two opposing sides resulted in a ruling favoring the sovereign immunity of the Navy—leaving the Viequenses with little alternative recourse to further contest what they still see as an injustice rendered by the Navy’s actions over the last 70 years.

“We the people of Vieques are in danger of extinction, and nobody hears us”: The Viequenses’ Health and Environmental Claims

When the Viequenses filed the lawsuit against the United States, the political rhetoric of the incoming administration supported their claims; however, during the five

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12 Radamés Tirado as quoted in: John Arthur Eaves, “Vieques Powerpoint” (powerpoint, John Arthur Eaves Website, Jackson, MS).
years of legal contention surrounding Juanita Sanchez et. al, this support failed to materialize within the rulings of the Department of Justice. In his initial letter to the Governor of Puerto Rico in 2008, candidate Barack Obama made the promise, that:

My Administration will actively work with the Department of Defense as well to achieve an environmentally acceptable clean-up of the former U.S. Navy lands in Vieques, Puerto Rico. We will closely monitor the health of the people of Vieques and promote appropriate remedies to health conditions caused by military activities conducted by the U.S. Navy on Vieques. I will also work to evaluate and expand the existing land use plan for the former U.S. Navy lands to prioritize improving the lives of the Island’s residents and the sustainable economic development of the people of Vieques.13

As discussed in Chapter Two, the Viequenses still lacked the access to the lands President Obama mentioned in his letter and, with the dismissal of the suit, the residents have little ability to “promote appropriate remedies” for their health problems. While President Obama promised to prioritize the lives and livelihoods of island residents within his administration, his words lacked follow-through by his administration’s Department of Justice and Department of Defense and did little to change the Viequenses situation.

The Navy’s lack of transparency about their activities, and the ramifications of these actions, comprised the backbone of the plaintiffs’ case. The people of Vieques clearly staked their claim in their suit filed in June of 2009, stating:

The object of the Plaintiff’s lawsuit is to compensate them for years of both physical injury and mental pain and suffering caused by the Defendant’s negligent failure to warn the people of Vieques of the harmful heavy metals and other toxins that they were exposed to as a result of Defendant’s actions.14

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This assertion articulated the centrality of the physical and mental injury sustained by the people of Vieques and attributed these injuries to the Navy’s failure to warn the population of these consequences. The plaintiffs’ claimed that the “harmful heavy metals” used in the training exercises at the base have a causal relationship with the health problems on the island asserted that the Navy bears responsibility for these ills. Additionally, the plaintiff alleged negligence on the part of the Navy. The negligence cited in the plaintiffs’ brief implied that the Navy failed to meet its basic social, legal and governmental contract with the residents of the island and has practiced malfeasance in regard to the Vieques case. In this way, the Navy stood in violation of its good neighbor policy delineated in the 1983 MOU.

The Vieques residents emphasized the Navy’s failure to warn residents of the hazards and consequences of the U.S. Navy’s procedures on the island. The plaintiffs’ argued negligence on behalf of the U.S. Navy and incorporated environmental and health concerns of the Viequenses population. Denoting a lack of transparency on behalf of the U.S. Navy, the suit implied a lack of agency of the citizens of the island. Additionally, the plaintiffs’ framing of their argument accused the United States of neglecting to consult the population regarding base maneuvers, policy and cleanup of the land post-closure. The Viequenses asserted that the Navy’s emphasis on national security policy included little regard to the consequences of these actions for the U.S. citizens living on the island. This lack of community input facilitated a systemic reproduction of U.S. military hegemony on the island and left the citizens of the island with little ability to become the active participants and stewards within Vieques politics and land use that they have struggled for over decades.
While this negligence indicated a failure by the Navy to meet health and environmental standards, the plaintiffs further asserted that, when the Navy did allow base workers access to lands and waters which they knew could be contaminated, “the Defendant became obligated to warn” the people of these risks.15 This risk for the laborers on the base, as was tragically underscored by the death of David Sanes Rodríguez, indicated the importance of livelihood and labor for the Viequenses in relation to the Navy. The U.S. occupation of the majority of the lands on the island left few abilities for the population to control their own industry and prosper. Moreover, the jobs offered by the Navy on the base could put the workers at risk, leaving few options for safe and gainful employment on the island, as the fishermen initially protested.

