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Puerto Rico's Archival Traditions in a Colonial Context

Joel A. Blanco-Rivera and Marisol Ramos

Introduction

On December 10, 1898, Spain and the United States signed the Treaty of Paris, ending the Spanish-American War. Article II of the Treaty states that “Spain cedes to the United States the island of Porto Rico (sic) and other islands now under Spanish sovereignty in the West Indies.”¹ After four hundred years as a Spanish colony, Puerto Rico began its status as a colonial territory of the United States. The transfer of the colonial possessions included the Spanish colonial archives, an aspect that the Treaty addresses in Article VIII. This article mandates that Spain cede to the United States all properties, such as buildings and forts, belonging to the Crown of Spain. It also states:

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities

¹ *A Treaty of Peace Between the United States and Spain*, U.S. Congress, 55th Cong., 3d sess., Senate Doc. no. 62, part 1 (Washington: Government Printing Office, 1899), 6, accessed Oct. 3, 2016, http://avalon.law.yale.edu/19th_century/sp1898.asp#art8.

possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.²

What were those archives mentioned in the treaty? Primarily, they are active administrative archives from municipalities, the executive and judicial branches, government departments, and notary offices. Other archival collections that remained on the island, but were not covered by the treaty, were religious archives, located in local parishes across Puerto Rico, several dioceses, and the archdiocese of San Juan. Although there were many types of archives in Puerto Rico in 1899, there was never, during the four hundred years of Spanish colonial rule, a general, national archive that managed in a systematic way the historical records created in the different colonial offices and departments.³ Instead, historical records were transferred either to the *Archivo Real de Simancas* or the *Archivo Militar de Madrid* (before 1790), or transferred to the *Archivo General de Indias* (after 1785) in Seville as prescribed by the Laws of Indies and later on by the *Ordenanzas para el Archivo General de las Indias*.

It was on December 8, 1955, fifty-seven years after the U.S. invasion, that the government of Puerto Rico created the *Archivo General de Puerto Rico* (AGPR) with the mandate to acquire, preserve, and provide access to the historical records of the government of Puerto Rico; those created during the Spanish colonial period and by the U.S. military government, as well as the records created by the newly-established Puerto Rican government, the *Estado Libre Asociado* (ELA). The Commonwealth of Puerto Rico, as it is known in English, was a new political entity constituted in 1952 that allowed Puerto Rico to self-govern,

2 Ibid., 9.

3 Karin O. Cardona, "Archivos de documentos para el estudio de la historia de Puerto Rico" ["Document Archives for the Study of the History of Puerto Rico"], (Thesis, Centro de Estudios Avanzados y del Caribe, July 1995), 81.

while remaining under the plenary powers of the United States Congress as a U.S. unincorporated territory, or as many would argue, a colony.⁴

This chapter examines the historical antecedents of recordkeeping and archives in Puerto Rico, during both Spanish and U.S. colonial rules. It also explores the history and current issues of the *Archivo General de Puerto Rico* (General Archive of Puerto Rico). This historical analysis is made within the context of colonialism, examining the effects of Puerto Rico's colonial status (during the Spanish colonial period and the current period under United States colonial management) on the mission and work of the AGPR. We argue that while the *Archivo General* was created to address the chaotic management of government records, its founding reflected the conflicting realities of Puerto Rico's colonial status as a U.S. territory on the one hand, and on the other, the efforts by the new ELA government to shape a Puerto Rican identity connected to the island's colonial past with Spain as a deterrent against U.S. assimilation.

The founding of the *Archivo General de Puerto Rico* was not just an administrative decision by the new Puerto Rican government; its creation and management was fraught with symbolic meanings to establish a place, a *knowledge space*. The physical location of this new archive, a historical building from the Spanish period, was selected because, we argue, it was "bound to a particular local context [that could be] trusted beyond its site of enunciation to claim social authority."⁵ Yet this focus on cultural identity, intertwined with archival records and the lack of awareness about the important role of national archives, has severely affected the day-to-day operations of the *Archivo General*. Furthermore, a focus on the cultural mission of the General Archive has been detrimental to the Archive's mission related to government accountability, which should include strengthening recordkeeping practices to facilitate access to public records.

4 For more on the relationship between Puerto Rico and the United States, see: Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century* (Greenwood Publishing Group, 1996); José Trías Monge, *Puerto Rico: The Trials of the Oldest Colony in the World* (Yale University Press, 1999); Carlos R. Zapata Olivera, *Luis Muñoz Marín, Estados Unidos y el establecimiento del Estado Libre Asociado de Puerto Rico (1946–1952)* (San Juan, P.R.: Universidad Interamericana de Puerto Rico, 2015).

5 David F. Slade, "An Imperial Knowledge Space for Bourbon Spain: Juan Bautista Muñoz and the Founding of the Archivo General De Indias," *Colonial Latin American Review* 20, no. 2 (2011): 197. We are adapting a David Slade take on the David Turnbull concept of 'knowledge space' as applied to the *Archivo General de Indias* because of the similarities between the creation of both archival institutions as spaces that rely on powerful visual symbolism to create an authoritative space where history can be created.

