

**COMMONWEALTH OF PUERTO RICO v. BRANSTAD:
THE CENTRALIZATION OF THE CRIMINAL EXTRADITION LAW**

Alfredo Montalvo, Emporia State University

ABSTRACT

This paper uses the Supreme Court's decision in *Puerto Rico v. Brandstad* (483 U.S. 219 [1986]) to challenge the bipolar model of judicial decision making. In this case, the Court, dominated by conservative justices, overturned the 1861 landmark ruling established in *Kentucky v. Dennison* (65 U.S. 66 [1861]) according to which a "federal court could not issue a writ of mandamus compelling a state governor to extradite a fugitive to a sister state under the Extradition Clause of the Constitution." Using a centralization approach, it is argued that at the center of the Court's decision in *Puerto Rico* was a distrust by the Supreme Court in the ability of state elected representatives to deliberate on a number of social issues and/or to create and enforce race and gender blind laws. From this perspective, the Court's decision represented a symbolic attempt by the Court to formally integrate the island within the existent traditional political process of extradition in light of the island's subordinate and minoritarian territorial status. The political implication of this decision for Puerto Rico is also explored.

INTRODUCTION

A recurrent theme in sociology of law is the extent to which Supreme Court decisions are shaped by the political and ideological identity of its members (Ball 1978, 1980; Bronner 1989; Gibson 1991; Kairys 1993; Lawrence 1990; Maltz 1994; Massaro 1990; Spann 1993). This debate has been dominated by a *bipolar view* of the judiciary according to which the ideological commitments of Supreme Court justices determine individual and collective decision making process in the Court. This paper is intended to shed some light on this issue by examining the Supreme Court decision in *Puerto Rico v. Branstad* (483 U.S. 219 [1986]). In this case a conservative Supreme Court overturned the 1861 *landmark ruling* established in *Kentucky v. Dennison* (65 U.S. 66 [1861]) according to which

a federal court could not issue a writ of mandamus compelling a state governor to extradite a fugitive to a sister state under the Extradition Clause of the Constitution.

The case of *Puerto Rico* provides an excellent opportunity to reexamine the bipolar argument of judicial decision making in the context of the territorial status of the island and to formulate an alternative approach.

Previous analyses of *Puerto Rico* emphasize the legal precedents and legal rationale behind the Court's decision to overturn *Dennison* (Davis 1988; Dinan 1988). According to these studies the Court's decision was based on the assumption that it would promote a more efficient criminal justice system, and that it would help maintain harmonious relations between the states. Despite the plausibility of this argument, it does not account for the

apparent contradiction between what bipolar legal theorists describe as the historical tendency of conservative justices to maintain legal precedents and the Court's decision to overturn *Dennison*.

The argument advanced in this paper is twofold. First, the Court's decision in *Puerto Rico* is a manifestation of the tendency by the Supreme Court to transfer "power from local to higher government units" (Claude 1970; Funston 1977; Hickok, McDowell 1993; Lawrence 1990). At the center of the Court's decision to centralize the extradition law was a distrust by the Supreme Court in the ability of elected representatives to deliberate on a number of social issues, and/or to create and enforce race and gender blind laws (Hickok, McDowell 1993; Spann 1993). Second, the Court's decision in *Puerto Rico* represented an attempt by the Court to formally integrate the island within the existent political process of extradition in light of the island's subordinate and minoritarian territorial status. However, I contend that, although the government of Puerto Rico was able to obtain the extradition of Calder, the Court decision in *Puerto Rico* represented a "symbolic" victory for the island. For the Court's ruling left intact the political culture that allows for the discrimination against Puerto Rico in extradition cases. The implication of this for Puerto Rico is twofold: (1) it increases the island's dependency on the Supreme Court for the resolution of "interstate" disputes, and (2) it reaffirms the political status quo of the island. In the end, *Puerto Rico* provided a political opportunity for the Court to proclaim its supreme authority over state officials.

This paper is divided as follows. The first part provides a critique of the bipolar model of

judicial decision making and describes a *political centralization* approach to judicial decision making. The second part provides a historical background of the centralization of the criminal extradition law. The third part describes the legal context in which *Puerto Rico* was debated and decided. In the last part of the paper I discuss *Puerto Rico* within the context of the political centralization approach.