The plaintiffs’ emphasis on the obligation of Navy to warn residents of the risks associated with base maneuvers implied an intentional opacity that exceeded negligence. Contending that the Navy intentionally failed to meet or even acknowledge their obligation to the population of the island, the Viequenses accused the Navy of disregarding the safety of U.S. citizens and suggested a criminality of circumventing regulations and cautionary safeguards. Moreover, the plaintiffs accused the defendant of “a reluctance to follow and adhere to environmental laws and to apprise the plaintiffs of the actual and potential harms to which they were repeatedly exposed.”16 The plaintiffs’ accusation of reluctance on the part of the United States again insinuated a level of conscientious avoidance of disclosure by the Navy, resulting in damages to the people of

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15 Civil Action No. 3:09-cv-1260, 6/15/2009: 30
16 Civil Action No. 3:09-cv-1260, 6/15/2009: 33
the island. The plaintiffs claimed that the Navy’s failure to warn was not only negligent, but intentionally so, creating an emphatic implication of the Navy’s culpability.

The Viequenses also emphasized the environmental damage and failures to remediate or attend to these damages as central to their case. The residents alleged that the “defendant has been negligent, grossly negligent and/or reckless in [failing] to monitor the environmental impact,” once again, using language of negligence and, even further, recklessness to describe the actions of the U.S. Navy in regards to the environmental health of the island. The plaintiffs attempted to pinpoint the Navy’s negligence by citing failures in naval environmental monitoring and its consequences, as witnessed by the designation of former Navy lands as a Superfund site in 2005. Similarly to the lawsuit brought against the Navy by Governor Romero in 1978, the Sanchez et. al lawsuit employed environmental law in order to translate their overarching grievances into specific instances of naval infractions.

The plaintiffs’ legal case utilized affidavits from four scientific experts to testify to the environmental ‘recklessness’ of the Navy on Vieques. James W. Porter, a Professor of Ecology and Marine Sciences at the University of Georgia, testified to the leaching of chemicals from underwater unexploded munitions and explained that, “it is reasonable to assert that these hazardous materials are traveling through the food chain toward the population of Vieques.” Arturo Massol-Deyá, a scientist from the University of Puerto Rico – Mayagüez, provided additional support for these allegations by specifying that his tests demonstrated that “the accumulation of heavy metal is above normal and safe levels

17 Civil Action No. 3:09-cv-1260, 5/18/2009: 3
18 Civil Action No. 3:09-cv-1260, 6/9/2009: 4
in plants, crops, marine plants, crabs and other bioindicator species in the ecosystem,” and emphasizes that “these levels could not be explained naturally.” The testimonies of these academics signified an attempt by the Plaintiff to utilize scientific data to bolster their argument of failure to warn in an attempt to legitimize their claims.

The ‘David vs. Goliath’ paradigm faced by the Vieques residents placed an increased importance on presenting tangible and specific evidence in order to justify their pursuit for compensation. By bringing in voices from the scientific community, the plaintiff expanded the framing of their claims by adding technical and data-driven articulations of the environmental impacts of the Navy’s activities to the more subjective arguments of negligence, reckless, obligation, and failure. This attempt at legitimization illustrated Michael Goodman’s examinations of “the powerful and power-laden processes by which environmental knowledge is generated, framed, communicated and interpreted.” For, in this case, the plaintiffs employed scientific data in an attempt to produce and frame environmental knowledge of the Navy’s impact on the island. Therefore, the Vieques collective’s incorporated scientific environmental data in their arguments to legitimize their claims by using environmental data that wields the perception of objectivity.