Recordkeeping and Archives in Puerto Rico During Spanish Colonial Rule

To understand recordkeeping in Puerto Rico during Spanish rule (1493–1898) it is necessary to comprehend how archives were created and managed during that period in the Americas. In the 1500s and 1600s, most archives in Spain were under either royal (e.g. *Archivo Real de Simancas*), military (*Archivo Militar de Madrid*), ecclesiastic, or city-based control (Cadiz, Barcelona, Valladolid). The conquest and colonization of the New World brought the establishment of new cities and the appointment of royal administrators and civil administrators to manage these cities, villages and towns. To oversee this new empire, it was necessary for the Spanish Crown to establish a recordkeeping system to keep track of all the records produced. The *Leyes de Indias* (Laws of Indies), the famous compilation of laws that applied to the New World, included several sections dedicated to the creation and management of administrative archives throughout the New World.⁶ In 1530, Law XXXI declared that “municipalities and their councils must have archives for laws and deeds, and their keys shall be under the control of the stated persons.”⁷ These administrative archives served as the repository of official laws (*cédulas*) and legal deeds (*escrituras*) used to manage the vast Spanish empire in the Americas. Administrative archives were under the custody of specific government officials who literally held the keys to a three-key safe (*arca de tres llaves*) and only “the elected mayor, a councilmember, and the city scribe”⁸ could access the archive. Scribes (*escribanos*), also known as notaries (*notarios*), kept archives too—

6 *Recopilación de las Leyes de Indias*, Leyes (Madrid: Boix, editor, impresor y librero, Calle de Carretas, número 8, 1841). See Laws XXIX to XXXI for all the legislation related to archives in the Americas.

7 The Spanish text reads: “Que los cabildos y regimientos tengan archivos de cédulas y escrituras, y estén las llaves en poder de las personas que se declara.” “*Recopilación*,” Ley XXXI, 149, accessed September 20, 2016, <https://books.google.com/books?id=x28DAAAAQAAJ&pg=PP5#v=onepage&q&f=false>. Note about this edition: Most laws were promulgated in the late 1500s and during the 1600s, but in the 19th century, the Crown decided to create a compendium of all the laws in one set of books (*recopilación*) which was published 1841 to be applied to the last colonies in the Spanish Empire: Cuba, Puerto Rico and the Philippines.

8 *Ibid.*, 149. The quoted text reads in Spanish: “...alcalde ordinario por el año que ha de servir su oficio, otra un regidor, y otra el escribano del cabildo ó ayuntamiento...”

known as notarial protocols (*protocolos notariales*)—in their homes/offices since by law they were both creators of the legal *scriptures* and custodians of those records.⁹

In sum, archives and recordkeeping in the New World was embedded in the fabric of the Spanish empire mission from the very beginning of the conquest and colonization of the Americas. Archives were created to support the empire, to document all political and economic decisions necessary to run the colonies, to keep track of all legal contracts and judicial proceedings, and to make sure that all these records were kept in a safe place to ensure their authenticity.

Although the Laws of Indies established very clearly the creation and management of all documentation generated in the New World (from designating who could be an archivist, and requesting the creation of finding aids (*inventarios*) for all archives to prescribing what needed to be kept in the local archives or transferred to the archives in Spain), the reality was that the Spanish government did not have complete control of all archives neither in the Americas nor in Spain. Archives in the New World were susceptible to fire, floods, lack of personnel to manage them, and their organization and preservation would vary from colony to colony, from city to city, and from town to town.

Before 1780, archives in the metropolis were no better. For example, records from the New World transferred to the Royal Archives in Simancas were badly organized and hard to find. It was not until 1785, with the establishment of the *Archivo General de Indias* (AGI) in Seville, that a modern archive specifically designed to support historical research was created, as a reaction and in response to foreign critics who wrote history books condemning Spain's colonial enterprise, especially the lack of access to its historical records.¹⁰ With the purpose of counteracting such perceived attacks on Spain's honor, Juan Bautista Muñoz, the prime mover behind the establishment of the AGI, advocated the establishment of this new archive as a strategy that would provide access to Spanish historical sources for the writing of new history books:

... within Spain, by presumably Spanish scholars with access to official archives. Muñoz thus sought to insert Spain into the 'univer-

9 See Enrique Giménez-Arnau, *Derecho notarial español*, Vol. 3, (Pamplona: Universidad de Navarra, 1965) for more information on Notarial law in Spain. This law, with amendments, is still practiced in Puerto Rico and many of the former Spanish colonies. For an analysis of the power of notaries during Spanish colonial rule in the Americas, see Kathryn Burns, *Into the archive: Writing and power in colonial Peru* (Duke University Press, 2010).

10 Daniel Nemser, "Eviction and the archive: materials for an archaeology of the Archivo General de Indias," *Journal of Spanish Cultural Studies* 16, no. 2 (2015): 131.

salizing' project of European Enlightenment while at the same time effectively nationalizing the claim to narrate its imperial history.¹¹

The AGI became the “archive of archives,” where all of the archival collections from the “Indies” were to be collected and centralized in a single place.¹² The mission of this archive was to be “the fount of historical knowledge about the Spanish Americas.”¹³ Records deemed to be historical were therefore transferred to Spain, while the rest, the administrative archives of each city, town, and village, remained in the colonies. Puerto Rico was no exception.

Prior to the 19th century, Puerto Rico was not a very prosperous colony. Its main function was as a military outpost and the last stop of the Mexican *Situado* (the ships that carried all of the gold, silver and other goods extracted from the Americas) before sailing to Spain.¹⁴ The Puerto Rican population was smaller than that of other colonies in the Americas, and most of its industry was based on cattle and subsistence farming. It was not until the 19th century, with the arrival of new immigrants authorized to settle in Puerto Rico as a result of the promulgation of the *Cédula de Gracias de 1815* (Royal Decree of Graces), that the island's colonial administration became highly bureaucratic and records creation increased.¹⁵ This new influx of people and capital generated a variety of records as by-products of all types of economic, political and social activities in the colony that arose from the arrival of foreigners with capital to invest in the island. These activities were registered in both the colonial capital city of San Juan and many of the municipalities across the island. As Francisco A. Scarano explains in his book *Sugar and Slavery in Puerto Rico*:

11 Ibid., 132.

12 David F. Slade, “An Imperial Knowledge Space for Bourbon Spain: Juan Bautista Muñoz and the Founding of the Archivo General De Indias,” *Colonial Latin American Review* 20, no. 2 (2011): 206.

