

**OCCUPATION BY “INDUCTION”:
THE AMERICAN ARMY OF OCCUPATION IN CUBA, DECEMBER 1898-
DECEMBER 1899**

A Thesis

by

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Submitted to the Office of Graduate and Professional Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

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May 2015

Major Subject: History

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ABSTRACT

Many historians of the first American occupation of Cuba (1898-1902) assert that the military government of the island began and ended with a single strategic objective in mind: annexation. This assertion, however, ignores critical aspects of the first year of American operations under the direction of Major General Brooke that pursued more limited goals. To fill this historical void, this thesis examines two questions about the American Army of Occupation in Cuba. First, was the occupation government of Major General Brooke pursuing a strategy designed to lead to annexation? Second, how did the U.S. military government in Cuba exercise power in pursuit of Brooke's strategic vision? This thesis combines traditional sources like the manuscript collections of James H. Wilson, Leonard Wood, Elihu Root, and William McKinley found in the Library of Congress in Washington D.C. as well previously unexamined reports and correspondence of individual post and garrison commanders found in Record Group 395 in the National Archives in Washington D.C. to answer these questions.

The American Army of Occupation pursued political stability during its first year, not annexation. Brooke and his subordinates practiced cooperation with, not control of, Cuban leaders and institutions. Furthermore, the direction of American policy was not always a top-down process. Commanders at the post and district levels innovated solutions to problems that the central administration in Havana, while slow to recognize, eventually adopted as their own. By December of 1899, when Brooke turned over command to General Wood, Cuba possessed a functioning civil government at both the national and local level.

DEDICATION

This thesis is dedicated to my wife and sons. My wife's patience and grace in dealing with two rambunctious boys is only exceeded by her indulgence of Cuba-centric dinner table conversation over the last six months.

ACKNOWLEDGEMENTS

I would like to thank the Texas A&M History Department faculty and its graduate students. The feedback provided by my peers and instructors on this and other projects have been invaluable to my development as a writer. I also owe special thanks to Dr. Linn and Dr. Foote for continually challenging me to examine my assumptions about how to write history and for preventing me from taking several unproductive roads during my research. Additionally, none of this would have been possible without the support of my mentors in the Army (Tim Brumfiel, Jack Vantress and Michael Payne). Thank you for your support and assistance in the pursuit of a non-traditional career path for an armor officer. Finally, I would like to thank my wife and sons for preserving my sanity with their endless ability to distract me from the daily grind of writing.

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CHAPTER I

INTRODUCTION: AN OCCUPATION BY INDUCTION

When Major General James H. Wilson arrived in Cuba in late December of 1898, he decided to call on Major General John R. Brooke, the commander of the American Army of Occupation in Cuba. As the last of the department commanders to arrive, Wilson was anxious to understand the direction and basis of U.S. policy on the island before moving on to take command of American forces in the provinces of Mantanzas and Santa Clara. Wilson had his own ideas about the future of the United States in the Western Hemisphere. An ardent expansionist, Wilson had embarrassed President McKinley by publicly advocating the annexation of Canada while hosting a Presidential visit to his corps.¹ In private, Wilson advocated similar policies for America's recently acquired overseas possessions.² When Wilson asked Brooke what the U.S. government's policy and ultimate purpose in Cuba were, Brooke replied, "that he did not know except by 'induction.'"³ This answer astounded Wilson. For the majority of American troops in Cuba, however, "induction" is perhaps the best description of their experiences. The strategic ambiguity surrounding McKinley's attitude toward Cuba forced the Army of Occupation to make inferences about the direction and purpose of American policy based only on the general principles Brooke outlined for his subordinates. Thus, Brooke's reply was perhaps more fitting than even he understood.

An ongoing process of experimentation in policy contradicts much of the current scholarship on the American army in Cuba. Many historians of the occupation assert that the military government began and ended with a single strategic objective in mind: annexation. This assertion, however, ignores critical aspects of the first year of American operations

under Brooke's direction that pursued more limited goals. The bulk of the historical scholarship, however, has virtually ignored this period in the development of U.S. policy and instead focused on the pro-annexationist administration of Governor-General Leonard Wood, Brooke's eventual replacement. To fill this historical void, this thesis will examine two questions about the Army of Occupation and its role in Cuba. First, was Brooke's government pursuing a strategy designed to lead to annexation? Second, how did the U.S. military government in Cuba exercise power in pursuit of Brooke's strategic vision? The American Army of Occupation pursued political stability during its first year, not annexation. Brooke and his subordinates practiced cooperation with, not control of, Cuban leaders and institutions. Furthermore, the direction of American policy was not always a top-down process. Commanders at the post and district levels innovated solutions to problems that the central administration in Havana, while slow to recognize, eventually adopted as their own. By December of 1899, when Brooke turned over command to Wood, Cuba possessed a functioning civil government at both the national and local level.

There are several key pieces of evidence that indicate that American commanders at every level were not pursuing a policy of annexation. First, McKinley's instructions to Brooke included references to preparing Cuba for independence, not annexation. There is every indication that not only did Brooke understand his instructions this way but that the President tacitly re-affirmed his support for such a policy by refusing to intervene in the design of the military government for the island. Brooke appointed Cubans to oversee and run the civil components of his administration and allowed his appointees considerable autonomy to govern. In some cases, he even subordinated his own senior commanders to Cuban authority in questions related to Cuba's civil government. Furthermore, at the

municipal level, Cubans maintained almost total control of municipal business even where American garrison commanders did not believe it wise to allow. Brooke prohibited American intervention in municipal affairs except on an emergency basis. As events would show, not even the prospect of potential violence was enough to warrant U.S. interference in local matters.

Other evidence also contradicts the idea that the United States pursued a deliberate policy of annexation. When discussions of annexation arose, these deliberations were almost solely confined to Brooke and his senior subordinates in department command. These discussions are revealing, however, not because they occurred but because they indicated that the United States had to make fundamental changes in the direction and scope of the current military government in order to pursue a policy of annexation. Below the department level, almost no American commanders at either the district or garrison level discussed annexation. Instead, the middle and lower levels of the American chain of command believed their mission was to assist the Cuban people in establishing a stable and independent government. Likewise, the U.S. Army in Cuba did not seek to resurrect Spain's moribund colonial architecture by protecting Spanish elites and currying their favor in exchange for political support for annexation. Instead, American commanders at all levels consistently refused to accord Spanish residents or elites any special status in the newly developing Cuban state. Even where U.S. authorities at the garrison and department level supported the maintenance of existing Spanish privileges, they were unwilling to use force to preserve them.

The real policy that the U.S. Army in Cuba pursued was the maintenance of political stability. The military government exercised its power with restraint and generally in conjunction with existing Cuban leaders and institutions, especially in its management of

situations likely to lead to direct confrontation with elements of Cuba's population. At the top of the chain of command, Brooke and his advisors in Havana carefully managed the problem of collecting back taxes and the initiation of foreclosures in order to avoid precipitating a conflict between Cuba's local governments, their creditors, and the Cuban citizens who owed money to the government. American commanders at the department level, although consistently antagonized by radical elements of the local press, generally confined their responses to verbal protests and requests for action from Cuba's judicial system. Finally, at the garrison level, commanders responded to indigenous provocations and challenges by asking for support from Cuba's judicial officials in order to defuse these tense situations and re-establish boundaries these challenges and provocations transgressed. At nearly every level, the army viewed the maintenance of public order and stability as their most important task.

The Army of Occupation also demonstrated its commitment to stability by allowing the development of bottom-up driven policy innovations. Local post commanders in conjunction with their Cuban counterparts discontinued economically burdensome taxes in an effort to revive the economy, a necessary pre-condition to any lasting political stability. Furthermore, with almost no support from the central administration in Havana, American commanders and Cubans cooperated extensively in finding new and innovative ways to both create and fund a new public school system. Lastly, the lowest levels of the American chain of command led the way in curbing the Catholic Church's political power in its relations with Cuba's newly secularized government, a complex and politically charged task. In each of these areas, Brooke and his government followed where his post commanders led. Brooke's toleration of such a decentralized approach enabled his subordinates to respond to local

conditions as needed. More importantly, it indicated that Brooke was not wed to any particular policy except the pursuit of stability.

The final way that the American Army of Occupation demonstrated its commitment to preserving order was through the types of reforms that the military government initiated in Cuba's judicial system. The system of justice practiced in Cuba was an inquisitorial system where judges and other court officials took an active role in the investigation of criminal wrongdoing. Despite tremendous political pressure, Brooke and his subordinates resisted calls to replace Spanish criminal procedural law with a system more akin to the Anglo-American adversarial system, where judges are more neutral in criminal proceedings. The only major functional change Brooke allowed was the prohibition of the practice of *incommunicado* (or the holding of a criminal suspect in confinement without counsel). Even here, however, the general tried alternatives to a direct ban on the practice. Brooke feared that even small changes to Cuba's legal system could through sheer quantity lead to instability.

Given the complexity of the task before the Army in Cuba and its dual civil-military purpose, an examination of the first year of the Army's operations in Cuba may yield valuable insights for several different lines of scholarly inquiry. For historians of American politics and diplomacy, tracing the evolution of the U.S. Army's policy in Cuba informs scholars about the development of the McKinley Administration's attitudes toward American empire. As the primary cause of the war with Spain, Cuba occupied an important symbolic place in American domestic political opinion. American support for colonial projects abroad required success in Cuba in order to balance the early setbacks associated with the pacification of the Philippines. Brooke's battle over policy with his ambitious subordinates

and their mobilization of political patrons in Washington to support or attack Brooke, reflect the broader concerns about the viability of America's colonial ambitions.

The U.S. Army's efforts in Cuba also offer military historians important insight about America's involvement in so-called "small wars." The American Army in Cuba never numbered more than 43,000 and yet pacified a population of 1,600,000 people dispersed over 44,000 square miles of unevenly developed terrain.⁴ Nor was this effort a small one proportionally. At the apex of its power, American forces in Cuba represented just under half of the army's available authorized strength in March of 1899.⁵ Beyond considerations of scale, the complexity of the task that confronted the army in Cuba begs for a more detailed historical analysis. The island's decades of guerilla warfare left the U.S. Army of Occupation to deal with a civilian population afflicted with rampant starvation and disease and an army of 48,000 former insurgents with political ambitions of their own. The military government under Brooke negotiated the demobilization of the Cuban Liberation Army and maintained stability so successfully that it could afford to reduce its presence from its peak strength of 43,000 men in January of 1899 to only 11,000 men by January of 1900.⁶ These achievements alone warrant closer scrutiny given the enormous challenges associated with the management of civil government by an occupying foreign military power.

Like other small wars, the McKinley Administration's lack of strategic clarity for the purpose and scope of American involvement in Cuba often confused American commanders on the ground. The U.S. Army in Cuba possessed only a vague outline of a mission and an uncertain timeline in which to accomplish it. Despite these challenges, Brooke and his subordinates developed a unique model of military government that provided Cuba political stability and maximized the McKinley Administration's political options. How the U.S.

Army's commanders in Cuba dealt with this strategic ambiguity can inform military historians about the challenges of command and the dynamics of civil-military relations in the United States during the transition between the 19th and 20th centuries.

Previous studies of the occupation of Cuba have generally fallen into one of three groups of literature: Progressive, imperial, or military. Progressive historians focus on how Leonard Wood and Elihu Root instituted modern administration to America's "backward" dependencies and the necessity of maintaining American control to continue this modernization effort. Students of American empire concentrate on the motivations and methods the United States developed for controlling Cuba. Military histories of Cuba scrutinize the development of American strategic policy on the island and in general place American achievements during the occupation in the context of other American efforts at occupation and intervention.

The earliest Progressive accounts of the American occupation in Cuba emphasized the benefits of American rule overseas.⁷ These histories served as exhibitions of the success of American reform programs, lending "tremendous impulse to the work of national reform" at home.⁸ Additionally, these histories and their emphasis on the humanitarian benefits of American rule served as effective propaganda for the colonial project abroad. The effort to mobilize domestic support for similar reforms and colonialism within the United States naturally led most Progressive literature to focus on Leonard Wood's administration. Wood, according to these historians, turned Cuba into a "workshop" for American Progressive ideas.⁹ He reformed Cuba's judicial system, created its' first charter of rights in his Santiago Constitution, implemented modernized municipality charters, broke up Spanish colonial franchises, zealously crusaded against corruption and unnecessary municipal expenses,

undertook massive public works in sanitation and expanded access to education. Wood's place in these histories is so dominant, that most historians of this school of literature fail to even acknowledge that anyone other than Wood had any influence in Cuba!¹⁰ Representative of this glaring omission in these types of history are Byron Williams' *The Continuing Revolution* and John Kendrick Bangs' *Uncle Sam Trustee*. Williams ignored Brooke and the rest of the army in Cuba completely but offered an evaluation of Wood's efforts. Bangs curiously offered a history of the Brooke administration that completely excluded any discussion of Brooke. Instead, Bangs analyzed the general's chief subordinates, later transitioning the focus of his study to the central administration after Wood's elevation to command. The common assumption in all of these histories is that American policy in Cuba was adrift before Wood and that he was the chief architect of the military government's humanitarian successes, particularly in sanitation and education.

Wood's biographers have also contributed to his central position in the accounts of American military government in Cuba. They often uncritically parroted Wood's assessments of his predecessor's administration. Herman Hagedorn called Brooke a "narrow military pedant" who handled his responsibilities in Cuba in a purely "mechanical conception" of preparing Cuba for self-government.¹¹ Jack McCallum accepted Wood's assessment that Brooke simultaneously centralized all the power yet practiced a "laissez-faire" administration that impeded governance.¹² Jack Lane argued that Brooke was a cautious administrator who was gradually undermined by the collusion of his ambitious subordinates and American expansionists.¹³ Taken as a whole, Progressive literature on the American military government in Cuba neglects almost an entire year of American efforts and virtually ignores the Cuban people's role in the development of their own government.

Reacting to much of the Progressive literature, most historians of American empire and the occupation of Cuba examine questions of American motivation and strategy to control the island. Philip Foner argued that the McKinley Administration and its military leaders developed a coordinated strategy to defeat Cuba's independence movement. Foner maintained that the main element of this strategy was to relentlessly attack and discredit Cuban efforts at self-government in order to bring about an indefinite military occupation of the island. Foner's account emphasized the role of American domestic politics, particularly expansionists and the business community. As other historians have observed, however, these voices were not the only ones heard in the halls of power in either Washington or Havana. Foner exaggerated the unity of American annexationists, overlooking that those officials remained divided not only over what to do but how to do it.¹⁴

Another imperial historian, David Healey, argued that America's inability to annex Cuba during the occupation prompted it to develop indirect methods of control. Healey contended that the elements of informal control that the American Army adopted were: the establishment of an informal protectorate, binding economic ties to the United States, and the economic penetration of the Cuban economy by American capital.¹⁵ Healey characterized the early period of the occupation under Brooke as a stage of experimentation that allowed the McKinley Administration and its surrogates in Havana to adjust its policies in order to maximize American political control, albeit through oblique methods. Healey's account of the American military government is the most nuanced interpretation of the occupation available. Nonetheless, Healey's study leaves unexamined how this ongoing process of increasingly refined indirect control worked. If American leaders in Havana and Washington were receiving feedback about what methods of control worked best and how to implement

them, where did this feedback come from? Was this feedback the same across the island? And finally, how did the lowest levels of the chain of command interpret and influence the direction of strategic policy in Cuba? Healey's study leaves most of these issues unaddressed.

Perhaps the most prolific scholar of American empire in Cuba is Louis Pérez. Pérez has offered three studies of the first American intervention in Cuba. In two works, *Cuba Between Empires* and *Cuba: Between Reform and Revolution*, Pérez argued that the United States relentlessly pursued annexation in Cuba and that the intervention and occupation marked “the climax of one hundred years” of U.S. policy.¹⁶ According to Pérez, the American Army of Occupation manipulated Cuba's existing political divisions in order to foster political support for Cuba's voluntary annexation to the United States. Pérez claimed that the army's leaders wanted Spain's remaining colonial elites on the island to transfer their allegiance to the United States in exchange for the maintenance of their old colonial privileges.¹⁷ Cuba's strong nationalist sentiment is what ultimately thwarted American efforts to manipulate the island into annexation.

In *The War of 1898*, Pérez expanded on this view of American motivations during the occupation. Pérez suggested that the re-interpretation of the Teller Amendment's “pacification” clause to mean “stability” is indicative of American intentions to remain in Cuba indefinitely.¹⁸ In addition to rhetoric, Pérez offered two other important elements of proof in evaluating the ultimate purpose of the United States in Cuba. McKinley's lawyerly support for Cuban liberation (not independence) and the Platt Amendment's limitations on Cuban sovereignty seem to validate Pérez's interpretation that U.S. intentions were motivated by more than humanitarian regard for the island. Pérez's conflation of rhetoric

with action, however, ignores that some Americans disagreed with this attempt to creatively re-interpret the legal meaning of the Teller Amendment. Some elements of the military government in Cuba wanted to honor Congressional intent, despite their disagreement with the wisdom and sentiment behind it. Additionally, in all three of Pérez's studies of American operations and their role in Cuba, Pérez maintained a discriminatory perspective, focusing only on the relationships between top U.S. military leaders and senior Spanish elites.

Military historians' accounts of the American occupation of Cuba have shared themes with both the Progressive and imperial literature but generally focus on explaining the elements of the military government's strategic thought, its implementation in Cuba and in offering evaluations of the occupation's success, or lack thereof. Historian Andrew Birtle contended that despite the lack of a formal written doctrine, the U.S. Army possessed a loose body of military thought and informal practices on how to successfully engage in small wars. Birtle argued that, broadly speaking, the U.S. Army developed a dual civil-military approach to pacification designed to reshape the targeted population's society. The United States Army would offer political benefits to cooperative elements of the population while discouraging opposition through the application of increasingly severe forms of military control to anyone who resisted. Birtle suggested that the army employed this traditional theory of pacification in Cuba but found the results disappointing. American inspired reforms of Cuba's government failed soon after the Army of Occupation withdrew. He attributed this failure to the unrealistic timeline U.S. troops and their leaders had to effect change.¹⁹ Birtle did not discuss whether the traditional elements of pacification his study identified were actually practiced by the American military government.

Taking an equally dim view of the American army's operations in Cuba, David M. Edelstein's *Occupational Hazards* argues that occupations are politically and militarily risky operations whose success depends more on international conditions than any particular strategic policy adopted by occupying military powers. In his analysis of Cuba, Edelstein dismissed the efforts of the Brooke administration and the military government as aimless and unimaginative. He argued Wood adopted a viable strategy for success but failed due to the external conditions of the occupation, i.e. the absence of a viable external threat, and Cuba's strong nationalist sentiment. He concluded that U.S. efforts in Cuba failed since the occupation produced neither a stable government nor a government capable of defending itself from internal threats.²⁰

One of the more passionate defenders of American interventions overseas is Max Boot. In his study of American involvement in military operations abroad, Boot concluded that not only are armed interventions militarily feasible but politically expedient as well. Boot defends his enthusiasm for aggressive international engagement by illustrating that, like the occupation of Cuba, these military expeditions frequently achieve important American strategic objectives. Among the benefits that Boot lists are: enforcing the Monroe Doctrine, securing lives and property, furthering free trade, and in general safeguarding American interests. The only criticism that Boot offered of U.S. military occupations in general is that they are usually too brief to have a lasting effect.²¹ Like other historians, Boot virtually ignored the Army's efforts under Brooke and instead focuses on the development of Wood's humanitarian reforms. He concluded that the American efforts were a success. His analysis of American strategic policy is limited to a brief explanation of the Teller and Platt

Amendments. Aside from Wood, the U.S. Army's role in the development and implementation of policy in Cuba remain unexplored.

Each of these broad categories of historical interpretation have important limitations in their discussion of the development of American strategic policy and the actual practice of pacification in Cuba. Progressive and military historians have never evaluated the Brooke administration or the performance of his subordinates on their own merits. The strategic environment in Cuba was not static from 1898-1900. Cuba's people, its economy, and its culture all changed in important ways during the occupation's first year. Without a thorough investigation of the U.S. Army of occupation and the role it played in these changes, historical understanding of the decisions and the challenges the United States faced in its foundational attempt to conduct nation building abroad remains distorted.

Equally important to remember, Wood did not start in Havana with a blank slate. Cuban civil administration and institutions were functioning for almost a year before Wood took command. Any changes in how that system operated and how it incorporated or excluded Cubans from political control of their own communities was likely to engender opposition in some form or another. The restoration of the U.S. Army in Cuba to the historical record promises to reveal the dynamics of how the military government exercised political power, illuminate our understanding of Cuban opposition to U.S. policy, when and how it occurred, as well as offer insight into why American hopes for annexation ultimately failed. In short, by interrogating our assumptions about the Army under Brooke, its intentions and effectiveness, the well-developed body of literature surrounding the Army's operations in Cuba, especially those of the Army's later efforts under Wood, can finally be appropriately contextualized.

The primary sources that this study will rely on to offer this reassessment of the army's performance in Cuba will be a combination of traditional and previously unexamined sources. Important in developing the strategic context of the Army's mission and its implementation are Elihu Root's Papers and William McKinley's Presidential Papers. McKinley's papers contain most of the relevant correspondence between McKinley and his commanders in Cuba. Additionally, McKinley's instructions and strategic guidance to Brooke are found there. Invited to join McKinley's Cabinet explicitly for helping the President manage the civil administration of America's overseas dependencies, Root's papers and correspondence are critical to understanding how the McKinley Administration conceptualized the situation in Cuba and its range of strategic options. Additionally, Root's extensive correspondence with Leonard Wood and Theodore Roosevelt help develop historical understanding of the growing influence of Wood's views within the McKinley Administration. Wood's and James H. Wilson's Papers remain central to understanding the developing rivalry between and among Brooke's subordinate department commanders. Both collections of papers contain critical correspondence that offers important observations and accounts of conversations that exist nowhere else in the historical record. Furthermore, both men wrote extensively about what they observed in Cuba.

The previously unstudied sources that this thesis incorporates are the records and correspondence of the Military Division of Cuba related to civil affairs found in Record Group 395 at National Archives I, Washington, D.C. At the department level, these records include the correspondence, order books, and a diary related to the civil administration of the military government districts of Matanzas and Santa Clara, Pinar del Río and Havana, Santiago and Puerto Principe and the district of Trinidad. These departments are

geographically and racially diverse and reflect the variety of rural and urban communities found outside of Havana. They are also representative of the various economic conditions within the island. Additionally, the selection of these particular provinces helps contextualize the divergent strategic assessments made by Wilson, Lee and Wood in June of 1899.

Similarly, at the garrison and post level, this study examines the correspondence, situational reports, and orders of the officers located in a dozen individual outposts located across the breadth and depth of Cuba. These garrisons ranged in size from approximately twenty-four to one hundred soldiers. Most, but not all, of these posts were commanded by either a captain or major. Furthermore, the communities in which they attempted to maintain order reflected a broad range of attitudes toward American garrisons and their authority. Only by examining the reports and correspondence of these individual garrisons, is it possible to understand how the United States exercised control in Cuba. The correspondence and reports of these outposts capture the challenges, opportunities, and obstacles posed by local conditions to American authority. Moreover, they provide historians insight into moments of cooperation and conflict between U.S. troops and the people they lived among. Thus, by combining these new sources, alongside the traditional sources historians have already explored, this study will offer a long over due assessment of General John R. Brooke and his subordinates in America's inaugural attempt at democratizing a foreign people.

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- ¹ James Harrison Wilson, *Under the Old Flag: Recollections of Military Operations in The War For the Union, The Spanish War, The Boxer Rebellion, Etc.*, 2 vols. (New York: D. Appleton and Company, 1912), 2: 467-69.
- ² James Wilson to Shelby Cullom, 31 December 1898, Letter Sent [hereafter LS] 362, Box 43, James H. Wilson Papers Manuscript Division, Library of Congress, Washington, DC. All Wilson Papers references are Letters Sent unless otherwise noted. If a page or a document number is listed in Wilson's Papers, it will precede the Box Number in any future citations.
- ³ Wilson, *Under the Old Flag*, 2: 479-80.
- ⁴ War Department, *Census of Cuba Taken Under the War Department* (Washington: Government Printing Office, 1900), 11.
- ⁵ Graham A. Cosmas, *The United States Army In The Spanish-American War*, 2nd ed. (Shippensburg, PA: White Mane Publishing Co., 1994), 306.
- ⁶ War Department, *Annual Reports of the War Department For the Fiscal Year Ended June 30, 1899* (Washington: Government Printing Office, 1899), 1:3, 4. The War Department reported that in August of 1898, American troops numbered just under 8,000 and this number remained stable until January of 1899 when the United States increased the number of soldiers present in Cuba to approximately 43,000. In March of 1899, U.S. troops strength levels fell to 26,000 men and declined again in April to just under 15,000. In May 1899, the number of U.S. soldiers present stabilized at just under 13,000. After May of 1899 the occupation of Cuba became a mission for eleven Regular Army regiments (2nd Cavalry, 7th Cavalry, 8th Cavalry, 10th Cavalry, 2nd Artillery, 1st Infantry, 2nd Infantry, 5th Infantry, 8th Infantry, 10th Infantry, and the 15th Infantry).
- ⁷ Robert P. Porter, *Industrial Cuba: Being a Study of Present Commercial and Industrial Conditions, With Suggestions as to the Opportunities Presented in the Island For American Capital, Enterprise and Labor* (New York: Knickerbocker Press, 1899), 8-9, IBooks; Franklin Matthews, *The New Born Cuba* (New York: Harper & Brothers, 1899), v-vi, accessed December 9, 2014, <https://archive.org/details/newborncuba00mattgoog>; Charles M. Pepper, *To-morrow in Cuba* (New York: Harper & Brothers, 1910), vi, 390, accessed December 9, 2014, <https://archive.org/details/tomorrowincuba00unkngoog>.
- ⁸ Herbert David Croly, *The Promise of American Life* (Princeton, NJ: Princeton University Press, 2014), 207, ProQuest Ebrary.
- ⁹ Howard Gillette, "The Military Occupation of Cuba, 1899-1902: Workshop for American Progressivism," *American Quarterly* 25, no. 4 (October 1973), 411, accessed December 8, 2014, <http://www.jstor.org.lib-ezproxy.tamu.edu:2048/stable/2711631>.
- ¹⁰ Byron Williams, *Cuba: The Continuing Revolution* (New York: Parents' Magazine Press, 1969), 99; John Kendrick Bangs, *Uncle Sam Trustee* (New York: Riggs Publishing Company, 1902); Russell H. Fitzgibbon, *Cuba and the United States, 1900-1935* (Menasha, WI: George Banta Publishing Company, 1935). Gibbon relegates Brooke to a page but claims his significance was primarily in paving the way for Wood's successful reforms.
- ¹¹ Hermann Hagedorn, *Leonard Wood: A Biography*, vol. 1 (New York: Harper & Brothers, 1931), 224, 235.
- ¹² Jack McCallum, *Leonard Wood: Rough Rider, Surgeon, Architect of American Imperialism* (New York: New York University Press, 2006), 136-37.
- ¹³ Jack C. Lane, *Armed Progressive: General Leonard Wood* (London: Presidio Press, 1978), 73.
- ¹⁴ Philip S. Foner, *The Spanish-Cuban-American War and the Birth of American Imperialism, 1895-1902*, 2 vols. (New York: Monthly Review Press, 1972), 2: 396.
- ¹⁵ David F. Healey, *The United States in Cuba: Generals, Politicians, and the Search for Policy, 1898-1902* (Madison: University of Wisconsin Press, 1963), xii.
- ¹⁶ Louis A. Pérez, *Cuba Between Empires, 1878-1902* (Pittsburgh: University of Pittsburg Press, 1983), xviii-xix.
- ¹⁷ *Ibid*; Louis A. Pérez, *Cuba: Between Reform and Revolution* (Oxford, UK: Oxford University Press, 1988), 182-83.
- ¹⁸ Louis A. Pérez, *The War of 1898: The United States and Cuba in History* (Chapel Hill: University of North Carolina Press, 1998), 30-32.
- ¹⁹ Andrew J. Birtle, *U.S. Counterinsurgency and Contingency Operations Doctrine, 1860-1941* (Washington: Government Printing Office, 1998), 100-05.
- ²⁰ David Edelstein, *Occupational Hazards: Success and Failure in Military Occupation* (Ithaca, NY: Cornell University Press, 2008), 102-03.

²¹ Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power*, rev. ed. (New York: Basic Books, 2014), 360-62.

CHAPTER II

CUBA AND REVOLUTION

The story of American intervention in Cuba begins in 1878 at the conclusion of the Ten Years War, an insurrection by eastern Cuba's rural population against Spanish rule. It was the first major revolt in the colony Spain had been unable to completely crush using military force. The struggle, while uninspiring in a military sense, irrevocably changed Cuba and its relationship with the world. Four important consequences attended the negotiated peace that concluded the Ten Years War.