Again reminiscent of the 1970s suit, the plaintiffs cited specific violations of environmental laws and statutes within their case. The Viequenses cited studies conducted by the EPA that documented 102 violations of the Clean Water Act (CWA) by
the Navy and asserted that the Navy repeatedly “failed to comply” with the National Pollutant Discharge Elimination System (NPDES)—resulting in another infraction of the CWA. The plaintiffs used of U.S. environmental regulations to make tangible the processes of ecological empire through institutional avenues. By referencing specific violations, the plaintiffs’ pointed to specific transgressions of U.S. regulations in order to uncover specific instances of ecological degradation committed by the Navy. The defendant countered these claims by stating, “that Congress specifically intended to limit private remedies for CWA violations,” therefore negating the Navy’s ability to be prosecuted for these violations. This stipulation against non-governmental citations of CWA violations further obfuscated the United States’ ecological control on the island and made it more difficult for the Viequenses to articulate their understanding of the consequences of these systems of control.

The scientific data utilized by the Vieques collective in their legal arguments, however, also represented the tangible health problems for individuals on the island. In the affidavit of Dr. Carmen Ortiz Roque, an epidemiologist and physician based in San Juan, she presented statistics from her studies of the Viequenses population that showed Vieques residents had a 55% higher infant mortality rate; 33% rate of low birth-weight babies and pre-term delivery, 30% higher rates of cancer, 381% higher rates of hypertension, 95% higher frequency of cirrhosis and a 41% higher rate of diabetes than found in Puerto Rico. Additionally, the same document stated that the “violation of certain federal environmental laws has resulted in their negligent exposure to numerous

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21 Civil No. :09-1260 (DRD): 32.
toxic substances which has caused them harm,” and, more succinctly, the “Defendant’s violations caused Plaintiffs’ injuries.” These statements established a causal link between the Navy’s violations of environmental law and the public health issues facing the island. The plaintiffs’ allegation that environmental malfeasance caused the health problems of the Viequenses again placed the onus squarely on the shoulders of the United States and supported the residents’ call for compensation.

Dr. Ortiz Roque’s testimony alleged that the failure to remediate the environment of the island caused the high rates of illness on the island. In the same affidavit, Dr. Ortiz Roque claimed that the Vieques population is the sickest she has ever confronted and posits that she is “firmly convinced that the environmental pollution left from the military activities on the island is a significant contributing factor to many of the diseases of the individuals living on the island.” The plaintiffs argued that the failure of the Navy to warn the Viequenses of these type of drastic and life-threatening side effects and consequences of their operations was unconscionable and required restitution. Moreover, even after the base was closed, the lack of remediation on the island left heavy metals and toxins in the environment that the plaintiffs’ expert witnesses alleged continued to make people sick. The plaintiffs emphasized that the toxicity of naval remnants illustrated the long-standing consequences of the base and the lasting impact on the island long after the Navy’s departure.

The Viequenses additionally framed the public health risks from the perspective of everyday practice. The plaintiffs’ opposition argued that, “moreover, as many of the

Plaintiffs consume fish regularly, fish intake is a likely explanation of the presence of toxic chemicals in many of the plaintiffs.”25 This links a cultural norm, eating a diet that relies heavily on fish, to a claim for collective action against the state. The presence of contamination concerns in such basic practices give “the feeling that something dark and baneful has worked its way into the grain of everyday social life” pervading all actions and traditions, as Kai Erikson examines in disaster-stricken communities.26 Moreover, the statement reiterated the significance of the land and sea for the people living on the island. For, as was the case with the fishermen during the 1970s, the resources of the island, and in particular, the fish and seafood of the area, largely defined and shaped the Viequenses economy and daily livelihood. The corruption of these resources during the Navy’s tenure on the island therefore endangered the daily lives and livelihoods of those living in close proximity to the base, both during and after the U.S. occupation.

