

War and the Partisan Press [University Press of Kansas, 2019]; and Lindsay Schakenbach Regele, *Manufacturing Advantage* [Johns Hopkins University Press, 2019]). At times, however, Lomazoff is so insistent that constitutional scholars discard their old myths that he risks creating a new one: that economic historians are a unified group of scholars in unique possession of—in his respectful phrasing—“economic facts” (168). If, as we hope, constitutional scholarship will continue to take political *and* economic history into account, we must remember that what Lomazoff terms “economic facts” are simply combinations of evidence (however gathered) and interpretations (however derived). And with respect to both “facts” and their interpretations, historians inevitably—and healthily—remain divided.

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Robert C. McGreevey, *Borderline Citizens: The United States, Puerto Rico, and the Politics of Colonial Migration*, Ithaca, NY: Cornell University Press, 2018. Pp. 264. \$45.00 hardcover (ISBN 978150171614X).
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In *Borderline Citizens*, Robert McGreevey explores the tenuous nature of Puerto Ricans' claims to citizenship during the first three decades of United States colonial rule. The cases examined by McGreevey showcase intense debates that centered on two key questions: were Puerto Ricans foreigners or citizens, and what were Puerto Ricans' rights as migrants and as laborers, as a result? Given that Puerto Ricans had been under United States dominion since 1898 and were designated citizens in 1917, McGreevey shows how inclusion in the United States nation-state was far from a given and how the status of Puerto Ricans was constantly contested despite legal forms of inclusion. Throughout the book, McGreevey turns to Puerto Ricans' encounters with the colonial state to tell a story about the ways that citizenship is imposed, constructed, negotiated, and challenged, which is of great value to historians interested in how race, empire, and labor shape understandings of rights and who gets to be considered “American.”

McGreevey's narrative covers some familiar territory such as the notorious Insular Cases, which declared Puerto Rico and Puerto Ricans to be foreign in a domestic sense. However, he injects new and exciting analysis into these discussions by focusing on how labor and migration shaped perspectives on Puerto Ricans' citizenship. For McGreevey, laborers, unions, and employers

played an underanalyzed but significant role in the struggle to define Puerto Ricans' citizenship status.

During the first two decades of colonial rule, Puerto Ricans were increasingly recruited to the United States to work on contract. Puerto Ricans were defined as nationals as opposed to citizens during this period, which allowed them to move freely throughout United States territories and states but limited their legal rights. Racial nationalists, concerned about the effects of colonial migration on the United States, worked to stem the flow of migrants from the colonies. Organized labor in particular attempted to limit the importation of "cheap" colonial labor from Puerto Rico and the Philippines during this period, which, despite its nativist underpinnings, had the unintended consequence of speeding up the imposition of United States citizenship on Puerto Ricans in 1917 under the *Jones Act*. McGreevey traces the pivotal role played by laborers and unions in the decision to extend citizenship to Puerto Rico, a history that is often ignored in favor of a focus on the role of capital and the state in shaping both labor migration and citizenship. This is where McGreevey's analysis shines, as he upsets commonsense historical narratives around how and why Puerto Ricans were granted citizenship.

McGreevey shows how Samuel Gompers and the American Federation of Labor (AFL), in an attempt to keep Puerto Ricans from competing with white Americans for jobs, worked to improve conditions in the archipelago in order to halt colonial migration to the mainland United States. Gompers and the AFL lobbied for citizenship for Puerto Ricans, which would improve conditions for labor, while demanding that Congress pass restrictive immigration laws, which would circumscribe the movement of Puerto Ricans. The stateside lobbying of organized labor, along with the work of Puerto Rican laborers to organize island-wide strikes and citizenship petition drives helped to influence United States policy makers' thinking on the benefits of citizenship for Puerto Ricans. Thus, rather than merely granting citizenship to Puerto Ricans so that they could be drafted as cannon fodder in World War I (as has been the dominant thinking on the matter), United States policymakers advocated extending citizenship rights to Puerto Ricans in order to quell labor rebellion in the colony, appease organized labor at home, and show the international community that the United States was a guarantor of democracy around the globe.

Drawing on a rich historical archive, McGreevey challenges us to take seriously the role of laborers and their claims on the right of movement as being one of the biggest factors that led to the legal redefinition of Puerto Ricans' citizenship under United States rule during the early twentieth century. McGreevey challenges top-down narratives of colonial rule and citizenship, demonstrating that colonized people were central protagonists in efforts to improve their conditions under colonial rule, as opposed to passive observers. As he notes, Puerto Ricans challenged colonial rule and its effects on their lives "both in the very act of migrating and in their vigorous contestations of colonial

status, which forced debate and change in colonial law” (5). Although citizenship was in many ways a colonial imposition because of Congress’s plenary power over Puerto Rico, McGreevey presents a complicated story in which Puerto Rican laborers in an effort to secure basic rights, the right to mobility, and political representation played a pivotal role in the passage of the *Jones Act*. Overall, McGreevey’s book helps us to sharpen our analysis of the ever-shifting boundaries of citizenship at a time when we are witnessing a resurgence of the kinds of public debates around fitness that we saw at the turn of the twentieth century, and which are powerfully captured in *Borderline Citizens*.

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Amanda L. Tyler, *Habeas Corpus in Wartime: From the Tower of London to Guantanamo Bay*, New York: Oxford University Press, 2017. Pp. 464. \$85.00 hardcover (ISBN 9780199856664).

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National security issues often force the state to reconsider how it balances danger against liberty, producing shifts in governance that persist long after generative threats dissipate. Berkeley law professor Amanda L. Tyler has written a landmark account of this phenomenon, centering on the history of the Anglo-American habeas corpus privilege. The breadth of her intended audience—which includes historians, legal academics, lawyers, and judges—reflects the project’s unusual ambition. Tyler’s work is a staggering legal history, and one that will influence institutional responses to America’s post-9/11 threat matrix.

Broadly speaking, the habeas privilege entitles detainees to judicial review of their confinement. Tyler’s historical account revolves around what I call *thickness* (how much process the privilege entails) and *coverage* (who owns it). (My discussion of privilege thickness and coverage tracks that from a full-length law review article, Lee Kovarsky, “Citizenship, National Security Detention, and the Habeas Remedy,” *California Law Review* 107 [2019]: 867.)

Whereas the other major post-9/11 habeas history, Paul Halliday’s *Habeas Corpus: From England to Empire* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), focuses on the *common law* privilege, Tyler devotes her attention to the English *Habeas Corpus Act* of 1679. Specifically, her account homes in on Section 7 of the 1679 Act, which required that those