JUDICIAL DECISION MAKING: A POLITICAL CENTRALIZATION APPROACH

The debate on the politics of modern judicial decision making has been dominated by a *bipolar model*. As mentioned above, this model tries to explain the extent to which the ideological formation of Supreme Court justices affect the legal outcome of the Court. On the one hand, conservative justices are said to follow a set of political values whose basic principle and goal is the preservation of the original constitutional interpretations provided by the Founding Fathers, and those provided by legal precedents. At a practical level, judicial conservatism is interpreted as a distaste for governmental regulation of business and a tendency to limit individual rights in order to protect majoritarian interests. On the other hand, liberal justices are defined as activists willing to use their constitutional and judicial authority to bring about social and economic reforms; specifically the expansion of individual and group rights even at the expense of having to overturn legal precedents (Gibson 1991; Maltz 1994; Spann 1993).

Recently, a group of legal scholars has challenged the bipolar view of judicial power (Kairys 1993; Maltz 1994) on theoretical and methodological ground. Theoretically, critics argue that the model treats the Court as an unconditional political instrument of conservative and/or liberal politicians to maintain and promote their social and political agendas. Although there is some evidence that during the last decades the justices have protected presidential authority against congressional intrusion (Adamany 1991), historically "the Court has become the object of bitter attacks from several and varied quarters" including the executive and legislative branches (Steiner 1971). Nonetheless, this does not make the Supreme Court a politically "neutral" institution (Tomasic 1985). Instead, it defines the Supreme Court as a competing institution in the political struggle to shape social and

economic policies. Methodologically, studies using the bipolar model have been criticized for providing a tautological or circular explanation of the ideological orientation of justices. This problem is manifested in the attempts by many legal scholars to explain justices' ideological orientations by looking at their manifestation in legal opinions and speeches (Tomasic 1985).

Recognizing the relevance of political ideology in judicial-decision making, Kairys (1993) suggests that despite their ideological differences liberal and conservative justices are united in their effort to perform and achieve its self-defined institutional role and goals. In other words, justices operate within a "collegial culture" aimed at advancing what they perceive as the main goals and interests of the Court (Ball 1980; Kairys 1993). According to Kairys:

judicial activism is not consistently liberal, and judicial restraint is not consistently conservative Neither conservatives nor liberals seem to be seriously bothered by judicial creativity or abandonment of established rules and precedents in furtherance of their higher goals. (1993: 5)

The question as to what these higher goals are is an empirical question which can only be answered by examining specific judicial decisions.

In this regard, recent analyses of Supreme Court's decisions suggest that modern judicial practices are dominated by a *self-defined role* of the judiciary as the moral guardian of the nation. Specifically, modern judicial decision making is characterized by a general distrust by the Supreme Court in the ability of elected representatives to deliberate on a number of social issues (Hickok, McDowell 1993), and/or to create and enforce race and gender blind laws (Spann 1993). This lack of confidence has contributed to an increasing *centralization* or nationalization of political problems and processes (Funston 1977); meaning a tendency by the Supreme Court to transfer "power from local to higher government units" (Claude 1970; Funston 1977; Hickok, McDowell 1993; Lawrence 1990). Historically, the Court has centralized problems in such areas as civil rights, the electoral process, and obscenity issues (Claude 1970; Funston 1977), legal services programs (Lawrence 1990), abortion (Hickok, McDowell 1993), and race relations (Spann 1993).

Ultimately, the *main goal* of the centralization process is the protection and preservation of what the Court perceives as the moral, political, and social fabric of the Nation (economic, civic and property rights). From this perspective, the centralization process is an additional institutional tool available to conservative and liberal justices to legitimate and maintain social stability and continuity. This implies that contrary to the rigid and deterministic ideological categories proposed by the bipolar model of judicial decision the Court majority will issue counter-majoritarian rulings if necessary in order to adapt the law to those situations where perceived facts and changing events do not fit not just the precedent mold but, more importantly, the political and moral interests and goals of the Court (Ball 1978).

THE DECENTRALIZATION OF THE CRIMINAL EXTRADITION LAW: A HISTORICAL BACKGROUND

The issue of the (de)centralization of the criminal extradition law has a long tradition in American political and judicial history. The concern of the Founding Fathers for this issue is reflected in Article IV of the United States Constitution which specifies that

A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

In order to enforce the above provision in 1793 Congress approved the Federal Rendition Act which delineates a general extradition procedure to be followed by the states in dealing with extradition cases. The Act specifies that

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice. . . the executive authority of the State, District or Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within days from the time of arrest, the prisoner may be

discharged. (*Rutgers Law Review* 1970 555)

Historically, the Supreme Court has interpreted the Constitutional Extradition Clause and the Rendition Act as attempts by the framers of the Constitution and Congress to maintain interstate harmony. From this perspective, the goal of both documents has been the preservation of the Union through a set of consistent constitutional principles which would guide the relationships between and among federal and state governments in extradition cases.