The most important outcome of the war was Spain's agreement to allow the process of gradual emancipation of the colony's slaves to continue across the island. This course, already begun during the war, continued until the 1880s when Cuba's last slaves were freed. Like the American experience of emancipation, Cuba's transition to a wage labor economy was fraught with social and economic uncertainty. Cuba's predominantly agricultural economy made wage labor on the island vulnerable to long periods of seasonal unemployment following the harvest of Cuba's principle cash crops: sugar and tobacco. This cyclical unemployment created a pool of destitute laborers desperate for work and became an endemic social problem for the Spanish government as it sought to restore the island to its pre-war prosperity.¹

The war also exacerbated the problems attending the transition from slavery to a wage labor economy by damaging the island's agricultural production. *Insurrecto* strategy during the war called for the elimination of any asset or commodity that enriched Spain, including its sugar production. Property destruction was also a method of punishing the planter class' complicity with the Spanish regime in Havana. Lukewarm support by Cuba's

planters for the revolt and rebel tactics combined to create the conditions for a first rate disaster for the colony's agriculture. For many towns, sugar growing and production all but vanished. In 1861 Sancti Spiritus operated forty-one sugar mills to facilitate the area's booming sugar production for export. By the end of the war in 1878, only three of these sugar mills remained in operation. In Bayamo, none of the city's twenty-four mills survived the war. In the east, the principle theater of conflict during the revolt, only one sugar plantation out of a hundred remained operational in Puerto Principe.²

The destruction of much of the sugar industry led to the third important consequence of the war, the economic penetration of the island by American capital. The widespread destruction of Cuba's sugar production capacity deprived planters of the necessary funds for them to rebuild. Their only alternative was to try and seek foreign investment and capital. Many planters sought this capital from American merchants in exchange for liens against their plantations and production facilities. They took on these financial obligations just as the price of sugar collapsed. The resulting foreclosures brought American investors directly into contact with Cuba's economy and affairs on a large scale for the first time in the colony's history.³ Increased financial interests in Cuba now incentivized American interest in maintaining order and stability on the island.

The final important consequence of the Ten Years War for Cuba and a factor in eventual U.S. intervention was what the *insurrectos* and their leaders learned from the rebellion. The chief lesson that the insurgents drew was that any future revolt's success remained contingent on the insurrection becoming island wide. Western Cuba's dominant place in the island's economy, its population density and resources dictated that the future struggle for Cuban independence lay in its western provinces. Furthermore, the rebellion's

leadership learned that even when confined to the east, their strategy of targeting the colony's sugar industry for destruction had brought Spain to the brink of ruin. If the strategy could be duplicated on a larger scale, a future revolution might succeed in winning independence by turning Cuba into a financial black hole for Spain. All of these factors now combined to shape the next Cuban uprising.

War Must Be Answered With War

By 1894, the political and economic situation in Cuba remained ripe for another rebellion. Jose Martí had been clandestinely working to unite Cuba's civilian and military revolutionary leadership from the Ten Years War behind the banner of his Cuban Revolutionary Party (PRC). Most importantly, Martí had garnered the support of the two most important *insurrecto* commanders of the previous war, Máximo Gómez and Antonio Maceo. When Martí began a new revolt in February of 1895, it happened at the most propitious moment possible. Cuba was deep in the throes of an island wide depression, begun when the United States terminated Cuba's special access to its domestic sugar markets in retaliation for Spain's re-institution of mercantilist trading barriers against the United States. Sugar production, and by proxy the demand for wage laborers, plummeted. This left many of the colony's agricultural workers angry and idle at just the moment the latest revolt was about to begin.⁴

Martí orchestrated simultaneous uprisings across the island. His initial efforts in western and central Cuba failed; Spanish forces moved quickly and ruthlessly to stamp out insurgent support in these better developed provinces. In the east, however, Martí succeeded, and the new rebellion survived. By April of 1895, Maceo and Gómez were both on the ground organizing *insurrectos* in eastern Cuba. Spain quickly realized both the seriousness

of the revolt and the need to end it as quickly as possible. Thus, Spain assigned General Arsenio Martinez Campos the mission of suppressing Cuba's latest revolutionary movement. Campos had served Spain successfully as both a soldier and a diplomat as one of the principle negotiators in the Peace of Zanjón, the treaty that ended the previous war.⁵ Thus, by April 1895, Spain and Cuba's *insurrectos* prepared for another long struggle for control of the island's future.

As the insurrection intensified, both sides attempted to apply the lessons they had learned from the Ten Years War to the new revolt. Campos sought to isolate the rebellion in eastern Cuba, defeat it where he could, and to be prepared to negotiate once these efforts had exhausted the *insurrectos* revolutionary fervor. To this end Campos re-established the Júcaro-Morón trocha, a series of fortified blockhouses intended to quarantine eastern Cuba from the rest of the island.⁶ The rebels, in applying their own lessons from the Ten Years War, thwarted Campos' efforts at containing the uprising by passing their forces through Campos' trocha in the summer of 1895. This maneuver allowed the *insurrectos* to operate in Cuba's central and western provinces just as the sugar harvest was about to get underway.⁷ The revolt was now island wide.

Spain's conservative ministry in Madrid, disgusted with Campos' inability to end the insurrection, relieved Campos in December of 1895. His replacement, General Valeriano Weyler was Campos' strategic antithesis and quickly repudiated his predecessor's affinity for negotiation, declaring, "war should be answered by war."⁸ Weyler immediately set about trying to reverse Spanish military fortunes by pursuing an aggressive build up of Spanish military power and by fine-tuning Campos' isolation of the *insurrectos*. Additionally, Weyler began to recruit a "Corps of Volunteers" from Cuba's Spanish Peninsular population

in an attempt to gain parity with the insurgents in their familiarity with the local terrain. Moreover, Weyler concentrated Spanish forces and began to dispatch columns to chase bands of guerillas through Cuba's remote interior areas in an effort to deny them safe places to resupply and reorganize. Finally, Weyler reinforced the Júcaro-Morón trocha and constructed another trocha from Mariel to Majana in an effort to separate the most active *insurrecto* regions from the more prosperous and stable portions of western and central Cuba.⁹

Weyler knew, however, that these efforts alone were likely to still end in defeat. Spanish forces remained unable to separate the PRC's guerillas from ordinary Cubans, making their isolation almost impossible. In order to address this problem, the Governor-General announced his now infamous re-concentration policy. He declared martial law and ordered everyone in Cuba to report to the nearest Spanish military garrison or to be subject to execution upon discovery by Spanish forces. All food stocks were to be relocated to Spanish garrisons or subject to destruction. Export of food from these newly established enclaves was forbidden. Weyler intended this policy of social and economic isolation to work in tandem with his increasingly aggressive military operations.¹⁰

The trouble with Weyler's reconcentration strategy is that Spanish forces had not made adequate preparations to deal with the logistical implications of such a policy. The Spanish Army failed to adequately plan for how Spanish garrisons would feed the massive influx of Cubans to Spanish controlled towns. In the short term, Spanish troops authorized the cultivation of small food plots to mitigate food shortages but these efforts were completely insufficient to meet the demands required by reconcentration. Equally problematic, economic life on the island ceased to exist.¹¹ This meant no jobs, no wages, and

that the Cuban people could not pay for food, even if authorities could arrange for its importation.

The result was a slowly unfolding humanitarian disaster of biblical proportions. Thousands of Cubans slowly starved to death. Those who did not succumb to starvation became increasingly susceptible to disease due to the prolonged effects of malnutrition and the unsanitary over crowding in Spanish controlled garrisons. The rudimentary sanitation systems available in these towns were not capable of sustaining the massive influx of people. As disease began to take its toll on the weakened population, conditions in Cuba soon garnered international attention and condemnation, particularly within the United States. Americans, watching events in Cuba, began to openly sympathize with Cuba's *insurrectos* and to push their government to intervene.¹²

In the spring of 1896, both houses of Congress passed non-binding resolutions supporting recognition of Cuban belligerency in its war against Spain. While public opinion and an influential element in Congress remained sympathetic to the cause of Cuban independence, few Americans in the executive branch entertained similar sympathies. Both the Cleveland and McKinley Administrations remained indifferent to Cuba's independence movement due to its deliberate destruction of the island's sugar production (now subject to American ownership). Both administrations remained skeptical of the *insurrectos*' ability to both meet its international obligations (i.e. compensate American property owners for their losses) and to maintain order on the island to prevent further destruction. In 1896, Secretary of State Richard Olney estimated the value of American trade with Cuba at \$100,000,000 and the value of American investments in Cuba at somewhere between \$30,000,000 and \$50,000,000.¹³ In both Cleveland and McKinley's opinion, Spain still seemed best positioned

to restore order and to protect American economic interests. Consequently, both administrations officially maintained a wait and see attitude toward Spanish military efforts.

American patience was not unlimited and both Cleveland and McKinley warned Spanish representatives that if it became obvious that Spain could not put down the insurrection, that intervention might be necessary to protect American interests. In August of 1897, an Italian anarchist assassinated Spain's Prime Minister and General Weyler's political patron. Recognizing the seriousness of American threats, Queen Regent María Cristina asked Spain's Liberal Party leader Práxedes Mateo Sagasta to form a new government and to give Spanish policy a new direction in Cuba. Sagasta relieved Weyler and installed Cuba's final Spanish Governor-General, Ramón Blanco, who attempted to mitigate the worst aspects of Weyler's disastrous policies on the island.¹⁴

Initially, the American response was favorable. In December of 1897, McKinley offered Congress three different courses of action for the United States in Cuba (recognition of Cuban belligerency, recognition of Cuban independence, or neutral intervention) but rejected all three options. The President recommended to Congress that the United States wait and see if Sagasta and Blanco's efforts in Cuba would be any more successful than their predecessors. Meanwhile, American public opinion remained firmly in support of recognizing Cuban belligerency, if not independence.¹⁵

In January of 1898, General Blanco inaugurated the last of Spain's attempted reforms in Cuba in a bid to placate the *insurrectos* and maintain some semblance of Spanish control. Blanco released many of the colony's political prisoners while simultaneously distributing supplies to the *reconcentrado* population. Blanco also reallocated Spanish military forces to the island's sugar plantations in an effort to restart the economy and promised even more

troops to protect harvests. Additionally, Blanco offered the *insurrectos* a blanket amnesty and a small cash reward if they lay down their arms. The combination of Blanco's reforms and military stalemate demoralized the Spanish Army in Cuba. The cash reward was particularly unpopular with Spanish troops on the island since they had not been paid in months. As a final measure to encourage a political settlement, Blanco instituted a new autonomist constitution. The autonomist constitution offered island wide popular elections to provide half of the colony's new ministers. The Governor-General would appoint the other half.¹⁶

Cuba's government under Blanco, however, changed very little. The first and lowest level of government was the city or municipal council called an *ayuntamiento*. An *alcade* or mayor administered the *ayutamientos* and in general remained accountable to the Spanish colonial government for the governance of the municipalities. Above the *ayutamientos* and *alcaldes* were the provincial governments, seven altogether. Overall, the provincial governments under Spanish administration served mainly as intermediaries between the colonial administration in Havana and the local municipalities and were administered by a governor. The highest level of government was the central colonial government in Havana for which the other two levels of government acted more or less as direct appendages. In fact, Spanish authorities in Havana continued to foster this style of administration despite the officially maintained fiction of "autonomy."¹⁷

The executive branch of the central colonial government consisted of various departments whose responsibilities varied according to the administrative needs of Spanish authorities. By the time of the American invasion, most of these departments were controlled by the Spanish military. The Spanish, however, concentrated the colony's executive powers

into four departments: the Department of Finance, the Department of Justice and Public Instruction, the Department of State and Government and finally the Department of Agriculture, Industries, Commerce and Public Works.¹⁸ Governing, however, was a secondary concern for the Spanish in Cuba, winning the war against the *insurrectos* came first. Spanish government authority remained confined to the enclaves protected by Spanish military garrisons.

Cuba also possessed a well-developed judicial system modeled after Spanish legal traditions, maintaining an inquisitorial system where judges participated in the investigation of crimes. At the municipal level, two courts existed to administer colonial law. Each municipality maintained a municipal court responsible for trying minor criminal offenses. Courts of the First Instance and Instruction investigated and tried more serious criminal cases and initiated civil proceedings. These courts were the lowest levels of the central government's judicial system. Courts of the First Instance and Instruction answered to Cuba's *audencias*, or the provincial courts. The *audencias* in Havana, Santiago, and Mantanzas retained both civil and criminal jurisdiction, while the *audencias* in Pinar Del Rio, Santa Clara and Puerto Principe possessed jurisdiction solely on criminal matters. Judges referred civil proceedings in Pinar Del Rio, Santa Clara and Puerto Principe to the *audencias* in Havana, Mantanzas and Santiago respectively. The Spanish Supreme Court (*tribunal supremo*) oversaw appeals from the *audencias*.¹⁹

It did not take long to see that the autonomist constitution and its minor modifications to the status quo failed to attract any significant political support from any of the principal political parties in Cuba. The *insurrectos*, seeing themselves on the verge of total victory, viewed Blanco's offer of reforms as not only insincere but unnecessary. They only needed to

hang on a little while longer and Spain would be forced to concede total defeat. Compromise would not serve the Cuban Republic's interests. Spanish loyalists also opposed the autonomist constitution; the idea of sharing power with former Cuban *insurrectos* was not something that the island's conservative political elites thought compatible with their interests. Many, despite all evidence to the contrary, continued to believe that a total Spanish military victory remained possible if adequately supported by Madrid. Neither side saw any reason to compromise and the autonomist constitution, while remaining in effect, failed to achieve any lasting political compromise between Spain and the rebels.²⁰ The war continued.

The United States began more vigorous diplomatic efforts to bring about an end to the conflict as a result. American diplomats and financiers attempted to find ways to negotiate a final settlement to the conflict. In February of 1898 the United States backed several efforts (one by the United States and one by the PRC) to purchase Cuba from Spain with American financing. These negotiations were undermined, however, by the publication of letters from Spanish Ambassador Señor Don Enrique de Lome to the Spanish Foreign Minister that mocked the United States and President McKinley. Further complicating American diplomatic efforts was the destruction of the U.S.S. Maine in Havana's harbor on February 15, 1898. By the end of March 1898, the United States had lost confidence that the Spanish government was negotiating in good faith and began to prepare to go to war.²¹

The Teller Amendment And Intervention

On April 11, 1898 President McKinley sent Congress his war message asking authority to intervene in Cuba. The President cited four reasons for intervention: for humanitarian ends, to protect Cuban lives and property, to protect American commercial interests, and to end the "constant menace to our peace." McKinley asked Congress for

authority to end the fighting in Cuba, to establish a “stable government” and to ensure tranquility on the island.²² He still did not believe that recognizing Cuban belligerency or independence served American interests and thus left those provisions out of his requested authority in his war message. The President remained silent as to his plans for Cuba’s political future after American intervention.

Congress, however, was unhappy with the Administration’s ambiguous intentions and did not want to give McKinley a blank check. The House resolution authorized the President to intervene but called for McKinley to allow the Cuban people to found their own “stable and independent government.” The Senate offered four resolutions to provide the McKinley Administration the power to deploy American forces to Cuba. The first two resolutions called on Spain to surrender its control of the island and authorized the President to compel the removal of Spanish forces from the colony. The third resolution declared that Cuba had a right to be a free and independent nation and called on McKinley to recognize the Cuban Republic as “the true and lawful government of that island,” a policy McKinley had long opposed.²³ Senator Henry M. Teller of Colorado offered the fourth and final resolution that the Senate accepted. Teller’s Amendment specified famously that the United States renounced “any disposition or intention to exercise sovereignty, jurisdiction, or control over said Island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the Island to its people.”²⁴ The one thing that Congress clearly wanted was to ensure was Cuba’s right to independence following any intervention by the United States. This was not only due to the overwhelming direction of public sentiment but a military necessity. The PRC warned American

representatives that without such a guarantee, the Cuban Liberation Army would take a hostile view of U.S. intervention.²⁵

The House attempted to avoid going to a conference committee by approving the Senate's resolutions except for their recognition of the Cuban Republic as the lawful government of Cuba. The Senate, however, could not come to an agreement about how to word a new war powers resolution and the issue went to a conference committee. In the interim, the Senate debated the meaning of the Teller Amendment and the ultimate purpose of intervention in Cuba. Some senators had noted the ambiguous language associated with Teller's proposed Amendment and asked whom exactly the United States was going to pacify in Cuba? After some debate, the Congressional Conference Committee removed recognition of the Cuban government but retained everything else, including the Teller Amendment and its vague passage authorizing the island's "pacification."²⁶ On April 20, 1898, Congress authorized McKinley to intervene in Cuba and to do what was necessary to fight and win against the naval and land forces of Spain.

The army that the United States deployed for this mission was in the midst of a period of intellectual and professional transition. The defeat of the last of the Indian tribes out on the plains left America's frontier army without a clear mission for the first time in its institutional history. While there were elements of the American Army that did not foresee an offensive role for the United States in international affairs, a new generation of young intellectuals recognized the increasing importance of commercial interests in American diplomacy.²⁷ At their most ambitious, however, these intellectuals viewed the Army's future role as essentially acting in support of the United States Navy. Naval strategists, led by Alfred Thayer Mahan, believed that America's future lay in maintaining control of the sea

and with it access to the world's commerce. According to Mahanian inspired naval thinkers, the Army needed to defend America's coastline and homeland, protect strategic locations (such as a future trans-American canal) and provide small expeditionary forces to seize or protect critical strategic points abroad, chiefly as a means of enabling the Navy to take the offensive against America's enemies.²⁸ Occupation, pacification, and nation building abroad were not considered likely missions for the U.S. Army. Former Commanding General of the Army John M. Schofield confirmed this view claiming, "Foreign conquest and permanent occupation are not a part of the policy of this country."²⁹

The majority of the Regular Army officer corps during this period were long serving officers who had considerable experience both during the Civil War and the periodic Indian Wars along the frontier. Even with the expansion of the Regular Army to fight Spain and govern America's newly won dependencies, in December of 1899 all of the army's infantry, artillery and cavalry colonels were still Civil War veterans. This experience level extended to the field grade officers as well. More than 70% of the army's lieutenant colonels and majors were Civil War veterans.³⁰ Thus, these officers tended to be older, experienced in their current grades, and capable of operating in small, decentralized detachments much as the army had done for decades after the Civil War, during Reconstruction, and along the frontier.

The experience of those officers who served in the wartime federal volunteer establishment widely varied. Many of these volunteer officers were West Point educated or Civil War veterans. Some of these officers, like General James Harrison Wilson, had served as civil administrators during Reconstruction.³¹ Others, like Theodore Roosevelt, were amateur enthusiasts whose only qualifications were their political connections. Thus the U.S.

Army that prepared for intervention in Cuba, while not specifically prepared for its mission, was not entirely unfamiliar with what army life and operations might entail.

While even the Regular Army could not yet be considered a professional force in the modern sense, it had made some tentative strides in that direction before intervening in Cuba. In the late 1880s, the army had introduced efficiency reports and examinations for promotions. In 1891, General Schofield mandated the creation of lyceums at every army post with the purpose of stimulating officer development in the technical and theoretical aspects of warfare. While these efforts predominantly influenced the junior officers, it helped create a sense within the service that officership was a professional vocation requiring conscious cultivation and study.³² While the culmination of this trend still remained years away, the seeds of the nascent movement toward professionalism were already present in 1898 and undoubtedly made the Regular Army, especially its junior officers, much better prepared for the challenges that lay ahead of them.

The American Army's efforts in Cuba, despite landing unopposed at Daiquirí, quickly ran into complications. The expedition, led by the morbidly obese Civil War veteran Major General William R. Shafter, suffered from serious shortfalls in planning and organization. When Shafter's staff planned the invasion's logistics, the army's objective was Havana, which possessed flat or gently rolling country and a well-developed road network. The change in the campaign's objective to Santiago, in Cuba's mountainous east, caught army logisticians off guard. Eastern Cuba's primitive road network made wagon based transport nearly impossible. Further complicating matters, the U.S. Navy expected Shafter to approach Santiago along the most direct route along Cuba's coastline. The problem with the navy's plan for the army was that this would throw Shafter's Army headlong into Santiago's

prepared defensive fortifications. Shafter, now cooperating with the CLA under General Calixto García, preferred to avoid the main prepared lines of Spanish defenses by flanking them on an overland route through eastern Cuba's interior. In order to march on Santiago via Shafter's preferred route, ammunition, medicine, food, and shelter all had to be left on the beaches and moved forward later, leading to extraordinary hardships and deprivations in Shafter's Army.³³ Shafter's decision to proceed overland to Santiago had important implications for the U.S. Army in Cuba.

The most serious and troublesome consequence was the deterioration in the relations between the CLA and the American Army. Due to the unfamiliarity of the terrain, Shafter and his men relied on the CLA to both provide guides and to continue isolating Spanish garrisons on the island to prevent Spanish forces from concentrating to defend Santiago, obstructing Shafter's advance, or both. While García's men proved able guides, the Americans were contemptuous of their guerrilla tactics. García's men failed to block the arrival of Spanish reinforcements to Santiago just before the siege got underway.³⁴ American criticism of the CLA, however, was misplaced. Not only did Shafter meddle in the disposition of García's forces—most critically in the composition of the blocking force sent to prevent the arrival of reinforcements headed to Santiago—but he assigned them a task more suited to conventional operations, something that García's men were ill prepared both organizationally and logistically to undertake.³⁵ Thus, the advance to Santiago and the hardships of the movement had placed these two erstwhile allies increasingly at odds with one another.

American racial and class based views made relations between the U.S. Army and the CLA even worse. The Americans were shocked at how dirty the Cuban rebels were.³⁶

Teddy Roosevelt observed that they were “as utter tatterdemalions as human eyes ever looked on.”³⁷ Another observer serving with the Red Cross commented, “if their rifles and cartridge belts were taken away. . .they would look like a horde of dirty Cuban beggars and ragamuffins on the tramp.”³⁸ This was not how the Cuban Army had been portrayed in the American press. The American Army expected to find an army similar to their own, organized and equipped to undertake a conventional land campaign against the Spanish Army. As American cooperation with the CLA revealed that this was not the case, American war correspondents began to change the characterization of the CLA. The American press now depicted the *insurrectos* as more interested in American rations than in Cuban liberty.³⁹

Race, too played an important role in how the Americans perceived the Cubans. Prior to the landing at Daiquirí, Americans believed that the Cuban Liberation Army was a white dominated movement. Roosevelt again set the record straight, recording that the Cuban rebels were almost all former slaves. The racial composition of the Cuban Army mattered, because as Wood observed the Cuban Army “is made up very considerably of black people, only partially civilized, in whom the spirit of savagery has been more or less aroused by years of warfare.”⁴⁰ American observations of the CLA’s treatment of Spanish prisoners seemed to validate American racial assumptions. In a few instances, *insurrectos* executed Spanish prisoners of war, a practice that the Americans found barbaric and representative of Cubans’ inability to control their predisposition to violence.⁴¹

For their part, the CLA’s view of the U.S. Army was not much better. Even before the American intervention, the CLA’s leaders looked suspiciously on their occupiers’ motives. Martí memorably asked, once the United States was in Cuba, who would get it out? Prior to American intervention, the *insurrectos* only wanted American material support.⁴²

The Teller Amendment only partially allayed Cuban fears, but was sufficient for the PRC to order the CLA to subordinate its efforts to those of the U.S. Army. Cuban perceptions of the U.S. Army darkened considerably when Shafter asked General García to employ his men as laborers instead of soldiers.⁴³ Relations between Shafter and García were not improved by the conditions of the siege of Santiago where the inadequate logistics of both armies continued to contribute to the hardship and strain between the allies.

The final blow to Cuban-American relations during the Santiago Campaign came at the siege's successful conclusion. Angry at the Cubans for their inability to fight in a conventional style and for their refusal to act as laborers, Shafter decided to exclude the CLA from the surrender ceremony of the city.⁴⁴ Participation in the ceremony would have implicitly involved recognition of the Cuban Army as a legitimate co-belligerent. Additionally, Cuban exclusion from the ceremony reflected not only American doubts about the Cuban rebel's contribution to the campaign but the rebels' claims to legitimacy and recognition as a civilized people.

Clearly suspecting both motives behind Shafter's exclusion of Cuban forces from the surrender ceremony, García protested:

I have not been honored, sir, with a single word from yourself informing me about the negotiations for peace or terms of capitulation. . . I only knew of both events by the public reports. . . a rumor, too absurd to be believed, General, ascribes the reason of your measure and of the orders forbidding my Army to enter Santiago, to fear of massacres and revenges against the Spaniards. Allow me, Sir, to protest against even the shadow of such an idea. We are not savages ignoring the rules of civilized warfare. We are a poor, ragged Army, as ragged and poor [as] was the Army of your forefathers in their noble war for independence, but as [did] the heroes of Santiago and Yorktown we respect too deeply our cause to disgrace it with barbarism and cowardice.⁴⁵

García offered his resignation to General Gómez and withdrew his Army back into the interior of the island. Embarrassed by the now public dispute between Shafter and García, the PRC's representatives in the United States assured the American public that García spoke only for himself, and not the Revolution. The PRC continued to publicly proclaim their gratitude for American intervention and assistance.⁴⁶ The PRC's gestures, however, were too late to change American opinion of the CLA. In less than a month of joint operations, the Cuban Army had transformed in American opinion from the institutional embodiment of a kindred civilization to a worthless ally. Or as one newspaper's correspondent observed, "the noble army of Cuban martyrs had become an armed rabble as unchivalrous as it was unsanitary."⁴⁷ When American correspondents asked Shafter about Cuba's political future as an independent self-governing nation, Shafter replied that, "Why those people are no more fit for self-government than gunpowder is for hell." It was an inauspicious beginning to Cuban-American relations.

After the fall of Santiago, Spanish resistance collapsed and the American Army now confronted the problem of how to establish control over the island. The American Army at Santiago was a spent force. Even before the conclusion of the siege, disease had ravaged Shafter's weakened men. More than 4,000 men were confined to hospitals and many more dangerously ill men remained in the ranks (dying at a rate of fifteen a day) to avoid being separated from their comrades.⁴⁸ Clearly, more troops would be needed to establish order in the war's aftermath.

Initially the War Department estimated that it needed about 50,000 men to occupy Cuba and complete its pacification. Terrified that more American troops would be vulnerable to the ravages of tropical disease, the McKinley Administration carefully

introduced additional men into Cuba. The War Department timed their arrival to coincide with the evacuation of Spanish forces by January 1, 1899, while simultaneously attempting to manage the spread of disease in Shafter's Army. Ultimately, the continued negative publicity over the condition of Shafter's troops forced the War Department to evacuate Shafter's men to the United States, prompting another scandal over their inadequately prepared quarantine camp in Montauk, New York.⁴⁹ Despite the evacuation of Shafter's troops, American forces nearly doubled, reaching the apex of their strength at 43,000 men by February of 1899. The size of the army, larger than the initial invasion force and almost half of the entire Army, was a measure of American determination to both maintain order and to discourage a confrontation with the CLA.

Despite the successful evacuation of Spanish forces, important issues remained unresolved for the U.S. Army in Cuba. The CLA maintained a sizeable force and controlled many of Cuba's interior towns and provinces. What was American policy toward them and the Cuban PRC that they ostensibly answered to? What was American policy toward Blanco's autonomist constitution and the institutions he created? Finally, to whom would the Army transfer sovereignty in Cuba? These questions remained very relevant to the Army's mission of pacification.

Before the invasion of Cuba, the United States Army had already established a traditional understanding of what the term pacification meant and how to apply it. Pacification was a dual civil-military process where the Army, by eliminating actual or potential resistance, established order, maintained peace, and allowed the American government to exercise its authority.⁵⁰ American pacification efforts during the Civil War, Reconstruction and a few of the Indian Wars began with an attempt to initiate modest

political reforms to end potential unrest. If this failed, anyone who aided or participated in opposing American rule was subject to arrest, exile, or death. If resistance continued, the Army would widen its retaliation to include the destruction of crops and homes.⁵¹ The key to this conception, however, was the Army usually employed force or the threat of force in conjunction with political measures designed to lessen resistance.