13 Ibid., 196.

14 See Carlos Marichal and Johanna von Grafenstein, *El secreto del imperio español: los situados coloniales en el siglo XVIII*, México, D.F.: El Colegio de México, Centro de Estudios Históricos: Instituto Mora, 2012.

15 See César Guiven Flores, “La Real Cédula de Gracias de 1815 para Puerto Rico: Instrumento jurídico de reformas y cambios en la primera mitad del siglo XIX,” *Anuario Mexicano de Historia del Derecho*, no. 8, 1996: 171–87, accessed Oct. 4, 2016, <http://historico.juridicas.unam.mx/publica/librev/rev/hisder/cont/8/cnt/cnt8.pdf>.

Municipal governments collected and produced an enormous volume of verbal and statistical materials concerning economic and social institutions: demographic and economic censuses, tax rolls, police records, and a sizable array of reports on local conditions. The immensely valuable notarial records are generally available for municipalities only, and often judicial papers cover just a small territorial division of no more than a few *municipios*.¹⁶

Notaries were critical players in the creation of records during the colonial period. Scribes, both royal and public, were essential to the functioning of the colony. For example, no town or village could be without a public scribe; otherwise, no legal or economic transaction could be performed and recorded for the future. To avoid that kind of situation, one scribe would serve several towns but in his absence individuals would travel to other towns to get their records notarized. If the city hall's archive burned (entirely or partially), the notary was the only person who might have the original documents in his notarial protocols and could issue authentic copies to replace the ones lost in the archive. In one case in 1844, for example, in the highland town of Adjuntas, a couple requested that the scribe issue a copy of a previous sale transaction of a slave because "the document with which they could accredit their property was among the papers that burned in this [the city hall] archive."¹⁷ In addition, vulnerable populations like emancipated slaves depended on these functionaries to create and provide copies of their letters of emancipation.¹⁸ As these examples illustrate, Puerto Rico was no differ-

16 Francisco A. Scarano, *Sugar and Slavery in Puerto Rico: the Plantation Economy of Ponce, 1800–1850* (Madison, WI: University of Wisconsin Press, 1984), xxiii.

17 The Spanish text in the notarial protocols reads: "por haberse quemado el documento con que acreditar podían su propiedad entre los papeles que se incendiaron en este archivo." See, AGPR, Box 2492, Town of Adjuntas; Protocolo de documentos públicos, Año de 1844, "Otros Funcionarios," 1844–49.

18 Marisol Ramos, "The Effect of Colonial Record-Keeping Practices on Newly Emancipated Slaves in 19th Century Puerto Rico," (Society of California Archivist Annual Meeting, San Diego, 2001), 17. An example of the language used by emancipated slaves that requested a copy of a letter of emancipation from the notary: "Conferring full freedom to the cited servant [slave] named Juana... she asks to be given authorized copies from it [notarial protocol] for safeguarding." The text in Spanish reads: "Que da y confiere plena libertad a la citada sierva nombrada Juana... me pide que de ella le de las copias autorisadas que quiera para su resguardo".

ent from the other colonies in the empire in terms of archives and recordkeeping practices. These practices emphasized keeping records for administrative and legal purposes and less so for historical purposes.

In the Americas, most general archives were established as part of the newly independent countries, starting with the *Archivo de la Provincia de Buenos Aires* in Argentina in 1821.¹⁹ In the case of those territories that remained as colonies after the independence wars in the Spanish Americas (1808–1833), only Cuba established a general archive, the *Archivo General de la Real Hacienda* [the tax revenue department] in 1840, while Puerto Rico remained without a general archive.²⁰

The lack of an official general archives in Puerto Rico where its historical records were housed and accessible to the local inhabitants, rather than being located far away in Spain, was something that the homegrown *clase letrada*/lettered class found disturbing.²¹ This emerging intellectual creole class, comprised of the well-to-do (merchants, landowners) and professionals (lawyers, doctors, writers) developed in Puerto Rico during the 19th century, and many of its members wished to pursue a national identity within their colonial reality. During the same period, European Romanticism (1800–1850) swept both sides of the Atlantic, including Puerto Rico.²² This literary movement emphasized history and archives as the basis for writing many historical novels that rescued the ‘past’ and the culture of local communities or indigenous groups that had disappeared by the 19th century. Archives played an important role as the place to find authentic sources that described this past. In the Americas, historical novels and screenplays served to cultivate a sense of unique national identity, vis-à-vis Spain’s cultural hegemony in the region, and to break away from the Spanish past to become a new national past.

19 In the 19th century general, national archives were established in Argentina (1821), México (1823), Bolivia (1825), and Brazil (1838).

20 The archive was later renamed the *Archivo Nacional de la República de Cuba* after the Cuban revolution. See Archivo Nacional de la República de Cuba, “Historia,” accessed Sept. 10, 2016, <http://www.arnac.cu/index.php/archivo-nacional/historia>.

21 See Ángel Rama and John Charles Chasteen [trans.], *The Lettered City*. Durham, NC: Duke University Press, 1996, for an in-depth discussion of the rise of this elite creole class in the Americas from the colonial period to the beginnings of the newly established nation-states in the 19th century.

22 To learn more about Romanticism in Latin America, see Emilio Carilla, *El romanticismo en la América hispánica*. Madrid: Editorial Gredos, 1967; Viktoria Kritikou, *Una revolución estética: el romanticismo en Hispanoamérica*. (Madrid: Ediciones del Orto, 2012).

