

The Establishment of
Free Government in
Cuba



UNITED STATES BUREAU OF
INSULAR AFFAIRS

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This nation has assumed before the world a grave responsibility for the future good government of Cuba. We have accepted a trust the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how and how far is for the future to determine in the ripeness of events.—M'KINLEY.

THE ESTABLISHMENT OF FREE GOVERNMENT IN CUBA.

COMPILED

IN THE

U.S. BUREAU OF INSULAR AFFAIRS

FROM THE

RECORDS OF THE WAR DEPARTMENT.

APRIL 27, 1904.—Presented by Mr. Platt, of Connecticut,
and ordered to be printed.

WASHINGTON:
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LETTER FROM THE CHIEF OF THE BUREAU OF INSULAR AFFAIRS,
WAR DEPARTMENT, TRANSMITTING A COMPILATION SETTING
FORTH THE DOCUMENTARY HISTORY OF THE INAUGURATION
OF THE CUBAN REPUBLIC, AND ALSO A REVIEW OF THE
ADMINISTRATION OF THE GOVERNMENT OF INTERVENTION
IN CUBA UNDER MILITARY OCCUPATION.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, April 27, 1904.

SIR: I have the honor to bring to your attention the compilation, prepared in the Bureau of Insular Affairs, setting forth in detail the documentary history of the inauguration of the Cuban Republic, and also a brief but comprehensive review of the administration of the government of intervention in Cuba under military occupation.

This document was prepared, by direction of the Secretary, to meet constant inquiries received by the Bureau respecting the late military government of Cuba. Secretary Taft intended sending this compilation to you and suggesting the advisability of having it printed as a public document. In his absence, and by his direction, I send you copy of said paper, and respectfully request that the same be printed as a public document.

Very respectfully,

CLARENCE R. EDWARDS,
Colonel U. S. Army, Chief of Bureau.

Hon. O. H. PLATT, U. S. S.,
Senate Chamber.

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DOCUMENTARY HISTORY OF THE INAUGURATION OF THE CUBAN REPUBLIC, ETC.

"That the United States hereby disclaims 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;"

And whereas the people of Cuba have established municipal governments, deriving their authority from the suffrages of the people given under just and equal laws, and are now ready in like manner to proceed to the establishment of a general government, which shall assume and exercise sovereignty, jurisdiction, and control over the island: Therefore

It is ordered, That a general election be held in the island of Cuba on the third Saturday of September, in the year nineteen hundred, to elect delegates to a convention to meet in the city of Habana at twelve o'clock noon on the first Monday of November, in the year nineteen hundred, to frame and adopt a constitution for the people of Cuba, and, as a part thereof, to provide for and agree with the Government of the United States upon the relations to exist between that Government and the Government of Cuba, and to provide for the election by the people of officers under such constitution and the transfer of government to the officers so elected.

The election will be held in the several voting precincts of the island under and pursuant to provisions of the electoral law of April 18, 1900, and the amendments thereof.

The people of the several provinces will elect delegates in number proportionate to their populations as determined by the census, viz:

The people of the province of Pinar del Rio will elect 3 delegates.

The people of the province of Habana will elect 8 delegates.

The people of the province of Matanzas will elect 4 delegates.

The people of the province of Santa Clara will elect 7 delegates.

The people of the province of Puerto Principe will elect 2 delegates.

The people of the province of Santiago de Cuba will elect 7 delegates.

Under this call a second election was held on the 15th of September, 1900, under the same law and conditions as the municipal elections. The election was wholly under the charge of Cubans, without any participation whatever by officers or troops of the United States. The 31 members of the constitutional convention were elected, and they convened at Habana at the appointed time. The sessions of the convention were opened in the city of Habana on the 5th of November, 1900, by the military governor, who, by direction of the Secretary of War, communicated to them the following:

To the Delegates of the Constitutional Convention of Cuba.

GENTLEMEN: AS military governor of the island, representing the President of the United States, I call this convention to order.

It will be your duty first to frame and adopt a constitution for Cuba, and when that has been done to formulate what, in your opinion, ought to be the relations between Cuba and the United States.

The constitution must be adequate to secure a stable, orderly, and free government.

When you have formulated the relations which, in your opinion, ought to exist between Cuba and the United States the Government of the United States will doubtless take such action on its part as shall lead to a final and authoritative agreement between the people of the two countries to the promotion of their common interests.

All friends of Cuba will follow your deliberations with the deepest interest, earnestly desiring that you shall reach just conclusions, and that by the dignity, individual self-restraint, and wise conservatism which shall characterize your proceedings the capacity of the Cuban people for representative government may be signally illustrated.

The fundamental distinction between true representative government and dictatorship is that in the former every representative of the people, in whatever office, confines himself strictly within the limits of his defined powers. Without such restraint there can be no free constitutional government.

Under the order pursuant to which you have been elected and convened you have no duty and no authority to take part in the present government of the island. Your powers are strictly limited by the terms of that order.

It will be seen that the Cuban constitutional convention was elected and convened (1) to frame and adopt a constitution; (2) to provide for and agree with the Government of the United States upon the

relations to exist between that Government and the Government of Cuba, and (3) to provide for the election, by the people, of officers under such constitution and the transfer of government to the officers so elected.

In February, 1901, as the convention appeared to be drawing near the conclusion of the first branch of its work, the following instructions were sent to the military governor of the island:

WAR DEPARTMENT,
Washington, February 9, 1901.