This traditional view of the importance of political diplomacy in military operations also made inroads into the more formal venues of American strategic thought, albeit on a limited basis. In his widely studied text on strategy published during this era, John Bigelow, a former instructor at West Point, reinforced this dual civil-military view of pacification operations. Bigelow concluded that British General Henry Clinton's failure to subdue the American South during the Revolution had primarily been a political one. Clinton's reliance on military force to bolster support from the population had engendered so much resentment that it led to British defeat at the battle of King's Mountain, which made the campaign irretrievably lost. Bigelow also offered U.S. strategic planners another important insight, that irregular forces could pose a significant threat to conventional forces if commanders did not manage their pacification efforts with skill and diplomacy.⁵²

American commanders in Cuba were cognizant that the political situation on the island called for a high degree of political tact. Although some leaders did look abroad for examples of colonial pacification, for the most part, the U.S. officers rejected these methods as fundamentally incompatible with American intentions in Cuba.⁵³ The Army would look to its own experiences to guide it. Although the U.S. Army did not give its definition of pacification official sanction in the form of official military doctrine, many, if not most, commanders subscribed to the customary definition and usage of the term. Circumstances in

Cuba, Puerto Rico and the Philippines soon provided the American Army its first real test of how these traditional practices might be applied abroad.

The Army Of Occupation And Its Chain Of Command

Conditions in Cuba after the surrender of Spanish forces reflected the chaos inherent in years of brutal guerilla warfare. The U.S. Army estimated that some of Cuba's most devastated regions had lost as much as a third of their population. Agricultural production, with few exceptions, was non-existent. The Americans characterized almost every level of government and means of order in Cuba as left in a "complete state of abandonment" by Spanish authorities. It seemed that almost every aspect of Cuban life had been adversely affected by the war. In short, the U.S. Army confronted "a state of desolation, starvation and anarchy."⁵⁴

In order to prevent the situation from continuing on its nightmarish trajectory, the President appointed several American generals to command different regions in Cuba in order to organize the island's recovery and reconstruction. Each general was to oversee two of Cuba's provinces, commonly referred to as "departments" by American officers. Many of the appointments merely recognized the already existing command hierarchies, in place at the beginning of the American occupation.

In Pinar Del Rio and Havana (excluding the city) provinces, McKinley appointed General Fitzhugh Lee to oversee the reconstruction of two of Cuba's wealthiest provinces. Robert E. Lee's nephew began his military career in the cavalry after graduating from West Point in 1856, serving along the Texas frontier subduing the Comanche. Lee resigned his commission and rose in Confederate service to brigadier general. After the war, he served as the governor of Virginia and as the Cleveland Administration's consul in Havana where he

became famous for his unstinting advocacy of American interests in Cuba. Upon the outbreak of the war with Spain, President McKinley awarded him command of the U.S. VII Corps and a commission as a major general of volunteers.⁵⁵ The war ended before Lee's VII Corps saw any action against Spanish forces.

In Havana (the city), General William Ludlow commanded American forces. Ludlow, unlike his peers in department command, was the sole career army officer. An 1864 West Point graduate, Ludlow served in both the Civil War and the wars against the tribes of the Great Plains in the Dakotas. Ludlow's combat record and his abilities as an engineer drove his ascent to prominence. Ludlow's commitment to honest and efficient management, particularly during his time in Philadelphia, where he defeated efforts to manipulate contracts, further elevated his visibility within elite political circles.⁵⁶ During the war with Spain, Ludlow commanded a brigade and saw action at El Caney and the siege of Santiago. Before becoming responsible as a civil administrator in Havana, Ludlow had overseen the city's security as it prepared for the upcoming transfer of sovereignty ceremony between the United States and Spain.⁵⁷

Of the department commanders in Cuba, Leonard Wood's path to command was the least traditional. Wood was originally commissioned as a contract surgeon for the Army's campaign against the Apaches under Geronimo in 1886. Wood served for the duration of the campaign and received the Medal of Honor for his role in carrying dispatches through hostile Apache territory and his command of an infantry detachment that engaged the Apache in hand to hand fighting. In 1891, Wood continued to serve as a captain in the Regular Army and as President McKinley's personal physician. When war with Spain became imminent, Wood, in conjunction with Theodore Roosevelt, organized the Rough Riders and earned a

volunteer commission as a colonel. After Wood's performance at Las Guasimas and the opening of a vacancy in a brigade command, he was field promoted to brigadier general of volunteers. Soon after, Wood was appointed as the military governor of the city of Santiago in eastern Cuba and, after the surrender of Spanish forces, as governor of Santiago and Puerto Principe provinces.⁵⁸

In central Cuba, McKinley appointed General James H. Wilson to supervise the Army's efforts in Mantanzas and Santa Clara. Wilson, a West Point graduate, saw extensive service during the Civil War as a cavalry officer and became an intimate friend and protégé of Ulysses S. Grant. Grant appointed Wilson to several key commands that resulted in his meteoric rise to fame after his defeat of Nathan Bedford Forrest. Wilson briefly participated in Reconstruction in Georgia where his men captured Jefferson Davis and the infamous commandant of Andersonville Prison, Henry Wirz. After the war, Wilson left the Army and turned to business and politics. In Delaware, he became a prominent member of the Republican Party and maintained extensive political and social contacts that garnered him enough prominence within Republican circles to enable his return to the Army as a brigadier general during the outbreak of the war with Spain. Wilson's command never reached Cuba before the fighting ended but McKinley ordered him to Cuba in advance of his men to take control of the Army's reconstruction efforts in central Cuba. He was the last of the American department commanders to be appointed and the last to arrive in theater.⁵⁹

To unify the U.S. Army's efforts in Cuba, the President appointed Major General John R. Brooke to command the newly created Military Division of Cuba. Brooke was an experienced soldier. Originally commissioned as volunteer officer during the Civil War, Brooke rose to prominence through his actions at Fair Oaks, Antietam, Gettysburg, and Cold

Harbor. After the war, his record of wartime service earned his eventual promotion to brevet major general of volunteers, which Brooke later traded for the brevet rank of brigadier general in the Regular Army.⁶⁰ After the Army's draw down, Brooke lost his brevet rank and eventually worked his way back up to the rank of colonel and commanded the 13th Infantry and 7th U.S. Cavalry. While in command of the 7th Cavalry, Brooke participated in the suppression of the Ghost Dance, which culminated in the Battle of Wounded Knee.⁶¹ Brooke weathered the controversy surrounding the battle and continued his career.

When hostilities broke out with Spain, Brooke was in command of the I Corps and participated in the relatively bloodless invasion and conquest of Puerto Rico, an operation designed to facilitate American operations in Cuba. After Spain's capitulation, he remained in command in Puerto Rico until President McKinley recalled him to serve as the military governor of Cuba.⁶² At the age of sixty, Brooke was near the end of his career in the Army. His appointment to command in Cuba baffled many contemporary observers. According to some, Brooke, while an honorable man, appeared to lack the energy and vigor of some of his younger colleagues in service. His subordinates in Cuba viewed his promotion to command with a mixture of envy and venom: General Wilson termed him a "stupid and inexperienced person in all matters pertaining to civil life or the administration of government. He is close, also, to the retiring age, and very torpid in his intellectual operations."⁶³ Thus with Brooke's arrival in Cuba, the Army began to plan for its first international reconstruction mission abroad.

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- ¹ Healey, *United States in Cuba*, 7.
- ² Pérez, *Cuba Between Empires*, 18-19.
- ³ Healey, *United States in Cuba*, 7.
- ⁴ Ibid, 8.
- ⁵ Pérez, *Cuba Between Empires*, 42-45.
- ⁶ Ibid, 47.
- ⁷ Ibid, 49; Jack Cameron Dierks, *A Leap to Arms: The Cuban Campaign of 1898* (New York: J.B. Lippincott Company, 1970), 11.
- ⁸ Weyler is quoted in Pérez, *Between Reform and Revolution*, 165.
- ⁹ Pérez, *Cuba Between Empires*, 53-55.
- ¹⁰ Foner, *Spanish-Cuban-American War*, 1: 77.
- ¹¹ Pérez, *Between Reform and Revolution*, 165-68.
- ¹² Healey, *United States in Cuba*, 9.
- ¹³ Ibid, 10-12.
- ¹⁴ Pérez, *Cuba Between Empires*, 144-48.
- ¹⁵ Healey, *United States in Cuba*, 13.
- ¹⁶ Pérez, *Cuba Between Empires*, 148.
- ¹⁷ Healey, *United States in Cuba*, 57.
- ¹⁸ John R. Brooke, *Civil Report of Major-General John R. Brooke: Military Governor, Island of Cuba* (Washington, DC: Government Printing Office, 1900), 8. General Brooke included many of his subordinates' reports in his finished *Civil Report*. Where there is a different author for a document other than General Brooke the citation will read: author name, "document title," date (where applicable), *Civil Report*, page number. After the initial citation of a subordinate's report, an abbreviated title for the report will be used. Where General Brooke is the author, standard Chicago style citation will be followed.
- ¹⁹ Edgar S. Dudley, "Report of Major Edgar S. Dudley, U.S.V., Judge Advocate Division of Cuba," 30 September 1899, *Civil Report*, 164.
- ²⁰ Pérez, *Cuba Between Empires*, 148.
- ²¹ Healey, *United States in Cuba*, 13-15.
- ²² William McKinley, message to the Congress of the United States on Intervention in Cuba, on April 11, 1898 to the United States Senate, 55th Cong., 2nd sess.: 3702, accessed August 5, 2014, <HTTP://congressional.proquest.com.lib-ezproxy.tamu.edu:2048/congressional/docview/t19.d20.cr-1898-0411?accountid=7082>.
- ²³ Quoted in Healey, *United States in Cuba*, 23-24.
- ²⁴ Joint Resolution For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, Res. 24, 55th Cong., 2nd sess., (April 20, 1898), accessed August 5, 2014, <HTTP://congressional.proquest.com.lib-ezproxy.tamu.edu:2048/congressional/docview/t53.d54.00030-stat-0738-000024?accountid=7082>.
- ²⁵ Pérez, *War of 1898*, 20-21.
- ²⁶ Healey, *United States in Cuba*, 27-29.
- ²⁷ William R. Roberts, "Reform and Revitalization," in *Against All Enemies*, ed. Kenneth Hagan, William Roberts (New York: Greenwood Press, 1986), 197-202; James Abrahamson, *American Arms for a New Century* (New York: Free Press, 1981), 187.
- ²⁸ Cosmas, *United States Army*, 31.
- ²⁹ John McAllister Schofield, *Forty-Six Years in the Army* (Norman: University of Oklahoma Press, 1998), 526-28, accessed December 14, 2014, EBSCO E-book.
- ³⁰ Edward M. Coffman, *The Regulars: The American Army, 1898-1941* (Cambridge, MA: Belknap Press, 2004), 51.
- ³¹ Wilson, *Under the Old Flag*, 2:344-45.
- ³² Coffman, *The Regulars*, 170-71; Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784-1898* (New York: Oxford University Press, 1986), 276; Timothy K. Nenninger, "The Army Enters the Twentieth Century, 1904-1917," in *Against All Enemies*, 227-28.
- ³³ Cosmas, *The United States Army*, 204-06.
- ³⁴ Dierks, *A Leap to Arms*, 175-76.

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- ³⁵ Foner, *Spanish-Cuban-American War*, 2:362-65.
- ³⁶ Dierks, *A Leap to Arms*, 87.
- ³⁷ Theodore Roosevelt, *The Rough Riders: An Autobiography* (1899; repr., New York: Penguin Putnam Inc., 2004), 65.
- ³⁸ Gerald F. Linderman, *The Mirror of War: American Society and the Spanish-American War* (Ann Arbor: University of Michigan Press, 1974), 138; Dierks, *A Leap to Arms*, 87.
- ³⁹ Linderman, *Mirror of War*, 140; Foner, *Spanish-Cuban-American War*, 2:356.
- ⁴⁰ Wood is quoted in Linderman, *Mirror of War*, 138-139.
- ⁴¹ Linderman, *Mirror of War*, 138-139; Foner, *Spanish-Cuban-American War*, 2:360-62.
- ⁴² Foner, *Spanish-Cuban-American War*, 2:339.
- ⁴³ Foner, *Spanish-Cuban-American War*, 2:356-58.
- ⁴⁴ Linderman, *Mirror of War*, 141; Foner, *Spanish-Cuban-American War*, 2:368.
- ⁴⁵ Calixto García, "Gen. García's Withdrawal," *Washington Post*, July 23, 1898, accessed April 19, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com.lib-ezproxy.tamu.edu:2048/docview/143986438?accountid=7082>.
- ⁴⁶ Foner, *Spanish-Cuban-American War*, 2:373.
- ⁴⁷ Linderman, *Mirror of War*, 144.
- ⁴⁸ Cosmas, *United States Army*, 255-57.
- ⁴⁹ Cosmas, *United States Army*, 258-63.
- ⁵⁰ Birtle, *U.S. Counterinsurgency*, 4-5.
- ⁵¹ Brian Linn, *The Philippine War, 1899-1902* (Lawrence: University of Kansas Press, 2000), 9; Birtle, *U.S. Counterinsurgency*, 48.
- ⁵² John Bigelow, *The Principles of Strategy Illustrated Mainly From American Campaigns*, 2nd ed. (1894; repr., New York: Greenwood Press, 1968), 241-5.
- ⁵³ Wilson, *Under the Old Flag*, 2:492.
- ⁵⁴ Brooke, *Civil Report*, 9.
- ⁵⁵ John H. Eicher and David J. Eicher, *Civil War High Commands* (Stanford, CA: Stanford University Press, 2001), 343.
- ⁵⁶ Gillette, "Workshop of Progressivism," 412.
- ⁵⁷ Healey, *United States in Cuba*, 59.
- ⁵⁸ McCallum, *Leonard Wood*, 4-5.
- ⁵⁹ Eicher and Eicher, *Civil War High Commands*, 574.
- ⁶⁰ Eicher and Eicher, *Civil War High Commands*, 145.
- ⁶¹ "John Rutter Brooke Papers," The Historical Society of Pennsylvania, accessed January 5, 2015, <http://www2.hsp.org/collections/manuscripts/b/brooke0078.html#ref3>.
- ⁶² Ibid.
- ⁶³ Wilson to John J. McCook, 10 December 1898, 245-48, Box 43, Wilson Papers.

CHAPTER III

STRATEGIC AMBIGUITY AND THE ARMY OF OCCUPATION

On July 11, 1899 Captain Francis P. Fremont, the U.S. commander in Sancti Spíritus, received a letter from the local *alcalde*. Relations between the town's *ayuntamiento* and the local garrison commander were tense as usual. The municipal council was jealous of its authority and worked to exclude the post commander from the town's business as much as possible. In the past, Fremont ignored these tensions and tried to maintain constructive relations with the *ayuntamiento* by grudgingly deferring to the council's authority in civil affairs. Recently, however, Fremont's chain of command directed him to order the city to restore a local Spanish resident's right to collect fees from vendors using the town's local market, a privilege that the *ayuntamiento* strenuously opposed. Fremont had delivered those orders and the letter he now held contained the city council's response. The mayor's message informed Fremont that the city council voted unanimously to reject the American military government's orders to re-instate the local Spaniard's concession and instead chose to appeal to the *audencia* in Havana for a decision.¹

After Fremont received the *alcalde's* communication, he requested a meeting with the town's mayor to search for a solution to the impasse that the council's position presented. The meeting did not go as he intended. The mayor explained that Cuba's civil government was superior to the island's military government and that Fremont lacked the legal authority to order the *ayuntamiento* to do anything. He also informed Fremont that until the provincial court made a decision, the *ayuntamiento* intended to ignore any further orders on this subject from the American Army in Cuba.² The city council and the town's troublesome *alcalde* frequently dared Fremont to use force to impose his will on the local municipal government.

Fremont believed that this confrontational strategy was intended to make the imposition of American policy, “a military act so as to render it null in the eyes of the law.”³ Fremont, as was his usual habit, appealed to his commander for additional guidance. Meanwhile, the defiant local government remained free to run the town and its affairs.

This result stands in contrast to the established narrative of the role of the American Army in Cuba. Critics of the U.S. intervention allege that the Army of Occupation’s real objective was to maintain some form of indefinite rule over the island. The evidence from Cuban civil officials, however, suggests that this is an overly simplistic view. As Captain Fremont could attest, U.S. commanders found their exercise of even modest political control contested during the first year of the occupation. Cubans regularly challenged their authority and ignored directives from the army when it suited local interests. If the United States pursued a policy designed to control the island’s affairs, how and why did situations such as the one in Sancti Spíritus develop? The next section of this thesis contends that the United States Army in Cuba was not pursuing a policy of annexation or indefinite rule and that this in part explains how and why the *ayuntamiento* of Sancti Spíritus remained able to defy American preferences about their local affairs.

There are four important arguments that challenge the dominant annexationist account of American policy toward Cuba. First, President McKinley’s instructions to General Brooke contained no references to annexation. Instead, the President emphasized the necessity of preparing Cuba for future independence. While the debate over McKinley’s intentions toward Cuba will likely never end conclusively, this thesis contends Brooke observed a narrow interpretation of his guidance. Accordingly, the military government that he designed gave Cubans considerable autonomy both in their national and local affairs.

After the initial months of the occupation, Cuban civilians possessed authority that enabled them to set the direction and organization of important aspects of Cuba's developing civil institutions and affairs. This remained true even where the exercise of this authority ran contrary to the Army of Occupation's preferences.

Two other arguments also dispute the idea that the American Army of Occupation followed a fixed policy of annexation. Whenever military officials considered annexation these discussions remained confined to Brooke and his top subordinates and indicated only one of several future possible directions for U.S. strategy on the island, not its present course. Equally important, garrison commanders maintained a much different interpretation of their mission, namely to assist Cuba in founding an independent government. Finally, this thesis maintains that the Army of Occupation did not preserve the island's former colonial elites' status or privileges in exchange for indigenous political support for an American program of annexation. Instead, U.S. commanders terminated many of these special dispensations and refused to even consider using troops to maintain the few remaining Spanish legal privileges that the Army of Occupation considered legitimate. If the American Army pursued a strategy of co-option, it was not by preserving these elites' economic and social status.

Form A Free And Independent Government

The conclusion of Spanish-American War placed the American Army's authority to remain in Cuba on ambiguous legal footing. Congress' declaration of war only provided a narrow definition of the purpose of intervention, to drive Spanish forces from the island and to provide "for the pacification thereof." Thus, before any military occupation could be undertaken, President McKinley had to explain why the American Army possessed the right to maintain control of Cuba's sovereignty. McKinley offered this justification as well as a

“few unofficial suggestions” to his new commander in Havana. These instructions constituted the only official and comprehensive guidance the President provided to the Army in Cuba during the first year of the occupation.⁴

McKinley defended his right to maintain American forces in Cuba by claiming U.S. authority to govern Cuba originated in “the right of the belligerent over conquered territory.”⁵ The President’s language was less a statement of ideological intent than an invocation of important legal precedent. His discussion of belligerent rights offered a paraphrased version of President Abraham Lincoln’s General Order 100 which declared, “A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the occupying Army. . . Martial Law is the immediate and direct effect and consequence of occupation or conquest. The presence of a hostile army proclaims its Martial Law.”⁶ After the Civil War, General Order 100 and its basic philosophy of the rights and obligations of occupying powers gained considerable legitimacy in international law. Consequently, the War Department re-issued it in an abbreviated form to commanders during the war with Spain to govern American conduct over seas.⁷ Thus, rather than a justification of territorial aggrandizement, McKinley was informing his subordinate that the Army’s continued control of Cuban sovereignty was sanctioned by both American and international law.

McKinley also offered his senior commander a brief statement of his intent for U.S. troops in Cuba. The President ordered Brooke to provide military government on the island until a “firm and stable government” capable of fulfilling its “international obligations” could be formed or Congress provided for an alternative policy. McKinley’s timeline for the creation of such a government remained unclear but Brooke’s Commander-in-Chief warned

that American political control of Cuba was “temporary.” Furthermore, the President concluded his instructions by unequivocally stating that it was America’s duty, “to assist them [Cuba] to form a government which shall be free and independent, thus realizing the best aspirations of the Cuban people.”⁸ McKinley’s language was not a mistake and if he had wanted to indicate a policy of annexation or a variation of it, he would have said so. McKinley, had in fact, communicated just such a policy the day prior to the U.S. commander in the Philippines, referring to annexation as “benevolent assimilation.”⁹ Whatever McKinley’s personal views, his guidance and its affirmation of Cuban independence demonstrated that, at least on an official basis, the President intended to follow the spirit of Congressional law governing American relations with Cuba.

McKinley’s instructions also included directions about the basic organization of Cuba’s legal system. The President ordered Brooke to maintain the civil and criminal codes that existed prior to the end of Spanish sovereignty.¹⁰ Scholars of American empire have never adequately explained how this portion of McKinley’s instructions and Brooke’s subsequent implementation of it figured into McKinley Administration designs for annexation. The Spanish legal system remained alien to many Americans and fundamentally incompatible with the United States’ English inspired system of justice in both its organization and function. The retention of Spain’s legal system and customs would act as an impediment to annexation, not facilitate it. Furthermore, by preserving Spanish style justice in Cuba, the President made any advocacy of annexation vulnerable to racist opposition. U.S. commanders in Cuba viewed the Spanish legal system as incompatible with basic human rights and indicative of Spain’s decadent civilization.¹¹ The broader public’s reception to the maintenance of Spanish legal traditions was not likely to be any more

positive. This concern was prevalent enough that General Wilson felt compelled to defend Cuba's system of justice to influential members of the Senate by comparing it favorably with the courts in the American South.¹² Consequently, McKinley's decision to maintain Spain's legal system demonstrated an important way in which the President prioritized order over the pursuit of territorial aggrandizement by the United States.

Likewise, McKinley issued Brooke a list of political priorities that he believed were important to Cuba's future. The President admonished Brooke that despite the character of the occupation government that he needed to exercise military authority in the best interest of people with rights and property on the island. This included encouraging municipal reform, improvements in sanitation and education, and ensuring that the Cuban court system executed justice in a "pure and impartial" manner.¹³ What all of these concerns have in common is their ability to enhance stability. The effective administration of the law safeguarded society against disorder by prosecuting crime and by maintaining the integrity of contracts, a key element in the functioning of the economy. Additionally, sanitation improvements prevented the spread of disease. Disease, criminality, and economic dislocation are common harbingers of disorder and disruption in civil society. The President's list of priorities addressed each and illustrated that McKinley viewed these issues as a top concern that required Brooke's specific attention.

Brooke's Commander-in-Chief also discussed his view of Cuba's political situation. McKinley suggested that Brooke socialize with the leaders of the island's different social and political elements in order to encourage their confidence in America's humanitarian purpose in occupying Cuba. McKinley warned his subordinate to avoid alienating any group or faction during the course of his administration.¹⁴ The President's instructions demonstrate

that, at least initially, McKinley was not looking to mobilize political support for any particular political settlement in Cuba. Any plans—such as annexation—required his commander in Cuba to be partial about his political affiliations. In a letter much later in his administration, Brooke confirmed this assessment. He complained to the President that his instructions to remain politically neutral hampered his ability to mingle with Cuba’s political elites.¹⁵ Thus, despite whatever previous policies or strategic interests McKinley envisioned for Cuba, his guidance to Brooke hindered rather than facilitated any future plans to maintain indefinite American rule on the island.

Once the President issued his orders, their implementation was now up to his subordinates in Cuba. Commanders are guided by more than just instructions from their superiors; their prejudices and professional experiences direct the manner and methods soldiers use to pursue their assigned objectives. Consequently, how General Brooke, as the President’s most important representative in Cuba, construed McKinley’s guidance is critical to understanding how the American Army of Occupation initially envisioned its role and purpose.

Upon his assumption to command of the Military Division of Cuba, Brooke issued a proclamation that outlined the basic framework of his military government. He began with an explanation of the purpose and scope of the army’s efforts. Brooke maintained that the reason for American intervention was to end the “distressing condition” of the people of the island. He then claimed the purpose of the military government was, “to give protection to the people, security to the person [sic] and property, to restore confidence, to encourage people to resume the pursuits of peace...and to afford full protection in the exercise of all civil and religious rights.”¹⁶ Every reason that the general enumerated was a direct quotation

from the President's original orders.¹⁷ Additionally, he ordered Spanish civil and criminal law to remain in effect. Finally, Brooke invited all of Cuba's people to cooperate with his administration without regard to any of their previous affiliations and declared himself available for consultation over matters of public interest with anyone. Brooke did not add any new ideas or language that indicated any deviation from McKinley's original guidance. His statement of American intentions and the general direction of his government in Cuba was the first sign that he intended to implement an almost literal interpretation of the President's orders.

While Brooke's proclamation omitted any reference to how long the United States would retain troops on the island, it is clear Brooke viewed McKinley's commitment to a future free and self-governing Cuba seriously. In his edict, Brooke proclaimed that it was his desire to carry out the island's governance through civil channels "although under military control." The civil channels Brooke envisioned were Cuban, not American. The general appointed Cubans to fill the vacancies in the island's civil institutions and announced to his subordinates that it was his desire to transition the island to civil rule as quickly as a civilian led government could be organized. This was not a transitory view either. He maintained his emphasis on prioritizing the development of a Cuban controlled civil administration and described his government's initial efforts as a "stage on the highway of progress" as late as October of 1899, implying that Cuban control over the island's affairs remained his ultimate goal.¹⁸ Thus, the vision of military government that Brooke outlined at the onset of his command was not a temporary expedient but an affirmative expression of the American Army's mission in Cuba as assigned to him by the President.

Brooke's proclamation also illustrated the complexity of the situation by what it did not carry over from McKinley's instructions. Significantly, his public edict omitted any reference to Cuba's future political status and instead declared that, "our humanitarian purposes will insure kind and beneficent government."¹⁹ This language was hardly an endorsement of Cuban independence and lacked any real indication of what American authorities in Havana intended. This absence is even more notable because the President had vetted Brooke's declaration of military government.²⁰ How much McKinley edited Brooke's speech is unclear, but at a minimum the President endorsed his commander's evasive wording on the subject of Cuba's political future. For whatever reason, the President wanted to avoid a public commitment to Cuban independence and yet from his initial instructions to Brooke, it is not certain that McKinley remained committed to a policy of annexation either. Although there are several possible explanations for the divergence between McKinley's public and private stances on Cuban independence, McKinley's guarded style of politics renders most of these explanations speculative.

The existence of contradictory evidence of McKinley's real position on Cuban independence has not prevented historians from offering their own interpretations of the President's actions and remains the subject of intense historical debate. Despite McKinley's instructions and Brooke's careful observance of them, many historians continue to view American policy as animated by a secret desire to annex Cuba. Most of these historical accounts fail to acknowledge McKinley's affirmative commitment to a "free and independent" Cuba and are dismissive of the value of his instructions to Brooke as guidance for the island's political future since his guidance offered no definitive outline of how a transfer of sovereignty would work.²¹ While it is true that the President failed to address

important questions about how and when the United States would transfer sovereignty to a Cuban government that is not proof of U.S. intentions to remain in control of the island indefinitely. Many of McKinley's biographers observed that he demonstrated a preference for policies that emphasized order and encouraged political consensus.²² McKinley's "unofficial suggestions" to Brooke seem well within that tradition, underscoring the need to restore and maintain order on the island while simultaneously avoiding publicly antagonizing either the annexationist or the anti-imperialist movement in the United States. In effect, McKinley's decision not to publicly commit to any particular course in Cuba allowed him maximum political flexibility at home and seems the best explanation of his willingness to endorse Brooke's evasive wording on Cuban independence.

If McKinley did have a secret agenda to annex Cuba, there is no evidence that Brooke was a party to it. Rather, Brooke interpreted McKinley's instructions literally and envisioned a military government predicated on the transfer of authority from the United States Army to Cuban civil authorities as quickly as possible. Furthermore, he informed McKinley about how he intended to implement his guidance, offering his superior a chance to make any modifications to Brooke's scheme of government.²³ The President did not veto or even adjust Brooke's proposal for the island's administration. If McKinley continued to plan to annex Cuba, then why allow Brooke to empower Cuban civilians at the army's expense? As other annexationists observed, Cuba's civilians could strengthen their own political factions while weakening support for annexation. When Brooke's ideas are viewed in the entire context of the President's guidance, the simpler and more likely explanation is that Brooke's plan fulfilled McKinley's intent enough that the President declined to intervene in the details of the island's governance any further. Thus, a balanced evaluation is that

American policy toward Cuba's future might best be characterized as ambiguous, but that its immediate priority was the maintenance of public order.