The stories of Ramadés Tirado and Milivi Adams, two residents of Vieques, encapsulate the mammoth health problems facing the island’s population and give a face to the statistics and toxicity studies cited in the plaintiffs’ arguments. Tirado, the former mayor of Vieques, served in the U.S. military during the Korean War and has lived on Vieques for most of his life. Openly pro-statehood, Tirado had watched his mother die of liver cancer by the time the Viequenses filed the lawsuit. As the court proceeded to try the case, one of his sisters was battling liver cancer, the other colon cancer. Tirado’s niece had a bone marrow transplant to treat her leukemia, while at the time of the suit, his nephew was also recently diagnosed with cancer. As quoted in the title of this section,

Tirado warned that “we the people of Vieques are in danger of extinction, and nobody hears us.”

Milivi was known as the “niñita de la isla niña” or the little girl of little girl island by islanders during the protests against the Navy at the turn of the century, becoming a symbol for the movement—since isla niña is a nickname for the island popularly believed to be the meaning of “Vieques” in Taino. Diagnosed with neuroblastoma, a form of cancer, Milivi had nine tumors removed by the time she was three years old and doctors detected traces of uranium in her blood. Zuleika Calderón, Milivi’s mother, emphasized that Milivi was not the only one suffering on Vieques, stating “it is the contaminated air that comes to Vieques after the bombings because I know other sick children.” In fact, there have been four cases of neuroblastoma in recent years in a population of 9,400— in the United States in general, the rate of the same cancer is 1/100,000. Calderón’s statement clearly demonstrated the belief of many on Vieques that the bombs of the Navy

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28 Marie Cruz Soto, “Inhabiting Isla Nena, 1514-2003: Island Narrations, Imperial Dramas and Vieques, Puerto Rico” (Ph.D. Dissertation, University of Michigan, 2008), 26. Cruz Soto states that indigenous inhabitants gave the island the name Bieke, meaning small island, and cites Puerto Rican historian Salvador Brau who claims the word “Bieque” can be found in Spanish archives dating back to 1514. Meanwhile, the word “Vieques” appeared on maps for the first time in 1527. When translated into Spanish, “small island” became “la isla nena” as the word “isla” is feminine and the island is often referred to as Puerto Rico’s little sibling.
31 John Arthur Eaves, “Vieques Powerpoint” (powerpoint, John Arthur Eaves Website, Jackson, MS). Slide 61. One of these neuroblastoma patients is Coral Rosa, the daughter of Nanette Rosa who is currently taking care of her two daughters, both of whom have cancer. In 2010, their family was the subject of a special investigation by CNN into the lasting health effects of the base on Vieques. See article here: http://www.cnn.com/2010/US/02/01/vieques.illness.part.2/.
have caused their suffering and continue to negatively impact their health. In November of 2002, Milivi died as a result of her neuroblastoma.

Moreover, several veterans of the U.S. armed forces on Vieques also suffer from health complications they attribute to the Navy’s activities. Angel Navarro, a decorated Korean War veteran suffered from colon cancer and prostate cancer after the Navy’s departure. Doctors also diagnosed Pablo Hernandez, another veteran of the Korean War, with stomach and colon cancer.\textsuperscript{32} It is unsurprising that veterans of the armed forces are struggling with these health problems given Puerto Rico’s high rate of military service. More Puerto Rican residents serve in the U.S. armed forces than any state in the country and Puerto Rico also boasts more Congressional Medal of Honor recipients per capita than any state.\textsuperscript{33} The suffering of these veterans also directly contested the false binary that the U.S. Navy attempted to create in its defense of its actions on the base, which I will discuss in the next section of my analysis. For, while the Navy framed the situation on Vieques as an either-or between national defense or environmental and health concerns, the health of the individuals who made up these defense institutions is now at risk.