SIR: As the time approaches for the Cuban constitutional convention to consider and act upon Cuba's relations with the United States, it seems desirable that you should be informed of the views of the Executive Department of our Government upon that subject in a more official form than that in which they have been communicated to you hitherto. The limitations upon the power of the Executive by the resolution of Congress of April 20, 1898, are such that the final determination upon the whole subject may ultimately rest in Congress, and it is impracticable now to forecast what the action of Congress will be. In the meantime, until Congress shall have acted, the military branch of the Government is bound to refrain from any committal, or apparent committal, of the United States to any policy which should properly be determined upon by Congress, and, at the same time, so far as it is called upon to act or to make suggestions bearing upon the course of events, it must determine its own conduct by reference to the action already taken by Congress, the established policy of the United States, the objects of our present occupation, and the manifest interests of the two countries.

The joint resolution of Congress of April 20, 1898, which authorized the President to expel the Spanish forces from Cuba, declared—

“That the United States hereby disclaims 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 the control of the island to its people.”

The treaty of peace concluded at Paris on the 10th of December, 1898, and ratified by the Senate on the 6th of February, 1899, provides in the first article that “as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property.”

It contains numerous obligations on the part of the United States in respect of the treatment of the inhabitants of the territory relinquished by Spain, such as the provision of the tenth article, that the inhabitants shall be secured in the free exercise of their religion; of the eleventh article, that they shall be subject to the jurisdiction of the courts, pursuant to the ordinary laws governing the same; and of the ninth article, that they shall retain all their rights of property, including the right to sell or dispose thereof, and the right to carry on their industry, commerce, and professions. The sixteenth article of the treaty provides that the obligations assumed in the treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof, but that it shall, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

Our occupation of Cuba has been under the binding force both of the resolution and of the treaty, and the pacification mentioned in the resolution has necessarily been construed as coextensive with the occupation provided for by the treaty, during which we were to discharge international obligations, protect the rights of the former subjects of Spain, and cause or permit the establishment of a government to which we could in good faith commit the protection of the lives and property and personal rights of those inhabitants from whom we had compelled their former sovereign to withdraw her protection. It is plain that the government to which we were thus to transfer our temporary obligations should be a government based upon the peaceful suffrages of the people of Cuba, representing the entire people and holding their power from the people, and subject to the limitations and safeguards which the experience of constitutional government has shown to be necessary to the preservation of individual rights. This is plain as a duty to the people of Cuba under the resolution of April 20, 1898, and it is plain as an obligation of good faith under the treaty of Paris. Such a government we have been persistently and with all practicable speed building up in Cuba, and we hope to see it established and assume control under the provisions which shall be adopted by the present convention. It seems to me that

no one familiar with the traditional and established policy of this country in respect to Cuba can find cause for doubt as to our remaining duty. It would be hard to find any single statement of public policy, which has been so often officially declared by so great an array of distinguished Americans authorized to speak for the Government of the United States, as the proposition stated, in varying but always uncompromising and unmistakable terms, that the United States would not under any circumstances permit any foreign power other than Spain to acquire possession of the island of Cuba.

Jefferson and Monroe and John Quincy Adams and Jackson and Van Buren and Grant and Clay and Webster and Buchanan and Everett have all agreed in regarding this as essential to the interests and the protection of the United States. The United States has, and will always have, the most vital interest in the preservation of the independence which she has secured for Cuba, and in preserving the people of that island from the domination and control of any foreign power whatever. The preservation of that independence by a country so small as Cuba, so incapable, as she must always be, to contend by force against the great powers of the world, must depend upon her strict performance of international obligations, upon her giving due protection to the lives and property of the citizens of all other countries within her borders, and upon her never contracting any public debt which in the hands of the citizens of foreign powers shall constitute an obligation she is unable to meet. The United States has, therefore, not merely a moral obligation arising from her destruction of Spanish authority in Cuba and the obligations of the treaty of Paris for the establishment of a stable and adequate government in Cuba, but it has a substantial interest in the maintenance of such a government.

We are placed in a position where, for our own protection, we have, by reason of expelling Spain from Cuba, become the guarantors of Cuban independence and the guarantors of a stable and orderly government, protecting life and property in that island. Fortunately, the condition which we deem essential for our own interests is the condition for which Cuba has been struggling, and which the duty we have assumed toward Cuba on Cuban grounds and for Cuban interests requires. It would be a most lame and impotent conclusion if, after all the expenditure of blood and treasure by the people of the United States for the freedom of Cuba and by the people of Cuba for the same object, we should, through the constitution of the new government, by inadvertence or otherwise, be placed in a worse condition in regard to our own vital interests than we were while Spain was in possession, and the people of Cuba should be deprived of that protection and aid from the United States which is necessary to the maintenance of their independence. It was, undoubtedly, in consideration of these special relations between the United States and Cuba that the President said in his message to Congress of the 11th of April, 1898:

"The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

"In view of these facts and of these considerations I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes."

And in his message of December 5, 1899:

"This nation has assumed before the world a grave responsibility for the future good government of Cuba. We have accepted a trust, the fulfillment of which calls for the sternest integrity of purpose and the exercise of the highest wisdom. The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own, but how and how far is for the future to determine in the ripeness of events. Whatever be the outcome, we must see to it that free Cuba be a reality, not a name, a perfect entity, not a hasty experiment bearing within itself the elements of failure. Our mission, to accomplish which we took up the wager of battle, is not to be fulfilled by turning adrift any loosely framed commonwealth to face the vicissitudes which too often attend weaker states whose natural wealth and abundant resources are offset by the incongruities of their political organization and the recurring occasions for internal rivalries to sap their strength and dissipate their energies."