However, at a deeper level the Court's interpretation of both legal documents has been based on a "decentralized" view of the law, and of state and federal relations. This view was fully exposed in the 1861 Supreme Court's decision in *Dennison*, according to which state and federal governments are *co-equal sovereigns*; therefore federal intrusion on state affairs must be kept to a minimum (Maltz 1994). In practical terms, *Dennison* reaffirmed the discretionary authority of state asylum governors to deliver any criminal fugitive to the demanding state. The *Dennison* Court concluded that, if implemented through a Supreme Court mandate, the Act,

would place every State under the control and dominion of the General Government, even in the administration of its internal concerns and reserved rights. (483 U.S. 226 [1986])

This legal interpretation of the Extradition Clause led to a system of extradition in which the decision on whether or not to extradite a criminal was the product of a negotiation process between state officials. Under this system, the demanding and asylum states will consider the nature of the offence, the defendant's behavior in the asylum state, and the reaction of the asylum community toward the fugitive as part of the decision to extradite a criminal (Dinan 1988).

However, the post-Civil War period was marked by an increasing pressure toward the "centralization" of the extradition law. The enactment of the Fourteen and Fifteenth Amendments and other federal statutes during this period redefined the role of the Supreme Court to the extent that it

ceased to be restrictive tribunals of fair dealing between citizens of different states and became the primary and powerful reliance for vindicating

every right given by the Constitution. (Claude 1970)

Also, the rising industrialization of the nation, and the emergence of a corporate capitalist structure with its concomitant increase in class inequality, precipitated the centralization of the law during the post-Civil War era; particularly in such areas as labor, industry and commerce (Hall 1992). Significant among the Court's decisions are *Wabash, St. Louis, and Pacific Railway v. Illinois* (118 U.S. 557 [1886]) and *Lochner v. New York* (198 U.S. 45 [1905]). In these and in many other cases, the Court ruled against state regulation of railroad rates, and working hours, respectively.

Federal attempts at centralizing economically-based problems was extended to the area of criminal extradition. One of the most significant steps in this direction took place in 1914 when the National Conference of Commissioners on Uniform State Laws recommended the creation of a uniform national extradition law (Somkin 1984). The outcome of this effort was a committee proposal entitled "The Uniform Criminal Extradition Act of 1926" which emphasized the "exclusively ministerial nature of the governor's duties" (*Yale Law Journal* 1956). Support for such legislation came years before its enactment from a group of legal scholars. In 1910, Wilbur Larremore provided a comprehensive legal analysis of the conflicts involved in the decentralized interstate extradition practices in the United States. In his paper Larremore (1910) warned the federal government about the potential for state executives to abuse their discretionary authority by arbitrarily refusing to extradite criminals to the demanding state; particularly in "cases involving racial conflict or political controversy." Similarly, years later, Roscoe Pound illustrated the need for centralizing the extradition law as follows:

Before he [a fugitive] could be taken back to New York, there were four writs of habeas corpus, there was a conflict of jurisdiction between state and federal officials, there were four extradition warrants, one injunction, one appeal, and one contempt proceeding. Even then it was necessary for a masterful detective to take the bull by the horns and put the fugitive in the hands of justice by an extra-legal coup. . . . Nothing could illustrate better the extreme decentralization, the want of organization or cooperation, the overgrowth of checks and hindrances, and the

hypertrophy of procedure which embarrass the administration of criminal justice in the economically unified land of today. (as quoted in Somkin 1984 526-527)

During the late 1920s and early 1930s a number of interstate extradition disputes questioned the efficiency of the common practice of interstate extradition law (*Yale Law Journal* 1956). Although there is no conclusive evidence that extradition disputes had significantly undermined interstate harmony, by 1940 the great majority of the States had adopted the Uniform Criminal Extradition Act as a guideline in writing their own extradition laws. Despite the centralizing tendency embodied in the 1926 Extradition Act, the *Dennison* decision remained the law of the land for many years (Larremore 1910). For 125 years, the federal courts had been reluctant to issue writ of mandamus in extradition cases on the ground that "the principle of separation of power immunizes the executive from judicial control," or that the "governor's duty is discretionary" (*Yale Law Journal* 1956).