A Cuban Close Corporation

For the organization of the civil administration of the central government in Havana, Brooke assumed control of Spain's colonial administration without any substantial changes and appointed Cuban civilians to head each department. He chose Domingo Méndez Capote to lead the Department of State and Government, Pablo Desvernine to supervise the Department of Finance, José Antonio Gonzáles Lanuza to oversee the Department of Justice and Public Instruction, and finally Aldolfo Yanez to manage the multi-purpose Department of Agriculture, Industries, Commerce and Public Works. Brooke withheld control of the island's postal system and its customs revenues (upon the orders of the Secretary of War).²⁴ American commanders throughout the island referred to Brooke's department heads as his "Cuban Cabinet." As a body, these men held broad authority to govern despite continued U.S. control of the island's revenues. Brooke both sought their contributions in the development of policy and used his Cabinet to implement his guidance. Moreover, he respected their opinions on important political matters enough that they even assisted Brooke with sensitive political tasks in the United States.²⁵ Brooke intended the Cabinet to fulfill McKinley's order to "maintain the forms and rules that pertain to civil government" while also providing the general an administration of the civil character that he believed necessary to prepare Cuba for self-government.²⁶

At the provincial level, Brooke inherited a district system already partially designed by President McKinley. McKinley organized Cuba's provinces into military departments and assigned a general officer to assist Brooke in their governance. Two provinces composed

each department (except for the city of Havana which was administered by itself).²⁷ The President suggested that Brooke consult with these department commanders in order to secure “uniformity of purpose” but left unstated any particular role or responsibilities Brooke should assign to them.²⁸ For the civil administration of Cuba’s provinces, Brooke did not attempt to mirror McKinley’s military department structure. Instead, he re-constituted Spain’s provincial governments and appointed Cuban civilians to manage each of the provinces and to implement the administrative orders of the Cuban Cabinet.²⁹ In theory, each provincial governor remained answerable to both the central government in Havana and the U.S. commanders at the department and provincial levels responsible for ensuring that they administered the government effectively.

At the municipal level, Brooke maintained the basic form and functions of civil administration as it existed under Spanish rule. City councils (*ayutamientos*) and mayors (*alcaldes*) administered government business. Brooke also continued the Spanish practice of selecting or at least confirming the authority of existing municipal officials. Unlike the relatively few number of provinces, there were far too many municipalities to cover with the existing amount of American troops. As a result, U.S. garrisons occupied only the most strategically important municipalities in an effort to economize their efforts. While municipal governments were hardly independent entities under Spanish colonial administration, they still controlled important aspects of daily Cuban life. These responsibilities included the regulation of local businesses and the enforcement of elements of the island’s byzantine tax system. Consequently, under Brooke, municipal governments continued to be an important component of the island’s governance.³⁰

Since Brooke maintained the Spanish practice of appointing civil officials to fill government vacancies, he needed help in identifying and certifying officials for positions throughout his government. His desire to employ Cuban civilians to these offices made his vision of government vulnerable to passive resistance to American authority. Cubans could defeat the general's purpose simply by refusing to accept jobs in his administration. To ensure that none of Cuba's major political factions boycotted participation in his government, Brooke conferred with Cuba's major political parties in his selection of personnel to assign to the central, provincial, and municipal governments.³¹ He recognized the intense distrust of American motives by both Cuba's political class and the CLA and decided that soliciting Cuban opinion on his appointments would reduce this suspicion.³² Thus, with the dual civil-military government established, Brooke and his subordinates, both military and civilian, turned to the business of governing.

The ponderous structure of the military government created many instances of overlapping authority between American commanders and Cuban appointees. By late February, tensions between the Cuban Cabinet and U.S. department commanders forced Brooke to clarify the appropriate roles for each component of his administration. He decided that Cuba's civil government now took primacy. His guidance also refined the role of the military departments. Brooke charged them with supervising every aspect of Cuba's government within their jurisdictions and to report on the efficiency and competence of the Cuban civil administration.³³ This decision to elevate the Cuban civil government over his commanders mitigated much but not all of the confusion. Brooke's department commanders frequently challenged his Cabinet's authority leading to frequent headaches for the general.

The implications of Brooke's order did not take long to manifest themselves. The Cuban Cabinet began to take the lead on questions of national importance in Cuba. Two concerns in particular confronted the central government that required resolution. First, how would the island's government sever its relationship with the Catholic Church? Under Spanish law, the Catholic Church retained significant legal and economic privileges that required examination by the central administration in Havana. Second, how would the Cabinet deal with the re-organization of Cuba's municipal government and in particular its excessive number of employees? Both issues were complex and defied easy solutions. Nevertheless, Brooke's Cuban Cabinet seized the opportunities these problems represented and used them to establish their authority.

At the conclusion of the war with Spain, the Catholic Church maintained significant influence within Cuba and was growing in potential political significance back in the United States.³⁴ Brooke remained cognizant of the necessity of respecting the legitimate "legal rights of the Catholic Church" while balancing these rights with the powers of Cuba's budding civil institutions. Spain's frequent delegation of power to the Church in areas traditionally managed by secular officials in the United States became an endemic legal problem for Brooke.³⁵ One of the areas of overlap in authority between the Church and the state lay in marriage and divorce. Spanish law entrusted responsibility for regulating Catholic marriages to the Church, which had to conform to canonical practices in Spain. The Spanish government recognized non-Catholic marriages but these ceremonies had to be performed by Spanish municipal officials in order to obtain recognition under Spanish law. In both cases, however, only Catholic ecclesiastical courts could nullify marriages or grant divorces and these courts' decisions retained the power of civil law.³⁶

The island's Secretary of Justice and Public Instruction reviewed the legal status of the Catholic Church's control over marriage and divorce proceedings and provided Brooke recommendations on how to appropriately limit the Church's authority. Secretary Gonzáles Lanuza attacked the philosophical premise of the Church's meddling in the legal aspects of marriage. He contended that the Church's ability to recognize the formation or dissolution of families and to lend their interpretation the power of law gave the Church tremendous influence over the basic building block of Cuba's society: the family. Gonzáles Lanuza concluded that this power was best controlled by the new Cuban state. He advised Brooke to only offer legal recognition to marriages contracted in accordance with the island's civil laws and certified by its secular officials, eliminating any legal powers for the Church. Similarly, Gonzáles Lanuza recommended that divorce proceedings likewise be evaluated by Cuba's civil code, not ecclesiastical law.³⁷

Needless to say, this was a radical change loaded with political consequences, not only in Cuba but also back in the United States. The Catholic Church, led by the Bishop of Havana, opposed Gonzáles Lanuza's proposed reforms and lobbied Catholic officials in the United States to pressure the McKinley Administration to preserve the Church's authority. The Bishop succeeded; Catholic opposition rose both in Cuba and in the United States. The Catholic public's outrage was deep and sustained. Almost a year later, the issue remained resonant. General Wood described Catholic opposition to changes in the marriage law as, "one of the greatest difficulties which my predecessor left me."³⁸ Whatever the outcome, the Church refused to let Brooke's Cabinet make changes without a fight.

Gonzáles Lanuza's critics condemned the practical and religious implications of his recommendations. The plan's detractors objected that civil authorities in the United States

recognized religious marriage ceremonies as legally valid. Why should the Church not be allowed the same status in Cuba? Additionally, any proposal that forced Catholics to recertify their marriages to secular officials or to face the prospect of having their unions invalidated infuriated many Catholics.³⁹ More practically, Gonzáles Lanuza's reforms could potentially lead to legal complications. In Cuban law, proving a marriage's legal validity remained an important component of resolving inheritance disputes and estate settlements. Any changes to the current system threatened to make the current ponderous litigation process even worse.

Despite the furor, Brooke sustained Gonzáles Lanuza and issued General Order No. 66. This directive declared all marriages performed by any religious officiate as legally valid as long as the marriage applicants believed themselves lawfully wedded and the couple met the government's minimum burden of proof.⁴⁰ Additionally, in General Order No. 57, he mandated that only Cuba's civil code would govern Cuba's divorce proceedings.⁴¹ Brooke appears to have adopted all of Gonzáles Lanuza's original recommendations. The Cuban Cabinet had spoken and on the issue of the Church's legal authority, Brooke listened and gave their recommendations the force of law.

Like the issue of curtailing the power of the Catholic Church, Brooke and his Cabinet also confronted the peculiar problem of what to do about Cuba's municipal employees who held their positions as a form of property purchased from the government. Brooke knew that Cuba's municipal civil service needed serious reform. Cuba's western provincial and local governments were bankrupt and the combination of corruption and ineffective civil administration hindered the island's recovery.⁴² Local governments needed to streamline their budgets and increase their revenues. The problem, however, was that most

municipalities could do neither. They lacked the power to terminate civil servants who held office as property. Further complicating matters, the Spanish government promised many of these employees a fixed percentage of the revenues they collected as a part of their duties. The situation required intervention by the central administration, but how was this to be effected without making the provincial and local governments dependent on the financial resources of the central administration in Havana?

Before Brooke's civil administration was organized enough to assume its authority, elements of the American Army of Occupation attempted to simplify Cuba's municipal budgets by eliminating unnecessary expenditures, including purging excessive municipal employees. These efforts, however, ran afoul of Spain's legal code. Civil servants who owned their positions could only be dismissed by the determination of a "competent authority." Normally, this was a judge or a high-ranking executive official. The fired municipal employees petitioned *audencias* around the island to reinstate them, arguing that American commanders did not qualify as a "competent authority." González Lanuza agreed and openly doubted that Cuba's courts would recognize U.S. military officers as meeting the legal qualifications to nullify these civil employees' property rights. Instead, the Secretary recommended that his department file legal briefs denying any obligation on the part of the U.S. government to preserve privileges granted by Spanish authorities after their transfer of sovereignty to the United States.⁴³

The Secretary of State and Government, Domingo Méndez Capote, offered an alternative solution. He claimed that Spanish law empowered his department to credential and dismiss mayors, city councilmen, re-organize municipalities, and in general to provide decisions "arising from interpretation of municipal laws, and all others affecting the general

locality.”⁴⁴ Thus, the Department of State and Government, could in theory, act as the competent authority the military government needed to re-organize Cuba’s municipal employees. Méndez Capote’s recommendation provided a neat solution to what otherwise might become a protracted legal battle with an uncertain outcome.

While it is unclear how the central government in Havana decided to handle these specific petitions, what is clear is that Méndez Capote jealously guarded the prerogatives of his department when it came to dismissals. U.S. commanders could not fire any civil official until Méndez Capote’s department approved it. Leonard Wood complained in March of 1899 that American military department commanders were becoming objects of “contempt.” Wood characterized the consequences of the Secretary’s assertion of authority as “disastrous” and claimed that his review process, “destroys the exemplary character of the punishment effected by the ultimate removal of dishonest or incompetent officials.”⁴⁵ Wood’s complaints to the Secretary of War did have some effect. In April of 1899, Brooke gave his military department commanders the power to immediately suspend civil officials but sustained Méndez Capote’s authority to investigate the suspension and make a final determination.⁴⁶ Thus, Brooke’s support for Méndez Capote and his authority demonstrated yet another way in which the Cuban Cabinet exercised important authority to govern the island.

Wood’s subordination to the Cabinet’s authority over this issue and others led Wood to complain to Theodore Roosevelt that the Cuban Cabinet was deliberately sabotaging American efforts on the island. The Cabinet, Wood believed, desired a withdrawal of the U.S. occupation.⁴⁷ Whatever their real intentions, the Cuban Secretaries clearly possessed significant authority within Brooke’s administration. The Cabinet made key

recommendations that defined important boundaries in the occupation government's relations with the Catholic Church. Similarly, Méndez Capote's defense of his department's traditional responsibilities served to insulate Brooke's regime from legal scrutiny, as well as provided Cubans the final say in the organization of their own civil service. Neither of these responsibilities was trivial.

The broad authority that Brooke afforded his central administration also allowed the individual municipalities considerable independence in the development of their own affairs. The officers of the Army of Occupation in Cuba interpreted Brooke's guidance from February in a literal fashion. Various echelons of the chain of command issued orders not to interfere with the civil administration of local government except on an emergency basis.⁴⁸ Cuban local governments exercised their power through several avenues.

One of the most important ways that municipalities exhibited control over their affairs was through their management of their finances. In the town of Sancti Spíritus, the town's mayor, Dr. F. Canncio, an ardent Cuban nationalist, refused to divulge any information about the town's spending or its level of indebtedness to the local garrison commander. Fremont frequently resorted to speculation about the town's spending priorities and in some cases only learned about the completion of major public works by accident.⁴⁹ He described the mayor's financial transparency as that of a "close corporation."⁵⁰ Nor was this just one quarrelsome Cuban official. After Canncio's resignation from office, the incoming *ayuntamiento* and *alcalde* still asserted their right to certify the municipality's debts and to control municipal spending.⁵¹ The U.S. commander had no role in either process. Thus, Fremont's inability to determine how Sancti Spíritus expended its funds and the *alcalde*'s flat

refusal to brook American interference in the city's financial decisions illustrated that Cuban civil officials in Sancti Spíritus ran their city and its budget according to their own priorities.

Another way that Cuba's municipalities exercised their authority was by controlling contract work within their towns. *Ayutamientos* and the *alcaldes* often began significant public projects without any prompting from local U.S. garrisons. The *alcalde* of Sagua La Grande negotiated and implemented a contract to improve the local orphan asylum that installed new sinks, latrines, baths, and a sanitary white washing of the facilities. When the American commander at Sagua La Grande barracks notified the *alcalde* that additional funds for sanitation projects were available, the *alcalde* and his town health officer developed a plan to spend the funds sanitizing the town, much to the local garrison commander's approval.⁵² A similar situation prevailed in Cienfuegos. American medical personnel, working in cooperation with the town's officials, inspected the town and its charitable institutions' sanitation infrastructure. The *alcalde* corrected the worst deficiencies without any further American intervention.⁵³ In both Cienfuegos and Sagua La Grande, the town's civil officials and their development of their communities' contract work demonstrated not only their continued capacity to manage their own affairs but their willingness to do so independent of the army's direction.

Perhaps the most significant example of this, however, was in Sancti Spíritus. The local commander and the *alcalde* clashed over who should control the town's sanitation work. Fremont reported to his superiors that in early August his post surgeon observed contract workers emptying the privy vault of the local yellow fever hospital. His surgeon viewed the situation as dangerous and believed that the method the contract workers used to

empty the vaults could lead to an outbreak of yellow fever in the community. The surgeon recommended that Fremont intervene to block any further work at the hospital.

Together with his surgeon, Fremont confronted the *alcalde* who not only denied that Fremont had any power to intervene in his contracts but defied Fremont's order to end the contract work. Fremont believed that asserting American authority in this particular case was critical. Fremont informed his headquarters that the town was aware of the dispute and that if the mayor succeeded in maintaining control of the sanitation work, in spite of his wishes, it could jeopardize U.S. influence in the town.⁵⁴ While the correspondence does not indicate how the situation was resolved, it is doubtful that Fremont's superiors would have sustained him. Just a week prior to this incident, Fremont's chain of command ordered him to "mind his own business" in reference to a much more volatile situation involving potential violence.⁵⁵ If serious unrest did not provide Fremont with enough justification to intervene in the town's municipal matters, control of the town's sanitation projects seems an even less likely basis for intervention. Fremont confirmed this conclusion in report ten days later, complaining that the *alcalde* retained complete control over the town's civil affairs, refusing to even speak to him about any of the town's official business.⁵⁶

Cuban control of public works contracts was not a universal state of affairs. In Leonard Wood's department, Wood maintained control of these contracts on the basis that Cuban civil officials allegedly lacked the expertise to oversee such projects.⁵⁷ In Havana, General Ludlow (a professional Army engineer), likewise maintained tight control of the contracting process. Ludlow controversially terminated a contract for public works improvement held by the American Dady Company. The Dady Company sued in both Cuban and American courts to have their contract rights restored or to be compensated for

the lost work. The dispute damaged the already fragile relations between Ludlow and Havana's *ayuntamiento*.⁵⁸ Significantly, both Wood and Ludlow remained ardent annexationists who argued that Cuba was inadequately prepared for the rigors of self-government. In their minds, this included the ability to negotiate and implement basic sanitation projects without American oversight. Brooke's decentralized method of command allowed both approaches to flourish simultaneously.

Finally, the Cuban government confirmed and exercised its authority by maintaining independent control over the police and by subjecting American soldiers to the rigors of the Cuban justice system. In March of 1899, Leonard Wood complained to the War Department that the legal status of U.S. citizens and soldiers after the war seemed ill defined. He explained that "The military codes of the United States seems not to have been constructed with any consideration of the needs of an army in occupation of foreign territory in time of peace." Wood characterized the situation as a "defect" in policy and recommended the authorization of military tribunals to handle American legal cases. He claimed that unless this situation was addressed quickly the "spectacle" of American officers and soldiers on trial in Cuban courts would damage Cuban-American relations.⁵⁹ Wood's analysis of the situation was correct in one aspect. There was legal ambiguity on the status of U.S. soldiers and civilians working on contract for the army. How this problem was resolved demonstrated that the Cuban government under General Brooke possessed real power, even when that power was directed against the Army of Occupation.

Like all armies, the U.S. Army in Cuba possessed its fair share of malcontents. Their crimes ranged from minor incidents involving property damage to murder. Two methods of dealing with American criminal activity quickly emerged. First, Cuban authorities relied on

the army's officers to discipline their own soldiers and thus sought to avoid direct confrontation with nearby garrisons. When this failed, civil officials often appealed to the island's judicial system to indict American soldiers. When Cubans resorted to the second method, the American Army of Occupation cooperated with the prosecution of their own soldiers.

Typical of this dynamic was the relationship between the *alcalde* of Guanajay, Francisco Oberto, and Captain Frank deL. Carrington, the commander of the garrison outside Oberto's community. In the fall of 1899, American soldiers were involved in multiple scuffles with the town's police and civil officials. At first, the mayor informed Carrington that several soldiers had been involved in robbing local graves, had stolen two skulls and then brought them into a local brothel. Oberto pleaded with Carrington to discipline his soldiers in order to prevent further problems.⁶⁰ Whatever discipline Carrington applied to his soldiers, it was not enough to discourage other incidents. Ten days later U.S. troops stole twenty bottles of liquor from a nearby saloon and then went to another bordello, where they brawled with the town's rural guard.⁶¹ Dissatisfied with Carrington's response, Oberto notified the local criminal court of the need to take further action.

On October 21, 1899, Filomeno Rodriguez, the Judge of the First Instance in Guanajay issued a summons to his court for six American soldiers in order to investigate the grave robbery incident.⁶² Following the saloon brawl, Rodriguez asked Carrington to produce a soldier for a deposition.⁶³ There is every indication that Carrington cooperated in both investigations and others. He confined soldiers accused of crimes in Cuban courts and held them until their trial.⁶⁴ Moreover, Carrington's soldiers participated in the criminal proceedings of Rodriguez's court both as witnesses and defendants.⁶⁵ Further illustrative of

the cooperation between the Americans and the local courts, Rodriguez even solicited the use of Carrington's interpreter when American soldiers or civilians were on trial for serious criminal offenses like assault or robbery.⁶⁶ Carrington's correspondence also indicates that his soldiers elsewhere on the island were likewise subjected to the rigors of the Cuban legal system when they crossed the law.⁶⁷ Carrington was not alone in responding to the demands of the Cuban justice system. Other commanders answered Cuban requests to provide information about their soldiers held for trial.⁶⁸ Thus, individual U.S. soldiers and their commanders recognized the authority of Cuban officials and most importantly their power to punish Americans guilty of transgressing Cuban law.

To Assist A Patriotic People

Like Brooke's instructions from McKinley and his design of Cuban civil administration with real authority, the U.S. Army of Occupation's discussion of the purpose of intervention in Cuba illustrates the unsettled nature of American intentions toward the island. The military government's understanding of its mission varied among the assorted levels of the chain of command. At the garrison level, almost without exception, commanders described U.S. aims as limited to providing Cuba assistance in the establishment of a free and independent government. Department commanders, however, had more diverse opinions. Some believed that the true American purpose in Cuba was to prepare the island for annexation. Others believed that the only legitimate and legal goal of the army's involvement in Cuban affairs was to secure U.S. economic interests and to leave as soon as a new Cuban government could be organized. In short, annexationists in the army in Cuba existed and forcefully argued their views but they represented only one perspective among many about the island's future.

At the very beginning of the occupation, U.S. garrison commanders were somewhat divided about the purpose of the army's chief mission. Some officers believed that Cuba's independence remained contingent on a demonstration of the capacity for self-government. One such individual, Captain Frederick Mann Page, was the American representative to the evacuation commission (a joint U.S.-Spanish body that determined the timing of the American assumption of sovereignty throughout the island). Page, acting on behalf of the evacuation commission, took command of the city of Trinidad after he relieved the town's Spanish garrison.

Page decided that it was appropriate to mark the occasion with a speech and offered several disquieting speculations about the island's future. Page proclaimed, "By this act Trinidad and Casida become an integral part of the colony of Cuba, from which Spanish rule disappears forever, and marks the beginning of a new order of things." Page's use of the word colony and its significance was likely not lost on the local population attending the ceremony. The wording was intentional. The captain had originally written the word "island" instead of "colony" but replaced it in a revision of his speech. His choice of language implied that he believed that Cuba was not intended for independence but was merely in a state of colonial transition from one empire to another.⁶⁹

Page also offered his own description of America's mission in Cuba. Page claimed that army's purpose was, "to grant to the inhabitants of the Island of Cuba, the same privileges of consciousness and liberty enjoyed by its own citizens, without destruction of Nationality or political opinions during the time they are worthy of such distinction and for that purpose intends to head this Island in Wardship, establishing a firm and stable Government." In other words, it was up island's inhabitants to prove that they were

“worthy” of independence. This could be achieved, according to Page, by demonstrating a working knowledge of a government founded on liberty and its associated virtues. Page described societies and individuals who possessed liberty as “enlightened,” “civilized,” and a “demi-God.” He warned that liberty, however, had limits and that it was easy for societies to take liberty too far, becoming “license.” Page contended that license was dangerous, “[a free man] whether through ignorance or design gives way to unbridled passions, is a beast and as such, is a danger, which must be suppressed or lopped off like a rotten branch.”⁷⁰

Page claimed that until the island demonstrated that it understood the difference between these two political conditions, the United States would remain in control. In case his audience missed the threatening undertones about the necessity of suppressing “license,” he uttered this warning, “Let all who are inclined to differ make no allusions [sic] to themselves: They will find the gentle hand so willing to raise Cuba to the height of true freedom, is ready to strike with crushing force.”⁷¹ Page’s conditions on Cuba’s political future and his requirement that Cubans demonstrate American style virtues, validates some of the previous historical scholarship of the army in Cuba. Significantly, however, he offered this official view of America’s role before either McKinley or Brooke formulated U.S. policy for the island. Once Brooke assumed command in Cuba, this kind of statement of purpose below the department level became almost non-existent.

Page’s view of Trinidad’s role in the “new order of things” quickly ended when a more senior officer arrived to take command. Colonel George Le Roy Brown relieved Page of his post and immediately indicated a change in direction. The new district commander sought cooperation with Cuba’s local government, not control of its affairs. In a proclamation to the citizens of Trinidad marking George Washington’s Birthday, Brown expressed a

competing vision of America's purpose in Cuba. The United States, he argued, was "sent here to assist a patriotic people in establishing a government similar to Washington's. . .and who are now in the dawn of governmental foundation. . . ." Brown offered that if the Cuban people used Washington and his political principles as the basis of a new government that "Cuba may commune with all people who seek liberty and brotherhood."⁷² Brown's statement implied that Cubans, not Americans, ultimately had the final say in the type of government created for the island.

If Brown's speech left his audience wondering about American intentions, his actions four days later clarified them beyond misinterpretation. He declared February 24-25 a district wide holiday to celebrate Cuban independence. Brown ordered the local government closed and allowed the people of Trinidad to organize a parade, balls, games and a literary program commemorating Cuban independence.⁷³ What had changed between Page and Brown's statement of purpose was Brooke's assumption of command and his articulation of the U.S. Army's role in the occupation of Cuba. Brown's statement of purpose in the proclamation honoring Washington's Birthday and Cuban independence capture this intent perfectly. The American Army of Occupation's chief purpose was to assist the island in the formation of its own government and to prepare Cuba for eventual independence.

Elsewhere on the island, U.S. garrison commanders characterized their mission in similar terms. Captain Charles Wilson in Caibarien reported to his higher headquarters that the town accepted his troops in their role of maintaining basic order and acknowledged his instructions not to interfere in the local government's civil affairs.⁷⁴ Similarly, Major A.H. Bowman in Cienfuegos observed the municipal institutions of the town and maintained close contact with its principle officials but refrained from intervening in the town's official

business. He did not believe it was necessary, stating that his frequent conferences with the city's administration led him to believe that the town was making good progress toward "stable" government.⁷⁵ Bowman and Wilson confined their roles to promoting order and to ensuring that Cuba's local civil institutions remained responsive to the needs of their communities. Thus, like Brown in Trinidad, it appears that American post commanders believed that their main purpose was to assist Cubans in the creation of a stable government and to ensure that the basic conditions of order were met, not to run their affairs.

This view changes, however, as you move up the chain of command. At the department level the U.S. Army remained divided over the purpose of the occupation of Cuba. Two camps emerged among the department commanders. Generals Lee and Wilson maintained that the United States Army had fulfilled the spirit of the Teller Amendment and should withdraw. Generals Ludlow and Wood believed that the United States had vital strategic interests in Cuba and argued that the U.S. control of Cuba should continue indefinitely. Brooke, as the commander of the Army, struggled to reconcile both factions. The bitter feud between these cliques further highlights the contested and ambiguous nature of the American Army's of Occupation's purpose in Cuba.

These contrasting views were on full display when Brooke called his commanders to Havana for a conference in June of 1899. His intent for the meeting was to "obtain some concert of action" regarding the direction of future policy.⁷⁶ U.S. troops had achieved most of the initial objectives that McKinley had outlined for them and now a decision had to be made about how, when, and to whom to transfer control of Cuba's sovereignty. Brooke and his senior most subordinates debated these questions. Brooke allowed his military department

commanders to present their opinions on the Army of Occupation's future in Cuba and Brooke quickly learned that no consensus among his commanders was possible.

One major source of controversy among Brooke's subordinates was over the definition of "pacification." General Wilson defended the traditional understanding of the term. Wilson argued that pacification meant the absence of unrest and resistance and consistently maintained this interpretation in his letters to both his peers and political acquaintances. Writing to Brooke's chief of staff, Wilson contended, "unless we are here as Conquerors, or to stay, our sole business was and is to pacify this country, (It is already as quiet as any southern state and a good deal more so than the State of Georgia)...."⁷⁷ Wilson reasoned to Theodore Roosevelt that the American Army's "pacification" mission came to an end when it defeated the Spanish Army and forced its withdrawal.⁷⁸ Who else in Cuba needed to be pacified? Conditions on the island remained peaceful and the people were waiting for the United States to fulfill its pledge under the Teller Amendment. In Wilson's correspondence, pacification was not an elastic term. Instead it carried a very specific meaning that limited the scope of U.S. intervention in Cuba's affairs.

This definition of pacification informed Wilson's views on the army's role in Cuba. A self-described annexationist, Wilson took a narrow interpretation of the army's mission.⁷⁹ After only seven weeks in command, Wilson wrote to a friend, "peace has been absolutely re-established." As consequence Wilson deemed the army's mission as coming to an "end" due to the voluntary limitation of goals prescribed under the Teller Amendment.⁸⁰ The only permissible role for the army was to perform the duties of a "beneficent intercessor" or a "trustee" only handling Cuba's affairs on a temporary basis.⁸¹ To this end, the United States only remained "to help them [Cuba] establish a government of their own."⁸² In March of

1899, Wilson advocated this view directly to the Secretary of War, arguing that since the island was “pacified,” U.S. troops should remain only to maintain order and to assist in the formation of a Cuban civil government.⁸³ Wilson expressed identical views to the other commanders at the Havana Conference.⁸⁴

While Wilson believed that Cuba deserved independence, that did not blind Wilson to the necessity of preserving American strategic and economic interests on the island. Wilson advocated a scheme where the army would transfer sovereignty to a newly independent Cuban government if it agreed to join a customs union—a “*zollverein*”—with the United States.⁸⁵ Wilson rationalized this economic arrangement by reasoning that the United States remained Cuba’s most important foreign market anyway and that a customs union was the only way to circumvent Congressional trade barriers. Wilson argued that, Cuba’s long-term economic self-interest would eventually lead it to voluntarily seek annexation by the United States. The island, however, still had a choice.⁸⁶

As for the Cuban capacity for self-government, Wilson wrote that he believed that Cuba was “not fully grown in civic virtues” but that it could easily achieve a level of development equal to that of the American South.⁸⁷ Wilson also stated explicitly that he had confidence “in the capacity of the Cubans to establish and run a just and stable government. . . .”⁸⁸ Despite being deeply influenced by contemporary ideas about race, Wilson was the only general to express such confidence in the local people. While he still maintained hope that the island would one day become a part of the United States, Wilson was unwilling to use force to achieve this object. Instead, the general believed that eventually the superiority of American institutions and the necessity of maintaining access to U.S. markets would lead Cuba to ask for admission to the United States of its own volition.⁸⁹ Cuba, in short,

maintained the power to choose, an important distinction that many historians of American policy fail to recognize when describing Wilson and his plans for Cuba. Furthermore, Wilson's opinions illustrate that more than one perspective existed about the island's capacity for independent government, even among self-identified annexationists.