And it was with a view to the proper settlement and disposition of these necessary

relations that the order for the election of delegates to the present constitutional convention provided that they should frame and adopt a constitution for the people of Cuba, and as a part thereof provide for and agree with the Government of the United States upon the relations to exist between that Government and the Government of Cuba.

The people of Cuba should desire to have incorporated in her fundamental law provisions in substance as follows:

1. That no government organized under the constitution shall be deemed to have authority to enter into any treaty or engagement with any foreign power which may tend to impair or interfere with the independence of Cuba, or to confer upon such foreign power any special right or privilege without the consent of the United States.

2. That no government organized under the constitution shall have authority to assume or contract any public debt in excess of the capacity of the ordinary revenues of the island after defraying the current expenses of government to pay the interest.

3. That upon the transfer of the control of Cuba to the government established under the new constitution, Cuba consents that the United States reserve and retain the right of intervention for the preservation of Cuban independence and the maintenance of a stable government, adequately protecting life, property, and individual liberty, and discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States and now assumed and undertaken by the Government of Cuba.

4. That all the acts of the military government and all rights acquired thereunder shall be valid and shall be maintained and protected.

5. That to facilitate the United States in the performance of such duties as may devolve upon her under the foregoing provisions and for her own defense the United States may acquire and hold the title to land for naval stations and maintain the same at certain specified points.

These provisions may not, it is true, prove to be in accord with the conclusions which Congress may ultimately reach when that body comes to consider the subject, but, as until Congress has acted, the Executive must necessarily, within its own sphere of action, be controlled by its own judgment, you should now be guided by the views above expressed.

It is not our purpose at this time to discuss the cost of our intervention and occupation or advancement of money for disarmament, or our assumption under the treaty of Paris of the claims of our citizens against Spain for losses which they had incurred in Cuba. These can well be the subject of later consideration.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

On March 2, 1901, the Congress of the United States, on the passage of the army appropriation bill, attached thereto the following proviso, commonly known as the "Platt amendment:"

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April twentieth, eighteen hundred and ninety-eight, entitled "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," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I. That the Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II. That said Government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge, of which the ordinary revenues of the island, after defraying the current expenses of Government shall be inadequate.

III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance

of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

IV. That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V. That the Government of Cuba will execute, and, as far as necessary, extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as the commerce of the Southern ports of the United States and the people residing therein.

VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII. That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII. That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

By direction of the Secretary of War the military governor of Cuba formally communicated these provisions to the convention and advised that body that the President awaited its action thereon.

On the 3d of April, 1901, the following dispatch was sent to the military governor, who communicated it to a committee of the convention:

Wood, *Habana*.

You are authorized to state officially that in view of the President the intervention described in the third clause of the Platt amendment is not synonymous with intermeddling or interference with the affairs of the Cuban Government, but the formal action of the Government of the United States, based upon just and substantial grounds, for the preservation of Cuban independence and the maintenance of a government adequate for the protection of life, property, and individual liberty, and adequate for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States.

ELIHU ROOT, *Secretary of War*.

On the 12th of June, 1901, the convention adopted an ordinance making provisions identical with those quoted from the act of March 2, 1901, a part of the constitution of Cuba.

On October 1, 1901, the convention performed its remaining duty by adopting an electoral law providing for a general election throughout the island, to be held on the 31st day of December, 1901, to choose governors of provinces, provincial councilors, members of the house of representatives, and presidential and senatorial electors. The law also provided that on the 24th day of February, 1902, the several bodies of electors thus chosen should meet and elect a president, vice-president, and senators. The elections were to be held under the direct supervision of a central board of scrutiny, composed of the president of the convention and four other members selected for that purpose. The law was promulgated by a general order of the military governor on the 14th of October, 1901.

The constitution thus adopted and perfected was treated by the United States as an acceptable basis for the formation of the new government to which, when organized and installed, the control of the island was to be transferred.

In conformity to the Cuban constitution and electoral law, elections were held by the Cuban people on the 31st of December, 1901, and by

the electoral college on the 24th of February, 1902, when a president, vice-president, senate, and house of representatives were chosen.

The situation at this important juncture in the affairs of Cuba is described by Secretary Root in his annual report for 1902 as follows:

The whole governmental situation in Cuba was quite unprecedented, with its curious device of a suspended sovereignty given up by Spain, but not in terms vested in anybody else, and if vested remaining dormant, while a practical working government of military occupation in time of peace, deriving its authority from the sovereignty of another country, claimed temporary allegiance, made and enforced laws, and developed a political organization of the Cuban people to take and exercise the suspended or dormant sovereignty. It was important that in inaugurating the new government there should be no break in the continuity of legal obligation, of rights of property and contract, of jurisdiction, or of administrative action. It would not do to wait for the new government to pass laws or to create offices and appoint administrative officers and vest them with powers, for the instant that the new government was created the intervening government ceased, and the period of waiting would be a period of anarchy.

