

*Curriculum Vitae*

**CHRISTINA D. PONSA-KRAUS**

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**Academic Positions**

Columbia Law School, *New York, NY*  
George Welwood Murray Professor of Legal History (2014-present)  
Professor of Law (2011-2014)  
Associate Professor of Law (2007-2011)  
Program in Law & Public Affairs, Princeton University, *Princeton, NJ*  
Visiting Scholar (2001-2002)

**Judicial Clerkships**

United States Supreme Court, *Washington, DC*  
Law clerk to Justice Stephen G. Breyer, October 2004 Term  
U.S. Court of Appeals, Second Circuit, *New Haven, NJ*  
Law clerk to Judge José A. Cabranes, August 2000 Term

**Education**

Princeton University, *Princeton, New Jersey*  
Ph.D., History, 2010. *Dissertation: "Contingent Constitutions: Empire and Law in the Americas."* Accorded an Honorable Mention by the William Nelson Cromwell Foundation Dissertation Prize Committee, Fall 2011.  
Yale Law School, *New Haven, Connecticut*  
J.D., 1998. *Activities: Latino Law Students Association (Board member, 1996-97); Streetlaw (volunteer teaching in public school); Truancy Program (mentoring); Greenhaven Prison Project (inmate education program).*  
Cambridge University, *Cambridge, England*  
M. Phil., Political Thought and Intellectual History, 1995. *Thesis: "The American Delegates at the Cortes de Cádiz: Citizenship, Sovereignty, Nationhood."* Selected for Cambridge University Library collection.  
Princeton University, *Princeton, New Jersey*  
B.A., Honors, History and Latin American Studies, 1990.

## Publications

### *Book (edited volume)*

FOREIGN IN A DOMESTIC SENSE: PUERTO RICO, AMERICAN EXPANSION, AND THE CONSTITUTION (Durham, NC: Duke University Press, 2001). Co-edited the volume and co-authored the introduction (with Burke Marshall).

### *Articles, Essays, Book Chapters*

*A Guarantee Clause for the Americas: The United States in Cuba, 1898-1902* (forthcoming, CONSTITUTIONAL COMMENTARY).

"When Statehood Was Autonomy," in Gerald L. Neuman & Tomiko Brown-Nagin, eds., *Reconsidering the Insular Cases: The Past and Future of the American Empire*, a publication of the Harvard Human Rights Program Series (Harvard University Press, 2015).

*Los Casos Insulares: Doctrina Desanexionista*, 78:3 REVISTA JURÍDICA UNIVERSIDAD DE PUERTO RICO 661 (2009) (with Adriel Cepeda Derieux).

*A Convenient Constitution? Extraterritoriality after Boumediene*, 109:5 COLUMBIA LAW REVIEW 973 (2009).

"Empire and the Transformation of Citizenship," in Alfred W. McCoy & Francisco A. Scarano, eds., *COLONIAL CRUCIBLE: EMPIRE IN THE MAKING OF THE MODERN AMERICAN STATE* (Madison, WI: University of Wisconsin Press, 2009).

"*They Say I Am Not an American*" ...: *The Non-Citizen National and the Law of American Empire*, 48:4 VIRGINIA JOURNAL OF INTERNATIONAL LAW 659 (2008). Article was the subject of a symposium on *Opinio Juris*, at <http://opiniojuris.org/tag/vjil-symposium-vol-48-4/>, and was selected for republication in volume 29 of the IMMIGRATION & NATIONALITY LAW REVIEW.

"None of the Above Means More of the Same: Why Solving Puerto Rico's Status Problem Matters," in Frances Negrón Muntaner, ed., *NONE OF THE ABOVE: PUERTO RICANS IN THE GLOBAL ERA* (New York: Palgrave Macmillan, 2007).

"The Edges of Empire and the Limits of Sovereignty: American Guano Islands," in Mary Dudziak and Leti Volpp, eds., *Legal Borderlands: Law and the Construction of American Borders*, 57:3 AMERICAN QUARTERLY 779 (Special Issue, 2005). Volume was also published as a book by Johns Hopkins University Press, 2006.

"The Constitution and Deconstitution of the United States," in Sanford Levinson and Bartholomew Sparrow, eds., *THE LOUISIANA PURCHASE AND AMERICAN EXPANSION, 1803-1898* (Lanham, MD: Rowman & Littlefield, 2005).

*Untied States: American Expansion and Territorial Deannexation*, 72:3 UNIVERSITY OF CHICAGO LAW REVIEW 797 (2005).

*The Case for Puerto Rican Decolonization*, 45 ORBIS: A JOURNAL OF WORLD AFFAIRS 433 (Summer 2001).

