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**IMPERIAL SENATE: AMERICAN LEGISLATIVE
DEBATES ON EMPIRE, 1898–1917**

by

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September 2013

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ABSTRACT

In 1898, the United States forced Spain to release the colonies of Cuba, Puerto Rico, Guam, and the Philippine Islands. Over the next 20 years, the United States Senate debated whether to keep, how to govern, and finally how to set some of those territories free while making others permanent possessions of the republic. These debates reveal a legislature, and by extension a nation, reevaluating its basic principles and changing place in the world.

A review of international relations and domestic politics preceding the Spanish-American War establishes a pattern of legislative deference. Examination of pivotal debates spanning the post-war American imperial period shows how the Senate broke that pattern by seeking an expanded foreign policy role. Each inquiry highlights the effects of partisanship and domestic politics on ostensibly international matters. It is well known that the Senate failed to assert its foreign policy authority over the executive. Yet its efforts to do so casts light on the politics of the period, on how decisions about the acquisition and fate of America's colonies were justified, and on how deeply contested these issue actually were. After extensive debate, the Senate deliberately chose imperialism. This paper explains how and why it did so.

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I. THE ROAD TO EMPIRE

Throughout the first century of its existence, the United States followed and perfected the plan that had animated settlement of its original colonies, expanding to the south and west to increase both opportunity for the people and the majesty of the state. The pattern was flexible in application but unitary in design and soon settled into a familiar rhythm: explore, settle, incorporate, seek territorial status, achieve statehood, repeat. Over time, this progression became more than a means for national aggrandizement, and such iconic personages as the independent mountain man exploring the uncharted frontier, the hearty pioneers risking all for their stake in the new territory, and the stalwart farmer breaking nature to his will all came to be descriptors for America itself. As a land of growth and opportunity, the United States knew no peer, and ostensibly no bounds. By the 1890s, however, that depiction was beginning to change as the vast continent was incorporated and as shopkeepers replaced pioneers.¹

At the turn of the century, America discarded this tested pattern and instead undertook the project of overseas adventurism. This enterprise was informed by Alfred Thayer Mahan's prescription for embracing an expanded international role, and made possible by recent naval reform and expansion. Beginning in 1898, the United States engaged in a brief fit of imperialism, a transformation the nation then spent the following decades struggling mightily to rationalize, rectify, and finally—excepting Guam and Puerto Rico—undo.²

During these two decades the legislative branch sought an expansion of its own, seeking to assert its will by crafting foreign policy, previously the purview of the executive. This synergistic eruption of naval reform, overseas expansion, and attempted legislative power grab offers an opportunity this dissertation seeks to exploit. This study

¹ Even discounting the frontier thesis espoused by Fredrick Jackson Turner, the period of overland expansion was over. The last contiguous territory established was Oklahoma Territory in 1890, and while Alaska did not become a territory until 1912, it was purchased in 1867, termed District of Alaska in 1884 with the establishment of local government.

² Alfred Thayer Mahan, *Influence of Seapower Upon History, 1660–1783* (Boston, MA: Little, Brown and Company, 1890).

examines how a fundamental change in national character—from an ethos of growth of the core to one of territorial acquisition without intent to increase the core—was explained, supported, and contested in a national debate through the congressional deliberations on imperial policy from 1898–1917.

The result is a clearer understanding of how the deliberate selection of a policy course considered antithetical to the core values of the republic was re-evaluated throughout the period in question, and then modified by policies that have had significant consequences through to today. In short, this study charts the procession of Senate opinion from resistance to empire, through acceptance, to both qualified rejection and qualified retention, and introduces domestic and international events to show how and why that procession occurred.

One event that set the stage for all that followed was the Naval Act of 1890, in which Congress deliberated funded the corpus of Mahan’s recommendations by literally authorizing the “new navy.”³ Far from a mere modernization of existing capital assets, this ambitious plan called for a shipbuilding schedule designed to shift the very reason for maintaining a navy—from a regional to a worldwide power—and thus reflected a corresponding fundamental alteration in national mindset. With this expanded ability to exert national will at great distance came the associated capability to establish, administer, and defend more than just trade relations, but eventually overseas imperial possessions as well. In this light, the Naval Act of 1890 was a key enabler for American imperialism, for when the opportunity arose through Spain’s defeat in 1898, the United States was able to contemplate taking, and keeping, Cuba, Puerto Rico, Guam, and the Philippines.

Despite owing feasibility to the precedent and expectations sowed by the Naval Act of 1890, the central debates on American imperialism stand apart and are the subject of this dissertation. The positions taken and points advanced in these debates reflect not

³ “An Act Making Appropriations for the Naval Service for the Fiscal Year Ending June Thirtieth, 1891, and for other purposes,” Pub. L. No. 640, 1890 Stat. (30 June 1890). Also see “Naval Act of 1890,” Lexis Nexis, http://web.lexis-nexis.com.libproxy.nps.edu/congcomp/document?_m=44c826a8cc6b09fd491057bd9669e758&_docnum=3&wchp=dGLzVzBzSkSA&_md5=03c72e6c0797cd30c9b36b5b0d7618da.

only opposing views of the issues at hand, but also serve to illuminate the larger changes in the United States during this period. It is this concentration on legislative debates of empire, and the associated employment of primary sources underutilized by other scholars, that makes this dissertation unique.

A. LITERATURE REVIEW

Many other studies have approached the issue from the view of the executive, the press, the business community, the anti-imperialist opposition, and the military. The rich and diverse literature on American imperialism offers the context in which this project will nest, and a brief summary of the various approaches taken by the more significant works is presented here to outline broad reference base available. The selections are grouped for ease of comparison—for instance early works, military, diplomatic, gender, race, political, diplomatic, et cetera—but include notations to show connection to the larger historiographical discourse.

This literature review includes both standard and recent works on the topic with an eye toward exposing the void this dissertation fills. Congressional influence in American imperialism has been lightly treated in the bulk of this literature, and at best the focus of a chapter or two in grand works on American foreign policy or Senate history. The remainder of this chapter then outlines how Senate debates at three inflection points in the American imperial process are analyzed in this paper, and how detailed study of the primary sources adds flesh to the bones described in this literature review.

While the seminal works that formed an overview of the topic are slightly dated, they continue to serve nicely as bedrock for later additional views and approaches. Unlike many other discrete periods of American history, in which studies focusing on gender, populist political movements of opposition, race, and sub-altern voices contested the classics that proceeded, the addition of such studies to American imperial literature

has served to advance the narrative and more fully develop the picture.⁴ As a result, many of the most influential works first published in 1955–1980 still contribute to an understanding of the discourse, and are augmented by later studies concentrating, for instance, on the views of Cubans or Filipinos.

Among the classics of the early American imperial literature are four works with their own unique approach to the issue. Each was written not only with an individual agenda, but also in concert with the historiography of its time. Robert Beisner's volumes provided an examination in depth of the motivations and actions of the Anti-Imperialist movement leaders who sought to mobilize public opinion against international expansion, and the foreign policy that resulted.⁵ Conversely, Walter LaFeber focused on the pro-interventionalist movement, averring that its employment of Victorian mores to justify conquest concealed baser financial motivations for empire.⁶ Richard Hofstadter explored the influence domestic politics played in the formulation of foreign policy, specifically showing that imperial decisions were more products of political pandering than concerted efforts to advance national interests abroad.⁷

Finally, Ernest May offered the most comprehensive look at the influences affecting all parties in the conflict. In *Imperial Democracy*, May examined the domestic pressures faced by the Spanish royal court and legislature. He juxtaposed those domestic concerns with the interplay between the other European imperial powers as they contemplated the strategic benefits of placating the United States versus the common bonds with Spain. May then continued this examination of domestic and international dynamics—but from the Cuban point of view—presenting the counterpoise between

⁴ Early works on the Revolutionary Period, Civil War, Reconstruction, the Great Depression, and the Civil Rights Movement were often followed by revisionist works seeking to disprove central theses by using a previously silent viewpoint. Conversely, the primary works on the Spanish American War that have sought to give voice to the subaltern have tended to support the central theses of earlier works, and to add richness.

⁵ Robert L. Beisner, *Twelve Against Empire: The Anti-Imperialists 1898–1900* (New York: McGraw Hill, 1968); *From the Old Diplomacy to the New, 1865–1900* (New York: Cromwell, 1975). In addition, both Beisner and LaFeber were reacting, and contributing, to the 1960s New Left historiography.

⁶ Walter LaFeber, *The New Empire: An Interpretation of American Expansion, 1860–1898* (Ithaca, NY: Cornell University Press, 1963).

⁷ Richard Hofstadter, *The Age of Reform: From Bryan to FDR* (New York: Knopf, 1955).

military leaders on the island and junta leaders in the United States. Completing the survey, he also contrasted the multi-faceted deliberations in the American government and public spheres.⁸ To that end, May's work expands the scope of the other three by incorporating their detailed argument and core theses. By careful consideration of all four of these works, a rich understanding of both domestic and international factors influencing the course of the Spanish-American War can be developed.

1. Military Histories

Similarly, studies focusing on the military aspects of the American imperial period complement each other. David Trask attempted a sweeping overview of the individual campaigns of the war with Spain in one volume, broadly covering deployments, maneuvers, and engagements of the armed forces in Manila Bay, Cuba, and Puerto Rico.⁹ Further specializing, Graham Cosmas studied the campaigns in Cuba and Puerto Rico strictly from the viewpoint of the American land forces.¹⁰ Many early works featured first person accounts from nearly every position on the battlefield, with some released immediately following the war and the bulk as reminiscences decades later. Unfortunately, very few were insightful or comprehensive in examination of the conduct of the campaigns.

While still concentrating on the military aspects of the war with Spain, several later works embraced a broader perspective and thus add considerable depth to the literature. For example, Ivan Musicant enhanced the understanding of the military efforts by examining the intersection of military and political goals, albeit mostly from the American side.¹¹ Louis Perez Jr., however, provided a mirror image study written from the Cuban and Spanish perspectives.¹² These two broad views, along with a group of

⁸ Ernest May, *Imperial Democracy* (New York: Harcourt, Brace and Court, 1961).

⁹ David F. Trask, *The War With Spain in 1898* (New York: Macmillan, 1981).

¹⁰ Graham Cosmas, *An Army for Empire: The United States Army in the Spanish American War* (Columbia, MO: University of Missouri Press, 1971).

¹¹ Ivan Musicant, *Empire By Default: The Spanish-American War and the Dawn of the American Century* (New York: H. Holt, 1998).

¹² Louis A. Perez, *The War of 1898: The United States and Cuba in History and Historiography* (Chapel Hill, NC: University of North Carolina Press, 1998).

more specialized works, form a marked shift in the approach by military historians as they meld the “guns and bugles” detail of the campaigns with the larger context previously found in such works as May’s *Imperial Democracy*, thus providing the reader with a more nuanced understanding of the causes and implications of the Spanish-American War.

These works each close with the occupation of the newly conquered territories or the ramifications of the Treaty of Paris, and thus do not include the Filipino-American War. Among the military historians that focused on the Philippine Insurrection, John Gates and Brian Linn stand out by featuring a meld of military operations and the hybrid civil-military governance and occupation that administered the territory.¹³ Outside of the military history genre, many authors approached the conflict from unique angles, and a broad reading that runs the gamut is recommended.

For example, Stanley Karnow examined the conquest and administration of the Philippines with the gimlet eye of a journalist. His account is strongest in his treatment of the atrocities committed by both sides during the pivotal final year of the insurrection, and of the beneficial aspects of the American occupation—most notably the improvements in education and infrastructure.¹⁴ Much like Karnow’s earlier work *Vietnam: A History*, the Pulitzer Prize-winning *In Our Image* strives to combine the best of military and political history with a journalistic approach.

Political historians writing in the immediate aftermath of the Vietnam War also used distinct approaches to understand the Philippine War and to establish precedent in the challenges associated in the exportation of American values. One of the most notable of the genre was Stuart Creighton Miller’s *Benevolent Assimilation*. Written by an Asian specialist and political historian who focused on policy, the book features an excellent

¹³ John M. Gates, *The U.S. Army and Irregular Warfare* (College of Wooster, Ohio, Nov. 2002), <http://www3.wooster.edu/history/jgates/book-contents.html>; Brian McAllister Linn, *The Philippine War: 1899–1902* (Lawrence, KA: University Press of Kansas, 2002).

¹⁴ Stanley Karnow, *In Our Image: America’s Empire in the Philippines* (New York: Random House, 1989).

overview of American policy in the occupation and the early years of colonial administration of the Philippines.¹⁵

Finally, recent works in military history—perhaps inspired by the American experience in Iraq—have marked a resurgence in the examination of the Philippine-American War. As an example, David Silbey draws the parallel between the two events separated by a century, specifically the quick conventional victory by superior forces resulting in a protracted insurgency.¹⁶ Unfortunately, by focusing on the war itself and not the policies of imperialism that follow, this line of inquiry has little new to offer this project.

2. Political Histories

Just as military historians have approached the American imperial experience from myriad viewpoints, political histories illuminate the dark recesses of the period by shining their lights from different angles. In *An Unwanted War* and his subsequent article, “McKinley and the Spanish-American War,” John Offner contends that the president was unable to overcome domestic political pressures for war even after he successfully maneuvered the Spanish into agreeing to nearly every American demand.¹⁷ Howard Morgan took the opposite position by showing the executive as controlling the developments that led to the conflict, and as being more in tune with the electorate than the putative representatives in the legislature.¹⁸

Covering the same period, Lawrence Goodwyn examined the pressures leading to war through the lens of the domestic political policies of the nascent Populist Party, explaining how members of both the legislature and executive had to adapt to the threat

¹⁵ Stuart Creighton Miller, *Benevolent Assimilation: America's Conquest of the Philippines, 1899–1903* (New Haven, CT: Yale University Press, 1982).

¹⁶ David Silbey, *A War of Frontier and Empire: the Philippine-American War, 1899–1902* (New York: Hill and Wang, 2007).

¹⁷ John L. Offner, *An Unwanted War: The Diplomacy of the United States and Spain Over Cuba, 1895–1898* (Chapel Hill: University of North Carolina Press, 1992); “McKinley and the Spanish-American War,” *Presidential Studies Quarterly*, 34, no. 1 (March 2004): 50–61.

¹⁸ Howard Wayne Morgan, *America's Road to Empire: The War with Spain and Overseas Expansion* (New York: Wiley and Sons, 1965).

of third-party politics that tied international events directly to domestic concerns through the local impact of national economics.¹⁹ A critic of the progressive treatment of American history, Richard Hofstadter sought to reassess the myth of the Populist Movement, revealing the futility of anachronistic resistance to progress.²⁰

Working from an entirely different starting point, David Traxel used the domestic political and social events of 1898 to provide context for the events of the Spanish-American War.²¹ His central thesis was one of American exceptionalism, as evidenced by the subtitle *The Birth of the American Century*. Traxel demonstrated that the transformations inside the United States during that single year powered America's leap into imperialism and made the war all but inevitable.

Philip Foner, writing two and a half decades earlier, made the opposite case. Perhaps as a reflection of the time in which he was writing, Foner sought to prove that the United States intentionally entered the mature conflict between Spain and Cuba only after the success of the Cuban cause was a foregone conclusion. Additionally, this intervention occurred after Spanish inability to prevent American interference was clear, and after diplomatic efforts had muted international protestations. In Foner's estimation, the United States was far from indispensable and exceptional, American assistance was neither required nor desired by the Cubans, and the decisions to intervene were more calculated than forced.²²

3. Social and Cultural Histories

In addition to the contributions of recent works of political and military history, the literature of the Spanish-American War benefitted considerably by inclusion of social, race, and gender history. Ted Smythe takes on one of the major forces cited as instigating the Spanish-American War—muckraking journalism—illustrating the effect

¹⁹ Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York: Oxford University Press, 1976).

²⁰ Hofstadter, *Age of Reform* (New York: Knopf, 1955).

²¹ David Traxel, *1898: The Birth of the American Century* (New York: Random House, 1998).

²² Philip Foner, *The Spanish-Cuban-American War and the Birth of American Imperialism, 1895–1902* (New York: Monthly Review Press, 1972).

that mobilizing public opinion may have in a democracy, while discounting yellow journalism as a war cause.²³ Kristin Hoganson linked conception of gender roles to events on the international stage, positing Cuba as the damsel in distress, Spain as the villain, and America as the knight-errant.²⁴ She also demonstrated the malleability of these roles by showing how, once the Spanish were defeated and American intentions shifted from liberation to occupation, the popular depiction of Cubans changed to that of an infant incapable of caring for its own basic needs—a graphic depiction of a people unfit for self-governance.²⁵

Race issues occupy two related categories: race discrimination within the United States military forces, and American racist attitudes toward the peoples of the newly conquered territories. In the first category, both military and cultural historians have contributed, and two works exemplify each class. From the military camp, Edward Van Zile Scott chronicled the transition of black professional soldiers from the end of the Indian Wars in the American west to the campaign in Cuba in 1898, showing how the inroads black soldiers made in the United States Army after the conclusion of the Civil War were eroded by the predominance of all-white volunteer units in Cuba.²⁶

Representing cultural historians, Amy Kaplan and Donald Pease go further, showing a trade-off between sectionalism and race. In “Black and Blue on San Juan Hill,” the authors depict the Cuban campaign as a salve to help heal old Civil War animosities of northern and southern white soldiers in both regular Army and volunteer units.²⁷ This bonhomie, however, undermines the grudging respect black soldiers had earned from their regular Army white compatriots during the Indian Wars, an erosion

²³ Ted Curtis Smythe, *The Gilded Age Press, 1865–1900* (Westport, CT: Praeger, 2003).

²⁴ Kristin Hoganson, *Fighting For American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New London, CT: Yale University Press, 1998), 108.

²⁵ Ibid.

²⁶ Edward Van Zile Scott, *The Unwept: Black American Soldiers in the Spanish American War* (Montgomery, AL: Black Belt Press, 1996).

²⁷ Amy Kaplan, “Black and Blue on San Juan Hill,” in *Cultures of U.S. Imperialism*, edited by Amy Kaplan and Donald Pease (Durham, NC: Duke University Press, 1993).

exemplified by white officers' treatment of black troop immediately after both groups stormed San Juan Hill.²⁸

The other category of race studies dealt with the treatment of Cubans, Puerto Ricans, Chamorro, and Filipinos at the hands of quasi-xenophobic Americans, and no author examined this dynamic more thoroughly than Matthew Frye Jacobson. Carrying the undercurrent of nativism from the Civil War period into the turn of the century, Jacobson investigates the dichotomy of racist expectations and policies held against the American inclusionary tendency—legal and ideological if not social.²⁹ Moreover, Jacobson shows how American public perception of the peoples indigenous to the newly conquered territories was manipulated to align with political necessities—the depiction of doughty patriots resisting Spanish depravities changing to brutal insurrectos once they contested the American occupation.

4. Diplomatic and Foreign Policy Histories

The seminal works of American foreign policy history all address the conflict and its causes, but as noted in the opening section of this review, do so as a small part of a larger work. Julius Pratt showed the influences of business interests, proselytizing religious groups, and followers of Mahan's naval doctrine on the formulation of foreign policy related to the Spanish-American War.³⁰ In the end, however, he points to the primacy of domestic politics in the validation of foreign policy, showing the election of 1900 as a referendum not only on imperialism, but on the gold standard versus the free-silver plank of the Democratic Party. This linkage cascaded into the all-important Senate debates on foreign policy, as fence-sitters there "discovered that they preferred McKinley, with the gold standard and a little imperialism, to Bryan and free silver."³¹

²⁸ White officers led the four black regiments, but the reputation of the Buffalo Soldiers had extended to all-white units that served in the Indian Wars, and later in Cuba. Ibid.

²⁹ Matthew Frye Jacobson, *Barbarian Virtues: The United States Encounters Foreign People at Home and Abroad, 1876–1917* (New York: Hill and Wang, 2000).

³⁰ Julius Pratt, *A History of United States Foreign Policy* (New York: Prentice Hall, 1955); *America's Colonial Experiment: How the United States Gained, Governed, and in Part Gave Away a Colonial Empire* (New York: Prentice Hall, 1950).

³¹ Pratt, *America's Colonial Experiment*, 81–2.

Similar treatment and depth is available in Bailey's *Diplomatic History of the American People*,³² and Bemis's *Diplomatic History of the United States*.³³ Richard Leopold's work followed a generation behind Bailey, Bemis, and Pratt, and proves more useful to the task at hand, as one section of the chapter on the foreign policy developments surrounding the Spanish American War deals explicitly with the Senate debates and counter-resolutions on several of the bills related to American colonialism.³⁴

More recent overviews of United States foreign policy by Thomas Paterson, Walter LaFeber, James Field Jr., and George Herring, however, reflect the experiences of the Vietnam War, the end of the Cold War, and even the current conflicts in Iraq and Afghanistan. This added perspective allowed Thomas Paterson to rethink the groupings assigned to historians of foreign policy—the sequence of nationalist (Bemis, Bailey, and Pratt), progressive (Beard), realist (Kennan and Morgenthau), nationalist/realist (May), and revisionist (W. A. Williams), and post-revisionists (J. L. Gaddis).³⁵

Subsequent works, such as Paul Kennedy's *Rise and Fall of Great Powers*, build on the contributions of Gaddis and bring the focal point back to the realist preoccupation with power, yet with new features. This approach includes increased relevance assigned to the environment, the decrease of American economic power, and the increased spending on the United States military. Patterson espouses a holistic examination of international, regional, national, and personal levels—including the interrelationships—to discover “who has the power to create, to set agendas, to control, to shape, to condition, to dominate, and to cooperate?”³⁶

³² Thomas Bailey, *Diplomatic History of the American People* (New York: Appleton-Century-Crofts, 1950).

³³ Samuel Bemis, *Diplomatic History of the United States* (New York: Holt, 1936).

³⁴ Richard Leopold, *The Growth of American Foreign Policy: A History* (New York: Knopf, 1962), 188-196.

³⁵ Thomas Paterson, “Defining and Doing the History of American Foreign Relations: A Primer,” *Explaining the History of American Foreign Relations*, ed: Michal Hogan and Thomas Paterson (Cambridge: Cambridge University Press, 1991), 38.

³⁶ *Ibid.*

LaFeber, writing just after the end of the Cold War, hinged his work on economic uncertainty and international instability—themes as relevant in 1993 as in 1898.³⁷ His central thesis was that the United States became a world power in direct response to the 1893–7 economic crisis: “the post-1898 empire was a product of the pre-1897 chaos at home.”³⁸ This economic theme, therefore, permeated international relations, McKinley’s centralization of power in the executive, and his relationship with Congressional leadership. LaFeber sought to show that this reaction to the Second Industrial Revolution and the subsequent depression resulted in United States foreign policy designed—through the administrations of McKinley, Roosevelt, and Taft—to intentionally cause regional instability to allow expansion of American economic might.³⁹

Herring shares LaFeber’s characterization of President McKinley as purposeful and resolute in crafting a foreign policy of empire.⁴⁰ The president’s manipulations of Congress, international opinion, and domestic support in order to advance the interests of the United States at the end of the nineteenth century showed strength of character as he “used the war to advance America’s status as a world power and achieve his expansionist objectives”—hardly Musicant’s *Empire by Default*.⁴¹ Uniquely, Herring also connects the increasing difficulty of suppressing the Philippine Insurrection with the administration’s power-brokering in the Senate during the debates on the Platt Amendment, and shows the resultant increased interest in maintaining Puerto Rico to guard the eastern approaches to a Central American canal.⁴² Both Herring and LaFeber sought to right an historical wrong by challenging the earlier characterizations of American foreign policy related to empire as bumbling, and specifically McKinley as inept, indecisive, and weak.

³⁷ Walter LaFeber, *The Cambridge History of American Foreign Relations, Volume II: The American Search for Opportunity, 1865–1913* (Cambridge: Cambridge University Press, 1993).

³⁸ Ibid., 103.

³⁹ Ibid., 126, 135, 144.

⁴⁰ George Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (Oxford: Oxford University Press, 2008).

⁴¹ Ibid., 317.

⁴² Ibid., 318, 325.

For a counter point to LaFeber, James Field Jr. derides Pratt, Beard, Williams, Hofstadter, LaFeber, and McCormick as having inverted the historical process to accompany their own preconceived ideas. He attacks the notion that American business interests were focused on the Far East, stating the China route was primarily an East Coast United States interest, and the Navy's heyday of overseas stations was in the 1850s. Empire in Asia was not pre-planned, Field finds. He asserts that the Asiatic Squadron was also considered for action against the Canary Islands, and the primary purpose of either that destination or the Philippines was to open a second theater and force Spain out of Cuba to defend elsewhere, not territorial gain by the United States. Field's title refers to the War of 1898 as the "worst chapter" in any history book because it is all wrong—assigning causation nonsensically and overlooking deep-seated characteristics of American behavior. Had the war not taken a Pacific bent, America would have embraced a much smaller sphere of influence with interests in the Caribbean, the isthmus, and Hawaiian Islands to carry economic expansion abroad. In the same issue of the *American Historical Review*, Beisner and LaFeber's rebuttals to Field's article sharpen the argument, contesting many of Field's points, but ultimately accepting a few while pointing to the benefit to the field as a result of continued study from different approaches.⁴³

Other authors that deal—in useful detail—with at least a few of these debates on empire are Barbara Tuchman, Robert Johnson, and Richard Welch. Tuchman offers a comprehensive analysis of the period as a precursor to her true interest, the debates preceding American entry into the First World War, and offers unique insights into the debates and leadership in the House of Representatives at the time.⁴⁴ Johnson deals specifically with the opposition to imperialism, and links the legislative agitation of 1898–1900 to subsequent resistance to the Treaty of Versailles.⁴⁵ Welch examines solely

⁴³ James Field Jr., "American Imperialism: The Worst Chapter in Almost Any Book," *The American Historical Review* 83, no. 3 (June 1978): 654, 666–67, 669–78.

⁴⁴ Barbara Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890–1914* (New York: MacMillan, 1966), 153–164.

⁴⁵ Robert Johnson, *The Peace Progressives and American Foreign Relations* (Cambridge: Harvard University Press, 1995), 25–32.

the Philippine-American War, to include a particularly strong treatment of the anti-imperialist debates, missionary zeal to proselytize in the Philippines, and the views of black servicemen fighting there.⁴⁶

The study closest to the aspirations for this dissertation is Paul Holbo's essays on the debates in the Senate.⁴⁷ Self-identified as an admirer of May and Morgan, Holbo sought to examine the complexity of the debates of the Spanish American War for insights into the tenor of the conversation. Intriguingly, he focuses not on the main resolutions of the period, but instead on a rather obscure debate offered as an alternative, doomed to failure, but powerful in implication and result. The Turpie-Foraker Amendment changed the dialog in the Senate at the time, represented a powerful assertion of legislative power in the face of a dominant executive, and warrants additional attention. It is the work that Paul Holbo did on this forgotten amendment that inspired the central thesis of this dissertation.

B. OPPORTUNITIES AND OUTLINE

Much of the scholarship employing executive, business, anti-imperialist, and military approaches necessarily suffers from ahistorical presentism. To study President McKinley's decision to annex the whole of the Philippine Islands, for example, is to start with the result and search for possible influences on McKinley as he weighed his options regarding the issue. His communications to others are selective in audience, quite possibly meant to feel out reception for a decision already arrived at, and certainly not transcripts of a running dialog addressing both sides of the choice.⁴⁸

⁴⁶ Richard Welch, *Response to Imperialism: The United States and the Philippine-American War, 1899–1902* (Chapel Hill, NC: University of North Carolina Press, 1979).

⁴⁷ Paul Holbo, "Turpie-Foraker Amendment," in *The War of 1898 and U.S. Interventions 1898–1934: An Encyclopedia*, edited by Benjamin Beede (New York: Garland Publishing, 1994), 549; "Presidential Leadership in Foreign Affairs: William McKinley and the Turpie-Foraker Amendment," *American Historical Review* 72 (1967), 1321–35.

⁴⁸ Trachtenberg's comments on the dangers of evidence collection to support a preconception, and a section addressing attention to variables when examining evidence to ascertain how a decision was made, are instructive. Marc Trachtenberg, *The Craft of History: A Guide to Method* (Princeton: Princeton University Press, 2006), 16, 141–45.

Conversely, the debates in the Senate on the ratification of the Treaty of Paris, to take one example, feature transcripts composed of open dialog on the future of the Philippines in which both sides seek to influence a decision as of yet unmade. In addition, senators engaged in this debate were more directly affected by myriad local and regional interest groups reacting to changes in the domestic and international environment. As a body, Congress certainly brought more of these disparate influences and viewpoints to bear on the debate than did the president and his Cabinet, and did so in a very public forum. In essence, the Senate debates offer a participant's view of the discussion on American imperialism, and it is that unique attribute this dissertation seeks to exploit.

In this paper, the congressional debates on empire are arranged in three clusters. They are organized functionally, and for the most part, chronologically. Beginning shortly after the 1895 re-ignition of the Cuban insurrection against Spanish colonial rule and continuing through the debates on ratification of the peace treaty between Spain and the United States in early 1899, the first group of debates center on the question of whether the United States should engage in imperial expansion. Pivotal debates in this cluster include deliberations on President McKinley's War Message to Congress, the Teller Amendment, the proposed Turpie-Foraker Amendment, and the pivotal question regarding disposition of the Philippine Islands at the center of the Treaty of Paris.⁴⁹

The second cluster of debates deserves individual attention by virtue of topic more than timing. After Congress had resolved the question of the desirability of becoming an imperial power, the focus of debates over the next several years centered on the question of how to go about the tasks of organizing, administering, and defending the new American possessions. Especially troubling, and therefore most interesting, were the multiple solutions crafted to gather these new territories close, but not too close, to Liberty's bosom.

⁴⁹ The main access to most of the following Acts of Congress and debate transcripts is through ProQuest Congressional, augmented by the Foreign Relations of the United States series accessed through the U.S. Department of State website.

Beginning with the Foraker (Organic) Act to establish colonial administration and some form of local government in Puerto Rico, and ending with the Philippine Organic Act to codify imperial and local rule there, the Senate deliberated compromise solutions to accommodate each case individually. That these debates touched on the bedrock of American norms is perhaps best illustrated through the manufacturing of new categories by which to classify territories never destined to become states, and new packages of rights and responsibilities to bestow upon the people that reside there. These debates on how to govern an American empire provide insight not only into the domestic and international pressures acting on senators, but also the tension between established American precedent and the new realities to which precedent did not fit neatly.

The third cluster of Senate debates on empire overlaps the other two chronologically, but presents their antithesis: how to extract the United States from its imperial obligations. The debates on the Platt Amendment in 1901 established the process for granting Cuban independence while restricting Cuban sovereignty. The debates on the Jones Act of 1916 comprised the first declaration of intention to grant independence to the Philippines, leading directly to dominion status.⁵⁰

Within the same Congress—indeed, featuring one of the same sponsors—the Jones-Saffroth Act debates resulted in exactly the opposite outcome for the remaining former Spanish colonies. This 1917 law codified the “organized but unincorporated” classification for Guam and Puerto Rico, a bespoke and unprecedented fabrication to accommodate colonies in a republic.⁵¹ The act created a permanent status—between protectorate and statehood with limited citizenship rights extended to the included inhabitants—that continues to the present. Constant through the above-listed debates is the dichotomy of a liberal democratic republic—with government that derives its “just

⁵⁰ The resultant acts that advanced independence for the Philippines—to Commonwealth status in 1934 and actual independence in 1947—fall outside the scope of this dissertation, but hew to the line established by the Jones Act of 1916.

⁵¹ That is, bespoke in that the classification was crafted specifically to constitutionally accommodate keeping the territories of Porto Rico and Guam; fabrication in that the classification had no basis in constitutional law or territorial precedent.

powers from the consent of the governed”⁵²—ill at ease with the concept of imperialistic domination and searching for ways to provide distance or dispensation.

The period selected for this study offers three compelling opportunities to examine the enduring character of the United States. First, this 18-year period constitutes the bulk of discourse on American engagement in traditional imperialistic enterprise. One benefit of the small scale and late establishment of the American empire was that the experience proceeded at an accelerated pace, spanning decades vice centuries. For the purposes of this dissertation, this means that many of the same senators played a role in the debates regarding the establishment, the maturation, and the eventual disestablishment of the American empire.

Further, these debates played out against strikingly similar backgrounds—while there were admitted differences between the domestic and international environments surrounding the Platt Amendment debates of 1901 on Cuba’s independence and the Jones Act of 1916 on independence for the Philippines, those differences pale in comparison to the broad changes occurring between the debates in Parliament surrounding the Sepoy Rebellion in 1857 and Indian independence 90 years later. Thus, the compressed timeline of American Empire is an intriguing characteristic that delineates the period of this study.

The second compelling opportunity this period offers is a fundamental reassessment of the balance of powers between branches of the United States government. Before the period in question, the executive dominated foreign policy, a pattern that would again become the norm by the second half of the twentieth century. During the period of this study, however, the Senate sought to assert itself. For a brief period, senators reached beyond the limited foreign policy role of earlier times and attempted to extend their prerogative and influence matters more directly through a wide range of congressional foreign policy initiatives. During these debates on imperialism

⁵² Declaration of Independence, 1776.

the Senate sought equal foreign policy status with the executive branch, the progenitor of similar twentieth century attempts, starting with the rejection of the Treaty of Versailles in 1919.

The related debates reflected not only a change in the role of this branch of government, but also change in the interests of the constituents they represented. This period of transition encompassed not only a shift from regional to global foreign affairs, but also an increased interest by local power groups in the international environment. By virtue of greatly reduced transportation costs and transit times, even the traditional local/regional interests of agriculture expanded to the global sphere as markets for American corn and wheat became tenable further afield than ever before.

These changing interests also resonate in the third and final compelling opportunity of the period: that this period represents a moment of contemplation between distinct phases in the American story. At the end of the nineteenth century, the United States entered a transition phase, the heart of which was an opportunity to redefine what, as a nation, Americans hoped to become. The nearly completed process of continental expansion could portend either a period of consolidation or a shift to international, overseas expansion. This debate was carried out, sometimes unconsciously, often overtly, on a national stage during Senate debates on empire.

In addition to the opportunities offered by study of this period, however, the opportunities offered through an approach that features the legislative viewpoint are most promising. Uniquely, this viewpoint offers an insight into deliberations on the concept of a national narrative, specifically in how one gets formed and is then changed over time. Such narratives are not unitary, nor are the contributing and contending discourses coordinated, so examining only one strand may be representative but not inclusive. Thus, examination of Senate debates during this period offers but one view of the narrative, yet this view is uncommonly supra-regional and accessible.

What “the nation stands for” changed to some extent to suit current mores, but also maintained commonality over time. In the case of the legislative debates on empire from 1898–1917, a liberal democratic republic was coming to grips with an expanded

international role to play, and attempting to rationalize and justify imperial domination of foreign peoples. The give and take of Senate debates offers an intriguing way of viewing this discussion as point and counterpoint attempt to define the national narrative.

As a proxy for national debate, the Senate deliberations on empire offer an exceptionally well-documented approach: various stakeholders discuss the issues of the day in a common national forum, with each seeking to advance regional and local agendas. In this way, a melding of national and disparate pressures forged a compromise—if not a consensus. At least, competing views informed decisions to some extent. The result may be, generally and over time, representative and a reflection of popular will.

While individual issues wax and wane with popular opinion or unrelated influences, taken broadly enough a composite view can be cobbled together. By relating a selection of debates with the context in which they occur, it is possible to clearly see something larger, more enduring, and to some extent, defining. The premise of this study, therefore, is to accept the reality of politics by influence peddling, by ideological loyalty, and by dubious compact as valid in the individual events, yet too varied to evenly influence outcomes across time. By reading through Senate debates on the foreign policy challenges related to overseas expansion in this period to identify trends, an inductive argument is formed using a technique analogous to that used in pointillism: to allow the myriad individually unique dots to, if viewed from distance and with perspective, form a unitary and powerful picture.

One popular supposition was that the American imperial project began and was conducted largely as an afterthought. By defeating Spain, the United States came to possess former Spanish colonies, which forced the legislature to find accommodations for same. With distance and perspective, however, the individual dots of discrete debates in Congress can be viewed as a continuum of dialog on a national narrative, part of an ongoing process of defining American meaning and interest in the changing context of the time. While the subject had changed from slavery and western expansion to naval might and imperial conquest, the product of the process remained a distilled expression of American values and purpose.

An associated benefit of approaching the issue through debates in the legislature is that of access. The Senate debates are available verbatim in the Congressional Record as are the final text of the major legislative acts of the period. While many of the committee proceedings were not published, the reports are generally read into the record and exist in the daily transcripts.⁵³ The context in which each debate occurred, the associated international developments of the period, domestic pressures brought to bear on individual senators, and resultant applications of American imperial policy decisions are all available in a robust literature of primary and secondary sources.

However accessed, the goal of examining the Senate debates on American empire is to expose either trends, or perhaps more intriguingly disconnects, in the language used across the period by senators and representatives to support or resist imperial policy. Studying the positions held and the rationale mustered from 1898–1917 serves to identify change and disparities—how a Senator could justify support for both Teller and Platt Amendments, or later vote to begin the process to free the Philippines while voting to keep Guam and Puerto Rico as permanent territories—that animated the American imperial experience.

By focusing not on a single actor, but instead on all the recorded debates on the key bills that spanned nearly two decades, the end product is a discourse between the rhetoric employed in the floor and committee debates, and the elected officials' understanding of the tolerance in the electorate for the ideas there on display. In this way, it is possible to illuminate the changing national narrative regarding the popular will related to empire through the actions of the national representatives engaged in translating mandate to policy. These debates offer a reflection, however imperfect, of American values as they changed from abhorrence of empire to acceptance—or at least acquiescence—of the enterprise.

⁵³ Senate Standing Committees were set up in 1816. Eleven were permanent: Foreign Relations, Finance, Commerce and Manufactures, Military Affairs, Militia, Naval Affairs, Public Lands, Claims, Judiciary, Post Offices and Post Roads, and Pensions. The House of Representatives followed a similar pattern in the late 1820s. Specific temporary committees that dealt with colonial affairs were the House Committee on Insular Affairs and Senate Committee on the Philippines.

II. A DIFFERENT TYPE OF SENATE IN A DIFFERENT SORT OF TIME

Should American seek to control an overseas empire? This question was brought to the fore in the United States Senate by the anticipation, and eventual delivery, of President McKinley's "Message to the Congress of the United States" regarding Cuba on 11 April 1898.⁵⁴ One year later, the question was resolved, for practical purposes, by ratification of the Treaty of Paris, which transferred ownership of the former Spanish colonies to the newly imperial United States. Between these two bookends lies the entirety of the Spanish-American War; the chapters immediately following will examine these two actions of the Senate that bracketed the war.

To lend context to these debates, it may first be helpful to establish the long-standing patterns—in foreign policy, domestic politics, and Senate composition—from which the Senate of the 55th Congress so dramatically departed during its deliberations over whether or not to engage in imperialism. Looking through this lens clarifies how timeworn constraints of partisanship, loyalty to the administration, and sectionalism were shifted or cast off completely by a Senate resisting the president's attempt to shape foreign policy on his own terms.

The Congressional Record transcripts of the Senate debates on whether or not to engage in imperialism reveal curious characteristics of the 55th Congress, both in its foreign policy actions and its composition. A broad reading of legislative actions related to foreign policy between the end of the Civil War and the onset of the First World War establishes a trend fundamentally different from that followed by the Senate during its debates on Cuban intervention and on the eventual annexation of American colonies. Similarly, the domestic political scene in the period from the Civil War to the beginning

⁵⁴ This message was colloquially known, and is hereafter referred to, as McKinley's "War Message." 31 Congressional Record 3699 (11 April 1898). To conform with the *Chicago Manual of Style*, 16th ed., 14.298, subsequent references to the *Congressional Record* are abbreviated Cong. Rec.

of these debates exhibits a muscular partisan dominance by the party holding the majority of Senate seats, a theme that does not hold true during the 55th Congress Senate debates on imperialism.

A brief review of American foreign policy after the Civil War, in which the pursuit of empire was to some extent foreseen but not yet acknowledged as a realistic policy option, helps highlight the new and unusual characteristics of the debates from 1898–1917. The transformation of the domestic political landscape also helped set the scene for the unusual cross-party alignments found in the debates of 1898. During the last third of the nineteenth century disagreements over scandal, monetary policy, and shifting allegiances between business and agrarian power blocs produced internal divisions in both major parties. The Republican Party suffered mass defections, and the period saw the birth of several minor parties that altered the longstanding pattern for legislative actions. The result, evident in the 55th Congress Senate especially, was a fractured majority struggling against an opportunistic, multi-faceted opposition.

A. A PATTERN OF LEGISLATIVE DEFERENCE

Economically, the last decades of the nineteenth century were marked in America and in Europe by more frequent and dramatic cycles of boom and bust and a growing distance between social classes. Against this background, three basic impulses shaped America's political outlook both internally and internationally. Reconstruction consumed great attention and effort as the nation sought to heal itself, attempting to regenerate the defeated Confederacy into American political and economic life. Simultaneously, westward expansion continued, spurred by the advent of a transcontinental railroad and the land grant policy initiated during the war.⁵⁵ In much of the country, a third theme emphasized increased economic and manufacturing development, which propelled the

⁵⁵ Noting that the continent was spanned finally by the 1854 Gadsden Purchase, Walter Nugent underlines the ideology involved in subsequent consolidation: "Expansion resonated with the people. It meant progress, national glory, and successful stewardship...white people were certain that they had the right and duty to take land because they would make it more productive...and because it would eventually become states coequal with the original thirteen, and thus provide free and democratic institutions, the blessings of liberty, to ever more people." Walter Nugent, *Habits of Empire: A History of American Expansion* (New York: Random House, 2008), 234.

consolidation of a number of commercial sectors into behemoth entities, of sufficient weight to make themselves felt politically.

While these three thrusts were rooted in domestic conditions and found their main expression internally, they also informed American foreign policy. Reconstruction reshaped traditional political allegiances and priorities. More than 30 years after the war ended, it continued to encourage the formation of partisan positions that, while originally unrelated to questions of imperialism, still provided a kind of ready-made starting point when the issues of international expansion came to the fore. At the same time, westward expansion led to an increase in the number of seats in the Senate, and amplified the support for policies more important in the west than in the traditional power centers on the east coast.

Earlier episodes of American overseas expansions, which bracketed the Civil War, were fundamentally different than those that followed at the end of the century.⁵⁶ The acquisitions brought about by the Guano Islands Act of 1856, for instance, were small and widely dispersed islands, uninhabited and unclaimed by other sovereign states, thus *terra nullis* under international law. The purpose of annexation was to assure access to the guano needed for fertilizer and saltpeter production, not territorial expansion *per se*.⁵⁷

This kind of limited, pragmatic, and socially inconsequential action falls outside the rather strict definition of imperialism employed in this study. Although words like “empire” and “imperial” seem destined to defy precise analytic definition, in this

⁵⁶ The primary difference between early and late American expansion, Nugent writes, was “the emphasis shifted from settlement of commerce, from peopling an area, to controlling its politics and economy.” *Ibid.*, 244. Indirectly, land use justification was extended to the overseas territories, but as those acquisitions were not about land, the focus of the justification changed as well. For continental expansion, justification was the right to land because native cultures were unable to use it properly. For the overseas territories, this morphed instead into a right to rule because the native culture was unequipped to administer properly.

⁵⁷ “Guano Districts; Claim by the United States” identifies applicable islands as “not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government...” The act was also non-specific in location—it was applied in the Caribbean, Pacific, and along the Canadian border—and thus unfocused strategically. Legal Information Institute, Cornell University Law School, 48 USC Chapter 8 section 1411 “Guano Districts; Claim by the United States,” <http://www.law.cornell.edu/uscode/text/48/1411>.

dissertation, these words are intended, at a minimum, to conjure policies directed toward the establishment of substantial, even if informal, territorial and social control over populations recognized at the same time as distinctly “other.”

By this definition, the pursuit of empire went beyond the mere pursuit of economic advantages, even unfair ones, in international markets. Although overseas expansion for the United States, as for other imperial powers, did not necessarily entail outright territorial conquest and rule, it was not something to which native populations submitted voluntarily, or in which they can plausibly be regarded as having any kind of equal say. There is no doubt the United States defeated and controlled the Philippine insurrectos against their will, for instance. Even if Filipino partners and collaborators in this exercise of American rule were eventually found, the Philippine population was compelled to remain in colonial status until granted independence. Occupying armies, forced adoption of a new state language, and many other similar measures were routine facts of life for the native inhabitants of American overseas possessions, as they were for all the native people ruled by Western powers during this period.

American overseas expansion was also marked by a policy of non-assimilation. Subject peoples were allowed, and often compelled, to retain their identities as “other,” with no expectation that they would be someday absorbed into the fabric of American society. This distinction applied both to colonized territories and to the people within. The westward expansion of the United States had been conducted on quite a different basis. All the territory thus acquired later became states, while the native populations, although not exterminated, were decimated, confined, and marginalized to the point where their habits and interests ceased to count in the future life of the territory they once controlled. The American approach to overseas expansion was quite different and conforms well to the definition proposed by Paul Schroeder:

Empire means political control exercised by one organized political unit over another unit separate from and alien to it. Many factors enter into empire—economics, technology, ideology, religion, above all military strategy and weaponry—but the essential core is political: the possession of final authority by one entity over the vital political decisions of another. This need not mean direct rule exercised by formal occupation and administration; most empires involve informal, indirect rule. But real

empire requires that effective final authority, and states can enjoy various forms of superiority or even domination over others without being empires.⁵⁸

This paper is focused on American political control of its colonies—specifically how such control was agreed to, conducted, and finally abrogated—by the debates and votes of the United States Senate.

Given the framework above, some may argue the purchase of Alaska from Russia in 1867 marked the initiation of American overseas colonialism, if only because the new purchase was accessible primarily by sea.⁵⁹ The rebuttal to this claim lies not in mode of access, rather in the paired facts that Alaska did follow the usual path blazed by the states of the trans-Mississippi west, through incorporated territory to statehood, and that the scattered indigenous inhabitants did not form a nation that was simultaneously subjugated and formally held apart from the conquering nation. In contrast to the classic imperialism that would follow a generation later, the purchase of Alaska represents a combination of territorial bargain hunting on the one hand, and on the other a strategic maneuver to check British ambitions along the Pacific coast of North America.

America's involvement in Samoa and Hawaii provide more convincing examples of nascent imperialistic impulses, both of which, however, were accompanied by legislative inaction. Interest in Samoa as a provisioning and coaling station for South Pacific transit was shared by the United Kingdom, Germany, and the United States. The three powers had individually negotiated agreements with different tribes on the islands, and Germany and the United States nearly came to blows over Samoa from 1887 to 1889 during the Samoan Civil War.⁶⁰ Disagreements continued for another decade until

⁵⁸ Paul Schroeder, "Is the U.S. an Empire?" 10 February 2003, History New Network, George Mason University, <http://hnn.us/articles/1237.html>.

⁵⁹ A related extension of this assertion would be that the earlier incorporation of California into the Union was quasi-overseas expansion as most of the Gold Rush settlers came by sea. The existence of land routes through territories contiguous to the United States, however, is markedly different than land routes to Alaska blocked by the sovereign territory of British North America. Thus the sea access to California is attributable more to speed and preference than necessity.

⁶⁰ Britain and Germany were aware the United States felt itself predominant in Hawaii and argued Germany should be preeminent in Samoa (with Germany compensating Britain on the side). The disagreement nearly came to blows. Richard Leopold, *The Growth of American Foreign Policy: A History* (New York: Knopf, 1962) 140.

settled by the Tripartite Agreement of 1899, dividing the islands between Germany and the United States, with the United Kingdom compensated by cession of German claims in West Africa and other Pacific islands and German support for Britain's Egypt position.⁶¹

While involving inhabited territories to which other imperial powers also wished to lay claim, American interest in Samoa is nevertheless closer in its motives to the Guano Islands Act than to open-ended imperialism practiced in Cuba, the Philippines, and elsewhere after 1898. The premise for American involvement in Samoa did not extend beyond a desire for harboring rights and a means to supply transiting ships. Neither territorial expansion nor the legal and political domination of indigenous peoples were part of the plan. Samoa exists to this day as a non-organized self-governing entity.⁶² This choice was not a reflection of American weakness, but simply of the limits of its interests there.

What distinguishes Samoa from the other still-current U.S. territories of Guam, Puerto Rico, and the U.S. Virgin Islands is the failure of Congress to implement an Organic Act for Samoa specifying how it should be integrated into the American federal structure.⁶³ Instead, Samoan government was created administratively and sanctioned a locally ratified constitution.⁶⁴ It was not the outcome, but the process that led Assistant Secretary of State John Bassett Moore to remark that the Samoa acquisition directly foreshadowed that of the Philippines.⁶⁵

⁶¹ Robert Louis Stevenson, *A Footnote to History: Eight Years of Trouble in Samoa*, Chapter X (Swanston, 1892), Project Gutenberg, <http://www.gutenberg.org/files/536/536-h/536-h.htm>; Leopold, *Growth of American Foreign Policy*, 141.

⁶² The original executive order, signed in 1900, placed American Samoa under the authority of the Navy Department for use as a naval station, and empowered the Navy to "give the islands necessary protection." William McKinley, *Executive Order 125-A*, "Placing Certain Islands of the Samoan Group under Control of the Navy Department," 19 February 1900, Wikisource, http://en.wikisource.org/wiki/Executive_Order_125-A.

⁶³ The spelling of the name "Porto Rico" was officially changed by congressional act in 1934. References to the island by this author before that date are in the modern form "Puerto Rico."

⁶⁴ Ratification Act of 1929, Pub. Res. 70-89, 45 Stat. 1253, enacted 20 February 1929, codified at 48 U.S.C. § 1661; and Revised Constitution of American Samoa, U.S. House of Representatives, <http://www.house.gov/faleomavaega/samoan-constitution.shtml>.

⁶⁵ "No incident in the history of the United States...better prepares us to understand the acquisition of the Philippine Islands" than does U.S. policy on Samoa. Secretary Moore quoted (with this author's paraphrase appended) in Walter La Feber, *Cambridge History of American Foreign Relations, Volume II: The American Search for Opportunity, 1865-1913* (Cambridge University Press, 1993), 91.

The transition in Hawaii from kingdom, to republic, to territory, and eventually to state, transpired over an even longer period. Early in the nineteenth century, a variety of powers—notably France, Russia, and the United Kingdom—had expressed interest in controlling the islands.⁶⁶ American influence gained prominence through an 1875 agreement with Hawaii’s King Kalakaua, by which Hawaii was granted the right to export its sugar duty-free to the United States in exchange for 10 years of exclusive basing rights for American ships at Pearl Harbor. After the king refused to renew the treaty, European and American planters forced him to sign a new constitution in 1887 severely limiting monarchical powers.⁶⁷

Six years later, his successor attempted to undo these restrictions and was overthrown by the planter class, with the assistance of the United States minister to Hawaii and American military forces. The treaty, however, did not receive approval by the United States Senate before President Benjamin Harrison’s term ended. The re-elected President Grover Cleveland, friendly to the monarchy and opposed to the planters’ revolution, ordered an investigation. He eventually recalled the minister and punished the military commander involved, but left the question of reinstating the monarch to the Senate, which eventually demurred.

Hawaii remained in political limbo until President William McKinley’s administration and the changed strategic environment of the Spanish American War.⁶⁸ The early steps to annex Hawaii not only set the stage for the debate on the islands’ final annexation in 1898, but also served to illustrate how changes in the American domestic

⁶⁶ Russia established and occupied three forts on Oahu in the early 1800s. In the 1840s an over-eager Royal Naval officer deposed the king and imposed British sovereignty for six months before superior officers countermanded his rash move, and France overwhelmed and occupied Fort Honolulu six years later.

⁶⁷ A thorough summation of pre-annexation history and foreign intrigues in the Hawaiian Islands can be found in the pro-annexation Morgan Report, by Senator John Morgan, Chairman of the Senate Foreign Relations Committee, at University Of Hawaii, <http://libweb.hawaii.edu/digicoll/annexation/annexation.html>.

⁶⁸ The Blount report was the result of the investigation President Cleveland ordered, and its pro-sovereignty findings were the basis for the president’s repudiation of the revolt. Representative James Blount, former Chairman of the House Foreign Affairs Committee, *Foreign Relations of the United States, Appendix II*, 1984, “Blount Report: Affairs in Hawaii,” University of Hawaii at Manoa Library, <http://libweb.hawaii.edu/digicoll/annexation/blount.html>.

political situation directly affected acceptance of the planters' revolution. While the variable in the Hawaii example was the alternating sequence of Republican and Democratic executives, single party retention of the White House until President Woodrow Wilson in 1912 served to shift the scene of party influence on foreign affairs to the Senate, further elevating the importance of the legislative debates on imperialism.