Hence, la *clase letrada* in Puerto Rico yearned to be part of these global literary movements and to create a unique identity within the Spanish colonial context. Therefore, the lack of records in Puerto Rico documenting its founding bothered many of its members, especially those who went to Spain and France to study and were exposed to the literary and political movements sweeping across Europe in the mid-19th century. To complicate matters further, many of the historical records from/about Puerto Rico, from its founding to the late 18th century, were lost due to the burnings of the capital city of San Juan, in 1598 by the British Sir George Clifford, Earl of Cumberland²³ and later in 1625 by the Dutch invader Boudewijn Hendricksz.²⁴ These events left the island bereft of records that could be easily accessed by this local elite. The only copies left from that period were the ones that had been transferred to Spain.

To remedy this situation, in 1851 a group of young Puerto Ricans living in Madrid (as students or exiles) created a group called the *Sociedad Recolectora de Documentos Históricos de la Isla de San Juan Bautista de Puerto Rico* (Society for the Collection of Historical Documents of the island of San Juan de Puerto Rico) with the mission of seeking and publishing historical documents about Puerto Rico found in archives in Spain, especially in Madrid and Seville.²⁵ Little by little, by visiting institutions such as the Spanish National Library, the Royal Academy of History, and the *Archivo General de Indias*, this group of students was able to gather enough documents to begin reconstructing a history of Puerto Rico that transcended the old Spanish chronicles of the conquest and colonization of the New World. In an 1851 report to the *Sociedad Recolectora* regarding their ef-

23 David M. Stark, "'There is no City Here, but a Desert' The Contours of City Life in 1673 San Juan," *Journal of Caribbean History* 42, no. 2 (December 2008): 258.

24 David Marley, *Wars of the Americas: A Chronology of Armed Conflict in the New World, 1492 to the Present*. (Santa Barbara, Calif: ABC-CLIO, 1998), 112.

25 This group was composed by individuals who became prominent members of Puerto Rican civil and political society in the late 19th century. Some of them became leaders of the nascent independent movement, while others became members of the liberal reformist parties trying to achieve more autonomy for the island. Some of the most important members of the society were Ramón Baldorioty de Castro, José Julián Acosta, Ramón Emeterio Betances, and Segundo Ruiz Belvis. To learn more about this group, see Isabel Gutiérrez del Arroyo, "La Sociedad Recolectora de documentos históricos: colección documental," *Revista del Instituto de Cultura Puertorriqueña*, no. 48, 1970.

forts, one of its members, Román Baldorioty de Castro, stated that this initiative “would fill the vacuum that at this point in history our country feels.”²⁶

In 1854, Alejandro Tapia y Rivera, another member of the Society, published with little censorship a compilation of historical documents titled *Historical Library of Puerto Rico: which contains several documents from the XV, XVI, XVII and XVIII centuries*²⁷ in a Puerto Rican press, an unprecedented event in the colony.²⁸ For Tapia, who echoes his colleague and friend Baldorioty de Castro’s sentiments quoted earlier, publishing this book was a first step to begin filling those gaps in the history of Puerto Rico by Puerto Ricans. In the introduction to the book, Tapia comments that given the lack of sources about Puerto Rico on the island, the book should be “of interest to the nation [Spain] and the province [Puerto Rico], as it opens the door to new research that will finally illustrate in all of its aspects the history of Puerto Rico.”²⁹

Tapia y Rivera’s work is considered both fundamental and foundational for the development of a modern historiographical tradition in Puerto Rico by Puerto Ricans³⁰ and not by royal chroniclers or historians working for the Crown. The publication of the *Biblioteca* not only emphasized the importance of having access to historical records found in archives outside of Puerto Rico, but also connected these records to the construction of a Puerto Rican identity. Francisco Moscoso, in his presentation about the Society, explains:

26 Francisco Moscoso, “Tapia, La Sociedad Recolectora y la Biblioteca histórica de Puerto Rico (1854),” in *Tapiana I: Actas Del II Congreso Tapiano de las jornadas en honor y memoria de Alejandro Tapia y Rivera, 2009–2010*, ed. Roberto Ramos-Perea (San Juan: Editorial Lea, Ateneo Puertorriqueño, 2012), 41.

27 Alejandro Tapia y Rivera, *La Biblioteca Histórica de Puerto Rico: que contiene varios documentos de los siglos XV, XVI, XVII, y XVIII* (San Juan de Puerto Rico: Instituto de Cultura Puertorriqueña, 1970).

28 *Ibid.*, 41. To read more in-depth about the type of censorship that was prevalent during the colonial period, see Alejandro Tapia y Rivera’s memoirs, Alejandro Tapia y Rivera and Eduardo Forastieri Braschi. *Mis memorias: Puerto Rico como lo encontré y como lo dejo*, [critical edition], (Guaynabo, Puerto Rico: Editorial Plaza Mayor, 2015).

29 Tapia y Rivera, *Biblioteca Histórica*, 4. The Spanish text reads: “de bastante interés, para la nación como la provincia, porque abre camino a nuevas investigaciones, que acaben de ilustrar en todos sus puntos la historia de Puerto-Rico.”

30 Such as José J. Acosta’s updated version of Inígo Abbad y Lasierra’s 18th century book, *Historia geográfica, civil y natural de la isla de San Juan Bautista de Puerto-Rico*, (Puerto-Rico: Impr. y librería de Acosta, 1866) and Salvador Brau’s *Puerto Rico y su historia; investigaciones críticas*. (Valencia: Imprenta de F. Vives Mora, 1894).