General Lee's views were only slightly less complicated than Wilson's. At the conference of commanders in Havana in June of 1899, Lee sided with Wilson even though Lee and Wilson's opinions about Cuba's future differed. Like Wilson, Lee believed that as soon as possible the United States should allow the Cubans to form their own government. He contended that the Cubans were as ready now as they ever would be for self-government and that, "If they construct a 'stable government' strong enough to protect life and property and give confidence to capital, they should be entitled to control their own affairs."⁹⁰ Thus, despite important qualifications, Lee still supported Cuban independence.

Lee maintained his commitment to Cuban independence albeit for different reasons. He was not optimistic about independent Cuba's prospects for long-term success. The former consul theorized, "the Cubans are not capable of self-government, and this generation never will be able to take care of themselves. It is safe to predict that any instructions issued to them for them to organize a separate and independent republic for the purpose of carrying the joint resolution of Congress will, in a few weeks thereafter, result in control of the Island by the United States Government." In Lee's assessment of the situation, once this experiment had been tried and allowed to miscarry, it would create political momentum for American annexation. The important point that he emphasized, however, was that first, the Cubans had to be allowed the opportunity to fail. Otherwise, the island's overwhelming independence oriented political sentiment would never accept American rule. In the interim, U.S. forces

should remain prepared to suppress the disturbances that would follow in the wake of Cuban independence.⁹¹ Like Wilson, Lee recognized that there were limits to what the United States could achieve.

General Ludlow's views on America's mission in Cuba could not have been more different. Havana's governor contended that America's true mission in Cuba was indefinite American rule. When General Wilson confronted Ludlow about the basis of his ideas, Ludlow replied that his views were taken directly from President McKinley! The other commanders viewed this statement as a something of a revelation. Ludlow's claim to know the President's position on Cuba's future and the commanders' reaction to it, supports the assertion that up until this moment, U.S. policy was so ill defined that not even men sympathetic to annexation knew what McKinley wanted. Furthermore, Wilson maintained that even if this were Administration policy that it was illegal and would carry no weight with either Congress or the American people.⁹² In Wilson's analysis, Ludlow's advocacy of an indefinite occupation had to give way either to the "law of Congress" or the "law of Conquest."⁹³ Wilson later claimed that he was prepared to refuse to enforce any policies or orders he viewed as fundamentally at odds with the law.⁹⁴ Thus, Ludlow's alleged knowledge of President McKinley's intentions toward Cuba is not definitive proof of U.S. intent to annex the island and even if it had been, there is evidence that the other commanders in Havana were prepared to oppose such an explicit break with Congressional law.

Ludlow defended his ideas by staking out an expansive interpretation of the term "pacification." Ludlow conceded that the island was "quiet and orderly" and "as satisfactory as the best ordered community anywhere." Thus, Cuba, by traditional standards, appeared pacified. Although he never explicitly offered a clear definition of pacification in his

correspondence, it is clear, as other scholars have noted, that Ludlow equated pacification with Cuba's ability to form a stable government. In the general's view, this required Cuba's electorate to be controlled by the "serious and responsible elements of the community" that were free from the vices of selfishness and corruption. He argued that there were currently too few people in Cuba able to maintain such enlightened elements in power. Havana's governor believed it would require years of education, if not an entirely new generation, to ensure the right people ruled the island. Consequently, he advocated a plan to continue U.S. control of Cuba's central and provincial governments while delegating limited responsibilities to Cuban authorities at the lowest levels as a form of political tutelage.⁹⁵

Leonard Wood entertained similar views on the proper direction of U.S. policy in Cuba. Wood advocated indefinite military rule and adopted an equally malleable conception of America's mission. The United States' purpose in Cuba, Wood wrote to Roosevelt, was not pacification but to install a stable government. He offered a unique definition, "When people ask me what I mean by stable government, I tell them money at six per cent; this seems to satisfy all classes."⁹⁶ Ironically, Ludlow reported that Cuba had reached this particular milestone by October of 1899.⁹⁷ Furthermore, in Wood's opinion Spain's antiquated legal system and cultural norms generated instability by encouraging hatred for the occupation government. He claimed that this was a major source of popular discontent on the island.⁹⁸ In other words, Brooke's current strategic direction and methods were the real obstacle to Wood's vision of "stability."

The solution, Wood offered, was to suppress Brooke's government, "One year, or even six months, of decent, candid, courageous government here will turn public sentiment all our way and the problem will be solved, so far as Cuba is concerned. . . All we want here

are good courts, good schools and all the public work we can pay for. Reform of municipal government and a business like way of doing things."⁹⁹ Of course, this view remained fundamentally incompatible with both McKinley's instructions and Brooke's interpretation of them. In order to pursue a policy of annexation, the current military government and its design would have to be replaced. Wood also knew that his plan would necessitate supplanting Brooke in command and he conducted a vigorous press and political campaign to this effect.¹⁰⁰ Thus, Wood's discussion of annexation and how to implement it only further illustrated that it remained significantly divergent from the current policy of the United States.

Brooke's views on the situation in Cuba, while difficult to determine, can be inferred from his growing disputes with his contentious subordinates in the summer of 1899. He effectively combatted the creation of two programs that he felt might encourage the army to remain longer than necessary to transfer sovereignty to a future Cuban government. Adding to his motivation was the knowledge that Brooke's chief rivals for influence in Washington were advancing these plans.

The first of these programs, promoted by General Wood, was to transform the island's Rural Guard elements into Cuban Army regiments led by American Army officers. Wood's intent was to Americanize the Cuban people.¹⁰¹ Brooke advised McKinley not to approve the program. He objected that Wood's intent remained patently obvious to everyone and would only serve to inflame the already considerable mistrust between the Cuban people and the Army of Occupation. The source of most of this mistrust was the lack of public acknowledgement by U.S. authorities that Cuba was going to be independent. Not only had Brooke failed to affirm such a direction for American policy but the recently signed Treaty of

Paris that ended the war with Spain also remained silent on the subject. Wood's plan would only have intensified Cuban fears about motivations in Havana and Washington. Further complicating matters, according to Brooke, the Cubans were naturally distrustful, having seen lots of promises of change by the Spanish government.¹⁰² When he polled his department commanders (other than Wood) they too saw the program as likely to raise accusations that the United States sought more than stability. Brooke's arguments appear to have carried significant weight since both McKinley and Root favored the scheme prior to Brooke's communication of his opposition.¹⁰³ The plan was never resurrected, even after Wood succeeded in replacing Brooke.

The second program Brooke fought was General Wilson's plan for the development of an agricultural bank to make loans to local farmers to restart the island's moribund sugar industry.¹⁰⁴ Wilson had furiously lobbied both the McKinley Administration and members of the Senate to muster political support for his loan program and appeared to be making headway.¹⁰⁵ McKinley and Root both believed that Wilson's project had considerable merit. Brooke's covert opposition to the plan, however, guaranteed that Wilson's proposals were quickly ignored. When Wilson decided to argue his case to the public in his report to the Secretary of War, Brooke blasted Wilson's program in the same report to ensure that the program remained permanently defeated.

Brooke presented three critiques of Wilson's agricultural program. First, Brooke argued Wilson's loans might encourage the development of a paternalistic relationship between the central government and the Cuban people, a "most dangerous implanting of a spirit alien to a free people." His real objections, however, were the program's cost and the time needed to implement it. He believed that the island's revenues were insufficient to

cover Wilson's plan and the island's other necessary expenses. Additionally, Brooke noted, Wilson's arrangements for the loans could take as long as five years to implement.¹⁰⁶ Brooke's public denunciation of Wilson's agricultural bank ended any further discussion of credit schemes for the island.

Neither Wilson's nor Wood's plans conformed to the original guidance that President McKinley gave his senior commander in Havana. Both proposals potentially involved the United States more intimately in local affairs than Brooke's interpretation of McKinley's instructions allowed. Brooke's opposition to both programs and McKinley's support of Brooke are important indicators that suggest that a permanent policy toward Cuba had yet to be decided. At least for now, Brooke remained committed to only intervening in Cuban affairs where necessary and in ensuring that any future transfer of sovereignty remained unimpeded by obligations assumed by the American Army of Occupation.

The U.S. Army's conception of its mission and the policies its officials advocated demonstrated that American intentions in Cuba remained indeterminate. Below the department level, commanders believed that their primary task was to assist the Cuban people while they formed their own government. At the department level, the chain of command remained divided over the purpose of the American occupation. These officers advocated distinctive courses of action that illustrated a diverse range of views about U.S. intentions and Cuba's capacity for self-government.

How Far Should I Go In Protecting Guterrez?

On the night of August 3, 1899 a mob led by the Sancti Spíritus chief of police surrounded the home of Primitivo Guterrez, a Spanish resident of the town. The mob demanded that the Guterrez and his family leave the city immediately. Earlier that day, a

similar mob stoned the Guterrez children on their way to school. After Guterrez refused to come out of his house, the mob dispersed, satisfied that their point had been made. The next day, Guterrez met with the local American garrison commander, Captain Fremont, to formally request the protection of the U.S. troops. Fremont needed to make a decision about whether or not to protect Guterrez before tensions escalated again. He wired his immediate superiors in Mantanzas, “How far should I go in protecting Guterrez?”¹⁰⁷ The question was a poignant one. What could Spanish citizens in Cuba expect from the United States Army? Would the Army preserve their status in the developing Cuban state or stand aside and allow old scores to be settled?

Prominent scholars of the American intervention in Cuba claim that one way the United States pursued political control over the island was by reaching an unspoken accommodation between Spain’s Creole and Peninsular population and the American military. As historian Louis Pérez described the phenomenon, “there was inexorable choicelessness about this collaboration, wholly improvised but as pragmatic as it was politically opportune. The old colonial elites in need of protection and the new colonial rulers in need of allies arrived at an understanding.”¹⁰⁸ Pérez’s assertion is not groundless. Every single commander at the department level and above believed that the United States possessed friends and supporters among Cuba’s sizable Spanish population, its propertied elites, as well its merchant class.¹⁰⁹ When this perception combined with American leaders’ desire to annex Cuba, one would assume that the United States would have pursued a policy favorable to these groups’ interests to encourage and sustain their political support for a program of annexation. If this was the case, how did the United States pursue such a policy? The next section of this thesis argues that American commanders on the ground did in fact

have a choice and that more often than not the army's leaders decided against the interests of Spain's former colonial elites. Where the Army of Occupation did offer qualified support for the maintenance of this class' privileges, the army's support was always conditional. If the continuance of these dispensations were likely to lead to violence or confrontation, U.S. commanders at the department and garrison level would not use troops to advance or protect the interests of the island's former elites.

One way that this incompatibility manifested itself was in the issue of concessions or monopolies conferred on businesses or individuals by the old colonial government. When the United States took possession of Cuba from Spain, Brooke's Judge Advocate, Major Edgar Dudley, was besieged by claims for the army to recognize a multitude of concessions, contracts, and grants that the former Spanish government authorized prior to its withdrawal from the island. Dudley described the situation thus, "Some concessions granted by Spanish Government appeared contrary to public policy and the interests of the people, as giving to the concessionaires rights which were an incumbrance on the community and inconsistent with modern systems of government." The question, however, was more complex than a simple analysis of whether or not a particular concession was a hindrance to a community or not. In considering the validity of each monopoly, the American Army of Occupation had to weigh considerations of Congressional policy as well as Cuban and international law.¹¹⁰ Further complicating this process, the United States, when it signed the Treaty of Paris, agreed to protect Spanish property rights. The chief trouble, as Dudley observed, was in determining which concessions were legitimate and which were opportunistic claims filed to take advantage of the chaos inherent in the establishment of a new political order.

One of the major concessions that came to the attention of American officials in Havana was a hereditary right to certain fees for processing local slaughtered cattle. This monopoly, known as the O'Reilly Concession, had been in place since 1704.¹¹¹ Trying to feed the city's starving *reconcentrado* population, the army did not take a favorable view of these fees. Brooke terminated the concession on August 10, 1899. He determined that the concession was "prejudicial to the lawful interests and general welfare of Havana" and that any similar concessions were now abolished. He also decreed that public employees could no longer maintain their offices as a form of property. The two issues were linked since they both were treated in Spanish law as a hereditary privilege and a form of property. When Brooke ended municipal employees' rights to maintain proprietary interests in their offices, this altered one of the fundamental mechanisms that the Spanish government in Cuba had traditionally used to generate tax income. These employees often worked for a percentage of the revenue they collected, avoiding the necessity of paying them regular salaries. Now that these fees and entitlements were abolished, no incentive remained for these municipal employees to continue working for the Cuban government. These employees and the services they provided had to be replaced and Brooke's General Order authorized municipal governments to re-organize themselves accordingly.¹¹² Brooke's order was a form of expropriation that disproportionately hurt the social and economic elites who had benefited from Spanish rule. Whatever this group's political sympathies, the Army of Occupation subordinated their interests to maintaining efficient government.

Similarly, at the department level, the U.S. commanders in the provinces struggled with defining what constituted a legitimate concession that necessitated recognition under the provisions of the Treaty of Paris and how to manage monopolies that infringed on local

governance. In Wilson's department, the Adjutant General of Santa Clara requested Dudley's legal opinion on whether or not to intervene in a dispute between the town of Cardenas and a Spanish telephone contract owned by the Villa brothers who were residents of the town. Dudley wrote that the concession appeared to be a legitimate one, having been granted more than twenty years prior to the end of Spanish rule. This type of contract, under Spanish law, was a form of property and thus potentially obligated the United States to force the municipality to honor the contract. This, however, required the Army to intervene in a local government's affairs, something that the Army was reticent to do. Dudley squared this circle by offering his legal opinion that the real question was not whether the concession was legitimate or not but who owned the contract, the municipality of Cardenas or the United States Government? If it was the municipality of Cardenas, the United States had to ensure that the brothers' property rights were upheld. If the contract was owned by the United States, as the heir to Spain in Cuba, then it became a question of Congressional law. Congress had forbidden the Army in Cuba from granting any monopolies and thus U.S. troops could not legally enforce the telephone contract. Dudley stated that, in his opinion, this was in fact the case and that the Army should refuse to intervene to protect the Villa Brother's interest in the contract with Cardenas.¹¹³ Consequently, by failing to intervene, U.S. commanders effectively allowed the newly developing Cuban state to make decisions that damaged the economic interests of the island's former elites.

A similar situation occurred in the town of Sancti Spíritus. Before the end of Spanish rule in Cuba, a local Spaniard named Primitivo Guterrez owned the rights to the local market place and collected fees from resident vendors to sell their produce in the market. When the U.S. Army first occupied Sancti Spíritus, the town's *alcalde* appealed to the nearby

American garrison to end Guterrez's monopoly on the town's market place. The mayor, Dr. Canncio, argued that Guterrez's concession had been granted during a "period of terror" and that local Spanish officials had suppressed any input from the town on the Guterrez contract. Thus, Canncio argued, since the agreement had been entered into under duress, it was not valid. The town, now that it could choose freely, did not want to continue the concession.¹¹⁴ The garrison commander at the time agreed and ordered Guterrez's special license to the town's market place fees to end.

In the interim, Guterrez appealed to General Wilson as the commander of the department and Wilson decided that Guterrez's concession was legitimate and that the garrison commander's intervention in the town's affairs was inappropriate.¹¹⁵ Wilson ordered his department Judge Advocate to review the legal merits of the case before reaching a final decision. After his examination of Guterrez's petition, the department Judge Advocate agreed with Wilson and suggested that Guterrez's privileges should be restored since its loss had come about because of inappropriate American intervention in the town's civil matters.¹¹⁶ Wilson then issued orders to the American garrison at Sancti Spíritus to restore Guterrez's lost rights.¹¹⁷

Captain Fremont then ordered the *alcalde* to reinstate Guterrez's entitlement to the market place and ownership of its fees in compliance with Wilson's orders. The *alcalde* refused and notified Fremont that the *ayuntamiento* had unanimously concurred with Canncio's refusal to restore Guterrez's contract.¹¹⁸ Fremont urged his superiors to lobby Santa Clara's civil governor in order to have the governor issue an order to reestablish Guterrez's proprietorship. When Santa Clara's governor began to make inquiries into the situation, the city council declared its intention to appeal the military government's orders in

the Cuban court system and warned both Fremont and the Civil Governor of Santa Clara that if either ordered Guterrez's rights returned, that as a body, the *ayuntamiento* would resign.¹¹⁹ When Santa Clara's Governor issued the order restoring Guterrez the following day, they made good on their threat and quit, leaving Fremont to deal with its vexatious mayor as the town's sole remaining representative of the municipal government.¹²⁰ Cannicio remained adamant, he would not allow the Guterrez concession reestablished and he blocked Guterrez from both collecting his fees and from using the local police to evict vendors from the market.

When Fremont, working in conjunction with Santa Clara's provincial government, threatened the *alcalde* with criminal legal action, the mayor responded by issuing an order temporarily reinstating Guterrez's contract, then immediately suspended this order pending the outcome of the municipality's appeal to the *audencia* in Havana. The mayor then attempted to coerce Guterrez into signing a legal statement recognizing the mayor's actions as a fulfillment of the order by Santa Clara's Governor. Guterrez, of course, refused.

Fremont knew that Cannicio's reinstatement and revocation of Guterrez's rights was only a legal maneuver designed to avoid criminal sanctions and continued to pressure the mayor for a full restoration of Guterrez's rights. Adding to his troubles, the *alcalde* threatened to resign and to take with him the leadership of the local police and rural guard elements.¹²¹ In another meeting with mayor, he denied that Fremont or the military government had any right to order the town to do anything and stated unequivocally that Cuba's civil government was superior to the American military government and that now it was up to the *audencia* in Havana to decide. Cannicio concluded the meeting by telling

Fremont he intended to take the quarrel public by offering the newspaper *La Lucha* his version of the dispute.¹²²

Soon thereafter, Cancio began to apply his own pressure to resolve the situation. The *alcalde* used Guterrez's refusal to sign the legal statement claiming his rights had been restored as the basis of a series of administrative proceedings against Guterrez. Cancio issued fines to Guterrez for every day he did not sign the statement. Fremont, for his part, viewed these extra-legal proceedings with alarm and even made inquiries with the local judge to get his opinion as to their legality. The judge agreed with Fremont and notified him that Guterrez's fines were not only illegal but in excess of what the *alcalde* could legally impose in an administrative hearing. On August 3, 1899 the local community escalated tensions still further, stoning Guterrez's children on their way to school and making Guterrez and his family virtual prisoners in their own home. That night, a mob led by the town's local police demanded that Guterrez leave town immediately. The next morning, Guterrez applied to the U.S. garrison for the formal protection of his home and family by American troops.¹²³

Sometime during this period of increasing tension, Fremont's chain of command ordered him to back off from his pressure on the *alcalde* and to "mind his own business." How Fremont was to comply with his orders to restore Guterrez and deal with a flat refusal to do so was left unexplained by his chain of command.¹²⁴ The local commander had exhausted every possible avenue with the mayor to resolve the dispute and it had not been enough. Now that the situation had dramatically escalated, Fremont inquired of his superiors, "How far should I go in protecting Guterrez?"¹²⁵ It was an important question and one relevant to whether or not the United States was interested in fostering a colonial relationship with Spain's formerly privileged elites who remained in Cuba. If the Army

would not act to protect this colonial class' lives, let alone their property, it is doubtful whether such a policy was ever pursued during the first year of the occupation.

Unofficially, Fremont counseled Guterrez that it might be best if he relocated his family to a neighboring town until tensions died down. When Fremont reported this conversation with his chain of command, they responded with a rebuke. Fremont's superiors ordered him to tell Guterrez on an official basis not to leave the town, that order would be maintained but that he would not receive any special protection. Thankfully for the Guterrez family, the town never directly tested American resolve to maintain order. The *alcalde*, during the night of August 5, issued a handbill that repealed the town's prohibition on vendors outside of the town market. Vendors could now relocate their stands wherever they wanted in order to avoid the fees that Guterrez's contract entitled him to collect. Guterrez's concession was now worth considerably less than before the dispute.¹²⁶

The mayor, however, still wanted to make a point about his authority, and allowed his chief of police to issue additional fines to Guterrez for his signs not complying with the city's codes regulating signage. The town's police chief issued the fines to Guterrez, and then tore down all of his signs in the town market area. While there was no more discussion of violence in the town, the police that same day made it a point to arrest an American wagon driver inside Fremont's barracks.¹²⁷

Fremont disclosed to his chain of command that he believed that the arrest was a deliberate display of power to the residents of the town. The *alcalde* and the police had both been previously informed that arrests within the garrison was off limits to the local police. Cuban officials had to request to permission to arrest soldiers and employees if the accused were inside a U.S. military post. By flouting this restriction, the *alcalde* intended to send

Fremont and the town a message that U.S. backing of Guitterez was not forgotten and that Fremont was powerless to stop the town's mayor from retaliating against anyone who worked with the garrison. It was a lesson certainly not lost on Guiterrez, who took his family and left the town, abandoning his claim to his market concession. Thus, even where U.S. commanders did uphold elite property rights, American authorities did not act forcefully on their decisions. Fremont's chain of command valued order above everything else and would not intervene in disputes where it might lead to a confrontation with the Cuban people. It would appear that the Spain's former colonial elites did not have friends in the American Army after all.

¹ *Alcalde* of Sancti Spiritus to Francis Preston Fremont, 11 July 1899, Entry [hereafter E] 1993, Record Group 395, [hereafter RG395]. All Military Division of Cuba records cited from Record Group 395 are from the National Archives in Washington D.C. (NARA1).

² Fremont to Adjutant General [hereafter AG] Mantanzas Province, 26 July 1899, E1993, RG395.

³ Fremont to AG Mantanzas Province, 13 July 1899, E 1993, RG395.

⁴ McKinley to Brooke, 22 December 1898, William McKinley Papers, Manuscript Division, Library of Congress (microfilm copy in Texas A&M University Library, College Station).

⁵ *Ibid.*

⁶ U.S. War Department, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* series 3, vol. 3 (Washington: Government Printing Office, 1899), 148.

⁷ U.S. War Department, *Annual Report of the Secretary of War* (Washington: Government Printing Office, 1898), 125-26, accessed January 31, 2015, <http://hdl.handle.net/2027/coo.31924095656397>; Birtle, *U.S. Counterinsurgency*, 101.

⁸ McKinley to Brooke, 22 December 1898, McKinley Papers.

⁹ McKinley to Elwell S. Otis, 21 December, 1898, *Correspondence Relating to the War With Spain...April 15, 1898 to July 30, 1902*, 2 vols., (1902, repr.; Washington: Center For Military History, 1993), 2: 858-59.

¹⁰ McKinley to Brooke, 22 December 1898, McKinley Papers.

¹¹ Brooke, *Civil Report*, 11; Edgar S. Dudley, "Report of Major Edgar S. Dudley, U.S.V., Judge Advocate Division of Cuba," 30 September 1899, *Civil Report*, 165.

¹² Wilson to Foraker, 12 August 1899, 45, Box 44, Wilson Papers.

¹³ McKinley to Brooke, 22 December 1898, McKinley Papers.

¹⁴ *Ibid.*

¹⁵ Brooke to McKinley, 26 September 1899, McKinley Papers.

¹⁶ Brooke, *Civil Report*, 7.

¹⁷ McKinley to Brooke, 22 December 1898, McKinley Papers.

¹⁸ Brooke, *Civil Report*, 8.

¹⁹ Brooke, *Civil Report*, 7-8.

²⁰ Brooke to McKinley, 26 September 1899, McKinley Papers.

²¹ Healey, *United States in Cuba*, 55-7; Foner, *Spanish-American-Cuban War*, 2: 422.

²² Linderman, *Mirror of War*, 9; Lewis L. Gould, *The Spanish American-War and President McKinley* (Lawrence: University of Kansas Press, 1982), 10; H. Wayne Morgan, *America's Road to Empire: The War with Spain and Overseas Expansion* (New York: John Wiley and Sons, Inc., 1965), ix-x.

²³ Brooke to McKinley, 14 January 1899, McKinley Papers.

²⁴ Brooke, *Civil Report*, 8. Domingo Méndez Capote was the Vice-President of the Republic of Cuba. Pablo Desvernine received his legal degree from Columbia but was an active member of the PRC's operations in New York. José Antonio González Gonzáles Lanuza served the PRC under its nominal leader Tomás Estrada Palma until Gonzáles Lanuza joined Shafter's staff en route to Cuba. Aldolfo Yanez was originally affiliated with Cuba's failed Autonomist Party but left Cuba for the United States when General Weyler assumed command in Cuba. Thus three out of the four members of Brooke's Cuban Cabinet were expatriate separatists. For more detailed discussion see Pérez, *Cuba Between Empires*, 290-92. According to David Healey, both Méndez Capote and Gonzáles Lanuza were members of the *Asamblea*, which in theory governed the CLA. Capote, in order to serve in Brooke's Cabinet had to resign his position as the *Asamblea's* President. See Healey, *United States in Cuba*, 59.

²⁵ Healey, *United States in Cuba*, 100-01. Brooke dispatched Desvernine to Washington along with Chaffee to defend his administration from General Wood.

²⁶ McKinley to Brooke, 22 December 1898, McKinley Papers.

²⁷ General William Ludlow governed the department of the city of Havana. General Fitzhugh Lee governed the provinces of Pinar Del Rio and Havana. General James Wilson oversaw the administration of Mantanzas and Santa Clara. In the east, Wood supervised the reconstruction of Puerto Principe and Santiago.

²⁸ McKinley to Brooke, 22 December 1898, McKinley Papers.

²⁹ In his examination of American appointments to civil governorships, Pérez found a dynamic similar to the appointments to the Cuban Cabinet. Provincial governors tended to be expatriates who either lived or studied in the United States. Former PRC members governed the provinces of Pinar del Río and Havana. General Pedro Betancourt, a former CLA commander governed Mantanzas. See Pérez, *Cuba Between Empires*, 290-92 and 239. According to Healey, Betancourt was not the sole former member of the CLA, of the six governors

appointed to the provinces, five were members of the CLA. The only exception was a Cuban expatriate who served as a volunteer officer in the Medical Corps of the U.S. Army. See Healey, *United States in Cuba*, 59.

³⁰ Healey, *United States in Cuba*, 57.

³¹ Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 5. Brooke refers to the party he consulted as the *Junta Patriótica*. He is likely referring to the PRC but it remains unclear which individuals or factions of the PRC Brooke is referencing. Brooke also often appointed or confirmed members of Cuba's Autonomist Party to important offices. The larger point though is that Brooke did consult with and take into account, at least in a limited fashion, Cuban preferences for appointments to the national government in Havana and the provinces.

³² Brooke, *Civil Report*, 8.

³³ Chaffee to Méndez Capote, 21 February 1899, *Civil Report*, 24-5.

³⁴ Frank T. Reuter, *Catholic Influence on American Colonial Policies, 1898-1904* (Austin: University of Texas Press, 1967), 22-3. While still in the minority, Catholics constituted almost 37% of the entire church going population in the United States and wielded considerable political power in the cities of the industrialized East.

³⁵ Brooke, *Civil Report*, 15.

³⁶ J.A. Gonzáles Lanuza, "Report of J.A. Gonzáles Lanuza Secretary of Justice and Public Instruction," 16 September 1899, *Civil Report*, 256-7.

³⁷ J.A. Gonzáles Lanuza, "Report of J.A. Gonzáles Lanuza," September 16, 1899, in *Civil*, 257-62.

³⁸ Wood to Root, 6 August 1900, Box 28, Leonard Wood Papers, Manuscript Division, Library of Congress.

³⁹ Reuter, *Catholic Influence*, 47.

⁴⁰ Eyewitnesses to the marriage ceremony were required. Marriages that could not meet this burden of proof were invalidated.

⁴¹ General Order No. 57, 12 May 1899, in *Civil Report*, 41; General Order No. 66, 31 May 1899, *Civil Report*, 42.

⁴² Brooke, *Civil Report*, 9.

⁴³ J.A. Gonzáles Lanuza to Brooke, undated letter from 1899, Box 27, Wood Papers.

⁴⁴ Domingo Méndez Capote, "Report of the Department of State and Government," 16 September 1899, *Civil Report*, 176; Brooke, *Civil Report*, 17-18.

⁴⁵ Leonard Wood, *Special Report of Insular Affairs of the Provinces of Santiago and Puerto Principe, Cuba* (Washington: Government Printing Office, 1899), 25, accessed December 18, 2014, <http://hdl.handle.net/2027/mdp.35112104779295>, Haithi Trust Digital Library.

⁴⁶ Ernst to Commanding Generals of Departments of Habana, Province of Habana, Mantanzas, Pinar Del Rio, Puerto Principe and Santiago, 11 April 1899, *Civil Report*, 24-5.