The other two examples of legislative inaction in foreign policy occurred in the Caribbean Basin. One reason the United States could choose to avoid or engage in foreign affairs throughout this period was the enduring benefits flowing from Pax Britannica. British naval supremacy led to commercial advantage in the western hemisphere, as lucrative markets in newly liberated South American countries attracted significant investment in long-term development there. While France developed substantial interests in the Caribbean—both in the islands, their mainland colony of French Guiana, and briefly in Mexico—their expansionary energies were drawn more and more toward Africa and Asia as the century progressed. Following the sequential declarations of independence by its New World colonies, Spain's empire dwindled to a clutch of Caribbean islands, and Spain's weight in the affairs of the western hemisphere was greatly reduced.

During this period of conversion in the Americas, the United States enjoyed stretches of external peace and security. The few instances of international friction were largely a product of the propensity for the United States to proclaim hemispheric interests directly connected to American "peace and safety" in the Monroe Doctrine.⁶⁹ Two examples of self-inflicted crises that occurred at the end of the nineteenth century—both involving the United Kingdom—were the Venezuela border dispute and the agreement on the prospective isthmian canal. The executive primarily resolved both crises, with the acquiescence of a legislature dominated by his party.

⁶⁹ President James Monroe, "Seventh Annual Message to Congress," 2 December 1823, United States National Archives and Records Administration, <http://www.ourdocuments.gov/doc.php?flash=true&doc=23>. For discussion of President Cleveland's reiteration of the Monroe Doctrine relative to Venezuela, see Dexter Perkins, *A History of the Monroe Doctrine* (Boston: Little, Brown, 1963), 189–91.

The Venezuela crisis grew from an inherited border disagreement. Exact lines of demarcation in the dense jungles between a Spanish colony and a Dutch colony along the Caribbean coast of South America remained unsettled but unimportant for centuries. For 60 years after Venezuela declared independence from Spain and the English took what would become British Guiana from the Netherlands, however, gold mining in the contested zone grew more lucrative and ownership of the area more critical. By the 1890s, diplomatic relations between the two countries had been severed, military outposts constructed and manned, and demands for international arbitration rejected. Given the disproportionate might of Britain there seemed little that Venezuela could do to sway international opinion and force English settlers back into Guiana until Venezuela came upon a tactic that would be employed to great success a few years later by the Cuban Junta.

To depict the border dispute as a challenge to the Monroe Doctrine, the Venezuelan government hired as a lobbyist the former U.S. Ambassador to Venezuela.⁷⁰ He convinced a friendly congressman to introduce a bill recommending arbitration and offering the good offices of the United States. The bill passed unopposed and was signed into law by President Cleveland. In his message to Congress on the topic, the president not only affirmed proper application of the Monroe Doctrine, but chose to interpret the British position as a willful extension of territory at the expense of “one of our neighboring republics against its will, and therefore in derogation of its rights...thereby an attempt to extend its system of government to that portion of the continent...an action dangerous to our peace and safety.”⁷¹ He then called for appropriation and appointment of a commission to press for the Venezuelan claims and American rights.

The outcome of this strident resistance was that Britain eventually agreed to arbitration. In adopting this course, however, the British government tacitly validated America’s new interpretation of the Monroe Doctrine and specifically the extension of its

⁷⁰ George Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (Oxford: Oxford University Press, 2006), 307.

⁷¹ 28 Cong. Rec. 191(17 December 1895) (President Cleveland’s letter to Congress “Venezuelan Border Controversy”).

protection to pre-existing colonies.⁷² This decision sent a clear signal that the British acknowledged the rising power of the United States in the western hemisphere and would allow the republic increased latitude to interpret and safeguard national interests in the Americas. In just a few years, this precedent of American intercession would be replayed in a much more significant and consequential venue: Cuba.

The second Caribbean event extended well into the period of American imperialism, and yet remained distinct. It was also of more direct significance to American national interests, both economic and strategic. As the United States completed its transcontinental expansion, routine transportation of people and goods to its growing Pacific region proved increasingly cumbersome. The process required either all-sea transit around the southern tip of the Americas; or alternately by sea through the Caribbean to Central America, by land across the isthmus, and again by sea to San Francisco. Even as the newly completed transcontinental railroad began to take up a portion of the load, dramatic population and commercial growth on the West Coast multiplied the demand for transport capacity in the form of a journey-shortening canal across the narrow neck of Central America.

A French attempt to construct a canal had failed by 1890, and American planners remained undecided whether the optimal route was through Panama or Nicaragua.⁷³ The final decision was economic, as the French eventually accepted a fraction of their lost investment for the Panama route. Before construction could commence, however, the legal niceties currently in place to limit canal building on the isthmus had to be renegotiated. To prevent British control of an isthmian canal, the United States had entered into the Clayton-Bulwer Treaty of 1850. In essence, the treaty prohibited either party from exclusive control of an isthmian canal and guaranteed neutrality.⁷⁴ Fifty years later, however, the United States sought to abrogate Clayton-Bulwer. The result, the Hay-Pauncefote Treaty of 1901, allowed the United States to unilaterally develop and

⁷² Leopold, *American Foreign Policy*, 162–165.

⁷³ S. Rep No. 57–54, Serial 4225, p. 263 (4 December 1901) (*Report of the Isthmian Canal Commission*).

⁷⁴ Text of Clayton-Bulwer Treaty, at http://avalon.law.yale.edu/19th_century/br1850.asp. The treaty is also embedded in appendix of the Canal Commission Report cited in notes above.

fortify an isthmian canal if the transit remained neutral and accessible to ships of any flag.⁷⁵ All that remained was to convince the government of Colombia, the actual owners of the land, to grant a cession to the United States.

What happened next is what makes the Panama Canal relevant in a discussion of American imperialistic tendencies. In 1903, the Colombian legislature refused to grant the necessary cession. As this project was essentially a commercial enterprise, albeit an interaction directly between governments, the rejection did not constitute *casus belli* to justify a solution similar to President Polk's invasion of Mexico to gain the American southwest and west coast territory a half century earlier. Instead, it was made known to Panamanian separatists that the United States would look favorably upon their move toward independence from Colombia, and that material support would be provided.⁷⁶ As a result, visiting American military forces were able to dissuade Colombian intervention to prevent an independent Panama, and the new country in turn granted the cessions required to complete the canal, thereby re-launching the most ambitious civil engineering project in history.⁷⁷

While Colombia belatedly received an apology and reparation in 1921, this circuitous route to obtain canal cessions by the United States was largely unopposed—or accepted as *fait accompli*—in international foreign policy circles. It remained distinct from later imperialism, however, in that the Canal Zone more closely resembled a business contract than colonial subjugation. In all four cases above, American actions differed from those related to Cuba, Puerto Rico, Guam, and the Philippines, and the Senate either demurred or was denied much of a role in crafting foreign policy.

The reinterpretation of the Monroe Doctrine—coupled with British necessity to counterbalance increased fleet requirements nearer home waters with corresponding

⁷⁵ For a contemporary treatment on the shortcoming of Clayton-Bulwer, the importance of the right to fortify the canal in order to assure its neutrality, and of Pauncefote's role in both the Suez Commission and this treaty, see Mark B. Dunnell, "The Hay-Pauncefote Treaty," *North American Review*, 171, no. 529 (December 1900): 829-46; Leopold, *American Foreign Policy*, 224.

⁷⁶ Leopold, *American Foreign Policy*, 231–233.

⁷⁷ The former agent of the Panama Canal Company who helped instigate the revolt from Colombia, Philippe Banau-Varilla, was received as minister from Panama. *Ibid.*, 232; Hay-Banau-Varilla Treaty, 18 Nov. 1903, Avalon Project, http://avalon.law.yale.edu/20th_century/pan001.asp.

decreases in the western hemisphere—clearly limned the need for American naval expansion to meet the increased demand for presence and influence in the Caribbean, South Atlantic, and Pacific.⁷⁸ The United States’ newly clarified pre-eminence in constructing and operating an isthmian canal similarly dictated a need for naval control—including the required support network—of the canal’s approaches. This extended area of concern, thereby increased interest in Cuba and Puerto Rico in the east and Hawaii, Samoa, and Guam in the west, each of which would in turn require protection as well.⁷⁹

And thus the foreign policy scene was set for the debates on imperialism in the American legislature.⁸⁰ The events from 1898 to 1917 were all played out against the backdrop of earlier American policies and interests in Samoa, Hawaii, Venezuela, and Panama, especially in the Senate, where those treaties were ratified. Throughout all the foreign policy debates of the period, tensions between the branches of government were informed by partisan calculations, and continued the precedent set in the rejection of Hawaiian annexation.

Specific to Cuba, the preceding discussion of American foreign policy developments provides powerful precedents for the upcoming debates. The First Cuban Revolution, or the Ten Years’ War of 1868–1878, had served to sharpen differences within the American government regarding Cuba. On one hand the United States treated Spain as a normal trading partner and even sold her weapons that were eventually used to

⁷⁸ Harold and Margaret Sprout, *The Rise of American Naval Power, 1776–1918* (Princeton: Princeton University Press, 1939), 252. Aaron Friedberg outlined the British cession of influence in the western hemisphere, rebalancing the fleet to the North Atlantic and Mediterranean, painting the significance as “Between 1895 and 1900 clear cut naval supremacy slipped from Britain’s grasp, and with it went the nation’s unique role as the independent, detached arbiter of world affairs.” Aaron Friedberg, *The Weary Titan: Britain and the Experience of Relative Decline, 1895–1905* (Princeton: Princeton University Press, 1988), 153, 164, 172.

⁷⁹ On Mahan’s agitation for bases in Cuba and Hawaii to protect the canal approaches, see Sprout, *American Naval Power*, 215, and on protection of same, 223.

⁸⁰ The Sprouts use the term “the perfect storm of 1890” to describe the alignment of Republican majorities, Samoa excitements, political backing for naval funding bills, Mahan’s writings, the findings of the Naval Policy Board, and the political space made by the board’s excessive call for a 200-ship navy to allow the Secretary of the Navy and Congress the opportunity to support a less large, but still unprecedented naval buildup. Sprout, *American Naval Power*, 209.

suppress the rebellion.⁸¹ On the other, the conduct of the Spanish in oppressing their Cuban subjects received mounting approbation both in the press and in Congress.⁸² With royal forces freed for overseas deployment by the resolution of the Third Carlist War, however, the Spanish were able to bring the Cuban uprising to an eventual conclusion, returning competing positions regarding Cuba to the backburner of American politics.⁸³

When the Spanish reforms in Cuba promised by the armistice failed to materialize, rebellion erupted anew in 1895, enflaming competing passions in America again.⁸⁴ One of the motivators for Cuban insurrection leaders to restart the independence movement was awareness of growing American imperialistic interest in the island.⁸⁵ Directly opposing long-standing interest in annexing Cuba was a growing sympathy for Cuba Libre and association of Cuban efforts toward liberation from Spain with American independence struggles against Britain. These competing positions eventually came to a head in a series of resolutions in Congress, which in turn were the direct precursors of the subsequent debates on imperialism.

⁸¹ American business interests, preferring stability as conducive to commerce, pressured resolution of the conflict to Spain's advantage. The United States Coast Guard was used to enforce prohibition of American filibustering and arms running to Cuba, all feeding Cuban assertion of American favoritism for Spain in the conflict. Spain, meanwhile, pointed to the filibustering, popular support, fundraising, and potential for American intervention, as sustaining forces aiding the *insurrectos*. A.E. Campbell, "The United States and the Old World," in *Material Progress and Worldwide Problems*, edited by F.H. Hunsley, *The New Cambridge Modern History*, vol. 11 (Cambridge: Cambridge University Press, 1962), 681–683.

⁸² Kristin Hoganson, *Fighting For American Manhood*, 48–51.

⁸³ Much as the Irish Uprisings of 1916 and 1919 would take advantage of British preoccupation with the Great War and its aftermath, the Cuban rebels began the Ten Years' War in coincidence with a coup and subsequent Civil War in Spain. Resolution of this Iberian conflict in 1876 resulted in overwhelming forces sent to Cuba finally crushing the rebellion there.

⁸⁴ LaFeber points to the Wilson-Gorman Tariff of 1894 as the cause for the second revolt. It reduced Cuban exports to the United States by half, thus eliminating the funding necessary to carry out promised Spanish reforms on the island. LaFeber, *The New Empire*, 129.

⁸⁵ Jose Marti, one of the insurrection's leaders, had left Cuba following the Ten Years War. During his exile in Ybor City, Tampa, Florida, he became convinced of the necessity to achieve Cuban independence to forestall American annexation. His views would prove prescient. Philip Foner, *The Spanish-American-Cuban War*.

B. POLITICAL DEVELOPMENTS THAT SHAPED THE 55TH CONGRESS SENATE

Much as legislative foreign policy actions described above display a trend from which the 55th Congress Senate would later deviate, the latter third of the nineteenth century featured domestic political patterns that would be upset in 1898 as well. The period was one of transformation in domestic politics from single party dominance, to dual party alternation, to multi-party contestation. This growing political competition shaped the uniqueness of the 55th Congress Senate and animated the oppositional coalition's defiance of partisan solidarity.

The dominance of the Republican Party since the presidential election of 1860, and subsequent slow rebuilding of the post-Civil War Democratic Party, yielded to alternating two-party politics only in 1892 when the Democrats finally captured the presidency and a clear majority in both houses of Congress. Democratic control proved exceedingly brief, however, as the Depression of 1893—one of the most significant in American history—again altered the political calculus.⁸⁶ Both major parties underwent internal divisions, new parties emerged to represent subaltern voices, and the very composition of the Union changed due to western expansion. By 1898, the upper house of Congress was the embodiment of these changes.

The Party of Lincoln had emerged victorious from the national struggle in 1865, and remained dominant—with the brief exception of the second Cleveland administration and 53rd Congress—until the elections of 1912 again united both houses of the 63rd Congress with the executive under the Democratic banner. It should be noted that the only Democratic presidents between 1860 and 1912 were both aberrations. The first was Lincoln's ascended Vice President Johnson, a Unionist from Tennessee chosen as a conciliatory gesture to fence-sitting southerners in the midst of the war.

⁸⁶ Caused in part by several years of under-consumption preceding a bumper crop in 1891, the surplus drastically drove down prices on farm products. Simultaneously, a slack period in home construction and rail expansion led to a general lack of confidence in the economy. "The Depression of 1893 can be seen as a watershed event in American history. It was accompanied by violent strikes, the climax of the Populist and free silver political crusades, the creation of a new political balance, major changes in national policy...that shaped the decade that ushered out the nineteenth century." David Whitten, "The Depression of 1893" *Economic History Encyclopedia*, edited by Robert Whaples, posted 1 February 2010, <http://eh.net/encyclopedia/article/whitten.panic.1893>.

The second was the former Governor of New York, Grover Cleveland, a pro-business conservative Democrat who ran as a pro-gold standard, anti-corruption alternative. As such, Cleveland was well situated to contrast both the scandal-plagued Republican legacy and the traditional Democratic sympathies to agrarian and southern concerns.⁸⁷ This distinction is important not only in breaking the sectionalism that had denied the Democratic Party the White House for so long, but also in establishing the first of five fissures that would feature so prominently in the Senate deliberation in 1898.

The Democratic opposition by 1898 was split between a northern conservative branch, which enjoyed some national success, and a traditional southern branch that was regaining power at the state-level. The Democratic presidential victory of 1892 did not signify a return of traditional Democratic strength, but rather a temporary alliance of northern pro-business Democratic conservatism (the Bourbon Democrats) and anti-corruption Republican Party bolters (the Mugwumps).⁸⁸ In fact, the Bourbon Democrat opposition to agrarian subsidies and bimetallism—seen as antithetical to the pro-business stance that gained them national respectability—would cause great popular Democratic dissatisfaction in the slow recovery from the 1893 depression, leading directly to Populism and rise of the pro-agrarian wing of the Democratic Party united under William Jennings Bryan.

By the beginning of the 1896 election cycle, the Democratic Party was shedding its image as nationally conservative but state-level agrarian in favor of national bimetallism that was promoted as friendly to agrarian interests and more suited to economic recovery. This move was in part a reaction to stalled economic recovery and part political wariness of the Populist Party's gains in the 1892 general and 1894 off-year elections.

⁸⁷ Allegations of bribery and malfeasance over railroad financing and gold market manipulations had tainted the Grant Administration. In combination with reputations gained in urban machine politics, the Republican Party thereafter was often associated with corruption. Cleveland emphasized his anti-corruption record as Governor of New York to successfully counter his opponent James Blaine, whose campaign was unable to overcome allegations he had taken bribes while serving as Speaker of the House of Representatives. Howard Wayne Morgan, *From Hayes to McKinley: National Party Politics, 1877–1896* (Syracuse, NY: Syracuse University, 1969), 241–47.

⁸⁸ *Ibid*, 256.

During this period, the Republican Party experienced infighting as well, establishing the second and third major fissures that would loom large in the Senate of the 55th Congress. The first split occurred due to the inability of the Party to clean up its act; the second was due to the Party's allegiance to the gold standard. The result was a greatly diminished solidarity within the Republican Party, a major factor in its inability to manage the threat of all the minority parties acting in coalition during the debates on intervention in Cuba.

The scandal-plagued Grant administration bequeathed a legacy for which subsequent Republican administrations—those of Hayes, Garfield (briefly), and Arthur—all struggled to compensate. Elections tainted by corruption, along with the morally corrupt Compromise of 1877—which negotiated a Hayes presidency in exchange for Reconstruction's demise—all further undermined the brand, setting the stage for the reform Democrat Cleveland's 1884 success. By nominating former Secretary of State James Blaine, unable to shake allegations of past scandal, the Republican Party provided the perfect foil for Cleveland's candidacy.⁸⁹ Blaine's nomination also caused the flight of the Mugwumps—reform-minded Republicans who could not stomach a Blaine presidency—into the waiting arms of the Democratic Party's conservative wing.

The second schism developed in the Republican Party during this period over the issue of “free silver.” A monetary policy of bi-metallism was championed as a salve for rising prices and boom and bust cycles of the gold standard economy. The slow recovery following the 1893 depression brought the issue to the fore, and the same passions pushing the Democratic Party to abandon Cleveland's gold-standard conservatism in favor of Bryan's bimetallism were at work in the Republican caucus. At the national convention in St. Louis in 1896, disaffected western delegates bolted—following unsuccessful contestation of the Republican Party plank supporting the gold standard—and instead founded the Silver Republican Party.

More than a dispute over policy within the party, this revolt demonstrated the shifting interests of an increasingly transcontinental polity. The composition of the

⁸⁹ David Healy, *James G. Blaine and Latin America* (Columbia: University of Missouri Press, 2001), 129–130.

Union was changing, as nearly completed settlement in the west and admission of seven new states over the previous decade was necessarily reflected in Congress. In the summer of 1896, however, those interests served to produce a fissure in the granite block of Republican political dominance as the Silver Republican Party endorsed the Democratic candidates in that the election that fall. Much of the opposition within the larger Republican camp in the 1898 debates over imperialism would be drawn along these lines.

In a related development, the Silver Party constituted a vocal, but limited, additional political organ espousing bimetallism. With both senators and representatives of the Silver Party eventually representing the State of Nevada, as well as four consecutive governors, the party demonstrated a uniquely western-state single-issue platform closely linked to that state's prime industry. Idaho, Colorado, and Washington were the only other states to send single-term Silver Party representatives to the House, but it must have been a lonely designation as each of them were the only Silver Party member in his state's delegation, and none of their terms overlapped.⁹⁰ In Washington D.C., they caucused with the Democratic Party and also endorsed the candidacy of William Jennings Bryan, adding to the voices in opposition of the Republican Party in 1896.

Unlike the dramatic party-splitting mass bolt exhibited at the birth of the Silver Republican Party and the earlier defection of Mugwumps to the Democratic Party, the birth of Nevada's Silver Party seemed to be a mere exercise in relabeling. Both Senators Jones and Stewart began their Senate career as Republicans, and the rise and fall of the Silver Party meant only a change of their party affiliation, demonstrating a remarkable constancy in both the dominance of the silver industry over the state legislature and the compatibility of the single-plank Silver Party platform with the Republican Party

⁹⁰ Text of the 1896 Platform of the National Silver Party reads as a one-issue manifesto. J.M.H. Frederick, comp., *National Party Platforms of the United States* (Akron, OH: Werner Company, 1896), 90. Also reproduced by Rebecca Edwards, Assistant Professor of History, on her Vassar College website "Platform of the National Silver Party," <http://projects.vassar.edu/1896/silverparty.html>.

leadership in Nevada.⁹¹ Stewart's affiliation was the first to change to Silver, in 1893 at the start of the 53rd Congress, and Jones's changed two years later. When they resumed their seats at the March 1901 opening of the 57th Senate, however, they were both once again Republicans and there were no Silver Party senators, evermore.

Nearly as fleeting, but much more diverse than either the Silver Republicans or the Silver Party, the People's Party was the fourth major block in opposition to Republican dominance. The members of the People's Party, or Populists, were not splinters of either the two main parties, but were instead a third party formed in reaction to cyclic boom and bust economy. Domestically focused, anti-elite, and largely representative of Southern and Great Plains farmers, they were inflationary bi-metalists, anti-bank and pro-agrarian. They favored nationalizing the railroads to give small farmers advantageous freight rates.

Formed in 1891, the Populists garnered a million votes in the 1892 presidential election and seated a smattering of representatives, governors, and senators from the South and West. For the 1896 election they too nominated the Democratic candidate for president, William Jennings Bryan, whose pro-silver and economic recovery platform largely co-opted their party line. After Bryan lost by over half-a-million votes, the People's Party's fortunes ebbed until eventually disbanding after the 1900 presidential election.⁹²

The pro-silver cause garnered impressive popular support, but suffered unfortunate timing. Propelled by the Depression of 1893, bimetallism's vitality was sapped by signs of economic recovery just prior to the fall elections in 1896. Bryan's attempt to keep the issue at the forefront of the 1900 elections was doomed as well, undone by returned prosperity and popular preoccupation with the debates on imperialism, which by then had become the central issue in American public life.

⁹¹ The state legislatures appointed United States Senators until experimental direct elections began with Oregon in 1907. Direct elections became universal with the addition of the Seventeenth Amendment to the Constitution in 1913. United States Senate, Institutional Development, http://www.senate.gov/artandhistory/history/common/briefing/Direct_Election_Senators.htm.

⁹² This paragraph is a summary of an excellent and comprehensive treatment of the Populist third-party movement found in Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (Oxford: Oxford University Press, 1978).

Thus the scene was set for the Senate of the 55th Congress to proceed in a manner significantly different than its predecessors. The party with the most seats would not necessarily command a majority, nor would it act cohesively. Similarly, the other major party was split into two major factions, and simple classifications only served to obscure multiple, more subtle interest areas. Finally, the three minor parties were each fortuitously placed to amplify their importance by forming temporary alliances of convenience to further their disparate goals and sway the course of events. Given the tortured landscape of this Senate, the administration's plans for intervention in Cuba were indeed in for a bumpy ride.

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III. THE SENATE OF THE 55TH UNITED STATES CONGRESS

The proceedings of the 55th Congress Senate in 1898 were dramatically different than those that came before. This unique Senate can, in large part, be attributed to the confluence of three ingredients: the events it dealt with, its unusual composition, and the contributory foreign affairs and domestic political events described in the previous chapter. It was the positions and allegiances developed in this Senate that would eventually decide the outcome of the debates on intervention in Cuba, and later, on annexation of the Philippines, Guam, and Puerto Rico.

This chapter will show how this Senate, unlike those that went before, was uniquely predisposed to conduct the sort of coalition-of-convenience legislating that will feature prominently in the next three chapters. The Republican hold on the House of Representative was nearly a supermajority, which for all intents stifled debate and rendered House opposition moot. In the Senate, however, the Republican Party needed to convince at least part of the opposition to join its side.

The concept of the party in the majority facing opposition from the party hoping to gain the majority is part and parcel of the political process, as is, to some extent, the splintering within parties over discrete sub-topics. The 55th Congress Senate went well beyond the norm. It performed a ballet of fracturing and reforming over a series of separate topics that all influenced the outcome of the larger debate on imperialism. It is this interaction between senators, parties, topics, platforms, and resolutions that make the study of this series of debates so interesting, and so unique.

A. HOW THE 55TH UNITED STATES CONGRESS SENATE WAS DIFFERENT

The changes within the Republican and Democratic parties described in the last chapter, along with the creation of the Silver Republican, Silver, and Populist parties, all contributed to the complex composition of the 55th Congress. The establishment Republican Party, ensconced in the Northeast and the Midwest (the former Northwest Territories), championed issues and concerns of business. The movement of reform

continued to define the Bourbon Democrats—who split state caucus with the mainstream Republicans in many of their stronghold Northeast and upper Midwest states—and their pro-business orientation distinguished them from the rest of the Democratic Party.

The southern caucus was solidly non-Bourbon Democratic, animated by the large agricultural concerns of that section. In the Senate, the Democratic Party filled all the seats of the former Confederacy save North Carolina (split with the Populists, who caucused with the Democrats), plus Missouri. Half of the remaining states east of the Mississippi seated two Republican Senators, the other half seated one each Democratic and Republican. Omitting that lone Populist, eastern senators were invariably from the two major parties. Conversely, everything west of the Mississippi, save Texas, was variegated. Only four states had solely major party representation, and all the others featured minor party senators, one exclusively.

The 55th Congress Senate can thus be understood as dramatically bifurcated. In the east, the two major parties continued the old struggle as the Democrats and Republicans restated the arguments of a half-century earlier. The split between the Bourbon and pro-Bryan Democrats was reminiscent of the 1860 split between Northern and Southern Democrats. In the west, however, party affiliations were all jumbled, creating a crazy-quilt fabric instead of a two-tone map. Only one of the 32 states in the east sent a minor party senator to Washington D.C., while in the 13 western states (with the three territories excluded), nine seated minor party senators, one state exclusively.⁹³

This pattern of sectional affiliation is relevant in that the goals of those disaffected major party and slightly radical minor party senators would feature prominently in the upcoming debates on intervention in Cuba. The domestic concerns that created and sustained the minor parties, and the splinter groups within the major parties, were often diametrically opposed to the domestic interests of the major parties. The insurgency of

⁹³ United States Senate, Art and History, “Party Division in the Senate, 1789 to Present,” http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm. To further break down the party affiliation by state in each Congress Senate, the associated page “States in the Senate,” <http://www.senate.gov/states/> allows the researcher to select any state, use the “Senators” tab to bring up a table listing the occupant of each Senate seat, duration of tenure, and party affiliation. The preceding three paragraphs above are an amalgamation in prose of that data.

Bryan Democrats contesting the Bourbon Democrat platform and the stark geographic divide between the major party east and increasingly minor-party influenced west represented significant change. Admission of seven states in the decade preceding the 55th Congress amplified an increasingly western interest set. Coupled with the creation of three minor parties during that decade—the People’s Party in 1891, the Silver Party a year later, and the Silver Republicans in 1896—this divergence of domestic political aims would have tremendous impact on the foreign policy debates in the Senates of the 55th and 56th Congresses.

The combined voices of Democratic (both Bryan and Bourbon), Populist, Silver, and Silver Republican senators and representatives formed the opposition to mainstream Republican policies. Thus, when the 55th Congress convened in March of 1897, the Republican Party enjoyed a clear majority in the House sufficient to allow Speaker Thomas Reed to prohibit discussion on bills that he, or the president, felt sure they could pass.⁹⁴ Preventing debate eliminated the threat that potential Republican fence-sitters might shift their vote after hearing convincing presentations by the opposition. This power silenced the House minority, but magnified the importance of debate in the Senate.

In the Senate, meanwhile, the Republicans mustered only a plurality. After the final Democratic senator was seated in May, there were 43 Republicans, 34 Democrats, five Populists, five Silver Republicans, and two senators from the Silver Party in the chamber.⁹⁵ Although the four opposition parties might, in principle, unite to overrule the Republican plurality, closer inspection reveals how difficult it would be for these diverse groups to find common ground, even in the short term.

The development of an anti-Republican majority coalition in the Senate was undone by orthodox American political tensions: urban interests versus rural, business versus consumer, corporation versus freeholder, and patronage versus reform. For example, the platforms of all four included pro-“free silver” planks. The schism within

⁹⁴ Alexander McDowell, Clerk of the House of Representatives, 55th Congress, “Biographical Directory of the 55th United States Congress,” Office of the Clerk, House of Representatives, http://artandhistory.house.gov/house_history/index.aspx.

⁹⁵ The final Republican senator, Joseph Simon from Oregon, would not be seated until nineteen months into the 55th Congress due to inability of the state legislature to organize. Ibid.

the Democratic Party, however, would prevent unity on that issue as the Bourbon Democrats from the Northeast were doggedly pro-gold standard. Their stance would have the effect of reducing a potential bloc of 46 votes by at least eight, converting a potential majority into a minority.

Similarly, tariffs on agricultural imports, viewed favorably by Populists interested in higher crop prices were opposed by Democrats, Silver, or Silver Republicans from the west whose constituencies were already susceptible to higher food costs.⁹⁶ Questions like whether or not to recognize the legitimacy of the insurgent government in Cuba were not regarded as sufficiently momentous to cause these kinds of concerns to be set aside. On the contrary, arguments about foreign policy in the Senate were always filtered through the domestic concerns of its constituent parties.

B. COMPOSITION OF THE 55TH CONGRESS SENATE: THE DEMOCRATIC AND MINOR PARTY SENATORS

The American experience with imperialism would prove fleeting. It began with the 1899 annexation of the former Spanish colonies; less than two decades later the territorial status of the new American colonies would be established, and the Philippines put on a track for commonwealth status and eventual independence. For the United States, the span from establishment to dismantling its empire could be measured in three senatorial terms. Many of the senators who participated in the initial debates over intervention in Cuba would also be influential in the debates over granting commonwealth status for the Philippines at the period's end.

From the Democratic side, Senators John Tyler Morgan and Edmond Pettus, both of Alabama, came to represent the solid bloc of ex-confederate Democratic strength.

⁹⁶ Tariffs on imported goods were the government's prime revenue generator and protected domestic producers from international competition. In broad terms, supported by five decades worth of legislation initiated by either party, Republicans favored protectionist tariffs and Democrats did not. The business constituency of the Republican Party stood the most to gain if tariffs artificially inflated the purchase price of foreign goods competing for a share of the market, while leaving the cost of domestic goods in the same market unaffected. Conversely, the agriculture constituencies of the Democratic Party could compete well against foreign goods, until bulk transport became less expensive and conditioned. Not producers of their own finished goods, they would benefit if fair competition between foreign and domestic Northern manufacturers lowered prices. United States Bureau of the Census, "International Transactions and Foreign Commerce, Value of Merchandise Imports and Duties: 1821–1970," *Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part II* (Washington, DC: GPO, 1975), 888.

Both were former CSA generals who would serve in the Senate until 1907.⁹⁷ A former chair of the Senate Foreign Relations Committee and future chair of the InterOceanic Canals Commission, Senator Morgan authored the Senate report on the coup in Hawaii and eventually served on the commission to setup a territorial government there.⁹⁸ Two other classic southern-bloc Democrats who played a large part in these debates were Senators Benjamin Tillman of South Carolina and James Berry of Arkansas.⁹⁹ Known as “Pitchfork Ben,” the former was a firebrand who would not leave the Senate until 1918, the latter a passionate defender of southern loyalty to the Constitution who would complete his 22-year career in 1907.¹⁰⁰

In contrast to the southern Democratic bloc that these gentlemen exemplified, Democratic senators from border and Mid-Atlantic States tended to exhibit a milder brand of partisanship. Senator George Gray from Delaware, for instance, sought to ensure that the Senate’s actions aligned with international law and conventions, as opposed to party preferences.¹⁰¹ His willingness to work across the aisle was later rewarded by successive appointments to judicial positions in both federal courts and at The Hague, all of which were made by Republican presidents.¹⁰² Senator George Vest of

⁹⁷ “Morgan, John Tyler (1824–1907),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000954>; “Pettus, Edmund Winston (1821–1907),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000279>.

⁹⁸ Adam Hochschild, *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York: Houghton Mifflin, 1998), 80.

⁹⁹ “Tillman, Benjamin Ryan (1847–1918),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000274>; “Berry, James Henderson (1841–1913),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=B000418>.

¹⁰⁰ “Tillman, Benjamin Ryan (1847–1918)” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000274>.

¹⁰¹ For Senator Gray’s lengthy speech on international law and precedence, and also his substantiation of opinion “so say the American people, unless I mishear their voice entirely.” 31 Cong. Rec. 3841–44 (14 April 1898).

¹⁰² Senator Gray was appointed to these positions by Presidents McKinley, Roosevelt, and Taft. “Gray, George (1840–1925),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=G000396>.

Missouri, and Senator William Lindsay of Kentucky, exhibited a similar focus on law over party preference.¹⁰³

Similarly, Senator John Daniel from Virginia seemed more measured in his positions during the debates over intervention.¹⁰⁴ He was concerned mostly with ensuring the upper house felt no undue pressure to rush a decision, continually championing thoroughness over haste. Another member less ardent in his support of the central Democratic position, Senator Stephan White of California, was broadly representative of the western viewpoint. He generally favored recognition of the Cuban insurgency but was adamant that the power to do so lay solely with the executive—the latter exactly the mainstream Republican position.¹⁰⁵

At the furthest end of the spectrum from Senators Pettus and Morgan were Senators Charles Faulkner of West Virginia and Donelson Caffery of Louisiana, who could only be classified as pro-administration in these debates.¹⁰⁶ These two-term senators, both staunch Democrats and distinguished Confederate soldiers, sided with predominately Republican positions on all matters relating to the war. Their speeches on the floor indicate their motivations were two-fold: They believed their interpretation of

¹⁰³ For Vest, “Vest, George Graham (1830–1904),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=V000091>. Regarding Senator Lindsay, his centrist positions may be indicative of the changing mood in the state legislature, who in 1897 elected the other Kentucky Senator, Deboe, a Republican. “Lindsay, William (1835–1909),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000327>.

¹⁰⁴ “I am well aware of the great impatience of the public. We have seen that impatience reflected here...gentlemen in this chamber, generally coolheaded, cried out “vote now...” war will keep a day; war will keep a week...possess your souls in patience, gentlemen, while the Senate of the United States resolves the awful responsibility of peace or war.” 31 Cong. Rec. 3876–77 (15 April 1898); “Daniel, John Warwick (1842–1910),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=D000035>.

¹⁰⁵ 31 Cong. Rec. 3960–64 (16 April 1898); “White, Stephen Mallory (1853–1901),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000394>.

¹⁰⁶ 31 Cong. Rec. 3971 (16 April 1898); Ibid., 3958–59 (statement of Senator Caffery); “Faulkner, Charles James (1847–1929),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000045>; “Caffery, Donelson (1835–1906),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000016>.

the Constitution, backed by long precedent, supported the Republican views, and they thought that supporting the administration was the clearest path to American annexation of Cuba.¹⁰⁷

The opposition participants from the minor parties generally were less likely to stray from the positions established at their conventions. During the course of these debates, Populists, Silverites, and Silver Republicans all promoted party platform planks of free silver and recognition of Cuban independence, and Populists continually excoriated bonded debt. This loyalty can be attributed in part to the newness and slightly more radical character of the minor parties. But, as all three would disappear from the American political scene after the next presidential election, the relevance here of their unity is limited to their monolithic support of Cuban independence.

C. COMPOSITION OF THE 55TH CONGRESS SENATE: THE REPUBLICAN SENATORS

On the Republican side, the outstanding figures were firmly pro-administration. The McKinley administration had held its course since inauguration in early 1897: no recognition for an independent Cuba and official American neutrality. The Senate Foreign Relations Committee was the point of referral for the president's request for authorization to intervene in Cuba, and its chairman, Senator Cushman Davis of Minnesota was thus most responsible for implementing the administration's agenda. Senator Davis personally ensured the administration's position shaped the approach taken by committee members in negotiating the subsequent joint resolution with the House of Representatives, a step that proved instrumental in defeating the opposition's position. President McKinley later appointed him to serve as a negotiator for the Treaty of Paris, but did not influence subsequent debates on American imperialism as he died shortly thereafter.¹⁰⁸

¹⁰⁷ 31 Cong. Rec. 3971 (16 April 1898); Ibid., 3958–59 (statement of Senator Caffery); “Faulkner, Charles James (1847–1929),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000045>; “Caffery, Donelson (1835–1906),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000016>.

¹⁰⁸ “Davis, Cushman Kellogg (1838–1900),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=D000095>.

Senator Orville Platt of Connecticut was also rigidly supportive of the administration's positions, deriding any debate or opposition as disloyal. His tone evoked both military and moral righteousness, a particularly effective combination to a body peopled largely with Civil War veterans from both sides.¹⁰⁹ Just as rigid but adept at employing legalistic argument to defend the administration's plan, Senator John Gear of Iowa countered the Democratic argument that the recommendations in the majority report were unconstitutional by interpreting the same legal citations to argue the minority report was unconstitutional.¹¹⁰ Finally, Senator Henry Cabot Lodge of Massachusetts deserves inclusion in this category for his service as an outspoken proponent of the administration's interventionist agenda during these debates. His long career spanned all the debates on American imperialism, culminating in his successful opposition to President Wilson over the Treaty of Versailles in 1919.¹¹¹

While the diehard administration partisans were effective and well placed, most Republicans in the Senate did not belong to that group. There were two categories of Republican senators who generally supported the administration's prerogatives, but differed on discrete issue items on which they felt strongly. One additional senator differed mainly by dint of his hardline position so set against accommodation that he far outstripped the administration's zeal.

In the first category, the clearest example of general agreement with only discrete issue-driven difference is Senator Redfield Proctor of Vermont.¹¹² A Union colonel in the Civil War, Proctor served as a state representative, state senator, and governor of

¹⁰⁹ Regarding initiating war in Cuba, Senator Platt stated the president and House have "put that purpose on high and impregnable grounds...which challenge the consent and admiration of mankind. Against them in the Senate we are called upon to adopt another reason for the war...to put it upon an infinitely lower ground, an untenable ground, a ground upon which the judgment of mankind cannot and will not approve." 31 Cong. Rec. 3948 (16 April 1898); "Platt, Orville Hitchcock (1827–1905)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000382>.

¹¹⁰ 31 Cong. Rec. 3973 (16 April 1898); "Gear, John Henry (1825–1900)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=G000110>.

¹¹¹ "Lodge, Henry Cabot (1850–1924)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000393>.

¹¹² "Proctor, Redfield (1831–1908)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000547>.

Vermont; as President Harrison's secretary of war; and 17 years as senator from Vermont until his death in 1908.¹¹³ He was a diehard Republican and a recurring candidate for presidential nomination himself, more dedicated to the party than to any particular president. A second member of this "mostly dedicated" group was Senator George Frisbee Hoar from Massachusetts, a Republican Party fixture who served as the National Convention Chairman in 1888.¹¹⁴ He was generally supportive of the McKinley administration, but he parted ways with the president after the Spanish American War, becoming a prominent opponent of imperialism and the Philippine-American War during his final five years in the Senate.

A third of this group was Senator Eugene Hale of Maine, who spent a decade in the House before his 30-year career in the Senate. He parted with the McKinley administration over intervention in Cuba because he was vehemently opposed to expansionism. His feelings on the topic ran in parallel with mainstream Republican arguments for refusing to recognize the rebels, but went beyond them in rejecting any attempt to force Spain to quit the island. His stand was so determined that he was disparagingly referred to as the "Senator from Spain," and publicly lauded the benefits of Spanish rule in Cuba to counter Junta propaganda.¹¹⁵ His anti-expansionist stance would be a factor in the Senate until his retirement in 1911.

The members of the second category—Republican Senators aligned in general opposition to the administration's position—were too numerous to list, but a select group of five will serve as examples here. The most prominent, both by product and position, was Senator Joseph Foraker from Ohio, who would play a crucial role in the votes to

¹¹³ "Proctor, Redfield (1831–1908)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000547>.

¹¹⁴ "Hoar, George Frisbie (1826–1904)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000654>.

¹¹⁵ Senator Hale's comments in Senate debates will be covered in detail in Chapter 4. One of dozens of examples of his views on the subject can be found in an interview "Spanish Rule in Cuba: Senator Hale Says it Has Improved the Island," *New York Times*, 5 January 1897, <http://query.nytimes.com/mem/archive-free/pdf?res=F40E16FD345D11738DDDAC0894D9405B8785F0D3>; "Hale, Eugene (1836–1918)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000029>.

modify the War Message. The first-term senator was a prominent member of the Senate Foreign Relations Committee and had a long history of pivotal deal making within the Republican Party.¹¹⁶ A hopeful himself for the presidential nomination in every cycle from 1884 to 1908, Senator Foraker repeatedly curried favor by dealing away his votes through endorsement of a more competitive candidate. While this tactic resulted in the Ohio governorship, and eventually a seat in the Senate, it also marked Senator Foraker as a threat to every incumbent and a competitor to every future aspirant, thus ensuring perpetual semi-outsider status.¹¹⁷

During the debates on intervention in Cuba, this Republican Party fixture would find himself cast as the spokesman for the minority report, and as such the de facto head of the opposition to the administration's agenda, an opposition stocked with Populists, Silver Party, and Silver Republican senators. With his support, the minority report became the lodestone for many issues, and its approval became the benchmark of opposition success or failure in these debates.

The next four Republican senators were all in opposition as they favored the minority report of the Senate Foreign Relations Committee over the administration-blessed majority report. Each was distinct, however, in his reasons for disliking the majority report. The positions they set forth in floor speeches during the debates make them representative of small groups of opposition senators.

Senator Jacob Gallinger of New Hampshire supported the recognition of Cuba on idealistic grounds—in short, that legitimacy is derived not from the trappings of government, but from its performance and stated ideals.¹¹⁸ Senator Knute Nelson of Minnesota defended the prerogative of the legislature relative to the executive and made a case for Cuban legitimacy through historical comparison to America's own

¹¹⁶ "Foraker, Joseph Benson (1846–1917)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000253>.

¹¹⁷ For Senator Foraker's pattern of vote trading endorsements, and the eventual comeuppance this pattern evoked. Lewis Gould, *The Presidency of William McKinley* (Lawrence, KS: University Press of Kansas, 1980), 19; Edmund Morris, *Theodore Rex* (New York: Random House, 2001), 479–80.

¹¹⁸ 31 Cong. Rec. 3976 (16 April 1898); "Gallinger, Jacob Harold (1837–1918)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=G000023>.

revolutionary experience. He remained supportive of all other aspects of the administration agenda regarding Cuba, and later during the debates on annexing the Philippine Islands, the Treaty of Paris, and administering the American empire.¹¹⁹

Senator George Perkins of California advanced the notion that the choice between the majority and minority reports of the Senate Foreign Relations Committee was not a political question at all because all of the major and minor party platforms, except the Silver Party, included planks supporting recognition of an independent Cuba.¹²⁰ Senator John Thurston of Nebraska represented the small minority of Republican Senators who opposed the concept of intervention in Cuba in favor of a peaceful solution.¹²¹ He favored recognition of the insurgency because it would remove the strictures of neutrality on American conduct. The result, he believed, would be American funding and arms to the Cuban insurgents ensuring that Spain could be evicted and Cuban independence achieved without loss of a single American life.

The third and final category of Republican opposition—a category with a single occupant—was aligned with the administration over the executive’s sole prerogative of recognition, but differed sharply from McKinley on the issue of clearly stated intentions. Senator Stephen Elkins of West Virginia preferred stating outright American intention to annex Cuba, Puerto Rico, the Philippine Islands, and any other Spanish holdings in the western hemisphere, and believed recognition of the Cuban Republic would be a setback in progress toward that goal.¹²² In short, Senator Elkins opposition to the McKinley War Message is remarkable in that he was out of the Republican norm by being too

¹¹⁹ 31 Cong. Rec. 3984 (16 April 1898); “Nelson, Knute (1843–1923),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=N000040>.

¹²⁰ In addition, the Silver Party platform was silent on the point. 31 Cong. Rec. 3985 (16 April 1898); “Perkins, George Clement (1839–1923),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000232>.

¹²¹ 31 Cong. Rec. 3986 (16 April 1898); “Thurston, John Mellen (1847–1916),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000256>.

¹²² Denying any expansionary tendencies, Senator Elkins advocated taking “not only Cuba, Puerto Rico, and the Philippines, but all the territory and property of Spain in the Western Hemisphere, and having taken this territory in war, we should hold it as a war indemnity and dispose of it as we please, because Spain is a bankrupt nation...” 31 Cong. Rec. 3979 (16 April 1898); “Elkins, Stephen Benton (1841–1911),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=E000110>.

straightforward, a quality that the president characteristically felt would prove too constricting during the upcoming developments.

D. THE EBB AND FLOW OF PARTISAN SOLIDARITY

Reading through the transcripts from 11 to 25 April 1898, a consistent pattern emerges. During the Senate debates on President McKinley's War Message and the resultant declaration of war against Spain, 30 senators of all stripes were passionately engaged, while the remaining two-thirds were largely silent. The two major parties, Democratic and Republican, were evenly represented by a dozen voices each in the transcripts. After accounting for those 24 participants, almost no other major party senators offer more than the most routine comments. Similarly, the three minor parties—Silver, Silver Republican, and People's parties—field two vocal participants each, a cumulative number representing exactly half the minor party slate.¹²³ The other half simply disappears from view.¹²⁴

There is no mistaking the overwhelming solidarity of the three minor parties, compared to the fractured infighting of the two major parties. The two vocal Populist senators concur with each other on every substantial debate point, as do the two Silver senators and the two participating Silver Republican senators. Distrust of northeastern business interests, the vexing question of liability for Cuban debt, and limiting the power of the executive relative to the legislature animated all six minor party participants throughout the debates.

The counterpoint to the solidarity of the minor parties is the divisiveness displayed by both Democrats and Republicans, as often as not across sectional lines. In addition, major party senators were often animated by questions of constitutionality. They debated the appropriate foreign policy roles for the legislature and the executive

¹²³ Of the 12 total minor party seats in the 55th Congress Senate, five each were held by Silver Republicans and Populists, with the Silver party holding the remaining two.

¹²⁴ While they were in attendance and speak on other issues, other than their names tallied in votes with "yeas and nays recorded," three each Populist and Silver Republican senators appear nowhere in the Congressional Record's transcripts of debates on Cuba, 11–25 April. Seniority cannot explain preferential speaking opportunities as, in the People's Party for instance, the two senators that spoke at length were both in their first and only term. The only Populist that had been reelected (Sen. Kyle from South Dakota) was among the silent.

and the contrasting duties of party loyalty or senatorial obligations to provide advice and consent. On such questions of principle, members of the same party could easily find themselves diametrically opposed, even when arguing from the same set of facts.¹²⁵ Similarly, senators of different parties occasionally arrived at the same conclusion but based their position on perfectly opposed rationales. In short, party affiliation, allegiance or opposition to the administration, and sectional interests did not predetermine the Senate's consent to President McKinley's request for authorization to intervene in Cuba on his preferred terms.

E. READING THE CONGRESSIONAL RECORD

In considering the debates in the 55th Senate, it is important to understand the function of the discussion recorded in the Congressional Record. Legislative debate at the turn of the twentieth century was a matter of direct public interest, far more than it is today. In addition, the theatrics and content of congressional debates had a palpably different character. It was not uncommon for long excerpts from the Congressional Record to be repeated in popular newspapers. It is also true, conversely, that senators and congressmen in that period had far fewer sources of information at their disposal and no army of staffers and lobbyists to support them. As a consequence, and to a degree that may seem surprising, the intent of most speeches during these debates was to convince, educate, and search for common ground on which to build compromise, not merely to deploy what would today be called "sound-bites."

An average day presented in the Congressional Record may feature approximately a third of the copy filled with administrative proceedings—opening prayer, communications received, messages from the other house, petitions and memorials, bills referred, presidential approvals, and the introduction of bills private and public—in short the daily business of Congress. The remainder of the space is generally filled with

¹²⁵ There are like numbers of instances in which two senators of different major parties—such as the Democratic and Republican senators from West Virginia—agree on the topic of precedent establishing foreign policy roles of the executive and legislature, a result unpredicted by partisan position or constituent interests. As will be detailed in the following chapter, Democratic Senator Faulkner and Republican Senator Elkins both supported presidential prerogative for recognition and the recommendations of the majority report from the Senate Foreign Relations Committee on intervention in Cuba, both pro-administration Republican positions. 31 Cong. Rec. 3979 (16 April 1898).

discussion of contentious issues in an attempt to influence opinion in advance of a vote. In the House the issues discussed generally revolve around either funding or patronage, such as the construction of railroads, bridges, dams, and canals or the restructuring of the support establishment for the Army. In the Senate, however, loftier topics dominated the discourse, and lengthier debates were the norm. It is here that the bulk of the discussion on American imperialism was conducted.

The Congressional Record recounts each day's business, generally 50–60 pages of typeset transcripts, offering a detailed reconstruction of what was said and done, including applause, interruptions, and protestations from the floor. The format is oversized, two-column layout with usually 1500–1600 words per page beginning with the Senate proceedings from convening to adjournment, then the same for the House. A typical daily transcript in the Congressional Record during this period fluctuates between 75,000 and 100,000 words. The proceedings often began in late morning or at noon and ran to five or six-o'clock, every day but Sunday.

The momentous debates on foreign policy occasioned by the War of 1898 often extended into evening sessions, once extending beyond midnight before culminating in a conclusive vote. Some of the most dramatic speeches feature prominently in the transcripts of these extended sessions. Inclusion in these lengthy monologues of references to the previous day's presentations, or refutations of points made even just prior to the last meal break, conjure images of Senators furiously scribbling in the cloakrooms during breaks or by candlelight in their rooms late in the evening to prepare for their upcoming opportunity to weigh in on the discourse.

Embedded in the hundreds of pages of daily transcripts that chronicle each of the significant debates on American imperialism are small gems that make the exploration worthwhile. Time and again, dozens of pages may be filled with a single speech, which in the end amounts to little, but must be read for context. It is, however, often a single sentence or quote that perfectly captures the entire discussion rewards the diligent search. The debates on imperialism in the Senate feature the highest rhetoric and the basest political machinations, but both, in the end, are necessary to understand the progress from republic to empire and back again.

IV. LURING THE ISSUE INTO THE LIGHT: PREPARATORY SENATE DELIBERATIONS ON CUBA

Empires grow at a rate inversely proportional to the attention they receive.
When competition is keen, the publicity is enormous and gains small.
Empire builders flourish in the shadows of indifference.¹²⁶

The preceding chapter outlined the environment and policy precedents for the debates in the 55th Congress on imperialism, and this chapter explores the opening moves of the debates themselves. These preparatory deliberations are especially noteworthy in contrast to the partisan solidarity Congress previously displayed over tariff and foreign policy matters. As detailed in the previous chapter, congressional preferences—such as for altering excise rates, or entertaining appeals from planters who had gained control of the Hawaiian Islands—often varied directly with the change of party in the majority. During these debates on imperialism, however, partisan solidarity was continually nudged aside by competing allegiances to sub-issues that crossed party lines.

Herein lies the importance of unique composition of the Senate of the 55th Congress, with its empowered minorities and fractured majority. In earlier such deliberation, unity was enforced by subordination of any competing sub-issues to party fealty. Conversely, the theme that developed during these preparatory debates—and continued in the Senate throughout the imperial deliberations of the 55th Congress—was that an opposition unable to coalesce on a single topic could instead work alternately with and against elements of the majority party.

Applying this approach, minority Democrats created ad hoc coalitions with Populists, Silverites, and Silver Republicans. These various combinations championed small sub-issues that usually appealed to a few dissident Republican senators as well. By splitting the Republican bloc, the opposition was able to effectively force a public discussion on imperialism, which the administration would have preferred not occur.

¹²⁶ A. E. Campbell, “The United States and the Old World,” in *Material Progress and Worldwide Problems*, ed. F. H. Hunsley, *The New Cambridge Modern History*, vol. 11 (Cambridge: Cambridge University Press, 1962), 672.

Small groups of senators, galvanized by what were often small, ancillary issues, were thus able to pry the national debate on imperialism out into the open.

To detail the development of this opposition approach, the first half of this chapter will cover the early joint resolutions that proposed recognition of Cuban belligerency, Senator Redfield Proctor's influential speech recounting his fact-finding mission to Cuba, and four further Senate resolutions that framed the argument just prior to President McKinley's 11 April delivery of his War Message.¹²⁷ The second half will consider the reception of the War Message in the Senate, the composition of the Senate Foreign Relations Committee to which the message was referred, and the majority and minority report from the committee. The events collectively constituted the opening salvos of the debates on American imperialism in the Senate and served to clearly define the basic arguments for and against overseas expansion.