The interest in knowing the history and the country [Puerto Rico] coincided with the process of affirmation and identification of a Puerto Rican national identity among these young students. They wanted to produce a research and historiographical tool that came from the hands of Puerto Ricans themselves. In order to do this, it was necessary to identify the institutions, archives and libraries that preserved primary sources about Puerto Rico from the beginning of the conquest and the Spanish colonization.³¹

At the close of the 19th century in Puerto Rico, the view of archives as *the fount of historical knowledge* (echoing Slade's description of Juan Bautista Muñoz's view of the role of the *Archivo General de las Indias*) was well established. The archive was necessary not only to preserve the day-to-day records of economic and legal activities or to preserve the power of the Spanish empire, but to build a national identity rooted in a historical, well-documented past. But, it would not be until the mid-20th century that a space similar to the AGI would be created to achieve this desire.

Establishing a Knowledge Space: *The Archivo General de Puerto Rico*

The condition of the many records located across the towns in Puerto Rico between the end of Spanish colonial rule and the first fifty years as a colony of the United States could be characterized as one of disarray, where significant historical collections were lost, destroyed, or stolen.³² The archives created during the Spanish colonial period were scattered across all the municipalities in the island

31 Moscoso, "Tapia, La Sociedad Recolectora y la Biblioteca histórica de Puerto Rico (1854)," 39.

32 Some archival collections ended up in the hands of antiquarians in the United States who then sold them to academic universities' archives and special collections. One example of this situation is a collection of judicial records from the Appellate Court of the District of Arecibo, which ended up at the University of Connecticut. To learn more about this case, see Marisol Ramos, "Access to Cultural Property and Heritage," *Revista Arhivelor/Archives Review* 86 (2): 9–16, accessed on October 4, 2016, <http://www.arhivelenationale.ro/images/custom/image/serban/2012/RA%202%202009%20pdf%20cu%20watermark/03%20ramos,%20marisol-engleza.pdf>.

or not available in Puerto Rico, since Spain had kept the historical records about Puerto Rico deposited in the *Archivo General de Indias*. Furthermore, after the Treaty of Paris, the United States government took custody of 289 boxes of documents and deposited them in the Library of Congress.³³

It was not until 1919 that the Puerto Rican legislature approved legislation to establish the *Archivo Histórico de Puerto Rico* (Historical Archive of Puerto Rico), the first of its kind on the island responsible for the custody of historical documents.³⁴ With the newly created historical archive, the U.S. government transferred over 200 boxes of the records that were deposited at the Library of Congress.³⁵ However, the recovery of this important documentation did not last long. On November 12, 1926, a fire at the Historical Archive destroyed most of these documents, including records from the Spanish colonial period such as government customs records.³⁶ The records that survived were kept in the Puerto Rico Casino³⁷ and stayed there until 1945, when the Puerto Rican legislature finally transferred the records to the University of Puerto Rico.³⁸

The early 1950s was a significant political period for Puerto Rico. On July 25, 1952, on the fifty-fourth anniversary of the U.S. invasion, Luis Muñoz

33 Lino Gómez Canedo, *Los archivos históricos de Puerto Rico* (San Juan: Instituto de Cultura Puertorriqueña, San Juan, 1964): 4. It is important to note that at the time Puerto Rico became a colonial territory of the United States in 1898 the U.S. did not have its own national archives, and thus no defined system for the proper management of records. For instance, by the end of the 19th century, the American Historical Association established the Public Archives Commission with the purpose of assessing the situation with archives in the United States, which found that “in contrast to Europe, the condition of public records in the United States was in great disarray.” See Francis X. Blouin Jr. and William G. Rosenberg, *Processing the past: Contesting authority in history and the archives* (Oxford University Press, 2012), 36.

34 Cardona, “Archivos de documentos,” 48.

35 Lino Gómez Canedo, *Los archivos históricos de Puerto Rico* (San Juan: Instituto de Cultura Puertorriqueña, San Juan, 1964), 143.

36 Puerto Rico, Oficina del Historiador Oficial, *Tesoro de datos históricos* (San Juan, PR: Imprenta del Gobierno de Puerto Rico, 1948), 112.

37 Casinos were social clubs where, in the case of Latin America and the Caribbean, Spanish emigrants met and socialized. Not to be confused with a gambling casino. *Diccionario de la Real Academia Española*, “casino,” accessed October 1, 2016, <http://dle.rae.es/?id=7p4KzLD>.

38 Canedo, *Los archivos históricos de Puerto Rico*, 4.

Marín, the newly elected Governor from the *Partido Popular Democrático* (PPD), officially raised the Puerto Rican flag alongside the flag of the United States (before then, it was prohibited by law to use the Puerto Rican flag).³⁹ This marked the official beginning of the *Estado Libre Asociado* (ELA), or Commonwealth, a new political status that allowed Puerto Rico to have its own constitution and some level of self-government while still remaining a U.S. unincorporated territory, or in simpler terms, a self-governing colony.⁴⁰

The establishment of the ELA led to changes in the government's discourse regarding Puerto Rican culture, identity, and nationalism. As anthropologist Arlene Davila explains, it was "after Puerto Rico attained local autonomy through the commonwealth status, that the government first made a concerted effort to define an official cultural policy and stipulate what could rightfully represent Puerto Rican culture."⁴¹ This concerted effort resulted in the creation of the Instituto de Cultura Puertorriqueña (Institute of Puerto Rican Culture—ICP for its Spanish initials), established by law on June 21, 1955. Dávila points out that those involved with the ICP in its early days:

...conceived of the institute as a vehicle for national affirmation and resistance to colonization. They repeatedly described this era to me as one of renewal, regeneration, and overt resistance to U.S. imperialism... In fact, the new cultural policies represented an important reversal of the Americanization campaigns encouraged by the U.S. government after its occupation of the island.⁴²

It is within this context of political change and the birth of the ICP that the *Archivo General de Puerto Rico* is founded. On May 10, 1952, the Puerto Rican

39 This event was significant because a previous law enacted in 1948, Law 53, also known as *La Mordaza* (the gag law), made it a felony to display any symbol (such as the Puerto Rican flag) considered to be subversive against the U.S. government as a way to squash the small but vocal pro-independence movement in Puerto Rico. Charles R. Venator-Santiago, *Puerto Rico and the origins of US global empire: the disembodied shade*, New York, NY: Routledge, 2015: 95–6.