It was necessary, therefore, to take such steps that the new Government should be created as a going concern, every officer of which should be able to go on with his part of the business of governing under the new sovereignty without waiting for any new authority. That everything necessary to this end should be done, and that it should be done according to a consistent and maintainable legal theory, caused the Department a good deal of solicitude. It is gratifying to report that it was done, and that the Government which, until noon of May 20, was proceeding under the authority of the President of the United States, went on in the afternoon of that day and has ever since continued under the sovereignty which had been abandoned by Spain in April, 1899, without any more break or confusion than accompanies the inauguration of a new President in the United States. This could not have been done without the most perfect good understanding, mutual confidence, and sympathetic cooperation on the part of our officers, who were about to retire, and the newly elected officers of Cuba, who were about to take the reins of Government.

THE INAUGURATION OF THE CUBAN REPUBLIC.

One of the most interesting pages in history is that which records the peaceful withdrawal of the flag and forces of the United States from Cuba, and the inauguration of the Government of the Republic of Cuba. The story can not be told in more interesting form or manner than as it is presented in the orders of Secretary Root and the exchange of letters between the President of the United States, the Secretary of War, and the President of the Republic of Cuba. These documents are as follows:

WASHINGTON, D. C., *March 24, 1904.*

SIR: You are authorized to provide for the inauguration, on the 20th of May next, of the government elected by the people of Cuba; and, upon the establishment of said government, to leave the government and control of the island of Cuba to its people pursuant to the provisions of the act of Congress entitled "An act making appropriation for the Army for the fiscal year ending June 30, 1902," approved March 2, 1901.

Upon the transfer of government and control to the President and Congress so elected, you will advise them that such transfer is upon the express understanding and condition that the new government does thereupon, and by the acceptance thereof, pursuant to the provisions of the appendix to the constitution of Cuba, adopted by the constitutional convention on the 12th of June, 1901, assume and undertake all and several the obligations assumed by the United States with respect to Cuba by the treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the 10th day of December, 1898.

It is the purpose of the United States Government, forthwith upon the inauguration of the new Government of Cuba, to terminate the occupancy of the island by the United States, and to withdraw from that island the military forces now in occupancy thereof; but for the preservation and care of the coast defenses of the island, and to avoid leaving the island entirely defenseless against external attack, you may leave in the coast fortifications such small number of artillerymen as may be necessary, for such reasonable time as may be required to enable the new Government to

organize and substitute therefor an adequate military force of its own; by which time it is anticipated that the naval stations referred to in the statute and in the appendix to the constitution above cited, will have been agreed upon, and the said artillerymen may be transferred thereto.

You will convene the Congress elected by the people of Cuba in joint session at such reasonable time before the 20th of May as shall be necessary therefor, for the purpose of performing the duties of counting and rectifying the electoral vote for President and Vice-President under the fifty-eighth article of the Cuban constitution. At the same time you will publish and certify to the people of Cuba the instrument adopted as the constitution of Cuba by the constitutional convention on the 21st day of February, 1901, together with the appendix added thereto and forming a part thereof adopted by the said convention on the 12th day of June, 1901. It is the understanding of the Government of the United States that the government of the island will pass to the new President and Congress of Cuba as a going concern; all the laws promulgated by the government of occupation continuing in force and effect, and all the judicial and subordinate executive and administrative officers continuing in the lawful discharge of their present functions until changed by the constitutional officers of the new government. At the same moment the responsibility of the United States for the collection and expenditure of revenues and for the proper performance of duty by the officers and employees of the insular government will end, and the responsibility of the new government of Cuba therefor will commence.

In order to avoid any embarrassment to the new President, which might arise from his assuming executive responsibility with subordinates whom he does not know, or in whom he has not confidence, and to avoid any occasion for sweeping changes in the civil-service personnel immediately after the inauguration of the new Government, approval is given to the course which you have already proposed of consulting the President-elect, and substituting, before the 20th of May, wherever he shall so desire, for the persons now holding official positions, such persons as he may designate. This method will make it necessary that the new President and yourself should appoint representatives to count and certify the cash and cash balances and the securities for deposits transferred to the new Government. The consent of the owner of the securities for deposits to the transfer thereof you will of course obtain.

The vouchers and accounts in the office of the Auditor and elsewhere, relating to the receipt and disbursement of moneys during the government of occupation, must necessarily remain within the control, and available for the use, of this Department. Access to these papers will, however, undoubtedly be important to the officers of the new government in the conduct of their business subsequent to the 20th of May. You will accordingly appoint an agent to take possession of these papers and retain them at such place in the island of Cuba as may be agreed upon with the new government until they can be removed to the United States without detriment to the current business of the new government.

I desire that you communicate the contents of this letter to Mr. Palma, the President elect, and ascertain whether the course above described accords with his views and wishes.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Brig. Gen. LEONARD WOOD,
Military Governor of Cuba, Habana, Cuba.

[First indorsement.]

The proposals included in this letter meet my personal approval.

T. ESTRADA PALMA.

WASHINGTON, [March] 25, 1902.

[Second indorsement.]

WASHINGTON, D. C., March 25, 1902.

Respectfully returned to the honorable the Secretary of War.

I have the honor to inform you that I have complied with the instructions in the last paragraph of the within letter, which I have the honor to return to you with the indorsement of Señor T. Estrada Palma, President-elect of Cuba. Señor Palma has also placed his signature on each page of the letter.

LEONARD WOOD,
Brigadier-General, U. S. Army, Military Governor of Cuba.

WAR DEPARTMENT,
Washington, March 27, 1902.