A. BUILDUP TO A FIT OF IMPERIALISM

U.S. annexation of Cuba, periodically advanced even before the Civil War, had been a recurring topic of discussion in Congress since the Grant Administration.¹²⁸ Passions aroused by Spanish depredations during the Ten Year's War of 1868–1878, which included Spanish executions of American citizens, often elicited calls for American action, leading to discussion of Cuba's ultimate fate.¹²⁹ Seventeen subsequent years of uneasy peace in Cuba dimmed, but did not extinguish, this ardor.

When the Cuban war reignited in early 1895, however, those enthusiasms were also rekindled and were soon exacerbated by Spanish conduct, particularly toward the civil population. Unable to effectively control the island with the troops assigned, the

¹²⁷ William McKinley, "Message to the Congress of the United States," 31 Cong. Rec. 3699 (11 April 1898).

¹²⁸ Comments and subsequent discussion on President Grant's Message to Congress on 7 December 1875 read aloud and entered into the record. 31 Cong. Rec. 3978 (16 April 1898).

¹²⁹ The height of American condemnation of Spanish conduct during the First Cuban Revolution was the 1873 execution of the captain and some crew of the *Virginius*—an American filibustering, or gun-running, ship that ran Spanish blockades to supply Cuban forces. Delayed diplomatic intervention eventually saved the balance of the crew, and indignation was somewhat salved by reparations and an apology. LaFeber, *Cambridge History of American Foreign Relations*, 65. On American calls for action, see Mary Mander, "Public Opinion and the Spanish-Cuban/American War," in *The War of 1898 and U.S. Interventions, 1898–1934*, edited by Benjamin Beede (New York: Garland, 1994), 451.

Spanish uprooted civilians from their rural subsistence farms and concentrated them in fortified cities. Labeled *reconcentrados*, these dislocated peasants were left to their own devices to find food and shelter within the confining walls. Despite American attempts to provide relief—including the ministrations of Clara Barton’s Red Cross mission—thousands died of disease or starvation. Public outrage in the United States over inhumane Spanish treatment of the *reconcentrados* led to a new American justification for potential intervention: humanitarianism.¹³⁰

In an attempt to characterize the insurrection as merely a civil disturbance—and thus keep relations between the United States and Spain amicable—President Cleveland declared official American neutrality on 12 June 1895. His proclamation served two purposes. First, it was intended to reassure both the Spanish government and the American business community that the official position of the United States favored Spain’s retention of Cuba. It was hoped this assertion would simultaneously stave off Spanish concerns about American intervention and American concerns about risk to their investments in the island.

Second, the declaration specifically upheld the illegality of “filibustering”—actions by private citizens of one country that constitute acts of war in another country’s territory—to support the Cuban rebels. The declaration urged all officers of the United States to stop and “rigorously prosecute” all such activity. Without question, the declaration was intended to aid the Spanish war effort by attempting to stop up the biggest flows of private American money and arms that had sustained the insurrection.¹³¹

Cleveland’s neutrality declaration was intended to preserve American interests in the likely event Spain should prevail. The policy was, nevertheless, immensely

¹³⁰ There are numerous references to the *reconcentrados* in the Foreign Relations Committee Report, Senator Proctor’s speech, and senatorial debates detailed later in this chapter. On the “total war” policies of the Spanish Governor General Valeriano Weyler-Nicolau—popularly called “Butcher Weyler”—and the specific policy of *reconcentrado*, see Harold Dana Sims, “Cuban Revolt (1895–1898),” in Beede, *The War of 1898*, 151. Numerous citations of correspondences and publications chronicling public outrage at the Spanish policy are also found in the 700-page committee report.

¹³¹ Grover Cleveland, “Proclamation 377: Neutrality of Citizens of the United States in the Civil Disturbances in Cuba,” 12 June 1895, American Presidency Project, <http://www.presidency.ucsb.edu/ws/index.php?pid=70684>.

unpopular. Disaffected Democratic and opposition Republican senators joined forces to support a bipartisan concurrent resolution authored by Senators Morgan and Cameron.¹³²

At the heart of this bill lay recognition the Cubans were engaged in a legitimate belligerency. Adoption of the Senate's proposed designation would contradict the president's laissez faire declaration that the struggle in Cuba constituted only a domestic civil disturbance, and was thus an internal matter for the Spanish state to handle. Instead, recognition that the struggle in Cuba constituted a legitimate belligerency would confer upon the Cubans a status short of recognition as an independent state, but one that nevertheless implied they were due—under international law—rights and recognition greater than either the Spanish or President Cleveland were inclined to bestow. In short, this proposed legislation was an attempt by the Senate to craft foreign policy contrary to that of the Secretary of State and the president.

The Senate resolution passed in February 1896 and was later endorsed in the House of Representatives as well.¹³³ This expression of the voice of Congress carried no legal weight, most especially with President Cleveland, who “hated Congressional interference in diplomacy” and “never permitted Congress to dictate or formulate policy, any resolution merely expressing Congressional opinions.”¹³⁴ The chief executive thus simply ignored the Senate's attempt to influence foreign policy by resolution. Nevertheless, contesting the executive branch's declaration of neutrality set the stage for the more protracted and visible Senate forays into foreign policy that would occur once Cleveland left office.

Following President McKinley's victory in the fall elections, Senators Cameron and Morgan made another attempt. This time they crafted the bill as a binding

¹³² Formerly President Grant's Secretary of War, Senator Cameron in 1896 was at the end of his 20-year Senate career, which began with election as replacement to the Senate position filled by his father for three decades. “Cameron, James Donald (1833–1918),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000065>.

¹³³ Senator Hale, “the Senator from Spain,” was one of six senators who voted “nay” to the concurrent resolution. For debate, text, and vote on the resolution in the Senate. 28 Cong. Rec. 2251–57 (28 February 1896) (statements of Senators Cameron, Hale, Vest, White, Hill, and Allen).

¹³⁴ Howard Wayne Morgan, *America's Road to Empire: The War with Spain and Overseas Expansion* (New York: Wiley and Sons, 1965), 10; Leopold, *The Growth of American Foreign Policy*, 169.

resolution—which, should it pass both houses, would only require presidential endorsement to attain the force of law—in order to establish a position for the incoming Congress to bring to the new president. The Senate Foreign Relations Committee report on the resolution was brought to the floor on 21 December, but extensive debate was delayed until after the new Congress was seated in March.¹³⁵ Periodically, the joint resolution was addressed by lengthy speeches to keep it in the forefront of senators' minds until actual debate occurred.¹³⁶

In May 1897—shortly after the 55th Congress convened—Senators Cameron and Morgan's second bill passed overwhelmingly in the Senate, with only 14 in dissent. In the House, however, the Republican faction most in support of neutrality had gained strength in the recent elections, and party leadership ensured the joint resolution recognizing belligerency in Cuba never made it out of committee. The operational difference between the tightly controlled, solid Republican majority in the lower house and that party's mere plurality in the upper house—a difference that would play an outsized role in the debates on empire yet to come—had made itself felt a mere two months after the congressional session had begun. Those who believed that recognition and material support from the United States was all that was required for the Cuban rebels to triumph over their Spanish oppressors would later point to these two resolutions as a lost opportunity to attain their aims on the cheap and without military intervention.¹³⁷

The same day the joint resolution was reported out in the Senate, 21 December 1896, another bill arrived on the floor and opened debate on the question of how exactly recognition of Cuban belligerency could legally be accomplished. This bill asserted that

¹³⁵ For the entire SFRC report and text of the resolution, see 29 Cong. Rec. 326–54 (21 December 1896).

¹³⁶ For an example, see 29 Cong. Rec. 656–63 (8 April 1897).

¹³⁷ For a summation of all three resolutions—the Senate and House concurrent resolutions of 1896, and the failed joint resolution of 1897—and what they may have attained had they succeeded, see 31 Cong. Rec. 3889 (15 April 1898).

the responsibility and authority to recognize a new government did not rest solely in the executive, but was a shared authority with Congress.¹³⁸

The main sponsor of this argument was Senator Vest of Missouri, whose research during the recent Venezuelan border crisis convinced him that the president did not have sole authority to recognize other governments. He found it most astounding, given that the power to declare war resided in the legislature, that the executive branch “could bring about war by exercising the high prerogative of declaring whether or not a people struggling to achieve its liberty was entitled to recognition. If that proposition were true, then, for a hundred years, the statesmen of the country had been in the dark on the question.”¹³⁹

Invoking senatorial privilege to delay discussion of any issue, Republican Senator Hale of Maine moved to table Democratic Senator Vest’s bill. Vest’s bill would languish on the table and expire, but—along with Senator Cameron’s report from the Senate Foreign Relations Committee—it was quoted verbatim and at length in national newspapers.¹⁴⁰

Thus, with the Cubans locked in the second year of their revived struggle for independence, the process of drawing battle lines for the upcoming Senate debates on intervention had begun. Even though the Republican, Silver Republican, Populist, and Democratic Party platforms each had planks supporting recognition of the rebel government in Cuba as independent from Spain—and both houses of the United States Congress had passed resolutions recognizing the belligerency on the island as legitimate—partisanship and bicameral relations had so far prevented those efforts from acquiring real legal and political force.

¹³⁸ 29 Cong. Rec. 354–5 (21 December 1896).

¹³⁹ Senator George Vest quoted in “Proceedings in Congress: Senator Cameron Reports the Cuban Resolution,” *New York Times*, 22 December 1896, <http://query.nytimes.com/mem/archive-free/pdf?res=F40B17FE3A5F1B738DDDAB0A94DA415B8685F0D3>.

¹⁴⁰ Senator Cameron’s report from the Senate Foreign Relations Committee, Senator Hill’s substitute resolution recognizing belligerence in Cuba but affirming American neutrality, and Senator Vest’s proposed bill were all related in detail in footnote 131.

Some senators constructed deliberate arguments designed to support or disprove the constitutionality of intervention. Simultaneously, other senators were searching for precedent to establish or refute the legislative role in recognition of newly independent nations. Through it all ran the pro-administration cadre's intimation that any questioning of the executive policy toward Cuba was disloyal, and thus asserted that parliamentary maneuvers to block debate entirely were justified.

As 1897 progressed, the increasingly brutal Spanish campaign to pacify the island resulted in elevated sympathy for, and more frequent professions of, Cuba Libre in the United States. Although the Cuban resistance persevered, it was a series of changes in Spain that eventually altered the situation in Cuba.

In August 1897, an anarchist assassinated the conservative Spanish Prime Minister, Antonio Canovas. The following month, his replacement, Práxedes Sagasta, recalled the Spanish commander in Cuba, General Weyler, and initiated the process to grant a form of home rule to the Cubans as an alternative to independence. Throughout the fall and winter of 1897–98, the Cuban revolutionaries won significant battles, consolidating their hold over the eastern half of the island and contesting the rest. With the implementation of autonomy as official policy on 1 January 1898, these political and policy changes suggested that expectation of continued Spanish rule of Cuba was no longer a certainty, even in Madrid.¹⁴¹

By the spring of 1898, however, American popular focus had shifted away from outrages toward Cubans and instead concentrated on insults toward the United States. Publication of the DeLome Letter, in which a Spanish embassy official revealed intent to delay, not implement, promised reforms and repeatedly disparaged the President of the United States, brought to the fore Spanish duplicity in negotiations over Cuba.¹⁴² This scandal was followed on 15 February by the explosion of USS Maine in Havana harbor, a

¹⁴¹ May, *Imperial Democracy*, 111, 123–24.

¹⁴² The *New York Journal* published on 9 February 1898 an intercepted letter from Spanish Ambassador to the United States DeLome, to the Spanish Foreign Minister: "Transcript of DeLome Letter (1898)" National Archives, <http://www.ourdocuments.gov/doc.php?flash=true&doc=53&page=transcript>; "The Worst Insult to the United States in its History," *New York Journal*, 9 February 1898, <http://www.usadocuments.org/index.php?page=display&id=53>.

calamity that a Naval Board of Inquiry found to have been externally caused.¹⁴³ Thereafter, public enthusiasm for war was at an all-time high.

Congress was not idle during this period. It took two actions that would have outsize influence on the coming debates. Deeming the outbreak of war a swiftly approaching eventuality, both houses passed a bill in early March—without debate or a single vote of dissent—for emergency appropriation of 50 million dollars to increase American military preparedness.¹⁴⁴ This congressional largess signaled admission that the American forces were woefully inadequate to conduct operations that the American public appeared to be demanding. This bill also reflected the near universal support for military intervention in Cuba. The debates to come would be over how to authorize and control military operations more than about whether or not to intervene.

The second congressional event of March 1898 with profound import on the imperial debates occurred one week later. It was a measured and influential speech on the condition in Cuba, delivered by a stalwart Republican. It changed the tenor of the discussion in the Senate.

B. THE CALM VOICE SPEAKS THE LOUDEST

Redfield Proctor was a solid Republican beginning his second of three terms as Senator from Vermont. Formerly the governor of that state and President Harrison's first Secretary of War—preceding Senator Elkins in that post—he was generally pro-administration, backing protective tariffs and the gold standard.¹⁴⁵ In short, until late 1897 Senator Proctor could have only been characterized as an administration asset in the Senate. In that capacity, and with those credentials, he traveled to Cuba to assess the

¹⁴³ The sinking of the *USS Maine* was also covered by the Hearst Press as “Spain’s Victory of Peace” on 17 February 1898, History Matters, George Mason University, <http://historymatters.gmu.edu/d/5471/>; “The Official Report of the Naval Court of Inquiry” (commonly called the “Sampson Board” after its chair, Capt. Sampson, USN), 21 March 1898, Spanish American War Centennial Website, <http://www.spanamwar.com/mainerpt.htm>; William McKinley, “Message from the President of the United States transmitting the Report of the Naval Court of Inquiry upon the destruction of *USS Maine* in Havana Harbor,” Senate Foreign Relations Committee, S. Doc. No. 55–207, Serial 3610, Vol. 21.

¹⁴⁴ For complete text and vote count, see 31 Cong. Rec. 2631–32 (9 March 1898).

¹⁴⁵ “Proctor, Redfield (1831–1908),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000547>.

state of the insurgency and continued reports of Spanish atrocities. It is precisely because of these benign expectations, however, that the presentation of his findings caused such a sensation.

On 17 March 1898, Senator Frye of Maine—the President pro tempore of the Senate and a staunch supporter of the administration—called for Senator Proctor to present the findings from his recent inspection of Cuba.¹⁴⁶ This solicitation of Proctor's views by such a pro-administration stalwart may be interpreted as expectation that the speech would bolster the pro-intervention argument by chronicling harsh Spanish treatment of Cuban non-combatants. The content of the speech did, indeed, advance these points, but it also deeply undermined both the administration's case not to recognize the Cuban insurgency and the associated assertion that the declared rebel government lacked legitimacy.

Senator Proctor began by stating the trip was “entirely unofficial and of my own motion, not suggested by anyone,” but added he had verified in advance the President had no objections.¹⁴⁷ During the visit, Proctor met with the three American representatives in Cuba—the presidential representative and two consuls—and toured exclusively the four provinces (of six total on the island) in Spanish control.¹⁴⁸ In those regions, he viewed the desolation and despair wrought by the Spanish policy regarding the *reconcentrados*. Nothing but uninhabited and burned ruins existed outside the smattering of fortified Spanish-held towns, which he characterized as “prison yards.”¹⁴⁹ What made this speech so powerful was the strength of the speaker's conservative credentials paired with his measured, balanced delivery.

¹⁴⁶ “Mr. President, the Senator from Vermont (Mr. Proctor), a Senator in whom the country has much confidence, and a conservative man, has just returned from a pretty careful investigation of affairs in Cuba, and has expressed a willingness to give to the Senate and the country his views.” 31 Cong. Rec. 2916 (17 March 1898).

¹⁴⁷ Ibid.

¹⁴⁸ As Senator Proctor was in Cuba by the permission of the Spanish authorities, he felt honor-bound to restrict his inspection to only Spanish-held territory. Ibid.

¹⁴⁹ “It is desolation and distress, misery and starvation. Every town and village is surrounded by” trenches, wires, and guard towers “to keep the *reconcentrados* in as well as the insurgents out...the people have been driven into these fortified towns and held there to subsist as they can. They are virtually prison yards.” Ibid.

After confessing he had fully expected to find conditions in Cuba generally acceptable and the previous reports overstated, he proceeded to substantiate those early reports.¹⁵⁰ The bulk of the speech progressed away from the administration position and sought instead to dispel myths and stereotypes employed to denigrate the prospect of a free and independent Cuba or to portray a Spanish victory as assured. In vivid detail, Senator Proctor painted a picture of a rather moderate Spanish non-military population, an educated and homogenous Cuban white and colored population, and a black population not victimized by race prejudice. He described the Spanish Army of about 60,000 effectives—a quarter of the force originally deployed to Cuba, the rest having died or become invalid—as a marginally capable army that rarely ventured far afield from the fortified towns for extended operations.¹⁵¹

It was his characterization of the Cuban forces involved in the struggle and of the political situation on the island that did the most harm to the administration's case. Proctor met with "an American from a southern state" serving as a field officer in the Cuban Army and was later able to acquire independent verification of the information the former Confederate related. The 30,000 active insurgents were largely unmolested in the two eastern provinces they held, and operated widely in the other four, listing many attacks and assassinations within miles of Havana. Well trained and led, their most pressing needs were for supplies of ammunition and clothes. This statement supported the position of some Senators that American recognition and supplies alone would ensure Cuban success, and directly opposed the administration's assertion American intervention alone would right the situation in Cuba.¹⁵²

In describing the unity of the Cubans behind the goal of independence, Senator Proctor rebutted the claim of many in his party that Spanish reforms and the promise of autonomy for Cuba would resolve the conflict on the island. His interviews with prominent businessmen, professionals, and autonomist officials—the very parties those

¹⁵⁰ In one example among many, Senator Proctor stated "I went to Cuba with a strong conviction the picture had been overdrawn; that a few cases of starvation and suffering stimulated press correspondents...imagination." Ibid.

¹⁵¹ Ibid., 2918.

¹⁵² Ibid.

opposing independence cited as the true Cuba—universally found that independence or complete Spanish victory were the only plausible alternatives left, concluding “you do not have to scratch an autonomist very deep to find a Cuban. The division...is Cuban against Spaniard. It is practically the entire Cuban population on one side and the Spanish Army and Spanish citizens on the other.”¹⁵³

His closing paragraphs began, “I have endeavored to state in not intemperate mood what I saw and heard, and to make no argument thereon, but to leave everyone to draw his own conclusions.”¹⁵⁴ Instead of recommendations, he then shared his personal impressions. He would not support annexing Cuba due to the problems associated with assimilating foreign elements.¹⁵⁵ Rather, he supported independence because he thought fears that a free Cuba would be ungovernable or troublesome were unfounded. He believed, on the contrary, that self-government and stable institutions were likely to take hold there.¹⁵⁶

Senator Proctor’s speech gave the impression that his sole aim was to get at the truth about what was going on in Cuba.¹⁵⁷ That such a party loyalist spelled out conditions as they were—some favorable to the administration’s position but others inimical to it—was powerful, and continued to resonate in the debates that would accompany and follow President McKinley’s War Message.

¹⁵³ Senator Proctor continued “I do not count autonomists in this division as they are far too inconsiderable in numbers...the march of events has satisfied most of them that the chance for autonomy came too late...I was greatly surprised at their frankness.” *Ibid.*, 2918–9.

¹⁵⁴ *Ibid.*, 2919.

¹⁵⁵ “Not because I would apprehend any particular trouble from it, but because it is not wise policy to take in any people of foreign tongue and training, and without any strong guiding American element.” *Ibid.*

¹⁵⁶ He gave his reasoning as “The conditions for good self-government are far more favorable. The large number of educated and patriotic men, the great sacrifices they have endured, the peaceable temperament of the people, whites and blacks, the wonderful prosperity that would surely come with peace and good home rule, the large influx of American and English immigration and money, would all be strong factors for stable institutions.” *Ibid.*

¹⁵⁷ Indeed, his closing sentences included this theme: “it is not my purpose at this time, nor do I consider it my province, to suggest any plan. I merely speak of the symptoms as I saw them, but do not undertake to prescribe.” *Ibid.*

C. FOUR ATTEMPTS TO FRAME THE ARGUMENT

The final three weeks before the delivery of President McKinley's War Message to Congress were punctuated by pronouncements on, and references to, the struggle in Cuba, but none as significant as Senator Proctor's speech. On 29 March—the day after the formal report on the explosion aboard USS Maine arrived in the Senate—however, a minor flood of resolutions swept through the Senate, along with an impassioned speech outlining one senator's position on the Cuban question. The text of the four resolutions and the single speech comprise only six of the 116 pages in the Congressional Record for that day, but they are notable examples of the solidifying positions held on the topic in advance of the upcoming debates.

One after another, four joint resolutions were proposed and referred to the Senate Foreign Relations Committee, the final two coming from members of that committee. The Populist Senator from Nebraska went first, proposing a joint resolution recognizing the independence of the Republic of Cuba on the grounds of the valor and sacrifice of the insurgents. Citing the Monroe Doctrine as the source of America's obligation to intervene, the resolution authorized immediate military action by the executive and provided aid to the refugees.¹⁵⁸ He was immediately followed by the Democratic Senator from Utah, whose resolution also recognized an independent Cuba, but added a declaration of war against Spain on multiple grounds, including destruction of American property in Cuba, mistreatment of American citizens there, treacherous sinking of USS Maine, Spanish inhumane treatment of Cuban non-combatants, and the need to ensure "the approving judgment of all civilized people."¹⁵⁹

Neither of these first two resolutions ever made it out of committee. The third, proposed by Senator Foraker—a Republican of Ohio and a member of the Foreign Relations Committee—proved far more influential, including some of the crucial language around which future debate would revolve. Foraker proposed a resolution of four parts. The first stated that "the people of the island of Cuba are, and of right ought

¹⁵⁸ 31 Cong. Rec. 3293 (29 March 1898) (statement of Senator Rawlins).

¹⁵⁹ *Ibid.*

to be, free and independent.” The particular phrasing, echoing the American Declaration of Independence, would later be criticized by opponents of intervention as a non-factual statement with no business in a declaration.¹⁶⁰ Its basic import, explicitly affirmed in the second section, was to recognize the Republic of Cuba as the lawful government. The third section demanded Spain remove her forces from the island, and the fourth “authorized, empowered and directed” the president to use American forces to “carry these resolutions into effect.”¹⁶¹ Again, the choice of phrase—Congress directing the president to intervene—would cause much consternation. Foraker’s resolution did not include a declaration of war.

None of these three resolutions conformed to the president’s wishes, nor were they sanctioned by the Republican leadership. Their sponsors were all well ahead of the administration in responding to, and inevitably encouraging, the pro-Cuban sympathies of the general populace.¹⁶² The fourth speaker was determined to apply a counterbalance and shift the direction of the discourse in the Senate back toward the administration’s position.

Stating that he was offering his resolution in direct response to the preceding submissions, Senator Frye of Maine, another committee member, then introduced another joint resolution with similar phrasing but dramatically different meaning. Senator Frye’s resolution was designed to sound forceful without actually requiring anything of the administration. It left intervention entirely to the president’s discretion, and deftly sidestepped the problem of recognizing the political legitimacy of the insurrection by declaring that the hostilities existed “between Spain and the people of Cuba.”¹⁶³

The body of Senator Frye’s resolution continued in this vein, scrupulously avoiding plain speech to allow room for alternate interpretations later. It detailed the

¹⁶⁰ The opposition largely thought “ought to be” too soft and preferred an outright recognition of an independent Republic of Cuba. The pro-administration side, conversely, pointed out that saying the Cubans were free when Spain still tightly controlled one-half of the island was simply untrue. These points will be developed more fully in the next chapter.

¹⁶¹ 31 Cong. Rec. 3293 (29 March 1898).

¹⁶² May, *Imperial Democracy*, 138.

¹⁶³ 31 Cong. Rec. 3293-94 (29 March 1898).

barbarous Spanish suppression of the insurgency without officially recognizing who and what the insurgents purported to be and decried the loss of American investment and commerce without demanding recompense. It complained of costs incurred enforcing neutrality without revoking that policy and stated Spain's loss of Cuba was now irreversible, but without recognizing Cuba's independence. Finally, it resolved that the president should take action to end the hostilities in Cuba, see Spain withdraw its forces from the island, and "the complete independence of said people" all by "such steps as, in his discretion, may be necessary."¹⁶⁴

Thus the battle lines were drawn. To one side, Senator Foraker—a member of the Republican majority on the Senate Foreign Relations Committee—had spelled out a proposal that declared Cuba independent, recognized the rebel government as legitimate, and directed the executive to force Spain to quit the island. The chairman of the same committee had then countered with a proposal designed to leave matters in the hands of the executive, calling for commitment to little that was concrete, and allowing wide latitude for discretion and interpretation. Both resolutions were referred to the committee, of which Senators Foraker and Frye were members, and further discussion was rendered moot until a report emerged.

D. A STUDIED LACK OF CLARITY: MCKINLEY FURTHER MUDDIES THE TURBID WATERS

On 11 April 1898, after the opening prayer and dispensing with ordinary business, Secretary of the Senate William Cox read President McKinley's war message in its entirety to the assembled senators. In excess of 5,000 words, the transcript of the message fills seven columns on four pages of the Congressional Record. In it, the president characterizes the importance of events in Cuba using language nearly identical to Senator Frye's 29 March resolution: cost and effort of enforcing American neutrality laws, lost American commerce and investment, and the "irritation, annoyance, and

¹⁶⁴ Ibid., 3294.

disturbance among our people” that had distracted Congress from more pressing issues—by which he meant domestic matters appropriate to the legislative branch, rather than foreign affairs.¹⁶⁵

The next section of the message alternated between cataloging Spanish depravities and American attempts at redress. For every increase in misery brought on by the Spanish concentration policy, the message listed an American humanitarian aid effort. Every Spanish rejection of mediation services was met with an American suggestion to use the good offices of the president. Each Spanish delay of reform, and then later autonomy, in Cuba was met with American encouragement for reconsideration.¹⁶⁶

Following this lengthy preamble, the author then began to substantiate his position regarding Cuba. The president first reiterated his statements in the most recent annual message to Congress: recognition of belligerence was “not warranted according to the facts,” recognition of independence was “impractical and indefensible,” and “forcible annexation...would be criminal aggression.”¹⁶⁷ President McKinley then cited President Jackson’s independence recognition threshold—no recognition until any danger that the former ruler could re-conquer its former colony had passed—as justification for withholding a recognition that would hamper a potential American intervention without appreciably simplifying the task “pacify the island.”¹⁶⁸ The message then built a case for American “forcible intervention as a neutral to stop the war” in order to protect American commerce, spare the effort required to enforce neutrality, and eliminate annoyance to

¹⁶⁵ Urging the Senate to stay out of foreign policy matters, the president stated the topic had “inevitably found its expression from time to time in the National Legislature, so that issues wholly external to our own body politic engross attention and stand in the way of that close attention to domestic advancement that becomes a self-contained commonwealth whose primal maxim has been the avoidance of all foreign entanglements.” 31 Cong. Rec. 3699 (11 April 1898) (William McKinley, “Message to the Congress of the United States”).

¹⁶⁶ Ibid., 3699–70.

¹⁶⁷ Ibid, 3701.

¹⁶⁸ Ibid.

Americans, all justifications echoed in Senator Frye's resolution.¹⁶⁹ Finally, he added the sinking of the USS Maine and resultant inquiry report as a basis for American intervention.

Having thus declared his preference for "intervention as a neutral" without recognition of the government in Cuba, President McKinley then stated that the time had come for "enforced pacification of Cuba in the name of humanity, in the name of civilization, in behalf of endangered American interests...."¹⁷⁰ He specifically asked Congress to authorize and empower (not direct) the executive to use the military and naval forces of the United States to pacify the island, and "secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations...."¹⁷¹ Once again recreating the space for interpretation featured in Senator Frye's proposed resolution, the language in the War Message intimates much while committing to little. It closes by putting the ball squarely in the Senate's court: "the issue is now with Congress. It is a solemn responsibility. I have exhausted every effort" and "await your action."¹⁷²

The War Message codified the administration's position, while attempting to mollify concerns over the president's plans. Its effect was to ignite parallel debates over how to interpret a number of seemingly straightforward statements whose true meaning became more obscure with closer scrutiny.

For example, the War Message stated the executive wished to use armed force to "pacify the island." Did that imply using force only to stop Spanish depravities, or would the American military also act against the Cuban rebels? If the former, would not "to compel Spain to withdraw its forces from Cuba" be more clear and eliminate the possibility the American military could be used to quash Cuba Libre? Resolving such questions raised a broader one, of whether the aim of a Senate resolution should be to limit and circumscribe action—in which case ambiguities and loopholes needed to be

¹⁶⁹ Ibid.

¹⁷⁰ Ibid, 3702.

¹⁷¹ Ibid.

¹⁷² Ibid.

ferreted out and eliminated—or to authorize the executive to act as it felt best, in which case more expansive language would be called for.

Before the War Message was referred to committee, and immediately after the Secretary completed the first reading, two senators leapt to their feet to attempt to force discussion to inform the committee proceedings. Silver Senator William Stewart of Nevada requested public discussion before referral to committee. He declared that uninvited intervention without first recognizing a state of belligerency would have the appearance of simple conquest, an appearance substantiated by language that could be construed to allow American force to be used against the Cuban insurgents. Recognition of Cuban independence prior to intervention would limit application of American force strictly to Spanish resistance, and he cited the joint resolution of 1896 and the pro-recognition planks in all three party platforms as indication of the will of the nation on the topic.

Senator Stewart also proposed that international law held both the Cubans and Spanish jointly accountable for all Cuban debt, unless the Cubans achieved independence. In that instance, the debt would be Spain's alone, because it would be to have been incurred while attempting to subdue the successful revolt. If the United States took Cuba by force, however, it would have to assume the burden of the debt. He therefore asserted that the safest course was to first recognize Cuban independence.¹⁷³

Populist Senator Marion Butler of North Carolina then rose to state that the American people had long awaited the message received today, and when they read it they would be unimpressed. He averred the message neither recognized Cuban independence nor served an eviction notice on Spain. Rather the president “requests Congress to authorize him to make the Cubans stop fighting for their liberty and surrender to the cruel rule of Spain and the greedy demands of bondholders...to help Spain crush the Cuban patriots. Shall we permit the President to take that course?”¹⁷⁴ To prevent that eventuality, Senator Butler then introduced a joint resolution recognizing

¹⁷³ 31 Cong. Rec. 3702-03 (11 April 1898).

¹⁷⁴ 31 Cong. Rec. 3703 (11 April 1898).

Cuba as an independent nation and demanding Spanish withdrawal from the island compelled by American force.¹⁷⁵ With that, the Vice President referred the War Message to the Senate Foreign Relations Committee, while in the House the message was read and referred to the Committee on Foreign Affairs without comment.

E. A FRACTURED COMMITTEE RENDERS A DISJOINTED REPORT

The composition of the Senate Foreign Relations Committee—one of the original standing committees in the Senate—that received the War Message was similar to its predecessors.¹⁷⁶ Historically composed of nine members, with the deciding seat held by the majority party, the previous committee of the 54th Congress had been the first to swell to 11. The six Republicans and five Democrats on the committee in April 1898 included some of the leaders in both major parties, underscoring the fact that Foreign Relations was considered a plum committee assignment.

For this reason several influential senators served on the committee for extended tenures. This is relevant to the subject at hand because many committee members in 1898 had also participated in the committee’s deliberations during the events in Hawaii, Samoa, and Venezuela described in the preceding chapter. Inescapably, those senators brought those experiences to bear in the preparation of the committee report on Cuban intervention. Further, a number of senators who served on the committee during the 55th Congress would be influential in the debates to come on administering, and finally dismantling, the American empire.

On the Republican side, Senator Davis of Minnesota—then in his fourth and next to last stint on the committee—was the chairman not by virtue of tenure but of Senate rules and traditions. Senator William Frye of Maine, whose Senate career began in 1881, would have been the chair but for a prohibition on heading two committees simultaneously. Serving on the committee for his seventh Congress Senate, to be

¹⁷⁵ Ibid.

¹⁷⁶ For a list of standing committees in the Senate, see Chapter One, note 47.

followed by eight more before his death in 1911, Senator Frye would participate in deliberations over all the critical issues of American imperialism save its swan song.¹⁷⁷

Two other Republican committee members were building more impressive resumes. Senator Shelby Cullom of Illinois arrived in Congress in the same election that gave Abraham Lincoln his abbreviated second term and moved across the Capitol to the Senate in 1883.¹⁷⁸ By the 55th Congress he had already served two congress terms on the Foreign Relations Committee and was destined for seven more, the final six in the chair until leaving the Senate in 1913—a record that would stand as the longest chair tenure until exceeded by Senator Fulbright in 1970.¹⁷⁹

Senator Lodge of Massachusetts was also on the committee for the second time. Before his Senate career ended in 1924, he would serve on the committee 13 more times—including three as minority leader and three as chairman—spanning his entire 30-year tenure with the exception of his first term, which coincided with the Democratic majority 53rd Congress.¹⁸⁰ Senator Lodge would also chair the temporary standing Committee on the Philippines during the 56th to 61st Congresses.¹⁸¹ The Republican contingent was rounded out by recent additions of Senators Foraker of Ohio and Clarence Clark of Wyoming, who would serve together on the committee five more times, then Clark alone once more.

On the other side of the committee table, Senators Daniel of Virginia, David Turpie of Indiana, and Roger Mills of Texas were serving for the second time; Daniel would serve twice more, but for the latter two it would be the last. This committee of the

¹⁷⁷ The final deliberations covered by this dissertation, occurring in 1916–17, would result in the perpetual territory status of two colonies and commonwealth status for the Philippines. Senate Committee on Foreign Relations (hereafter SFRC), *Background Information on the Committee on Foreign Relations United States Senate: Millennium Edition, 1816–2000*. Sen. Doc No. 105-28, 2000, 88–94.

¹⁷⁸ “Cullom, Shelby Moore (1829–1914),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000973>.

¹⁷⁹ SFRC, *Background Information*, 13.

¹⁸⁰ *Ibid.*, 90–94.

¹⁸¹ Lodge would serve on this second committee with such prominent senators as Proctor, Hale, and Rawlins, and also icons of expansionism and anti-expansionism Senators Beveridge and Hoar, respectively. Miller, *Benevolent Assimilation*, 212–4; “Lodge, Henry Cabot (1850–1924),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000393>.

55th Congress would also be the last for Senator Gray of Delaware, having served thrice prior. These terms of service border on insignificance, however, when compared to that of Senator Morgan of Alabama. His wide and varied Senate career was outlined in the previous chapter, but of note here the 55th Congress marked his tenth on the Senate Foreign Relations Committee, and he would serve four more times until 1907, with the last five being as minority leader.¹⁸² It would suffice to say that the Senate Foreign Relations Committee membership for the 55th Congress constituted the densest collection of legislative experts on American empire, spanning the duration of the endeavor.

The jurisdiction of the Senate Foreign Relations Committee is spelled out in the Standing Rules of the Senate. Four topics were of particular significance in 1898: international law as it relates to foreign policy; interventions abroad and declarations of war; safeguarding American business interests abroad; and relations of the United States with foreign nations generally.¹⁸³ The function of the committee, beyond vetting and shaping prospective bills, has often been to serve a laboratory in which to conduct policy experiments shielded from outside interference. At the same time, it has often presented a substantial obstacle to the executive branch's prerogatives in the conduct of foreign affairs.¹⁸⁴

With a plurality in the Senate of the 55th Congress, the Republicans were entitled by Senate rules to one more committee seat than the Democrats, and the minor parties went completely unrepresented. The committee operated, then as now, on a majority basis. Any report would require endorsement by the majority of the committee, and the rules also allowed for inclusion of a short minority report. As positions expressed and votes cast in the committee were not transcribed and preserved, these report

¹⁸² SFRC, *Background Information*, 87–90.

¹⁸³ Rules XXV.1 (j) (1) of the Standing Rules of the Senate outlines SFRC jurisdiction “to which committee shall be referred all proposed legislation...relating to the following subjects...” of which numbers 9, 11, 12, and 16 are given above. *Ibid.*, 13–4.

¹⁸⁴ The Senate webpage states the Foreign Relations Committee “has helped to shape foreign policy of broad significance” and “defeat treaties they felt was not in the national interest...instrumental in the rejections of the Treaty of Versailles in 1919 and 1920.” Reacting to Cold War’s “vast expansion of presidential authority over foreign policy...the committee has sought to redress this imbalance of powers.” SFRC, “History of the Committee,” U.S. Senate, <http://www.foreign.senate.gov/about/history/>.

endorsements served to make the bare outline of confidential committee proceedings public, and thus further defined the opposing sides in the subsequent floor debates.¹⁸⁵

Conceivably, through strict partisan loyalty, the Republican majority could force through a committee report that reflected the policy of the Republican president, ensuring that the resolution reported out of the committee complemented the War Message. Had the Republicans held a majority of the overall Senate, this result may have also been reflective of the will of the Senate as a whole. In April 1898, however, the Republicans fell one seat short of a majority. The combined voices of the Democratic and minor party senators thus had equal claim to represent the will of the Senate, against the Republican majority in the Foreign Relations Committee. This contradictory outcome is exactly what came to pass.

The committee report delivered to the Senate on 13 April provides the best insight available into the closed committee proceedings before the War Message was received and in the two days the committee deliberated before releasing their report to the full Senate. At over 700 pages, the report had been a work in progress in the months leading up to the War Message, and it included correspondence and diplomatic documentation dealing with the Cuban issue as background information. The first five pages summarized nine preceding resolutions referred to the committee over the past three years, recent president's messages, and details of the sinking of the USS Maine and the resultant investigation.¹⁸⁶

The next three pages, surprisingly, stated the opinion of the committee that the United States ought to recognize Cuban independence, intervene to stop the atrocities (not just "pacify the island"), and see to the establishment of an independent government by free action of the Cuban people, all propositions antithetical to the president's War Message. The report then chided the administration, stating that if recognition of belligerency had been extended, as urged by the Senate in 1896 and 1897, the Cuban

¹⁸⁵ See Rule 8 on page 46 on minority reports, and Rule 12 page 48 on keeping (but not releasing) transcripts. SFRC, *Background Information*, 13–4.

¹⁸⁶ SFRC, *Report of the Committee on Foreign Relations, United States Senate, Relative to Affairs in Cuba*, S. Rep. No. 55–885 (13 April 1898), III–VII.

insurrection would have succeeded without American intervention, now seen as the only recourse. The report supported Senator Proctor's assertion of de facto independence in the eastern provinces of Cuba, and declared that Spanish control of the west had been achieved only by virtue of the desolation that accompanied the "concentration" policy.¹⁸⁷

The text of the report then returned to a more legalistic overview of recognition, intervention, and neutrality, featuring international precedents in Turkey and Egypt. This section also included lengthy passages from both Presidents Cleveland's and McKinley's most recent annual messages to Congress outlining the justifications for intervention, and followed with lists of events detailing how the recent deterioration of the situation in Cuba exceeded the threshold for justified intervention. The deliberative portion of the report then closed with the text of the committee's proposed joint resolution.¹⁸⁸

The anomalous center section of the report—the part that called directly for recognition of Cuban independence, intervention against Spanish forces, and establishment of a Cuban government—is curiously isolated in several aspects: in typeset by a series of multiple blank lines before and after, by tone, and by content from the rest of the document. The strong, clear language of that rogue section seems in direct contrast to the resolution endorsed by the majority of the committee, which falls short of officially recognizing Cuban independence, the legitimacy of the insurgent government, or the state of legal belligerency between Spain and Cuba. Further, there is no language in the resolution limiting use American force to only oppose Spanish force, nor is there language defining the desired end state to be achieved.¹⁸⁹

Nearly 700 pages of supporting documentation, to chronicle developments since 1895, accompanied the proposed resolution. Found here are the constitution and laws of the Republic of Cuba, correspondence between the Governments of Spain and the United

¹⁸⁷ Ibid., VII–X.

¹⁸⁸ Ibid., XII–XXII.

¹⁸⁹ "Resolved: First, that the people of Cuba are, and of right ought to be, free and independent. Second,...the United States does hereby demand that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces...Third, the President...is directed and empowered to use...forces of the United States...to such and extent as may be necessary to carry these resolutions into effect." Proposed Senate Resolution 149, Ibid, XXII.

States, transcripts of testimony to the committee, a copy of the Spanish investigation into the sinking of the *USS Maine*, pronouncements of the Cuban junta, and documents internal to the Department of State dating to the first Cuban revolt.

Following the draft joint resolution, and preceding this compendium of documentation, is a short paragraph constituting the minority report. Centered on an otherwise blank page, under the header “Views of the Minority”—set in a bold type larger than that found on the report’s title page—appears the declaration: “The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized on that island, as a free, independent, and sovereign power among the nations of the world.”¹⁹⁰ This statement was signed by Senators Turpie, Mills, Daniel, and Foraker. By that simple statement, the opposition to majority endorsement of vague language granting wide executive latitude was delineated, empowered, and called to action.

With that, the committee returned its report to the Senate. The incongruity inherent in the document—at once favoring recognition of the Republic of Cuba and intervention without recognition—would animate the discourse of the following week. The larger incongruity of a majority on a committee attempting to advance the administration’s agenda, but supported only by a plurality in the Senate, was a paradox that loomed large in the coming debates.

The designs of the pro-administration senators, however, were frustrated by incomplete control of its fractured cohort and a series of topical, temporary alliances between components of the four parties arrayed in opposition. The unique composition of the Senate of the 55th Congress coupled with a shrewdly constructed oppositional strategy would make the task of actualizing the policy put forth by the President’s War Message much more difficult than it might have been, and thus makes it much more interesting to study.

¹⁹⁰ Ibid., XXIII.

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V. SIX FACETS OF THE SENATE DELIBERATIONS ON INTERVENTION IN CUBA

This debate will go down in history...it marks an epic in the affairs of the United States...I desire to get the voice of the Senate of the United States...spread upon the records of the country elaborately...so that we may have a monument hereafter which will guide us in future troubles...I crave light. I do not want to plunge into a war unless every phase of the subject is not only spread before the Senate, but before the country.¹⁹¹

On 13 April 1898, the Committee on Foreign Relations delivered its report, including the contrasting majority and minority endorsements, to the Senate for debate. Official presentation of this document signaled the start of the contest proper; all previous discussion was merely a prelude. Over the week that followed, the upper house parsed every clause of the report's joint resolution and deliberated the wisdom and precedent each set forth. The resultant discourse—a series of protracted, interconnected sub-debates—nourished a decentralized campaign to pass judgment on isolated points individually and thereby influence the final resolution's overall meaning. In this way, an opposition unable to form an organized resistance to the will of the administration could enable its disparate components to advance their unique agendas separately, with a combined result that could frustrate the plans of the executive branch.

The debates in the Senate revolved around six themes, summarized here as roles, debt, entitlement, law, duty, and restraint. These headings will serve as a guide to understanding the Senate debates on intervention. Those debates in turn established the foundation on which the emerging American imperial project would rest.

The diversity of the issues raised increased both the complexity and sustainability of opposition. The Senate's fragmented composition, and the unique rules protecting the rights of the minority in debate, meant that a vote on intervention in Cuba could not be

¹⁹¹ 31 Cong. Rec. 3896 (15 April 1898).

dictated by the majority—as was possible in the House.¹⁹² Instead, these six distinct sub-debates enabled disaffected Republicans, Bourbon Democrats, Populists, Southern Democrats, Silverites, and Silver Republicans to each find some clause of the joint resolution’s proposed text as firm ground on which to make a stand. Even senators whose general outlook, or whose constituents’ interest, generally aligned with the administrations were inclined to adopt an independent line with respect to matters of detail, by way of taking a principled stand on a matter in which high principles were routinely invoked.¹⁹³

A. ROLES: “WHO CAN ACT?”

The Senate debates on intervention in Cuba represent a scrum between two branches of government over the roles and responsibilities of each with respect to foreign policy. Many in the Senate believed that if it were to simply approve the terms of the President’s War Message it would have abdicated any active role in crafting foreign policy.¹⁹⁴ Conversely, if the Senate forced approval for a joint resolution resembling the minority report of the Foreign Relations Committee, it could have severely limited presidential latitude in how American forces were to be used in Cuba, thereby actively creating foreign policy.

¹⁹² Unlike Speaker of the House of Representatives Reed’s power to stifle debate cited earlier, Senate rules do not allow the presiding officer such control. Senators are free to speak on topic of choice and submit relevant resolutions, with the rules directing only “when a senator desires to speak, he shall rise and address the presiding officer” who “shall recognize the senator” and “no senator shall interrupt another senator in debate without his consent.” Committee on Rules and Administration, “Standing Rules of the Senate,” Rule XIX, paragraph 1(a), U.S. Senate, <http://www.rules.senate.gov/public/index.cfm?p=RuleXIX>.

¹⁹³ Richard Leopold listed the economic pressures for intervention in both partisan and non-partisan terms that “came from those who benefited from increased circulation, those who owned land in Cuba, those who engaged in a once lucrative trade with the island, those who would profit from army contracts, and those who hoped a war might derange the currency and upset the gold standard.” Leopold, *The Growth of American Foreign Policy*, 176.

¹⁹⁴ In Walter LaFeber’s view, the president saw himself as “the cosmopolitan of the system” whose role was to advance policies that “helped those functional groups that, in turn, most enriched the national interest—even if it meant knocking heads in Congress to have the president’s programs accepted. In the 1880’s...senators visited the White House only to give advice, by 1898 they visited McKinley to receive advice” and “then returned to the Senate...to deliver the vote for the White House.” LaFeber, *Cambridge History of American Foreign Relations*, 135–36. For additional discussion on President McKinley as a strong executive, see Lewis L. Gould, *The Presidency of William McKinley* (Lawrence, KS: University Press of Kansas, 1980).

Justification for locating the power to make policy in one branch or another was to a large degree based on interpretation and precedent. As inferred by Senator Donelson Caffery in the epigraph opening this chapter, the outcome of these debates would have repercussions extending well beyond events in Cuba. It was also apparent to all that, whatever the outcome in the Senate, it too would become a precedent in turn, with implications extending far into the future.¹⁹⁵

At bottom, the struggle over roles swirled around the question of which branch could grant recognition to an independent government in Cuba. On one side, the administration and its faithful supporters in the Senate—mostly Republicans, but joined by a surprising number of both Southern and Bourbon Democrats—averred the executive held sole authority for recognition.¹⁹⁶ The most common rationale this group advanced was that the executive branch exclusively performed the state function of receiving and verifying the credentials of foreign ambassadors. This procedure was more than a formality, they felt, but rather an official confirmation by the government of the United States that the country in question was indeed a sovereign nation.¹⁹⁷ Recognition of a state made independent by its own proclamation was an extremely rare occurrence—albeit one the United States itself had pioneered.¹⁹⁸ The process of receiving

¹⁹⁵ Paul Holbo offered that the opposition efforts in the Senate “posed a serious challenge to his (President McKinley’s) power” and an attempt to “assert congressional prerogatives against what they considered to be undue presidential power.” In the end, “presidential power was significantly increased” as “defeat of the Turpie-Foraker Amendment assured his leadership and made him the first modern president in the area of foreign affairs.” Paul Holbo, “Turpie-Foraker Amendment,” in Beede, *The War of 1898*, 548–49.

¹⁹⁶ Variation existed within this Democratic bloc as well, from Senator Gray’s mild statement “the best and surest way was to cooperate with the other great branch of this government, the executive” against tying recognition together with intervention; to Senator Gorman’s strong statement against the Senate’s attempt to exert “a power which has been disputed by every executive from Washington on down—the right of Congress by law to provide for the recognition of a state. By my vote and by my voice, I protest against it.” 31 Cong. Rec. 3888–90 (15 April 1898).

¹⁹⁷ Foremost in stressing this point was Democratic Senator Caffery, who, contrary to the majority of his party, believed the formality of receiving ambassadors constituted the codification of the executive’s sole authority to recognize independent nations, “all-sufficient and all-conclusive as to the existence of states when he recognizes their ministry as clothed with the power to transact the treaty. It springs from the power to appoint and receive ministers and ambassadors.” 31 Cong. Rec. 3856 (16 April 1898).

¹⁹⁸ On the global influence of the American Declaration of Independence, see David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2008).

ambassadors, however, and the de facto recognition of sovereignty that act implied, was familiar and universal, thus the most reliable indicator of where the power to recognize sovereignty resided.

Supporting the other viewpoint, a host of senators—including several pro-administration Republicans who disagreed with their party's stance on this issue—believed recognition to be a shared authority of the legislative and executive branches.¹⁹⁹ This argument was based in the proposal that the reception of credentials by the executive is but the opening move, incomplete and even meaningless until a reciprocal American representative was authorized and funded.²⁰⁰ Only Congress could establish the position of a United States ambassadorship to any foreign nation. Recognition was, thus by extension, indeed a power of the Senate, as the executive's "statements of national policy survive only with congressional support or acquiescence. Presidential announcements on foreign policy can be revoked or modified at any time by Congress."²⁰¹

The second major facet of the debates over executive and legislative roles proved to be a mirror image of the first: can authority specifically assigned to the legislative branch be ceded to the executive by Congress? As the answer to this question was obviously negative, a group of senators sought to show that the proposed language in the

¹⁹⁹ Senator Daniel cited the writings of Henry Clay—former Secretary of State and then-member of the Senate Foreign Relations Committee—expressing four paths to recognition: treaty by both executive and legislative branches, commerce law by Congress, sending a United States ambassador by Congress, and Presidential acceptance of a foreign ambassador's credentials. The gist of the case was that each of these four paths were, in truth, shared powers, thus no branch had sole authority for recognition. 31 Cong. Rec. 3886 (15 April 1898).

²⁰⁰ Senator Rawlins stated "It is a reciprocal duty...the President undoubtedly may receive, but has no power to send a representative. He cannot create the office of ambassador, he cannot provide his salary, he cannot determine his grade...." 31 Cong. Rec. 4010 (18 April 1898). Senator Stewart went further, stating that in verifying and receiving ambassador's credentials "the questions before the executive are merely questions of fact" and the executive has "no cognizance of the question whether those exercising the government have the right along with the possession." 31 Cong. Rec. 3902 (15 April 1898).

²⁰¹ Louis Fisher, *Presidential War Power*, 2nd ed. (Lawrence, KS: University Press of Kansas, 2004), 22.

majority report of the Foreign Relations Committee proposed to do exactly that, and thereby exceeded the limits of congressional authority.²⁰²

The crux of this case was Congress cannot delegate to the executive the war-making powers and responsibility explicitly assigned in the Constitution to the legislative branch. Both the President's War Message and the majority report draft resolution employed language so vague as to allow the President to pursue almost any course of action he saw fit, an eventuality even some Republican senators opposed.²⁰³ The issue was further complicated by the fact that the preferred policy in the War Message, "forcible intervention of the United States as a neutral," did not—and does not—exist as an international legal concept.²⁰⁴

The island of Cuba was de jure territory of the Kingdom of Spain. An armed incursion by the United States without a declaration of war could rightfully be seen as legitimate *causus belli* by the Spanish government and a betrayal of the Cuban patriots.²⁰⁵ Those who took this line argued that Congress could not authorize presidential action that would directly result in a state of undeclared war without abrogating its constitutional responsibility. Either the vaguely worded joint resolution

²⁰² Senator Pettus drew unfavorable comparison between the War Message and the power of the monarchy "where the king can use the army and navy to make war or intervene whenever and wherever he desires to do so." Instead, in the United States, the president cannot declare war, or conduct war undeclared by Congress, which "has no authority to delegate that power to the President or to any other officer." 31 Cong. Rec. 3730–31 (12 April 1898).

²⁰³ Most dramatically, Senator Turner of Washington cited the vague language and President McKinley's avoidance of discussions on independence with the Cuban leaders as proof the executive desires not Cuban independence, but instead "he proposes to leave the flag of Spain flying over the Island of Cuba" and "to use the power of this Republic to compel the people of Cuba to submit to that bloody flag." 31 Cong. Rec. 3830 (14 April 1898).

²⁰⁴ 31 Cong. Rec. 3701 (11 April 1898) (William McKinley, "Message to the Congress of the United States"). Also, Senator Daniels read aloud an article contemporaneous to the debates, "Neutral Intervention Impossible," *Washington Post* which stated: "we are without reason for interfering in Cuba at all unless we go there as friendly to Cuba and correspondingly unfriendly to her Spanish oppressors." 31 Cong. Rec. 3883 (15 April 1898). This sentiment has been echoed recently by, among others, Professor Gary Bass of Princeton University's Woodrow Wilson School of Politics and International Affairs: "There is no such thing as neutral intervention, one that solely protects civilians without taking sides." Gary Bass, "Why Humanitarian Wars Can Go So Wrong," *Washington Post*, 4 April 2011.