As an extension of the Due Process Revolution, during the 1970s the interstate extradition proceedings became the subject of legal scrutiny in the context of the protection of an extraditee's constitutional rights under the Fourth Amendment (Towns 1979). Finally, in 1986 *Puerto Rico* confirmed Larremore's (1910) suspicion regarding the potential for discrimination by asylum states against demanding states in interstate extradition cases.

THE CENTRALIZATION OF THE LAW: *PUERTO RICO V. BRANSTAD*

On January 25, 1981, Ronald Calder, a resident of Iowa working in Puerto Rico, killed Amy Villalba De Jesus and her unborn child with his car. A month later, the District Attorney filed information against Calder on charges of murder and attempted murder. While on bail, Calder did not appear at the scheduled preliminary hearings. In April, after the Superior Court of Puerto Rico had issued a warrant for his arrest, the authorities learned that Calder had fled to Iowa. The Puerto Rican police informed the authorities in Iowa, and Calder surrendered to state authorities, and soon after, he was released after posting a \$20,000 bond (483 U.S. 219 [1986]).

On May 15, 1981, the Governor of Puerto Rico, Carlos Romero Barcelo submitted a formal request to the Governor of Iowa, Robert

Ray, for the extradition of Calder. After conducting a hearing on the case, and after attempting to negotiate a plea bargain on behalf of Calder, Governor Ray rejected Governor Romero's request for extradition. In 1983, in *Puerto Rico v. Iowa* (452 U.S.L.W. 3509 [1984]) the U.S. Supreme Court rejected Puerto Rico's request to file a complaint against the Governor of Iowa. Puerto Rico then requested a writ of mandamus from the Federal District Court for the Southern District of Iowa to order the new Governor of Iowa, Terry E. Branstad to extradite Calder. However, the Federal District Court rejected the petition and, on appeal, the United States Court of Appeals for the Eighth Circuit affirmed the decision of the District Court. In both instances, the Court relied on *Kentucky v. Dennison* to deny Puerto Rico's request for a writ of mandamus to extradite Calder. Under *Dennison*,

a federal court could not issue a writ of mandamus compelling a state governor to extradite a fugitive to a sister state under the Extradition Clause of the Constitution. (65 U.S. 61 [1861])

However, in its written opinion the Appeal Court recognized that

the underpinnings of *Dennison* during the past 125 years have been so seriously undermined—especially in view of the mandatory provision of the extradition clause of the Constitution—as to suggest reconsideration by the only Court empowered to do so.

Based on this opinion, the government of Puerto Rico appealed the case to the Supreme Court asking for the reconsideration and overruling of the *Dennison* decision.

May It Please the Court?: State Sovereignty and Political Discrimination

In *Puerto Rico*, petitioners provided three main reasons to overturn *Dennison*. First, according to petitioners, *Dennison* undermines the purposes of the Extradition Clause by converting the mandatory duty imposed by the Constitution and federal statute into a wholly discretionary decision of the asylum state's governor. Second, for the petitioners, *Dennison* improperly [renders] state governors' discretion supreme over the federal Constitution and federal law. Third, petitioners claimed that *Dennison* undermines the alleged harmony and unity between states that justified the

creation of the Extradition Clause in the first place (Kurland, Gerhard 1988). Applying the above reasoning to *Puerto Rico*, petitioners argued that by refusing to extradite Calder, the governor of Iowa undermined the political relations between both communities, and the authority of Puerto Rico to enforce its criminal laws.

While the bulk of the petitioners' arguments centered around the legal aspects of extradition, they also tried to convince the Court that the respondent's refusal to extradite Calder amounted to stereotypical and racially discriminatory actions. Hence, petitioners emphasized that during the hearings ordered by Governor Ray, Calder's four witnesses

expressed personal doubts about the quality of justice administered in Puerto Rico and the integrity of the Commonwealth's courts... [and] that as a white American man, [Calder] could not receive a fair trial in the Commonwealth of Puerto Rico. (Kurland, Gerhard 1988:611)

Respondent's argumentative strategy revolved around a definition of Puerto Rico as an "outsider" seeking to disturb the tranquility of the common law interstate extradition (Kurland, Gerhard 1988). First, they reminded the Court that *Dennison* had been and should continue to be part of "our constitutional framework," and that it had made a significant contribution to the stability and tranquility of the nation's "body of constitutional jurisprudence" (Kurland, Gerhard 1988). Respondent claimed that the intervention of the federal judiciary in extradition cases was unnecessary because "the wheels of the interstate political process in extradition matters are greased by a pattern of cooperation." However, the respondent recognized that the major force behind the alleged "interstate cooperation" was the fear by the asylum state of retaliation by demanding states. That is, asylum states comply with extradition requests with the expectation of reciprocity by the demanding state in future extradition cases.