⁴⁷ Wood to Roosevelt, 3 August 1899, Box 27, Wood Papers.

⁴⁸ Department of the Province of Habana and Pinar Del Rio, General Order No. 9, 28 April 1899, E1742, RG395; Report of Chas H. Wilson to Assistant AG of Mantanzas Province, 19 June 1899, E1351, RG395; Fremont to AG Mantanzas Provinces, undated, E1993, RG395.

⁴⁹ F.P. Fremont, "Weekly Report of Sancti Spiritus," in Weekly Reports for Department of Mantanzas and Santa Clara: 24 June 1899, E1351, RG395.

⁵⁰ Fremont to AG Mantanzas Province, 22 September 1899, E1993, RG395.

⁵¹ Ibid; Fremont to AG Mantanzas Province, 23 March 1899; Fremont to AG Mantanzas Province, 11 November 1899, all in E1993, RG395.

⁵² CPT W.M. Wright, "Weekly Report of La Sagua Grande Barracks," in Weekly Reports for Department of Mantanzas and Santa Clara: 24 June 1899, E1351, RG395.

⁵³ A.H. Bowman, "Weekly Report of Cienfuegos," in Weekly Reports for Department of Mantanzas and Santa Clara: 24 June 1899, E1351, RG395.

⁵⁴ Fremont to AG Mantanzas Province, 9 August 1899, E1993, RG395.

⁵⁵ Fremont to AG Mantanzas Province, undated, 1899, E1993, RG395. The copy of the original order to "mind his own business" is lost but Fremont quoted it back to the AG of Mantanzas Province in an undated communication that Fremont transmitted sometime between July 27 and August 9, 1899, just as tensions were reaching a critical point. The context of his use of the phrase is such that Fremont appears to be defending himself against the allegation that he was too involved in the town's affairs and was the cause of the troubles between himself and the *alcalde*. The order likely originated from the American officer appointed to oversee Mantanzas Province under General Wilson's Department or from Wilson himself. Both officers were likely

closely involved in the management of Fremont's dispute with the local *alcalde* since it was a serious and continual problem.

⁵⁶ Fremont to AG Mantanzas Province, 20 August 1899, E1993, RG395.

⁵⁷ Leonard Wood, "Special Report of Brig. Gen. Leonard Wood, U.S.V., Commanding the Department of Santiago and Puerto Principe," 20 September 1899, *Civil Report*, 369.

⁵⁸ Healey, *United States in Cuba*, 136-37; U.S. Attorney General to Brooke, 11 July 1899, McKinley Papers; William Ludlow to Elihu Root, 5 December 1899, Box 4, Elihu Root Papers, Manuscript Division, Library of Congress.

⁵⁹ Wood, *Special Report of Insular Affairs*, 24.

⁶⁰ Francisco Oberto to Captain Carrington, Commander of Guanajay Barracks, 16 October 1899, E1737, RG395.

⁶¹ Oberto to Carrington, 26 October 1899, E1737, RG395.

⁶² Filomeno Rodriguez to Commander Guanajay Barracks, 21 October 1899, E1737, RG395.

⁶³ Filomeno Rodriguez to Commander Guanajay Barracks, 27 October 1899, E1737, RG395.

⁶⁴ Rodriguez to Commander Guanajay Barracks, 2 May 1900, E1737, RG395.

⁶⁵ L. Manuel Tamargo to Commander Guanajay Barracks, 20 April 1900, E1737, RG 395. Judge Tamargo ordered the Army to produce Corporal Ronklin for a deposition about a patrol that encountered a robbery and assault victim. Rodriguez to Commander Guanajay Barracks, 25 July 1900. Rodriguez wanted the Army to provide Private Willor to the court for violating the town's civil code of discharging his firearm within the town. Rodriguez to Commander Guanajay Barracks, 2 May 1900, E1737, RG 395. Rodriguez notified the garrison commander that the investigation of William Dennis's involvement in an assault on a Cuban police officer remained ongoing.

⁶⁶ Rodriguez to Commander Guanajay Barracks, 11 May 1900, E1737, RG395.

⁶⁷ Ric Cardenas (Havana's Chief of Police) to Commander of Guanajay Barracks, 25 April 1900, E1737, RG395.

⁶⁸ Angel Figueredo to Commander of Bayamo, Cuba, 3 December 1900, E1626, RG395; Angel Figueredo to Commander of Bayamo, Cuba, 4 December 1900, E1626, RG395.

⁶⁹ Diary of Military Commander of the District of Trinidad [hereafter cited as DMCDT], Cuba, 4 December 1898, 6-7, E1618, RG395. These diary entries do not have an identified author, just a record of events for the early period of the occupation of Trinidad, Cuba. Also all entries from DMCDT are from E1618, RG395.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² DMCDT, 20 February 1899, 55-6.

⁷³ DMCDT, 23 February 1899, 56-7.

⁷⁴ Chas H. Wilson, "Weekly Report of Caibarien," in Weekly Reports for Department of Mantanzas and Santa Clara: 17 June 1899, E1351, RG395.

⁷⁵ A.H. Bowman, "Weekly Report of Cienfuegos," in Weekly Reports for Department of Mantanzas and Santa Clara: 17 June 1899, E1351, RG395

⁷⁶ Brooke, *Civil Report*, 12.

⁷⁷ Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers.

⁷⁸ Wilson to Roosevelt, 5 July 1899, 11, Box 44, Wilson Papers.

⁷⁹ Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers.

⁸⁰ Wilson to William Potter, 22 February 1899, 112-18, Box 43, Wilson Papers.

⁸¹ Wilson to Senator William Frye, 18 February 1899, 105-8, Box 43, Wilson Papers; Wilson to Anthony Higgins, 25 February 1899, 121-24, Box 43, Wilson Papers.

⁸² Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers.

⁸³ Wilson to Russell Alger, 14 March 1899, 199-200, Box 43, Wilson Papers.

⁸⁴ Wilson, *Under the Old Flag*, 2:490-91.

⁸⁵ Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers; Wilson to Brooke, 28 June 1899, Box 44, Wilson Papers.

⁸⁶ Ibid; James H. Wilson, "Special Report of Brig. Gen. James H. Wilson, U.S.V., commanding the department of Mantanzas and Santa Clara, on the industrial, economic, and social conditions existing in the department of at the date of American occupation and at the present time," 7 September 1899, *Civil Report*, 341.

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- ⁸⁷ Wilson to Ignacious Grubb, 4 April 1899, 319-21, Box 43, Wilson Papers; Wilson to Potter, 22 February 1899, 112-18, Box 43, Wilson Papers; Wilson to Senator J.B. Foraker, 12 August 1899, 45, Box 45, Wilson Papers; Wilson to David Stanley, 4 April 1899, 317-18, Box 43, Wilson Papers.
- ⁸⁸ Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers.
- ⁸⁹ Ibid.
- ⁹⁰ Fitzhugh Lee, "Special Report of Brig. Gen. Fitzhugh Lee, U.S.V., commanding department of Havana and Pinar Del Rio," 19 September 1899, *Civil Report*, 344.
- ⁹¹ Private Memorandum to Elihu Root, 1900, Elihu Root Papers, Box 10, Manuscript Division, Library of Congress.
- ⁹² Wilson, *Under the Old Flag*, 2:491.
- ⁹³ Wilson to Ernst, 14 June 1899, 297-303, Box 44, Wilson Papers.
- ⁹⁴ Wilson, *Under the Old Flag*, 2:482.
- ⁹⁵ William Ludlow, "Special Report of Brig. Gen. William Ludlow, U.S.V., Commanding the Department of Havana," 15 September 1899, *Civil Report*, 361-62; Wilson, *Under the Old Flag*, 2:490.
- ⁹⁶ Wood to McKinley, 6 February 1900, Box 28, Wood Papers; Wood to Root, 19 January 1900, Box 28, Wood Papers.
- ⁹⁷ William Ludlow, "Special Report of Brig. Gen. William Ludlow," 15 September 1899, *Civil Report*, 362-3.
- ⁹⁸ Wood to Roosevelt, 12 July 1899, Box 27, Wood Papers; Wood to McKinley, 12 April 1900, Box 28, Wood Papers.
- ⁹⁹ Wood to Roosevelt, 3 August 1899, Box 27, Wood Papers.
- ¹⁰⁰ Jack Lane, *Armed Progressive*, 82-5; McCallum, *Rough Rider*, 145-46; Hagedorn, *Leonard Wood*, 258-60.
- ¹⁰¹ Wood to Roosevelt, 3 August 1899, Box 27, Wood Papers.
- ¹⁰² Brooke, *Civil Report*, 8.
- ¹⁰³ Healey, *United States in Cuba*, 104-5.
- ¹⁰⁴ Wilson, "Special Report of Brig. Gen. James H. Wilson," 7 September 1899, *Civil Report*, 337.
- ¹⁰⁵ Wilson to Ernst, 29 May 1899, 212-16, Box 44, Wilson Papers; Healey, *United States in Cuba*, 104-5.
- ¹⁰⁶ Brooke, *Civil Report*, 13.
- ¹⁰⁷ Fremont to Adjutant General Mantanzas and Santa Clara Provinces [hereafter cited as AGMSCP], 4 August 1899, E1993, RG395.
- ¹⁰⁸ Pérez, *Between Reform and Revolution*, 182.
- ¹⁰⁹ Wood to Root, 16 February 1900, Box 28, Wood Papers; Brooke to McKinley, 26 September 1899, McKinley Papers; Private Memorandum to Elihu Root, 1900, Box 10, Root Papers; Wood to McKinley, 26 September 1899, McKinley Papers; Wilson to Boynton, undated, 99, Box 45, Wilson Papers; Ludlow, "Special Report of Brig. Gen. William Ludlow," 15 September 1899, *Civil Report*, 361-2.
- ¹¹⁰ Edgar S. Dudley, "Report of Major Edgar S. Dudley, U.S.V., Judge Advocate Division of Cuba," 30 September 1899, *Civil Report*, 165-6.
- ¹¹¹ Dudley, "Report of Major Edgar S. Dudley," 30 September 1899, *Civil Report*, 165-6.
- ¹¹² General Order No. 137, 10 August 1899, *Civil Report*, 93-4.
- ¹¹³ Dudley to AGMSCP, 30 May 1899, 11, E1324, RG 395.
- ¹¹⁴ Cannicio to Fremont, 24 April 1899, E1993, RG395.
- ¹¹⁵ Guitierrez to Fremont, 25 April 1899, E1993, RG395.
- ¹¹⁶ Judge Advocate of Mantanzas and Santa Clara Provinces to AGMCSCP, 23 June 1899, E1993, RG395.
- ¹¹⁷ AGMCSCP to Fremont, 23 June 1899, E1993, RG395.
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- ¹²¹ Fremont to AGMCSCP, 24 July 1899, E1993, RG395.
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- ¹²⁵ Fremont to AGMCSCP, 4 August 1899, E1993, RG395.
- ¹²⁶ Fremont to AGMCSCP, 6 August 1899, E1993, RG395.
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CHAPTER IV

RESTORED TO A NORMAL CONDITION

General Brooke remained reluctant to publicly comment on what policy he thought appropriate to pursue in Cuba. In his *Civil Report* to the War Department published in October 1899, he explained that “the kind of government to be established, and when, is not a subject which the military governor believes to be a matter which can be discussed in this report, if at all.” Instead, the general argued, “this must be determined by higher authority, to whom such matters properly pertain.”¹ After his relief, Brooke was only slightly less reticent to offer his evaluation of the proper course in Cuba. Testifying before the Senate, he recommended that the correct path of American policy was to maintain the military government until such time that “the island shall be restored to a normal condition.” He then explained that he was referring primarily to the island’s economic reconstruction, what he referred to as normalcy in the “business sense.” Brooke also recommended that the municipalities should continue to “attend to their own affairs through their own agents” until elections and a new government could be organized.²

Although Brooke never articulated a similar statement of purpose with the same clarity as his testimony before Congress, it is possible to infer from the actual practices of the Army of Occupation, that they pursued, even if un-declared, his policy of restoring normal conditions to the island. The army’s operations exhibited this impetus in several ways. First, the Army often avoided confrontation with Cubans even where such evasion threatened or damaged U.S. influence. Second, the Army of Occupation’s decentralized command system tolerated deviations in island policy in order to account for local conditions and concerns. Local commanders remained free to act and innovate policy initiatives as long as these

proposals furthered the army's goal of encouraging the island's social and economic stability. Finally, the Army of Occupation confined its reforms of Cuba's judicial system to the court's organization but retained the traditional role and powers afforded to judges under Spanish legal traditions.

Hopelessly Destructive Of Public Order

The army at every level demonstrated their pledge to maintaining the social, economic, and political cohesion of Cuban society by carefully managing circumstances that might lead to confrontations with the Cuban people. For General Brooke, this meant centralizing municipal policy on the collection of back taxes and foreclosures despite its long-term negative effects on credit and municipality finances. At the department level, elements of the Cuban press constantly provoked American commanders and challenged U.S. influence and intentions on a regular basis. Instead of suppressing these newspapers, the department commanders generally limited their responses to protests. Lastly, at the local level, U.S. troops and commanders sometimes found themselves the target of deliberate acts of political provocation intended to demonstrate American fecklessness. Garrison commanders handled these circumstances by having local officials re-establish the boundaries between the local population and U.S. troops. In each of these instances, these policies demonstrated that the United States Army remained dedicated to preserving Cuba's fragile political stability rather than engaging in a struggle for control of the island's political future.

One of the worst issues that confronted the army was the condition of the island's finances at every level of government. Most of the municipalities and provincial governments were nearly bankrupt. Cuba's financial condition and devastated economy

made taking on debt obligations impossible during the first few months of the occupation. Unable to float short-term debt, the municipalities turned to tax collection, including delinquent payments, as the primary means of restarting the basic functions of local government. Collecting back taxes, however, entailed political risk. The only form of wealth that many Cubans held was their home. The war had devastated the island's economy and few were prepared to pay any kind of debt, let alone their tax obligations. Property seizures threatened thousands of local families, potentially contributing to the island's already staggering number of homeless. Foreclosing on these homes also inhibited the revival of the island's predominantly agricultural economy. The issue of credit, debt, and land foreclosures was so politically explosive that Brooke claimed to have spoken with nearly 1,000 individuals on this subject alone.³

The American commander in Trinidad's experience is representative of the challenges this presented local governments across the island. The district commander, Colonel Brown, struggling to gain familiarity with the city's issues, asked the town's mayor why the city was unable to pay for the basic subsistence of patients at the community hospital. Out of humanitarian concern, he suggested that the city should take responsibility for ensuring that the hospital had enough funding to care for and feed its indigent patients. The *alcalde* replied that the city lacked the money to assist the hospital. Subsidizing the local hospital would have consequences elsewhere in the budget, "There will be no means for lighting the city, feeding the prisoners, and burying the dead...."⁴ Although Cuban officials recognized the problem in Trinidad and elsewhere, they lacked the means to address the issue without collecting taxes.

Trinidad's *alcalde*, supported by Brown, reacted to the situation the only way he could, by attempting to collect the taxes owed to the city. The mayor began notifying local property owners of their obligation to pay their delinquent assessments or to face foreclosure. Many in the city immediately challenged the mayor's initiation of eviction proceedings. Primarily these opponents argued that a decree from Spain's last Governor-General allowed them to redeem their property from foreclosure proceedings if they paid their debt to the municipality within one year of being notified of foreclosure. Brown remained unconvinced and continued to support the *alcalde*'s efforts to generate revenue for the city.⁵

Four days later, Brown received a letter from Brooke's Inspector General (IG) asking the district commander not to take any further action on the subject of property redemption. The issue, the letter explained, was not confined to Trinidad. The central administration had to consider the problem on an island-wide basis. The following day, Brown recommended to the city's government that they sustain their foreclosure efforts but not pursue eviction. Instead, he suggested that the municipality should designate the occupants of the homes in question as "tenants of the government" to maintain their claim to the property. This designation could be administratively reversed if needed when Brooke and his Cabinet came to a decision.⁶

Brooke, upon the recommendation of his Cabinet, initially opted to extend the Spanish moratorium on debt collection (both civil and private debt) at least through the end of March while he discussed the matter with the War Department.⁷ He proposed a plan developed by his Secretary of Finance that divided the debt payment losses between the island's creditors and debtors. Brooke reasoned that this way, local farmers could begin to access badly needed credit but remained obligated to pay off the full amount of their original

debts. The McKinley Administration opposed any changes that interfered with any of the existing contracts on the island.⁸ The final decision came in April. After considerable consultation between the Secretary of War, President McKinley, General Brooke and his Cuban Cabinet it was finally decided to lengthen the suspension of all debt payments contracted before December 31, 1898 for two years, allowing the Cuban people to remain in their homes with a chance to redeem their property.⁹

This decision came at the expense of two important groups on the island. First, Cuban municipalities were now almost completely dependent on the central administration's revenue disbursement to fund their basic operations until the economy recovered. Second, it made credit almost impossible to obtain for individual landowners.¹⁰ Despite these consequences, it was the best deal the U.S. Army could get to forestall island-wide foreclosures and most importantly prevented clashes between local governments backed by U.S. troops and the Cuban people.

The Army of Occupation demonstrated a similar commitment to order by avoiding engaging in public battles with the advocates of Cuban independence. Most of the department commanders at one time or another ran afoul of the Cuban independence movement, some more than once. Yet, the department commanders avoided direct confrontations with the island's more radical supporters of independence, believing that such conflict would only legitimize their complaints against the military government. Instead, the department commanders opted to pursue the most serious political agitators through the court system, if at all.

In late June of 1899, Brooke opened an investigation into General Wilson's involvement in a dispute with a Cuban newspaper. Wilson's enemies in Havana asserted that

he had suppressed *La Tribuna* in retaliation for criticizing his handling of an incident between American troops and a local Spaniard that resulted in the Spaniard's death.¹¹ The allegation against Wilson presented Brooke with an opportunity to undermine one of his chief rivals. Brooke knew that Wilson was aggressively angling for his job and was working his extensive political contacts back in Washington to lay the foundation for Brooke's eventual replacement.¹² If there was any to substance to these allegations, Brooke could use the inquiry as a means to embarrass Wilson and undermine his ambitions to command.

Wilson's response to the investigation was indignant denial. Wilson flatly declared that he had not "suppressed" *La Tribuna*. Instead, according to Wilson, he sent an officer to the newspaper's editorial office to object to their characterization of American actions both during and following the incident. Wilson described the episode as an attempt to set the record straight, which at worst might be considered as a warning. General Wilson then intimated to Brooke that any perceived unrest in his department was not the product of harsh censorship but of the McKinley Administration's continued failure to announce a fixed policy for Cuba. Wilson argued that the longer the United States remained in Cuba, the more suspicious Cubans became of American intentions. Wilson closed his formal reply to Brooke's inquiry with a restatement of the proposal he offered Brooke at the Havana commander's conference as a way to relieve the political tensions on the island.¹³

While it remains unclear what conclusions, if any, Brooke's investigation drew about the incident, it is unlikely that Brooke ever found proof to substantiate the accusations against Wilson. If he had, Brooke certainly would have employed that evidence to upset Wilson's ambitions. Brooke had attempted, with varying levels of success, in fending off General Wood's political machinations using similar tactics.¹⁴ Brooke's climb to the top of

the Regular Army's glacial command structure probably eliminated any remaining political naivety he possessed about how to deal with ambitious subordinates determined to advance at his expense. Since Brooke concluded the investigation without further comment, it seems likely that his inquiry probably found evidence to corroborate Wilson's version of events.

The entire episode is significant for two reasons. First, it demonstrated a U.S. commander's restraint in dealing with criticism of the military government, even where that criticism was potentially damaging or dangerous. Wilson's discussion of simmering political undercurrents makes that point explicitly. Despite this, Wilson allowed *La Tribuna* to criticize American troops even though this might further aggravate Cuban impatience toward the American occupation. Second, Brooke's response to allegations of suppression suggests that this restraint was the norm in how U.S. commanders were expected to deal with the more confrontational elements of the Cuban populace. Taken as a whole, the incident revealed that while the American military government certainly did not like criticism it was willing to tolerate it for the sake of preserving the island's political and social stability.

Wood's views on critical Cuban newspapers varied with the targets of their censure. Newspapers played a central role in the opening skirmish between Generals Brooke and Wood over the island's customs revenues. Wood wanted to maintain control of Santiago's customs fees in order to ensure his continued operational independence from the newly appointed General Brooke. Wood mounted a vigorous press and political campaign in an effort to tie Brooke's hands over the issue before he even assumed command. Wood, however, failed when McKinley refused to intervene directly. After Brooke's appointment and the publication of his orders on the subject, Wood's campaign went private.¹⁵ Thus, when newspapers in his department began to parrot Wood's calls for maintaining control of

Santiago's customs revenues, rather than surrendering them to the central government in Havana, the origin of this criticism was highly suspect.

Only nine days into command, Brooke decided to rein in Wood's insubordination. His Chief of Staff, Adna R. Chaffee, rebuked Wood in a letter whose formality and tone made clear its underlying intent. The letter stated that any further criticism of Brooke's customs revenue policy by Santiago's newspapers would not be tolerated, particularly if these papers advocated public demonstrations against Brooke's orders. Chaffee lectured, "Exercising tact and discretion, you, as Commanding General, will be expected to conduct the affairs of your Department along the lines prescribed for guidance [emphasis original], repressing with your influence, power if necessary, all acts that tend toward interference...." The letter's strident language was not a blanket endorsement of Wood's authority to suppress criticism of the military government but an assertion of Brooke's authority over his insubordinate department commander. Chaffee's abrupt end to the letter, "By command of Major General Brooke" only further served to illustrate this point.¹⁶ Even here, however, Brooke's orders emphasized restraint, ordering Wood to employ "tact and discretion" and to use his "influence" before escalating further.

Whatever his reasons, when Wood became the object of criticism in the press, Wood, like Wilson, responded with restraint. In the fall of 1899 Wood wrote to his wife, "The Cuba Libre is preaching blood and war and talking of revolution sure to come in the near future...they say frankly that they want to raise a spirit of revolution. Personally they like me here but I represent the perfidious U.S. and hence they intend to oppose anything I advocate, etc...." Wood concluded his letter by stating that he referred their cases to the local Cuban

court system. He thought that it would be better to work within the civil system before resorting to his powers as a department commander.¹⁷

Wood expressed similar sentiments to his peers in the Army of Occupation. In a letter to Brooke's Adjutant General in late October, he confirmed his philosophy of dealing with political dissent in his department stating, "We still have in several towns local papers whose principal object seems to be to produce discord and trouble. These papers are generally edited by men without character or any honorable antecedent record. Their influence, if it ever was great, is rapidly diminishing." Wood believed that these papers criticized his administration with a mixture of personal and political goals in mind. The general wrote that, "Their principal object is notoriety and nothing would so much delight them as to have their papers suppressed and thus enable them to appear of some consequence."¹⁸ In both instances, Wood acknowledged that confrontation with elements of Cuba's political establishment was something to be avoided even though this allowed Cuba's independence movement to not only survive but to flourish.

The one exception to the general rule of restraint adopted by the American department commanders in Cuba appears to be General Ludlow in Havana, who openly confronted the city's newspapers. He believed that his political enemies both in Cuba and in the United States used Havana's newspapers to attack and discredit his administration. Havana's military governor complained that most of the negative press was retaliation for his revocation of the Dady Contract.¹⁹ In particular the general singled out *La Lucha* and *El Cubano* as fundamentally misrepresenting his efforts and waging a "campaign of slander and vituperation" that was "hopelessly destructive of the public order."²⁰ Nevertheless, Ludlow found his efforts to muzzle the critical press within the city overruled by General Brooke.

Despite Ludlow's efforts to silence Havana's antagonistic press, the city's papers remained almost gleefully critical of him, publishing thirteen editorials attacking his administration in both English and Spanish over a period of twenty days. Local newspapers embarrassed him in other ways as well. *La Lucha* attempted to drag Ludlow into a Cuban court for libel over remarks the general made to the American press about the paper's editor while on leave in New York. As Ludlow's frustration over the situation mounted, he appealed first to his military chain of command and then ultimately to Secretary Root to overrule Brooke's prohibition of censorship. Brooke, and then his successor General Wood both denied Ludlow permission to order the papers suppressed.²¹ In an effort to intimidate the hostile newspaper editors, Ludlow issued extra-legal fines only to have the fines invalidated by Wood once he assumed command of the Military Division of Cuba.²² The general only found relief from the mockery of the Havana dailies when Wood intervened in the dispute and negotiated an informal truce between city's military governor and its newspaper editors.²³

Ludlow's ineffectual attempts at suppressing Havana's critical press are demonstrative of overall American concerns during the occupation. Brooke's first priority remained maintaining the island's stability. Any move to suppress some of the largest newspapers in Havana would only have contributed to the already considerable distrust many Cubans felt toward the American Army of Occupation and aggravated the island's delicate political situation. Brooke's entire edifice of government relied in large part on the voluntary cooperation of thousands of Cubans to assist Brooke's subordinates in the day-to-day governance of the island. Anything that threatened this cooperation, not only made his system of government impractical, but also made any near term transition to a newly

sovereign Cuban government highly improbable. Stability had to be maintained at all costs. Restraint, whether imposed or voluntarily observed by U.S. commanders was a component of that policy and remained Brooke's general rule, even where it likely reduced U.S. prestige and with it the ability to influence elements of Cuba's political class.

Ludlow also expressed a similarly hostile attitude toward the island's labor movement. From mid-August through September 1899, Cuba's nascent labor unions organized citywide protests and strikes to bargain for increased wages and eight-hour workdays. For the most part, Havana's military governor stood aside and allowed the city's police to quell the strike. On September 24, 1899, however, Ludlow's subordinates informed him that an estimated 4,000-8,000 people were in Little Square Balboa promoting a citywide strike. Fearing disorder, he moved to end the movement before it grew any larger. When small-scale arrests of the labor movement's leadership failed to end the protests, Ludlow dispatched the city's Rural Guard to disperse the labor activists. The general's Cuban auxiliaries severely beat the picketers and made over 150 arrests. He then intimidated the arrested labor leaders, threatening them with indefinite detention in Havana's prisons unless they renounced their support for continuing the strikes. The strikers' leadership capitulated and authorities released them after three days, temporarily ending the labor movement's protests.²⁴

Although Ludlow's defeat of the strike seems to be an example of American willingness to use force to impose an ideological outcome on the Cuban people, some perspective about the army's role is required. The U.S. Army had experience in dealing with labor violence in the United States, often acting to prevent or suppress riots and disorder. Whatever the sympathies of the troops and their commanders, U.S. troops followed their

orders and dispersed workers whenever requested by local authorities.²⁵ These confrontations were often violent and on occasion, lethal.²⁶ The Army's severe response to labor strikes and boycotts were a reflection of the broader attitudes of their leadership.

The Army's leaders abhorred the tactics that the labor movement employed as both a cause and a symptom of disorder. The Army's commanding Major General Nelson A. Miles made this attitude explicit: "[the interruption of commerce by strikes and boycotts] would be like cutting the great arteries between the heart and brain of the physical system." Miles later emphasized this point by referring to the threat that Chicago's Pullman Strike posed as one likely to lead to "famine, pestilence, and death."²⁷ During the strike, Miles frequently badgered his superiors in Washington for permission for his troops to open fire on the strikers claiming that the protesters employed bundles of dynamite against U.S. troops.²⁸ Similarly, General Schofield informed the Secretary of War that the Army had been required to suppress strikes in more than half of the states of the union, across more than two-thirds of the nation's territory. Schofield contended that these disturbances were severe enough to qualify as "insurrections" that required continual Federal intervention.²⁹ These and other experiences undoubtedly informed Ludlow's treatment of the Havana strikers.

Ludlow's description of how and why the strikers posed a threat to stability in Havana shared much in common with General Miles' description of the Pullman strikers. Ludlow decried the unions' efforts to "paralyze the life and movement of the community." Strikers blocked access to Havana's docks and threatened to halt the delicate economic recovery just gaining momentum in the city. Ludlow believed that if allowed to continue that the strike would eventually disrupt Havana's food and water supply.³⁰ Once Ludlow identified the unions and their use of economic disruption for bargaining leverage as a threat

to stability, it is unsurprising that the general ordered the city's police to disperse the strikers using force and mass arrests. Although violent, Ludlow's methods in dealing with the Havana strikes were no worse than similar episodes back in the United States.³¹

Ludlow's violent dispersion of the strikers, however, was an exception that proved the rule. Brooke moved immediately to head off future confrontations between businesses and workers by recommending to provincial and local governments that they change their labor regulations to authorize no more than a ten-hour workday as a compromise.³² Events in Havana would not be repeated elsewhere. General Wilson too viewed the incident with barely concealed distaste. Wilson wrote, as he often did about outbreaks of violence, that Ludlow's methods of ending the strike demonstrated a failure of his leadership and noted disapprovingly that it was rumored that McKinley approved of the tactics employed in Havana to suppress the strike.³³ Direct clashes with segments of the Cuban population remained something to be avoided.