40 The literal translation is Free Associated State, but the status is known in English as Commonwealth of Puerto Rico.

41 Arlene M. Dávila, *Sponsored identities: cultural politics in Puerto Rico* (Temple University Press, 1997), 4.

42 *Ibid.*, 62.

Legislature allocated \$27,000 for a study about the state of government records.⁴³ The study was delegated to the government's budget office, which in its report recommended the creation of a public records law to "establish a systematic records conservation program that merit preservation given their historical, legal, administrative or formative values."⁴⁴ Legislation was finally approved on December 8, 1955, creating the *Archivo General de Puerto Rico* (AGPR). Initially, the Archive was to be part of the University of Puerto Rico, but an executive order from Governor Muñoz Marín in 1956 transferred the administrative functions to the Institute of Puerto Rican Culture.⁴⁵ In 1973, the AGPR moved to its current location, a colonial Spanish building that had served as a municipal prison. The selection of this building was significant because it was the last major monumental edifice constructed by the Spanish colonial government.⁴⁶ Built in 1887, the *Cárcel de Puerta de Tierra* building offered a tangible symbol that embodied the idealistic mission of the new general archive as the custodian of a Puerto Rican history before the arrival of the United States military forces in 1889. The location, history and pedigree of this building made it the perfect "knowledge space" where the political leadership of the PPD, who governed over Puerto Rico during twenty of the first twenty-four years after the establishment of the ELA, would facilitate the preservation and make accessible the necessary historical documents needed by Puerto Rican historians to start writing those history books by Puerto Ricans for Puerto Ricans that Baldorioty de Castro and Tapia y Rivera had envisioned in the late 19th century.

43 *Guía al Archivo General de Puerto Rico* (San Juan: Instituto de Cultura Puertorriqueña, 1964), 17.

44 *Ibid.*, 17–18. Translated by the authors.

45 *Ibid.*, 27.

46 This building was originally designed to be a hospital for civilians (*Hospital Civil*) but it was never used for that purpose. Instead it was repurposed as a local prison (*Cárcel de Puerta de Tierra*). After 1898, it functioned as a tobacco factory (Porto Rican-American Tobacco & Co) and lastly, as a rum distillery for the Bacardí Rum company. For more info about the history of the AGPR building, visit, "Archivo General de Puerto Rico y Biblioteca Nacional de Puerto Rico," accessed September 19, 2016, <http://www.puertadetierra.info/edificios/archivo/archivo.htm>. To learn more about the significance, both historical and architectonic, of this building, see a copy of this building's *National Register for Historical Places* form, accessed Oct. 4, 2016, <http://focus.nps.gov/GetAsset?assetID=30309fc3-7687-4e71-9c00-87d98ef89423>.

Director of the General Archive of Puerto Rico Karin Cardona explains that during the period of 1956–1973 the Archive's focus was on the recovery and transferring of historical documents scattered throughout the island. Around 13,000 cubic feet of documents were transferred to the AGPR.⁴⁷ Adding to these recovery efforts, in 1973, the AGPR and the University of Puerto Rico joined forces for *Operación Rescate* (Operation Rescue), an initiative whose purpose was to identify and transfer to the AGPR historical documents created before 1922, and which were located in the cities but were in danger of being lost because of the bad conditions of the records.⁴⁸ Approximately 6,000 cubic feet of documents were recovered.⁴⁹ As a consequence of the transferring and recovering of all these records, historian Fernando Picó declares that the AGPR became “the leading research institution in the country.”⁵⁰

A note in the *El Mundo* newspaper about Muñoz Marín's 1956 executive order states that beyond a historical archive, the AGPR would be “a modern archive serving the various sectors of the general public and the government.”⁵¹ The article also stated that the Archive would address the issue of the lack of a records disposition plan, which created an “unnecessary expenditure” for the government.⁵² However, the law itself became the first obstacle to the improvement of the government's records management program. The 1955 legislation that created the AGPR also established a Public Records Conservation and Disposition Program, responsible for the government's records management program. The administration of this records management program was assigned to the General Services Administration. Therefore, the core archival and records management functions were separated, each supervised by a different entity. José A. Flores Rivera, who had a long career as an archivist at the AGPR, underscored the problems with this separation. He points particularly to the separation between the cultural mission of archives and the accountability mission of archives. The records management program was under an office whose focus was on the

47 Cardona, “Archivos de documentos,” 57.

48 María de los Ángeles Castro Arroyo, “La memoria en orden: Rescate, organización y perspectiva de los archivos en Puerto Rico,” *Revista Op. Cit.*, no. 5 (1990): 112.

49 Ibid.

50 Fernando Picó, “La nueva historia y el Archivo General,” 19 de marzo de 2006, accessed October 3, 2016, http://www.puertadetierra.info/noticias/archivo/nueva_historia.htm.

51 “Centralizarán los archivos del gobierno,” *El Mundo*, June 21, 1956.

52 Ibid.

administration of services, while the AGPR's was placed under the Institute of Puerto Rican Culture, whose mission—as an office under the executive branch and whose director is appointed by the Governor—was to protect and preserve Puerto Rican culture. Therefore, the mission of the ICP became the main mission of the General Archive.⁵³ The AGPR, Flores explains, “had to be totally subsidized, and attached to the cultural mission of the State.”⁵⁴ Therefore, any cultural policy set by the ELA government and implemented by the ICP would directly affect the functioning of the *Archivo General*.