\textbf{Colonial Legalities: Sovereign Immunity, the Navy, and the Exposition of Empire}

In contrast to the Viequenses’ claims of negligence and pervasive ecological and health damages caused by the Navy, the United States constructed their counter claims based on the legal doctrine of sovereign immunity. The legal argument of the U.S. Navy’s defense unveiled the implicit space of power and hegemony of the United States

\textsuperscript{32} John Arthur Eaves, “Vieques Powerpoint” (powerpoint, John Arthur Eaves Website, Jackson, MS), Slide 9.
\textsuperscript{33} Ibid., Slides 7-8.
in relation to the Viequenses. By evoking sovereign immunity in this case, the Navy placed itself above the law in relation to the U.S. citizens living on Vieques. Sovereign immunity, in its inception, was created to shield the government against private suit.34

A derivative from the English rule that “the king can do no wrong”, the doctrine within U.S. law supports the concept that individual citizens should not be able to sue the government for violations of its own laws.35 The United States has cited sovereign immunity within an astonishing variety of contexts, from Coast Guard contraband apprehensions to physical therapy and medical suits.36 As Evan C. Zoldan, a regulatory and constitutional law scholar, asserts:

The modern justification for the proposition that the citizen has no cause of action against the government is the idea that no right can exist against the power that has created that right. The concept embodied by this idea is that the sovereign, who can change the law at any time, cannot be bound by this same law. The practical application of this concept, as it has been phrased, is that the government cannot be sued without its consent.37

This stipulation renders U.S. law as an inadequate avenue to pursue popular protest against the state and recalls Giorgio Agamben’s state of exception where “‘the law is outside itself,’” or ‘I, the sovereign, who am outside the law, declare that there is nothing

35 Ibid.
outside the law.” Therefore, contesting the sovereign within its own law becomes difficult, especially within a colonial context. Often, however, filing suit is the only official avenue to gain federal financial compensation for damages and wrongdoing as a consequence of state action.

Sovereign immunity’s protection of government authority allowed the United States to contest the Viequenses claims and finalize the Navy’s justification of their operations on the island. The Navy used sovereign immunity to take advantage of existing power structures of the United States’ de facto legal infallibility as elucidated by the reasoning behind the doctrine. Erwin Chemerinsky, a U.S. constitutional law scholar, explains some key rationales for its relevance within modern law. He lists the justifications for the continued use of the doctrine as the following: the importance of protecting government treasuries, the absence of authority against the government, the existence of adequate alternative remedies, a curb on bureaucratic powers, and tradition. These situations illustrate how sovereign immunity exists to protect the government from suit, ensure its authority above all else, and to serve as a last resort when no other legal argument can be employed. Among these reasons, none suggests any benefits to the American citizen; instead, every justification for the continued invocation of sovereign immunity refers to benefits for the state.

The defendants employed a two-pronged approach to constructing their argument, discretionary versus mandatory conduct and the public policy imperatives of the base-- to combat the plaintiffs’ call for compensation. This follows the legal structure of sovereign

immunity that stipulates two conditions must be met in order to justify its invocation: “(1) there were no provisions at the relevant times prescribing a specific course of conduct that the government failed to follow and (2) any discretionary governmental conduct relating to Plaintiff’s claims was susceptible to a policy analysis.” The first stipulation requires that no specific course of conduct was described and, therefore, could not have been violated, by the Navy. The Navy’s response called into question the specificity of its obligations to the Viequenses and argued that the lack of specific obligations to either the residents or the land of the island negated naval culpability. The United States posited that, “the 1983 MOU (Memorandum of Understanding) did not contain any specific and mandatory directives but rather broad goals for the Navy to attempt to meet.” The Navy’s assertion that no specifics were presented implied that the responsibility of the Navy to the Viequenses constituted a grey area of responsibility in which the United States could manipulate and maneuver its degrees of responsibility. The defendant also asserted that the plaintiffs “vaguely reference violations,” suggesting that due to the lack of specificity, the Navy could not be held accountable for environmental violations as well. These discourses of specificity, vagueness, and broadness undercut the Viequenses’ claims and attempted to counter the scientific and technical narratives presented to bolster the plaintiffs’ defense.