SIR: In the instructions already communicated to you as to the withdrawal of the army from Cuba there is a provision that you may leave a small force of artillery troops for certain purposes therein specified. The retention of these troops will require that special arrangements be made for the maintenance of discipline among the forces so remaining, with a view to limit their action to the ends proposed. From the evacuation provided for in the instructions already communicated, exception will therefore be made of the modern fortifications and of the barracks, quarters, buildings, and grounds appurtenant thereto, constituting a part of the seacoast defenses of the ports of Habana, Cienfuegos, and Santiago, which will continue to be garrisoned by the troops of the United States until a date to be hereafter agreed upon by the respective Governments of the United States and of Cuba.

The posts to be thus provisionally garrisoned by the military forces of the United States will be designated by you, and the boundaries of the tracts constituting the reservations pertaining to the same will be described, by metes and bounds, and will also be shown on maps and plans to be furnished by you to the Government of Cuba, and the lines of demarcation so described and shown will mark and define the limits of the jurisdiction of the Government of Cuba and of the military jurisdiction of the United States Government over the forces in its military service. The troops thus remaining as garrisons of the artillery defenses of Habana, Cienfuegos, and Santiago will enjoy all the privileges of exterritoriality to which vessels of war visiting the territorial waters of a friendly power are entitled under the generally accepted rules of international law.

The troops remaining in garrison in the island of Cuba will, on the date of evacuation, cease to constitute an occupying force, and will thereafter occupy a status of exterritoriality to be presently explained. The duties of the senior officer will be restricted to the command of the military forces under his orders, and he will under no circumstances exercise, or attempt to exercise, any authority whatever in the governmental affairs of Cuba; and, as to himself and the officers and men under his command, will carefully abstain from all interference in local or political affairs. You will ask from the proper governmental authority an assurance that it will refrain from the exercise of jurisdiction over the officers and men composing the garrisons of the defenses hereinbefore described, their armament and equipment, and the public property of the United States which is in their custody and control.

The troops of the United States so remaining in the island of Cuba, and there enjoying the privileges of exterritoriality, are to be under the exclusive military command and control of the senior officer stationed therewith; and you will obtain the necessary assurances that the right of transit of individuals, detachments, or military organizations to and from the United States and from one post to another in the island shall not be denied, impeded, or interfered with, and the right of the United States Government to inspect and communicate with the garrisons above named, and of its subordinate military commanders to communicate with each other and with their military superiors in the United States by mail, telegraph, telephone, or by special messenger shall be maintained and protected. You will also ask for similar assurances that the several military commands herein provided for shall have the right to procure supplies in the island of Cuba, to receive military stores and munitions of war from the United States, and to ship stores, military supplies, and public property of all kinds, and the private property and baggage of officers and enlisted men to the United States, or from one point to another in the island of Cuba; that such importations and exports shall be exempt from customs and inspections, from insular taxation, and from municipal impositions of all kinds; and that such stores, supplies, and munitions shall, during their transit from point to point in Cuba, be entitled to a similar immunity from local jurisdiction and from seizure by way of execution or otherwise.

The Government of Cuba should also be asked to pledge itself to protect individual officers and enlisted men, or detachments of troops under proper military commands, while on duty outside of the limits of the reservations hereinbefore described. The proper local authorities should similarly be instructed to protect individual officers and enlisted men who may find themselves without the limits of their respective reservations, while engaged in private business, in making or returning official or personal visits, or while engaged in travel.

You will endeavor to impress upon the commander of the artillery forces constituting the garrisons to be retained in the island the importance of refraining from even the appearance of interference in governmental or political affairs. He will render appropriate military honors to the Cuban flag and to all officers of the Cuban

Government who are entitled thereto, and will treat its representatives with whom he may come into personal or official contact with the greatest courtesy and consideration upon all occasions.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Brig. Gen. LEONARD WOOD,
Military Governor of Cuba, Habana, Cuba.

WAR DEPARTMENT,
Washington, May 3, 1902.

SIR: I inclose herewith four papers marked, respectively, "A," "B," "C," and "D," for your official action. You will perceive that these are papers which were prepared during my recent visit to Habana, with some slight verbal changes. They have now been submitted to and approved by the President and his cabinet. The paper marked "A" you will publish in the form of a law or order as soon as practicable after its receipt. The paper marked "B," with the blanks properly filled, you will promulgate by publication in the Official Gazette as soon as the Cuban Congress has examined the credentials, counted the votes, reached the decisions, and made the adjournment therein recited. At the same time such further steps as you think necessary should be taken to give the paper full publicity in all parts of Cuba before the 20th of May. The paper marked "C," with the blank properly filled, you will publish in the Official Gazette on the morning of the 20th of May instant.

At noon on the 20th of May, the newly elected President and Congress of Cuba being assembled in one place, you will publicly read to them the declaration of transfer marked "D," and at the same time deliver to the President the original thereof signed by you. This act will be the operative act to terminate the military government. At some convenient time before the day of this ceremony the President-elect, Mr. Palma, should be informally furnished with a copy of the papers which you propose to read and deliver, in order that he may have an opportunity to consider what reply, if any, he desires to make on the moment, and also have an opportunity, if he wishes to do so, to provide a translation for the information of those members of the Cuban Congress who do not understand English. It would seem appropriate that the Cuban flag should be raised by you immediately after any reply which Mr. Palma may make, and as a part of this same transaction. This is, however, to be arranged between you and Mr. Palma.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Brig. Gen. LEONARD WOOD,
Military Governor of Cuba, Habana, Cuba.

A.