After the loss of power by the PPD in 1968, the AGPR would become entangled in the ideological battles between the two main political parties in Puerto Rico, the *Partido Popular Democrático* (PPD), defenders of the ELA, and the pro-statehood *Partido Nuevo Progresista* (PNP) whose goal is to create the conditions for the annexation of Puerto Rico to the United States. Consequently, legislation and budget support for the mission of the ICP and therefore the AGPR varied wildly depending on which political party was in power, with the expected negative consequences.⁵⁵

The focus on the cultural mission of the AGPR and its place under the supervision of the Institute of Puerto Rican Culture have been identified as significant limitations to the Archive's own development. A 1974 self-assessment prepared by archivists pointed to these limitations, explaining that while the Archive was receiving many documents from government agencies, the situation at

53 José A. Flores Rivera, “El Archivo General de Puerto Rico y su Ley habilitadora: Trayectoria institucional 1955–2010,” in Raymundo González, ed. *Memorias del III Encuentro Nacional de Archivos. Santo Domingo, 11, 12 y 13 de noviembre de 2010* (Santo Domingo: Archivo General de la Nación, 2014): 133–34, accessed October 4, 2016, http://www.agn.gov.do/sites/default/files/libros/pdfs/vol%20212._memorial_del_3er_encuentro_nacional_de_archivos_0.pdf.

54 *Ibid.*, 134.

55 Amber Lee Vélez, “¿Dónde está la ‘política cultural’?” *El Nuevo Día*, January 31, 2008. A House of Representatives report on the situation of cultural policies in Puerto Rico reported that “changes in cultural legislation have generally responded to pressure from interest groups, attempts to obstruct the activities of the ICP during changes of government administration, or partisan commitments.” The text in Spanish reads: “los cambios en legislación cultural generalmente han respondido a presiones de grupos de interés, al intento de mediatizar la actividad del ICP en momentos de cambio de administración gubernamental, o a compromisos partidistas”.

the AGPR was one of crisis.⁵⁶ The records management program suffered from a lack of knowledge regarding records management processes, in part because the work was being performed by people who had no training in archives and records management. As the study explains, the Archive's dependency of the bureaucracy of the ICP had a negative and chilling effect on its work. Flores concludes:

In sum, and according to this self-assessment, the AGPR and the Public Records Conservation and Disposition Program were unappreciated by government administrations. The separation of both from the beginning ended up being an ongoing problem. And it cut short the possibilities for creating one system exclusively dedicated to the management of the public records of the country.⁵⁷

Subsequent studies throughout the sixty years of the General Archive's existence have highlighted the same problems pointed out by the archivists in 1974. For example, in July 1989, the Advisory Board of Historical Documents of Puerto Rico issued a report about the situation of historical records in the island. The study, sponsored by a National Historical Records and Publications (NHPRC) grant, drew attention to the following issues: the separation between the archives and records management programs, the AGPR's dependency on the Institute of Puerto Rican Culture, and the need for education and training of archivists and records managers.⁵⁸

Similar conclusions were reached in 2003, when a report commissioned by then governor Sila María Calderón underscored that all of the studies on the AGPR over a span of 40 years point to basically the same ongoing problems, including its dependency of the ICP bureaucracy, limited financial resources, and a need for more archivists.⁵⁹ Regarding the limited financial and human resources, the report revealed that in 1974 the AGPR had 26 employees and housed 32,000 cubic feet of documents; by 2003 it had basically the same number of employees, but the volume of documents had doubled.⁶⁰ In addition, López and Rivera

56 *Ibid.*, 134.

57 *Ibid.*, 135. Translation by the authors.

58 Junta Asesora de Documentos Históricos de Puerto Rico, "Proyecto de evaluación e informe de necesidades de los documentos históricos de Puerto Rico. Informe Final," July 1989.

59 Leroy Rivera and Marcia Rivera, "El Archivo General de Puerto Rico: Estrategia para su transformación" (report, San Juan, PR, 2003): 5.

60 *Ibid.*, 7.

stated that the lack of awareness of the mission and importance of the AGPR has contributed to the reality that the institution is not a priority for the government, adding that “there is not a lot of awareness about the significance of strong records management and of what should be preserved as part of the documentary heritage of Puerto Rico.”⁶¹

One of the major recommendations by López and Rivera was to give the AGPR greater fiscal autonomy. While they did not recommend that the Archive be completely separated from the Institute of Puerto Rican Culture, they did recommend making the AGPR a “public corporation, affiliated with ICP.”⁶² In other words, the Archive would continue to be connected to the ICP, but would have fiscal and administrative autonomy. This was not the first time this type of recommendation had been made. The 1989 report by the Advisory Board had also underscored the problems presented by the Archive’s administrative dependency of the ICP, and recommended legislation for a more autonomous General Archive and the integration of the records management program with the Archive’s functions.⁶³ The advocacy for more autonomy for the Archive, particularly to separate it completely from the ICP, has continued, and has included proposing legislation, but with no success.⁶⁴

Having only a small staff of archivists has significantly affected the arrangement and description of *fonds*, particularly those from the mid-20th century and onward. In a 2015 interview, Karin Cardona explains that the AGPR is the general/national archive with the lowest number of archivists in Latin America and the Caribbean.⁶⁵ Furthermore, in 2009 the AGPR lost seven of its thirty employees when then-Governor Luis Fortuño signed Law 7, which led to massive dismissal of public employees.⁶⁶ Fernando Picó, one of the most prominent historians in Puerto Rico, highlights the difficulties for researchers arising from the significant gap in the arrangement and description of 20th century *fonds*. This has led researchers to rely on other sources for research about Puerto Rico during that

61 Rivera and Rivera, “El Archivo General de Puerto Rico,” 5–6.

62 Ibid., 29.

63 Asesora, “Proyecto de evaluación,” 11–12.

64 Cristian Arroyo, “El Archivo General: Víctima del olvido y la injerencia política,” *Diálogo*, June 8, 2015, accessed October 3, 2016, <http://dialogoupr.com/el-archivo-general-victima-del-olvido-y-la-injerencia-politica/>.