## *Short Essays, Reviews, Miscellaneous Writings*

- "Fantasy Island" (with Erin F. Delaney), *Yale Journal of International Law Online* (May 19, 2018). Response to Joseph Blocher & Mitu Gulati, *Puerto Rico and the Right to Accession*, 43 YALE J. INT'L L. (2018).
- "The Crisis of 1909, and the Other Crisis of 1909," *Revista de la Academia Puertorriqueña de Legislación y Jurisprudencia* (online journal), Vol. VIII (2016), available at <http://www.academiajurisprudenciapr.org/the-crisis-of-1909-and-the-other-crisis-of-1909/>.
- Reviews for JOTWELL as Contributing Editor, Legal History Section (2011-2016): "Worth More Than A Thousand Words" (November 22, 2016) (reviewing Sherally Munshi, "You Will See My Family Become So American": Toward a Minor Comparativism, 63 Am. J. Comp. L. 655 (2015)); "To Enumerate or Not To Enumerate: A Theory of Congressional 'Great Powers'" (June 22, 2015) (reviewing Daniel Rice, *Territorial Annexation as a "Great Power,"* 64 Duke L.J. 717 (2015)); "In Plain View" (July 4, 2014) (reviewing Gregory Ablavsky, *The Savage Constitution*, 63 Duke L.J. 999 (2014)); "Empire Before Nationhood" (September 20, 2013) (reviewing Eliga H. Gould, *AMONG THE POWERS OF THE EARTH: THE AMERICAN REVOLUTION AND THE MAKING OF A NEW WORLD EMPIRE* (Harvard University Press, 2012)); "Love and War" (April 6, 2012), reviewing Rose Cuison Villazor, *The Other Loving: Uncovering the Federal Government's Racial Regulation of Marriage*, 86 N.Y.U. L. Rev. 1361 (2011).
- "Islands and the Law," *CABINET: A QUARTERLY OF ART AND CULTURE*, Issue 38 (Summer 2010): 60 (interviewed by Sina Najafi).
- Two Puerto Rican Senators Stay Home*, 116 YALE L.J. POCKET PART 408 (2007). Essay was part of a symposium on the pros and cons of obtaining congressional representation for Puerto Rico by simple legislation, at <http://yalelawjournal.org/116/6/tio.html>.
- The Status of Puerto Rico: Political, Social, and Economic Dimensions* (with Howard Hills) (Working Paper No. 9, Center for International Development, Heller School for Social Policy and Management, Brandeis University, 2002).
- Who's in Control?: The Courts, the Legislature, and the Public in Colorado's School Finance Debate* (with Drew Dunphy), *STUDIES IN JUDICIAL REMEDIES AND PUBLIC ENGAGEMENT* (Campaign for Fiscal Equity series), vol. 2(1) (June 1999).
- Puerto Rico*, 23 YALE JOURNAL OF INTERNATIONAL LAW 561 (Summer 1998) (reviewing José Trías Monge's *PUERTO RICO: THE TRIALS OF THE OLDEST COLONY IN THE WORLD* (New Haven: Yale University Press, 1997).

## *Op-Eds*

- "Are American Samoans American?" *The New York Times*, June 8, 2016, p.A21.
- "Promises, Promises," *Wall Street Journal*, March 1, 2008, p.A8.
- "Puerto Rico Chooses," *Christian Science Monitor*, Dec. 11, 1998, p.11.

## Amicus Briefs

- Co-author, Brief of Amici Curiae Scholars of Constitutional Law and Legal History in Support of Neither Party, United States Court of Appeals for the Seventh Circuit, No.16-4240, *Segovia v. Board of Election Commissioners for the City of Chicago* (submitted April 19, 2017) (challenging denial of absentee ballots to former residents of Illinois who have relocated to U.S. territories of Puerto Rico, Guam, and the Virgin Islands).
- Co-author, Brief of Amici Curiae Scholars of Constitutional Law and Legal History Supporting Petitioners, United States Supreme Court, No.15-981, *Tuaua v. United States*, on petition for a writ of certiorari to the United States District Court for the District of Columbia (submitted March 2, 2016) (certiorari-stage brief in case arguing that the Citizenship Clause of the Fourteenth Amendment applies to the U.S. territory of American Samoa).
- Co-author, Brief of Amici Curiae Christina Duffy Ponsa and Sam Erman in Support of Respondents, No. 15-108, *Commonwealth of Puerto Rico v. Sanchez Valle* (submitted December 22, 2015) (merits stage brief in case on whether Puerto Rico is a separate sovereign for double jeopardy purposes).
- Co-author, Brief of Amici Curiae Scholars of Constitutional Law and Legal History in Support of Neither Party, United States Court of Appeals for the District of Columbia No.13-5272, *Tuaua v. United States* (submitted May 12, 2014) (case arguing that the Citizenship Clause of the Fourteenth Amendment applies to the U.S. territory of American Samoa).