²⁰⁵ John Offner, "William McKinley and the Spanish-Cuban/American War, 1898," in Beede, *The War of 1898*, 286.

had to be accompanied by a declaration of war, or the independence of the Republic of Cuba would have to be recognized.²⁰⁶

This was the logic of the minority report. Its language went beyond the majority's expression, that Cuba should be independent, to assert the Senate's power to recognize the legitimacy of the nascent Cuban government. That such a challenge would come from heretofore-loyal Republican Senator Foraker, one of the minority report's authors, and the man who formally nominated McKinley for President at the convention in 1896, underlined the non-partisan nature of this issue.

B. DEBT: "WHO PAYS?"

The second topic that tested Senate loyalties was whether the United States, or the nascent Republic of Cuba, would be forced to assume the debts incurred by Spain in seeking to control the island. The Cuban economy, which was expected to bear the cost of maintaining Spanish forces there, was based on sugar. Sufficiently productive in tranquil times, this income stream had been greatly disturbed and revenue driven nearly to zero by the destruction of mills and crops. Without the sugar income, the costs to Spain of sustaining its army had been addressed by annually increasing bond levies. By 1898 the Spanish Government had amassed an estimated 175 million dollars in debt explicitly to fuel three years of operations in Cuba.²⁰⁷

²⁰⁶ Senator Bacon stated it was the responsibility of the Senate to clarify the joint resolution language so the legislature retained war-making power and did not cede any part to the executive: "The President of the United States has his prerogatives and we have ours; he has his duties, and we have ours; and each is responsible for the proper discharge of the same." He found the majority position violated this dictum, and called for recognition of the government in Cuba "as essential in the case of intervention." 31 Cong. Rec. 3949 (16 April 1898).

²⁰⁷ Senator Allen, in a lengthy speech, showed that the total Spanish bond debt regarding Cuba approached \$520 million with an annual interest charge of \$30 million, or roughly six percent. The discrete account for Spanish military operations on the island, however, reflected charges only for the preceding three years. 31 Cong. Rec. 3945 (16 April 1898).

The Cuban *insurrectos* were similarly funded through bond sales, primarily to sympathetic Americans willing to bet on the revolution's eventual success.²⁰⁸ Under the circumstances, success for either side would mean likely insolvency for the other; defeated *insurrectos* would be unable to redeem their bonds at any value, and a defeated Spain would have no colonial income streams left to attach.²⁰⁹

Even so, potential bondholder losses were not the crux of the issue in the Senate.²¹⁰ There the primary concern was that the United States government would be forced to absorb the Spanish debt as a result of American intervention in Cuba. This would happen because the European states where most of the Spanish bonds were held might deem an American victory a war of conquest. In that case, bonds issued by Spain but guaranteed by future Cuban profits would transfer to the United States, much as a lien would transfer with the sale of a mortgaged property.²¹¹

²⁰⁸ For a concise review of the role the Cuban Junta (Cuban exiles engaged in fundraising and propagandizing in the United States) played, including its orchestration of the Cuban League efforts to influence Congress, see Mary Mander, "Public Opinion and the Spanish-Cuban/American War," in Beede, *The War of 1898*, 451. Specific to Cuban Junta raising funds for the insurrection through bond sales, see John L. Offner, *An Unwanted War*, 62–63.

²⁰⁹ Future income streams of the island's sugar industry secured the Cuban bonds. If Spain succeeded putting down the revolt, it would be the Spanish owners that controlled future profits, and the Cuban bonds would be worthless.

²¹⁰ 31 Cong. Rec. 3945 (16 April 1898) (statement of Senator Allen). Regarding lack of concern for potential bondholder losses: "the holders of these (Spanish) bonds had ample notice of their character. Every holder of these bonds made his bet against liberty and lost. I say, let them lose the whole amount; let them look only to Spain for any retrieval of such loss." 31 Cong. Rec. 3839 (14 April 1898); LaFeber, *The Cambridge History of American Foreign Relations*, 143.

²¹¹ 31 Cong. Rec. 3902 (15 April 1898) (statement of Senator Stewart). For an excellent exchange between two senators on the appropriateness of the mortgage metaphor, see Senator Hoar "I do not believe a man who enters a house to put out a fire becomes legally responsible for every mortgage on the house," and Senator Mason "after a man who enters a burning house has extinguished the fire, if he sets up ownership and says he will decide who shall run the house thereafter, does he not then incur responsibility?" 31 Cong. Rec. 3833 (14 April 1898).

The issue was complicated by concern about the consequences of Spanish debt for a newly independent Republic of Cuba.²¹² Should the United States establish an independent government in Cuba, then that debt would transfer to the new government in Havana. Thus, the opposition argued, the President's preferred course of action would "make it possible for Spanish bondholders to enforce their claims against the Cuban people."²¹³ To this was added a general fear that a Spanish defeat would cause consternation in European capitals, which looked for stability on the Iberian Peninsula in addition to redemption of the Spanish bonds.²¹⁴

The Senate debates of April 1898 addressed the bond issue along three separate lines of reasoning that, once again, cut across party lines. The first centered on the proposition that neither the American nor Cuban governments would have to assume Spanish liability when the music stopped. The second, favored by the administration, argued that America could insure herself against the liability. The third was essentially an ideological screed against bondholder power in general.

The first line of reasoning held that debt follows sovereignty, so that a newly created state must absorb the debt of whatever regime preceded it.²¹⁵ This rule applied equally to the costs incurred in founding a new nation, and to the debts brought into a

²¹² Concerns for American and Cuban liability were closely interrelated. Paul Holbo wrote the Populists and Silver Republicans "demanded recognition of the Republic of Cuba in order to invalidate the Cuban bonds. Bryanite Democratic members followed suit" not only to serve their parties' vilification of bonds, but to protect a future Cuban government from unjustly being forced to service Spanish debt incurred to hold Cuba. Similarly, a Silver Republican senator looking to protect the Colorado sugar beet industry and evade American responsibility for both the Spanish and Cuban bond debt advanced the Teller Amendment, now often seen as an idealistic defense of Cuban independence. Paul Holbo, "The Cuban Bond Conspiracy," in Beede, *The War of 1898*, 148–9.

²¹³ "Instead of liberating Cuba, we would put her in the condition of suffering Egypt...substituting bonded slavery for Spanish cruelty." Ibid.

²¹⁴ The majority of the Spanish bonds were held in Spain and the remainder throughout the financial centers of Europe. Many European governments, therefore, had concerns not only for the redemption of the bonds they held, but also for the solvency of the Spanish treasury itself. 31 Cong. Rec. 3945 (16 April 1898).

²¹⁵ Senator Lindsay made the case that if the United States ejected Spanish forces and constrained the insurrectionists, these actions would satisfy requirements to consider Cuba as taken by conquest. Citing the writings of Secretary of State John Quincy Adams on the occasion of sequential revolutions against Spanish rule in South America, he showed that such conquest, the conqueror who "takes all rights of the conquered, also incurs all the obligations and duties of the conquered, and in the estimation of morality, as well as the American interpretation of international law, those obligations he must perform." 31 Cong. Rec. 3788 (13 April 1898).

newly consolidated nation by parts previously separate. The sole exception to this rule arose in the case of a successful rebellion, in which the newly independent nation would owe no debts incurred by the sovereign it had cast off, only those of its own creation.²¹⁶

The question before the Senate was how intervention by the United States might affect the operation of this rule in Cuba. If American forces ejected the Spanish from the island, would the criteria of successful revolution absolve Cubans of Spanish-incurred debt? If not, who would be liable? In the view of the opposition, the answers were clear: the Cuban independence struggle would not be validated in the eyes of the world, so that the United States would have to assume the Spanish debt until it managed to pass responsibility off on the Cubans. One senator stated that intervention by the United States resulting in a Cuba assuming “in some form or another of the obligation of the Spanish debt” would in turn bring ruin to the new republic: “Mr. President, God forbid. When the deed of Cuban freedom is signed by the powers of the world, let there be no stain of blood money upon it, and let it not be sealed by a dollar mark.”²¹⁷ Would it not be wise, the opposition then offered, to recognize the Republic of Cuba as an independent state first? That is what France had done when it assisted the American revolutionaries, after all, and it has worked for them.²¹⁸

In response, the pro-administration senators argued that intervention as a neutral would render the entire issue moot.²¹⁹ Under this interpretation, intervention to prevent

²¹⁶ As a recognized authority on the international and “American doctrine in regards to the liabilities which occur on the division of a country,” President Woolsey of Yale University was cited writing that a successful revolution against a “despotic and usurping government had contracted debt” to oppress “a nation attempting to recover its liberties” was the sole means to eradicate such debt. 31 Cong. Rec. 3902 (15 April 1898).

²¹⁷ In a rousing speech on this subject, Senator Thurston—a staunch Republican but here in alignment with his Populist Nebraska delegation-mate—parted with the administration and its sympathies with European allies on the question of passing the Spanish debt onto the Cuban government. 31 Cong. Rec. 3986 (16 April 1898).

²¹⁸ Senator Nelson added: “There are better and stronger grounds for our recognizing the Cuban Republic than there was for recognizing the United States by France in 1778.” 31 Cong. Rec. 3984 (16 April 1898). Also, see 31 Cong. Rec. 3785 (13 April 1898) (statement of Senator Lindsay).

²¹⁹ As events would later prove, this position was legally dubious but actually closest to reality. The totality of the American victory over Spanish forces, both in Cuba and the Philippines, left the United States with considerable power to dictate terms of the peace agreement. This included deftly avoiding assumption of the Spanish debt, and paying \$20 million in compensation for taking all the Philippine Islands.

atrocities and deliver humanitarian relief would insulate the United States from liability as a conqueror, and preserve the “successful revolution” exception for the Cubans.²²⁰

The third and final line of reasoning ventured in this phase of the debates was a more generalized vilification of government policies benefiting bondholders. Led by the Populist senators, who believed functions and control of the American government had “been basely surrendered by our public servant to corporate monopolies,” this line of opposition rested on two platform planks of the People’s Party.²²¹ The People’s Party was vehemently against bonds as a means of public finance in any circumstance.²²² To the Populists and like-minded observers, the debate on Cuba offered the potential to simultaneously achieve two stated goals: officially recognize Cuba, and confront the stranglehold that they believed bondholders exercised over governmental policy in the United States.

Thus, by contesting the bond question, the opposition was afforded a three-pronged resistance to the administration’s plans. While none of the individual approaches—recognition of independence to avoid bond liability, ruinous conditions should the nascent Republic of Cuba be saddled with debt, and rabid anti-bondholderism—would prove conclusive, each provided a vehicle by which to air dissent, often also crossing party lines. Most importantly, however, these approaches revealed chinks in the

²²⁰ 31 Cong. Rec. 3833 (14 April 1898) (statement of Senator Hoar). Also, Senator Gray stated, “if you take our conduct measured and characterized by our declarations, then we are absolved and free from the conditions upon which any power on earth could claim that we were responsible for the incomes which have been mortgaged to pay the Spanish bonds.” 31 Cong. Rec. 3842 (14 April 1898). Senator Elkins, typically, went even further, stating that recognition should be withheld to enable the United States government to force “the Cuban government to pay part of the expenses of the war.” 31 Cong. Rec. 3979 (16 April 1898). Senator Fairbanks added: “Spain has...forfeited her right to further dominion over Cuba or its revenues. If the revenues were...subject to the forfeiture of the island for the violation of those humane principles and precepts which are observed by the civilized nations of the earth...the rights of humanity are superior to the rights of the bondholders.” 31 Cong. Rec. 3846 (14 April 1898).

²²¹ “The influence of European money changers has been more potent in shaping legislation than the voice of the American people...plutocracy has thereby been enthroned upon the ruins of Democracy.” “People’s Party Platform: Adopted at St. Louis, 24 July 1896,” J. M. H. Frederick, comp., *National Party Platforms of the United States* (Akron, OH: Werner Company, 1896), 91.

²²² The People’s Party platform continued: “We denounce the sale of bonds and the increase of public interest-bearing debt made by the present administration as unnecessary and without authority of law, and demand that no more bonds be issued...” and “We tender to the patriotic people...our deepest sympathies in their heroic struggle for political freedom and independence...believe the time has come when the United States, the Great Republic of the world, should recognize that Cuba is and of right ought to be a free and independent State.” *Ibid.*

administration's armor, most especially its reliance on the dubious notion of "neutral intervention," to insulate itself from the broader consequences that armed intervention would almost certainly entail.

C. ENTITLEMENT: "WHAT DO THE CUBANS DESERVE?"

The topic of debt liability could be cast in black and white: either a country would be forced to accept liability or not. In contrast, the question whether the Cuban *insurrectos* were entitled to recognition as a legitimate government could only be answered in shades of grey. On this issue the Senate debate turned on historical memories of the American Revolution, informed by more recent events in the Republic of Texas and the Confederate States of America, and colored by impressions senators brought back from visits to the island. It was an issue ideally suited to highlight conflicting interpretations of American exceptionalism: the United States' revolution and republican form of government were awe-inspiring and worthy of emulation, but independence movements that accept the challenge were sub-standard and unworthy.

At the core of the controversy stood a phrase common to both the American Declaration of Independence and the proposed joint resolution: "are, and of a right ought to be, free and independent."²²³ The central question was what, exactly, this phrase meant in connection with military action ostensibly intended only to restore order and provide humanitarian relief.²²⁴ The joint resolution text applied this phrase to the people of Cuba, and as it remained silent about the status of its self-proclaimed revolutionary government, the argument could be made that such a phrase was merely a pleasant sounding, but ultimately meaningless, expression.

To achieve the stated goals of stability and cessation of atrocities, while preserving significant freedom of action, the pro-administration side argued that

²²³ Henceforth referred to as "are, and" language. Senate Committee on Foreign Relations, *Report of the Committee on Foreign Relations, United States Senate, Relative to Affairs in Cuba*, S. Rep. No. 55–885 (13 April 1898), XXII.

²²⁴ In fact, all the way down to the last votes on the issue on 18 April, the discord over "are, and of right ought to be" remained central. The final two points of contention the committee of conference struggled to overcome were "are, and" language and recognition; the majority could not successfully kill "are, and" and could not successfully insert recognition. 31 Cong. Rec. 4033 (18 April 1898).

recognition of the Republic of Cuba was not a precondition to American success. Atrocities could be stopped, stability returned, and Spain evicted. Afterward the people of Cuba would be free to decide on their preferred form of government.²²⁵

Premature recognition would saddle the United States with a ward of debatable character, unproven competence, and unreliable temperament.²²⁶ One senator professed “I can not find in the Cuban situation an independent government such as I can vote to recognize.”²²⁷ Administration spokesmen contended that the *insurrecto* regime was primarily representative of the dregs of Cuban society. Only peasants and farmers had remained as Spanish oppression escalated; all of the elite and intelligentsia had either fled or were detained in fortified towns on the Spanish portion of the island. The selection of a legitimate successor regime could only occur once these responsible elements of society were restored to their natural place.²²⁸

To substantiate the wisdom of delaying recognition until that came to pass, the pro-administration forces mustered evidence that the *insurrecto* government was unworthy of validation. In their depiction, it did not collect taxes, and it extorted tribute. It did not rule from a permanent capital but conducted business on the fly in remote villages. Its courts were summary tribunals, and its treasury was a cash box behind the

²²⁵ Representative of this argument was the summation delivered before the vote by Senator Hoar. He forecast, if only the Senate would adopt the administration’s position and strike any language regarding recognition and change “are, and” to read only “ought to be free,” the situation in Cuba would reach a speedy conclusion: “you will have within ten days everything you desire. You will have had it in a constitutional way...that does not entangle or commit the American people, and you will have it in a way where the President, the House, and the Senate will not be embarrassed” and “will all be agreed.” 31 Cong. Rec. 4034 (18 April 1898).

²²⁶ Historian Leopold noted that to prevent this eventuality, the lower house acted swiftly: “The administration doubted whether a nation worthy of that name actually existed on the island and opposed such a step. Hence the House, where McKinley’s lieutenants were in control, passed a resolution without any encumbrance on 13 April 1898 by a count of 325 to 19.” Leopold, *The Growth of American Foreign Policy*, 178.

²²⁷ 31 Cong. Rec. 3892 (15 April 1898) (statement of Senator Wolcott). Regarding the unreliable nature of a recognized insurgent government, see comment of Senator Elkins 31 Cong. Rec. 3779 (16 April 1898).

²²⁸ Senator Proctor argued that “Many prominent Cubans, unfitted for field service, have left the island. Some have left to gain a subsistence. Some have been sent away by the Spanish authorities. When peace is established, these men will return, and should be allowed to take part in the formation of the government which the Cuban people will accept.” 31 Cong. Rec. 3983 (16 April 1898).

counter of a New York cigar shop.²²⁹ Recognition of such a body as a sovereign state would be a travesty and reflect poorly on the United States.

The opposition, conversely, sought to show that the Republic of Cuba was a functioning, durable, and legitimate government-in-fact, lacking only recognition as a government-in-law.²³⁰ Several senators offered testimonials and evidence that, since 1895, the rebel government had held sway over fully one-half of the landmass and nearly all of the non-Spanish inhabitants.²³¹ By way of proof, they produced copious correspondence depicting the daily conduct of the business of state and entered into the record the lengthy Republic of Cuba's constitutional documents, in an effort to show that it was no fly-by-night enterprise.²³²

The opposition also rebutted the professed illegitimacy of the *insurrecto* government by means of historical comparisons. They contrasted the performance and viability of the Republic of Cuba's government in 1898 to the condition of the nascent American government in 1779, after three years of its war for independence. To the charge that the Republic of Cuba did not have an established capital, these senators pointed out "during the Revolutionary struggle, our capital was on wheels."²³³ Rebutting

²²⁹ Senator Gear, a pro-administration stalwart, stated the Cuban treasury was kept in a cigar store in New York City the past 20 years, taxes were collected by threatening to burn plantations, and a Cuban general one morning ordered the execution of 650 prisoners. "Do Senators propose to recognize that kind of a government? If they do, I, for one, do not." 31 Cong. Rec. 3973 (16 April 1898).

²³⁰ In addition to the major functions of the state, tangible evidence of responsible government brought forth included such seemingly minor matters as postal service: "You can go to New York and deposit with the junta a letter addressed to anybody, in any place in Cuba, with a Cuban postage stamp attached, and it will find its destination just as surely as a letter deposited in a United States post-office." 31 Cong. Rec. 3779 (13 April 1898).

²³¹ In one example, a Senator Nelson offered: "no fair and unbiased mind can question the integrity of the Cuban Republic. [It] has occupied, to the exclusion of the Spanish...half the island [where] there has been a good and orderly government. In the western (Spanish) half of the island, the military government...has laid the balance of the country wasted and driven the people...into camps." 31 Cong. Rec. 3984-85 (16 April 1898).

²³² The Cuban Constitution was also cited during speeches by senators who believed the document showed the *insurrecto* government represented "an intelligent and thoughtful constituency," and proof "they are capable of forming a government, and that it is our duty to recognize them." 31 Cong. Rec. 3981-82 (16 April 1898).

²³³ Senator Allen declared: "The capital of the Republic of Cuba was established at Cubitas and had never been moved since. Ours was moved seven different times...it was on wheels with the army, and under the protection of the army, and yet we were a Republic then as Cuba is a Republic now." 31 Cong. Rec. 4107 (20 April 1898).

the assertion that Cuba's military and navy were insufficiently substantial for an independent nation, several senators showed that rebel forces were larger than those fielded by General Washington, albeit just as poorly equipped.²³⁴ Finally, addressing disparaging remarks about the state and location of the Cuban treasury, one senator detailed the insufficiency and tardiness of the funding provided to Washington's army by the Continental Congress, adding General "Gomez has a bigger army and more of a government at his back than Washington had."²³⁵

It was also apparent, conversely, that a government with a permanent capital, a proper treasury and tax system, and a robust military can nevertheless remain outside the community of recognized states. This had been the fate of the Confederacy, which never received the European recognition required to consummate its separation from the Union.²³⁶

Confronted with a choice between war or no war, America's greatest deliberative body sought only black-and-white solutions. Both sides of the argument over whether or not the Cuban government was entitled to recognition were reluctant to accept the ambiguous truth that the Republic of Cuba was neither completely competent nor completely incompetent as an independent state. Nevertheless, middle ground options—

²³⁴ Senator Turpie spoke regarding commonality between Washington's service without pay and that of the Cuban officers and president. 31 Cong. Rec. 3839 (14 April 1898). Senator Teller compared the forces engaged in the American and Cuban struggles for independence. 31 Cong. Rec. 3898 (15 April 1898); as did Senator Pasco, 31 Cong. Rec. 3969 (16 April 1898). Regarding equipment, and reminiscent of Valley Forge, Senator Proctor stated that "many of the infantry were entirely naked above the waist except for straw hats, and had been sleeping on the ground all winter without blankets." 31 Cong. Rec. 3983 (16 April 1898).

²³⁵ Senator Prichard continued: "The insurgents have a more stable government, a bigger army, and a better organized administration than the colonies had during the Revolutionary war...the Continental Congress was helpless, unpopular, and well-nigh without any power." 31 Cong. Rec. 3985 (16 April 1898).

²³⁶ For a lengthy dialog on the comparison of the putative Cuban Republic with the Confederate States of America, see 31 Cong. Rec. 3787 (13 April 1898) (statements of Senators Lindsay, Hoar, Stewart, Daniel, Gallinger, Spooner, and Carter).

for instance, to offer provisional recognition to be followed by broad-spectrum elections once stability had been restored and the exiles returned—were never discussed.²³⁷

D. LAW: “WHAT CAN WE DO?”

Apart from the international legal status of “neutral intervention,” the most common legal issue raised in the April 1898 debates was whether the Constitution of the United States would prove insufficiently elastic for the task at hand. Continental expansion had repeatedly tested that flexibility, most dramatically in relation to Andrew Jackson’s incursions into Spanish Florida and territorial issues that arose following the Mexican-American War. Some in the opposition felt that the Constitution’s subtleties would not survive an ocean voyage. From the outset, America’s overseas imperialism would have a character distinct from her long history of continental expansion.²³⁸

It had long been a commonplace of American public life that the United States—the world’s greatest experiment in republican governance—was fundamentally different from the monarchies and empires of Europe. Those who opposed intervention in Cuba feared that reliance on legal precedents established by European behavior in similar situations would undermine America’s distinctive virtues? While such precedents might support American intervention to end Spanish misgovernment, there was a fear that

²³⁷ Just before the final votes on 18 April, Democratic Senator Lindsay made the speech closest to promoting a middle of the road solution. Resigned to the fact that administration forces would not allow recognition of the Republic of Cuba, he proposed reasserting the recognition of belligerency that the Senate had passed twice already the past two years “so that when the Spaniards yield to our demand and withdraw...there shall be an organized government on the island capable of bringing the people together for the formation of a permanent republican government.” The proposal fell on largely deaf ears. 31 Cong. Rec. 4031 (18 April 1898).

²³⁸ Walter LaFeber wrote that Democrats in opposition, especially those who served under both Cleveland administrations, would recall Secretary of State Gresham’s concern for “the consequences of a colonial policy that stretched the Constitution so far over water” in regards to Hawaiian annexation in 1893. They revisited that position during President McKinley’s first attempt to annex Hawaii, arguing, “it would be the first step toward colonialism and the destruction of the Constitution, which, they believed, could not easily extend across large expanses of water or over multiracial populations.” LaFeber, *The New Empire*, 94, 147. Regarding continental expansion, the Hispanic Reading Room, Library of Congress, offers text and explanations of the “Treaty of Guadalupe Hidalgo,” <http://www.loc.gov/rr/hispanic/ghtreaty/>.

evoking past European actions would naturally associate the American intervention with similar actions by the British in Egypt or by the Turks in Armenia.²³⁹

The pro-administration senators argued, to the contrary, that intervention in Cuba without desire for conquest would distinguish American behavior from European precedents. Such intervention, they claimed, could only be seen as a humanitarian action, and therefore clearly distinct from all that came before, safely insulating the American reputation from unsavory European examples, for as Senator Hoar warned: “If we put the issue on any doubtful ground, we make the cause of Spain the cause of every European Government that has got a colony in another continent or in an island adjacent to another continent.”²⁴⁰

Conversely, the opposition maintained the best route to distinguish American motives in regards to Cuba from all others was to recognize and nurture the new republic. This action alone would confound European assumptions that the United States was simply bent on seizing the island for itself.²⁴¹ Once again, the contesting blocs in the Senate each proposed diametrically opposed action—recognizing or refusing to recognize the Republic of Cuba—that they believed was the only way to achieve the identical desired end state, in this case the perception of American exceptionalism in foreign affairs.

²³⁹ Senator Tillman warned that even with ostensibly pure motives, the United States could become bogged down in Cuba while also assuming Spain’s debt much as the British had become mired in Egypt largely to protect against Egyptian default in paying off bonds raised to finance Nile River exploration and Suez Canal construction. 31 Cong. Rec. 3891 (15 April 1898). Senator Daniel labeled Spain as “the Turk of the West” for similarities between Spanish treatment of Cubans and Turkish treatment of Armenians. 31 Cong. Rec. 3887 (15 April 1898).

²⁴⁰ 31 Cong. Rec. 3832 (14 April 1898).

²⁴¹ Senator Turpie argued: “If we go to war or intervene by arms, not recognizing the independence of the Cuban Republic, we miss one great element in the cause which will make our quarrel just. We shall lay ourselves open to a great variety of complicated questions and conditions. The open, free path is to make the recognition before we land upon the shores of that island at all.” 31 Cong. Rec. 3738 (14 April 1898). Senator Berry stated that “The nations of Europe do not make war for unselfish purposes...to relieve suffering humanity [but rather] in the hope of some advantage and benefit. They will naturally attribute to us the same motives [if we] refuse to recognize the Cuban Republic.” 31 Cong. Rec. 3879 (15 April 1898). This point was supported by historian May, who wrote that European countries expected America’s intervention in Cuba was motivated by potential territorial aggrandizement. Ernest May, *Imperial Democracy*, 263.

E. DUTY: “WHAT IS RIGHT?”

Closely tied to concerns with international perceptions of American motivations were the senators’ own perceptions about what America should do, and why. Most believed that the United States had a duty to intervene in Cuba. They differed as to the nature of that duty, which they addressed under three general rubrics: humanitarianism, honor, and revenge.

The case for duty to humanity was the least contentious of the three. The Spanish depravities in Cuba had continued despite American diplomatic entreaties, and the European monarchies were seemingly uninterested in meddling. The combination of proximity to the problem, interest in hemispheric matters inherent in the Monroe Doctrine, long-standing commercial ties, and the ubiquity of Cuba Libre-inspired sympathies among the American public, spurred many senators to anoint the United States as duty bound to halt the brutality.

The case for duty to national honor came from both sides of the aisle. Senators evinced revulsion at the affront to American honor by the DeLome Letter, by the generally dismissive attitude of Spain toward American protest, and by the lack of activity in Washington to address a crisis so close to home.²⁴² Support for intervention was tied to national honor nearly as often as it was to national interests.²⁴³ More precisely, America’s rise to the status of a great nation had made the safeguarding of its reputation into a national interests in itself.

Concern about national honor led naturally to the question of how properly to revenge the destruction of USS Maine. Dozens of speeches contained tributes to the dead in Havana Harbor and advocated forceful action to avenge their loss; both sides of the

²⁴² Examples abound, a few will represent the many here. Regarding the perfidy of “a minister of Spain, accredited to this government, to insult the President of the Republic” see 31 Cong. Rec. 3877 (15 April 1898) (statement of Senator Cullom). Regarding inactivity, Populist Senator Butler stated “I voted to put \$50,000,000 in the hands of the President to defend our national honor...the President has proven himself incompetent...the responsibility is now on Congress, we must remove the humiliation that is upon us as a nation.” 31 Cong. Rec. 3733 (13 April 1898).

²⁴³ Senator Lindsay offered one example, of many entreaties, for intervention to protect national honor: “The time has come when we can not with honor say to the world that Cuba shall continue a Spanish province...we are bound to intervene for the preservation of our good faith and national honor.” 31 Cong. Rec. 3789 (13 April 1898).

partisan divide largely agreed on this position. Yet intervention for revenge alone seemed empty and unworthy in itself. Entreaties not to have “let the boys have died in vain” were readily extended to include larger goals: “The Maine must be avenged and Cuba must be free!”²⁴⁴

F. RESTRAINT: “WHAT SHALL THE SENATE ALLOW THE PRESIDENT TO DO?”

As a practical matter, the most essential question raised by the Foreign Relations Committee Report was how much power to give the President. This was partly a rhetorical problem. Precise wording could either force the chief executive to take action Congress desired, or prevent him from taking action Congress abhorred. Vague language would effectively remove congressional preferences from the equation altogether. This portion of the debates, therefore, represented the struggle within the Senate to determine exactly what comprised the congressional will.

The question of should and how the executive could be retrained led directly to that of whether or not Congress, given its authority to declare war, should also stipulate the conduct and aims of the conflict. The administration and its supporters favored preservation of the maximum possible latitude of executive action.²⁴⁵

The opposition most strenuously disagreed. They objected to the concept of neutral intervention and specifically to the precept of “hostile constraint upon both parties” that it incorporated.²⁴⁶ In an effort to influence the Senate to reject that phrasing, opposition senators continually pointed out that such a formulation actually constituted

²⁴⁴ Senator Butler swore “I shall not vote one dollar more or to sustain a policy that does not look to avenging the *Maine* and freeing Cuba [or] calls upon us to submit to arbitrating our national honor and the lives of our citizens murdered...I believe I represent every Populist and Silver Republican and Democrat in this sentiment.” 31 Cong. Rec. 3733 (13 April 1898).

²⁴⁵ 31 Cong. Rec. 3699 (11 April 1898) (William McKinley, “Message to the Congress of the United States”).

²⁴⁶ “The forcible intervention of the United States as a neutral to stop the war...involves, however, hostile constraint upon both parties to the contest as well to enforce a truce and guide the eventual settlement.” Ibid.

active opposition of the Cuban cause.²⁴⁷ They wanted Congress to authorize intervention solely against Spanish forces in Cuba and eliminate the concept of “neutral intervention” altogether by first recognizing the Republic of Cuba.²⁴⁸ The vehicle for this attempt was the minority report from the Foreign Relations Committee. As had been the case throughout the debates, the opposition sought to harry those senators least wedded to the pro-administration position, forcing them to consider possible consequences of uncritical loyalty.

G. THE THRESHOLD OF DECISION ARRIVES

The Senate debate approached its conclusion as the legislative week extended into Saturday afternoon, 16 April 1898. The positions taken repeatedly crossed party lines but largely fell into two camps: those who supported administration policy and those who opposed it in part or in its entirety.

Senators in favor of the language used in the War Message had argued that the executive branch had the sole authority to decide whether the United States would recognize the putative Cuban Republic. The President did not support such recognition, and his supporters in the Senate clove to that line as well. Yet the language they endorsed did not merely parrot the executive’s request. The result was a very minor form of rebellion in the form of a resolution that went further than either the President’s War Message or the House’s wording in its proposed joint resolution.

The pro-administration senators did not stray far from the President’s request in other matters, however. Regarding the issue of debt, they embraced the administration’s concept of neutral intervention as a means to nullify the opposition’s foreboding. They found the proposed actions of the executive to be in alignment with their understanding of both the Constitution and international law. They joined the administration in impugning the legitimacy of Cuba’s revolutionary government. They championed the

²⁴⁷ Senator Butler termed this an injustice against “the Cuban patriots, who are fighting for their liberty. Shall I vote to authorize him (President McKinley) to stop the Cubans?...To ‘stop war in the island’ without independence for Cuba means to become an ally of perfidious Spain.” 31 Cong. Rec. 3732 (12 April 1898).

²⁴⁸ 31 Cong. Rec. 3785 (13 April 1898) (statement of Senator Lindsay).

President's citation of duty to end the atrocities in Cuba as justification for the proposed actions in the War Message, and they largely agreed the President should be unfettered in this undertaking.

If the senators supporting the majority report felt they had subtly forced the President's hand, the senators in opposition saw the minority report as the very minimum expression of their objections to the War Message. Recognition of the Cuban Republic as urged in the minority report directly challenged the administration's claim to sole jurisdiction, and thus asserted the opposition views in sub-topics of roles, debt, and entitlement. But it did nothing to advance the opposition's stance on the issues of law, duty, and restraint on executive action.

To that end, on 16 April Senator Teller offered his well-known amendment to the majority report. Originally drafted as an entire replacement to the committee's resolution, its final portion would become the fourth clause to the joint resolution. It directly serviced the opposition's desires to address the questions of law, duty, and restraint on executive action by declaring the American motivations to intervene in Cuba to be both "in defense of its interests and in the interest of humanity...disclaiming any disposition or intention to exercise jurisdiction or control over said island except for the pacification thereof and a determination when that is accomplished to leave the government and control of the island to the people thereof."²⁴⁹ Incongruous to the outsized importance this amendment would have both for the future of Cuba and the shape of the eventual American empire, it passed in the Senate and appended to the draft joint resolution without further debate and by a simple voice vote.²⁵⁰

Other than this unheralded victory, the vehemence displayed during the debates contrasts sharply with the omission of those topics from the final proposed legislation,

²⁴⁹ 31 Cong. Rec. 3954 (16 April 1898).

²⁵⁰ Ibid., 3988. For discussion of a compromise to trade recognition for preservation of the Teller Amendment, see John Grenville and George Berkeley Young, *Politics, Strategy, and American Diplomacy: Studies in Foreign Policy, 1873–1917* (New Haven, CT: Yale University Press, 1966), 264.

perhaps as sacrifice to the art of the possible. What remained to be seen was the effect of those passionate arguments to sway undecided senators toward supporting the minority report.

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VI. A TEST OF WILLS: THE SENATE VOTES ON FOREIGN POLICY

The first battle of American imperialism—a series of votes in the Senate directly affecting proposed American intervention in Cuba—was ready to commence. In mid-April 1898, the pro-administration and opposition forces were arrayed in the Senate not solely to decide which side should dictate American involvement in a Spanish colony, but also to determine the limits of legislative involvement in foreign policy, and eventually imperial policy. The debate would be pivotal to the Senate’s transition from resistance to acquiescence in the imperial project and the exchange of a principled stand for a political gain.

To that end, intervention in Cuba was a convenient stalking horse for larger issues, and the contrasting majority and minority reports of the Senate Foreign Relations Committee were imperfect weapons with which to fight. The opposition proved unable to insert many of their more general points directly into the pending resolution, hanging their hope instead on recognition alone. Across the aisle, the pro-administration cabal had inherited the core of their position directly from the War Message—including the dubious “neutral intervention” clause—and was thus not firmly planted on ground of their own choosing. Both sides were aware the time for decisions was at hand, but each realized the shortcomings of their positions in the face of the pending votes. But vote they did.

A. THE HIGH WATER MARK OF THE OPPOSITION: TURPIE-FORAKER

Near the end of the last day of the Senate debate, Senator John Tyler Morgan sought to offer some additional insight into how the resolution on which the Senate was about to vote had been crafted. The former chairman and current minority leader of the Senate Foreign Relations Committee chose to liberally interpret the proscription against revealing on the floor what transpired behind committee doors by explaining only his part in the confidential proceedings.

Senator Morgan stated that the majority in the committee, including himself, had consistently supported a report and resolution in line with what would become known as the minority report. At the time of the final vote, however, one unnamed senator made a motion to strike recognition from the final language. Committee members previously inclined to support recognition—in spite of the president’s opinion as expressed in the War Message—reconsidered their position, and several aligned behind the motion to strike. The motion carried, leaving a report written to support independence turned upon its head at the eleventh hour.

While Senator Morgan declined to add his name to the minority report, his recounting of this last-ditch maneuver by the pro-administration cabal in the committee did help explain the discontinuity between the body of the report and its proposed resolution.²⁵¹ One last senator then rose to urge a vote for the minority report language in the hope that recognition would obviate the need for American military intervention before the debates of the previous week gave way to a series of votes.²⁵²

By rule, the first vote was on an amendment to the joint resolution based upon the minority report and named after its co-sponsors, Senators Turpie and Foraker. By virtue of this amendment, if approved, the Senate would openly challenge the executive with respect to the conduct of foreign policy. Senator Turpie offered the amendment, authored by Senator Foraker, to append the minority report’s language to the end of the first resolution. To the original clause “the people of Cuba are, and of right ought to be, free and independent” Turpie-Foraker added the phrase “and that the government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.”²⁵³

²⁵¹ 31 Cong. Rec. 3986 (16 April 1898).

²⁵² Senator Kinney declared: “I shall vote for the resolution that has been offered from the minority of the committee...to prevent bloodshed of American citizens, and I believe if the resolution is adopted...there will be an army of insurgents able to make the fight for the complete liberty of the Cuban government without the aid or the sacrifice of a soldier of this country.” 31 Cong. Rec. 3987 (16 April 1898).

²⁵³ 31 Cong. Rec. 3988 (16 April 1898).

The final tally of votes revealed how tenuous was the Republican claim to a controlling plurality in the Senate. Eleven of the 44 Republican senators defected, while only five Democrats joined the anti-recognition side. More damaging to the Republican cause, the 51 senators who voted to add the minority report's language to the draft joint resolution included all the representatives of every minority party: five Silver Republicans, five Populists, and both Silverites. Needing only one vote to turn their plurality into a majority, the Republicans failed to gain any of the minor party votes and also lost six in the exchange with the Democrats.

The 11 Republicans who voted in favor of the amendment included both senators from New Hampshire, and also both from Pennsylvania, constituting clean sweeps in those Mid-Atlantic and New England state delegations. Joining Senator Foraker from Ohio were fellow Midwestern senators from Kansas, Nebraska, Illinois, and Minnesota; defectors from the West came from California and Washington.²⁵⁴ When added to the 11 minor party votes from the Midwest and West, it is fair to say that the Republican Party proved unable to enforce discipline in not only their Northern and Old Northwestern bastions, but also in the contested and fractured New West.

The Democrats who joined the Republican side in the vote against the amendment came from essentially two camps. Three of the five came from border-states of the old Confederacy, which generally exhibited less monolithic partisanship than states situated further north or south.²⁵⁵ The remaining two defectors came from the solidly Democratic Deep South. Their votes were primarily to express their own deep segregationist convictions against rendering support to a non-white independent government.²⁵⁶

²⁵⁴ Ibid.

²⁵⁵ Two of the three states, West Virginia and Maryland sent split delegations—one Republican and one Democratic—to the Senate, indicating either transitory or contested state assemblies. The other, Delaware, took a cyclic approach: Democratic Senator Kenney's predecessor and successor were both Republicans, as was Democratic Senator Gray's successor. "Gray, George (1840–1925)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=G000396>; "Kenney, Richard Rolland (1856–1931)," Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=K000121>.

²⁵⁶ The votes were cast by Senators Morgan of Alabama and Caffery of Louisiana. Senator Caffery also supported the administration position that only the executive can recognize sovereign nations, detailed in the previous chapter.

It seemed, therefore, that by a count of 51 to 37, the Senate had shown itself to be overwhelmingly in favor of recognizing Cuban independence.²⁵⁷ That this did not come to pass was due to the intricacies of Senate committee rules.

Then as now, the passage of a Joint Resolution of Congress required that both houses agree to identical wording. This was generally accomplished by exchanging amendments between houses; the sponsors in each house would then work to cajole adoption of conforming language. It was only in the cases of the greatest intransigence that the process was forced to employ the formal mechanism of a committee of conference.²⁵⁸ The passage of Turpie-Foraker represented just such intransigence on the part of the Senate.

Through this conference mechanism, the Senate would select a few delegates, called managers, who would meet with counterparts from the House to find common ground and draft language acceptable to both delegations. When the managers all found agreement, or determined no agreement was possible, they would report back to their respective chambers. If the committee of conference had crafted compromise language, the proposal would be put before the Senate and the House independently for discussion and adoption. If the conference committee found no grounds for compromise, they would report the deadlock and seek further instructions.

Of paramount importance was that the managers faithfully represented the views expressed in their own house's version of the joint resolutions, as they were the sole proponents of that cause. In the case of the joint resolution on intervention in Cuba, however, it was unclear exactly which faction of the split Senate the delegation would be expected to represent. The choice of managers was therefore critical, since they would frame the coordination process in the committee of conference.

²⁵⁷ Often, votes in the Senate—especially over contentious issues—resulted in a sizeable percentage of “not voting” responses. In this particular vote, every senator went on record supporting one position or the other. Regarding Senator Walthall, see “Walthall, Edward Cary (1831–1898),” Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000111>.

²⁵⁸ “Legislative Process: How a Senate Bill Becomes a Law,” Congress, Senate, www.senate.gov/reference/resources/pdf/legprocessflowchart.pdf, 8.

Once the House called for a conference to resolve the competing resolutions—and named their three delegates—the contest then shifted to determining the composition of the Senate delegation. Republican Senator Cushman Davis struck first. By Senate rules, the delegates generally are senior senators from the committee to which the bill was referred, and the President of the Senate makes the formal appointments.²⁵⁹ Senator Davis, the pro-administration Chairman of the Senate Foreign Relations Committee, instead moved that the presiding officer allow Davis himself, as Committee Chair, to select the Senate delegates.²⁶⁰

This motion set off a firestorm of contention on the floor. Although long-standing tradition had supported the practice of the committee chair suggesting delegates, it was quickly established that the Senate rules did not. The rule merely affirmed the President of the Senate’s authority regarding standing committees. The only other caveat in the rules that might have application was the statement “all other committees shall be appointed by ballot, unless otherwise ordered, and plurality of votes shall appoint.”²⁶¹

With the Senate Rules mute on the topic of selecting managers to a conference committee, several senators stood for the principle that the delegates reflect the will of the Senate as a whole, rather than the majority of the Foreign Relations Committee. Republican Senator Hoar found himself in agreement with members of the opposition, including the Populist Senator Allen from Nebraska, Silver Senator Stewart of Nevada, Silver Republican Senator Teller of Colorado, and Democratic Senator Pasco of Florida in asserting that in the absence of clear rules the Senate should decide for itself. The difference, however, was the interpretation of the phrase “the Senate should decide for itself.” Some were in favor of a general vote to choose managers, as only this method would reflect the will of the majority of senators. Others supported a vote of the committee members as the deciding mechanism, on the grounds that the bill had been

²⁵⁹ “If the Senate does not accept the House’s position, one of the chambers may propose creation of a conference committee to negotiate and resolve matters in disagreement between the two ... The presiding officer formally appoints the Senate’s conferees. Conferees are traditionally drawn from the committee of jurisdiction.” *Ibid.*, 9.

²⁶⁰ 31 Cong. Rec. 4027 (18 April 1898).

²⁶¹ 31 Cong. Rec. 4027 (18 April 1898) (statement of Senator Hoar).

entrusted to the committee as subject matter experts and the committee should therefore be entrusted with the solution.²⁶²

It was Senator Pasco who most precisely described the game. Under majority rules, the will of the Foreign Relations Committee was at odds with the will of the Senate. The last-minute vote to upend the meaning of the committee's report, as revealed by Senator Morgan, heightened this contrast. It foretold how the majority of the Committee on Foreign Relations would vote in conference to doom the minority report. Conversely, the recent vote by the majority in the Senate as a whole overwhelmingly supported adding Turpie-Foraker language to the joint resolution. To that end, Senator Pasco felt the honorable path was to follow the example set by the House: their delegates were in favor of the House version of the resolution, the Senate should also select delegates that have supported its own proposed language. "The proposition of the Senate should be in the hands of its friends," Pasco argued, "and not in the hands of its enemies."²⁶³

B. A GIANT STUMBLES, BUT WAS IT ACCIDENT OR PRATFALL?

Ultimately, however, it was the namesake and author of the minority report that initiated its downfall. Senator Foraker spoke on two occasions during this exchange, and both times undermined the consensus behind Turpie-Foraker. His decision to do so reveals a breach in his own resolve and further illuminates the complex nature of both the fractured majority and the cobbled-together opposition.

As a Republican luminary, Senator Foraker lent gravitas to the Democratic, Populist, Silverite, and Silver Republican campaign against the War Message. His key position in the coalition opposing the president's wishes helped to raise the tenor of the argument from mere partisan truculence to the appearance of a noble cause. Dissent from a Democrat was to be expected, but defiance from a loyal Republican conceivably bespoke a principled stand. As a perennial aspirant for higher office, however, his very

²⁶² Ibid.; Senators Allen, Stewart, Teller, and Pasco 4027–9.

²⁶³ "The majority of the (Senate Foreign Relations) committee have failed to sustain their proposition before the Senate, and they are not entitled to the majority of conferees." 31 Cong. Rec. 4028 (18 April 1898).

public split from the administration's supporters was also a calculated move, a political gambit that included considerable risk.

Adding to this complexity, the other players in this drama were far from idle. The Cuban Junta was busy lobbying senators to support recognition while the president was pressuring senators to conform to his War Message language.²⁶⁴ With so many parties actively seeking to influence the process, the trick for Senator Foraker would be to avoid damage to future prospects by appearing high-minded and duty-bound to the nation in thwarting President McKinley's plans, all without appearing self-serving and duplicitous.

Senator Foraker's first statement was a seemingly unprompted capitulation on the issue of delegate selection. His comment came during a series of speeches by opposition senators in which the common sentiment was if the Chairman of the Foreign Relations Committee were allowed to select the managers, the resultant conference committee would be biased against the expressed sentiments of the Senate majority. Senator Foraker interrupted to indicate that he was content leaving the selection of delegates to the committee chair.²⁶⁵ Coming shortly after Senator Stewart's proposal that the Senate managers be explicitly instructed that recognition of the Cuban Republic was non-negotiable, Foraker's reversal stimulated the pro-administration senators, who began to shout for an immediate vote.²⁶⁶

Careful examination of the transcripts reveals potential ulterior motivations for Senator Foraker's announcement. The most plausible was brought about by a subtle shift in the tactics of senators arguing in favor of letting the chairman select the managers. In this late stage of deliberations, the senators who supported the majority report moved away from employing expressions of loyalty to the administration's cause as reason to approve Senator Davis's request. Instead, they more frequently professed their faith in

²⁶⁴ John Offner, *An Unwanted War*, 188–91.

²⁶⁵ "The Senator from Ohio [Mr. Foraker] was the only Republican advocate of that clause, and now it is gravely proposed in the Senate that a conference committee shall be appointed [without Foraker, but instead with] three senators every one of them whom is against the proposition for which the Senate has twice voted." 31 Cong. Rec. 4030 (18 April 1898) (statement of Senator Chandler).

²⁶⁶ Senator Stewart had stated: "I desire to move, before the conferees are appointed, that they be instructed...to consent to no report that does not recognize the republican government of Cuba." 31 Cong. Rec. 4030 (18 April 1898).

the character of the fellow senators who would comprise the committee of conference, thereby implying that a vote against Senator Davis's proposal would impugn the honor of the committee members. Knowing the support of senior Republican Party leaders would be crucial to his career aspirations, the prospect of alienating them in this manner sorely tested Senator Foraker's resolve.

Democratic Senator White of California argued that senior committee members from each party—naming the venerable Senators Frye and Morgan—would serve as managers, and their collective decades of service on the Foreign Relations Committee warranted the trust of the senators assembled. He added that should the committee of conference produce a compromise unacceptable to the will of the Senate, the conference report could simply be rejected.²⁶⁷ Republican Senator Thurston of Nebraska then followed, stating that while he would prefer that at least one committee member was “prepared from his heart to argue the majority position of the Senate,” he had faith in the “best judgment and honor” of whichever senators the Chair selected.²⁶⁸ Thus constructed, the obstacle Foraker faced was no longer disloyalty to the president. Any such allegation, after all, could be massaged during future campaigns to represent brand differentiation within the party. A much more politically damaging implication could have resulted from an overt display of a lack of faith in the character of his fellow committee members.

Privy as he was to the intricacies of the Foreign Relations Committee's confidential proceedings, and thus cognizant of Senators Frye and Morgan's positions on the minority report, Senator Foraker would have been well aware that what Senator White was offering amounted to capitulation.²⁶⁹ Knowing that the Chair would select managers antithetical to the opposition cause, Senator Foraker still chose to support that

²⁶⁷ Senator White stated: “If the heads of their respective parties on that committee cannot be trusted, it makes me think of how little after all is service or fame.” 31 Cong. Rec. 4030 (18 April 1898).

²⁶⁸ Senator Thurston continued: “I propose for my part to trust the honor of a committee that will be practically selected by the chairman of the Committee of Foreign Relations.” Ibid.

²⁶⁹ Senator Frye was transparently in favor of the administration policy, but Senator White's suggestion that Democratic Senator Morgan would provide balance and support the opposition's position was specious. As shown in the preceding chapters, the pro-segregation Senator Morgan was opposed to recognition of the Cuban Republic, and therefore a curious choice to hold up as defender of majority will favoring the minority report.

course. At the same time, however, he offered himself as a candidate to be one of the selected managers, on the grounds that he was the only member of the Republican plurality to support the minority report in both committee and on the Senate floor.²⁷⁰

The House had already named its three delegates to the committee of conference. Senator Foraker found himself in accord with Senator White's assumption that, as chair, Senator Davis would likely conform to precedent and choose the senior committee member from each party to join him as Senate managers. Facing the prospect of a committee composed of Senators Davis, Frye, and Morgan, Senator Foraker placed his hat in the ring to replace one of those three, all of whom he knew had voted two days prior against the minority report.

This is not to say that Senator Foraker altruistically desired the appointment in order to continue fighting the good fight. As a committee member and a skilled political operative, he would have known that the votes of the remaining two senators would trump any opposition he could mount during the reconciliation meetings. The conference committee operates under majority rule. Unanimity is not required, and the committee senator in the minority could do nothing to undermine support for the administration's preferred language in the conference report. To the contrary, appointment as the third manager would allow the Republican leader of the opposition to retain that unique moniker whilst simultaneously preserving his standing in the Republican party. Senator Foraker, therefore, could successfully emerge from the deliberations as a hero even if the minority position failed.

As if by script, Senator Frye rose as the very next speaker and immediately withdrew his name from consideration. Stating his belief that recognition was the sole purview of the executive, he declared himself against the minority report and recommended his place be given to "some senator on the committee who holds views diametrically opposed to mine...if I were the Presiding Officer of the Senate, I would

²⁷⁰ As the only Republican on the committee to support recognition, "it is probably in the minds of some of the senators, in view of this fact, to take such action here as would place me on the conference committee. I want to say in answer to that suggestion, for it has been made to me, that I am perfectly satisfied to have the Chair appoint the conference committee...I very gratefully prefer the Chair should make the appointment." 31 Cong. Rec. 4030 (18 April 1898).

appoint Senator Foraker as one of the conferees on that committee.”²⁷¹ Thus, in a bizarre twist, a strong supporter of the administration’s policy ceded his seat on the conference committee to the very senator who appeared the personification of principled opposition. When he next spoke, the recipient of that largess signaled a willingness to soften his stance on a pivotal issue.

Senator Foraker made his second statement that negatively impacted the opposition cause just prior to the vote that would determine how the committee of conference would be selected. Intimating that a deal was in the works, he stated that if the delegates were simply appointed, the whole matter could come to a swift conclusion “that will be far more satisfactory to many of us than are the amendments of the House of Representatives.”²⁷² What exactly that meant, and details of where that potential conclusion lay on a scale between the two positions currently supported in the Senate, Senator Foraker declined to say.

Reading the transcripts over a century later, the inference that selection of the candidates was an inconsequential matter, coming as it did (twice) from the leader of the opposition, seems odd. Further, the tidy sequence of Senator Foraker’s bid for appointment as a manager, Senator Frye’s endorsement of him for the slot, and then intimation of negotiations occurring outside the floor debate in the Senate, all give the reader pause. After a long week of entrenchment around the addition or excision of the minority report language, the combination of events above seems an inauspicious prelude to the deciding votes.

C. WHEN A MAJORITY IS IN THE MINORITY: THE VOTES OF 18-19 APRIL 1898

Further amplifying that sense of confusion, or at least shifting priorities, was a speech by Senator Teller suggesting that time was running out. The Silver Republican leader had supported the minority report language throughout the past week, including the vote on Saturday evening, and would remain in that camp to the bitter end. He spoke

²⁷¹ Senator Frye finished: “I trust that the presiding officer of this body will do so and will not appoint me.” 31 Cong. Rec. 3986 (18 April 1898): 4030.

²⁷² 31 Cong. Rec. 4030-31 (18 April 1898).

briefly, urging his colleagues to make the best deal they could and come to a vote swiftly. His reasoning was that he had received intelligence that the coalition that produced a majority in favor of Turpie-Foraker language was crumbling.²⁷³ Again, reading the transcripts all these years later, it is difficult to see how both Senator Foraker's changed position on delegate selection and Senator Teller's note of panic could have been construed as helpful to the opposition's cause.