In addition to the question of specificity, the Navy contested the plaintiffs’ assertion by calling into question the mandatory nature of the alleged environmental laws and regulations cited by the plaintiffs. The defendant proposed that the “plaintiff cannot

identify any specific and mandatory provisions that the United States failed to follow with respect to the challenged conduct on Vieques.\textsuperscript{43} The implication of a lack of mandatory directives allowed the Navy to portray their actions as discretionary, and, therefore, not subject to the scrutiny of a torts claim. This discretionary claim allowed for the state to advocate for its decision-making rights as the sovereign power within its borders. Setting precedence for the *Sanchez et. al* case, *Bolduc v. United States* explained that the discretionary function of the United States allowed for “latitude to make decisions and choose among alternative courses of action” as an essential function of a sovereign state.\textsuperscript{44} The state had a vested interest in preserving the freedom of decision and choice to ensure that, in the future, the government could continue to mandate national security policy without threat of private interference either by an individual, or in the case of Vieques, a unified collective. The discretionary aspect of the U.S. argument claimed that the burden of the U.S. Navy to meet environmental, public health and transparency standards for the citizens of the island was optional and not mandatory and, therefore, the claims of the Vieques residents were invalid.

The defendant’s choice to prioritize policy agendas over the rights of its citizens violated the securities of its peoples; however, this violation is justified by their claims of a national security imperative. The United States also had to ground state action within public policy in order to justify its sovereign immunity defense. The United States claimed a “national security need” for the base on Vieques; however, they acknowledged the inherent conflict of this imperative by proclaiming “clearly, the government’s mission

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on Vieques, at all times, required balancing competing concerns of secrecy and safety, national security and public health. This language departed from the plaintiffs’ affirmation of their rights in respect to the relationship with their government, (to transparency and environmental and public health) and instead focused on “competing” ideas and imperatives, emphasizing “concerns” of secrecy versus safety and national security versus public health. The defendant’s construction of binaries justified the Navy’s subversion of issues of safety and public health by placing them in direct opposition to so-called ‘needs’ of secrecy and national security.

Letters of politicians regarding this case emphasized the human ramifications of these defense imperatives and delineated the neocolonial undertones of the rhetoric in the United States’ defense. Thomas Rivera Schatz, the President of the Senate of Puerto Rico, proclaimed that, “the people of Puerto Rico have endured great sacrifices in defense of our nation,” and goes on to emphasize:

How can it be that the most democratic country in the history of the world is going to deny our fellow Americans in Vieques their day in court? Isn’t it enough that after more than one hundred years under the U.S. flag we still lack a vote in the U.S. Congress? Will this happen anywhere else in the United States? How could it be that other jurisdictions and even non-U.S. citizens have received compensation in similar cases, but no effort has taken place to compensate the people of Vieques?

Rivera Schatz expressed his frustration with the sacrifices his people have had to make for the benefit of the entire nation while Puerto Ricans still lack full citizenship status. He referenced symbolic emblems and ideologies of U.S. nationalism, such as the flag and the notion of democracy, emphasizing that the Viequenses are American citizens and are

\[46\] Letter from Thomas Rivera Schatz, President of the Senate of Puerto Rico to President Barack Obama, June 11, 2009, 2.
pursuing their claims for compensation as such. Directly after highlighting the American-ness of the Viequenses, Rivera Schatz emphasized the hypocrisy of the situation on Vieques, asking if this situation would occur anywhere else in the nation—highlighting Puerto Rico’s territorial status as central to the lack of compensation for the Viequenses. Schatz introduces issues of colonial hierarchies of power that negate the voice of the people in the interest of the state as a whole.

**Foundations of Empire: Antiquated Laws, Elusive Justice**

The Viequenses attempt to uncover the systems of imperial ecology they have lived under over the last 74 years again proved unsuccessful, demonstrating the gap between the perceptions of the residents of the island and the rhetoric of the Navy. The plaintiffs’ argument that the Navy failed to warn the citizens of the risks associated with base activity resulting in widespread environmental damage and health problems on the island could not overcome the United States’ counter-claim of sovereign immunity. The legal equivalent of “the king can do no wrong,” Sovereign immunity allowed the United States protection from the private suit of the Vieques collective even in the face of severe health concerns and extensive scientific data that supported claims of toxicity on the island.\(^\text{47}\) The Navy contested both the specificity of the plaintiffs’ claims and its responsibility to the population as a whole negated the plaintiffs’ attempt to present data and scientific testimony to link the Viequenses’ health issues to the Navy’s actions.