## Presentations

- Annual Supreme Court Review, Center for Latino/a Rights & Equality, CUNY School of Law, at Orrick, Herrington & Sutcliffe, New York, NY (October 4, 2016). Discussed cases affecting Puerto Rico and other U.S. territories.
- Reconsidering the Insular Cases*, Harvard Law School Human Right Program, Cambridge, MA (February 19, 2014). Presented "The Many Lives of the Insular Cases," on panel entitled "History: Perspectives and Lessons."
- Foro Igualdad, San Juan, PR (February 7, 2014). Guest speaker. Presentation title: "Puerto Rico's Status: Reconsidering the Legal Landscape."
- Born in the U.S.A.: The Politics of Birthright Citizenship in Historical Perspective*, University of Maryland, College Park, MD (March 29-30, 2012). Speaker on panel entitled "Explicating Birthright Citizenship."
- American Foreign Law Association, Annual Meeting, New York, NY (May 25, 2011). Guest speaker.
- Lex Mundi North America Regional Conference, San Juan, PR (April 7-9, 2011). Keynote speaker.
- Brown University Puerto Rican Heritage Week, Providence, RI (March 23, 2011). Gave lecture on constitutional history and political status of Puerto Rico.

University of Chicago Constitutional Law Workshop, Chicago, IL (March 3, 2011). Presented "A Clash of Constitutionalisms: The United States in Cuba, 1898-1902."

*Persistent Puzzles in Immigration Law*, U.C. Irvine School of Law, Irvine, CA (February 17-18, 2011). Presented "The Invention of Nationality: Empire and the Law of Citizenship," on panel entitled "Claims to Membership."

American Society for Legal History, Annual Meeting, Philadelphia, PA (November 18-21, 2010). Commenter on panel entitled "Legal Construction of an American Imperial Order, 1877-1913."

Program in Law and Public Affairs, Princeton University, Princeton, NJ (October 23, 2010). Panelist at 10<sup>th</sup> Anniversary Conference. Speaker on panel entitled "Constitutional History and the Legal Structure of Empire."

U.C. Berkeley School of Law (Boalt Hall) Workshop on Citizenship and Immigration, Berkeley, CA (via videoconference) (October 22, 2010). Presented "The Invention of Nationality: Empire and the Law of Citizenship."

Yale Legal History Forum, New Haven, CT (October 12, 2010). Presented "The Monroe Doctrine Rightly Understood: Empire and International Law in the Americas on the Eve of World War I."

University of Minnesota Law School Legal History Workshop, Minneapolis, MN (September 30, 2010). Presented "The Monroe Doctrine Rightly Understood: Empire and International Law in the Americas on the Eve of World War I."

*Law's Imperial Fields*, International Institute for the Sociology of Law, Oñati, Spain (June 24-25, 2010). Presented "Contingent Constitutions: Empire and Law in the Americas."

White House Interagency Task Force on Puerto Rico, Washington, D.C. (May 25, 2010). Speaker on panel on constitutional dimensions of Puerto Rico's political status.

Puerto Rican Bar Association of Florida, Third Annual Seminar on the Legal Status of Puerto Rico, St. Thomas University School of Law, Miami Lakes, FL (April 24, 2010). Presented "Self Determination: What It's For."

American Society for Legal History, Annual Meeting, Dallas, TX (November 12-14, 2009). Presented "The Invention of Nationality: Empire and the Law of Citizenship," on panel entitled "Ambiguities of Citizenship."

American Political Science Association, Annual Meeting, Toronto, Canada (Sept. 3-6, 2009). Presented "The Invention of Nationality: Empire and the Law of Citizenship," on panel entitled "Constitutional Empire."

Emerging Immigration Law Teachers and Scholars Workshop, Hofstra Law School, Hempstead, NY (July 17-18, 2009). Presented "Naked Nationals, Subject Citizens: A History of Membership under International Law."

League of United Latin American Citizens, National Convention, San Juan, PR (July 13-18, 2009). Speaker on panel entitled "Beyond Status: The Future of Puerto Rico."

Committee on Degrees in Studies of Women, Gender, and Sexuality, Harvard University, Cambridge, MA (April 17, 2009). Panelist at conference entitled "Gender Matters in Social Sciences: Immigration, Race, Ethnicity & Law."

Organization of American Historians, Annual Meeting, Seattle, WA (March 25-28, 2009). Presented "Citizenship in the Time of Empire: The Noncitizen National in Constitutional and International Law," on panel entitled "Neither Citizens nor Aliens: Consequences of American Immigration Policy."

Spring Academic Policy Forum, Fordham Law School (March 26, 2009). Speaker on panel entitled "Civil Rights and Equality for Puerto Rico."