Be that as it may, the Senate, after so much deliberation—and with full knowledge of the voting history of the three delegates in question—agreed to allow Senator Davis to pick the Senate managers. As predicted, the Chairman chose himself, the newly optimistic Foraker, and Democratic Senator Morgan, who had not endorsed the minority report.²⁷⁴ The fate of the Turpie-Foraker language—added to the joint resolution by a 14-vote margin only the previous workday—was now in the hands of two senators who had voted against it and one who had signaled a willingness to bargain.

After the committee came back that evening to report deadlock with the House, the delegates revealed their positions: Senator Morgan steadfast in support of recognition, Senator Davis equally firm against, and Senator Foraker frustrated that his gamble did not pay off. Senator Foraker had attempted to abandon the Turpie-Foraker amendment in return for assurances that “and, are” would be restored. His reasoning was that, in light of Senator Teller's premonition of opposition collapse, this tacit recognition of the Republic of Cuba was as much ground as could be captured. He deemed formal recognition to be out of reach. To that end, Senators Foraker and Davis conspired to agree—Senator Morgan objecting—with the House proposal to excise Turpie-Foraker in exchange for restoration of “and, are.” He reported, however, that he had been misinformed of the House delegates' willingness to compromise.²⁷⁵

²⁷³ Senator Teller opined: “Those who support the administration...are not willing to act longer with us. It is apparent that if the vote was taken now, we shall reverse the action of Saturday...I am told the Republicans who voted with us would not sustain us any longer.” 31 Cong. Rec. 4031 (18 April 1898).

²⁷⁴ As the motion carried by a voice vote with no recorded tally, it can be safely assumed that at least seven senators who voted for the minority report on Saturday now voted against placing supporters of the minority report on the conference committee. 31 Cong. Rec. 4032 (18 April 1898).

²⁷⁵ Senator Foraker added “In order that we might have harmony and unity of action...we agreed to abandon the Turpie amendment provided ‘are, and’ might be restored in the first proposition.” Ibid.

The cycle then repeated itself. The House called for another conference. The Senate agreed but quarreled over the appropriate process for selection of the delegates. The issue was put to a vote; selection-by-ballot lost again to selection-by-chair. Senator Davis nominated himself, plus Senators Foraker and Morgan.

While awaiting news from the House, Senator Morgan introduced a bill that declared war on Cuba, but lacked any explicit recognition of the Republic of Cuba. When challenged on that omission, he stated that unless recognition was surrendered, the House and Senate versions of the joint resolution could not be reconciled.²⁷⁶ The bill was tabled, and the committee of conference left to meet with their House counterparts. But this time, the calculus had changed. Senator Foraker had announced his plan to trade the Turpie-Foraker Amendment for “are, and,” and Senator Morgan had announced his intention to settle. The result was foreordained.

At quarter past one in the morning, the conferees reported back agreement with the House. The House managers had relented on returning “are, and” to the resolution in exchange for excising Turpie-Foraker language. With that revision, the sole point of disagreement was now between the two factions in the Senate, over approval of this newly reconciled joint resolution. A vote “yea” would sustain the action of the conferees and kill the minority report language; a vote “nay” would at best result in another round of conference committee meetings, likely with the same managers on both sides.²⁷⁷

The past week of debates—with topics ranging from the proper roles for the branches of the American government, responsibility for Spain’s debt, legitimacy of the Cuban Republic, constitutionality and international law precedents for intervention, presumptions of duty, and questions of congressional control of hostilities beyond declaration—had come down to this vote.

²⁷⁶ Senator Morgan explained: “unless you relinquish a certain political demand in your resolution...I am for the same proposition, but I do not refuse half a loaf because I can not get the full loaf.” 31 Cong. Rec. 4038 (18 April 1898).

²⁷⁷ Senator Jones provided this succinct summation of the question as the last speaker before the vote, emphasizing the only issue remaining was recognition. 31 Cong. Rec. 4040 (18 April 1898).

In the small hours of the Washington night, 42 senators cast their ballot to accept the conference agreement, 35 remained in dissent, and 12 chose not to vote.²⁷⁸ Through skillful manipulation of Senate procedure, pro-administration forces had overcome a multifaceted opposition that enjoyed support in all five political parties, an opposition that had boasted a 14-vote majority only two days previous. Presidential power was preserved, and expansion of the Senate's role in foreign policy repulsed.

²⁷⁸ Had the 12 voted, it would not have affected the outcome as they represented pairs—one “yea” and one “nay” abstaining to balance missing votes of absent senators.

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VII. AN EXCHANGE OF TACTICS: EXPANSIONISM, ANTI-IMPERIALISM, AND THE SENATE DEBATES ON THE TREATY OF PARIS

There are at this time in the Senate and nation at large two self-defined and distinct views, one of a policy of expansion, involving a new definition of our Government and the inauguration of a colonial system, with all the perplexing problems incident to it. The other view opposes imperialism, and is based upon the governmental policy of the last century, and in my judgment is the only position that is in harmony with the Constitution and the spirit and genius of republican institutions.²⁷⁹

The treaty that concluded the Spanish-American War settled the question of whether or not the United States would engage in imperialism. The answer was a qualified “yes,” and the details of the resultant empire could have hardly been predicted with any precision. A war largely justified as a noble effort to free Cubans from Spanish oppression did indeed result in limited freedom for that island. It also made nearly 8 million Filipinos wards of the United States Government.²⁸⁰

The terms of the agreement placed the peoples of Puerto Rico and Guam in the state of arrested territorial development that endures to this day. Unlike the grudging but uneventful acceptance found on those two islands, the prospect of continued colonial status piqued Filipino ire. This anger eventually erupted into a bitter conflict that lasted much longer than the war the Treaty of Paris concluded.

The process of ratifying the treaty highlighted notable changes within the Senate. The pre-war debates had been characterized by a fractured plurality on one side, facing oppositional forces subdivided into multi-faceted topical coalitions on the other. In these post-war debates, conversely, anti-ratification senators attempted to concentrate those topical coalitions into a single movement, while pro-ratification forces adopted the tactic of division. As a result of this tactics swap, these ratification debates repeated the pattern

²⁷⁹ 32 Cong. Rec. 638 (13 January 1899) (statement of Senator McLaurin).

²⁸⁰ Porto Rico at the time had nearly 800,000 inhabitants and Guam recorded no formal census. Spanish colonial census returns, posted 5 February 2008, Foro 1898: Punto de Encuentro, 1833–1900, <http://1898.mforos.com/1026829/7262657-censos-de-cuba-puerto-rico-filipinas-y-espana-estudio-de-su-relacion/>.

of the earlier debates on intervention: leveraging Senate rules and traditions in a parry-and-thrust around competing resolutions, all leading to nail-biting votes that decided the matter between the nearly balanced annexationist and anti-annexationists camps.

Similarly, if positions taken the previous spring on intervention were heavily influenced by domestic political considerations, the stances regarding ratification were animated by results from intervening mid-term elections, and anticipated challenges of the upcoming presidential elections. Compared to ineffectual Republican attempts of April 1898 to control events in the Senate through party solidarity, the outcome of the ratification debate in January and February 1899 would largely be decided by Democratic Party solidarity focused on retaking the White House.

This chapter will consider both the substance and outcomes of the ratification debate, and also the tactics swap that helped shape it. The precursors to the contest—the peace protocol that suspended the war, the president’s instructions to his negotiators, the bargaining and stalling in Paris, and the eventual submission of the treaty to the Senate— informed pro- and anti-ratification positions in the Senate, manifested through a series of resolutions and amendments proposed in open session.²⁸¹

The pro-ratification side that encouraged division of the larger issue into its component parts succeeded in their gambit, while the opposition that sought to corral its fractured membership into a cohesive bloc failed. This led to defeat, by one vote, of an anti-annexationist amendment that would have prescribed limited sovereignty for Puerto Rico, Guam, and the Philippines similar to what the Teller Amendment had conferred on Cuba. It was followed immediately by a second vote in which pro-annexation senators forced through an emasculated resolution that could apply no such restraint. This matched set of victories enabled unfettered expansionist ambitions to set the course for American empire.

²⁸¹ These open sessions occurred simultaneous to the closed proceedings of executive session and committee deliberations, which are not included in the Congressional Record transcripts. “Closed sessions of the Senate are used for deliberations during impeachment trials, as well as to discuss issues of national security, confidential information, and sensitive communications from the President.” Closed deliberations over nominations and treaties are called executive business because they are received by the Senate from the president, rather than introduced by senators. Senate Glossary, http://www.senate.gov/reference/glossary_term/closed_sessions.htm.

A. INTERREGNUM: TRANSFERRING ISLAND COLONIES FROM SPAIN TO THE UNITED STATES

The Spanish-American War was a brief affair. In the first major engagement, Commodore George Dewey defeated the Spanish fleet at Manila Bay on 1 May 1898. Guam was seized without struggle on 20 June. Spanish forces in Cuba capitulated on 19 July, only five weeks after the first American forces landed. The Spanish on Puerto Rico followed suit a week later, and the Spanish government signed the armistice on 12 August. Unaware of the armistice, the Spanish garrison besieged in Manila surrendered the following day.

The process of diplomatic settlement lasted almost exactly as long as the process of military conquest. Secretary of State William R. Day, who had authored the peace protocol, resigned his post and was appointed to lead the delegation to negotiate a treaty with Spain. While the Senate was not involved in the crafting of the armistice terms, three members of the Senate Foreign Relations Committee were appointed to join Day on the five-man peace committee.²⁸² The senators selected represented varied positions within the Senate regarding expansion, and Secretary Day represented the centrist opinion in that he realized best the limitations of the potential agreement. To accompany him, the president selected the chairman of the Senate Foreign Relations Committee Senator Davis, and Senator Frye. Both were increasingly expansionist, but paled in comparison to former diplomat and newspaper publisher Whitelaw Read in this regard. Finally, the lone Democratic Senator was Senator Gray, an “avowed foe of colonies.” This choice by President McKinley placed the three senators in the unusual position of eventually ratifying their own work.²⁸³

Hostilities had rendered an unambiguous end state for the Spanish military. Destruction of her decrepit fleet in both theaters left no possibility to reinforce or resupply Spain’s isolated military posts; continued resistance and an offensive to reverse

²⁸² The United States answered Spain’s overtures for peace, in the words of Richard Leopold, “with terms formulated solely by the executive.” Leopold, *The Growth of American Foreign Policy*, 183.

²⁸³ Ibid., 187. Walter LaFeber is more succinct: “Senators Davis and Frye were imperialists; Senator Gray was an avowed anti-expansionist.” LaFeber, *The New Empire*, 158.

the American victories were equally illusory options. For the other parties involved on the Spanish side, however, the war's result was not nearly so clear.

To the Cortes, for example, the military setbacks were a matter to be resolved by bargaining. While Spain's economic and military situation made continued warfare untenable, the stakes of the coming negotiations were hardly existential. Cuba was certainly lost, and the Spanish aspirations for the Treaty of Paris were soon narrowed to two major items: evading the crushing debt incurred during the war and the fate of the Philippine Islands.²⁸⁴ Spain's bargaining position was weak, but her goals were limited.

For the peoples of Spain's colonies the future was mixed. The Chamorro in Guam, a small island tribe of 10 thousand or so, were unengaged in the business of sovereignty exchange. The Puerto Rican response to the American defeat of Spanish forces on that island could be characterized as grudging acceptance. In Cuba and the Philippine Islands, however, the fact negotiations were strictly between Spain and the United States caused much displeasure. The Filipinos and Cubans had been actively resisting Spanish rule, but were sidelined both in battle and the subsequent surrender proceedings on their home islands. They were both locked out of the treaty conference in Paris as well, where the details of the liberation they had struggled to secure would be determined.

The significant difference between the two, however, was the limitations the United States Senate had placed upon American conduct toward one but not the other. The Teller Amendment had codified the American policy toward Cuba as favoring a rapid transition to independence. The Filipinos had similar expectations, but nothing in writing to support them. This crucial difference would soon become the crux of the Senate debates on ratification. During the treaty negotiations, this important distinction

²⁸⁴ John Offner, "Treaty of Paris (1898)," in Beede, *The War of 1898*, 546.

was limited to two words: Spain was to relinquish Cuba, but cede the Philippine Islands, Puerto Rico, and Guam.²⁸⁵

For the Americans, inclusion of the other Spanish colonies complicated the negotiations to end a war waged to liberate Cuba. Since Cuba was protected by the Teller Amendment, keeping Puerto Rico as a base from which to protect the approaches to a future isthmian canal appealed to many strategic thinkers. In the Pacific, opening a new theater to prevent Spanish naval concentration in support of Cuba was sound wartime strategy, but the resultant territorial accretion of thousands of Pacific islands muddled American expectations for the ensuing peace settlement.

Acquisition of sparsely populated Guam and uninhabited Wake Island as coaling and cable stations in the Pacific seemed sound, a natural extension of the annexation of Hawaii completed a few months before. The Philippine Islands were a different kettle of fish. They were much larger and more populous than Hawaii and farther away even than Guam. In addition, they were close enough to the other side of the Pacific to induce entanglement with European imperial interests in Asia.²⁸⁶ They also differed from the occupations in Cuba and Puerto Rico in that the American forces held only a toehold of one corner of one island. The United States did not actually control the archipelago, and there was reason to doubt its ability to hold the islands against concerted pressure if seriously challenged.²⁸⁷

²⁸⁵ Article I: "Spain relinquishes all claim of sovereignty over and title to Cuba...to be occupied by the United States..." Article II: "Spain cedes to the United States the island of Porto Rico...and the island of Guam." Article III: "Spain cedes to the United States the archipelago known as the Philippine Islands." "Treaty of Peace between the United States and Spain," 10 December 1898, http://avalon.law.yale.edu/19th_century/sp1898.asp.

²⁸⁶ Regarding the likelihood that proximity of imperial America in the Philippine Islands to the European affairs in turbulent China would lead to choosing sides between rivals, Senator Daniel offered "the first rumor of war that startles our business men and that wakes America to anxiety will throw us into the arms of an alliance." 32 Cong. Rec. 1431 (3 February 1898).

²⁸⁷ Senator Clay summed up concerns of holding the archipelago thus: "The United States has heretofore been solid, compact, contiguous, and impregnable. Remaining in this condition, the naval forces of the world dare not attack us. When we go out into the seas beyond the Western Hemisphere and acquire other countries, we increase our responsibilities, weaken our defenses, and enormously increase the expenses of our Army and Navy." 32 Cong. Rec. 965 (24 January 1899). For a detailed discussion of the development of war plans for retaining the Philippines, see Grenville and Young, *Politics, Strategy, and American Diplomacy*, 270–282.

The American bargaining in Paris was unusual. While the Spanish gradually ceded more as the negotiations proceeded, the American delegation's demands grew beyond what was limned in the August peace protocol. Eventually its terms would significantly exceed those forecast in the Senate debates that initiated the war. As a result, the body that would ratify the treaty would first have to accept the greatly increased spoils, with all their attendant responsibilities and consequences.

The delegates received instructions from President McKinley on 16 September. He told his negotiators to demand all the armistice agreement cessions regarding Cuban and Puerto Rico. He also directed them to stipulate Guam as the cession in the Marianas, to secure free American trade throughout the Philippine Islands and to obtain territorial cession of Luzon Island, the last being a major expansion of the armistice terms. While the Senate was not asked for its advice, the president's cabinet approved of these expanded terms.²⁸⁸

Treaty negotiations went poorly for the Spanish from the start. Throughout October, the delegation from Madrid pressed a futile attempt to shift responsibility for Spanish debt to either Cuba or the United States. Desiring to delay discussion of the other main Spanish topic for discussion—the future of the Philippine Islands—until after the November elections, the American negotiators were only too pleased to prolong this discussion.

Once the 1898 elections were past, however, President McKinley decided to raise the stakes—again without consulting the Senate—and demanded cession of all the Philippine Islands. He had his instructions cabled to Paris and included a 20 million dollar indemnity for Spain, as compensation for peaceful infrastructure improvements, to ease swallowing of this bitter pill.²⁸⁹ The Spanish signed the treaty on 10 December, and it was submitted to the United States Senate for ratification on 4 January 1899. Throughout this period, however, relations between American and Filipino forces on

²⁸⁸ Leopold, *The Growth of American Foreign Policy*, 186.

²⁸⁹ For expanded discussion of President McKinley's changed negotiating demands, see Offner, "Treaty of Paris," in Beede, *The War of 1898*, 546–47; Offner, "William McKinley and the Spanish-American War," *Ibid.*, 289; and Miller, *Benevolent Assimilation*, 20–24.

Luzon continued to worsen as the latter became more agitated by the prospect of independence delayed or negated.

In the final settlement, Spain only gained 10 years of trading rights in the Philippines, guaranteed religious freedom for island inhabitants, and the aforementioned indemnity. In contrast, the American delegation secured the desired territories, forced Spain's retention of all her debt, avoided extraterritoriality for Spanish nationals remaining in the islands, and made voluntary any transference of encumbrances to a future Cuban government. Of little import to the Spanish negotiators, but most pertinent to the coming debates, the treaty also stipulated "the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."²⁹⁰

B. THE TREATY ARRIVES AT THE SENATE

Senator Alexander Clay of Georgia captured the challenge facing the Senate:

What shall we do with the Philippine Islands? They have been left upon our hands as a result of the war. We did not need them, we did not want them, but we are forced to deal with them anyway. However we may desire to extricate ourselves from this responsibility, we cannot escape it.²⁹¹

The general terms of the Treaty of Paris were widely reported in newspapers, giving senators waiting in Washington D.C. ample time to contemplate positions on the matter in advance. Upon receipt it was referred to the Senate Foreign Relations Committee, where it was debated in closed session. The treaty was reported out to the Senate, but that report and subsequent debates in the Senate as a committee of the whole were conducted in executive session, also behind closed doors. Fortunately for modern scholars, the debate was brought into the public record by a series of resolutions and proposed amendments in open session during January and early February 1899.

The debate on ratification of the Treaty of Paris was not much concerned with exacting an appropriate and satisfactory settlement from Spain. The status of the former

²⁹⁰ Article IX. "Treaty of Peace".

²⁹¹ 32 Cong. Rec. 965 (24 January 1899).

Spanish colonies was more catalyst for discourse than subject. From the beginning, the debate on the treaty went well beyond the details of its terms to consider its larger meaning for the future of the United States: would it remain a republic or would it become an empire?

The six sub-topics featured in the debate on McKinley's War Message reappeared in the ratification debate, in slightly altered form. Risk of assuming Spanish debt was eliminated during the treaty negotiations, replaced by discussion of the indemnity agreed to in Paris. The other sub-topics of entitlement, duty, law, roles, and limits are readily recognizable in the transcripts of January and February 1899. What had changed, however, was the reason they were employed.

During the debates on Cuba, the opposition cleverly broke the larger question into parts, in the hope that principled stands on individual issues would influence the overall outcome. In the debates over the Philippines, however, the anti-annexation forces sought to meld all the sub-topics together and force a single, decisive vote. The pro-ratification forces, conversely, set out to divorce the question of ratification from the determination of sovereignty concerning Spain's former colonies.

Simply stated, anti-expansionists wanted the future of the Philippines decided before they would agree to the treaty, and the pro-expansionists wanted the treaty ratified without binding language regarding the new territories. The reasoning of the latter was that, in both Cuba and the Philippines, America would restore peace and support self-government until Spain's former colonies were able to stand alone. Then the United States would leave, on terms whose details could not be realistically anticipated so far in advance. Expansionist senators felt confident that the United States would act honorably of its own volition, while the opposition felt that, absent the restraining force of law, American conduct might evolve in ways that would not support larger U.S. interests, and might even bring discredit.²⁹²

²⁹² Senator Lodge stated: "It commits us to no policy, to no course of action whatever in regard to the Philippines. When that treaty is ratified, we will have full power and will be absolutely free to do with those islands as we please; and the opposition to its ratification may be summed up in a single sentence, that the American people and the American Congress are not to be trusted with that power." 32 Cong. Rec. 959 (24 January 1899).

Pro-ratification senators also believed the risk in reopening negotiations with Spain, should this treaty fail, outweighed the measure of safety the opposition sought.²⁹³ In contrast, anti-annexationists could see no harm in specifying in advance what the colonial policy of the United States would be. Several of their proposals were unilateral in nature, and thus would not force renegotiation. This disagreement was brought to a head by the introduction of seven resolutions that engendered wide-ranging debate in the Senate. It is in the speeches that sought to ensure or derail these resolutions that the true import of the ratification debates is found.

These debates asked probing questions about the United States itself. Does the Constitution mandate that territories must become states? Does the Constitution extend to territories automatically upon formation, or only by Congressional act? Does the principle of equal taxation among states extend to territories, and if so, doesn't equal application of all law so extend? Does citizenship predate statehood? How can there be one territorial standard set for Cuba, but another for the other former Spanish colonies? The answers posited by both sides informed not only the upcoming votes on ratification, but future positions on congressional rule of the American colonies.

These seven resolutions also continued the trend of cross-party action that had been prominent in the debates about intervention. Within both parties were senators who were pro-treaty but anti-annexation. It is here, in the speeches of these senators operating outside party orthodoxy, that the sub-topics of duty, entitlement, law, roles, and limits are most evident. Their reasons for wishing the treaty finalized and the status of the islands clarified varied tremendously, but they formed a large enough group to become pivotal in both the debates and the subsequent votes. It was from this group that the seven resolutions sprung, and it was to influence this group that the anti- and pro-annexation forces swapped tactics.

Much of the literature on the ratification debates abbreviates the story along these lines: neither pro- or anti-ratification forces were sure of having enough votes until the

²⁹³ Senator Lodge feared making significant changes to the treaty might trigger renegotiation, during which the president would be forced to tell Spain "I am here in obedience to the mandate of a minority of one-third of the Senate to tell you that we have been too victorious, and that you have yielded too much, and that I am very sorry we took the Philippines from you." Ibid.

last minute, when a deal was struck. The putative Democratic challenger for the presidency in 1900, William Jennings Bryan effectively split the resistance, convincing his sub-group of loyalists to adopt pro-ratification position, agreeing to ratify the peace treaty first, and then discuss what to do with the Philippines. Bryan's group provided the narrow margin for the required two-thirds majority. The treaty ratification passed 57 to 27, but the vote on independence that followed immediately after resulted in a tie, then defeat, when the Vice President cast his vote with the annexationist bloc.²⁹⁴

This summary is complete in the essentials, but leaves important questions unanswered. It omits the subtleties of how—through delay, division, and deal-making—the pro-ratification side convinced anti-annexation senators that treaty ratification would further their cause. It obscures the fact that clever employment of Senate rules doomed two resolutions much more favorable to the anti-annexationists' cause. As the only surviving resolution was repugnant to many pro-resolution senators, the pro-ratification bloc was thereby placed in the enviable position of watching its opponents fight among themselves to defeat the only bill left in the way of annexation. Finally, an abbreviated recounting also misses an anti-annexation senator's unexplained absence at the critical moment, which made all the difference. On that one senator's vote, extension to the Philippines of the protections the Teller Amendment stated for Cuba hung.

C. SEVEN RESOLUTIONS THAT FRAMED THE DISCOURSE ON RATIFICATION

Much as the arrival of McKinley's War Message sparked the introduction of a series of resolutions in 1898, the signed treaty shook loose proposed amendments and resolutions. In short order, there were seven on the table for consideration. The

²⁹⁴ Walter LaFeber covers Bryan's role affecting the ratification vote, but conflates two votes on the resolutions, reading the subsequent passage of the McEnery resolution as "throwing a sop to the opposition." The following pages will show it was anything but. LaFeber, *American Foreign Relations*, 163–4. John Offner correctly reads the passage of McEnery as a defeat for the anti-expansionists, but mentions only one other resolution and nothing on the tie. Offner, "Treaty of Paris," in Beede, *War of 1898*, 547. Richard Leopold covers three of the resolutions, but misses the relationship between the Bacon and McEnery resolutions that prevented more formidable resolutions from achieving a vote in the Senate. Leopold, *American Foreign Policy*, 191. This relationship, which will be detailed shortly, completely deflated the meaning of the resolutions championed by the anti-annexationists, and represented a defeat for their cause.

resolutions reflected the constitutional and precedential topics debated and served to identify the clauses upon which American imperialism would teeter.

The resolutions are presented here in order of declining anti-annexationist fervor. This trend of ebbing vehemence is nearly chronological as well. As the pre-arranged date for the deciding vote drew near, senators on both sides moderated tone in an effort to sway their undecided peers. This was a natural enough process, but one that hurt the anti-annexationists, who were more inclined to infighting and mutual recriminations than their opponents. Introduction of a spread of resolutions with language from hardline to compromise proved doubly damaging. The single resolution that actually made it to a vote displaced from consideration more relevant resolutions. That the anti-annexationists were unable to modify the language of the remaining resolution to suit their cause was the greater defeat.

Senators were already crafting positions and preparing arguments before the treaty arrived in their chamber. On 6 December, four days before the delegations would sign the treaty, Senator Vest introduced a joint resolution anticipating the crux of the disagreement the settlement would engender: the disparity between the treaty's relinquishment of Cuba but cession of the Philippines. This short resolution stated the Constitution granted no power for the "federal government to acquire territory to be held and governed permanently as colonies."²⁹⁵ This opening clause sought to extend the Teller Amendment's promises for Cuba to the Philippine Islands, forestalling piecemeal wrangling by preemptively declaring the American occupation temporary. The remaining clause went further, stipulating that other than small acquisitions such as coaling stations, all retained territory must become states.²⁹⁶

Senator Vest's resolution required that all overseas territory fall into one of two categories: either small holdings of an administrative nature or incipient states. In neither case were new classifications or rules required for the residents of the territories, since

²⁹⁵ 32 Cong. Rec. 20 (06 December 1898).

²⁹⁶ "The colonial system of European nations can not be established under our present Constitution, but all territory...must be acquired and governed with the purpose of ultimately organizing such territory into states suitable for admission into the Union." Ibid.

the existing historical record provided ample guidance in both cases. Thus, the Guano Islands Act would serve as precedent for Wake Island, and the Northwest Territory Act and westward expansion would apply to the rest.

Senator Vest did not seek to amend or alter the pending treaty. This distinction was important to senators unwilling to delay peace by reopening negotiations. Vest's resolution merely sought to structure American governance of both the Spanish relinquishments and cessions after ratification. His bill was well crafted to appeal to the target group in the Senate in favor of a definite end of the war but opposed to annexation. It proved to be the clearest enunciation of the anti-expansionist position, and also the best hope for their cause.

The pro-ratification senators contested the bill only obliquely, unwilling to counter its assertions by openly advocating permanent imperial holdings. Several long speeches made partial arguments, such as chronicling past American expansion to show that as a nation, the United States had a right to take and hold territory. The gambit was to link the history of annexation—Louisiana Purchase, Florida, Texas, Oregon—to the current case without addressing the obvious difference of intent, that all those acquisitions had become states.²⁹⁷ In short, the pro-ratification senators seemed willing to either delay a vote on the bill or confuse the issue with tangential precedents, but not to debate the actual concept it challenged.

The Vest resolution asked whether the Constitution allowed Congress to permanently retain territories. The next resolution, submitted by Senator Mason on 7 January, challenged that it permitted Congress to rule there and declared that the United States would not rule any people without their consent.²⁹⁸ The aim of Senator Mason's

²⁹⁷ Senator Rawlins stated: "All my life has been spent in a Territory. For twenty-five years I have practiced law there, and never before did I hear it seriously contended that the safeguards of the Constitution were not a vital and living force anywhere in the Territories." 32 Cong. Rec. 1345 (1 February 1899). Senator Platt pointed out: "We have kept New Mexico out of the Union...the treaty of Guadalupe-Hidalgo provided that the inhabitants should be 'incorporated into the Union.' That is fifty-one years ago...Congress has always been understood to exercise the right of determining when it is proper to admit a territory as a state." 32 Cong. Rec. 296 (19 December 1898).

²⁹⁸ 'Be it resolved by the Senate...the United States will not govern the people of any other country in the world without the consent of the people themselves, or subject them by force to our domination against their will.' 32 Cong. Rec. 466 (7 January 1899).

resolution was to align the future status of the Philippines with that of Cuba, eliminating the distinction between cession and relinquishment. He asked how one could rate independent self-government and the other not, a question less about the inhabitants of the islands than about the universality of American mores: “Tell me why we adopt one plan for Cuba and another for the Philippines. Do you say...‘we promised we would not steal Cuba, but did not promise not to steal the Philippines?’”²⁹⁹

Senators again rejoined indirectly. Instead of explaining how the people of the two former colonies could be treated differently, they offered that under the Constitution women and children were unrepresented, and thus gave no consent to their rule.³⁰⁰ In another attempt to deflect the force of Mason’s resolution, one speaker asked why the supporting arguments posed the dichotomy only between Cuba and the Philippines while remaining silent on Puerto Rico?³⁰¹

Four days later, Senator Bacon introduced a much longer, more complex joint resolution that also sought, as Senator Mason’s did, to extend the Teller Amendment to the Philippine Islands. This resolution posited that as the United States did not wage “a war of conquest and for the acquisition of foreign territory,” the settlement for the war must be limited by the purposes stated in its initiating declaration. American control of the Philippine Islands could not involve either permanent territorial status or citizenship for their inhabitants. Like the Mason resolution, it also urged the saliency of the concept “consent of the governed,” and stated that people should “of a right be free and independent.” The resolution closed by disclaiming any intent to “exercise sovereignty,

²⁹⁹ The remainder of Senator Mason’s quote bears citing as well: “Is there some place in the Pacific Ocean where we change the code of ethics and good morals as we change the calendar and the ship’s clock in crossing?” 32 Cong. Rec. 531 (10 January 1899).

³⁰⁰ Senator Daniels stated: “Jefferson...did not mean all men were created equal in all respects” but “that they were equally entitled to liberty.” Regarding consent of the governed, “it is literally true that it means consent of the some of the governed, not all.” 32 Cong. Rec. 1425 (3 February 1899). Senator Spooner added: “‘government derives its just powers from the consent of the governed’ is like ‘all men are born equal’ philosophically true...but false in the practical life of the world...Never since the foundation of this government have we in the acquisition of territory paid the slightest attention to the ‘consent of the governed.’” 32 Cong. Rec. 1382 (2 February 1899).

³⁰¹ *Ibid.*, 1383.

jurisdiction, or control over said islands” and promised to recognize the new government when established.³⁰²

During a later speech explaining his resolution, Senator Bacon proposed that his text merely corrected a previous oversight. The Senate had not considered the fate of colonies other than Cuba when debating the Teller Amendment, which passed unopposed. Indeed, one senator suggested that had the stakes been known at the beginning, the declaration of war so popular the previous spring would not have passed.³⁰³ This resolution, therefore, would allow the Congress to rectify that omission in light of the terms in the final settlement.³⁰⁴

On 14 January, Senator Hoar submitted and asked for adoption of a resolution stating support for Filipino independence. The wording fell short of recognition, but did support the right of the people in the Philippine Islands to form their own government, and vowed that the United States would not stand in their way.³⁰⁵ Before any discussion could develop, Senator Davis objected without elaboration or grounds and the resolution was made to lie over.³⁰⁶

On 3 February, Senator Lindsay introduced a joint resolution declaring that acquisition carried no obligation to admit a territory as a state. Further, it declared admission of “other than North American territory” as states to be contrary to United States policy. The third clause “accepts the cession of the Philippine Islands with the

³⁰² Senator Bacon’s quotes this paragraph found in 32 Cong. Rec. 561 (11 January 1899).

³⁰³ Senator Clay opined “if it had been declared that it was the purpose of the war was to conquer, acquire, and annex the Philippine Islands to the United States, I do not believe...the resolution declaring war against Spain would never have received a majority of the votes of the Senate.” 32 Cong. Rec. 963 (24 January 1899).

³⁰⁴ Senator Bacon stated: “What I desire...is we shall accord to the Philippine Islands exactly what we proposed in the beginning, when the matter was in doubt, we would accord to the Cubans. When the declaration of war was made the Philippine Islands were not within the contemplations of Congress. We were thinking only of the Cubans.” 32 Cong. Rec. 734 (18 January 1899).

³⁰⁵ “That the people of the Philippine Islands of right ought to be free and independent...institute a new government for themselves...and that with these rights the people of the United States do not propose to interfere.” 32 Cong. Rec. 677 (14 January 1899).

³⁰⁶ As soon as the resolution is read aloud, Mr. Hoar stated: “I should like to have the resolution adopted now.” The Presiding Officer: “Is there objection?” Mr. Davis: “I object.” The Presiding Officer: The Senator from Minnesota objects, and the resolution will lie over.” The transcript shows that the Senate immediately moved on to consider transportation legislation. Ibid.

hope that the people of those islands will demonstrate their capacity to establish and maintain a stable government...” at which time the United States would relinquish control.³⁰⁷ This resolution is unique in that it contested obligation to keep a territory, while the earlier resolutions disputed permission to keep a territory under the Constitution. Similar to the preceding resolutions, it expressed no intention to hold the Philippines after the inhabitants demonstrated capacity for self-government.

The next resolution treads lightly as well. Instead of denying an obligation for territories to be made states, Senator Sullivan’s text simply denied that the disposition of the Philippine Islands would govern future policy regarding any territory. It was intended to ensure that ratification would not commit the United States to colonial policy in general, rather than to determine American policy toward the Philippines, though it promised not to discourage formation of an independent Filipino government.³⁰⁸

Senator Sullivan’s peers in the Senate did not share his views on the strengths of this resolution. The fact that such a junior senator leapt so prominently into this long-running and acrimonious debate was perhaps the resolution’s most noteworthy feature.³⁰⁹ Given that its language was as non-threatening to the expansionists as it was unhelpful to the anti-expansionists, it is not surprising the resolution was hardly considered.³¹⁰

³⁰⁷ Senator Lindsay introduced an earlier version on 1 February, recalled and replaced it with the final version two days later. The text of that version did not appear in its entirety in the Record until 6 February when all the pending resolutions were read and printed at the behest of Senator Clay. 32 Cong. Rec. 1484 (6 February 1899).

³⁰⁸ “Ratification of the pending treaty of peace with Spain shall in no wise determine the policy to be pursued by the United States in regard to the Philippines, nor shall it commit this government to a colonial policy; nor is it intended to embarrass the establishment of a stable, independent government.” 32 Cong. Rec. 1154 (27 January 1899).

³⁰⁹ Senator Sullivan was the second most junior senator, having moved to the upper house just seven months prior to fill the vacancy left by the death of Senator Walthall. Prior to that, Sullivan was only 14 months into his first and only term as a U.S. Representative. “Sullivan, William Van Amberg (1857–1918),” Biographical Directory of the U.S. Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=S001062>.

³¹⁰ For but one example, during a summary of pending resolutions prior to the vote on treaty ratification, Southern Democratic Senator Clay stated, regarding the resolutions of Senators Hoar, Vest, Bacon, or Lindsay, “for each of these I shall cast my vote if given the opportunity [but] I will never cast my vote in favor of the Sullivan resolution, for in my opinion it is a mere shadow without any substance.” 32 Cong. Rec. 1484 (6 February 1899).

Abetting the expansionist strategy of distraction and delay was the normal daily business of the Senate. Republican senators periodically urged setting aside debate and voting on these resolutions, citing pressing business to be completed during the last month of this Congress.³¹¹ When the resolutions were discussed, a consistent bargaining—at times pleading—to bring one or all to debate and a vote ran throughout, stating it was unfair to prevent a vote on the resolutions before ratification.³¹² Senator Bacon motioned, instead of debate, to refer the resolutions to committee, and characterized the resolutions as “voluntary, uncalled-for, premature tying of the hands of this government, and a limitation upon its right and privilege to do the best thing.”³¹³

Senator McEnery proposed the seventh and last resolution, early on the day of the treaty ratification vote, requesting it come to a vote before the three o’clock executive session that afternoon. In light of the constant pressure to force a vote since Senator Vest introduced his resolution exactly two months earlier, Senator McEnery’s late entry and quixotic request seemed an unlikely combination at the time. Yet this was the only resolution of the seven to ever come to a vote. It also dramatically undersold the anti-annexationist cause.

D. THE SEVENTH RESOLUTION EXPOSES A FATAL FLAW

When it was introduced, only a few shrewd senators recognized the import of Senator McEnery’s resolution. Ten months prior, multiple interpretations of key phrases had animated the Senate debates over the McKinley War Message. Similarly, the disparity between what Democratic Senator McEnery’s resolution seemed to say, and what the words could be construed to mean, held unsuspected danger for one side of the

³¹¹ In addition to near daily deliberation on a prospective Nicaraguan Canal, a third of the time (exceeding three hours daily) was spent in executive session. Lists of promotions and appointments at the end of each day’s transcripts reveal the topics covered behind closed doors, and include names at times noteworthy. One case is brevet promotions for gallantry in battle. Among the list of hundreds of names are found Brevet Colonel Theodore Roosevelt and Brevet Major Allyn Capron (killed in action) of the First Volunteer Cavalry for gallantry in battle, La Guasima, Cuba, 24 June 1898. 32 Cong. Rec. 1250 (30 January 1899).

³¹² Senator Mason stated: “I want fair treatment...I do not ask that you to pass the resolution. Vote against it if you like, but give us the opportunity to vote upon the question whether that [imperialism] is or is not the intention of this body.” 32 Cong. Rec. 1154 (27 January 1899).

³¹³ 32 Cong. Rec. 1242 (30 January 1899).

debate and great opportunity for the other. Composed of a single sentence, it is worth repeating in its entirety here:

Policy Regarding the Philippine Islands: resolved, that the ratification of the pending treaty of peace with Spain is not intended to incorporate the inhabitants of said islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.³¹⁴

Much of the next seven days would be spent debating four troubling fragments of this single-sentence resolution: “incorporate...into citizenship,” “integral part of the territory,” “local self-government,” and “make such disposition of said islands.”

The phrasing “to dispose of the islands with an eye predominantly toward the interests of the United States” elicited much negative reaction. Unlike temporary sovereignty leading to independence, featured in Senator Bacon’s, Vest’s and Lodge’s texts, and in other, earlier resolutions regarding Cuban freedom, the concluding phrase of Senator McEnery’s resolution held no such lofty promise for the Philippines. When coupled with the 20 million dollar indemnity to be paid Spain, this wording fostered speeches excoriating the buying and selling of a people.³¹⁵

Similarly, the troubling fragment in which “local” preceded “self-government” brought accusations of permanent imperialism, modeled on European examples of local governments created to ease the burden of colonial administration.³¹⁶ Some objected to the implication that the Philippine Islands would become “non-integral” United States territory. A goodly portion of the debate of the past month sought to establish that, other than coaling stations, territories were nothing other than states in the making. The

³¹⁴ 32 Cong. Rec. 1479 (6 February 1899).

³¹⁵ 32 Cong. Rec. 1837 (14 February 1899).

³¹⁶ Ibid.

concept of “non-integral” territory created a third category, an act many senators protested.³¹⁷

Particular concern fell on the resolution’s opening lines regarding citizenship. The presumption that the Senate could constitutionally deny citizenship to inhabitants of a non-integral territory, where they would enjoy only “local” government before the territory was sold to another great power, elicited howls of protest.³¹⁸ The subtleties of all four phrases led one senator to label it “a most ingenious resolution. It was evidently drawn by a master hand. I will not suggest that it was intended as an annexation resolution in disguise, but it is so in practical effect.”³¹⁹

A pivotal exchange occurred when objection was raised to Senator McEnery’s proposal for a same-day vote. The Vice President clarified that the proposal was a joint resolution and that the author requested unanimous consent for a vote prior to the treaty ratification. At least one senator comprehended the unique distinction and opportunity. Stalwart Republican Senator Frye immediately repeated for the record: “and he asks unanimous consent that a vote may be taken on it to-day.”³²⁰

That unsolicited comment might seem insignificant amongst the hurly-burly had it not come from a three-term senator and Foreign Relations Committee member. Senator Frye had also served on the peace committee that negotiated the treaty—during which he was outspoken in his support for annexing all the Philippine Islands, preceding the president in that stance.³²¹ His highlighting of Senator McEnery’s request for a vote by unanimous consent was duly noted in the record and would have outsize implications throughout the remainder of these debates.

³¹⁷ For one example, Senator Lindsay argued: “The qualification ‘integral’...leaves the whole question in a state of uncertainty” 32 Cong. Rec. 1832 (14 February 1899).

³¹⁸ “As it stands it is a declaration under which the Filipinos can be held indefinitely as subjects, although not as citizens.” 32 Cong. Rec. 1835 (14 February 1899) (statement of Senator Bacon).

³¹⁹ Senator Bacon continued: “In my judgment, it is a Trojan horse and comes from the Greeks.” Ibid.

³²⁰ 32 Cong. Rec. 1479 (6 February 1899).

³²¹ Offner, “Treaty of Paris (1898),” in Beede, *War of 1898*, 546.

E. HOW SEVEN RESOLUTIONS BECAME ONE: WHEN THE LAST BEST HOPE IS REALLY NO HOPE AT ALL

One reason the pro-ratification senators favored division and delay was that the Republican majorities in both houses would soon reflect the recent mid-term election gains. When the new Congress was seated in March, Republicans would hold a supermajority in the House, and a clear majority in the Senate.³²² Since the treaty stipulated ratification by 10 June 1899, there was little to be gained by haste.³²³

Conversely, the anti-annexationist senators' motivation for haste was intensified by an agreement made in executive session to bring the issue to a vote on 6 February.³²⁴ By their calculations, success lay in avoiding division of the resolutions and treaty. For these senators, the best approach was to portray their preferred sequence of events—eliminate the difference in status between Cuba and the new territories before agreeing to accept ratify the treaty—as mere common sense.³²⁵ Failure to force votes on the resolutions before ratification would render their argument moot. Clearly, time and inertia were on the side of the pro-ratification senators, who could prevail through inaction.

To affect a postponement, any senator could object to discussion of a resolution at that time, causing the bill to carry over to subsequent days in the normal progression of the docket. Time and again, resolutions regarding the status of the Philippines were

³²² In fact, there would be twice as many Republicans as Democrats in the 56th Congress Senate. "Party Division in the Senate, 1789-Present," http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm.

³²³ "Ratifications shall be exchanged at Washington within six months of the date hereof, or earlier if possible." Article XVII, "Treaty of Peace" http://avalon.law.yale.edu/19th_century/sp1898.asp. Indeed, opposition senators were aware of this fact, and even went so far as to credit more nefarious motives. Senator Money forecast that pro-ratification senators intended to stall until Congress was adjourned, enabling the president and his cabinet to institute a colonial government in the Philippines by fiat. 32 Cong. Rec. 1420 (3 February 1899). He was correct.

³²⁴ Reference to this agreement is found in the transcripts of open session morning business: "During executive session the following agreement was made by unanimous consent, from which the injunction of secrecy was removed, and which ordered to be printed in the Record: 'That the Senate agrees to vote on the treaty with Spain...on Monday 6 February...until that time the Senate shall go into executive session on each day at 2p.m.'" 32 Cong. Rec. 1018 (25 January 1899).

³²⁵ Senator Daniel stated: "Let us not deceive ourselves [or] the American people about this treaty. If we are going to take the Philippine Islands, and if a treaty is to be enacted, let us contemplate beforehand exactly what this means, and assume and honorably bear its inevitable consequences." 32 Cong. Rec. 1428 (3 February 1899).

delayed in this manner, thereby leading to increased usage of a waiver known as unanimous consent.³²⁶ This procedure was intended to streamline proceedings by allowing a rule to temporarily be set aside—in this case the rule that a resolution introduced but not yet acted on would await normal rotation in the docket before debate—so long as no senator objects to that expedient.

A senator could request unanimous consent that his pending resolution be brought up for debate ahead of others in the queue. A formal agreement may be made to specify the terms of the consent, but, in lieu of such an agreement, the process would proceed guided by long precedent that limited topics and amendments included.³²⁷ Barring objection to the request for unanimous consent, a senator would then announce his intention to speak on his selected topic after the morning business concluded on a specified day.

It was soon clear that unanimous consent was the only effective method to bring a resolution to debate and vote, and the schedule began to fill quickly. Several times in late January and early February, a senator who had announced his intention to bring a topic to the floor under unanimous consent later changed the date having discovered the requested slot already taken with a similar reservation.³²⁸ Republican senators took the floor to complain that the privilege of unanimous consent was being abused.³²⁹ While these discussions did nothing to further progress on the time-critical appropriation and confirmation legislation, they did abet the pro-ratification senators' delaying tactic.

³²⁶ “A senator may request unanimous consent on the floor to set aside a specified rule of procedure so as to expedite proceedings. If no Senator objects, the Senate permits the action, but if any one senator objects, the request is rejected.” Senate Glossary of Terms, http://www.senate.gov/reference/glossary_term/unanimous_consent.htm.

³²⁷ Unanimous consent agreements may “limit the time...for debate and specify who will control that time...permit only a list of specified amendments, or require amendments to be to the measure...or empower the majority leader to call up the measure at will.” Ibid., http://www.senate.gov/reference/glossary_term/unanimous_consent_agreement.htm.

³²⁸ For but one example, see Senator Money, on finding his requested time to speak under unanimous consent was already scheduled: “I do not know what time is unoccupied. I supposed I had gone beyond the request of anyone.” A chorus of senators then shouted out possible open slots. 32 Cong. Rec. 1155 (27 January 1899).

³²⁹ 32 Cong. Rec. 1782 (13 February 1899) (statement of Senator Platt).

Precious time was slipping away for the opposition, and the fatal flaw of reliance on unanimous consent was about to be revealed.

Unable to advance the resolutions ahead of the treaty, the clock ran out on 6 February and the motion raise ratification for a vote 14 February passed during executive session by the smallest possible margin. Even the outbreak of hostilities between Filipino and American forces around Manila two days prior did not upset the schedule, though this development was reflected in the summation speeches offered by both sides. The expansionists had won the first battle; their tactic of splitting ratification from determination of the future status of the American accessions had succeeded. The only course remaining for the anti-annexationists was to emphasize the dichotomy between “cede” and “relinquish” in the treaty in order to pass after-the-fact legislation providing Teller Amendment protections to the new colonies.

A deal made in that afternoon’s executive session would frustrate those plans. In an appeal to senators who favored ratification but supported the anti-annexation resolutions, the expansionists had offered to allow vote on the McEnery resolution—the one least constraining to their plans—in exchange for ratification.³³⁰ The ploy worked. The anti-expansionists, down to their last play, placed all their hopes in amending the McEnery resolution with more favorable language. To achieve this goal, anti-annexationist senators heaped criticism on the McEnery resolution:

The joint resolution by the Senator from Louisiana can be construed to mean that this Government shall hold permanent and indefinite control and dominion in the Philippine Islands, and that it will hold them in subjection for all time...this resolution is so adroitly worded that whatever it may seem to the casual reader, it is in fact imperialism, and authorizes distinctly a colonial government in the Philippine Islands, to be maintained by the United States until we see proper to sell them and their people.³³¹

³³⁰ Senator Mason had witnessed the agreement and later revealed it to the Senate: “[It was] agreed to by the gentleman who led the fight for this treaty, and who, in my presence, agreed to call it up immediately upon the ratification of the treaty.” 32 Cong. Rec. 1843 (14 February 1899).

³³¹ 32 Cong. Rec. 1837 (14 February 1899) (statement of Senator Bacon).

After the executive session, Senator Bacon offered an amendment to the McEnery resolution—essentially the concluding paragraph of the joint resolution Bacon had offered 11 January.³³² The intent, he stated, was to append a paragraph that would capture all the anti-annexationist desires, and thereby negate the harm to be done by McEnery’s resolution.³³³ The challenge then was to bring the McEnery resolution with Senator Bacon’s amendments up for a vote.

On 11 February, an opportunity arose. Moments after multiple motions he had made to bring the resolution to a vote the following week were rebuffed, Senator Mason set his trap. Before proceeding, he first requested a roll call to establish a quorum was present. He then proceeded to give a long, rambling speech in which he quoted poetry, commented on an old speech by Gladstone, and recounted the effect of music played during the Battle of Vicksburg. Sensing the time was ripe, in mid-paragraph Senator Mason abruptly requested unanimous consent for a vote on McEnery’s resolution and amendments the following Tuesday afternoon at half past two o’clock.³³⁴

The Vice President, as per the rules, asked if there were any objections, and as none heard, so ordered. Subsequently, objection was made with complaints the speaker intentionally waited until the three senators most likely to object were temporarily not in the chamber, but too late.³³⁵ The die was cast. Senator Bacon had craftily forced his amendment to be inextricably linked to the only resolution remaining. After months of Republican obstruction, a vital tenet of the anti-annexationist agenda—eliminating the disparity between “cede” and “relinquish” in the treaty by extending the Teller Amendment to the Philippines—would come up for a vote by the Senate.

³³² Disclaim “intention to exercise permanent sovereignty, jurisdiction, or control over said islands...when a stable and independent government shall have been erected...to transfer to said government...all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.” Ibid.

³³³ “If the Senate will adopt this amendment it makes no difference about what comes before it...and it is in language so plain that nobody can misunderstand it...no permanent annexation or indefinite control of those islands.” 32 Cong. Rec. 1489 (6 February 1899).

³³⁴ 32 Cong. Rec. 1740–43 (11 February 1899).

³³⁵ The three senators had objected to Senator Mason’s motions earlier in the day. Ibid. (statement of Senator Hawley). The complaints were raised again days later. 32 Cong. Rec. 1845 (14 February 1899) (statement of Senator Hawley).

This partial victory was severely limited by the means by which it was achieved, and the danger of reliance on unanimous consent quickly became apparent. Throughout the following week, examination of Senate rules and precedents verified consent only applied to Senator McEnery's resolution, finalizing the elimination of the other six.³³⁶ While it was also determined that Senator Bacon's amendment to McEnery's resolution was still pending when that Senate business day had ended, and was therefore still viable, further discussion brought bad news.³³⁷ The amendment could not, by established precedent, be debated under unanimous consent, merely voted upon. Worse, it could not be modified—the vote would strictly be on the exact wording already in the amendment. The lone anti-annexationist hope remaining—that Bacon's amendment could neuter McEnery's language—would come to a vote with no possibility for revision or addition, and supported only by whatever ad hoc speeches presented during the few business hours remaining before the time appointed.

F. THE ANTI-ANNEXATION CAUSE UNDONE BY AN UNEXPLAINED ABSENCE

On the morning of 14 February—the date scheduled to finally bring the McEnery resolution and associated Bacon amendment to a vote by unanimous consent—the Senate met an hour early, at 11 o'clock. The extra time proved insufficient as the next three and a half hours were completely consumed in debate that left many senators without an opportunity to speak. The major players in the drama of the past nine weeks had managed to be heard, and pro-amendment Senators Stewart, Bacon, and Mason each made lengthy speeches.³³⁸

Disagreement was evident, however, among senators arrayed against McEnery's resolution. They spent as much time recalling the virtues of now-obviated alternate

³³⁶ Senator Platt promised to object to a vote on any other resolution but McEnery's. 32 Cong. Rec. 1834 (14 February 1899).

³³⁷ "The amendment...can not be cut off by reason of what occurred afterwards...it was already pending at the time unanimous consent was given." 32 Cong. Rec. 1833 (14 February 1899) (statement by Senator Berry).

³³⁸ Prominent in support of the Bacon amendment were Senators Berry, Stewart, Lindsay, Hoar, Hale, Bacon, and Mason; Senators Platt of Connecticut, Lodge, Allison, and Wolcott spoke in support of the McEnery resolution.

resolutions as they did rallying support for the amendment actually pending.³³⁹ At the appointed hour, debate was still in progress. An hour and a half extension of the debate was suggested, but two Republican senators immediately rose to object.³⁴⁰ Time for debate was over, the joint resolution and amendment were both read, and the yeas and nays requested.

As any pending amendment, by Senate rules, would have to be disposed of prior to its associated resolution, the Bacon Amendment was immediately brought up for a vote without discussion.³⁴¹ Roll was called and abstaining members announced their counterparts. Senator Mason of Mississippi stated he had “a general pair with the Senator from Mississippi [Mr. Sullivan]. I do not see him in his seat, and withhold my vote.”³⁴² Over the next page of the transcripts, the roll proceeds, pairs announced and transferred. At the end, Senator Mason again asked “I desire to inquire if the junior senator from Mississippi [Mr. Sullivan] has voted?”³⁴³ The Vice President responded he had not. The missing senator’s delegation mate offered “was here a few moments ago” to which Senator Mason stated that though he and Sullivan agreed on the amendment, he felt “then, that I should withhold my vote, the Senator from Mississippi not having declared...”³⁴⁴

In those few moments, two months of anti-annexationist maneuvering to eliminate the difference under American law between the status of the “ceded” Philippines and the “relinquished” Cuba came to naught. The votes of two senators, both against permanent retention of colonies, were made to cancel each other out and hand victory to the other side. The Vice President broke the 29 to 29 tie, and thereby killed the Bacon amendment to the McEnery resolution.