Whereas the seventh clause of the transitory rules contained in the constitution adopted by the constitutional convention of Cuba provides as follows:

"All laws, decrees, regulations, orders, and other rulings which may be in force at the time of the promulgation of this constitution shall continue to be observed in so far as they do not conflict with the said constitution until such time as they may be legally revoked or amended;" and

Whereas certain of the laws, decrees, regulations, orders, and other rulings made and promulgated by the military governor of Cuba and now in force, are in terms specifically applicable and apparently limited to the military government and the officers thereof;

Now, therefore, to the end that the foregoing provision may be fully operative and that none of the matters and things to which said laws, decrees, regulations, orders, and rulings relate shall be, or appear to be, without regulation and control after the termination of the military government and pending action thereon by the government established under the said constitution when the same shall have taken effect:

It is hereby declared and ordered that each and every of the said laws, decrees, regulations, orders, and other rulings made and promulgated by and under the military government of Cuba shall be deemed to be general and continuing in its character and to be applicable to and binding upon all officers of the Government of Cuba

under whatsoever names or titles who shall succeed the officers of the military government, and to continue in force and effect under whatsoever government shall exist in Cuba until such time as it may be legally revoked or amended pursuant to the provisions of the constitution aforesaid.

B.

HEADQUARTERS DEPARTMENT OF CUBA,
Habana, May —, 1902.

It is hereby made known to the people of Cuba:

1. That the congress of Cuba, elected on December 31, 1901, and February 24, 1902, under the provisions of the electoral law published in orders No. 218, October 14, 1901, these headquarters, having been duly convened in Habana on the 5th day of May, 1902, pursuant to orders No. 101, April 14, 1902, these headquarters, has examined into the credentials and decided as to the validity of the election of its members and has found and decided that the following-named persons have been duly elected senators:

(Here will follow the list of senators.)

And the following-named persons have been duly elected representatives:

(Here will follow the list of representatives.)

2. That the Congress so convened, after counting and ratifying the electoral vote, has found and proclaimed to be elected President of the Republic of Cuba, Tomas Estrada Palma, and to be elected Vice-President of the Republic of Cuba, Luis Esteves Romero.

3. That the said Congress has adjourned to meet at Habana on the 20th of May, 1902, at 12 o'clock noon.

4. That on the said 20th day of May, 1902, at 12 o'clock noon, the constitution adopted by the constitutional convention at Habana on the 21st day of February, 1901, together with the appendix to the said constitution adopted by said convention on the 12th day of June, 1901, will be promulgated as the constitution of the Republic of Cuba, and will go into full force and effect; and thereupon and at that time the occupation of Cuba by the United States and the military government of the island will cease and determine, and the government and control of the island will be transferred to the President and Congress so elected, to be held and exercised by them under the constitution so promulgated.

Such transfer will be upon the understanding and condition that the new government does thereby and by the acceptance thereof, pursuant to the provisions of the said appendix to the constitution, assume and undertake all and several the obligations assumed by the United States with respect to Cuba by the treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the 10th day of December, 1898.

— — —, *Military Governor.*

C.

HEADQUARTERS DEPARTMENT OF CUBA,
Habana, May 20, 1902.

The following constitution, adopted by the constitutional convention of the people of Cuba on the 21st day of February, 1901, together with and including the appendix thereto, adopted by said convention on the 12th day of June, 1901, is hereby promulgated as the constitution of the Republic of Cuba and declared to be in full force and effect on and after this day.

(Take in the constitution, omitting date and signatures, as marked in pencil in the Gazette of April 14, 1902, marked "R.")

— — —, *Military Governor of Cuba.*

D.

HEADQUARTERS DEPARTMENT OF CUBA,
Habana, May 20, 1902.

To the President and Congress of the Republic of Cuba.

SIRS: Under the direction of the President of the United States, I now transfer to you as the duly elected representatives of the people of Cuba the government and

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control of the island, to be held and exercised by you under the provisions of the constitution of the Republic of Cuba heretofore adopted by the constitutional convention and this day promulgated, and I hereby declare the occupation of Cuba by the United States and the military government of the island to be ended.

This transfer of government and control is upon the express condition, and the Government of the United States will understand, that by the acceptance thereof you do now, pursuant to the provisions of the said constitution, assume and undertake all and several the obligations assumed by the United States with respect to Cuba by the treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the 10th day of December, 1898.

All money obligations of the military government down to this date have been paid as far as practicable. The public civil funds derived from the revenues of Cuba transferred to you this day, amounting to \$—, are transferred subject to such claims and obligations properly payable out of the revenues of the island as may remain. The sum of \$100,000 has been reserved from the transfer of funds to defray anticipated expenses of accounting, reporting, and winding up the affairs of the military government, after which any unexpended balance of said sum will be paid into the treasury of the island.

The plans already devised for the sanitation of the cities of the island and to prevent a recurrence of epidemic and infectious diseases, to which the Government of the United States understands that the provision of the constitution contained in the fifth article of the appendix applies, are as follows:

1. A plan for the paving and sewerage of the city of Habana, for which a contract has been awarded by the municipality of that city to McGivney, Rokeby & Co.

2. A plan for waterworks to supply the city of Santiago de Cuba, prepared by Capt. S. D. Rockenbach, in charge of the district of Santiago, and approved by the military governor, providing for taking water from the wells of San Juan Canyon and pumping the same to reservoirs located on the heights to the east of the city.

3. A plan for the sewerage of the city of Santiago de Cuba, a contract for which was awarded to Michael J. Dady & Co. by the military governor of Cuba, and now under construction.