65 Ibid.

66 Ibid.

century.⁶⁷ Despite all of these limitations, Picó, who received recognition during the Archive's sixtieth anniversary, acknowledges that it is the work of archivists throughout the AGPR's history that has made it possible for the Archive to stay afloat, stating that "on this 60th anniversary, the real heroes are the archivists."⁶⁸

Conclusion

Recordkeeping in Puerto Rico during Spanish colonial rule can be characterized as a system in which the management of records served the administrative needs of the Spanish Crown, a practice that was no different from other colonial possessions. The founding of the *Archivo General de Indias* in Seville in 1785 also served Spain in a different way, by creating a space where the records necessary to establish new historical narratives of the Spanish empire were available to historians. Therefore, Puerto Rico, like many colonial possessions under the Spanish Crown, was left with records scattered across towns in the island that were not deemed *historical* by the colonizers but were necessary to serve the needs of the empire. A small colony like Puerto Rico was not considered important enough to have its own historical general archive. This lack of management of historical records continued after the transferring of Puerto Rico to the United States as a colonial territory in 1898. It would take the island fifty-seven years to finally have a general archive. While the foundation of the AGPR was done in great part because of the practical need of addressing the chaotic management of government records, its creation three years after the birth of the *Estado Libre Asociado*, and placement under the supervision of the newly created Institute of Puerto Rican Culture (ICP) illustrated the efforts by the new government to shape the cultural identity of Puerto Rico as one that celebrates the traditions and identity built during Spanish colonial rule, but not necessarily to commit the necessary resources to acquire, preserve and make accessible the records created under the new ELA government.

As this chapter has shown, the colonial enterprise was embedded in the very beginning in the colonial recordkeeping and archival practices in the New

67 Cristian Arroyo, "Fernando Picó: 'Los verdaderos héroes son los archiveros'," *Diálogo Digital*, June 9, 2015, accessed September 23, 2016, <http://dialogoupr.com/fernando-pico-los-verdaderos-heroes-son-los-archiveros/>.

68 Ibid.

World. Until the late 18th century, the main purpose of these practices was to support the Spanish empire, its government, and its control of the people and goods in these territories. As Nemser and Juan José Generelo pointed out respectively in their works, the creation of the *Archivo General de Indias* in 1785 marked a pivotal point in the way Spanish archives moved beyond the secretive archives of power and the practical archives of the administration that directly supported the power of the King to historical archives open to the public, still at the service of the empire but now available to historians to write more *authentic* imperial chronicles of the Americas using primary source records.⁶⁹

In the context of Puerto Rico, the connection between archives, history and national identity became entwined as the emerging *clase letrada* began developing a desire to pursue a unique national identity by creating its own history through the search of historical records found in archives located in Spain and Puerto Rico—a national history by Puerto Ricans for Puerto Ricans. The U.S. invasion in 1898 truncated this process and it was not until the establishment of the *Estado Libre Asociado* (ELA) in 1952 and the subsequent founding of the *Archivo General de Puerto Rico* (AGPR) that finally the dream of a historical national archive was achieved.

Yet this emphasis on the cultural mission of the AGPR, and the “ignorance or negligence”⁷⁰ of government administrations about what modern archives are, has become a barrier for the Archive’s mission and roles regarding accountability and recordkeeping practices. Here resides the dichotomy of creating the AGPR as the custodian of the island’s collective memories, but not providing the necessary resources to manage the records that help shape those memories, limitations that become even more problematic in the late 20th century and onward when little has been done to address the management, preservation, and access to electronic public records.

This emphasis on a historical function over a governmental one is epitomized by the decision to locate the archives in the old *Cárcel de Puerta de Tierra* building. This decision provided the necessary legitimization not only to the archives mission but to the establishment of the newly established ELA government as the custodian of Puerto Rican history and identity, a history tied to a

69 See Juan José Generelo, “Archivos del Poder, Archivos de la Administración, Archivos de la Historia (s. XVI-XVII),” in *Historia de Los Archivos y de la Archivística en España*, Valladolid: Secretariado de Publicaciones e Intercambio Científico, Universidad de Valladolid, 1998, 29–42; Nemser, “Eviction and the archive,” 131.

70 Asesora, “Proyecto de evaluación,” 9.

Spanish past and less associated with the current colonial situation under the United States.

Despite these limitations, which as explained in this chapter have been present during most of the Archive's sixty years of existence, archivists at the AGPR continue their efforts to safeguard and provide access to Puerto Rico's documentary heritage, and the acquisition and preservation of records documenting the island's more recent political past.⁷¹ Although the future is unclear for Puerto Rico during this time of economic and political uncertainty, this chapter has shown the commitment by the archivists at the AGPR, through their self-assessment studies and reports to the different ELA administrations, to forge a better way to provide accountability for the people of Puerto Rico through the management and preservation of its cultural heritage and patrimony.

71 *El Nuevo Día*, "Miles de carpetas de independentistas se convierten en documentos públicos," 7 de julio de 2015, accessed September 30, 2016, <http://www.elnuevodia.com/noticias/locales/nota/milesdecarpetasdeindependentistasseconviertenendocumentospublicos-2069977/>. On July 2015, the AGPR announced the opening of the surveillance files from the Intelligence Division of the Police of Puerto Rico, known as *las carpetas*, created during the 1960s, 70s and 80s to surveil independence supporters.

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