³³⁹ One example was Senator Mason’s lamenting of his own now-defunct resolution: “my own resolution is a dear, sweet thing, and I had hoped to put it upon its passage...[but there was] no chance of getting a vote on it.” 32 Cong. Rec. 1833 (14 February 1899).

³⁴⁰ 32 Cong. Rec. 1845 (14 February 1899) (statements of Senators Burrows and Chandler).

³⁴¹ Senator Berry stated: “an amendment pending under our rules must be disposed of before the bill or resolution to which it is offered is voted upon.” 32 Cong. Rec. 1834 (14 February 1899).

³⁴² 32 Cong. Rec. 1845 (14 February 1899).

³⁴³ *Ibid.*, 1846.

³⁴⁴ *Ibid.*

Of the 32 senators not voting, most cited alignment on the issue opposite a colleague—most often absent due to official business, illness, or weather—who had pre-arranged a pair agreement. 30 are thereby accounted for in the Record as offsetting pairs; each absent senator's vote would have been canceled by that of his declared counterpart and thus both are irrelevant to the result. The only two remaining were both authors of anti-colonial resolutions, although representing alternate ends of the spectrum; Senator Mason had previously made clear his support for the amendment, the lone variable is therefore Senator Sullivan's vote.

Since introducing his resolution two weeks earlier, Senator Sullivan was scarcely engaged in either side of the running debates. While the language of his resolution less ardently anti-imperial than that used by Senators Vest, Mason, or Bacon, there was certainly nothing in his proposal to indicate intention to scuttle the amendment or the anti-annexation cause. And while more senior senators dismissed his resolution, their patronizing tenor reflected more to his inexperience than represented a personal attack. Unlike the senators who had earlier complained about unanimous consent being granted in their absence, there is no similar entry in the Record upon Senator Sullivan's return, nor was his absence noted in a detailed newspaper accounting of the vote.³⁴⁵

By way of epilogue, with Bacon's amendment defeated the anti-annexationists were unable to achieve even a Pyrrhic victory and stop adoption of the resolution they detested. In a last ditch effort, they moved to divide the resolution into its two related clauses, hoping to defeat the resolution in detail. The Vice President ruled against this proposal, using unanimous consent against its past proponents.³⁴⁶ He maintained this position, despite rather clear evidence in the Senate Rules to the contrary presented in a

³⁴⁵ "Our Philippine Policy: Senate Declares that Permanent Annexation Is Not Contemplated. McEnery Resolution Passed Yeas 26, Nays 22, Several Democrats Not Participating -- Mr. Bacon's Amendment Defeated," *New York Times*, February 15 1899, <http://select.nytimes.com/gst/abstract.html?res=F20615F73D5911738DDDAC0994DA405B8985F0D3>.

³⁴⁶ The Vice President ruled: "The resolution can not be divided because of the unanimous consent that the joint resolution should be voted upon at this hour." 32 Cong. Rec. 1847 (14 February 1899).

spirited defense, and called for the yeas and nays.³⁴⁷ The resolution passed 26 to 22. Of note, Senator Sullivan, with no other comment or mention in the transcript, is recorded as a vote for McEnery's resolution.³⁴⁸

³⁴⁷ If a resolution is written as to be divisible "unanimous consent does not dispense with the ordinary right to have a separate vote on each." After having the Senate rules on Division of a Question read aloud, Senator Hoar was again rebuffed, and stated "the right for division exists. I desire, with great respect to the Chair, to enter my solemn protest against his ruling, and I hope the excitement of this hour will not lead to a precedent which will be mischievous hereafter." 32 Cong. Rec. 1847 (14 February 1899).

³⁴⁸ When Walthall's term expired in 1901, Sullivan was not considered for reelection. He retired from public life and was subsequently noted mostly for his public comments regarding a 1908 lynching he led in Oxford, Mississippi. "Glad He Led Lynchers: Ex-Senator Sullivan Will Stand Consequences for Directing Shooting," *New York Times*, 10 September 1908, <http://query.nytimes.com/gst/abstract.html?res=9A00E3DE1739E333A25753C1A96F9C946997D6CF&sc p=1&sq>.

VIII. HOW THE PRESIDENTIAL ELECTION OF 1900 AFFECTED BILLS FOR COLONIAL GOVERNMENT OF PUERTO RICO AND THE PHILIPPINES

Today when this bill passes we will have enacted the first law, so far as the Senate is concerned, ever enacted in the United States by which those under the authority and jurisdiction of the United States are solemnly declared not to be citizens of the United States...It will not simply be the specter of imperialism which we have been recognizing in our midst for eighteen months past, but it will be here in the substance and in the reality.³⁴⁹

The ratification of the Treaty of Paris and the defeat of Senator Bacon's amendment by the 55th Congress Senate closed the territorial acquisition phase of American imperialism. Thereafter, the 56th Congress Senate turned to the problem of how to administer colonies. From early 1900 to mid-1902, senators debated Organic Acts—first for Puerto Rico, then for the Philippines—that codified the plans for civil government on the islands. This process of conversion from military to civilian rule solidified the legal differentiation between territories destined never to become states, to be called both unincorporated organized and unorganized territories, and territories of the traditional sort for which increasing economic and political integration, culminating in eventual statehood, was tentatively envisioned.³⁵⁰

This distinction was brought into stark relief during this period by the contemporaneous debates to organize civil government in the future states of Hawaii and Alaska.³⁵¹ The disparity between the plans laid for imperial territories and those for traditional territories thus animated the definitional characteristic of imperialism advanced in Chapter II: political domination of a people held apart as “the other” with no

³⁴⁹ 33 Cong. Rec. 3686 (3 April 1900) (statement of Senator Bacon).

³⁵⁰ While both types are unincorporated (held outside the concept of states in a republic), there is a distinction regarding organization. Guam, Porto Rico, and the U.S. Virgin islands are organized by an Organic Act of Congress, American Samoa and the uninhabited island territories of the United States lack an Organic Act and are thus unorganized.

³⁵¹ The debates on Organic Acts for Hawaii and Alaska were conducted while the Senate was contemplating a different path for Porto Rico and the Philippines, often occurring on the same days. During these debates, senators also drew direct comparison to the established territorial governments in the three traditional territories still awaiting statehood: Oklahoma, New Mexico, and Arizona.

expectation of future absorption into the fabric of American society. These debates, later affirmed by the a series of Supreme Court decisions in the Insular Cases, begat the concept of partial constitutional application in the territories.³⁵² It was this new legal construction that provided the solution to how the republic could both hold imperial possessions and uphold the concept of rule based on consent of the governed.

A. CRAFTING A GOVERNMENT FOR PUERTO RICO

The establishment of civil government in Puerto Rico occurred first, and more quickly than in the Philippines, due in part to a lack of substantial military resistance to American military occupation and associated military government. To a much larger degree, however, the unitary nature of Puerto Rican political society—as compared to the social and cultural heterogeneity of the Philippine Islands—and the recent institution of autonomous government there made the process of instituting civil rule swift and relatively smooth.

Like Cuba, Puerto Rico had contested Spanish colonization and agitated for self-rule. While ultimately unsuccessful, the September 1868 *Grito de Lares* marked the first concerted effort to attain Puerto Rican independence from Spain.³⁵³ For the next three decades political effort was focused on attaining autonomy for the island instead of independence. In November 1897, autonomists achieved limited success. The conversion to insular government was instituted in February 1898 by empowering local governments and by opening trade with Europe and the United States. A Puerto Rican government was selected the following month and commenced operations on 17 July 1898. This was to prove unfortunate timing, as the victorious American Army in Cuba was ordered to sail for Puerto Rico the very next day.

³⁵² Historian LaFeber wrote: “In a series of landmark decisions between 1901 and 1910, known as the Insular Cases, the Supreme Court’s majority ruled that the peoples of territories such as Porto Rico, which had been obtained by conquest, did not have full citizenship rights. They enjoyed only certain ‘fundamental rights’ because they were in ‘unincorporated territory’ subject to congressional authority.” LaFeber, *The Cambridge History of American Foreign Relations*, 153.

³⁵³ Militia forces loyal to the royal governor quickly put down the armed rebellion, but the ideological component proved much more long-lived. “The Grito de Lares: The Rebellion of 1868,” Library of Congress, <http://memory.loc.gov/ammem/collections/puertorico/bras5.html>.

American forces landed a week later and quickly took control of the entire island. Less than a month after its institution, the Puerto Rican autonomous government found its place subsumed by an army of occupation, and then by a military government. In short order, the United States Senate began deliberations on what form a more permanent civil government would take in Puerto Rico. The product of these deliberations was the Foraker Act of 1900, and with it the official commencement of American colonial governance.

While skilled at forming territories that would become states, America in 1900 was ill equipped to administer an empire. Conceptually, the United States lacked a political frame of reference apart from the process of gradual assimilation that had guided westward expansion. It also lacked the bureaucracy tailored to the needs of imperial governance. Eschewing the British commitment to empire that led to a separate colonial secretariat, the American government chose instead to stand up an insular affairs bureau inside the War Department. As the Treaty of Paris stipulated congressional governance of the colonies, military rule would eventually give way to military implementation of civilian rule. The concept of congressional authority on colonial policy unchallenged by constitutional protections afforded states led Senator Culberson to state:

The junior senator from Indiana [Mr. Beveridge] only a few days ago declared in effect that our Constitution...was unsuited to the new policies and the new career upon which we are entering...For myself, a limited government with unlimited powers is a constitutional absurdity...unrestricted authority in Congress over the Territories is inherently and radically unsound...and the power over the Territories is not broader than over any other subjects.³⁵⁴

Throughout the American imperial experience the administration of imperialism by the Bureau of Insular Affairs would remain under the oversight of the Senate committees on the colonies.

Further segregating the administration of empire, the Senate stood up three separate colonial committees, each of which would play a pivotal role in framing the upcoming debates on empire. Senator Platt of Connecticut was selected to chair the

³⁵⁴ 33 Cong. Rec. 3679 (3 April 1900).

Committee on Cuban Relations, and he would sponsor the eponymous amendment to the Cuban Constitution that limited Cuban independence, the subject of the following chapter. Senator Lodge of Massachusetts chaired the Committee on the Philippines for the next decade, during which time the committee conducted its most significant proceeding: an investigation of the Philippine-American War. Finally, Senator Foraker led the Committee on the Pacific Islands and Puerto Rico.³⁵⁵

When the first session of the 56th Congress began in December 1899, Senator Foraker introduced a bill proposing a structure of territorial government for Puerto Rico, which was referred to the committee he chaired.³⁵⁶ That committee deliberated for over a month and returned the bill to the Senate on 5 February. The favorable report was accompanied by two substantial documents. The first was a compilation of all Organic Acts, beginning with the Northwest Ordinance of 1787 through the Organic Act for the Territory of Oklahoma in 1890.³⁵⁷ This document comprised the corporate knowledge of the legislature on establishing territorial governments aligned with the federal government.

The second attached document was over 200 pages of testimony before the committee detailing the conduct of American military government in Puerto Rico, the economic condition of the island, and postulating short- and long-term solutions. As the centerpiece of the collection, the military governor, General George Davis, described all the significant General Orders he had issued regarding territorial governance. In addition, various expatriate American and English bankers and planters, residing in Puerto Rico for extended periods, offered their appraisals of the island economy's performance and potential.³⁵⁸

³⁵⁵ Leopold, *The Growth of American Foreign Policy*, 198.

³⁵⁶ 33 Cong. Rec. 630 (3 January 1900).

³⁵⁷ Senate Committee on Pacific Islands and Porto Rico, "Organic Acts for the Territories of the United States, Compiled from the Statutes at Large of the United States," S. Doc. No. 56-148 (5 February 1900).

³⁵⁸ Senate Committee on Pacific Islands and Porto Rico, "Industrial and Other Conditions of the Island of Porto Rico, and the Form of Government Which Should be Adopted for It," S. Doc. No. 56-147 (5 February 1900).

The report ends with thoughtful testimony by a successful planter who had represented Puerto Rico in the Spanish Cortes. Enrique Gonzales provided details on the Puerto Rican economy and agricultural industry, but his insights on territorial governance and associated funding formed a persuasive conclusion to his testimony. The details and suggestions found in the testimony are clearly discernible in the original version of the Foraker Act, from the composition of the two legislative houses to the salubrious effect of free trade with the colonial power. Other points in this testimony, all but ignored at the time—dealing with reconstruction of the economy after a recent hurricane and emergency measures to affect the recovery—resurfaced, however, with greater force and caused a significant modification of the Foraker Act.³⁵⁹

The report was intended to substantiate the recommendations made in the original Foraker Act. Under its terms the proposed government for Puerto Rico had much in common with the territorial governments established previously to accommodate westward expansion. Notably, the people of Puerto Rico were to be granted United States citizenship, would enjoy free trade with the United States, and would enjoy the legal protections of American courts as they drafted a Puerto Rican constitution. In these respects the plan paralleled arrangements another committee was drafting for governance in Hawaii.³⁶⁰ Shortly, however, the original Foraker Act's prescription for a territorial government for Puerto Rico would be completely upended by an associated bill regarding the funding of said territorial government.

The ancillary portions of the testimony by Enrique Gonzales regarding the impact of the previous year's hurricane on the Puerto Rican agricultural industry instigated several relief bills. Legislators were concerned that undue economic hardship on the island would delay the return of business stability there, and they proposed to address Gonzales's request for federal funds and to authorize insular debt.³⁶¹ The most successful bill determined that, since occupation in mid-1898, the Army had been

³⁵⁹ Ibid, 217–226.

³⁶⁰ “An Act to Provide a Government for the Territory of Hawaii,” Pub. L. No. 339, 1900 Stat. (30 April 1900).

³⁶¹ 33 Cong. Rec. 3165 (22 March 1900) (statement of Senator Cockrell).

collecting tariffs in lieu of the defunct Spanish customs authority, and proposed those monies be redirected to fund Puerto Rican reconstruction. This bill later passed both houses of Congress as a temporary measure with a one-time reallocation of existing funds.³⁶²

But first, another House bill regarding future funding of a territorial government came up for debate and brought forth the larger conflicts inherent to this topic. Anticipating that the scheme central to the bill just passed by both houses—the pending release of impounded Spanish customs in a one-time bailout—would prove insufficient to ensure enduring funding for a territorial government, this House bill further concluded that the impoverished populace could not endure direct taxation. The surest way to provide the required funds without burdening the United States Treasury, the bill suggested, was to extend the existing tariff system establishing the rate at 25 percent of the current American tariff. It was introduced on 1 March by Senator Foraker and referred to his committee.³⁶³

In a very unusual sequence, the bill was then reported back out of committee less than one half hour later. Committee deliberations measured in days are often deemed hasty, the more usual units of measure being weeks or months. In this case, the favorable report of the bill by the Committee on the Pacific Islands and Puerto Rico is found on the same page of the *Congressional Record* as its referral. Questioned if the committee had met to consider the bill, the chairman responded they had met informally in the cloakroom but had considered the topic constantly over the preceding three weeks.³⁶⁴

What had made this dispatch possible was the breadth of the amendment the committee proposed: wholesale replacement of the House language on governance by a modified version of the Senate terms proscribed in the committee report, and amendment

³⁶² The committee of conference was agreed to in the Senate 35 yeas, 15 nays, with 37 not voting. 33 Cong. Rec. 3224 (23 March 1900).

³⁶³ 33 Cong. Rec. 2437 (1 March 1900).

³⁶⁴ Learning of the cloakroom conference, the protest continued, Senator Allen: “They could have met on a street corner and consider it...” Senator Foraker: “That would be almost as comfortable as it is in the room provided for our committee.” Ibid. “There is not a line or a word in the amendment proposed which has not had the most careful consideration.” Senator Foraker, Ibid.

of the tariff rate to 15 percent. The result was a hybrid bill in which the funding stream for territorial government greatly resembled the House proposal, but one in which the Senate plans for Puerto Rican government necessarily underwent significant alteration from the original in order to legally accommodate a tariff. The ramifications of these changes were to occupy the Senate for the next month.

B. AN ORGANIC ACT UNLIKE ALL THAT HAD COME BEFORE

Of greater significance than speed, however, was the new Foraker Act's content. Important changes were to be found throughout the governance formulations for the territory. United States citizenship for the island's people had been replaced by declaration of Puerto Rican citizenship, a phrase without international legal meaning as Puerto Rico was a possession of, and "entitled to the protection of the United States."³⁶⁵ Further distinguishing the residents and the island from the norm of western expansion, the modified Foraker Act labeled the inhabitants as "a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred."³⁶⁶

Plans for a representative legislature in both houses gave way to an appointed upper chamber—called the executive council—with six of the 11 members being Americans. More indicative of Puerto Rico's unique status, those six would be the cabinet members of the executive branch, thereby voiding the precept of separation of powers.³⁶⁷ Puerto Rico would not send a non-voting delegate to Congress—as was the case with all the other territories—but instead a resident commissioner.³⁶⁸

By way of comparison, the 56th Congress Senate also debated the Hawaiian Organic Act throughout March and April 1900. That act established territorial status through incorporation, called for a legislature patterned directly on the United States Senate and House, and explicitly conferred citizenship on all former citizens of the

³⁶⁵ "An Act Temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," Pub. L. No. 191, 1900 Stat., Sect. 7 (12 April 1900).

³⁶⁶ *Ibid.*

³⁶⁷ The six cabinet positions with dual duties in the executive council were secretary, attorney general, treasurer, auditor, commissioner of the interior, and commissioner of education. *Ibid.*, Sect. 18.

³⁶⁸ *Ibid.*, Sect. 39.

Republic of Hawaii. More in line with the precepts of federalism, the Hawaiian act dictated the president would appoint the Supreme and District courts, but delegated to the Governor appointment of his cabinet officers.

In addition the Hawaiian Organic Act provided for an elected upper and lower house, sending a Delegate to Congress, and created an internal revenue district.³⁶⁹ That the same senators supported such traditional measures for Hawaii while they crafted an unprecedented scheme of governance for Puerto Rico is indicative of how differently they perceived what would become of these two overseas island territories.

The debates on the modified version of the Foraker Act were featured prominently in the Senate debates of the weeks preceding the agreed-on 3 April vote. As with the debates on intervention in Cuba and annexation of the Philippines that had preceded them, the Foraker Act debates were less about establishing the optimal colonial government in Puerto Rico than about squaring the circle of a republic administering an empire while remaining within the constraints of the Constitution. As a result, the transcripts show debates centered on the ramifications each decision would hold for the United States, with limited attention paid to the effects on Puerto Rico.

C. ARGUMENTS FOR AND AGAINST THE MODIFIED ORGANIC ACT

Greatly simplified, the supporters of the altered Foraker Act made three cases: we shall alter the plan for governing the territory because we can, that stability was more important than free trade for a colony that cannot rule itself, and that the measure in question was a temporary and focused expedient. By themselves or in combination, these lines of argument clearly relate to the six sub-topics so prevalent in the debates over Cuban intervention. The first case stated above was justified by the Treaty of Paris stipulation that Congress would decide the political status and rights of the inhabitants of territories ceded by Spain to the United States. This aegis, said Senator Teller, afforded

³⁶⁹ “An Act to Provide a Government for the Territory of Hawaii,” Pub. L. No. 339, 1900 Stat. (30 April 1900).

the Senate wide latitude in crafting a scheme of governance there, latitude it would be unwise not to utilize and that made Puerto Rico different than other supposed territorial precedents.³⁷⁰

Beyond simply having the authority to act, the second case Foraker Act supporters crafted was reminiscent of the sub-topic during the Senate debates on intervention in Cuba related to the worthiness of inhabitants of the islands to assume the responsibility for self-administration. In this case, some senators argued that the Puerto Ricans were unsuited to provide effective local government in the model of the American western territories. The exemplar of this line of reasoning was Republican Senator Depew of New York; several senators later identified his speech on the topic as the clearest expression of the case.³⁷¹ According to supporters of this case, the path to attaining that capability was through prosperity, fostered by stability, leading to political competence. Thus the esoteric benefits of citizenship and free trade were less in demand in Puerto Rico than the tangible benefits of investment, infrastructure, and rule of law, all of which would directly support growth of the insular economy.³⁷²

The third case was built on the quality of temporary expedients. It differed from the preceding two by the fact it acknowledged the unconventionality of Puerto Rican status under this version of the Foraker Act but stressed that the condition was less dire than the opposition depicted. This argument was built around two contentions: any tariff legislation was temporary and it was focused on addressing Puerto Rican needs. The tariff in Senator Foraker's revised bill would expire after two years, and could be undone

³⁷⁰ Senator Teller argued: "The treaty might have made citizens of the Porto Ricans; the treaty might have put us under obligations to them; but the treaty [specified] the political status of those people shall be determined by Congress. That leaves us absolute control over them." He continued that we should not "treat those people as we treat the people of our Territories...make the relation between the people of Porto Rico and us of the same character as that which exists between us and the people of Oklahoma." 33 Cong. Rec. 3684 (3 April 1900).

³⁷¹ Senator Depew stated that Porto Rico was about two-thirds the size of Connecticut, but more densely populated with a million inhabitants. 900,000 were illiterate, ignorant of politics, and engaged in subsistence living. As there was no way they could pay taxes, impost was the only chance to fund government. 33 Cong. Rec. 3619 (2 April 1900).

³⁷² 33 Cong. Rec. 3272 (24 March 1900); and 33 Cong. Rec. 3692 (3 April 1900).

by the Puerto Rican government after it was established.³⁷³ Unlike the permanent tariff in the House version that Foraker's language replaced, this was a measure to fund the Puerto Rican government until it could fund itself. Furthermore, the three cases were independent in that senators mildly opposed to the first found solace in the third.³⁷⁴

Regarding the focused nature of the tariff, supporters argued that it was unlike direct taxation, which would send taxes paid by Puerto Ricans to the United States Treasury, a portion of which, in exchange, would fund the government in San Juan.³⁷⁵ This bill's tariff scheme would immediately improve the lot of the producing portion of the economy. By making access to American markets official, a tariff would increase the profits of struggling producers, thereby alleviating the economic disruptions caused by hurricane damage and loss of Spanish markets. Coupled with its temporary nature, the good in the Foraker Act—access to American courts, free trade in two years, all tariff funds returned to Puerto Rico, and a measure of self-government—outweighed the bad.³⁷⁶

In turn, the opposition made three cases: constitutionality, precedent, and politics. The constitutional issue revolved around the choice of revenue generation to be instituted for the territory, either some form of direct taxation or tariff. The former was the position stated in the original Foraker Act, and the latter one of the major alterations evident in the revised Foraker Act. Direct taxation worked well for territories on track to someday becoming states—a precursor to their revenue role following statehood—whereas a tariff

³⁷³ “Whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of government...and so notify the President, he shall make proclamation thereof, and thereupon all tariff duties...shall cease...and in no event shall any duties be collected after the first day of March, 1902.” “An Act Temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,” Pub. L. No. 191, 1900 Stat., Sect. 7 (12 April 1900).

³⁷⁴ 33 Cong. Rec. 3683 and 3692 (3 April 1900) (statements of Senators Ross and Stewart).

³⁷⁵ Senator Foraker argued that “Instead of bringing the money here to Washington we turn it over to them...so that they pay no tax whatever under this bill except only the 15 percent, which is a very light tax, not at all burdensome, and which is imposed in their own interest...” 33 Cong. Rec. 3271 (24 March 1900).

³⁷⁶ Senator Stewart pointed out that “A temporary tariff, to be collected and given back to Porto Rico, without internal-revenue taxes and without other charges, is a trifling evil in view of the good that may ultimately be accomplished.” 33 Cong. Rec. 3692 (3 April 1900).

on interstate commerce was forbidden.³⁷⁷ More importantly, the Constitution directs that all duties must be uniform, so imposing a tariff on one American colony but not another was, on its face, unconstitutional. Finally, the Constitution stipulates that tariffs be used for the common treasury and defense, so the idea of dedicating Puerto Rican tariffs solely for maintenance of the Puerto Rican government was not supported in law.³⁷⁸

Opponents of the new Foraker Act identified constitutional shortcomings not only in the bill itself, but also in the motivations behind it. They asserted that the supporters of the changed act had decided to institute a tariff, and were forced to modify the governance of Puerto Rico in order to do so. These opponents believed that if a scheme for funding a territorial government was found to be incompatible with the rights inherent in territorial status for Puerto Rico, the correct response was to alter the tariff proposal, not to create a special constitutional category for the island.³⁷⁹

This line of argument directly supported the second case, made when the act's opponents spoke of precedent. Throughout the month senators compared the proposed Organic Act for Porto Rico with every other act debated since 1787, and they continually highlighted the common threads that ran through all the others but were omitted in the Foraker Act. Most days also included debate on pending Organic Acts for Alaska and Hawaii, adding contemporaneous examples of conformity to precedent.

³⁷⁷ Senator Bacon stated that if on track to statehood, Puerto Rico would pay direct tax to the U.S. Treasury, which would in turn pay to run the government there. The decision, instead, to exempt direct tax and to shunt tariff funds directly to run the insular government indicated permanent separation from a normal territorial relationship: "the government to which Porto Rico is entitled is a territorial government...on the same basis as Oklahoma or Alaska or New Mexico or Arizona...it should enjoy the unlimited right of free trade with the other parts of the United States." 33 Cong. Rec. 3164 (22 March 1900).

³⁷⁸ Senator Mason argued: "While it might be possible to have a different plan of taxation in Porto Rico and Alaska, when the government goes into the realm of impost duties, those duties must be uniform throughout the United States...we have no more right to put an impost duty between Porto Rico and the United States than we have to put a duty between Washington and New York." 33 Cong. Rec. 3668 (3 April 1900).

³⁷⁹ Senator Bacon stated that the committee had added the tariff to the bill, ascertained it would be inconsistent to keep citizenship and Delegate in Congress, and altered the bill to accommodate the tariff: "All these features have been stricken, necessitated by the fact that it was necessary to do so in order that a tariff should be established...every feature of a free Territorial government has been sacrificed." 33 Cong. Rec. 3685 (3 April 1900).

Additionally, the precedent line of argument was extended beyond juxtaposing this Organic Act with others. For example, the opponents of the new Foraker bill unfavorably compared conformity to established territorial procedure found in the original Foraker bill with the non-conformity of the modified version.³⁸⁰ The point was made repeatedly that the modified Foraker Act would deprive Puerto Rico of the self-government and free trade that had already been in place under Spanish rule. Finally, Senator Mason argued the new bill's tariff scheme was unprecedented, stating:

I challenge anyone to show where, in all these territorial expansions, from the Louisiana purchase to Alaska, there has ever been an attempt of the lawmakers of the United States to levy an impost duty between the United States and the newly acquired territory.³⁸¹

The final case erected by the opponents of the modified Foraker Act was that the bill's supporters had subordinated an act of great importance to partisan politics. This assertion was made mainly in two ways. The first was that the Republican Party was beholden to commercial interests threatened by free trade, and its members were pressured to modify the bill to include a protective tariff.³⁸² The second was that the Republican Party was posturing for the presidential elections scheduled for that fall. They were thus eager to avoid any binding or controversial decisions on colonies before then, as:

The status quo is to prevail. It is to go on until after the election. The Republican Party to-day in both branches of Congress is looking more to the election than to the interests of the country.³⁸³

³⁸⁰ Senator Clay argued the original bill featured free trade and mirrored previous territorial governments, but the modified version added 15 percent tariff, made no provisions for a constitution or citizenship, and "is an entirely new departure from all Territorial governments heretofore organized since we became an nation." 33 Cong. Rec. 3681 (3 April 1900).

³⁸¹ 33 Cong. Rec. 3670 (3 April 1900).

³⁸² Senator Bacon stated that free trade bills in both houses were replaced by tariff measures once "certain protected industries and interests came to this Capitol and represented that free trade with Porto Rico would be detrimental to those interests that the administration and the dominant party...awoke to the necessity of establishing a tariff wall. They soon claimed that the purpose in imposing a tariff...was to raise revenue for Porto Rico." 33 Cong. Rec. 3162 (22 March 1900).

³⁸³ 33 Cong. Rec. 3170 (22 March 1900) (statement of Senator Allen).

In both cases, the opposition senators were asserting that their Republican counterparts placed the fortunes of party above the interests of their country, or of Puerto Rico.³⁸⁴

In response to charges of influence by commercial interests and domestic politics, Republican senators countered that the changes were the result of careful deliberation. Senator Foraker, the bill's sponsor, averred that he was not pressured but wrote the original bill in ignorance of the suffering in Puerto Rico, and later changed the language when testimony in committee made the need for change plain.³⁸⁵ Those testimonies, and the decision to include a tariff, were best described the day prior by Senator Depew.³⁸⁶ Far from a devious scheme, they declared the new Foraker Act was more sympathetic to the Puerto Rican needs than its predecessor had been.

D. THE SENATE VOTE ON THE FORAKER ACT

As agreed to by unanimous consent, at four in the afternoon of 3 April the time for decision arrived. Like the votes a year earlier on acquisition of the Philippines, the pending amendments to the Foraker Act were to be dealt with before consideration of the bill itself. The committee chair and sponsor of the bill, Senator Foraker, was given precedence and formalized a series of administrative changes suggested by the committee; they all passed in order without contention.

Formalities thus settled, the next six amendments brought to a vote in rapid succession were contentious indeed. First, Republican Senator Davis—Chairman of the Foreign Relations Committee and lead negotiator of the Treaty of Paris—offered an amendment that replaced paragraphs of tariff language in the Foraker Act with text that

³⁸⁴ Senator Lindsay opined: "At the outset this bill was intended to be a beneficent measure. Time progressed, and the necessity arose for converting it into a partisan measure, and to-day...the bill is to be put on its passage as a party measure, and the test for party loyalty is to be the votes that Senators shall cast on the final roll call." 33 Cong. Rec. 3693 (3 April 1900).

³⁸⁵ 33 Cong. Rec. 3690 (3 April 1900).

³⁸⁶ Senator DePew explained that "it was when these conditions had become familiar to our committee that we changed our bill from free trade to the tariff measure...not a Chinese wall, not an oppressive act of arbitrary power, but the most generous and beneficent revenue system ever adopted, because it gives the island of Porto Rico not only the duties collected in her own ports, but the duties collected at our ports upon products coming from that island." 33 Cong. Rec. 3620 (2 April 1900).

instead established an internal revenue district in Puerto Rico to collect at full rate. The amendment was defeated 30 to 40 with 17 not voting, mostly in pairs.³⁸⁷

Undeterred, Senator Davis immediately offered a second amendment, this time replacing full rate with 15 percent direct tax rate, and offering increased rates on tobacco and rum. The amendment was defeated by voice vote.³⁸⁸ Senator Davis then offered a final amendment, omitting the tariff language and substituting a strict prohibition of tariffs.³⁸⁹ It, too, was defeated by voice vote. A fourth amendment was then offered by Republican Senator Nelson, who similarly attempted to replace tariff language in the bill with direct tax stamps. This measure was defeated by a nearly identical vote—28 to 41 with 18 not voting—as Senator Davis’s first bill.³⁹⁰

The final two amendments were both introduced by a Democratic senator who had been one of the more vocal opponents of the Foraker Act during the debates of the previous weeks. Senator Bacon first offered an amendment that would replace tariff language in the bill with a customs collection district. Immediately after this was rejected, he proposed replacing the entire current version of the Foraker Act with its original version, reported out of committee four months previous. This amendment met the fate of all the previous opposition amendments; that all six were rejected with such dispatch suggests they were doomed enterprises from the start.

In light of the partisan nature of the upcoming vote heralded by speakers the weeks prior, the opposition would need significant Republican support to prevail. In addition to all the senators in the Democratic caucus—Democrats of all stripes plus Populists—defection of 12 Republicans, Silver Republicans, and Silverites would be

³⁸⁷ 33 Cong. Rec. 3694 (03 April 1900).

³⁸⁸ Not a single word is recorded between the rejection of Senator Davis’s first motion and his proposal of the second. *Ibid.*

³⁸⁹ This third amendment appears on the following page of the transcript due only to the length of the text. *Ibid.*, 3695.

³⁹⁰ 33 Cong. Rec. 3695 (3 April 1900).

required to gain a bare majority.³⁹¹ In the end, they received only five while losing one Populist in the bargain.

The roll call vote on the Foraker Act yielded 40 in favor, 31 against, and 16 not voting. As with earlier votes on Philippine acquisition, the latter category was perfectly balanced and thus of no consequence to the outcome.³⁹² All of the senators supporting approval of the Foraker Act were in the Republican caucus.³⁹³

Voting “nay” were 21 Democrats, four Populists, and one Silver Republican; the other Populist and Silver Republican each having both announced nay not voting due to pairs.³⁹⁴ Of significance, the remaining five nays came from Republicans, and all had expressed profound opposition to the tariff provisions of the Foraker Act.³⁹⁵ The cause of free trade for Puerto Rico was the popular face of the argument, but the constitutionality of placing a tariff barrier between the United States and its territory, even if only to support the territorial government, was sufficiently repugnant to lead these senators away from their party. Had Senator Foraker followed through on his proposal to

³⁹¹ On 3 April 1900, there were 87 senators seated. Delaware and Utah had one vacancy each, and the qualifications of Mr. Quay to represent Pennsylvania were to be hotly contested for another year. Coincidentally, the latest in a long line of attempts to debate Mr. Quay’s qualifications would be the next item discussed minutes after the vote on Government for Porto Rico was concluded. 33 Cong. Rec. 3698–3701 (3 April 1900).

³⁹² Of the 16 senators not voting, 12 were in announced pairs. The remainder was composed of two Republicans and two Democrats, each of which had previously made their positions clear. Thus the 16 not voting were eight each for and against the Foraker Act.

³⁹³ The 37 Republicans and two Silverites formally caucused Republican, and the lone Populist defector was in the process of switching allegiance. Senator Kyle of South Dakota was initially appointed in 1891 as an Independent but switched to Populist shortly thereafter. After successfully winning reelection in 1897, he began to drift from the People’s Party and would finalize the transition to the Republican Party months after this vote. “Kyle, James Henderson (1854–1901),” Biographical Directory of the United States Senate, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=K000353>.

³⁹⁴ The minor party decline alluded to in earlier chapters was well underway, and the Silver Republicans in the Senate had been reduced from five to two. By the beginning of the next Congress there would be no Silver senators, and by the end no Populists either.

³⁹⁵ For a sampling of these senators opposition to the tariff, specifically in this case evoking the memories of the American revolt from British rule, see 33 Cong. Rec. 3688 (3 April 1900) (statement of Senator Wellington).

separate the governance issue from the tariff issue it is likely these five senators would have also supported the governance portion of the Foraker Act.³⁹⁶

Therefore, by statement and by ballot, the Republicans and Silverites had announced their support for the unique form of colonial government created by the Foraker Act. Gone were the high-minded qualms about unequal representation and constitutionality of imperialism that some had voiced during the debates on Cuba. To the contrary, the only Republican opposition to the Foraker Act was based not on questions of rights or principles but rather preference for direct tax or tariff, and the unintended consequences associated with different funding options.

The Republican caucus had been willing to accept citizenship for Puerto Ricans and free trade with the United States that the original bill featured. Once the House bill advanced the proposal for a tariff, however, the Senate Republicans were equally willing to withdraw those offers of citizenship and free trade in order to justify the tariff and avoid legal entanglements. In short, high ideals were all well and good, but plainly trumped by revenue considerations.

While some may say that the damage done was temporary—the tariff expired on schedule and left free trade in its wake—the Foraker Act established Puerto Rico as a distinct “other,” separate from the rest of the republic. By exempting Puerto Rico from direct tax, by constructing a government there unaligned with previous territorial governments, and by creating the internationally unrecognized status of Puerto Rican citizenship, the United States Senate established the first civil institutions of American imperialism. As will be shown in the last chapter, small alterations would later modify the meaning of this limited membership in the American republic.³⁹⁷ These later alterations, however, would never change the fact that a special category—

³⁹⁶ Senator Simon’s statement represents the views also expressed by the other four Republican senators who voted against the Foraker Act: “I have no fault to find with those features of the bill which provide for a civil government for Porto Rico. These provisions have my hearty approval, and I regret that they are so connected with the tariff legislation that I am compelled to vote against the civil government features of the bill in order to make my opposition to the tariff provisions effective.” 33 Cong. Rec. 3641 (2 April 1900).

³⁹⁷ The Olmstead Amendment of 1909 instituted small changes after the Porto Rican legislature failed to pass a budget. The Jones-Shafroth Act of 1916, which made major alterations that endured until the 1952 Constitution, is dealt with in depth in Chapter 10.

unincorporated organized territory—was created to hold Puerto Rico, and would shortly be utilized to establish a new government for the Philippines as well.

E. DEBATES ON A GOVERNMENT FOR THE PHILIPPINES: THE COMMITTEE ON THE PHILIPPINES REPORT AND SPOONER ACT

Regarding the Philippine Islands, the process of crafting, debating, and approving an Organic Act was slowed by protracted armed struggle. Unlike the generally peaceable yet grudging acceptance of American occupation found in the Caribbean islands, hostilities in the Philippines erupted even before the archipelago was officially ceded to the United States and continued long after a unilateral announcement of war termination on 4 July 1902.³⁹⁸

In addition, the political condition in the two colonies was markedly different. Puerto Rico had enjoyed organized local government for decades, including the development of political parties and representation in the Cortes, and it was on the cusp of autonomy when the American forces invaded and occupied. Conversely, the 8,000 islands of the Philippine Archipelago featured a great variety of different cultures, religions, languages, and economies, and lacked any cohesive governance or sense of mutual belonging. At the end of the nineteenth century Puerto Rico was a social as well as geographical entity, while the Philippines were an island chain organized only by proclaimed colonial suzerainty.

The debates on colonial governance in the Philippines were comprised of two separate and distinct parts. The first session began in December of 1899 and continued through June of 1900; the second session was from December 1900 to March 1901. The Senate debates on imperialism in the first session were cautious and non-committal, while the debates in the second session were impassioned yet futile. Between the two sessions, occurred the presidential election of 1900.

³⁹⁸ The first shots were fired between American and Filipino forces around Manila just prior to the Senate vote to approve ratification of the Treaty of Paris, well before the documents were actually signed by both governments. While President Roosevelt declared the war in the Philippines over on 4 July 1902, fighting continued in the southern islands against Muslim separatists for more than another decade. Stuart Creighton Miller, *Benevolent Assimilation*, 30.

The process of selecting a pattern on which to build a colonial government for the Philippines began in January 1899 when President McKinley established the First Philippines Commission to gather facts and make suggestions. It should be noted that a parallel process was occurring simultaneously for Puerto Rico. The report the commission submitted one year later recommended a switch from military to civil government with a bicameral legislature and a federal structure to prepare the islands for eventual independence.³⁹⁹ The president then established, in March 1900, the Second Philippines Commission, chaired by William Howard Taft, to implement the proposed transition to civilian rule over the following 16 months. Coincident with these executive actions, the Senate began to debate the structure it would approve to establish more permanent colonial governance in the Philippines.

First seated 4 March 1899, the Senate did not begin deliberations for the first session until nine months later, putting the legislative branch well behind the executive in terms of formulating colonial policy. Once the Senate convened, the issues of colonial governance became the order of business and would continue to dominate the agenda throughout the first session. In mid-December, the Committee for the Philippines was formed and began to consider the moves that the executive had made to craft a civil government during the months of congressional adjournment.⁴⁰⁰ Two bills were introduced in the Senate—one just before and the other following Christmas break—that illustrate the developing positions of the majority and the opposition.

The first bill, sponsored by Democratic (and former Populist) Senator Benjamin Tillman of South Carolina, neatly presented the anti-annexationist case. The bill cited the Declaration of Independence on consent of the governed, then offered three resolving clauses: that “the federal government has no power to rule over colonial dependencies;” that commercial expansion would be harmed by “the adoption of a policy of imperialism,

³⁹⁹ “Philippines: The First Phase of United States Rule 1898–1935,” June 1991, Library of Congress Country Studies, <http://memory.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+ph0026%29>.

⁴⁰⁰ Committee for the Philippines was chaired by Senator Lodge and included Senators Allison, Hale, Davis, Proctor, McBride, Beveridge, Rawlins, Turley, Culberson and Allen. Several of these names would loom large in the subsequent floor proceedings, indicating the depth of division on the committee. 33 Cong. Rec. 441 (15 December 1899).

involving the subjugation and annexation of Asiatic colonies;” and that the federal government would assist in establishing stable government in the islands with a view to eventual independence.⁴⁰¹ Interestingly, Senator Tillman’s bill painted the hostilities that had broken out in the islands as a catalyst to engender support for an equitable and just result for the Philippines.

Similar to the opposition position in the debates to follow, this bill denied the right of the United States to impose rule in the Philippines. It only included discussion of the form of government proposed on the grounds that whatever measures were taken would lead to independence. Supporters of Senator Tillman’s proposition were also uninterested in rushing through any bill that featured stopgap fixes that would later have to be undone.

The second bill, sponsored by Republican Senator Spooner of Wisconsin, included little beyond a stopgap fix. This bill held the executive branch preeminent in colonial policy, essentially codifying the declaration of power included in the instituting documents of the Second Philippine Commission.⁴⁰² Senator Spooner’s bill granted the executive wide latitude until such time as peace was restored in the islands—thereby directly opposing Senator Tillman’s view of hostilities as a catalyst—stating that “suppression of insurrection and the government of the Philippine Islands” were to be dealt with in that order. Further, the bill provided that once the uprising was put down:

all military, civil, and judicial powers necessary to govern said islands shall, unless otherwise provided by Congress, be vested in such person and persons and shall be exercised in such a manner as the President of the United States shall direct.⁴⁰³

Supporters of Senator Spooner’s bill were perfectly willing to delay decisions on long-term civil governance for the Philippines. In their view, the president had been on

⁴⁰¹ The day the second bill was referred to committee, Senator Tillman stated his bill was in direct opposition and should also be referred. 33 Cong. Rec. 1255 (29 January 1900).

⁴⁰² The complete text of the president’s instructions to the “Taft Commission” was reported in major newspapers during the months after the Commission’s institution, during the congressional recess. “President’s Policy in the Philippines: His Instructions to Members of the Second Commission,” *New York Times*, 18 September 1900.

⁴⁰³ 33 Cong. Rec. 763 (11 January 1900).

the correct course administering the islands with military government under his powers as commander in chief. This bill was merely intended to shift those actions to rest under his powers as chief executive. A more permanent solution could be crafted later.

Unlike the Senate deliberations over the Organic Act for Porto Rico, consideration of these two very different prescriptions for governance in the Philippines was conducted at a leisurely pace.⁴⁰⁴ Senator Spooner requested his bill be referred to the Committee on the Philippines, which in turn reported it out favorably without amendments two months later. The bill's return to the Senate was supported by a major speech on 7 March by that committee's chairman, Senator Lodge, who characterized Senator Spooner's position as a commonsensical approach to a complex problem.⁴⁰⁵ He contrasted this with the opposition's bill, which "presents no policy, but invites us to make promises."⁴⁰⁶ Finally, he dismissed the assumption of consent of the governed as a necessary basis for governance in the Philippines by reviving the limited consent arguments discussed in earlier chapters.⁴⁰⁷

Several opposition senators challenged small misquotes or generalities, but none engaged in direct debate with Senator Lodge that day or for most of the rest of the session. Seconds after the Porto Rico Organic Act was settled on 3 April, Senator Lodge tried to bring up Senator Spooner's bill on government for the Philippines but was stymied by Democrats pleading they were not yet ready for debate.⁴⁰⁸ This pattern

⁴⁰⁴ The disruption of commerce in Puerto Rico in the aftermath of a hurricane, and by markets closed as a result of Spain's defeat, motivated senators to act swiftly in the debates over the Foraker Act, as shown earlier in this chapter. There were no such motivations to haste in regards to passing an organic act for the Philippines.

⁴⁰⁵ "This bill, Mr. President, is simple but all sufficient. It makes no declarations and offers no promises as to a future we cannot yet predict. It meets the need of the present and stops there." Senator Lodge's speech, however, does not. It continues over fifteen large, two-column pages of the transcripts, taking nearly three hours to deliver. 33 Cong. Rec. 2617 (7 March 1900).

⁴⁰⁶ Senator Lodge stated: "I should be glad, as a preliminary, to state the policy proposed by our opponents...but I have thus far been unable to discover what their policy is. No doubt it exists, no doubt it is beautiful, but, like many beautiful things, it seems to the average searcher after the truth as both diaphanous and elusive." *Ibid.*, 2617–18.

⁴⁰⁷ Consent of the governed as envisioned by the founders was not universal, as white men underage, women, the simple, and slaves did not have a vote. In the Philippines, therefore, consent of the elite would suffice, and conform to precedent. *Ibid.*

⁴⁰⁸ 33 Cong. Rec. 3699 (3 April 1900) (statements of Senators Pettus, Jones, and Carter).

would continue until late May, when the looming 7 June end of session spurred efforts to clean up the pending calendar.⁴⁰⁹

As shown with previous decisions on imperial policy, the final weeks of the session were crammed full of appropriations bills and pending legislation demanding attention before recess. Despite the packed calendar, Senator Spooner rose on 22 May to make a few comments in support of his bill. What followed amounted to an informal filibuster; he spoke over three days for hours on end, filling a third of each day's transcripts. As with the lengthy speeches made earlier on the subject, Senator Spooner dealt mostly in the abstract with nary a word on prospective forms of government for the Philippines.⁴¹⁰ Far from espousing one form of government over the other with those tens of thousands of words, his most salient passage explained that his bill was superior to that offered by Senator Tillman precisely because his own was open-ended, vague, and sought only to codify the course on which the executive had already embarked.⁴¹¹

Not to be outdone, the opposition took the bait, and Senator Mason launched a mini filibuster of his own, stating the time had come for debate:

I have been waiting here for fifty days to get an opportunity to express some views...two speeches have been delivered by distinguished senators in favor of the bill, covering four days of time, and no word has as yet been heard from anyone who is opposed to it, as I am.⁴¹²

⁴⁰⁹ The bill remained in unfinished business, dismissed daily until Senator Morgan offered an amendment guaranteeing Filipino rights and establishing currency exchange and customs collecting on the islands. The amendment was tabled. 33 Cong. Rec. 5895 (23 May 1900).

⁴¹⁰ For example, pages were spent debating if any promises were indeed made to Aguinaldo prior to the invasion, or in vicious back and forth with Senator Tillman on the parallels between colonial government and the carpetbaggers that infested the South after the Civil War. Senator Spooner's speeches covered over 10 pages of the transcript in the *Record* each day. 33 Cong. Rec. 5843–52, 5895–5904, and 5950–61 (22–25 May 1900).

⁴¹¹ Senator Spooner argued: "We have not the information as to the conditions over there to enable us to pass a government bill now...Congress ought to put this measure of authority behind the President...to leave it all to his war powers seemed to me unjust. That was all. It was no play for politics...there is no issue here of imperialism or anti-imperialism." *Ibid.*, 5960.

⁴¹² Republican Senator Mason of Illinois, leading a handful of other rogue Republicans, continued to act against the wishes of his party on imperial policy and fed concern that the Spooner bill would not attract the required 44 votes, even with 52 Republicans seated. It was this uncertainty that informed the tactic of delay. 33 Cong. Rec. 5962 (24 May 1900).

He decried the power of railroad and shipping syndicates over the Republican Party, and how those interests were dictating that pending legislation would be a topic for the presidential election.⁴¹³ Once again, pages of transcript roll by without actual debate on either the bill itself or prospective governmental schemes for the Philippines.

Senator Mason attacked the bill favored by the other side not for its specifics, but rather for its provenance and ideals. In this case, he pointed out that Senator Spooner's bill repeated nearly verbatim the 31 October 1803 congressional act empowering the president to administer the newly acquired Louisiana Purchase. The relevant difference, however, was that the act for Louisiana deliberately limited its life to the session of Congress in which it was approved, while the Spooner bill suffered no such limits.⁴¹⁴ Senator Mason then offered a tidy summation of the loftiest ideals advanced in resisting the Spooner bill:

The Constitution of the United States cuts off all imperialism and absolutism...This bill is the supreme expression and crown jewel of absolutism. It confounds and abolishes the distinctions and destroys the boundaries that separate the legislative, executive, and judicial...and concentrates all the powers of the government in the hands of the President, to be exerted by him, in his own discretion, and without responsibility...taking away from the Senate the power to confirm or reject his nominations to office.⁴¹⁵

After these two massive speeches neatly circumnavigated the topic of government for the Philippines, further discussion was delayed until 5 June, two days prior to adjournment.⁴¹⁶ Starting in the afternoon session and continuing through the evening, Senator Spooner's bill was again debated only in the abstract. Again, the most effective voice of the opposition came from the Republican caucus.

⁴¹³ Senator Mason continued: "It is, however, the assertion of the political friends of the president that his desire is to prevent a vote on that measure at this session of Congress...I believe that the railroad and the canal syndicate are more influential with the managers of the Republican party in the Senate than any wishes of the President." 33 Cong. Rec. 6029 (25 May 1900).

⁴¹⁴ Ibid., 6020.

⁴¹⁵ Ibid.

⁴¹⁶ One of the other topics that took priority was nearly 50 pages devoted solely to the allegations of impropriety in the election of Senator Hanna, who was in attendance during the deliberations. The transcripts for this day ran 214 pages, more than tripling the recent average.

Silver Republican Senator Pettigrew showed the seeds of the present discord were planted over a year earlier by those who had supported the McEnery resolution following the ratification of the Treaty of Paris. He specifically identified the clauses that denied Filipinos citizenship and denied intent to incorporate the territory as central to Senator Spooner's position.⁴¹⁷ He closed by showing that expansionist claims of beneficial trade with the Philippines were false.⁴¹⁸

Well into the night subsequent speakers had much to say, but little of substance. The next two days were largely consumed by discussion of the sundry appropriations and naval appropriations bills and legislative housekeeping. The bills crafting a government for the Philippines were not brought up again, and the Senate adjourned until December, ending the first session. The task of passing law to guide transition to civil government in the Philippines was thus willfully avoided until the second session of the 56th Congress, and more importantly, until after the presidential election of 1900.

⁴¹⁷ "There is your doctrine of imperialism. By it we propose to hold a people against their will as a colony of this Republic—one man power, absolute despotism government under the resolution [and] the Senator from Wisconsin [Spooner] complains that we raise the issue of imperialism?" 33 Cong. Rec. 6647 (5 June 1900).

⁴¹⁸ Senator Pettigrew refuted Republican claims of a profitable relationship with the Philippines by showing customs returns for three months in 1899, with all imports into the Philippines totaling 7million, but only \$331,000 from the United States. He also pointed out one third of the American trades was liquor; his point being the commercial benefits were low, and to some extent tawdry. *Ibid.*, 6648.

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IX. HOW THE PRESIDENTIAL ELECTION OF 1900 AFFECTED SENATE DECISIONS ON THE PERMANENT STATUS OF THE PHILIPPINES AND CUBA

The returns from the election of 1900 did not change the composition of the returning 56th Congress Senate and would have negligible effect on its successor. Gains by the two major parties reflected the implosion of two minor parties and not electoral gains in the state assemblies.⁴¹⁹ Of great import, however, were presidential returns that revealed the relative strengths of the two platforms. The party of the incumbent, empowered by voters' response displaying acceptance of monetary and imperial policy decisions thus far, proceeded to craft governing documents for the new territories unlike any that had come before. The debates on these governance schemes illuminate the intersection between imperial policy and domestic politics, and would have outsize implications for America in the century just begun.⁴²⁰

William Jennings Bryan was the fusion candidate of both the Populist and Democratic Parties in the 1896 election, but a schism within the People's Party led Populists to nominate a separate candidate in 1900. Potential support for Bryan was further splintered by the candidate's decision to champion two major platform planks during his campaign: bi-metallism and anti-expansionism. Had he successfully advanced both issues, Bryan may have enjoyed increased appeal to a larger audience. The Republican Party, however, countered by repurposing high public support for the Spanish American War to deflect their opponent's critique on expansionism while emphasizing

⁴¹⁹ The seven-Populist contingent of the 56th Congress Senate withered to two in the 57th Congress, four of which became Democrats. In addition, the Silver Party disintegrated; one each of its two Senators shifted to the Democratic and Republican Parties. The Silver Republicans enjoyed the only increase of a minor party as former Republican Senator Foster of Washington swelled the cadre to three. As a result of the election and subsequent appointments to seats left vacant years previous, the 57th Congress Senate stabilized at 56 Republicans, 28 Democrats, three Silver Republicans, two Populists, and one remaining vacancy (Delaware, since 4 March 1899). Given the split voting records of the Silver and Silver Republican senators in the previous Senate, the balance between the Republican and Democratic caucuses remained essentially unchanged.