4. The rules and regulations, established by the President of the United States on the 17th of January, 1899, for the maintenance of quarantine against epidemic diseases at the ports of Habana, Matanzas, Cienfuegos, and Santiago de Cuba, and thereafter at the other ports of the island, as extended and amended and made applicable to future conditions by the order of the military governor, dated —, published in the Official Gazette of Habana on the — day of April, 1902.

5. The sanitary rules and regulations in force in the city of Habana (and in any other city having official rules, etc.).

(a) It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government, pending the settlement of the title to said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1902.

(b) I am further charged by the President of the United States to deliver to you the letter which I now hand you.

Military Governor.

Pursuant to the instructions of Secretary Root the military governor filled in the blank spaces in the foregoing papers (A, B, C, and D) and signed and promulgated said documents.

The correspondence passing between President Roosevelt and President-elect Palma was as follows:

WHITE HOUSE,
Washington, D. C., May 10, 1902.

To the President and Congress of the Republic of Cuba.

SIR: On the 20th of this month the military governor of Cuba will, by my direction, transfer to you the control and government of the island of Cuba, to be thenceforth exercised under the provisions of the constitution adopted by your constitutional convention as on that day promulgated; and he will thereupon declare the occupation of Cuba by the United States to be at an end.

At the same time I desire to express to you the sincere friendship and good wishes of the United States, and our most earnest hopes for the stability and success of your Government, for the blessings of peace, justice, prosperity, and ordered freedom among your people, and for enduring friendship between the Republic of the United States and the Republic of Cuba.

[SEAL.]

THEODORE ROOSEVELT,
President of the United States.

[Translation.]

HABANA, *May 20, 1902.*

HON. GEN. LEONARD WOOD.

SIR: AS President of the Republic of Cuba, I hereby receive the Government of the island of Cuba which you transfer to me in compliance with orders communicated to you by the President of the United States, and take note that by this act the military occupation of Cuba ceases.

Upon accepting this transfer I declare that the Government of the Republic assumes, as provided for in the constitution, each and every one of the obligations concerning Cuba imposed upon the United States by virtue of the treaty entered into on the 10th of December, 1898, between the United States and Her Majesty the Queen Regent of Spain.

I understand that, as far as possible, all pecuniary responsibilities contracted by the military government up to this date have been paid; that \$100,000, or such portion thereof as may be necessary, have been set aside to cover the expenses that may be occasioned by the liquidation and finishing up the obligations contracted by said government, and that there has been transferred to the Government of the Republic the sum of \$689,191.02, which constitutes the cash balance existing to-day in favor of the State.

In the belief that article 5 of the amendment to the constitution is applicable to the matter, the Government will take pains to facilitate the execution of the works of sanitation projected by the military government. Furthermore, it will procure, in so far as depends upon the same and corresponds thereto in the sanitary measures for the necessities of both countries, the observance of the system implanted by the military government of Cuba.

It is understood that the Isle of Pines is to continue de facto under the jurisdiction of the Government of the Republic of Cuba, subject to such treaty as may be entered into between the Government of the United States and that of the Cuban Republic, as provided for in the Cuban constitution and in the act passed by the Congress of the United States and approved on the 2d of March, 1901.

I receive with sincere gratification the letters which President Roosevelt addresses to the Congress of the Republic of Cuba and to me for the sentiments of friendship for the people of Cuba which inspire them.

I take this solemn occasion, which marks the fulfillment of the honored promise of the Government and people of the United States in regard to the island of Cuba, and in which in our country is made a ruling nation, to express to you, the worthy representative of that grand people, the immense gratitude which the people of Cuba feel toward the American nation, toward its illustrious President, Theodore Roosevelt, and toward you for the efforts you have put forth for the successful accomplishment of such a precious ideal.

T. ESTRADA PALMA.

HABANA, *May 20, 1902.*THEODORE ROOSEVELT, *President, Washington:*

The government of the island having been just transferred, I, as Chief Magistrate of the Republic, faithfully interpreting the sentiments of the whole people of Cuba, have the honor to send you and the American people testimony of our profound gratitude and the assurance of an enduring friendship, with wishes and prayers to the Almighty for the welfare and prosperity of the United States.

T. ESTRADA PALMA.

WASHINGTON, *May 20, 1902.*

PRESIDENT OF THE REPUBLIC OF CUBA:

Believe in my heartfelt congratulations upon the inauguration of the Republic which the people of Cuba and the people of the United States have fought and labored together to establish. With confidence in your unselfish patriotism and courage and in the substantial civic virtues of your people, I bid you godspeed, and on this happy day wish for Cuba for all time liberty and order, peace and prosperity.

ELIHU ROOT, *Secretary of War.*HABANA, *May 21, 1902.*ELIHU ROOT, *Secretary of War, Washington:*

I am deeply moved by your heartfelt message of congratulation on the inauguration of the Republic of Cuba, to the birth of which the people and the Government of the

United States have contributed with their blood and treasure. Rest assured that the Cuban people can never forget the debt of gratitude they owe to the great Republic, with which we will always cultivate the closest relations of friendship and for the prosperity of which we pray to the Almighty.

T. ESTRADA PALMA.

WASHINGTON, D. C., June 10, 1902.

The ADJUTANT-GENERAL, U. S. ARMY, *Washington, D. C.*

SIR: I have the honor to inform you that the Republic of Cuba was established at 12 o'clock noon, May 20, 1902. The transfer was made upon the lines indicated in the instructions of the honorable the Secretary of War, and the autograph letter of the President read to President Palma and presented to him. President Palma responded, expressing his sincere appreciation of the work done by the United States in Cuba, and the lasting gratitude of himself and the people of Cuba.