The Navy asserted that the requirement to warn, monitor, and disclose operational procedures on Vieques was discretionary and not mandatory. This discretion, afforded the Navy with the latitude necessary to perform its primary function of maintaining the

defense of the nation. The primacy of defense also allowed the Navy to argue that, since the base was a necessity, the citizens of Vieques could not contest its operations. The Navy’s argument constructed an oppositional binary in which either the security of the nation or the security of the Viequenses could be adequately met. The Viequenses status as U.S. citizens, albeit in a modified sense, however, renders this binary false. For ensuring the security of the nation entails the safekeeping of its citizens. On Vieques, the Navy failed to recognize the safety of U.S. citizens as an imperative of defense and security.

The United States’ claim of sovereign immunity displayed how, in this case, the supremacy of the nation is written directly into the law of the land itself. In order to gain financial restitution from the government, the Viequenses’ filed suit against the United States in an attempt to use the U.S. legal system as an avenue for peaceful protest and change. While Abraham Lincoln once stated, that “It is as much the duty of government to render prompt justice against itself in favor of citizens as it is to administer the same between private individuals,” in the case of Vieques, this process of equitable justice remained out of reach, perpetuating a century’s worth of legal discrimination that began with the insular cases. Therefore, for the Viequenses, the legal system cannot adequately be used as a tool to contest the nation, leaving these citizens without recourse to protest what they perceive as a great injustice perpetrated by their government.

A U.S. appeals court dismissed the suit in 2012, leaving the Viequenses with no compensation for the 62 years of naval presence on the island, nor for the lasting impacts of the base still experienced today. The court’s ruling illuminated the power

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imbalances and systems of ecological empire maintained by the bureaucratic policy processes on Vieques. Sovereign immunity’s application in this case revealed the primacy of the national security and freedom of discretionary conduct, over the concerns of environmental justice, public health, transparency, and the right to self-determination for the Viequenses. Present in every chapter of my analysis, the Navy’s explicit disavowal of responsibility in Sanchez et. Al vs. United States of America unveiled the oft-obscured processes of constructing, maintaining and, defending imperial ecologies, while simultaneously demonstrating the difficulties inherent in attempting to prove or attribute responsibility for these hidden processes. Just as the embedded and enduring nature of imperial ecologies poses immeasurable threats and indirect violence for the populations living within these systems, the same attributes perpetuate these processes by obscuring both the actor and event responsible. The masked processes of imperial ecology on the island, therefore, continue to structure and curtail the daily life of the Viequenses and leave them with few resources to move out of the shadows of their island’s naval past.
The Starwood Hotel chain implores travelers visiting the W-Vieques to “Escape to the gorgeous W Retreat & Spa, Vieques Island and lose yourself in tranquil island life at one of the most luxurious resorts in Puerto Rico.”\textsuperscript{1} Located on the northern coast of Vieques, the W aims to provide a retreat for visitors looking ‘escape’ to an ‘island life’ free of worry and strife—starting at $500 a night. Opened in 2010, the W is currently the only international chain resort on the island, although a multitude of smaller guest houses and resorts owned by both locals and foreigners offer alternatives. Curating itself towards a stylish, international clientele, the W offers an “undiscovered Caribbean paradise” that is “miles away from everywhere and the everyday,” while still “decked out with wired and wireless wizardry.”\textsuperscript{2} The hotel depicts Vieques as a hidden gem, spared from the overdevelopment of other tourist destinations in the Caribbean filled with Sandals Resorts and cruise ship docks. However, nowhere on the website is there mention of the decades of naval occupation that allowed the island to escape this development trend. Instead, the hotel praises the “generous menu of unspoiled beaches that allow you to take in tropical paradise. Every effort has been made to preserve the natural beauty, marine life and delicate ecosystem of these Vieques Island beaches.”\textsuperscript{3} The website contains no

\textsuperscript{1} “W Retreat & Spa- Vieques Island,” http://www.wvieques.com/.
\textsuperscript{2} Ibid.
\textsuperscript{3} “Local Beaches on Vieques Island,” http://www.wvieques.com/local-beaches.
mention of the bombs that disrupted this “delicate ecosystem” for over fifty years or of the local population’s medical concerns and their exclusion from these spaces in the pursuit of its protection.