⁴²⁰ Historians Grenville and Young called the American actions relative to the Philippines "a fascinating illustration of the impact of strategic decisions on the relations of the great powers. The occupation of the islands has profoundly influenced American diplomacy in the twentieth century." Grenville and Young, *Politics, Strategy, and American Diplomacy*, 267.

returned prosperity to undermine the lingering appeal of bi-metallism. As a result, Bryan's exhortations alienated both anti-expansionists who backed the gold standard, and proponents of silver who thrilled to America's military successes.⁴²¹

The outcome of these decisions was a solid re-election victory for President McKinley. Expansionist senators contemplating popular reception of pending bills regarding Cuba, Puerto Rico, and the Philippine Islands well noted the failure of Bryan's campaign gamble. The Democratic candidate's invective railings against overseas acquisition did not resonate sufficiently with the American voters to give pause. While by no means a mandate in favor of imperialism, the returns clearly demonstrated this topic did not warrant continued avoidance that had been the rule in the last session. One important by-product of the elections, therefore, was a dramatically different approach to colonial governance when the Senate returned to Washington for the three-month long second session preceding the inauguration.

A. INDUCEMENT TO ACTION: THE PRESIDENT'S ANNUAL ADDRESS AND A BILL FOR REORGANIZATION OF THE ARMY

On 3 December 1900, the second session of the 56th Congress Senate got under way. Minus Senators Gear and Davis, who had died during recess, the same senators that had so ably circumnavigated the topic of governance in the Philippines during the debates of the previous spring again met to grapple with the grand problems of the republic. If the 56th Congress Senate's first session had been characterized by voluminous speeches calculated to avoid bringing the issue to bear, its second session began with six weeks of deliberations during which the topic of colonial government was not brought up once.

The issue, in fact, was first broached by the executive. Nearly one-third of President McKinley's December 1900 Annual Message to Congress was dedicated to four topics central to the upcoming debates on colonial government: detailed description

⁴²¹ Senator Bacon stated it would be a mistake to believe the people weighed in on imperialism, "whether or not this country should be converted from a free Republic into an imperialistic government, holding colonies," and that the issue is now decided because the Republicans won the election. There was no such mandate precisely because the Republican Party "studiously avoided those issues and studiously endeavoured to make the American people believe that they were not involved in the contest...they won the election on the financial question and a full dinner pail." 34 Cong. Rec. 1021 (14 January 1901).

of the proposed structure of government for the Philippines, a report on successes in the nascent Puerto Rican legislature, announcement the Cuban Constitutional Convention convened the same day, and entreaties to increase the authorized end strength and restructure the army.

While naval might was a requirement to keep overseas territories, this focus on land forces legislation makes sense in context. In his address the president praised and supported the ongoing building program for the navy and then concentrated on army restructuring for two reasons. First, the former represented a policy of protecting incremental gains while the latter called for a major change in policy. Secondly, as will be shown, expiration of contracts and funding deadlines were bringing the army to a critical juncture that provided an auspicious opportunity for sweeping reform.

The president introduced this section by pointing out that his last annual message had urged the Senate to act on crafting a government for the Philippines, a reference to the stalled Spooner bill. Since no legislation had emerged by the end of the first session, the executive moved boldly during recess and empowered the five-man commission to implement a civil government there.⁴²² Executive direction later increased the authority of the commission, first by transferring some powers from the military government to the civil commission, and then in September by authorizing the commission to make laws, raise revenue, and expend public funds.⁴²³

While President McKinley had acted decisively and unilaterally during recess, constitutional limitations necessitated congressional authorization to progress further.

⁴²² “In my last message...seeking to impress upon you that the grave responsibilities of the future government of those islands rests with the Congress of the United States, I abstained from recommending at that time a specific and formal form of government for the territory...No contrary will of the Congress having been made, I have steadfastly pursued the purpose so declared, employing the civil arm...and the institution of local governments within the lines of authority and law. Progress in the hoped-for direction has been favorable.” William McKinley, “Annual Message of the President to the Senate and the House of Representatives,” *Journal of the Senate of the United States, Second Session of the Fifty-Sixth Congress*, 1901, 10.

⁴²³ “Beginning with the 1st day of September 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this commission, to be thereafter exercised by them...until the establishment of the civil central government for the islands.” The committee was also empowered to establish an educational system, civil service, courts, government departments, and to make appointments those bodies. *Ibid*, 11.

The exigencies of occupation and the ongoing armed conflict in the Philippines had sanctioned the president's actions under his powers as commander in chief of the military. Pacification and extension of the commission's authority into activities less directly associated with crisis, however, such as establishment of systems of public education and a civil judiciary, pushed the limits of his wartime powers.

To build institutions of a more permanent nature in the Philippines, as had been the case in Puerto Rico the previous year, required an organic act from Congress, or at least that body's authorization for the executive branch to pursue those ends. Avoiding the formality of an organic act, the president decided to pursue endorsement of his recess actions along the lines of the authorization included in last session's Spooner bill. If successful, this option would provide the president the legislative backing to solidify the sort of territorial government he intended to put in place without actually handing over control to the Senate.

The Senate, however, did not address the president's request directly. In fact, unlike the sessions discussed previously, no major issue dominated the discussion until mid-January. Instead, the Senate engaged on dozens of topics at near equal frequency, with modernization of the army the most commonly debated by a slight margin. Initially, these early army debates concentrated more on promotions and structure than the requested increase in end strength.⁴²⁴ As many of these smaller issues were decided, however, the discussion increasingly turned to restructuring the army and determining its permanent size.

The two topics were interrelated and equally urgent. At the time the Senate considered the question, end strength was swelled artificially by virtue of an 1899 act that had temporarily increased maximum size of the army to 65,000 regulars and 35,000 volunteers. Following precedent that limited army authorization acts to two-year duration, that expansion act was scheduled to expire during the rapidly approaching

⁴²⁴ The president's annual message relayed concerns over sustaining the effort in the newly acquired colonies, but the debates in the Senate instead covered the number of corporals allotted to cavalry troops, the promotion track of surgeons, awarding of medals, and issues of equipage. This diverse dialog eventually came around to the end strength and regularization issues as a result of discussions on imperialism.

recess. As a result, manpower would shrink dramatically at the end of June, reducing the regular army to the statutory limit of approximately 32,500, and returning all the volunteers to civilian life. Adequately manning contingents posted to Cuba, Puerto Rico, the Philippines, China, as well as the array of new domestic coastal artillery defense sites, was calculated to require approximately three times the number of soldiers that would be available as of 1 July 1901.

The perceived urgency of army manning to stabilize the newly acquired colonies had changed considerably during those two years. With Cuba and Puerto Rico peaceful, to senators opposed to maintaining a large standing army retaining volunteers for whatever time was required to pacify the Philippines seemed the sensible solution. To senators heeding the president's call to modernize and regularize the army, however, ongoing pacification efforts in the Philippines no longer constituted the crisis necessary to justify continued mobilization of the volunteers. They proposed to increase the regular component to match the required manning. The issue of regularizing the army was thereby married to the question of how, and whether, to sustain the end strength necessary to service the demands of empire.

During this phase of the debates in January 1901, senators who favored a larger army cited the uncertain progress of pacification, and the need to fully man coastal artillery sites, to support their cause. They also made the case that timing offered an opportunity to reduce shipping costs. If the bill were passed during the current session, newly authorized regular army replacements could be sent to the Philippines in the same ships used to repatriate the demobilized volunteers.⁴²⁵ Including authorization for both in the pending army appropriations bill was the surest way to reduce both cost and risk. If Congress could not address the issue before adjourning, a special session would be

⁴²⁵ For example of senators engaged in a running dialog either airing their discontent with empowering the president to make end strength increases or disarming such concerns, see 34 Cong. Rec. 963–79 (14 January 1901) (statements of Senators Bacon, Foraker, Proctor, Caffery, Allen, Spooner, and Mallory).

necessary immediately to pass legislation before the temporary increased manning act expired in June.⁴²⁶

The resistance to these measures featured three main points. Several senators argued that maintaining a large standing army was dangerous to any republic. Others argued that important military virtues would be lost by decreased reliance on volunteers. These senators complained that the traditional role of state militias in national defense would be undermined, as would the associated patronage dispensed by governors and assemblies.⁴²⁷

The third point advanced was both the most discussed and also the link that led the debates to bind imperialism tightly to army appropriations. At its heart was the proposal to allow the authorized size of the army to remain at 100,000 not for a specified period, but for a period contingent upon the president's appraisal of progress in pacifying the Filipino insurrectionists.⁴²⁸ This contemplated latitude generated in the Senate a foreboding aspect of permanence inconsistent with a tradition of army funding only two years at a time. Senator Money pointed out wisdom of the British Parliament that limited army appropriations by enacting the mutiny act annually: The English have never yet consented that the Queen shall maintain an army nor support it at its maximum strength or any other strength, and they never will. Oh, it comes to the democratic and republican Americans to have such great faith in the executive [to contemplate such a folly].⁴²⁹

In addition to the enduring nature of such allowances was added senators' ongoing concerns over executive and legislative branch roles. Democratic, Populist, and

⁴²⁶ The incoming Congress was not scheduled to meet until December 1901. The current and projected manning numbers for the army were listed in the president's address, and later would be affirmed by many senators supporting the measure. William McKinley, "Annual Message," 15.

⁴²⁷ Democratic Senator Bate offered but one example: "it transfers the vast patronage that belongs to the organization of troops from the governors of the States to the President of the United States. That is the milk in the coconut...it centers strength in one man, the head of the central government." 34 Cong. Rec. 1129 (17 January 1901).

⁴²⁸ Senator Teller predicted the president would consider this latitude a one-way ratchet. If the Congress granted discretion on end strength and "let the president increase it and decrease it as he chooses. I want to say he will never decrease it. He declares that we want 60,000 men in the Philippines, and that we will want them there for a number of years." 34 Cong. Rec. 1026 (20 January 1901).

⁴²⁹ 34 Cong. Rec. 1120 (17 January 1901).

some Republican senators expressed concern that replacing an explicit expiration date in the act with presidential latitude to determine its duration would also cede de facto control over appropriations.⁴³⁰ When concerns over a similar lack of expiration date in the president's plans for government in the Philippines emerged, the parallels in army funding, size, and patronage uncontrolled outside of the executive branch added fuel to the fire fanned by anti-imperialists.

B. HOW A DISCUSSION ABOUT THE ARMY BECAME DEBATE ON IMPERIALISM

On 14 January 1901, the tenor of the conversation changed from strictly army matters to a broader discourse on colonial administration. The story of how the permanent structure of the government of the Philippines came to be muddled together in an appropriations bill with the reorganization of land forces offers a revealing exposition on how American imperial policy was crafted, and a careful reading of the final bill offers unique contextual insight into the process.⁴³¹

While the Spooner Amendment authorizing presidential establishment of a civil government in the Philippines, and the Platt Amendment codifying presidential desires for limited independence in Cuba, would eventually both be tailored for grafting to the army authorization bill by their Republican sponsors, it was a Democratic senator that first tied colonial governance and army funding together. On 14 January, Senator Berry offered an amendment intended to force the president to set the Philippines on the course

⁴³⁰ Senator Bacon argued: "It is not simply a question of the legislative branch of this government abdicating its power to determine what shall be the size of the Army...but it is a question of putting it in to the power of the executive to increase the expenditures from thirty to fifty million dollars in the course of one year, and compelling Congress to appropriate without any suggestion from Congress in the way of initiation of that expenditure." 34 Cong. Rec. 963 (14 January 1901).

⁴³¹ There was no effort spent in segregating the colonial governance amendments from the appropriations bill. Reading the final document is a jarring experience: in the midst of a paragraph on reporting of erroneous pay and clarification of terms of enlistment, the preamble of the Platt Amendment begins without even a full stop separating it from the previous sentence. After that amendment's eight articles, the next paragraph appropriates funding for engineer battalions. Twelve pages later, under the heading "Ordnance Department" and immediately following discussion of appointments to the Board of Ordnance is found the two-paragraph Spooner Amendment. As the amendments and topics are clearly labeled in the margins, however, the presentation seems less subterfuge than careless certitude.

to independence within 10 days of signing the army appropriations bill.⁴³² With this connection established, the Army Appropriations Act of 1901 became the vehicle of choice not only to force army restructuring, but also to pass into law schemes for governing Cuba and the Philippines.

The debates on colonial governance during three weeks following Senator Berry's amendment were characterized by highly idealistic arguments that made no progress toward resolution. Senators tied army appropriations ever tighter to imperialism, in one instance completely: "A standing army for an indefinite period of time of 100,000 men for the sole purpose of keeping a lot of Filipinos in subjection. That is the sole object of this proposed law. It has no other purpose."⁴³³ Both sides stated their positions on optimizing the military establishment to address the long-term requirements of colonial pacification. Neither side, however, was ready to put its favored prescription to a vote, and often supported idealistic positions with concerns regarding the financial costs of the enterprise:

The vital, overshadowing question that immediately and necessarily arises is, 'Does the present necessity for 100,000 men require that there should be the permanent organization of an army of that magnitude?' If the Philippines are to be permanently retained, and if their retention will require for all time that the United States shall keep up a regular army of 100,000 men, then the advocates of this bill should say so frankly...the people of the United States could look the situation squarely in the face and determine whether they wished to dominate a colony in Asia at the annual cost of...over \$100,000,000.⁴³⁴

In addition, these topics were only sporadically addressed. As had often happened in the past, critical legislation was habitually delayed by routine matters,

⁴³² Senator Berry proposed "to disclaim sovereignty, jurisdiction or control over the Philippine Islands except for the role of pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the islands to its people." 34 Cong. Rec. 979 (14 January 1901).

⁴³³ Senator Money continued: "It comes from the policy of expansion...it was a wild fury of a great, rich, populous nation drunken with its success to extend its domination over somebody else, and I hope the nation will have a lucid interval pretty soon and see that the policy does not continue." 34 Cong. Rec. 1120 (17 January 1901).

⁴³⁴ 34 Cong. Rec. 1018 (15 January 1901) (statement of Senator Bacon).

resulting in a familiar a pre-recess logjam of pending appropriations bills.⁴³⁵ This pattern was especially evident at the end of a Congress, because unlike adjournments for holidays or end of first session, pending legislation not acted on before adjournment *sine die* would simply expire.⁴³⁶

When the discussion did turn to matters in the colonies, it was conducted largely on two levels. On a higher plane, discussion revolved around the twin concerns of absolute power and permanence.⁴³⁷ The senators in opposition generally pointed to the lack of self-expiration clause, in both the army end strength increase and the powers that would have been granted by last session's Spooner bill, as manifestation of those dangers, with one stating that "the limitations put on the exercise of unlimited power are not imposed for good men, but for bad men. Unrestricted power is tyranny, whether it is exercised or not."⁴³⁸ In response, senators in favor of granting wide presidential latitude listed precedents of the Senate ceding such powers.⁴³⁹

On a lower plane, debate over the justice inherent in a policy of common treatment for Cuba, Puerto Rico, and the Philippines dominated the conversation. In general, Populist and Democratic senators championed establishment of civilian rule in the Philippines at least as liberal as that recently inaugurated in Puerto Rico, and they expressed hope that the limited independence being discussed for Cuba would pave the

⁴³⁵ A partial list of acts that feature prominently in the transcript includes a Transportation and Commerce Subsidy bill, as well as Bridges, Naval, Rivers and Ports, Indian, and Fortifications appropriation bills. Also, general legislation dominating several days' debate included the Nicaraguan Canal bill, Oleomargarine bill, and pension increases or extensions too numerous to track.

⁴³⁶ "Glossary of Terms," Senate,
http://www.senate.gov/reference/glossary_term/adjournment_sine_die.htm.

⁴³⁷ Senator Money offered one example regarding permanence: "for the first time in our history the House bill does not put in a limit to the term for which the Army is to be raised, an indication that, in their opinion, this exigency or emergency instead of merely being an epoch is to become an era." 34 Cong. Rec. 1116 (17 January 1901).

⁴³⁸ Senator Teller continued: "It is contrary to the principles of a free government that there should not be limitations of some kind upon executive acts." 34 Cong. Rec. 1023 (15 January 1901).

⁴³⁹ Republican Senator Sewell listed 10 instances in the first half of the nineteenth century that the president was authorized such latitude. 34 Cong. Rec. 1013 (15 January 1901).

way for a similar arrangement in the archipelago.⁴⁴⁰ Most Republican senators, however, opined that each colony warranted a solution tailored to its unique circumstances.⁴⁴¹ Again avoiding a decisive vote, however, both sides turned to accusations of politicizing these important topics and pointed to earlier attempts to do so during the presidential elections.⁴⁴²

Entering the final month of the 56th Congress, both sides seemed clear on where they stood, but less certain on how to advance. To support the president's initiatives, the pro-administration Republican senators knew they had to fund the Army, replace volunteers with expiring terms, rotate occupation forces, and maintain high troop levels. To offset their opponents' fears regarding end strength, they softened the picture by pointing out that the president could choose to make the force smaller than the maximum authorized. Regarding permanence they suggested that Congress would meet again in December, free to alter the legislation to suit interim developments.⁴⁴³ Their counsel was to approve legislation that would place the correct force in the Philippines as soon as possible.

While searching for a way to resist the president's initiatives, the Democratic, Populist, Silver Republican, and dissident Republican senators stumbled upon a strategy that would not require them to vote against army appropriations during wartime.

⁴⁴⁰ Populist Senator Allen supported administering the Philippines just like Cuba "acting more in the nature of a trustee of an express trust than in the nature of a proprietor of these so-called new possessions...and that no attempt whatever would be made upon the part of this government to reduce those islands to colonies of the United States, or to hold them in subjection any further or any longer than was necessary to enable them to set up a government of their own." 34 Cong. Rec. 1069 (16 January 1901).

⁴⁴¹ Senator McCumber cited from President McKinley's instructions to the Philippine Commission to show that they established "a local self-government as free...as is the government of Canada or that of any country which is not absolutely independent in itself." 34 Cong. Rec. 1077 (16 January 1901).

⁴⁴² For one example Senator Money stated: "During the campaign, I know that this question of imperialism was scoffed at and jeered at and whistled down the wind by Republican orators. They were all the time trying to divert public attention from that question to the silver question." 34 Cong. Rec. 1116 (17 January 1901).

⁴⁴³ Senator McCumber remarked on the bill's end strength proposal: "I cannot see anything in it to prevent the President of the United States from making it less...We do not surrender our authority. We meet here again on the first Monday of next December. We can modify the bill. We can create an army greater or less at that time, according to our views." 34 Cong. Rec. 1077 (16 January 1901).

Ironically, it was a pro-expansion Republican senator who first expressed what would shortly become the opposition position: colloquially, that the pudding was not yet cooked.

Republican Senator Carter of Montana made a speech intended to assert that the Philippine Commission was well suited to run the Philippines and that, by virtue of being on the scene, it was more competent than the Senate.⁴⁴⁴ He then spoke at length on the fact that the Senate itself was unsure of what sort of government should be created for the Philippines, which made it premature to make any permanent plans.⁴⁴⁵ Senator Carter viewed this argument as supporting the policy of allowing the president latitude, but his speech would empower Democrats to make the opposite point: that allowing the president to decide on revenue generation, courts, and education while conditions remained so obscure and unsettled was ill-advised.

Opposition Democrats also adopted a sentiment from President McKinley's recent Annual Message to Congress. Citing the successes in the Cuban elections for constitutional convention delegates and the first meeting of that body, the president had promised to forward to Congress the product of the convention for consideration during deliberations over colonial governance.⁴⁴⁶ Until that document was received and digested by the Senate, however, the opposition argued that any decisions on the Cuban question would also be premature.

⁴⁴⁴ Senator Carter argued: "Taking the character of the commission into consideration, we are justified in assuming that the gentlemen charged with the authority and conversant with the facts are more likely to act wisely and well...than the Congress of the United States, possessed of only fragmentary information..." 34 Cong. Rec. 1165 (18 January 1901).

⁴⁴⁵ Senator Carter added: "The Congress of the United States has not reached any conclusion with reference to the extent to which its legislative power will be extended in the Philippine Islands... These questions might be multiplied indefinitely, and the only answer that could be made would be that the mind of Congress has not yet reached a conclusion with reference to the elementary principles that are to govern its action in relation to legislation controlling affairs and people in the Philippine Islands." Ibid.

⁴⁴⁶ President McKinley had directed election of delegates to the constitutional convention for Cuba in September 1900, and that body met in November: "when the convention concludes its labors I will transmit to the Congress the constitution as framed by the convention for its consideration and for such action as it may deem advisable." William McKinley, "Annual Message," (1901), 13.

C. IT IS DIFFICULT FOR THE PLAYER TO WIN IF THE DEALER MAY CHANGE THE FACE VALUE OF THE CARDS

Positions thus established, the topic of colonial governance emerged less frequently as debate on other pressing questions consumed the Senate's time.⁴⁴⁷ Ending the three weeks of higher-level discussions of imperialism and more routine development of strategic approaches, the game changed again on 8 February. The focus switched from esoteric discourse to the practical question of implementation when Senator Spooner proposed a modified version of his eponymous bill from the previous session, but this time as an amendment to the pending army appropriations bill. The amendment was referred to the Committee on the Philippines en route to the Committee on Military Affairs.⁴⁴⁸ While the committees perfected the amendment, pressure to complete deliberations on the army appropriations bill before session's end continued to build:

That is what we wish. Within the days that remain of this session we might give to those people a government. If that is not time enough, then we say it is the duty of the President of the United States to call Congress together, so that we may give to those people the advantage of a civil government, not at the hands of the Executive, but at the hands of the constitutional authorities of this government in legislation—Congress itself.⁴⁴⁹

Senator Lodge favorably reported the Spooner amendment out of the Committee on the Philippines on 11 February, without comment or changes. It was then referred to the Committee on Military Affairs, the committee having jurisdiction over the army appropriations bill. By this time, that bill had acquired dozens of amendments and hundreds of clarifications, and the committee incorporated the changes daily as they came off the floor. The next time the bill would be read through in updated form to the Senate would be as the vote was conducted.

⁴⁴⁷ A few of the major topics displacing colonial governance in late January and early February 1901 were continued debate over the Indian bill, the Naval Appropriations bill, the Trade and Commerce bill, transportation bills, and transmission of Senate condolences to the Parliament on the occasion of Queen Victoria's death, 22 January.

⁴⁴⁸ 34 Cong. Rec. 2117 (8 February 1901).

⁴⁴⁹ 34 Cong. Rec. 2014 (6 February 1901) (statement of Senator Teller).

The Senate returned to consideration of the colonial aspect of the army bill with a vengeance on 25 February, and the topic dominated the extra-long sessions of the next two days.⁴⁵⁰ In a parallel development, Senator Platt favorably reported his amendment out of the Committee on Cuba, which he chaired, and recommended it be referred to the Committee on Military Affairs to also be included as an amendment to the army appropriations bill. Unlike the Spooner amendment, which featured broad approval for the detailed plan of action spelled out in the president's Message to Congress, the Platt amendment read like classic general legislation. Its format of title, preamble, resolution, articles, and nullification of all previous conflicting legislation were clearly out of place when inserted verbatim into an appropriations bill.

Immediately, Democratic Senator Pettus rose to a point of order, citing the Senate standing rule against inserting general legislation into an appropriations bill.⁴⁵¹ In a dismissive response, the Presiding Officer declined to rule. Far from being a neutral observer, the President pro tempore during the 54th through 62nd Congresses was Republican Senator Frye of Maine. Senator Frye—who, notably, had been an expansionist member of the Paris Peace committee—was the sole leadership in the Senate; Vice President Hobart had died in November 1899 and the position remained vacant.⁴⁵²

Shortly thereafter, the Spooner amendment was also reported favorably and accepted as an amendment to the appropriations bill. Senator Pettus again objected, leading to a most unusual application of senate rules. Betting even Republican senators who opposed overseas expansion would vote with the party line over a question of order,

⁴⁵⁰ As was characteristic in the final weeks of Congresses described previously, the Senate met daily other than Sunday, beginning an hour earlier than customary and continuing beyond midnight. The transcripts for those days are two or even three times the usual daily length. This schedule is doubly impressive considering that many senators also sat on committees that continued to meet in this period to perfect pending legislation.

⁴⁵¹ Standing Senate rule of order, Amendments and Motions, "5. It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment." "Rules of the Senate," Committee on Rules and Administration, <http://www.rules.senate.gov/public/index.cfm?p=RuleXV>.

⁴⁵² "Frye, William Pierce (1830–1911)," Biographical Guide of the U.S. Senate, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000398>.

or at least decline to vote, Senator Frye pounced. Once both the Spooner and Platt amendments had been accepted, the President pro tempore submitted both objections to Senate, asking, “are the amendments in order?”⁴⁵³ The motion passed on a near-party line vote, thus allowing the majority party to subvert a clearly written prohibition on attaching general legislation amendments to appropriations bills.⁴⁵⁴ The expansionist senators, led by Senator Frye, had succeeded by interpreting one rule to contradict itself, and a second rule to obviate the first.⁴⁵⁵

This move proved doubly crucial in preparation for the subsequent votes on the army bill. First, submitting the question of order to the Senate as a whole served as a low-stakes litmus test to gauge the strength of opposition. Floor comments on the issue by a few Republican senators had caused their votes to come into question. By virtue of Senator Frye’s gamble, the fidelity of this small group was confirmed; only one Republican voted against allowing the amendments. More importantly—and more in line with the bundling-of-issues approach employed by the Republicans in the votes on intervention in Cuba—the threat that high-minded, idealistic senators would support an isolated issue was reduced by entangling the Spooner and Platt amendments in a wartime funding measure.

⁴⁵³ “A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate... 2. The Presiding Officer may submit any question of order for the decision of the Senate [emphasis added].” “Rules of the Senate,” Committee on Rules and Administration, <http://www.rules.senate.gov/public/index.cfm?p=RuleXX>.

⁴⁵⁴ The amendments were accepted as in order by a vote of 39 yeas, 23 nays, and 26 not voting. The yeas were all Republicans plus one Silver Party senator switching to Republican and no Democrats, Silver Republicans, or Populists. The 23 nay were 17 Democrats, four Populists, one Silver Republican, and one lonely Republican, Senator Pettigrew of South Dakota. Of the 26 not voting, the 10 not accounted for in pairs were seven GOP and three Democrat/Populists; no chance their votes would have made a difference.

⁴⁵⁵ The Senate rules do support the decision in theory, but the internal inconsistency forced by the application seems to controvert the spirit of the rule. The first underlined section clearly shows the amendment is not in order, and the second underlined section was more likely written to protect against re-interpretation, but poor wording makes Senator Frye’s application technically valid. Rules of the Senate, Appropriations and Amendments to General Appropriations Bills, 4. “On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto...and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate [emphasis added].” “Rules of the Senate,” Committee on Rules and Administration, <http://www.rules.senate.gov/public/index.cfm?p=RuleXVI>.

In addition, the reduced costs of restructuring the army in concert with the demobilization of its volunteer contingent made the 1901 Army Appropriations Act difficult to vote against. Even with the addition of the Platt and Spooner amendments, this bill would be more perilous to contest than was the president's proposed civil government for the Philippines, as endorsed by the stand-alone Spooner bill of the previous year. The best hope remaining for the opposition was to force excision of the colonial governance amendments by exposure of dangerous flaws or improprieties within. A cable from the Philippines Commission to Secretary of State provided just the thing.

Shortly after the vote to admit the two amendments, Senator Tillman read to the Senate excerpts of the cable to Secretary Olney from the Chairman of the Philippines Commission, Judge Taft. The portion of the cable read aloud urged passage of the Spooner amendment broadening the commission's powers. Specifically, Chairman Taft pointed out that until such a measure was passed, the commission could not sell public property or franchises such as mining rights.⁴⁵⁶

One after the other, Democratic and Populist senators rose to make speeches attacking this new vulnerability. Several of the southern senators reanimated memories of post-Civil War carpet bagging.⁴⁵⁷ Most, however, concentrated on forecasting scandal that would result should the legislature not erect barriers and remove opportunities for malfeasance in advance, as one senator cautioned: "All that we can do from this distant standpoint is to withhold all the opportunities of temptation that we can."⁴⁵⁸ The remedy,

⁴⁵⁶ Judge Taft wrote: "Passage of the Spooner bill at present session greatly needed...until its passage no purely central government can be established, no public franchised granted, and no substantial investment of private capital in internal improvements possible... Hundreds of American miners on ground awaiting law to perfect claims. More coming...Urgently recommend amendment Spooner bill so that its operation be not postponed." 34 Cong. Rec. 2958 (25 February 1901).

⁴⁵⁷ Senator Tillman provided the first example of speeches decrying potential carpet bagging in the Philippines: "we have this vast public domain, and we have the request from the commission that they be allowed to sell this land and to sell those mines. There is no limitation whatever upon them or upon any and every scheme that might be hatched by a carpetbag government to be set up there." Ibid.

⁴⁵⁸ Senator Daniel offered one example: "Those who seek honor and wealth in new lands where they go with armies and banners, and where the population is helpless..." who may do "his best under condition of constant temptation and relaxation, far remote from the seat of power, is apt to do bad, for the opportunity of the bad is so great...sure to yield to it and produce much oppression." 34 Cong. Rec. 2961 (25 February 1901).

they advised, was for the Senate to proceed slowly and not cede too much authority, as that path might lead to nefarious deeds.⁴⁵⁹ For the remainder of the debates on this bill, the opposition pursued this approach.

Several senators, sensing fear of potential scandal over land and franchise sale might defeat the entire appropriations bill, sought a middle course. Two proposed similar amendments to limit the sale of land and franchises in case the Spooner amendment could not be excised from the appropriations bill.⁴⁶⁰ A third pointed out that Senator Spooner had lifted his text verbatim from the 1803 Louisiana Purchase act, except for a clause that caused the bill to self-expire with the Congress in which it passed. He suggested that restoring the missing clause would make the Spooner amendment palatable.⁴⁶¹

With these last refinements to the arguments of both sides, the Senate lurched into the final two days of debate on governance in the Philippines and Cuba. Holding the superior hand, the position of the Republican senators supporting the Spooner and Platt amendments had remained constant over the previous month. The Democratic, Populist, and Silver Republican senators of the opposition, however, had seen their goals continuously reduced in scale. They had all but abandoned trying to defeat the army bill. Excising the Spooner and Platt amendments had been the first fallback position, but even that became impossible after the Senate voted to allow general legislation to be inserted into an appropriations bill.

Under the circumstances, the opposition's best hope regarding the Philippines was to try to attach mitigating language to the Spooner amendment. Regarding Cuba, the most feasible tack was to isolate and delay consideration of the Platt amendment. Unlike

⁴⁵⁹ Senator Rawlins was one to advise going slowly. He offered that nearly 20 years had elapsed after taking the territories from Mexico before provisions for land ownership and mining franchises were established, and stated "it was a wise provision, because in the chaotic and disorganized state of society necessarily the new Territories are infested by speculators and people who have little regard for the rights of others or for the orderly processes of society, and corruption and plunder of the public resources will necessarily ensue." 34 Cong. Rec. 2964 (25 February 1901).

⁴⁶⁰ The first was an amendment to make the franchise and land sale portion of the authorization bill match that the Senate previously approved for Puerto Rico. 34 Cong. Rec. 2966 (25 February 1901). The second was a more stringent amendment that prohibited all franchise sales and limited public land sales to that certified by the president as "necessary for the immediate government of the islands and indispensable for the interests of the people thereof." 34 Cong. Rec. 3025 (26 February 1901).

⁴⁶¹ 34 Cong. Rec. 2962 (25 February 1901) (statement of Senator Daniel).

in the Philippines, the American occupation force in Cuba was very small and thus not much entangled in the plans for army restructuring.

More to the point, the sense of haste driving resolution of the Philippine question was largely absent in regard to Cuba. The approaching deadline for wholesale demobilization of the volunteer force had no purchase there, and the Cuban Constitutional Convention had not yet reported. In the limited time remaining in the 56th Congress Senate, the opposition should have concentrated on limiting the damage done by the near-certain passage of the Spooner amendment, then prevented a vote on the Platt amendment citing incomplete information. The pro-administration senators offered a solid reason to rush army restructuring and, by extension, the Spooner amendment. The senators in opposition could have offered a similarly solid case for the Platt amendment for Cuba to wait until the next Congress.

D. THE FINAL VOTES ON ARMY APPROPRIATIONS AND OVERSEAS TERRITORIAL GOVERNMENTS

Instead of attempting to get what they could regarding the Spooner amendment and forcing deferment of the Platt amendment to the new Congress, the opposition spent the last two days of debate in three unproductive pursuits. First, in what could be considered the last hurrah of the high-minded, they continued their diatribe against the dangers of unchecked authority and cession of legislative responsibilities. Many speeches were offered along the lines of Senator Bacon's comments on the wisdom of limiting presidential authority:

According to the Constitution of the United States the President of the United States can not appoint even a second lieutenant in the Army without the consent of this body. He can not appoint a marshal or a postmaster without the consent of the Senate. Yet here is a proposition that there shall be a government where, over this vast territory of a hundred and fifty thousand square miles, with ten or twelve million people, one man shall be utterly, absolutely supreme...the man never lived who was good enough and wise enough to exercise such imperial power, and the man never will live who ought to be entrusted with it.⁴⁶²

⁴⁶² 34 Cong. Rec. 3121 (27 February 1901).

These addresses were not intended to sway the undecided with new considerations just prior to a vote. Instead, these speeches plowed well-furrowed fields.

Democratic and minor party senators also engaged in a staple of political theater favored by the soon-to-be-defeated: declaiming responsibility and shifting blame. Some made the case that the only course left to block this legislation was to filibuster. They counseled, however, that the majority should be allowed to force the vote through in hope the Republicans would suffer the blame when colonial government in Cuba and the Philippines failed, and when a large standing army became the norm rather than a wartime exception.⁴⁶³

In a similar vein, several senators used their remaining floor time prior to the vote to complain about the unfair tactics the administration and its Senate supporters had employed. Many of these speeches sought to accuse the majority of muddying necessary support for the military during wartime by appending contentious political legislation.⁴⁶⁴ Another complaint was that the Platt amendment had circumvented debate on content and unjustly dictated terms to the Cubans.⁴⁶⁵ Additionally, several senators chafed at the heavy-handed parliamentary tactics that had allowed the amendments to be considered and attached to the army bill, leading one to ask “Am I using too strong a word when I

⁴⁶³ None, however, made the crucial distinction between filibustering both amendments, and only filibustering the Platt amendment, a less politically perilous course. Senator Jones stated “I am not willing to resort to filibustering for the purpose of preventing the majority voting on these questions. If they choose to adopt these propositions, they have the responsibility and they have the power; let them take the responsibility and the accountability to the American people for what they do.” 34 Cong. Rec. 3126 (27 February 1901). Also, Senator Teller suggested to “debate them now, expressing our objections to them in a proper manner, and then allow the dominant party to take the vote and become responsible to the country for this legislation.” 34 Cong. Rec. 3107 (27 February 1901).

⁴⁶⁴ Senator Morgan complained the president, knowing the army would be unfunded 1 July and that a special session would be required, intentionally frustrated the army bill. He continued “we stand ready to vote them, anxious to supply the Army, he comes in at the very last hour of this Congress and loads these bills down with two propositions to increase his power in Cuba and in the Philippines.” 34 Cong. Rec. 3027 (26 February 1901).

⁴⁶⁵ “This is an ultimatum, a legislative ultimatum to Cuba. Take this or die, for they cannot resist. Take this and abandon your hopes of an independent, sovereign, autonomous government.” Ibid., 3038.

say coercion?”⁴⁶⁶ While all factual, these assertions would also likely have no impact on the votes of undecided senators and were thus an unprofitable use of the time that remained for debate.

Finally, a subset of opposition senators used their last few moments not to berate their opponents or sway the uncommitted, but rather to console their compatriots. One Democratic senator, from the sub-committee of four that drafted the amendment, gave qualified support to the Platt amendment as an imperfect, but acceptable means to an end.⁴⁶⁷ Thus resigned to their fate, the ineffectual protestations of the opposition then ceased, and the bill, preceded by the ranks of amendments, came up for a vote.

Similar to earlier culminating votes, amendments and changes were to be dealt with before the bill itself. One by one, the series of the Democratic and Populist amendments were brought up and voted down along party lines.⁴⁶⁸ The Spooner amendment was next in queue. After it was read through once to the assembled senators, and as much to create a pause in the proceedings as to achieve anything substantial, Populist Senator Allen interrupted the process with a long speech renewing the call to filibuster, ending with an appeal Democratic, Silver Republican, and Populist senators: “few though we are, to stand here to-night, tomorrow, tomorrow night, and until 12 o’clock on the 4th of March antagonizing this bill, so that the Constitution of the United States may be preserved and the right of these weak people may not be overcome and

⁴⁶⁶ Senator Bacon continued: “For what purpose was it put upon an appropriations bill in the closing days of the Congress, not simply of the session, but of Congress; for what purpose was it put upon the great Army appropriations bill known to be necessary for the support of our troops in the field, but for the purpose of coercing its passage...an unconstitutional measure, one they dared not attempt to defend, might be forced through the Senate, but they put it upon the bill in utter violation of the rules of the Senate.” 34 Cong. Rec. 3118 (27 February 1901).

⁴⁶⁷ Senator Money explained that he did not support Article III, the right of the United States to intervene in Cuba, but had become resigned to that article as an acceptable cost to achieve passage of the army bill and returning occupation troops from Cuba. 34 Cong. Rec. 3132 (27 February 1901).

⁴⁶⁸ Senator Vest’s modification to the Spooner amendment with “no judgment or act...shall conflict with the Constitution...” failed 25 yea, 45 nay, and 18 not voting. Senator Rawlins’s amendment stating intent to free Philippines also failed 25/45/19. Senator Bacon’s amendment to limit to the duration of the army bill by adding, “expires 4 March 1903” failed 20/43/19. Senator Pettus’s amendment requiring appointed territorial officials to swear an oath to the Constitution failed 25/41/22. Senator Teller’s two amendments also failed: the first mandating Filipino participation in the territorial government, 23/39/26; and the second extending Filipinos coverage similar to the Bill of Rights, 23/41/24. 34 Cong. Rec. 3137–39 (27 February 1901).

overridden.”⁴⁶⁹ This stirring speech resonated about the chamber to no effect; the voting process recommenced.

Senator Hoar, who had opposed the conflation of executive and legislative powers inherent in both the president’s structuring of the Philippine Commission and his proposed territorial government, offered an amendment to force separation of powers.⁴⁷⁰ It met with a swift defeat, bringing the Spooner amendment up for a vote. With the will to filibuster depleted and all opposition amendments defeated, the Spooner amendment to the army appropriation bill finally came to a vote and passed roughly along party lines, without further discussion.⁴⁷¹

The Spooner amendment’s provision to extend legislative authority to the executive without finite term was the most reviled sub-component of the army appropriation bill. After it had passed, the Platt amendment’s third article was either tied or ever so slightly behind the main bill’s concept of a permanently authorized large standing army in a contest for most obnoxious remaining resolution.⁴⁷² Immediately following the Spooner amendment acceptance, Senator Platt offered his amendment, and received support from an unexpected quarter.

Senator Hoar, who had just proposed a last-ditch amendment to thwart the Spooner amendment, offered an endorsement of the Platt amendment, stating, “studying this amendment as well as I can, it seems to me eminently wise and satisfactory.”⁴⁷³

⁴⁶⁹ Senator Allen also suggested the lack of a quorum, necessitating a time-consuming roll call. This was revealed to be a stalling technique as 75 senators were in attendance. 34 Cong. Rec. 3144 (27 February 1901).

⁴⁷⁰ “In the government of the Philippine Islands no person vested with legislative powers shall ever exercise the executive or judicial powers...with executive shall ever exercise the legislative or judicial powers...with judicial shall ever exercise legislative or executive powers...” It was also defeated along party lines 26/43/19. 34 Cong. Rec. 3144 (27 February 1901).

⁴⁷¹ The result of the vote on the Spooner amendment was 45/27/16. Only one Democrat (Senator McLaurin of South Carolina) and one Populist (Senator Kyle) joined the Republicans in supporting the amendment. Two Republicans (Senators Pettigrew and Hoar) joined the remaining Democrats, three Populists, two Silver Republicans and one Silver against. 34 Cong. Rec. 3145 (27 February 1901).

⁴⁷² Excoriated in debates covered earlier, the Platt amendment’s third article gave the United States the right to intervene in Cuba to protect independence, sustain the government, and ensure an independent Cuba fulfilled the obligations assigned in the Treaty of Paris. 34 Cong. Rec. 3145 (27 February 1901).

⁴⁷³ Regarding Article III, “It seems to me to be, in substance, a proper and necessary stipulation for the application of the Monroe doctrine to the nearest outlying country.” Ibid.

Disagreeing with that characterization, one Democratic senator moved to strike out Article III.⁴⁷⁴ In defense, Senator Hoar portrayed the article as a necessary evil, an interesting predicament for an avid anti-imperialist, much to the pleasure of the expansionist Republicans.

Returning to the earlier theme that any proposal for government in Cuba was premature, Republican Senator Morgan pointed out that, while his party brethren may very well force the measure through with a bare majority, he forecast that future woes awaited. The eighth and final provision of the Platt amendment stipulated its terms would be formalized in a treaty. Senator Morgan predicted the pro-administration senators would not be able to muster the two-thirds Senate approval required for ratification.⁴⁷⁵ His warning was dismissed, however, and the Platt amendment was also passed on a near party line vote.⁴⁷⁶

Finally, after several less contentious administrative amendments also passed, the measure itself came up for a vote. Controversy largely played out and the hour late, the army appropriations bill passed with 43 in favor, 18 against, and 27 not voting. Spent, the Senate adjourned at 1 o'clock in the morning. During the evening session of 1 March, the Senate received word that the House agreed to Senate amendments on the appropriation bill without comment; it was signed by the president the next day.

In exchange for the removal of American occupation forces from Cuba, the Platt Amendment was successfully forced on the Cuban Constitutional Convention and

⁴⁷⁴ Senator Jones disliked that article reserved "to the United States the right to overturn the government of Cuba whenever it saw fit." 34 Cong. Rec. 3146 (27 February 1901).

⁴⁷⁵ Senator Morgan continued, stating "we are in great haste about this business" and that dictating the terms of a treaty before the Senate had even read the draft Cuban Constitution, added to this push to pass the Platt amendment by a bare majority in the dying hours of a Congress, was no way to legislate. 34 Cong. Rec. 3146 (27 February 1901).

⁴⁷⁶ The amendment was approved 43/20/25. One Populist (Senator Kyle) and one Silver (Senator Stewart) voted in favor. One Republican (Senator Pettigrew), one Populist (Senator Butler), and two Silver Republicans (Senators Teller and Turner) voted against. Announced pairs neutralized any potential effect of the 25 senators who did not vote. 34 Cong. Rec. 3152 (27 February 1901).

included verbatim in the 1902 constitution.⁴⁷⁷ As stipulated by its eighth article, it was formalized in the 1903 Treaty of Relations Cuba-United States, which achieved the required two-thirds majority for ratification, despite Senator Morgan's predictions. Thus the Platt amendment language that had had undergone negligible debate by the Senate as a committee of the whole appears in both the Cuban Constitution and in the Treaty of relations relatively unchanged from its first draft version.

Similarly, the Spooner Amendment extended Senate approval to the territorial government established by the president while Congress was not in session. Hundreds of pages of the *Congressional Record* are filled with discussion on whether or not the president should have that power, but almost none on the actual composition of the territorial government he proposed. As a result, the opposition not only lost the vote to approve the amendment granting the executive power to craft the government, but also the opportunity to influence that crafting. Overall, the opposition in the 56th Congress Senate was faced with the choice of blocking the army reorganization legislation entirely, or negotiating changes in the margins. It is clear that they eschewed the former because of the vital nature of the appropriations bill, but less clear why they put so little effort into the latter.

As the physical laws of motion imply, the advantage in this example of law regarding territorial governance belongs to the object in motion, which will remain constant unless acted upon by an external force. In this case, the executive's unilateral transformation of the military government in the Philippines into a quasi-civil government under the Philippine Commission, accomplished during a congressional summer adjournment, let slip the juggernaut. The Commission's power was then enlarged by executive grants of revenue and judicial authority and endorsed by the Spooner Amendment. The final product was the 1902 Organic Act for the Philippines,

⁴⁷⁷ The ultimatum was discussed even before the Platt amendment passed: "here is an amendment reported by the committee that, either as a part of that constitution or as an ordinance to accompany it of equal power and force, we shall demand of that convention that they shall put this programme into effect...it is perfectly well understood that they will simply be held under military rule until they do it." 34 Cong. Rec. 2967 (25 February 1901) (statement of Senator Morgan).

which, instead of crafting a form of territorial government, simply codified a system that was already placed in operation by executive fiat.

For a later Congress to rescind the authority granted by the Spooner amendment would have required a two-thirds majority, further underlining why the temporary measure permitting the president to put everything in place was so important. In addition to the difficulty in reversing the legislation, once the public lands were sold, the assembly instituted, and franchises awarded in the Philippines, the effect of the executive rule in the archipelago would also be much harder to undo. By getting a nose under the tent, military government became the civil government under commander-in-chief authority; the Spooner bill became Spooner amendment became Organic Act, all seamlessly.

To students of the period, the Platt amendment has gained renown both because of its dictatorial terms and because it was inserted into the constitution of another country. It also plays an important part in the Latin American remonstrance of the boorish behavior by the United States in the hemisphere during the twentieth century.⁴⁷⁸ The story of the 56th Congress Senate decisions on imperialism is incomplete, however, without the context provided by the Spooner amendment and associated debates over army reorganization, of which the Platt amendment played but a minor part.

E. AN EMPIRE ESTABLISHED

Except for Guam, by July 1902 the disposition of Spain's former colonies was settled and the framework for American colonial governance was in place. Cuba would remain in a state of quasi-suzerainty until a new Cuban-United States Treaty of Relations in 1934 superseded the Platt Amendment restrictions. The island would continue to struggle with overbearing American interference until its most recent revolution severed those ties in 1958. More important to the American imperial enterprise, however, the 56th Congress Senate created a limbo for Puerto Rico and the Philippines that would

⁴⁷⁸ Louis Perez Jr. offers a Cuban perspective on the Platt Amendment on how it was perceived there, and echoes sentiments expressed in other Central and South American countries as well. Louis Perez, Jr., *Cuba Under the Platt Amendment, 1902–1934* (Pittsburg: University of Pittsburg Press, 1986), 336–38. Conversely, the European great powers expected the United States to keep Cuba as legitimate spoils of war. Ernest May, *Imperial Democracy*, 263.

eventually become the classification of “unincorporated organized territories.” This unique category made explicit their distinct status: held apart from the union, but more tightly and permanently bound than was Cuba.

Thus the debates surrounding the Army Appropriations Bill of 1901 resulted in a constitutional fissure that had been pried open between the incorporated territories destined to become states and the unclaimed lands from which they were hewn. This fissure had never existed prior, and into the void fell the new territories, two to remain permanently and one other for nearly a half century.

The next, and final, round of debates on American imperialism would not occur until a decade and a half later. With the retrospect afforded by sustained imperial administration, in 1916-1917 the Senate would place Puerto Rico and the Philippines on divergent paths, each toward their own permanent status. These final debates to modify the Organic Acts for the two territories also posed and answered the question of how the United States could start the process of extracting itself from colonial endeavors.

X. SENATE DECISIONS ON THE PERMANENT STATUS OF THE PHILIPPINES AND PUERTO RICO

The 55th Congress Senate had initiated the American imperial period by authorizing the conquest of the former Spanish colonies in 1898 and confirming retention of the spoils the following year. Its successor, the 56th Congress Senate, then codified the enterprise by creating the special category—unincorporated territories—to bind the former Spanish colonies to the Republic as possessions but not participants. More than a decade later the 64th Congress Senate would seek to resolve this lingering ambiguity by placing the Philippines on the road to independence, while preventing Puerto Rico from following that same path.

Over the course of that decade American domestic politics had changed a good deal. The Republican Party, which had controlled both houses of Congress as well as the White House since the end of the second Cleveland Administration, lost its majority in the House of Representatives following the 1910 elections. By the end of that session appointments to fill seats, either long vacant or created by addition of new states, had nearly balanced the Senate with 47 Democrats, 48 Republicans, and one vacancy.⁴⁷⁹ The Democrats completed the transformation with the presidential election in 1912, winning 50 seats in the Senate and installing Woodrow Wilson as president.⁴⁸⁰ The mid-term election of 1914 further cemented this configuration, maintaining the House majority and increasing the Democratic representation in the 64th Congress Senate to 56. To all appearances, the long Republican ascendancy that had followed the Civil War was at an end.

⁴⁷⁹ Oklahoma had become a state in 1907; Arizona and New Mexico became states in 1912 swelling the Senate to 96 seats. At the end of the previous session, with 92 seats, the Senate had been divided 32 Democrats and 60 Republicans.

⁴⁸⁰ Republicans split the vote, with Conservatives supporting the incumbent Taft, and bolting Progressives the returning Roosevelt, making Wilson the first Democratic president since Cleveland's second win in 1892. The final Progressive senator would, by the end of the session, revert to the Republican Party. Also in 1912, 17th Amendment, instituting direct election of senators, passed in Congress and was ratified the following spring. The first senators elected directly took their seats in the 64th Congress Senate.

In control of both houses, the Democratic majority in the 63rd and 64th Congresses set an ambitious schedule. The 63rd met all but nine weeks of its two-year session, and the first session of the 64th ran a full six months beyond the customary spring suspension date.⁴⁸¹ The pressing issues in the former were mostly related to tariff and tax revenue legislation and the outbreak of the European War.⁴⁸² The latter, however, was dominated by discussion of the National Defense Bill for the first month—with frequent interjections of the Mexican situation—and the next month was completely dedicated to debate on the Philippines Bill.⁴⁸³

A. 64TH CONGRESS SENATE, FIRST SESSION: THE JONES BILL ON THE PHILIPPINES

As with every first session of a new Congress, the initial week of this Senate was consumed with the business of presenting credentials of new senators, introducing bills drafted during summer adjournment, and assigning committee responsibilities.⁴⁸⁴ After those administrative tasks were completed, the Senate launched directly into sustained debate on national defense, carried out against the background of the Great War then raging in Europe. The National Defense Act of 1916 sought to build upon the Army Appropriations Act of 1901. It continued the project of reorganizing the Army and adjusting its permanent end strength. The 1916 Act swelled the regular army to 175,000 enlisted plus officers, the National Guard to 450,000, established the Reserve Officer

⁴⁸¹ A more typical schedule featured Congress meeting approximately 17 weeks per year, or roughly one-third of the time the 63rd Congress met. This pace endured through the first session of the 64th Congress, which ran from early December to mid-September without break.

⁴⁸² The prime product of the 63rd Congress special session and long first session was the first successful tariff reform since before the Civil War. The Sixteenth Amendment had paved the way for the Revenue Act of 1913, which essentially replaced tariff income with an income tax as the primary revenue generator for the federal government. Also, in the summer of 1914, the First World War and Panama Canal both opened two weeks apart.

⁴⁸³ During this session, American troops occupied Haiti, invaded the Dominican Republic, and chased Pancho Villa around Mexico for a year.

⁴⁸⁴ Senator Stone was named the Chairman of the Committee on Foreign Relations, on which Senators Hitchcock, Lodge, and Borah served. Senator Shafroth was named the Chairman of the Committee on the Pacific Islands and Porto Rico. Senator Hitchcock was named the Chairman of the Committee on the Philippines, on which Senators Shafroth and Kenyon served. 53 Cong. Rec. 716 (13 December 1915). Shafroth would replace Hitchcock as Chairman in 1918, and would in turn be replaced by Senator Harding, the committee's last chairman. All these senators played large roles in the upcoming debates.

Training Corps, instituted a modern Reserve Force, and gave the president authority to nationalize the Guard in times of emergency.⁴⁸⁵

Given the war in Europe, it is suggestive that so much of the discussion justifying various end strength calculations employed scenarios featuring war with Japan, envisioned as being fought in the Pacific and in the Philippines.⁴⁸⁶ The relevance of National Defense deliberations lay largely in establishing both the cost and vulnerability associated with America's presence in the Pacific. To an extent that can only be surprising in retrospect, the Senate remained determined to keep its head down and mind that nation's business as it had already defined it, even while the rest of the world was setting itself on fire elsewhere.

During the morning business on 17 December 1915, in the midst of the heated debates on preparedness Senator Hitchcock reported Senate bill 381 back from the Committee on the Philippines, with amendment and comments. A version of the bill had been sponsored through the House by Representative William Jones in October 1913, but had been sidelined in the Senate committee. The bill had been resubmitted in the 64th Congress Senate and retained the name "Jones Bill" although it had been significantly modified by the committee and was now a creature of the Senate. Its aim was to make the government of the islands more representative.