Another way that the American Army of Occupation demonstrated its commitment to stability was by allowing a diverse range of political dialogue to develop between and among Cuba's newspapers, some of it distinctly suspicious and hostile toward the United States. The United States Army allowed newspapers that voiced opposition to Cuba's annexation or the establishment of an American protectorate over the island to challenge and debate the few newspapers that tried to remain neutral about Cuba's political future. U.S. commanders in Cuba, it would seem, remained uninterested in interfering in these domestic squabbles, although intervention in these debates might have changed the outcome.

In November of 1899, *El Cubano* challenged its sister publication *Diario Del Marino* to take a public stance on Cuban independence. The paper's editor, a recent immigrant from

Spain, maintained a friendlier attitude toward the United States than most papers in Havana but nonetheless avoided committing to any one political solution for Cuba's future. Did *Diario Del Marino* favor independence, annexation, or the establishment of an American protectorate over Cuba? *El Cubano* left no doubt as to its own political sentiments and implored *Diario Del Marino* that now was the time to, "marshal its strength with us to live in peace under a Cuban Republic." In order to achieve this, however, *Diario Del Marino*, like *El Cubano*, had to oppose "everything calculated to menace Cuban sovereignty."³⁴ With Spanish forces long gone from the island, it was clear what menace *El Cubano* meant.

Diario Del Marino's answer to *El Cubano*'s challenge was equivocal. The editor replied that his commitment to any particular political course depended largely on the policies adopted both by the United States and by Cuba's citizens. Until either position was clarified, the paper would remain politically neutral. *Diario* described the political situation in a metaphor, "For a few, the Cuban barque of State was rescued by a passing stranger too good to either demand or accept salvage. But to many, the picture appears of an old Corsair who has long chased a coveted prize, reappearing upon the scene during a fearful storm and just in time to throw a cable to the Cuban craft and tow it into a Pirate port." *Diario* believed that both political outlooks, despite how radically they differed, were authentic Cuban views. For itself, *Diario* declared "And we, not having belonged to the crew of the ship during the storm, owe neither thanks to the 'good stranger' nor abuse to the 'tricky corsair.' But as passengers...we feel as much interest in her voyage as the old crew. And yet have no ambitions to usurp the functions of the navigator or pilot. Does our contemporary understand?"³⁵

This political neutrality, however, even for a Spanish owned newspaper was not to last. Rumors that President McKinley intended to appoint a civil governor took Cuba by storm in early November. Similar speculation had periodically swept the island before but as the U.S. occupation neared its one-year anniversary without a clear statement of American support for Cuban independence, many people on the island accepted the latest newspaper gossip as truth and a pre-cursor to annexation. By mid-November, even *Diario* questioned the wisdom of maintaining faith in the Teller Amendment to secure Cuba's future and remained skeptical of American intentions thereafter.³⁶ While this furor overtook the island's editorial pages, U.S. commanders continued to allow the increasingly hostile local press to rally support for Cuban independence. The only explanation for such indifference is that the Army remained committed only to a policy of maintaining the island's delicate political stability and this meant tolerating a diverse array of robust opinions, even if antagonistic to the United States.

Perhaps one of the most dramatic illustrations of just how committed the American Army in Cuba was to avoiding confrontations with Cubans over questions of political influence and power was Captain Fremont's battles with the *alcalde* of Sancti Spíritus. The mayor had, as already discussed, rebuffed Fremont's efforts to manage the town's sanitation work, to remain informed about its budget and, in conjunction with the police chief, had driven Spanish concession owner Primitivo Guterrez from town. Most serious of all, the town's police chief and mayor had publicly challenged American authority within the confines of its own barracks. Fremont now had to manage the political consequences of this affront to U.S. authority within the community. How Fremont resolved this crisis is further indicative of American reticence to engage in confrontations with the Cuban population.

Fremont assumed that the arrest of the American teamster was not a coincidence or mistake. Both the *alcalde* and the police knew that the American garrison was outside of the city's judicial and administrative authority. Fremont theorized that both the police chief and the mayor's provocations were an effort at galvanizing political support for their administration. Rather than initiate a public confrontation, he solicited the support of the local criminal judge and then confronted the *alcalde* in a private meeting. The commander at Sancti Spíritus allowed the judge and the mayor to discuss the circumstances of the arrest but found himself reliant on the judge's support, and the implied threat of his legal sanction in the Cuban courts, to re-establish the boundaries the mayor and the town's police chief transgressed. Ultimately, the *alcalde* and the police chief agreed to a more scrupulous observation of U.S. authority in the future, averting a further escalation in tensions within the town.³⁷

The incident revealed the depth of American commitment to avoiding a potentially de-stabilizing struggle for power and influence. Fremont, when forced to respond to the local police's public challenge to his authority, worked within the established channels of the existing civil leadership and leveraged their support for a peaceful and private resolution. While his confidential meeting did resolve the latest source of problems in the city, such a solution would not have mitigated the political damage wrought by the police chief's actions. In order to counter the perception of U.S. weakness in the community, Fremont would have had to extract some sort of concession from the local government that forced them to acknowledge American authority. Instead, he settled for a future recognition of U.S. power within their local garrison but allowed the arrest to stand. The result, however, makes sense if the American Army of Occupation's main concern was maintaining order and stability, not in

pursuing a positive political agenda. When viewed in the context of Brooke's aversion to major foreclosures on the island and the department commanders' tolerance for criticism toward the American Army and its leadership, Fremont's actions in Sancti Spíritus seem like an applied version of the examples set by his higher headquarters.

Actions As The Conditions Seemed To Demand

Aside from his initial guidance not to intervene in the civil administration of Cuba's individual cities and towns, the commanding general left his garrisons largely to their own devices in how to assist in the development of Cuba's lowest levels of government. Confronting the municipalities were a variety of challenges that required immediate action dictated by local conditions. No two municipalities were alike. Brooke recognized this and decided to "take such action as the conditions in each department seemed to demand and the finances permitted."³⁸ U.S. garrison commanders assumed the role of advisors for their communities and offered many of their *alcaldes* and *ayutamientos* access to resources and organizational methods otherwise unavailable to their communities. Rather than stifling local innovations in policy, the American Army of Occupation embraced this necessity. Brooke understood that stability required the adaptation of laws and regulations to local realities and gave policies developed at the municipal level considerable deference. This important bottom-up driven impetus revealed itself in three prominent ways: municipal tax policy, the establishment of public schools, and in curtailing Church interference in municipal affairs.

In Trinidad, the economic devastation of the city and its surrounding sugar production had been similar to other agricultural areas of Cuba. The city faced a near total economic collapse. One of the first areas of agreement between Colonel Brown, the official

representatives of the city, and the area's elites had been the necessity of reviewing the town's municipal regulations in an effort to simplify the town's fee structures and to find the resources necessary to ensure basic levels of subsistence for the population.³⁹ On the recommendation of a commission of local Cubans, Brown suspended a 20% war tax on all the goods sold within the city and initiated several other commissions to continue examining local taxes and regulations to find others ways to reinvigorate economic growth.⁴⁰

Brown's unilateral suspension of this kind of duty is significant for several reasons. First, Brown's decision effectively nullified a levy that the municipality collected on behalf of the central administration in Havana. His deferment of this excise's collection was sure to bring his deviation in policy to the attention of authorities in the island's capital. Second, Brown acted on his own responsibility without any prior consultation with the central administration or his superiors. He asked the town's officials what measures they believed could provide the town immediate economic relief and implemented their decision. Finally, not only did the administration in Havana not overrule Brown, it actually endorsed his judgment by adopting it as an island-wide policy designed to help ease economic stagnation.⁴¹ In effect, Brown's individual interruption of the war tax in Trinidad demonstrated that American garrisons not only remained responsive to local conditions in their towns but that General Brooke encouraged low level initiatives within the chain of command to address problems affecting the stability of their partnered communities.

Similarly, U.S. commanders were not idle in reviewing the basic concerns of the communities where they were stationed. One of the first things the American Army did in the various outposts it established throughout Cuba was to evaluate the educational

opportunities available to the island's children and adults. They were appalled at what they found.

Public schools in the American sense simply did not exist. Teachers often taught in leased buildings or in rented-out rooms in private homes with only the barest resources, in some cases without textbooks. In many instances the teachers had not been paid in years. A combination of private fees, donations, and charity funded the island's haphazard school system.⁴² These challenges, notwithstanding, departmental and garrison commanders set to work in establishing a rudimentary school system. These efforts varied by location but amounted to a considerable collective effort that laid the foundation for future efforts by the central administration in Havana.

In Trinidad, Colonel Brown and the *ayuntamiento* agreed to create a local school board to organize public education almost immediately after the United States Army took control of the city.⁴³ Despite a lack of municipal buildings in the town to house a school, Brown negotiated with the municipality's local clubs (private fraternal social organizations) to use their facilities. By the end of January, the colonel had managed to get the city's first high school running. He assigned an American lieutenant as the school's superintendent and another as an instructor to ensure the community's exertions to resuscitate its education programs maintained its momentum.⁴⁴

Brown, in cooperation with Trinidad's local government, did not stop there. Trinidad's district commander planned an adult education center in order to complement the city's high school. Funding, however, remained an issue. Despite a cash shortage, the *ayuntamiento* of Trinidad voted to turn over the profits from public land sales in the nearby Jibaca Valley over to Brown, or any charity of his choosing, to run two "industrial schools"

for the city, one for men and the other for women.⁴⁵ These industrial schools were to be devoted to literacy and job skills training needed by the community's local adults. Brown's labors were entirely independent of both the guidance and resources of his chain of command. He saw a need in Trinidad, and working with the city council, combined American organizational know how with the district's resources and charity to get the region's schools up and running.

U.S. commanders in other garrisons and departments remained similarly committed to ensuring that education remained high on the Army's agenda for the reconstruction of Cuban society. General Ludlow referred to education as the "vital question" that had "fallen short of satisfactory adjustment." He advised abandoning current efforts to centralize the education system and instead to give the municipalities primary responsibility for maintaining and supervising their own schools, albeit subject to the funding requirements of the central administration.⁴⁶ Likewise, General Wood found the current system of instruction entirely inadequate to demand. The governor of Santiago thought the "immediate establishment of a good school system imperative," and recommended a school organization modeled after the states of New York, Massachusetts, or Ohio to remediate Cuba's deficient system.⁴⁷ How to pay for such an expansion remained the question.

The American Army of Occupation did not have a ready answer but knew what they did not want. In Guanajay, the U.S. garrison commander intervened in a dispute between the town's teachers and the local *ayuntamiento*. The municipality, in compliance with General Wilson's orders, had forbidden teachers from collecting extra fees from students from wealthy families. The collection of these fees had been a legitimate source of income for many of the island's teachers under Spanish law. The military government when it banned

the practice, however, failed to provide local educators with any compensating salaries. The teachers took the city council to court to force the municipality to restore their right to collect their fees or to be paid directly by the local government. The lower Cuban courts sided with the teachers and ordered the *ayuntamiento* to pay their salaries since they were forbidden from collecting their traditional fees. The issue attracted the attention of General Wilson, who in a rare intervention into the island's court system, voided its decision. Wilson justified his intervention on "the fundamental principle of sovereignty that no state or government permits its funds to be garnished."⁴⁸

These funding disputes notwithstanding, U.S. commanders cobbled together local taxes, occasional funds from the central administration, and private charity, to establish a basic public school system where none had existed previously. In six months time school attendance rose from 13,834 in January of 1899 to 23,742 in June, an increase of more than 72%.⁴⁹ There was still enormous work to do to educate Cuba's children, but at least some communities had begun the process of recovery. Furthermore, these decentralized efforts, while endorsed by Brooke, did not receive any regular material or legal support until December of 1899. At that time, Brooke appointed a superintendent for the island's public school system and inaugurated its first school codes, arranging what many communities in consultation with their American advisors had already been implementing on their own.⁵⁰ The American Army of Occupation's creation of a public education system demonstrated that individual garrison and department commanders mattered in the development of critical state infrastructure. Their initiatives laid the foundation that authorities in Havana would later build on in order to achieve one of the most important legacies of the American Army in

Cuba. More importantly, education mattered as much for what it offered as for what it represented, a restoration of the island's civil life.

Another way that the lowest levels of the chain of command influenced important policy decisions of the Army of Occupation was in negotiating the boundaries between municipal authority and the traditional privileges afforded the Catholic Church by the Spanish colonial government in Cuba. While the Brooke administration debated the best method to sever the Catholic Church's involvement in the island's civil life without scandalizing the McKinley Administration, Cuba's municipalities were struggling with the same issue. At the center of most disputes between the Church and the Army of Occupation was the question of what property belonged to the Church and what property belonged to the Spanish state.

When the United States occupied Cuba, it inherited these unresolved property questions. For local governments, one of the most important questions stemming from these property disputes was who controlled Cuba's cemeteries? Under the previous regime, the Catholic Church controlled not only the island's graveyards but burial practices as well. The Church did not want to cede any control in the cemetery question, likely animated by the fear that the precedent might be invoked in other property disputes between it and the emerging Cuban state. The municipalities for their part wanted control over where cemeteries were located, the ability to regulate internment practices, and finally the power to authorize the burial of individuals, including Catholics, in secular graveyards if needed. Further illustrating the complex inter-play of state and religious interests, some of these cemeteries, despite not being ecclesiastically managed, were on church lands or utilized Church owned buildings.

The problem of who controlled the island's cemeteries came to head during the initial phase of the occupation. Many Cuban officials believed that cemetery management should be a civil affair. The Church disagreed and argued that under Spanish law it controlled the details of burial arrangements and that since many of these cemeteries used Church lands or property that it deserved compensation. Brooke's Secretary of State and Government Méndez Capote called the issue "a most delicate one, due to the traditional customs of the country."⁵¹ Nor was the strain on the municipalities a small one; Méndez Capote characterized the burden of the Church's control as an "ancient tyranny."⁵² While this was perhaps an exaggeration during ordinary times, this was not a normal time in Cuba. Hundreds if not thousands of *reconcentrados* continued to die during the initial months of the occupation due to the effects of prolonged disease and malnutrition.⁵³ The Church's dispute with local governments around the island could not have made burial arrangements for these unfortunate people easy or efficient. Sensing that the American Army might be more sympathetic than the Cuban court system, the municipalities appealed to U.S. garrison commanders to support their assertions of authority over the island's cemeteries.

Despite the legal complexity of the situation, the American Army of Occupation attempted to break the deadlock. In Trinidad, Colonel Brown decided that the *ayuntamiento* of Trinidad had the better argument and declared the municipality empowered to control all of the cemeteries and burials within the city. Furthermore, he prohibited the Church from charging any fees or accepting any salaries for funerals or burials. Additionally the colonel ended the Church's control over who could be buried where by ordering "all persons are entitled to respectable burial in the cemeteries, without regards to faith or creeds or accidents of death."⁵⁴ While he remained silent on who owned the land and buildings the cemeteries

used, Trinidad's district commander made it clear that the Church's interests had limits and that when its privileges conflicted with the newly developing Cuban state, those rights could be circumscribed.

Brown's support for Trinidad established a precedent on how to negotiate the boundaries between the Catholic Church's traditional rights and the needs of a secular Cuban state. Twenty-nine other municipalities soon followed Trinidad's example and appealed to American authorities and the provisional Cuban government for control of their cemeteries.⁵⁵ Brown's order abolishing the Catholic Church's right to control the burial process in Trinidad preceded Brooke's orders to the same effect by nearly four months.⁵⁶ Also, like Brown, Brooke refrained from weighing in on the ultimate fate of each piece of property but rather left the issue for the courts to decide on a case-by-case basis. Brown and other U.S. commanders' support for municipal challenges to the Catholic Church again demonstrated just how important low and mid-level commanders were in the development of Cuba's new civil institutions. Furthermore, the American role in secularizing Cuba's cemeteries revealed that policy initiatives in the Army of Occupation traveled up as well as down the chain of command in Cuba.

The American Army of Occupation's garrison and district commanders influenced the development of the Brooke administration's policies in taxation, education, and in its relations with the Catholic Church. Brooke allowed his subordinate commanders tremendous discretion in the modification of political and economic power within their communities. This at times required either significant deviation from the island's traditional policies or for the wholesale production of new ones. Brooke's toleration of his municipal governments' limited re-ordering of political, social, and economic authority within their jurisdictions

demonstrated his commitment to the pursuit of stability where adaptation to local conditions remained essential to success.

Changing The Customs Of A People

The American Army of Occupation demonstrated its commitment to stability in one final aspect; Brooke and his subordinates only pursued organizational reforms of the island's legal institutions while maintaining Cuba's inquisitorial system of justice despite tremendous pressure for additional reforms. The final section of this thesis will explore what those reforms were, why other reforms were rejected, and how these reforms related to stability within Cuba.

One of the most controversial aspects of Brooke administration policy among his contemporaries was his commitment to maintaining the inquisitorial character of the Spanish legal system. In an inquisitorial system, judges participate in the investigation and prosecution of crimes and thus are not neutral in court proceedings. Furthermore, these less than impartial judges wield tremendous power in the Spanish legal tradition, incarcerating people without even informing them of the charges against them. The Army of Occupation, however, was not wed to maintaining the system exactly as it was under Spanish rule. Brooke willingly reformed and rehabilitated elements of the Spanish system that he and his advisors thought did not function effectively.

Army officers, however, realized there were theoretical and practical limits on their ability to pursue these reforms without destabilizing Cuba's legal system. Brooke's legal advisor, Major Dudley explained:

Radical changes in the law which might be made in territory wholly subject to the United States, with a view to the introduction of American systems of law or procedure, cannot well be made in a country which we are holding, as a friendly territory, under belligerent rights acquired through our war with Spain, with the object

of enabling a stable government to be established. It is necessary to consult the views of the representatives of the people who are to form the new government as to such changes, and to act in accordance with what will be for the best interest of their future, setting aside our own personal views; for they have grown up under an entirely different system of government from our own, are accustomed to their own laws and methods of procedure, and it is not easy to change the entire customs of a people, even for the better, until they are educated to the necessity therefor and the wisdom of doing it. It is necessary also, before such changes are made, to consider the effect upon the entire system of laws, as some proposed changes, if many in number, would result in the necessity for a complete change of the system, and for that the people are not yet prepared.”⁵⁷

Dudley expressed in a single paragraph the entire philosophical premise of American Army policy under Brooke. His reforms attempted to reinvigorate Cuba’s justice system, to make it more effective in the administration of justice, but not to change its core functions without popular consent. Brooke’s handling of the issues of *incomunicado*, *habeas corpus*, and the re-organization of Cuba’s court system are all illustrative of this phenomenon. The general’s changes were aimed at liberalizing Cuba’s administration but without fundamentally changing its inquisitorial character in order to ensure continued legal stability on the island.

One of the first Spanish legal traditions Brooke addressed was the custom of holding accused criminals *incomunicado*. *Incomunicado* allowed judges and police to hold criminal suspects sequestered in jail until the local judge of instruction and his notaries could examine them to their satisfaction. Suspected criminals were not allowed to communicate with anyone outside of the local jail until this examination had taken place. If the judge decided the man was guilty, the judge then referred the man’s case to the next level court, the nearest *audencia*, and kept the suspected criminal in jail until the provincial court could try him. The first judge’s decision of likely guilt had no legal effects other than a continuation of the process. If, however, the judge ruled the man innocent, the suspect would be released.⁵⁸ In practice, men often languished in jail for months or even years without even

knowing what they were charged with while awaiting the arrival of additional evidence or witnesses the judges and notaries required before examining defendants.

Americans found this legal practice abhorrent. Major Dudley described it as “a relic of the dark ages, with a slight touch of the inquisition.”⁵⁹ Brooke thought that the practice was an important element in the general corruption of the court system that served primarily as a form of black mail by court officials.⁶⁰ If it was possible, the American press was even more hostile to the custom and considered its banishment an essential reform in the redemption of Cuba.⁶¹ This hostility was in part born of the popular conception of America’s mission to liberate Cuba from Spanish tyranny. For many, the continuance of *incommunicado* remained at odds with this duty. Adding further fuel to the fire, the Cuban people too appeared to express their intense dislike of the practice. Strikers in Havana incorporated the prohibition of *incommunicado* as one of their demands to U.S. and Cuban officials.⁶²

When these factors combined, the political pressure to ban the practice of *incommunicado* became too great and some reform had to be initiated. Initially, Brooke left it to his department commanders to mitigate the worst aspects of *incommunicado* and supported their efforts at releasing individual prisoners held unjustly. Ludlow confined this policy to Americans being held by the Cuban authorities, resulting in yet another lawsuit against him before the Havana courts.⁶³ The more thorough and systematic General Wilson reviewed his prison rolls in Mantanzas and Santa Clara and released anyone who did not have charges registered against them in their prison records.⁶⁴ Wood made similar efforts in Santiago and Puerto Principe.⁶⁵ While the department commanders’ individual exertions did meet with some limited success, the non-recognition of military authority (aside from

General Brooke) in this matter by Cuban officials sometimes resulted in the re-incarceration of previously released defendants.

The debate within the military government over the introduction of writs of *habeas corpus* followed a similar trajectory as the debate over *incommunicado*. Brooke and his subordinates clearly believed that the island's legal system would benefit from a direct introduction of the concept.⁶⁶ General Wood, during his brief tenure in independent command, had initiated *habeas corpus* in Santiago's courts, only to have Brooke suspend his work and restore Spanish law.⁶⁷ The American press, too, again applied tremendous pressure to Brooke to implement *habeas corpus*, describing it as "the very essence of human liberty as it is understood by the Anglo-Saxon races."⁶⁸ The *Washington Post* went so far as to demand Brooke's resignation over the issue claiming, "so far as regards personal liberty; so far as regards the restoration of individual rights and the civilized methods of free government, Brooke has not improved one iota the situation as it existed under Weyler." The *Washington Post* believed Brooke was not willing to make the necessary changes to Cuba's political structure to "meet the demands of modern civilization."⁶⁹ As far as *habeas corpus* was concerned, they were right.

The chief obstacle was the opposition of the Cuban legal profession. Brooke's local legal advisors argued that the Anglo-American concept of *habeas corpus* was unnecessary and that the Spanish legal system already provided criminal defendants similar legal remedies although through a different procedure. The Cubans claimed that instead of a summary proceeding, Spanish criminal law allowed for a special "method" of appeal, which resulted in the same effect, the release of illegally detained defendants. Brooke continued to hope, right until the end of his administration, that his advisors could devise a reform in this

method of appeal that might end the widespread practice of indefinite detention but without conflicting in a serious way with the normal functions and administrative procedure of Cuban criminal justice.⁷⁰

In an attempt to placate his critics, in July of 1899, Brooke issued General Order No. 109. Section one explicitly forbade the practice of *incommunicado*, while sections two through eleven conferred rights and protections for accused criminals that more or less matched American conceptions of justice but otherwise did not alter the operation of the Cuban justice system. Among these rights were the right to remain silent, the right to obtain legal counsel, and the right to a public hearing and bail under most circumstances.⁷¹ These protections, however, remained subject to the function of the traditional Cuban justice system, i.e. Cuba's inquisitorial judges still had the final say in interpreting when and how these protections applied. Thus, the order fell well short of the reforms Brooke's critics wanted to see enacted. His subordinates, however, did not universally condemn his limited approach to judicial reform. In a letter to Senator Foraker, General Wilson wrote, "if we were going to start out in this world to impose courts upon all the people who we might like to deal with, we would have a larger contract than we should be able to carry out." He concluded his letter by stating that the courts in Cuba were already as good as the courts in the American South.⁷²

The difference between the reform of *habeas corpus* and *incommunicado* lay in the remedies attempted by Brooke's advisors and in the level of popular support for reform. Brooke refrained from introducing *habeas corpus* because he did not believe that he had exhausted the possibility of a more limited approach to reforming the Cuban justice system on this issue. Furthermore, introducing writs of *habeas corpus* was neither popularly

understood nor supported. In contrast, eliminating *incommunicado* had some popular following in Cuba, as is evidenced by the Havana strikers listing it as one of their demands. Moreover, Brooke's other more limited attempts at mitigating the worst aspects of the practice had already been exhausted. Thus, Brooke supported the elimination of *incommunicado* while resisting the introduction of *habeas corpus*.

While he conceded that legal reforms were required, the commanding general adopted the position that it was not the law that was necessarily defective but the quality and competence of the judges and other officers of the court whose jobs were to oversee it. Brooke's belief that Spanish law provided adequate legal protections for defendants led him to examine the structure of the Cuban court system and the credentials of its judges and officials. The primary problem, he argued, was that the officers of the court were paid too little and too haphazardly to draw the best men of the legal profession. Private legal practices remained too lucrative to compete with the court's fee system to entice the island's best legal minds and effective administrators.⁷³ Furthermore, the system of charging litigants fees seemed to incentivize the creation of an ever more elaborate and byzantine system of court procedures that functioned less to provide justice and more to provide judges and their subordinate employees a steady source of revenue to pay their salaries. Major Dudley claimed "that the methods of collection of such illegal fees had through long years of use, attained the highest point of perfection, and it is difficult to say what official was free from it."⁷⁴ Brooke wanted to professionalize Cuba's courts by standardizing their organization, their jurisdiction, and by removing their incentives to obstruct the completion of judicial proceedings.

Brooke began with a re-structuring of the Cuban court system. He consolidated the responsibilities of the “*tribunal local contencioso administrativo*”—a court with ill-defined jurisdiction over government administrative functions—and transferred their responsibilities to the provincial *audencias* who now had the primary role in assessing initial appeals to annul an established legal judgment.⁷⁵ The general also abandoned the divided court organization of the *audencias* he had inherited from Spain. Previously, only three of the island’s six *audencias* could hear both civil and criminal cases. Instead, Brooke empowered all of the *audencias*, one in each province, to have both kinds of jurisdiction.⁷⁶ Furthermore, he created a Supreme Court for the island so that decisions from the island’s *audencias* could be reviewed for correctness and uniformity.⁷⁷

Brooke’s reforms addressed three important complaints about the Cuban justice system’s efficiency. First, by providing an unvarying court organization with well-defined jurisdictions and responsibilities, the courts and litigants could now pursue legal action in a predictable and, ideally, economical fashion. Moreover, the standardized jurisdiction and statement of court responsibilities eliminated, in theory, needless interference from un-related courts or officials who obstructed the advancement of litigation. Under the Spanish system, jurisdictional ambiguity had been a major boon to court officials soliciting fees. Finally, by creating a Supreme Court with the responsibility of overseeing the function of the island’s lower courts, Brooke provided the Cuban court system with a mechanism to ensure some uniformity of legal precedent was established throughout the island. Most importantly, however, judges retained their traditional roles and authority.

The final major reform Brooke initiated of the Cuban court system was his decision to abandon Spanish methods of paying for the courts. Brooke and his advisors assigned each

court a fixed number of authorized employees, each with defined responsibilities in the administration of justice. Everyone who worked for the courts would now be a salaried employee. Anyone not listed as a salaried public employee in an authorized position was forbidden from working as a court official. The collection of the traditional fees that the court system had previously solicited, the American Army of Occupation prohibited. Even the suggestion of a gift or fee to an officer of the court could be prosecuted under the island's penal code.⁷⁸

Brooke's reforms achieved a dual purpose. Now that the Cuban court system offered regular compensation to its employees, the courts could now compete with private legal practices for the best legal minds. Additionally, Brooke hoped that by giving court employees a salary, it would eliminate the incentive to deliberately draw out cases in the hope of collecting additional fees. These reforms, like the re-organization of the courts, aimed not at changing the functions of the court system but at increasing its efficiency by attracting competent employees and incentivizing the efficient administration of justice. Cuba's distinctive role for its judges and their powers remained largely intact.

Brooke's limited reforms of Cuban justice revealed several important aspects of how the American Army of Occupation viewed their responsibilities in Cuba. The Army recognized that the types of legal reforms that an outside power could impose were limited. Radical legal changes imposed by the United States would have sowed chaos in Cuba's fledgling legal system. The narrowly tailored modifications that Brooke did undertake were aimed at increasing the legitimacy of the existing legal system in Cuba, not in altering it to better suit American tastes. Significantly, with the sole exception of banning the practice of *incommunicado*, Brooke largely left the traditional practice of Spanish-style legal procedure

in place. While he did consolidate some functions of the Cuban court system, he ensured that it retained its basic inquisitorial character, despite tremendous political pressure to the contrary. Consequently, Brooke's legal reforms illustrated that his pre-eminent concern, above all else, remained preserving Cuba's fragile political and legal stability.