While on Vieques, I heard multiple opinions on the resort and the rise in tourism on the island. Fellow Americans who had visited the island for years lamented that the island was slowly becoming a hot-spot for vacationers from the north, spoiling their well kept secret. Tour guides both from the island and abroad praised the increase in business and tourism jobs, while others mentioned that only low-level jobs were available for island residents with management being brought in from overseas. Concerns of gentrification weighed heavily on the mind of residents. Walking through Isabel II, the larger of the two towns on the island with the ferry service to Puerto Rico, I saw several newly opened businesses including an artisanal sandwich and juice shop, and a jewelry store, both opened by mainlanders in the past two years. Multiple islanders also mentioned the possibility of the pier on the northern shore of the island as a future destination for a cruise ship port, which would bring an unprecedented flow of tourists to the remote location.

Meanwhile, as tourism oriented businesses continue to grow on the island, infrastructure not related to tourism is falling into disrepair. Whereas the Vieques airport is currently undergoing renovations to lengthen the runway for larger flights and now includes a new, exclusive W Airport Lounge where travelers are “greeted in style,” the Puerto Rican government has cut funding for ferry system that transports residents back and forth from the island. Mechanical problems frequently leave one or two of only a handful of boats out of commission, creating hour-long delays. These delays rarely affect
tourists who generally fly to the island but greatly inconvenience residents who take the ferry frequently. Moreover, with no hospital or university on the island, these delays not only cause inconvenience, but threaten the livelihoods and lives of the Viequenses.

With the Wildlife Refuge and Superfund designations still blocking the Viequenses from accessing much of the land of the island, the little land that is accessible to all is currently experiencing a tourism land grab. Foreign investors are leading much of this development, such as that of the W, by far the largest establishment on the island; and, while this rise in tourism certainly constitutes an influx of money to the island, many residents question who actually benefits from tourism revenue. In many ways, building a tourism economy replicates the clientelistic, service oriented industry that previously operated under the military in which the Viequenses work in low-level or menial jobs that support and bolster the pursuits of international actors. Many Viequenses worry that the development of an international tourism sector will result in the exchange of one international hegemon for another. Without compensation from the United States for the damages rendered during the Navy’s tenure on Vieques, the residents of the island have little recourse to battle this new wave of international influence or to develop a full-fledged local tourist initiative that would be able to compete with international actors. As the bunkers fade into the forest, and who will decide how the little land on Vieques will be used as the Viequenses struggle to build a future without the Navy?
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**Biography**

Originally from Atlanta, Georgia, Christina LeBlanc completed her high school career at Deerfield Academy in Deerfield, Massachusetts and went on to receive a B.A. from Occidental College in Diplomacy and World Affairs. She graduated with distinction and *cum laude* in 2010 and completed a thesis entitled *Dissenting Ideologies: The Failure of the State in West Africa, A Case Study of Regional Cocaine Trafficking.* In her final year at Occidental, Christina worked at the United Nations in New York City in the Department of Economic and Social Affairs, Development Cooperation Policy Branch. She has also studied in India, Ghana, and Haiti and has traveled extensively throughout Africa and the Caribbean. Traveling to New Orleans since 2007 to advocate for prison
reform in Louisiana, Christina has proudly called New Orleans home for the past five years. She has worked for a variety of environmental and rebuilding non-profits in the city and currently works at Tierra Resources, a small business focused on conserving, protecting and restoring coastal wetland ecosystems through blue carbon solutions. During the summer of 2014, Christina traveled to Miami and Haiti on a Foreign Language Area Studies (FLAS) summer fellowship to study Haitian Creole. Upon completion of her coursework at Tulane, Christina will pursue a Ph.D. in History.