In the same way, respondent questioned the applicability of the Extradition Clause of the Constitution to Puerto Rico in light of the political status of Puerto Rico as a "not sovereign state." In their view, the language of the clause applies exclusively to extradition requests from states; therefore as a U.S. territory, Puerto Rico had no right to invoke its benefit (Kurland, Gerhard 1988).

As a second strategy, respondent invoked a theory of political neutrality and urged the Court to consider the potential political and administrative difficulties involved in expanding the role of the federal courts. In their view, this should be an important concern for the Court, particularly in dealing with sensitive interstate disputes, such as in criminal extradition cases, because "the federal judiciary is ill-suited to adopt an aggressive enforcement role." From a similar perspective, respondent advised the Court that it "should stand clear of the nasty political thicket presented in... sensitive extradition cases" (Kurland, Gerhard 1988).

As a result, respondent argued, state's executives have developed a *common law tradition* of interpreting the Extradition Clause. When asked for evidence to support his common law argument, respondent made reference to extradition precedents to support his common law argument that state officials have discretionary power in extradition cases. However, the thrust of the argument was intended to demonstrate that

there is no power to make a governor extradite ... under the constitutional scheme, because that was not anticipated [by the Founding Fathers]. (Kurland, Gerhard 1988:621)

Respondents' challenge to the authority of the Court elicited the following reaction from the justices:

You know what you're asking for? A heaven for any criminal from Iowa. Any criminal charged with a serious—all he has to do is run to Puerto Rico. Is that what you're advocating? (Kurland, Gerhard 1988:621)

At this point, respondent tried to justify the discretionary power of the Governor in extradition cases on the ground that it is a necessary legal device to protect criminal defendants from being tried under a "defective" criminal justice system such as Puerto Rico's in which Calder would be exposed to mob lynching. They also introduced the issue of the political status of Puerto Rico by arguing that "Puerto Rico is seeking for an opinion of this Court to declare that it's a state" (Kurland, Gerhard 1988). This line of argument, however, did not advanced too far and the discussion was again redefined in terms of the authority of the Court to enforce the Extradition Clause. In his conclusion, respondent again

recommended to the Court that extradition cases involving territories should be handled by other federal authorities (the Attorney General) under the Fugitive Felon Act, and by the discretion of state's officials.

The Supreme Court Decision: Centralizing the Extradition Law

The Court's decision, handed down on June 30, 1987, unanimously overturned the *Dennison* decision and reversed the decision of the Court of Appeals. The core of the Court's analysis of the case was based on the examination of two constitutional propositions: 1) that the Extradition Clause creates a mandatory duty to deliver up fugitives upon proper demand and, 2) that the federal courts have no authority under the Constitution to compel performance of this ministerial duty of delivery (*Puerto Rico v. Branstad* 1986).

In dealing with the first proposition the Court argued that the framers of the Constitution intended this clause to be a source of national unity. Based on this view, and contrary to the *Dennison* opinion, the Court read the language of the Extradition Clause as mandatory. Hence, the Court reasoned that in order for the clause to be an effective force of national unity, it cannot depend on the voluntary action of state's officials or courts of the asylum state, for it will become "a never-failing subject of dispute and ill-will" (*Puerto Rico v. Branstad* 1986). In terms of the second proposition, the Court rejected the fundamental premise under which *Dennison* was decided according to which state and federal governments are "coequal sovereigns" (*Puerto Rico v. Branstad* 1986). Instead, the Court's decision reflected a consensus among the Justices regarding the supremacy of the federal branch over state governments; particularly as a protector of minority interests. Accordingly, the Court held that the authority of the Supreme Court to impose "upon state officials a duty to obey the requirements of the Constitution, or [to compel] the performance of such duties" is firmly grounded on cases such as *Brown v. Board of Education* (347 U.S. 483 [1954]) and *Cooper v. Aaron* (358 U.S. 1 [1958]).