The transfer was made in the main reception hall of the palace of the military governor. There were present the President elect and his cabinet, the military governor and the officers of his staff, civil and military, the Cuban Congress, the judiciary, officers of the British and Italian navies, the captain and staff of the U. S. S. *Brooklyn*, and the consular representatives of foreign countries.

The document of transfer was read at exactly 12 o'clock. President Palma at once read his reply. During the reading of the document of transfer and the reply of President Palma a salute of 45 guns to our flag was being fired. Upon the conclusion of this salute the troops of the Seventh United States Cavalry, which had been formed in the Plaza de Armas in front of the palace, presented arms, the band played the national air, and the American flag was lowered by a special detail designated for this purpose and received by an officer of my staff. The Cuban flag was then hoisted and saluted with a national salute of 21 guns both by the fortress of Cabana and by the U. S. S. *Brooklyn*. The Cuban national air was played and our troops saluted the flag. This ceremony completed, the troops immediately embarked and were not allowed—either officers or men—to set foot again on shore.

I left the palace at twenty-five minutes past 12 o'clock accompanied by the officers of my personal and department staff. We were accompanied to the capitanía del puerto by President Palma with his cabinet, the Cuban Congress, and all others who had been present at the ceremonies. President Palma bade us farewell at the wharf after again expressing his most sincere and lasting good will and appreciation.

Accompanied by my personal staff, I immediately embarked upon the U. S. S. *Brooklyn*. The officers of the department staff embarked on the S. S. *Moro Castle*, which sailed at a quarter past 3. The U. S. S. *Brooklyn* sailed at about 3.45.

There was immense interest and enthusiasm displayed in the transfer, and it would have been impossible for any people to have shown more friendship and cordiality to the representatives of another nation than was shown by the people of Habana of all classes to the representatives of the late military government of the United States in Cuba. It is safe to say that at least 100,000, probably 150,000, people were assembled along the water front within the harbor limits at the punta and along the sea front to see the troops off. Both the S. S. *Moro Castle* and the U. S. S. *Brooklyn* were escorted to sea by a large number of tugs and launches packed with people.

I proceeded on the U. S. S. *Brooklyn* directly to the mouth of the St. Johns River, below Jacksonville, and there transferred to the U. S. army transport *Kanawha* with the officers of my personal staff, Capt. H. L. Scott, adjutant-general, and Lieuts. M. E. Hanna, Frank R. McCoy, and Edward Carpenter, aids-de-camp.

From Jacksonville I proceeded directly to Washington, stopping at Charleston to coal, a few hours at Norfolk for supplies, and at Fortress Monroe to visit the works, arriving at Washington Wednesday morning, May 28.

Very respectfully,

LEONARD WOOD,
Brigadier-General, U. S. Army.

*THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN CUBA
UNDER AMERICAN OCCUPATION.

After the Spanish evacuation of Cuba there were no strictly military operations. The officers of the United States Army in Cuba were largely occupied in conducting, under the direction of the military governor and the department commanders, a general civil administration for which no other governmental machinery existed and in

aiding the existing municipal governments in the performance of their duties. The first and imperative duties of the army under the condition of social disorganization which existed in the island were the maintenance of order, the immediate relief of prevailing distress among the starving reconcentrados, the sanitation of the towns, which had been left in a filthy condition and in which none of the precautions against disease known to modern sanitary science had ever been adopted, and the promotion of a return to peaceful industry on the part of the people whose homes and farms had been by force abandoned and laid waste.

The use of troops to maintain order was necessary for but a short period. Forces of civil police, organized from the people of the island, were substituted and performed their duties efficiently. The part played by the United States military forces in the maintenance of order was confined to the restraining influence of their presence. The relief from hunger and distress among the people crowded in the city of Habana was accomplished by dividing the city into districts for the distribution of rations and medicine under the direction of officers of the army. House-to-house inspection, in cooperation with a committee of citizens, a regular system of reporting all cases of destitution, and a wagon-train service to outlying points were established. Through these means and through the existing hospitals and asylums 1,644,000 rations were distributed in the province of Habana between the 1st of January and the 30th of June, 1899. In the Department of Santiago 1,699,366 rations were distributed between the 20th of November, 1898, and the 16th of May, 1899. In the provinces of Matanzas and Santa Clara 1,930,130 rations were distributed between the 1st of January and the 30th of June, 1899. After the latter date the amount required to be distributed steadily decreased, and by the end of 1899, it was practically confined to distribution to hospitals and asylums.

The total issuances of rations to destitute persons in Cuba through the agency of the officers of the Army amounted to 5,493,000 rations at a cost of \$1,417,554.07.

The condition of the soldiers of the Cuban army, who had long been separated from any productive industry and who upon the conclusion of hostilities were left substantially without homes or occupation and with no pay coming to them from any source, seemed to require that, in the interest of public order as well as of humanity, some relief should be afforded which would enable them to disband and return to peaceful employment. It was accordingly determined to apply so much as might be necessary of the three-million emergency fund provided by the act of January 5, 1899, for that purpose. Arrangements were made under which the sum of \$75 was paid to each Cuban soldier borne upon the duly authenticated rolls on his bringing in and depositing his arms. Two million five hundred and forty-seven thousand seven hundred and fifty dollars were paid out in this way, and upon the payment being completed the Cuban army separated and ceased to exist.

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