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- ¹ Brooke, *Civil Report*, 15.
- ² Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 15.
- ³ Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 5-6.
- ⁴ DMCDT, 8 January 1899, 32.
- ⁵ DMCDT, 20 January 1899, 38.
- ⁶ DMCDT, 24-25 January 1899, 39.
- ⁷ Extension of Captain-General Ramón Blanco Decree of March 5, 1898, 29 March 1899, *Civil Report*, 31; J.A. Gonzáles Lanuza, "Report of J.A. Gonzáles Lanuza," 16 September 1899, *Civil Report*, 250.
- ⁸ Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 5-8.
- ⁹ General Order No. 46, 24 April 1899, *Civil Report*, 40.
- ¹⁰ Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 5-8.
- ¹¹ Wilson to Brooke, 28 June 1899, Box 44, Wilson Papers.
- ¹² Healey, *United States in Cuba*, 100-01.
- ¹³ Wilson to Brooke, 28 June 1899, Box 44, Wilson Papers.
- ¹⁴ Healey, *United States in Cuba*, 100-01; Wood to Roosevelt, 3 August 1899, Box 27, Wood Papers.
- ¹⁵ McCallum, *Rough Rider*, 136-37.
- ¹⁶ Chaffee to Wood, 10 January 1899, Box 27, Wood Papers.
- ¹⁷ Wood to Mrs. Wood, 4 October 1899, Box 190, Wood Papers.
- ¹⁸ Wood to AG Military Division of Cuba, 31 October 1899, 44, E1491, vol. 1, RG395.
- ¹⁹ Ludlow to Root, 4 January 1900, Box 10, Root Papers; Ludlow to Root, 29 January 1900, Box 4, Root Papers.
- ²⁰ Ludlow to Root, 8 February 1900, Box 10, Root Papers.
- ²¹ Ludlow to Root, 8 February 1900, Box 10, Root Papers.
- ²² Wood to Root, 13 January 1900, Box 28, Wood Papers.
- ²³ Wood to Root, 8 February 1900, Box 28, Wood Papers.
- ²⁴ Foner, *Spanish-Cuban American War*, 2:493-503.
- ²⁵ Abrahmson, *America Arms*, 130.
- ²⁶ Priscilla Murolo, "Wars of Civilization: The U.S. Army Contemplates Wounded Knee, the Pullman Strike, and the Philippine Insurrection," *International Labor and Working Class History*, no. 80 (Fall 2011), 79-82, accessed February 15, 2015, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com.lib-ezproxy.tamu.edu:2048/docview/901161485?accountid=7082>.
- ²⁷ Nelson Miles, "The Lesson of the Recent Strikes," *North American Review* 159, no. 453 (August 1894): 183, accessed February 15, 2015, <http://www.jstor.org.lib-ezproxy.tamu.edu:2048/stable/25103380>.
- ²⁸ Robert Wooster, *Nelson Miles & The Twilight of the Frontier Army* (Lincoln: University of Nebraska Press, 1993), 198-99.
- ²⁹ War Department, *Annual Report of the Secretary of War* (Washington: Government Printing Office, 1894), 1: 57-8.
- ³⁰ William Ludlow, "Havana Strikers Warned," *New York Times*, September 27, 1899, accessed February 15, 2015, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/docview/95716299?accountid=7082>.
- ³¹ No one died in the suppression of the Havana strikes. See Foner, *Spanish-Cuban American War*, 493-503. In a strike in Sacramento, U.S. troops fired into strikers and killed at least one man. Following the incident, General Wesley Merritt argued that the Army's use of bayonets and sabers to disperse strikers was no longer enough and recommended the Army examine how to employ its Maxim guns to supplement its effectiveness. See Priscilla Murolo, "Wars of Civilization: The U.S. Army Contemplates Wounded Knee, the Pullman Strike, and the Philippine Insurrection," 81.
- ³² Foner, *Spanish-Cuban American War*, 2:502.
- ³³ Wilson to H.V. Boyton, undated, 99, Box 45, Wilson Papers.
- ³⁴ Editorial, *Diario Del Marino*, 5 November 1899, accessed December 26, 2014, World Newspaper Archive.
- ³⁵ Editorial, *Diario Del Marino*, 5 November 1899, accessed December 26, 2014, World Newspaper Archive.
- ³⁶ Editorial, *Diario Del Marino*, 17 November 1899, accessed December 26, 2014, World Newspaper Archive.

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- ³⁷ Fremont to AGMSCP, 11 August 1899, E1993, RG395.
- ³⁸ Brooke, *Civil Report*, 12.
- ³⁹ DMCDT, 22 December 1898, 26.
- ⁴⁰ DMCDT, 19 January 1899, 37.
- ⁴¹ General Order 44, 19 April 1899, *Civil Report*, 39. Brooke did not formally abolish the island's war taxes until the publication of this order, three months after Brown recognized the necessity of abolishing the tax.
- ⁴² Guillermo Dolz, "Report of Guillermo Dolz Civil Governor of Pinar Del Río," *Civil Report*, 349-50.
- ⁴³ DMCDT, 26 December 1898-5 January 1899, 27-33.
- ⁴⁴ DMCDT, 28 January 1899, 42-4.
- ⁴⁵ DMCDT, 17 January 1899, 34-5.
- ⁴⁶ Ludlow, "Special Report of Brig. Gen. William Ludlow," 15 September 1899, *Civil Report*, 363.
- ⁴⁷ Wood, "Special Report of Brig. Gen. Leonard Wood," 20 September 1899, *Civil Report*, 369.
- ⁴⁸ Wilson to the Commander of Mantanzas District, 24 April 1899, E1324, RG395.
- ⁴⁹ Adna Chafee, "Report of Adna Chafee (exhibits N-S)," 20 October 1899, in *Civil Report*, 149-162.
- ⁵⁰ General Order No. 226, 6 December 1899, *Civil Report*, 457-62.
- ⁵¹ Domingo Méndez Capote, "Report of the Department of State and Government," 16 September 1899, *Civil Report*, 180.
- ⁵² Domingo Méndez Capote, "Report of the Department of State and Government," 16 September 1899, *Civil Report*, 180.
- ⁵³ Hearing before the Select Committee on Relations with Cuba, Statement of Maj. Gen. John R. Brooke, 56th Cong., 1st sess., January 29, 1900, 4.
- ⁵⁴ DMCDT, 17 January 1899, 36.
- ⁵⁵ Domingo Méndez Capote, "Report of the Department of State and Government," 16 September 1899, *Civil Report*, 221-23.
- ⁵⁶ General Order No. 38, 12 April 1899, *Civil Report*, 33.
- ⁵⁷ Dudley, "Report of Major Edgar S. Dudley," *Civil Report*, 164.
- ⁵⁸ Hearing before the Senate Committee on Relations with Cuba, Conditions in Cuba, 56th Cong., 1st sess., January 12, 1900, 7.
- ⁵⁹ Dudley, "Report of Major Edgar S. Dudley," in *Civil Report of Major-General John R. Brooke*, 165.
- ⁶⁰ Brooke, *Civil Report*, 11.
- ⁶¹ "Cruel Prison System," *Washington Post*, 1 April 1899, accessed December 28, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/lib-ezproxy.tamu.edu:2048/docview/144100851?accountid=7082>; "Believes Cuba Cannot be Conquered," *Chicago Daily Tribune*, 8 June 1897, accessed December 28, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/docview/175504070?accountid=7082>; "The Cuban Courts Corrupt," *Savannah Tribune*, 8 April 1899, accessed December 28, 2014, America's Historical Database.
- ⁶² "Ultimatum to Mayor," *Washington Post*, 22 September 1899, accessed December 28, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/lib-ezproxy.tamu.edu:2048/docview/144183012?accountid=7082>. The Havana Cartmen's strike was a component of a larger labor movement underway in Havana and was primarily concerned with securing laborers an eight-hour workday.
- ⁶³ "Incommunicado Law in Cuba," *New York Times*, 10 April 1899, accessed December 28, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/docview/95720769?accountid=7082>.
- ⁶⁴ Hearing before the Senate Committee on Relations with Cuba, Conditions in Cuba, 56th Cong., 1st sess., January 12, 1900, 9.
- ⁶⁵ Wood, "Special Report of Brig. Gen. Leonard Wood," 20 September 1899, *Civil Report*, 368.
- ⁶⁶ Dudley, "Report of Major Edgar S. Dudley," *Civil Report*, 167; John R. Brooke, *Final Report of Major General John R. Brooke, U.S. Army, Military Governor of Cuba on Civil Matters Concerning the Island of Cuba* (Havana, Cuba: Military Division of Cuba, 1899), 6-7.
- ⁶⁷ McCallum, *Rough Rider*, 129-34; "The Work of General Wood," *New York Times*, 18 June 1899, accessed December 29, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/docview/95726625?accountid=7082>.

⁶⁸ “Brooke’s Autocracy in Cuba,” *Washington Post*, 26 September 1899, accessed December 29, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com/lib-ezproxy.tamu.edu:2048/docview/144073757?accountid=7082>.

⁶⁹ “Brooke’s Autocracy in Cuba,” *Washington Post*, 26 September 1899.

⁷⁰ Brooke, *Final Report*, 6-7.

⁷¹ General Order No. 109, 13 July 1899, *Civil Report*, 71.

⁷² Wilson to Foraker, 12 August 1899, 45, Box 44, Wilson Papers.

⁷³ Brooke, *Civil Report*, 11.

⁷⁴ Dudley, “Report of Major Edgar S. Dudley,” *Civil Report*, 165.

⁷⁵ General Order No. 33, 1 April 1899, *Civil Report*, 32.

⁷⁶ Dudley, “Report of Major Edgar S. Dudley,” *Civil Report*, 165.

⁷⁷ General Order No. 40, 13 April 1899, *Civil Report*, 34.

⁷⁸ General Order No. 80, 15 July 1899, *Civil Report*, 49-53.

CHAPTER V

CONCLUSION: I FIND IT WISE TO PROCEED SLOWLY

In the fall of 1899, there were signs that McKinley was reconsidering American policy and strategy in Cuba. Brooke must have sensed something was up. As early as the end of September, he offered a pre-emptive defense of his government to the President. The general explained what his administration had accomplished, and most importantly, why it had not achieved more. He wrote to McKinley that he had acted in accordance with his understanding of his instructions and inferred his priorities from the President's editing of his initial proclamation establishing the military government. Brooke claimed to have achieved everything that McKinley asked of him, with the sole exception of mixing with the island's elites. He complained it was impossible to form relationships with the leading men of Cuban society without committing the United States to one faction or another. The commander of the American Army of Occupation then indulged in a bit criticism of the President and his advisors. He claimed that the rumors circulating in Washington about his replacement were having a negative effect on the domestic political situation in Cuba, and not to the benefit of the United States. Brooke concluded his letter by stating, "I have not been able to do all that I wanted to do, for many reasons; chief of which is the very peculiar people with whom I have had to deal; and the others may be comprised in one short sentence: I find it wise to proceed slowly. The reason for this is obvious."¹

Unfortunately for General Brooke, not everyone in Washington agreed with his assessment that the need to proceed slowly was indeed obvious. In fact, a sizeable cabal in Washington, working in conjunction with Brooke's most ambitious subordinates (Ludlow, Wilson and Wood) instigated rumors about replacing Brooke. The American press began to

report that the McKinley Administration intended to appoint General Wood to command but as a civil governor of the island. The implications of such a move, if true, were obvious to the Cuban people; the United States intended to annex the island. The result was an immediate outpouring of Cuban support for independence.² Whether there was any truth to the idea that McKinley wanted to appoint Wood as a civil-governor for the island is unknown; what is known is that McKinley did agree that it was necessary to change the strategic direction of U.S. policy in Cuba and with it, the leader who set that direction.

Aware that Administration reluctance to discuss Cuba's political future was destabilizing the island, Root finally published a statement of American plans to end the occupation. Root described U.S. control as "temporary" and suggested that the American military government would continue to facilitate a census, which would allow for elections of the *ayutamientos* and representatives to a Constitutional convention. Root then suggested that after such a convention and the formation of a national government, the United States would "surrender the reins of government."³ The census was already half completed. Theoretically, this made elections possible within the next year. This was the first time the McKinley Administration had announced anything like a timeline for its mission in Cuba or laid out policy milestones for the public to evaluate. Root's publication of specific goals to prepare Cuba for independence achieved its purpose and quieted the up-roar in Havana.

Root's clarification of U.S. policy in Cuba was also significant in that it confirmed a new strategic direction. Root argued that any future government had to be built from the bottom-up, and in a back-handed condemnation of the Army's efforts during its first year, Root denied that the island had any experience of "real self-government."⁴ This, of course, is a matter of contention. U.S. policy during the first year of the occupation had been explicitly

designed just for that purpose. To what degree the Cuban people achieved this, under Brooke, is of course debatable but what is undeniable is that Cubans had far more control over their own affairs than under Spanish rule or under the military government that was to follow Brooke.

Root disingenuously argued that the island's political factionalism and instability required a slow transition to Cuban independence. While Root publicly committed the United States to transferring sovereignty over to a Cuban government in the future, the McKinley Administration decided that this did not necessarily exclude the possibility of future annexation by the United States, albeit on a voluntary basis. This plan, which Wood characterized as "annexation by acclamation," involved uprooting the government that Brooke created and allowing the American Army in Cuba unfettered rule. Wood believed direct American control was needed to implement the changes required to impress the Cuban people with the benefits of annexation by the United States.⁵

Such a policy, of course, was inimical to what Brooke had pursued and required a change in leadership. McKinley ordered Wood to assume command in Cuba on December 20, 1899 and ended the American Army of Occupation's brief experiment in Cuban control over multiple levels of government simultaneously. While ultimate authority always remained with Brooke, the general still allowed his Cabinet to govern Cuba's day-to-day affairs and delegated to them extraordinary responsibilities and power. At the local level, Cuban authority determined the direction and course of their affairs.

In General Wood's new government these gains in local control were reversed. The central administration and its Cuban members still had a voice in the island's affairs but never advanced or implemented significant policy initiatives without Wood's direction.

Wood alone determined what was best for Cuba. Representative of this shift in mindset, he altered the formula of the orders published by the military government. Under General Brooke these orders read, “The military Governor directs the publication of the following order....” Instead, under Wood’s leadership, the military government’s orders declared, “I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following order....”⁶ Furthermore, Wood made every level of Cuban government subject to American veto, gradually removing the Cuban people’s ability to appeal his decisions.⁷ The only area of responsibility where Wood tolerated marginal levels of Cuban control over their own affairs was at the municipal level, but even here, Wood interfered. He mandated reforms in municipal constitutions, forcing cities to adopt new charters according to Wood’s interpretation of the best elements of American law.⁸

The legitimacy of Cuba’s new government was a secondary concern for Wood. Cuban desires mattered only in so far as they advanced Wood’s agenda and in that respect contrasted starkly with his predecessor. His methods and the positive press they received established what would become the U.S. Army’s standard model of large-scale democratic nation building: a methodical transition from the bottom-up managed from the top of the occupation government, with a decided emphasis on reforming or modernizing an occupied nation’s civil institutions to suit American tastes. But did it need to be this way?

The American Army of Occupation’s record speaks for itself. When Brooke departed Havana in December of 1899, the United States only required 11,000 troops to maintain order on an island of over a million and half people. While Brooke does deserve some of this credit, his subordinates in U.S. outposts large and small also deserve their fair share of the honors associated with the Army’s accomplishments. For historians with the benefit of

hindsight, it is worth asking, how did the Army manage such a complex task and why were its inaugural efforts widely considered a failure? The answer lies in the evolving view of American policy objectives in Cuba and the means available to obtain them.

The American Army of Occupation during its first year pursued a limited policy goal of stability in Cuba. U.S. legal reforms of Cuba's judicial system typified this commitment. General Brooke and his subordinates offered important reforms of the island's court system but he narrowly tailored the scope of the Army's proposals to enhance the legitimacy of Cuba's existing institutions. Brooke's re-organization of the Cuban justice system changed its form but retained the most important elements of Spain's legal traditions and character. Cuban judges retained their broad investigative powers and continued to function in a way consistent with their origins in an inquisitorial system. The debate over the introduction of *habeas corpus* and the end of *incommunicado* only further illustrated that Brooke only accepted reforms that were considered legitimate by the Cuban people and their leaders and only after more modest efforts to curtail these customs' worst effects failed. When considered as a whole, Brooke's conservative approach to changes in the island's system of justice, even where it undoubtedly cost him professionally, confirmed his commitment to preserving the island's stability above all else.

Similarly, Brooke encouraged his subordinates to understand and respond to the local circumstances of their communities and endorsed many of his junior commander's initiatives. His later adoption of many of these proposals proves that every level of the chain of command remained relevant in the development of island-wide policy. The American Army created public schools despite significant shortages in funds, teachers, and materials, all without any central direction or significant support from Havana. Additionally, U.S.

commanders at the garrison and district level empowered *ayutamientos* to establish new boundaries between the Catholic Church and the secular institutions of the budding Cuban state. Finally, Brooke empowered his subordinates to adapt to the conditions of their communities resulting in adjustments in tax policy across the island. He not only overlooked his subordinates' decisions to ignore Spanish law when it contradicted the best interests of their partnered communities, but often adopted these bottom-up generated policies as his own once they were proven effective. Brooke's toleration of policy deviations allowed the Army of Occupation to create and maintain stability under conditions of extreme economic, political, and social uncertainty.

The American Army of Occupation demonstrated its commitment to stability in other ways as well. They scrupulously managed circumstances that might lead to confrontations with the Cuban people, even where such an evasion damaged U.S. influence. Captain Fremont's battles with the mayor of Sancti Spíritus and the *alcalde's* politically motivated testing of the garrison's patience and Fremont's constrained response revealed just how important stability was to the United States. The American Army's department commanders likewise exhibited a similar dedication to avoiding clashes by their endurance of substantial criticism and scrutiny. American restraint in dealing with such hostility, despite the political damage attendant in such criticism, can best be explained by a commitment to a policy of promoting long-term stability on the island. A similar problem confronted General Brooke and the issue of managing foreclosures. Ultimately, he accepted uncertain but adverse financial consequences rather than risk the prospect of U.S. troops evicting Cuban families from their homes.

While the Army maintained its emphasis on promoting stability, one of the things it did not do was attempt to mobilize local support for a policy of annexation. Contentions that the United States Army attempted to replicate Spain's colonial system in Cuba by developing a political alliance with Spain's former colonial elite appear baseless upon the examination of records from different levels of the chain of command. At the garrison and department level, the United States rarely upheld Spanish colonial property rights. Even where they did, the Army was never prepared to use force to maintain Spanish privileges. Captain Fremont and General Wilson's problems in re-instating the Guitierrez contract over the objections of the local community are representative of this reluctance. This reticence to exercise American power on behalf of Spain's former colonial elites did not change further up the chain of command. In Havana, the American Army remained hostile to colonial Spanish interests, invalidating property rights and concessions without fanfare or payment to soften the blow. These policies remained fundamentally at odds with American attempts at recreating Spanish systems of colonial control in Cuba.

Similarly, U.S. commanders' discussions about what their mission was and should be, reveal the shortcomings in previous historical characterizations of the Army's operations as being premised on a policy of annexation. All discussions of annexation within the Army of Occupation took place among the department commanders and General Brooke. Brooke and his senior leaders could not agree among themselves about what their mission was or how they should pursue their conception of U.S. interests on the island. When annexationists did advocate preparing Cuba for permanent union with the United States, they also demanded radical changes in Brooke's system of military government. Below the department level, however, almost no one ever discussed their mission as one related to annexation.

Americans at the garrison level overwhelming characterized their task as one of temporary assistance to the Cuban people.

Underscoring this limited understanding of America's mission in Cuba was the type of government that the United States Army instituted. The Army of Occupation developed a dual-civil military government that gave the Cuban civil government wide authority in the formation of important policies at both the local and the central government level. In Havana, the Cuban Cabinet governed the island. Their control of Cuban affairs was complete enough that it antagonized U.S. department commanders sufficiently to lobby the War Department in order to preserve their authority to suspend civil employees from the Cuban Cabinet's encroachment. At the local level, U.S. commanders were ordered not to interfere except during emergencies that threatened to create unrest. This prohibition on intervention was so strong that it frustrated garrison commanders' ability to impose their preferred policy outcomes on recalcitrant Cuban civil authorities and in some instances enabled Cuban officials to keep garrison commanders completely ignorant of their community's basic concerns.

Finally, these policies developed as the direct result of the ambiguity in American intentions toward Cuba. While McKinley studiously avoided a public statement of support for Cuban independence, it was an explicit component of his instructions to Brooke. Most importantly, Brooke signaled both in his letters to McKinley and in the design of his military government that he interpreted his guidance that way. Equally important, the President tolerated, even if he did not support, Brooke's plan to conform to his orders. In essence, Brooke undertook to build Cuba's capacity for self-government but refrained from saying so publicly to maximize the McKinley Administration's political flexibility. Brooke recognized

that there were political limitations to what McKinley could support and when. His designs for Cuban self-government and the army's role in it was a plan ideally suited to these political circumstances. Consequently, rather than a year of directionless drifting, army policy during this first critical year of the occupation was both reasonable and largely successful in both maintaining the island's fragile stability and in preparing Cuba for eventual independence.

These conclusions suggest several important implications for understanding the American Army and its role in unconventional military operations and studies of American empire abroad. For military historians, this thesis should emphasize the importance of recognizing the contributions of different elements of the chain of command to the development and execution of national objectives abroad. Previous military historians have either ignored the role that these different elements played during the occupation or confined their contributions in policy development to their participation in the grand schemes of officials in Havana. American soldiers and officers at all levels are interpreters of American policy. How soldiers understand their mission and their role in the Army's operations often influences the methods that these soldiers employed to deal with challenging circumstances. In Cuba, widespread understanding of Brooke's intent by his subordinates not only likely prevented numerous confrontations but also gave the Cuban people enough confidence in American intentions to allow the re-establishment of basic civil life and institutions in Cuba.

Additionally, this study validates Brooke's desire to "proceed slowly" as a realistic assessment of the practical limitations of armies attempting to create or restore governments overseas. If changes must be made, they must be made incrementally and only if accepted as legitimate by the local population. This necessitates the careful cultivation of political

consensus and occupying armies historically have had limited success in encouraging this consensus if the army's proposed reforms are too numerous or radical for the people to accept. This was what Brooke meant when he complained to McKinley that he had to "proceed slowly." This fact, which Brooke found "obvious," continues to elude political and military thinkers into the modern day.

Similarly, an analysis of the Army during this period reveals an alternative model of reconstruction government. Brooke and his subordinates fabricated an organizational structure capable of performing the basic functions required of any government (tax collection, regulation, administration, and maintenance of order) in less than a year and with only low levels of political resistance to the entire process. He took care only to alter the aspects of Cuba's culture and institutions where these reforms were likely to be accepted as legitimate by the occupied population. Brooke's delegation of authority to the Cuban people also allowed Cuba's political institutions room to develop and make mistakes without U.S. interference. In short, Brooke allowed the Cuban government to gain invaluable experience while U.S. troops were able to manage the consequences at no additional cost to the United States. How much the Cuban government would have benefitted from two more years of similar experience remains pure conjecture, but the possibility is intriguing.

Wood's more vigorous approach to governance and liberal use of American power to intervene and direct Cuban affairs, not only failed to engineer "annexation by acclamation" but also left behind an un-stable republic without the legitimacy to command the loyalty of its people or its army. The American Army would return to occupy Cuba again in 1906, with the same model of direct governance and with similar results. Brooke's government and the Army's role in preparing Cuba for self-government offers military historians a glimpse into

the development of occupations based on realistic limited objectives that neither ignores the political realities of occupation nor the limitations of the Army asked to carry it out.

For historians of American empire, the myopic focus on unabashed imperialist sentiment in the United States and its uncritical projection onto the American Army has serious limitations for historical understanding. Elements of the U.S. Army were no doubt sympathetic to these ideas but these views existed on a continuum with other values. Men like General James Wilson intensely desired Cuba's annexation but they subordinated that wish to following their own interpretation of Congressional law. Honor and duty took precedence over politics for Wilson. It is doubtful that he was the only one. The bulk of the Army appears to have loyally attempted to implement their instructions, including those that prepared Cuba for independence.

Scholars should also never assume that any dominant idea or ideology in a historical period was ever implemented in the way its proponents intended. Unfamiliar circumstances often challenge people's preconceived ideas and values, including their views about politics, race, gender, and civilization. The outcome of such processes should never be anticipated. Wilson's experiences are again illustrative.

Wilson began the occupation believing the assimilative quality of American institutions would guarantee U.S. success in ruling its overseas possessions and he requested copies of educational articles summarizing the American Constitution, the Declaration of Independence, and the Articles of Confederation to distribute to the Cuban people to further that process along.⁹ While retaining his faith in the era's racial ideas about societal evolution, he soon adopted more practical solutions to achieve his goals, namely the negotiation of binding trade agreements to tilt the island's interests in favor of the United States. Wilson, at

one point, even defended the most distinctly un-American of Cuba's institutions: its justice system. Clearly, Wilson's experiences and the circumstances of the occupation changed his assessment of the value of some of his preconceived ideas. Similar challenges and their results have to be accounted for in the historical record otherwise history follows an ideological determinism that does not reflect the complexity of life as it existed.

Consequently, scholars of this era would be well served by moving the focus of their studies away from Washington and into the field where the Army operated in order to understand its attitudes and better establish the boundaries between imperial ideology and the mechanics of its implementation.

Potentially rewarding areas of future research remain for scholars of the American intervention in Cuba. The portion of the U.S. occupation covered by this thesis leaves unexamined the entire administration of General Wood. Undoubtedly, as the longer serving Governor General, his administration should be of equal interest to historians. While Wood's role during this period is well documented, historians have yet to consider the rest of the Army's contributions to the development of American policy. Likewise, how individual soldiers shaped the strategic environment in Cuba remains mostly unanalyzed. As the most visible symbol of American power, how these soldiers influenced and interacted with the Cuban people promises insight into important context about how American policy developed. The larger story of the American Army of Occupation and its interaction with the Cuban people remains untold.

Despite the Army's success in achieving the limited objectives the President outlined, later accounts of the Army during this period viewed it as a failure. General Wilson called it a "government of conquest" and claimed that its only redeeming feature was that under

Brooke “it was honestly and humanely administered.”¹⁰ David Edelstein wrote that by the end of 1899 Brooke and the Army’s efforts were “foundering,” necessitating his replacement.¹¹ This perception of the Army of Occupation’s first year, does not take into account the Army’s actual objectives as understood by General Brooke. The starvation and disease that the Army found when it initially occupied the island was under control. The military government in cooperation with the Cuban people and their representatives in Brooke’s government governed the island, giving them substantial experience in self-government. Despite periodic bouts of unrest, the Army of Occupation’s ability to maintain order in Cuba was never seriously in question. In short, the Army had pacified the island and had set the conditions for a transition to eventual Cuban independence, achieving everything that the President and Congress required. The Army’s operations and the policies it adopted were not only appropriate for such objectives but effective. If the McKinley Administration had maintained these limited goals, rather than attempting to rapidly Americanize the island in preparation for annexation, the first year of the Army of Occupation’s efforts would have been seen in a much different light.

Reflecting on the ambiguity of the initial circumstances of the occupation, General Wilson described the conclusion of his initial interview with General Brooke after taking command, “[General Brooke] gave me no specific instructions, but left me to take my own way through the maze which surrounded us both.”¹² Wilson did not offer this depiction as a criticism but as a statement of fact. It was, however, an apt metaphor. The ultimate policy of the military government, like the end of Wilson’s metaphorical maze, was invisible at its entrance. Once this obscurity is restored to historical understanding, Brooke’s occupation by

“induction” and the ongoing process of experimentation in policy that it implied, seems a much more reasonable approach than most scholars realize.

¹ Brooke to McKinley, 26 September 1899, McKinley Papers.

² Healey, *United States in Cuba*, 117-21.

³ Elihu Root, "The War Department: Secretary Root Reviews the Work of the Past Year," *New York Times*, 2 December 1899, accessed August 8, 2014, <http://lib-ezproxy.tamu.edu:2048/login?url=http://search.proquest.com.lib-ezproxy.tamu.edu:2048/docview/95735071?accountid=7082>.

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⁵ Hagedorn, *Leonard Wood*, 371.

⁶ McCallum, *Rough Rider*, 176.

⁷ McCallum, *Rough Rider*, 175-77; Healey, *United States in Cuba*, 132-33; Lane, *Armed Progressive*, 99-101.

⁸ Gillette, "Workshop for Progressivism," 421-22.

⁹ Wilson to Daniel Butterfield, 2 December 1898, 236, Box 43, Wilson Papers.

¹⁰ Wilson, *Under the Old Flag*, 2:479.

¹¹ Edelstein, *Occupational Hazards*, 94-5.

¹² Wilson, *Under the Old Flag*, 2:482.

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