N.Y.U. Legal History Colloquium (September 24, 2008). Presented "A Clash of Constitutionalisms: The Conflict over the Platt Amendment, 1900-1901."

Constitution Day, Princeton University (September 17, 2008). Commenter on panel entitled "Thomas Jefferson and the Rights of Citizens."

*Campaigning in the Caribbean: Puerto Rico and the Presidential Primaries*, Nova Southeastern University, sponsored by the Puerto Rican Bar Association of Florida, Fort Lauderdale, Florida (May 31, 2008). Panelist.

Hispanic National Bar Assoc. Annual Convention, San Juan, PR (October 3-7, 2007). Speaker on panel entitled "Political Status of Puerto Rico from a Legal Standpoint."

Inter-American Dialogue, Washington, D.C. (June 11, 2007). Speaker on panel on Puerto Rico's status.

Colonial Law Seminar, Empires Project, University of Wisconsin, Madison (March 16, 2007). Presented "Empire and the Transformation of Citizenship" (via teleconference).

*American Colonialism: Citizenship, Membership, and the Insular Cases*, University of Virginia School of Law (March 28, 2007). Speaker on panel.

*Law and Political Development in America*, Penn Legal History Consortium Conference (February 23, 2007). Presented "The Constitutionalization of the Subject: Citizens, Nationals, and American Empire," on panel entitled "Borders and Barriers."

Center for International History, Columbia University (March 3, 2006). Presented "The Legalist Origins of an Extralegal Space: The Platt Amendment, Guantánamo, and International Law in the Americas."

*Legal Borderlands: Law and the Construction of American Borders* (Symposium), Hart Institute for American History, Pomona College (September 10-11, 2004). Contributed paper, "The Edges of Empire and the Limits of Sovereignty: American Guano Islands" (read by Leti Volpp).

N.Y.U. Legal History Colloquium (February 10, 2004). Presented "Untied States: Territorial Deannexation and American Expansion."

American Society for Legal History, Annual Conference, Washington, D.C. (November 13-16, 2003). Presented "The Edges of Empire and the Limits of Sovereignty: Guano Islands, 1856-1890," on panel entitled "New Histories of International Law."

*International Law Perspectives on the Right to Vote and Political Democracy in America*, Library of Congress, Washington, D.C. (March 20, 2003). Speaker on panel entitled "Bringing it Home: Strategies to Bring International Law to Bear on Domestic Electoral Reform."

*The Louisiana Purchase and American Expansion: Bicentennial Symposium*, University of Texas at Austin School of Law (Feb. 20-22, 2003). Presented "Untied States: The Idea of Secession and the Law of American Imperialism."

National Conference of Administrative Law Judges, San Juan, Puerto Rico (October 21-24, 2002). Panelist; offered overview of legal and constitutional issues relating to the status of Puerto Rico.

Second Circuit Federal Bar Council Winter Bench & Bar Conference, Río Grande, Puerto Rico (Feb. 16-23, 2002). Panelist; offered overview of legal and constitutional issues relating to the status of Puerto Rico.

*Running the Race: Latino Political Power in the New Millennium*, Boalt Hall School of Law (March 4, 2000). Presented "Citizenship without Representation."

American Society for Legal History, Annual Conference, Princeton, New Jersey (Oct. 19-21, 2000). Presented "The Doctrine of Territorial Incorporation as a Constitutional Theory of Secession," on panel entitled "The Constitutional Significance of American Expansion."

*Bastards of Imperialism: Identity, Nation, and Citizenship in the Wake of Spanish and U.S. Expansions*, Stanford University (Apr. 30-May 2, 1998). Presented "The American Delegates at the Cortes: Citizenship, Sovereignty, Nationhood."

## **Professional Service & Memberships**

Member, Committee on Global Thought, Columbia University (2015-present).

Académica Correspondiente ("Corresponding Academic"), Academia Puertorriqueña de Jurisprudencia y Legislación (2011-present).

Member, Heyman Center Governing Board, Columbia University (2011-2016).

Contributing editor, Legal History Section, JOTWELL ("The Journal of Things We Like (Lots)"), [www.jotwell.com](http://www.jotwell.com) (2010-2016).

Center for the Study of Race and Ethnicity, Columbia University: Affiliated Faculty (2009-present).

American Historical Association: Member (2009-present).

Organization of American Historians: Member (2008-present).

American Society for Legal History: Cromwell Book Prize Advisory Committee (2015-2016); Nominating Committee (2009-2012); Member (2007-present).

Council on Foreign Relations: Term Member (2001-2006).

Oklahoma Bar Association and American Bar Association: Member (1999-present).

## **Languages**

Native English, native Spanish, basic French.