Finally, the Court considered the respondent's argument that Puerto Rico could not invoke the Extradition Clause of the Constitution because it is not a State of the Union. The Court's strategy regarding this issue was to narrow the question to the applicability of the

extradition act to Puerto Rico. This, of course, was a relatively easy way for the Court to handle the case partly because, unlike the constitutional clause, the extradition act specifies its applicability to states and territories. Hence, although the Court agreed with the respondent that the language of the Extradition Clause applies only to states, the Court relied on *Kopel v. Bingham* (211 U.S. 468 [1909]), which made the Extradition Clause applicable to Puerto Rico, and the language of the Extradition Act to argue that as a "territory of the United States, [Puerto Rico] could invoke the Act to reclaim fugitives from its jurisdiction" (*Puerto Rico v. Branstad* 1986).

CONCLUSION

The analysis in this paper challenges the bipolar model of judicial decision making. Based on this model it was logical to expect that the conservative dominated Supreme Court who decided *Puerto Rico* would have preserved the legal precedent established under *Dennison*; therefore avoiding increasing interference by the federal government on state matters (Burgos-Gandia 1986). Instead, this study suggests that at the root of the Court's decision to centralize the criminal extradition law was a general distrust by the Supreme Court in the political neutrality of state officials to deliberate on a number of social issues (Hickok, McDowell 1993), and/or to create and enforce race and gender blind laws (Spann 1993). Specifically, the Supreme Court justices saw in *Puerto Rico* the potential for asylum state officials to abuse their gubernatorial discretion in extradition cases by prejudicially discriminating against demanding states. The Court's reading of the transcripts of the extradition hearing ordered by the Governor of Iowa, in which some of the participants questioned the integrity of the Puerto Rican criminal justice system to process a "white American" made evident to the justices that the discretionary extradition authority of asylum states as it was defined under *Dennison*, was susceptible to the influence of prejudicial and discriminatory beliefs of extradition agents.

Iowa's extradition practices were part of a larger political process in which the decision to extradite a criminal was based on a bilateral evaluation of factors including the nature of the offence, the defendant's behavior in the asylum state, and the reaction of the asylum community toward the fugitive (Dinan 1988). In *Puerto Rico*, however, these factors seem to

have played an insignificant influence in governor Branstad's denial to extradite Calder. Instead, the governor's reluctance to extradite Calder, as reflected in the Court's briefs and arguments, was based on prejudicial and discriminatory factors as reflected in their persistent reference to the island as an "outsider," and to its criminal justice system as inferior; a colonial attitude traceable to the beginning of U.S.-Puerto Rico relations in 1898 (Delgado-Cintrón 1980).

In the view of the justices *Puerto Rico* became more than an ordinary case of administration of the criminal justice system. It was a case of political discrimination against a subordinate territory. As such, the justices framed the case in the legal context of "minoritarian interests" similar to the desegregation cases of *Brown v. Board of Education* and *Cooper v. Aaron*. Both cases provided the justices with the necessary legal framework to substantiate their skepticism regarding the capacity of state officials to impartially apply the law, and to voluntarily advance the interest of demanding states in extradition cases. From this perspective, the Court's decision in *Puerto Rico* represented an attempt by the Court to achieve the cultural goal of a politically and culturally neutral extradition law "without" getting itself involved in the political and legal entanglements prompted by the territorial status of the island.

Finally, we should consider the question of who benefited from the Court's decision to centralize the criminal extradition law. The analysis in this paper suggests that the Court's decision to overturn *Dennison* represented a "symbolic" victory for the island, and a "real" institutional victory for the Court. Although the Court's decision can be described as a legally rational attempt to accommodate the island legal structure and interests within the extradition tradition developed by the states, it did not eradicate the subordinate political and legal position of the island. In the end, it was in the interest of the Court to hear the case and overturn *Dennison* for two reasons. First, the case allowed the Court an opportunity to achieve an important judicial goal, namely, the official proclamation of the federal supremacy over local governmental officials. Second, the Court's decision fitted well its contemporary self-defined activist role as the moral "guardian of minority interests" (Spann 1993). Having the justices ruled against Puerto Rico would have jeopardized the political-

ideological legitimization of the United States-Puerto Rico relationships, particularly in the eyes of the Puerto Rican people. Paradoxically, as long as state officials perceive Puerto Rico as an "outsider" and its criminal justice system as inferior, the island would have to rely on the federal court system for the revindication of its legal interests.

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