Among the 30 sections, several stand out as significant changes to the Organic Act of 1902. Noteworthy improvements included a bill of rights; an expanded bi-cameral legislature elected and modeled on the United States Congress; and judicial appointments and regulations transferred to the Philippine government. Other notable modifications were the transfer of all public lands to the government; popular election of the Resident Commissioner; and dissolution of the Philippine Commission. Most importantly, the preamble stated that the intent of the bill was to pass increasing control of domestic affairs to the Philippine people, so they will be "better prepared to fully assume the

⁴⁸⁵ The 1901 Act and subsequent modifications allowed for end strength totals of 100,000 and 112,000, respectively. "The National Defense Act of 1916," Pub. L. No. 134, 39 Stat. (1917).

⁴⁸⁶ For but one example, see Senator Works' 10-page speech on the threat not only from Japan, but also from Japanese in America. 53 Cong. Rec. 556 (16 December 1915).

responsibilities and enjoy all the privileges of complete independence, which it is the purpose of the United States to grant” when the United States deemed the Filipinos ready.⁴⁸⁷ These were, collectively, bold measures—too bold, given the distractions of the National Defense debate already in progress. As a consequence the bill, having finally escaped from committee, was now tabled in the Senate itself.

It briefly reemerged as unfinished business on 5 January 1916, but was delayed again to accommodate an absent senator who desired to participate, and the Senate turned instead to discussion of Affairs in Mexico. The following day the bill’s sponsor, Senator Hitchcock, opened with a clear statement of the bill’s purpose: “This bill contains two essential features. In the first place, it grants to the people of the Philippine Islands a larger degree of self-government than they have heretofore enjoyed. Secondly, it promises ultimate independence.”⁴⁸⁸ With that statement, the Senate switched its focus to the bill—increasingly over the next few days, and from 11 January to 4 February, almost exclusively.⁴⁸⁹

As was the case with the earlier debates over the Organic Acts for Porto Rico and the Philippine Islands, the general plan for governance at the core of this bill was lightly debated and generally accepted. The House version of the Jones Bill had been perfected by the Senate Committee on the Philippines and was now largely modeled on the United States governmental scheme. In addition, the earlier Organic Acts already established such unique territorial governance features as a Resident Commissioner instead of a non-voting Representative to Congress, and these precedents served here to smooth the process.

That is not to say the minutiae in the bill were ignored—nearly every clause was discussed—but the contentious issues were all to be found at a higher level, as the comments of one senator allude:

⁴⁸⁷ 53 Cong. Rec. 502 (17 December 1915).

⁴⁸⁸ 53 Cong. Rec. 603 (6 January 1916).

⁴⁸⁹ The Senate devoted itself almost exclusively to this issue. At 2pm daily, the Senate resumed consideration of S 381 as the unfinished business, and continued without interruption until adjournment. On 31 January, Senator Hitchcock asked for daily recess instead of adjournment thereby keeping the bill constantly before the Senate for deliberation in the mornings as well.

If it were presented to me as a matter of original voting whether or not we were (to go in to the Philippines) at all, I would vote against ever going there...But we are there; that is not the question that is pending in the Senate now. Being there, it is a question of performing our duty; it is not a question of voluntary assumption of power on our part. We are there. How can we honorably get out?⁴⁹⁰

In short, the month-long debate centered instead on the issues of timing, vulnerability, worthiness, feasibility, and promise. These larger concerns were not the province of the body of the bill, but rather were embodied by the bill's preamble and several eventual amendments crafted to elicit these points. It was, therefore, these ancillary documents that were to be the focus of the heated debates to come.

B. TIMING

As is true for any major legislation, the Senate debate on the future of the Philippines was colored by the results of the last presidential election, which swept the Democrats into power, and by the competing hopes of both parties with respect to the upcoming presidential election of 1916, for which the campaign was about to begin.⁴⁹¹ The Democratic Party had championed independence for the Philippines in every platform since the Spanish American War, and it was now in a position to make that pledge good:

President Wilson and both houses of Congress were elected according to the Constitution of the United States, and they are now all Democratic. The declaration of the party in 1912 was to this effect: "We favor an immediate declaration of the nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers."⁴⁹²

Finally able to force through legislation to set the Philippines on a course toward independence, and then take credit for the achievement in the fall elections, Democratic

⁴⁹⁰ 53 Cong. Rec. 716 (8 January 1916) (statement of Senator Sherman).

⁴⁹¹ Senator Chilton opined that both sides were again politicizing the issue in preparation for the upcoming elections. 53 Cong. Rec. 1078 (14 January 1916).

⁴⁹² 53 Cong. Rec. 1149 (17 January 1916) (statement of Senator Simmons). As a rejoinder, Senator Poindexter pointed out that the combined votes of Roosevelt and Taft showed a plurality over Wilson of 1.3 million, thus a repudiation of Democratic mandate.

senators soon found themselves in a sticky situation. They discovered that the changed international environment militated against bold action. Setting the islands free in 1904 or 1908 would have been a significantly less complicated act than doing so in the midst of a world war involving all the powers with major imperial interests in Asia, not to mention an ascendant Japan, a belligerent in the war by virtue of its alliance with Great Britain, and eager to make the most of the victory, when it came.

As a result, once in power the Democrats had softened their party line, moving away from immediate independence for the Philippines, and toward increased self-government consonant with a more gradual ceding of power to the Filipinos. Republicans characterized this not as progress toward independence, however, but as:

steps away from any immediate grant of that gift...as this subject has come closer to home, the gentlemen who now have the responsibility of deciding it have not grown more enthusiastic about...their platform declarations.⁴⁹³

In response, Democratic senators argued that their more gradual policy recognized the need for the consent and participation of other great powers in sustaining an independent Philippines, whose creation, if done properly, would actually serve to ease international tensions in Asia. Such a move would also add weight to the claim that America was different: “it is calculated to have an excellent moral effect on world politics, and will materially aid in the peaceful and proper solution of the very difficult problems now confronting this government.”⁴⁹⁴

C. VULNERABILITY

Both sides in the Senate recognized that retaining the Philippines as a quasi-colonial outpost in the Far East increased America’s military vulnerability in a region of intense imperial rivalries. The archipelago was the first place the United States had attacked the Spanish Empire, after all, and would be as difficult for the Americans to

⁴⁹³ Senator Lippett continued: “I am in sympathy...it seems to me that they have been gradually themselves growing doubtful of the advisability of doing the thing which there were somewhat eager and enthusiastic about in the beginning and before they had responsibility.” 53 Cong. Rec. 866 (11 January 1916).

⁴⁹⁴ 53 Cong. Rec. 1503 (25 January 1916) (statement of Senator Robinson).

defend as it had proved for the Spanish. It was also generally agreed that the commercial benefits of retaining territorial control paled in comparison to the costs of administering, not to mention defending, the islands.⁴⁹⁵ Both sides agreed that quitting the Philippines was the appropriate action to take. The question was how to go about it.

Further, senators of both parties felt that the Filipinos, once granted independence, would be unable to defend their independent state on their own. There was also general agreement that, if the United States were to guarantee Philippine independence in the process of granting it, the likelihood of having to support that guarantee with military force was high. For the Republicans, this simplified the available policy choices dramatically:

The policy...should be one of two things. It should either positively grant their independence on a day certain, or it should positively state that it is the purpose of the United States to carry on the policy that for the last 15 years has been such unchallenged and unparalleled success...a half and half policy in connection with the Philippines is the most indefensible position that this body can take.⁴⁹⁶

If the Senate were to choose the former, the Republicans would advocate terminating American protection of the islands coincident with releasing control.⁴⁹⁷ If the Senate chose the latter, however, the Republican senators would advocate continuing to assist the Filipinos in strengthening institutions favorable to local governance while maintaining a strong defense. They believed it was likely the Philippine government was bound to go wrong or attract predators, “as it seems to me the situation is inevitable; and

⁴⁹⁵ One example of many, Senator Shafroth, offered that promised benefits of transshipment income and settlement proved illusory: shipping rates were unfavorably against ports in the Philippines, and in 17 years, only one colony of 56 ex-servicemen had succeeded at farming there. He also cited military experts: “it would be impossible for us to defend the Philippines against any nation having large armies and an efficient navy, that in case of war our best policy would be not to attempt to defend the islands, but to rely on the outcome of the war to recover them.” 53 Cong. Rec. 665 (7 January 1916).

⁴⁹⁶ 53 Cong. Rec. 1503 (25 January 1916) (statement of Senator Lippitt).

⁴⁹⁷ Newly seated senator Harding stated “the United States has no right and has no reason to extend a benevolent protectorate over the Philippine Islands without control, and I for one, Mr. President and Senators, mean to vote against this bill.” 53 Cong. Rec. 1679 (28 January 1916).

being inevitable, the only wise thing for us to do is to stay there and prevent the condition from arising.”⁴⁹⁸ This is the gist of Senator Poindexter’s critique of the Democratic position:

The Senator (Shafroth) does not believe in the traditional policy of his country to keep out of entangling alliances and treaties with foreign countries, and confine ourselves to our own affairs and let Europe and Asia alone. I think myself that we cut off a pretty big slice of the world’s affairs when we undertake to be the leader of the Western Hemisphere, without going into Asia...we ought not to retain all the dangers, all the responsibilities after surrendering any power of control over their action...if we are to maintain our honor and protect our sovereignty we shall have to go to war about the Philippine Islands and expend the treasure and lives of our country know all the time it was for nothing, that we had pledged ourselves in advance to abandon the islands...I think the most unreasonable proposition in this whole issue is to go on there after we have made up our minds to get out.⁴⁹⁹

The Democrats, now in power and thus responsible, electorally and otherwise, for whatever policy was adopted, were less inclined to see things so starkly.⁵⁰⁰ Having acknowledged the difficulties inherent in defending an archipelago 7,000 miles away and the inability of the Filipinos to provide for their own protection, they searched for another option. The choice they made presaged one that would soon become familiar on a much larger stage, during negotiations over the Treaty of Versailles and League of Nations: the independence of the islands could be guaranteed by the cooperative action of all the leading nations. Such a course would reduce the costs of providing for distant defense. It would also lessen the likelihood that a serious defense would be called for by involving competitors in preventing interference with Philippine independence. It was thus a have-your-cake-and-eat-it sort of policy beloved of politicians everywhere.

Discussion over this proposal developed along two distinct lines. On the one hand, there was concern about the potential implications that the pursuit of cooperative

⁴⁹⁸ 53 Cong. Rec. 1800 (31 January 1916) (statement of Senator Sutherland).

⁴⁹⁹ 53 Cong. Rec. 1153 (17 January 1916).

⁵⁰⁰ Senator Lippitt identified the Democrats’ 1910 gain of the House majority as the point where they turned their opposition to imperialism (since 1898) into policy, a stance from which they were now retreating. 53 Cong. Rec. 865 (11 January 1916).

guarantee of Philippine sovereignty would have on the more general debate over national defense and preparedness.⁵⁰¹ Thus, a Democratic senator favoring reduced military expenditures tried to bait a preparedness proponent into agreeing that if the Philippines were set free, the navy planned in the National Defense bill would be too large. The pro-navy Republican senator retorted that without the Philippines, the planned navy would be about right, but that with the Philippines retained both the navy and the army would need to be much larger. “That,” he added,

is one of the principal reasons why I would like to get rid of the Philippine Islands and withdraw our Monroe Doctrine from Asiatic waters. We will have enough to do to take care of our Monroe Doctrine right here at home without attempting to enforce it all over the world.⁵⁰²

The second line of discussion revolved around the general wisdom of “entangling” multilateralism, an issue that would arise in much more serious form in connection with the creation of the League of Nations a few years later. Republican senators made frequent reference to the success of unilateral protection of Cuba under the Platt amendment to support their claim that international agreements were unwise and unnecessary.⁵⁰³ Democratic senators recognized the force of this, particularly since, even if an international agreement was possible, the resultant treaty would still come to the Senate for ratification, where a mere one-third in dissent could unravel the whole project.⁵⁰⁴

Thus the preferred prescriptions were established: the Democrats urging a finessed protectorate and the Republicans taking the two extremes of abandonment without entanglement or retention in perpetuity. This disagreement continued beyond discussion of the bill itself, and eventually spawned competing amendments.

⁵⁰¹ Democratic Senator Lewis tied independence to national defense as “the very first question in this discussion is whether we shall keep the Philippine Islands or not...if our responsibility is to cease, then that much of the calculation of preparedness has been solved.” 53 Cong. Rec. 1257 (19 January 1916).

⁵⁰² 53 Cong. Rec. 1565 (26 January 1916) (statement of Senator McCumber).

⁵⁰³ 53 Cong. Rec. 1938 (1 February 1916) (statement of Senator Cummins).

⁵⁰⁴ 53 Cong. Rec. 1990 (2 February 1916) (statement of Senator Shafroth).

D. WORTHINESS

Seventeen years into the American imperial experiment, the terms of the argument over the potential for indigenous self-rule in the territories remained similar to those advanced during the debates over intervention in Cuba and ratification of the Treaty of Paris. Whereas the debates of 1898–99 had been framed mainly in terms of principle and moral speculation, and often in ignorance of the realities on the ground, the intervening years had allowed both sides to gather mountains of data calculated to prove or disprove the worthiness of the Filipinos to govern the islands.

One example of the old arguments employing new facts dealt with literacy. Prior to annexation the two sides had disagreed over this issue with one side extolling the erudition of Aguinaldo and the other painting images of a Stone Age society. What had changed by 1916 was a continuing program of mandatory, universal education and enforcement English as a sole official language in the Philippines. Literacy rates could now be measured with a modicum of precision, and projected future progress mapped.

Senators selected from this pool of common information to best suit their chosen line of argument. Given a 10 percent fluency rate in English, Democratic senators compared this favorably with Feudal England, Revolutionary America, and Latin American republics.⁵⁰⁵ They also hailed the promise of continued progress in the form of new school construction and rising attendance rates. Republicans countered by claiming that such projected advancements depended on American stewardship, and would be generational. Senator McLean forecast “ten to fifteen years more of generous treatment on our part would find them with a generation of mature men whose influence would leaven the whole lump.”⁵⁰⁶ They also contended that literacy was only part of the challenge, and should not be the sole criterion on which to judge a nation’s democratic

⁵⁰⁵ Senator Shafroth stated that the incidence of illiteracy in the Philippines was lower than in each of the Latin American republics. 53 Cong. Rec. 714 (8 January 1916). Also, Senator Vardaman showed the rate there corresponded to 1787 America, and the ruling class in Manila at least as prepared as “the average illiterate, sane, sound-minded Anglo-Saxon living in the rural districts of this Republic. Why, the majority of men who extorted the Magna Charta from King John could not read.” 53 Cong. Rec. 1500 (25 January 1916).

⁵⁰⁶ 53 Cong. Rec. 1751 (29 January 1916). Also, Senator Sterling opined that the school system was only 14 years old, and even with admirable advancement; it would long be insufficient to grow the literate population needed for democracy. 53 Cong. Rec. 714 (8 January 1916).

potential. Thus Senator Borah drew comparison to another former Spanish colony, Mexico, where, he argued, current events demonstrated that 300 years of local self-rule had not produced a functioning republic. Further, he forecast at least 200 years would be required for the Philippines to make such progress.⁵⁰⁷

Regardless, the Democrats emphasized progress to date. To show Filipino political institutions maturing, Senator Shafroth explained that, since the popularly elected lower house opened in 1907, two political parties had developed and the pro-independence party was now dominant.⁵⁰⁸ Senator Hitchcock, chairman of the Committee on the Philippines, noted that, while the 1901 Organic Act provided for American domination of an appointed upper house, President Wilson had instead appointed a majority of Filipinos. As a consequence both houses of the legislature had been under local control for the past two years, demonstrating the suitability of Filipinos to rule their own affairs.⁵⁰⁹ Filipinos had increasingly replaced Americans in the bureaucracy as well, a trend greatly accelerated by the liberal Governor General appointed by President Wilson in 1913.⁵¹⁰

Exhibiting a pragmatism emblematic of their newfound role in the minority, the Republicans portrayed the proposed changes to the governance of the Philippines as a relatively low-stakes game. They found little in the general bill to contest. Should the Senate decide to set free the archipelago, these republican senators declared that they would press for no special treatment or protection from the United States, in which case, they claimed, the form of government there was of no concern.

⁵⁰⁷ 53 Cong. Rec. 608 (6 January 1916).

⁵⁰⁸ The National Party supported independence, and the Federal or Progressive party statehood. The National Party soon captured the majority. After the House passed the Jones bill in October 1914, the Filipino joint assembly sent their thanks, and asked Senate and president for the same. 53 Cong. Rec. 658 (7 January 1916).

⁵⁰⁹ 53 Cong. Rec. 604 (6 January 1916).

⁵¹⁰ President Wilson had appointed Governor General Harrison in 1913, beginning process of Filipinization. In 1913 nearly a third of the 9,000 employed by the Philippine Government were American; by 1921, only 624 Americans shared administration duties with over 13,000 Filipinos. "The Philippines," Library of Congress Country Studies, <http://countrystudies.us/philippines/18.htm>.

Should the Senate decide to retain the islands, on the other hand, any errant decisions could be undone by either the Governor General or the President, both of whom had veto authority over territorial governance.⁵¹¹ In short, the Republican senators were willing to concede the changes proposed within the bill, and would reserve their ire for the preamble.

The Democratic position was more adamant about coupling popular rule with independence. In general, they felt the Filipinos were adequately prepared for the increased responsibility proposed in the bill, and with American protection could govern the islands effectively. As Senator Chilton remarked:

There is nothing that we have done that will ever shine so brightly as the final act when we, as a free people, say to the Filipinos ‘Go and work out your own salvation, free and untrammelled by any foreign government on earth.’ The Democratic Party is now hastening to that consummation.⁵¹²

E. FEASIBILITY

How exactly to hasten it remained a question. The proposals and counter-proposals advance in response quickly became entangled, and the subtle distinctions between each of little relevance here. There were, however three general groups of answers, of varying practicality, that were proposed.

The first, and arguably the most obviously impractical, was put forward by a minority of Democrats. They proposed sharing the burden of defending the islands with all the leading powers having interests in the region. In this conception, the United States would free the islands and then host a conference to work out the details of ensuring that freedom. The product of the conference would be an international agreement by the participating countries to contribute military and naval units to patrol the Philippines with a larger force held in reserve to repel an invasion.

The feasibility of this plan was immediately attacked by senators from both parties, who pointed out that even in peaceful times the great nations of the world would

⁵¹¹ Senator McLean added “I prefer to give them an elective senate and hold them entirely responsible.” 53 Cong. Rec. 720 (8 January 1916) (statements of Senators McLean and Sterling).

⁵¹² 53 Cong. Rec. 1078 (14 January 1916).

have no reason to pledge forces to keep the Philippines independent. The year 1916, moreover, was not ordinary peaceful times. On the contrary, a host of recent events had demonstrated just how hollow international guarantees could be.⁵¹³

The second group was comprised of a larger sampling of Democratic, and some Republican, senators. They proposed that successful resolution of an international conference should be a precondition of Philippine independence, rather than an *ex post facto* means of guaranteeing it. This group also thought that seeking an agreement of mutual defense for the newly independent islands would go too far, and that a wiser course would be to simply seek agreement not to interfere.⁵¹⁴

Inevitably, however, a number of senators argued that an agreement on mutual non-interference might prove just as worthless as one for mutual defense. Supporters of the first proposition also countered that their plan to free the islands first would demonstrate both the uniqueness of American values and the good faith of its policies, thus garnering more support from traditional imperial governments.⁵¹⁵

Finally, a third group advocated a unilateral American guarantee of Philippine sovereignty, effectively reversing the arguments above. Recognizing that the great powers, already embroiled in a grueling war, were preoccupied and disinterested in the peripheral politics of Asia, this group felt it would be safe to extend American protection.

Some senators who supported a plan for unilateral guarantee were willing to bet the bluff—for that, militarily speaking, is what it was—would not be called, especially if the promised protection was limited to a finite duration. Others believed that the Filipinos themselves would see the danger in complete freedom and instead opt for limited autonomy along the lines of Canada's permanent affiliation with Great Britain.⁵¹⁶ Many believed this plan to be not only the most feasible, but also the least disturbing to

⁵¹³ 53 Cong. Rec. 1070 (14 January 1916) (statement of Senator Colt).

⁵¹⁴ 53 Cong. Rec. 1507 (25 January 1916).

⁵¹⁵ *Ibid.* (statement of Senator Clapp).

⁵¹⁶ Senator Nelson stated the Boers are better off under British rule than they were under their own, and that he would support self-government, but only under the American flag, like Cuba under Platt, Canada under the British Crown, Boers under Great Britain. 53 Cong. Rec. 1075 (14 January 1916).

those who continued to fear foreign international agreements generally. To their opponents, however, this proposal “asserts that we should continue the policy in the hope that it would so far educate [the Filipinos] as to destroy their sense or desire of self-government and make them so content with their lot that, like Canada, they will prefer their subjection to their independence.”⁵¹⁷

F. PROMISE

The final contentious issue sprang from the wording of the bill’s preamble. Specifically, the promise to grant independence, in some form and at some point, to the Filipinos was widely debated. In addition to being the first time since the Teller Amendment in 1898 that the United States explicitly stated a plan to grant freedom to one of the former Spanish colonies, the preamble was also controversial in that it extended such a promise without including an anticipated timeline. The promise itself, and its lack of specificity, fueled the remaining debate in the Senate over the Jones Bill and divided a body otherwise amenable to the prospect of an independent Philippines, as demonstrated by the statement of Senator Sutherland:

The difference between the attitude of the Senator from Colorado and my attitude is that we are both in favor, when the proper time comes, of letting the Philippines go, but the Senator wants to make a declaration about it (which) immediately invites them to say they are ready for it now, or ready in one year, and that brings on a contest.⁵¹⁸

Again, the senators fell loosely into three groups on this issue. Some felt the wording of the preamble was right and proper. They cited years of implicit promises—including Democratic platforms and statements by government officials of both parties—which the proposed statement would merely codify.⁵¹⁹ Furthermore, they stated that the

⁵¹⁷ 53 Cong. Rec. 1448 (24 January 1916) (statement of Senator Thomas).

⁵¹⁸ 53 Cong. Rec. 1558 (26 January 1916).

⁵¹⁹ 53 Cong. Rec. 1078 (14 January 1916).

lack of a timeline would allow for the transition to be managed smoothly and on American terms.⁵²⁰

A second group advanced the position that it would be better to promise nothing than kindle expectations. They felt that it was foolish to suppose that promise of independence would spur the Filipinos to spare no effort in mastering self-government. Including such a statement in the bill would only lead to impatience, and the result would be a decrement in progress toward governmental competency. Finally, this group also stated that the preamble's wording did not promise action by the 64th Congress Senate, but rather by some future senate and was thus unsupportable.⁵²¹

The third group took this latter point to a different extreme. In their view, if the government of the United States intended to grant independence to the Filipinos, why not simply do it now? In practice, they argued, the United States would be obligated to protect the Philippines no matter what, in which case, what was to be gained by waiting for self-governance skills to mature? No amount of preparation would guarantee the survival of a government in the Philippines, and the element of risk would not be bought away by additional decades of American rule. It was simply time to let go.⁵²²

G. AMENDMENTS TO AND VOTES ON THE JONES BILL

With the positions and arguments thus framed by both sides several senators sought to alter language in the bill that they found objectionable. Many amendments were offered simply to make a statement, and never heard from again. Additional dozens were crafted for individual line items, or to improve clarity in phrasing. These, for the most part, were accepted without debate. Four amendments and one motion, however, sharpened the debate and tested the support in the Senate for the whole enterprise.

⁵²⁰ Senator Hitchcock produced a list of government officials who had made statements during the past decade to the Filipinos regarding independence, and Republican senators strove to depict those as unofficial comments. 53 Cong. Rec. 865–8 (11 January 1916). Regarding timeline, 53 Cong. Rec. 1260 (19 January 1916) (statement of Senator Colt).

⁵²¹ For a representative sample, see 53 Cong. Rec. 1079 (14 January 1916) (statement of Senator Lippitt).

⁵²² For one instance among many, see 53 Cong. Rec. 607 (6 January 1916) (statement of Senator Borah).

The first, offered on 11 January by Senator Clarke of Arkansas, stipulated independence within two years, followed by an international convention by the leading imperial powers to protect the Philippines for five additional years.⁵²³ In reply, Senator McCumber suggested an amendment to the amendment that made two major changes. First, he proposed granting independence only after international agreement had been reached. Secondly, his amendment replaced Clarke's plan of international protection with language that called instead for an international agreement not to interfere with the Philippines for five years.⁵²⁴ As an amendment to an amendment it was the first to come up for a vote, and was defeated on 31 January by voice vote.

Representing the portion of the Senate that eschewed international agreements, Senator Cummins proposed a replacement for Senator Clarke's amendment that avoided timelines and international conferences altogether. Instead, his bill empowered the president to appoint three commissioners to work with the Philippine Legislature—as established by the body of the Jones bill—to craft a constitution subject to approval by the Filipinos themselves. A constitution endorsed by the Philippine people would be subject to approval by the Senate and the president, after which independence would be immediate, with no protection offered. The United States would maintain only coaling stations and naval bases in the islands.⁵²⁵ This replacement amendment was defeated the following day, and Senator Lodge took the opportunity to remind his counterparts of the dangers he perceived:

⁵²³ The amendment also directed the president to “invite the cooperation of the principal nations interested in the affairs of that part of the world in which the Philippines are located, in the form of a treaty or other character of binding agreement, whereby the cooperating nations shall mutually pledge themselves to recognize and respect the sovereignty and independence of the Philippines...and to maintain...the sovereignty of said Philippines for the period of five years.” 53 Cong. Rec. 846 (11 January 1916).

⁵²⁴ Senator McCumber offered his amendment to counter Senator Clarke's plan for international protection, preferring to extend independence to the Philippines when it is believed “that such independence will be permanent and respected by the other powers of the world.” 53 Cong. Rec. 938 (12 January 1916).

⁵²⁵ Senator Cummins felt the bases would not impinge on the sovereignty of the newly independent nation, as “The retention of a coaling station or a naval base does not involve government over anybody. It does not involve the subjection of any part of the Philippine people to the Government of the United States...I want them if they would be a source of strength. I do not want them if they would be a source of weakness, and I intend in my amendment to leave that discretion to the President.” 53 Cong. Rec. 1934 (1 February 1916). The Cummins amendment was defeated 16/59/21. Two other variations on this plan, offered by Senator Hitchcock and Senator Norris, were also defeated by similar margins.

I had a large part in drafting the organic act, which, on the whole, I think has worked well as a constitution for these islands. It seems to me that there are only two courses to be pursued with regard to the islands. One is to abandon them entirely...the other is to remain in control of the islands as we now are...we ought to avoid putting ourselves in the position where we shall be responsible for those islands and yet have no power over them...No mistake would be as great as a halfway measure...power without responsibility is bad, but responsibility without power is even worse.⁵²⁶

The final effort to modify the Clarke amendment was proposed immediately after the Cummins amendment failed. Senator Kenyon sensed the lack of support for either international agreements to protect the Philippines, or for preemptive abandonment, and instead sought a middle course.⁵²⁷ His amendment would replace any language calling for international agreements with new language promising unilateral protection by the United States, but limited to five years. This combination proved quite appealing. Read through only once, and without the slightest debate, his amendment passed immediately by a comfortable margin.⁵²⁸

Thus altered, the Clarke amendment itself came up for a vote. Again without debate, roll was taken, and votes counted. The result was a tie.⁵²⁹ As with the defeat of the Bacon amendment during the Treaty of Paris debates in 1899, the Vice President voted to support his party and by that narrow margin Clarke Amendment passed.

Sensing the game was nearly up, Republican Senator Lippitt immediately offered a motion to stop the process before the Jones bill came up for a vote, and to return the

⁵²⁶ 53 Cong. Rec. 1942 (1 February 1916).

⁵²⁷ Senator Kenyon stated: "I think there are some who would be glad to vote for the Clarke amendment were it not for the guaranty that is made...and the time period specified. I should myself." 53 Cong. Rec. 1997 (2 February 1916).

⁵²⁸ The vote on the Kenyon amendment appears on the same transcript page as its introduction, separated only by the reading and the roll call. It passed 53/31/12, with the non-voting all pairs, 6/6. Nays included all Democrats but three: Senators Nelson of MN (anti-expansionist), Gronna ND, and Catron of NM. Yeas included 23 Democrats. Interestingly, except for Senator Catron, all 11 westernmost states were unanimous in favor, including 13 Democratic senators.

⁵²⁹ The vote tally on the Clarke amendment was 41/41/14. Of the 41 votes in favor, five were Republicans (LaFollette, Borah, Clapp, Kenyon, Works). Of the 41 against, 12 were Democrats from all over the map. Senators not voting were not paired, 6R/8D, and several had changed from the previous votes, thus making an intentional tie unlikely.

entire bill to committee for reappraisal.⁵³⁰ In this he received support from both fellow Republican and Democratic senators, who accepted his argument that, as modified, the bill had lost its original coherence, and needed to be completely reconsidered.⁵³¹ To this Senator Clarke responded “I think the matter has been discussed about as fully as it would be if it were referred. I move to lay the motion on the table” and called for the yeas and nays.⁵³² 50 senators agreed to table the proposal to return the bill to committee, effectively buying time in which any further reservations could be fully explored, exhausted, and ultimately dispensed with.

Last minute administrative and clarity amendments consumed the next two days. On 4 February, the Jones Bill on the Philippines finally came up for a vote, and passed with 52 in favor, 24 against, and 20 not voting. Immediately after the result was announced, Senator Hitchcock withdrew the unpopular preamble, with no discussion.⁵³³ The Philippine question was finally settled, the promise of eventual independence made, and only the details on the manner and the time of its achievement left for another day.

H. 64TH CONGRESS SENATE, SECOND SESSION: PUERTO RICO

With the Philippines thus dispensed with, Cuba notionally independent under the terms of the Platt Amendment and Guam lacking an organized political structure, the future of Puerto Rico became the final governance question raised by America’s imperial experiment. By the time that issue was finally brought to the floor of the Senate for

⁵³⁰ In concert with this entreaty to high-minded lawmaking, Senator Lippitt also took the low road and appealed to southern senators not to allow “the same situation which occurred in the southern states during the reconstruction period, when they had an enormous ignorant colored vote thrust into their affairs.” 53 Cong. Rec. 1998 (2 February 1916).

⁵³¹ Senator Clapp stated: “I am a member of that committee. We framed the bill along only one line of thought and purpose, and now that the Senate had definitely settled that some provision of independence shall be associated with the bill, I think it very appropriate that the bill should go back to the committee in the light of the determination of the Senate.” 53 Cong. Rec. 1997 (2 February 1916). Democratic Senator Newlands added: “this committee confined itself entirely to the question of giving the Filipinos a larger share in their government, and not to the question as to the preparations that might be made for finally cutting loose from those islands.” 53 Cong. Rec. 1629 (27 January 1916).

⁵³² 53 Cong. Rec. 1999 (2 February 1916).

⁵³³ The following is the entire exchange. Mr. Clarke: “We are not through with the bill. The preamble has not been disposed of.” Mr. Hitchcock: “I desire to withdraw the preamble, Mr. President.” Mr. Clarke: “All right.” The Vice President: “Without objection, the preamble is withdrawn.” 53 Cong. Rec. 2125 (4 February 1916).

debate and decision, the experiment had largely slipped the minds of senators and their constituents, who had become increasingly preoccupied with the prospect of American involvement in the European war. The month in which the Senate held the Puerto Rican bill under consideration included the formal severing of diplomatic relations with Germany and debates on both a neutrality bill and an immigration bill. In addition, President Wilson gave his “Peace Without Victory” address to the Senate on proposed peace terms in Europe, in which he stated:

I thought I owed it to you, as the council associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind in regard to the duty...to lay afresh and upon a new plan the foundations of peace among the nations.⁵³⁴

Added to these demands for the Senate’s attention were building pressures exerted by increasingly voluble agitation in favor of prohibition and women’s suffrage, both which would culminate in the next two years.⁵³⁵ As a result, the sponsor of the measure regarding government in Puerto Rico faced an uphill struggle to gain the attention of his colleagues during the two months of the 64th Congress that remained. In contrast to the early and swift handling of Philippine bill, the Puerto Rican bill languished in the shadows of more dramatic and pressing concerns.⁵³⁶

It was thus at least partly owing to the distraction of greater events that the marginally different treatment of Puerto Rico and the Philippines in the Original Acts of 1900 and 1901 had grown into such starkly divergent policy outcomes 16 years later. The debates on the Philippine government act during the first session of the 64th Congress

⁵³⁴ 54 Cong. Rec. 1741 (22 February 1917) (President Wilson’s address to the Senate).

⁵³⁵ As will be shown, these two issues not only increasingly occupied senators’ time, but were also inserted into debates on pending measures only tangentially related. The Eighteenth Amendment (Prohibition) would pass the Senate in January 1919, and the Nineteenth Amendment (Women’s Suffrage) six months later.

⁵³⁶ Similar issues could be cited for other dates that month, and are all in addition to the traditional end-of-Congress crush of appropriations and pensions measures, but on 20 February 1917 the Porto Rico bill competed for time primarily against measures dealing with military training, militia, need for naval officers, ordnance and fortification, war and preparations for war, severed relations with Germany, and hundreds of petitions remonstrating against war. Other topics of note allocated at least some time that day included alcohol and alcoholic liquor traffic, purchase of the Danish West Indies, daylight savings time, fortification of the Canal Zone, definition and punishment for espionage, and the establishment of Grand Canyon and Mount McKinley national parks.

Senate were treated as urgent business by both sides, pressed non-stop to conclusion months before the session's end. The debates on the Puerto Rican government during the second session (December 1916-March 1917) were pressed solely by the bill's sponsor, and were treated more like earlier debates on imperialism. Progress was delayed, discussion was blocked or addressed piecemeal for the bulk of the session, followed by a frantic push to bring the measure to a vote before the end of the Congress. The Puerto Rican government bill also proved immune to external pressures calling for action. Delayed elections, public agitation, and gapped representation all had no purchase in bringing the measure before the Senate.⁵³⁷ The only impetus was provided by Senator Shafroth's dogged determination and the collective desire to whittle down the crowded Senate calendar as the term drew to a close.

While the debate on the Jones Bill had been dominated by consideration of international relations, the discussion of Puerto Rico's fate was shaped mainly by considerations arising from domestic American politics. The predominant influences were from contemporaneous discourse on citizenship and suffrage, taxation, and prohibition. These contrasting frameworks went a long way to determining the outcome. From the start, the discussion over the Philippines can be understood as deciding the best way to be rid of the islands. Conversely, the debate over Puerto Rico was about the constitutional and political ramifications of keeping a territory permanently as a quasi-state.

I. THE JONES-SHAFROTH BILL ON GOVERNMENT IN PUERTO RICO

Puerto Rico's case also began as a bill sponsored by Congressman Jones in the House of Representatives. When it arrived at the Senate it too foundered in

⁵³⁷ Senator Shafroth pointed out that the Resident Commissioner had died the previous November and consideration of this bill would help expedite his replacement. The senator also explained that recent elections were delayed in anticipation of this bill's passage, and were now desperately overdue. 54 Cong. Rec. 999 (08 January 1917).

committee.⁵³⁸ Early in the second session, following the return from Christmas break, Senator Shafroth repeatedly tried to raise issue asking unanimous consent, but met only disinterest:

I have had a bill up here to give civil government to Porto Rico, and I have been for six months trying to get a hearing upon it, but it has been impossible to do so. I have asked unanimous consent several times for its consideration, and I have moved its consideration several times. It is an important measure, involving the liberties and rights of the people of Porto Rico, but I cannot get consideration of it.⁵³⁹

He finally succeeded on 13 January by calling for a vote to determine if the issue would be discussed, and won largely on the strength of the numbers not voting.⁵⁴⁰

The bill was then read and explained in detail by its sponsor. Senator Shafroth demonstrated that the Foraker act had been intended to be temporary, included no bill of rights, did not properly separate powers, created an unrecognized Puerto Rican citizenship, and capriciously limited the franchise. The Jones-Shafroth Bill proposed to remedy those shortcomings by providing for an elected bi-cameral legislature, United States citizenship, and suffrage to all males who either paid property tax, could read, or had voted in the last election.⁵⁴¹ With that, the bill was again set aside in deference to more pressing matters, and was discussed as unfinished business only occasionally over the next two weeks.⁵⁴²

⁵³⁸ Having undergone extensive revision, the bill was reported out in June 1916 bearing the committee chairman's name as co-author.

⁵³⁹ Ibid.

⁵⁴⁰ The proposal passed 32/25/39, with a large number of those not voting either absent on official business or ill. Since this was a simple motion to consider a topic, not a deciding vote that would activate standing pairs on an issue, relatively few pairs were announced.

⁵⁴¹ The committee had added the third suffrage condition. The initial qualifications were literacy or property, as was the case in the Philippines, but qualification by past voting addressed the unique situation Puerto Ricans "had been voting for years, even under Spanish rule, having fully as large a voting population in proportion to the total population as the United States has, and therefore its limitation would be a great disappointment to them." 54 Cong. Rec. 1324–29 (13 January 1917).

⁵⁴² Referring to the relative unimportance of the Jones-Shafroth Bill, the Vice President stated "We wasted three-quarters of an hour yesterday on this subject" before interpreting rules against Shafroth trumping unfinished business. Senator Pomerene argued a special night session should deal with the overloaded calendar, not just Porto Rico, that there were more pressing bills to deal with of "as much interest to the people of the United States as is the Porto Rican bill to some islanders at sea." 54 Cong. Rec. 2222 (30 January 1917).

The Jones-Shafroth Bill finally surfaced as the main topic of the 30 January evening session. Senators plunged into line-by-line review of the bill, suggesting small changes to wording and cleaning up language, primarily in the sections on the bill of rights and on taxation. The tenor of the discussion was not adversarial. As the bill was read and committee amendments brought forth, the interjections from the floor were mostly suggestions for increased clarity. After that spurt of productivity, however, the bill languished. Each day thereafter, discussion was truncated by other unfinished business before the Senate.⁵⁴³

In addition to the split attention of the Senate, Senator Shafroth suffered from split allegiance as well. As a senator from Colorado, Shafroth was particularly interested in a water-power bill that was then being considered by the Senate. As chairman of the Committee on Porto Rico and the Pacific Islands, however, and as the lone champion for the Puerto Rican governance bill, he found himself trying to divert attention from such domestic bills in order to bring the Puerto Rican issue to closure. This conflict of interest ultimately led him to bargain away sections of the Puerto Rican bill in exchange for quick passage, in order to return to the water-power bill in which his constituency was deeply interested.⁵⁴⁴

Further muddying the waters, President Wilson's speech to the Senate outlining the concept that would become the League of Nations had the effect of clogging the floor with something senators were passionate about, either for or against. Speech after speech

⁵⁴³ Alternately, the Puerto Rico government bill was supplanted by the water-power development bill, the neutrality bill, or various appropriations acts. The neutrality bills would be significant in these debates as the in-depth discussions on citizenship had relevance to both eastern European and Porto Rican immigration. The "Development of Water-Power and the Use of Public Lands" bill under debate was vital to many western states, and significant here due the resultant split attention of Senator Shafroth.

⁵⁴⁴ The water measure bill "is before the Senate now, and out in my part of the country it is regarded as the most important measure to us that ever has been presented to the Congress of the United States...a landlordship and the seizure of our waters that belong to the States...I want the Porto Rican bill to be concluded just as quickly as possible." 54 Cong. Rec. 2360 (1 February 1917).

drained time and energy from continued consideration of the Jones-Shafroth Bill.⁵⁴⁵ Motions for evening sessions dedicated to debate the government of Puerto Rico failed, and when the issue did come up on the regular calendar the evening session was cancelled due to lack of a quorum.⁵⁴⁶ But during that evening session, two of the three major issues emerged that threatened to derail Jones-Shafroth.

One was the fight over voter qualifications. Of the three qualifications in the bill reported by committee, the first to be bargained away by the bill's sponsor was that of having voted previously.⁵⁴⁷ The literacy qualification was challenged next, mostly on the grounds of likelihood of abuse.⁵⁴⁸ It survived in part due to the sponsor showing the same requirement remained in the recent Philippine legislation.⁵⁴⁹

Debate over voter qualification was part and parcel of the second major issue: taxation. The bill's provision allowing illiterate property owners to vote if they had paid property taxes was unpopular. Some senators painted it as a poll tax, while others felt that granting the vote to the unschooled would undermine democratic progress.⁵⁵⁰ Senator Shafroth argued that the exception for unlettered property owners was actually

⁵⁴⁵ The President's speech birthed several senatorial rebuttals during this period. Senator Lodge offered one of the lengthiest, and most emblematic of later Senate resistance to the Treaty of Versailles. His role in countering Wilson's initiatives would dominate the debates of July to November 1919. Interrupting the deliberations on the Puerto Rican bill, Senator Lodge's address on the President's speech and "League to Enforce Peace" began by stating he was loathe to debate issues not pressing before adjournment, but then he continued for eight pages. Senator Thomas then added another eight-page speech. 54 Cong. Rec. from 2364 (1 February 1917).

⁵⁴⁶ After a day spent overriding the president's veto of the immigration bill, 62/19/15, the evening session to debate the Porto Rican bill was cancelled after 15 minutes. "The reason is that there are not enough senators interested in the measure to come here at night [offered Senator Shafroth to the 19 senators in attendance] it is manifest that we can not get a quorum on such a bitter cold night, and we would only torture ourselves by remaining here." The bill was not discussed again for another week. 54 Cong. Rec. 2630 (5 February 1917).

⁵⁴⁷ Since this third qualification would be applied to an ever-decreasing portion of the population, it was felt that a blanket citizenship qualification would suffice. 54 Cong. Rec. 2250 (30 January 1917).

⁵⁴⁸ The most forceful opponent commented allowing illiterate voters, "enlarges the possibility of suffrage, but it enlarges a thousand times more the possibility of controlling the electorate of Porto Rico" by providing tax receipts in exchange for votes. 54 Cong. Rec. 3474 (17 February 1917).

⁵⁴⁹ 54 Cong. Rec. 3474 (17 February 1917) (statement of Senator Shafroth).

⁵⁵⁰ Regarding the lack of "reference to the capacity of the citizen to vote...it is simply impossible to tell what will be done down there if every irresponsible man 21 years old has equal voice in the control of the island." 54 Cong. Rec. 3470 (17 February 1917) (statement of Senator Smith).

“an extension of the franchise, not a limitation, as it allows illiterate citizens the vote.”⁵⁵¹ In the end, however, he yielded on property qualification in order to attain passage, and lost the vote regarding tax payment as a voter qualification.

The third major issue was much larger. On 11 February, a small disagreement over fairness between bills proposed for Hawaii, Alaska, and Puerto Rico, led to discussion of other commonalities among the three territories, which opened the door to debate over prohibition.⁵⁵² In the same way that the topic of slavery in the territories had become a proxy for the national problem in the late 1840s, prohibition in the territories here served as a placeholder for a national discussion that was soon to erupt. Recognizing that this engendered the kind of passion that could stop the whole bill, a sympathetic senator delayed further consideration.⁵⁵³ The Puerto Rican bill went unmentioned for another week before a compromise was reached by which the decision on prohibition would be reserved to future Puerto Rican voters.⁵⁵⁴

With only a few days remaining in the 64th Congress, Senator Shafroth again brought up the Puerto Rican bill on 20 February. Stating deliberation could be completed in three minutes, the bill’s sponsor pressed for a vote but was nearly derailed by another

⁵⁵¹ 54 Cong. Rec. 3474 (17 February 1917). Supporters of the bill suggested it would be wrong to deny the vote on the basis of wealth: “I insist that the lack of property is a misfortune, and not necessarily a crime.” *Ibid.*, 3473 (statement of Senator Martine).

⁵⁵² The gist of the fairness debate was over the wages proposed for the governor and cabinet of Puerto Rico under Jones-Shafroth. The wages were higher than that granted to governors of Hawaii and Alaska, especially given the lack of provided lodging in the former, and the high cost of living in the latter. While it was pointed out the population of Puerto Rico was 1.2 million (Hawaii was 300,000, and Alaska smaller still), and the Puerto Rico treasury would be paying the governor’s expenses, the wages in Jones-Shafroth were eventually reduced to be aligned with the others.

⁵⁵³ Senator Gronna tried to insert prohibiting language into the bill. Senator Sutherland suggested letting the Puerto Ricans decide for themselves. Senator Oberman then called for a vote to shift the debate to the neutrality bill, which passed 36/24/36. After that, the Senate took up discussion of the postage bill, then unfinished business in evening session, successfully avoiding joining Puerto Rico and prohibition. 54 Cong. Rec. 3011 (11 February 1917).

⁵⁵⁴ Senator Lodge offered an amendment striking prohibiting language for fear if he did not, the Senate might allow Senator Gronna’s language into the bill out of exasperation and eagerness to be done with Jones-Shafroth. The eventual compromise language allowed the island’s voters to decide within five years, to which Senator Gronna stated he preferred his original, “but I understand it would perhaps defeat the Porto Rican bill, and I do not wish to do that.” 54 Cong. Rec. 3468 (17 February 1917).

domestic issue: female suffrage. One senator vehemently lobbied for its inclusion, and another threatened to kill the bill if inclusion was contemplated.⁵⁵⁵

Like prohibition, this was an issue that inflamed passions; only now there was not enough time remaining to step back and allow tempers to cool. Time and again, a senator would interject his position on female suffrage, the sponsor would deflect the issue as not pertinent to the bill, and then shout “Question!” to prompt the Vice President to start the voting process. Repeatedly, the Vice President began “The question before the Senate is...” only to be interrupted by another senator determined to make his views on suffrage known.⁵⁵⁶

After a dozen such iterations, a third senator attempted to sideline further consideration of the Puerto Rican bill and instead bring up unfinished business.⁵⁵⁷ This continued until the two senators with opposing views on female suffrage felt the point sufficiently made, and the senator desiring to move to unfinished business relented, stating “I withdraw the motion I made a few moments ago. I see the Senator from Colorado is about ready to jump.”⁵⁵⁸ With that, the Vice President was able to complete his call for a vote, and the amended bill was passed on a voice vote.⁵⁵⁹

Senator Shafroth lead the Senate delegation to the committee of conference. The bill’s co-sponsor, Congressman Jones, was his House counterpart. The lower house agreed to the resulting three pages of proposed alterations on 24 February by a voice vote

⁵⁵⁵ Republican Senator Jones of Washington wished to include female suffrage, and Democratic Senator Martine of New Jersey sought to prevent it. 54 Cong. Rec. 3666–7 (20 February 1917).

⁵⁵⁶ By senate rules, once roll call was initiated, no further amendments could be offered, and the only interruptions allowed would be on questions of order.

⁵⁵⁷ Senator Vardaman stated: “The Senator from Colorado has not kept his promise. He said he would finish this bill in three minutes. I move now that the Senate proceed to the consideration of what is known as the flood-control bill.” Senator Shafroth rejoined: “We have reached the point where we can vote right now, if the senator will just let us do so. Question, Mr. President!” As the VP announced the question, he was again cut off by a speech against women suffrage. Senator Shafroth reiterated the question is left entirely to the Puerto Ricans, and again shouted: “Question, Mr. President.” Ibid.

⁵⁵⁸ 54 Cong. Rec. 3667 (20 February 1917) (statement of Senator Vardaman).

⁵⁵⁹ The fact that yeas and nays were not called for supports the assumption that senators airing concerns over citizenship, taxation, prohibition, and woman’s suffrage were doing so for a forum larger than Senate decision on government in Puerto Rico.

after little discussion.⁵⁶⁰ Two days later, Senator Shafroth presented the conference report, which the Senate agreed to by voice vote without debate or comment.⁵⁶¹ The president signed the bill on 2 March 1917.

The Jones-Shafroth Act would guide governance of Puerto Rico until a constitutional convention act more than 30 years later.⁵⁶² Symbolically and practically, it also marked the end of the two-decade long effort by the United States Senate to master the questions of constitutional principle, international politics, and practical governance raised by America's acquisition of overseas territories. The experimental phase of American imperialism was thus over, and the long, slow process of extraction well underway.

⁵⁶⁰ Congressman Jones went through the over 100 amendments proposed by the Senate and characterized only two as significant: the Gronna amendment that was neutered by putting prohibition to popular Puerto Rican vote, and the suffrage requirements for property and taxation stricken by the Senate. The bulk of the five pages of transcripts are largely explanatory in nature.

⁵⁶¹ 54 Cong. Rec. 4271 (26 February 1917).

⁵⁶² The name of the territory was officially changed to Puerto Rico in 1932, direct election of the Governor was authorized in 1948, a constitutional convention called in 1950, and the Constitution of Puerto Rico passed in 1952.

XI. CONCLUSION: THE INTENTIONAL NATURE OF SENATE DECISIONS ON AMERICAN IMPERIALISM

The United States did not blunder into imperialism. Nor was its hand forced by external events. The capacity to conduct the experiment had roots in western expansion, but was not predestined by the closing of the frontier. Nor was it a systemic product of continental growth. As evidenced by the Senate debates examined in this paper, American imperialism was a conscious choice, made in full light of day by intelligent men who wrestled with its meaning and potential repercussions. They were aware, in the moment, that the decisions they were making controverted the established procedure for incorporating territory and assimilating the people therein. Forewarned, these senators pressed on, and then adapted the rules and the process as they went in order to accommodate developments they did not always foresee.

Other than the early fervor of *Cuba Libre*—and the fitful anti-expansionist campaign against America's annexation of the Philippines and suppression of native resistance that this entailed—American imperialism never dominated the national conversation for very long. Nor have the debates, controversies, and compromises of that era stuck in the public mind. Today many otherwise politically informed Americans cannot explain how Guam came to be a part of the United States, while Cuba did not. Fewer still can explain why Puerto Rico remains a territory but the Philippines is now an independent country. In Latin America and Asia, on the other hand, the advent of the United States as an imperial power remains a living, if inevitably mythologized, memory, with potent influences on later relations. The brief American experiment with imperialism faded to obscurity domestically, but resonated internationally.

The policies developed to administer overseas territories, and the arguments used in the Senate to justify those choices a century ago, bear striking resemblance to those crafted and deployed in our own day. In both cases, the defense of American interests at home and abroad resulted in actions that would have been inconsistent with America's conception of itself at the time of its founding, and for a century afterwards. The United

States continues to regard its lessons and model as worth spreading even if act of transmission itself clashes with the central tenets of the republic's character.

Early American forays into overseas expansion paled in comparison to the actual period of imperialism from 1898. While arrangements for coaling stations, desires for an isthmian canal, and acquisition of guano islands were byproducts of the same expanding naval and commercial might that later powered American imperialism, those early sorties beyond continental bounds did not include contemplation of extending the republic overseas. Following a century of westward expansion, these moves marked the United States as an emerging world power. The determination, however, to take and hold the former Spanish colonies stands apart.

It is true that American imperialism owed its feasibility to that earlier pattern of growth, but the decision to keep and administer Puerto Rico, Guam, and the Philippines was not predestined by other overseas expansion. Senators nearly chose another path several times from 1899–1901, and the issue throughout was hotly contested and closely decided. Thus, there is no better place to search for the meaning of American imperialism than in the body that sought to determine the scope and the duration of that political control.

The United States Senate purposefully decided not to extend the promise made to Cuba by the Teller Amendment to the other former Spanish colonies. Instead the Senate set out to establish governments dissimilar to those found in the territories on track to become states.⁵⁶³ The senators were cognizant of this distinction throughout, and of the danger that their sui generis policy solutions might pose for the republic. The same senators who designed the imperial territorial governments for Puerto Rico and the Philippines crafted the traditional territorial governments for Hawaii and Alaska. There can be no doubt that in the former case they aimed to exercise political control over territories while keeping them separate, but in the latter designed the structure to begin incorporation into the republic as states. This difference was intended, and well understood.

⁵⁶³ Specifically, the structures then in place for the Arizona, New Mexico, and Oklahoma Territories—and those contemplated for Hawaii and Alaska.

A. VIEWING THE DEBATES THROUGH FIVE LENSES

The Senate debates on imperialism between 1898 and 1917 chronicled the changes in domestic political and international relations during that period. They also reflected the changing American view of the world and America's place in it between the Spanish-American and First World Wars. Before its intervention in Cuba, the United States consciously sought to provide the world an example of enlightened democracy through its process of governance within its expanding, but continental, borders. After 1898 the United States sought not simply to exemplify political virtue, as Americans understood it, but to export republican government for the benefit of Spain's former colonies.

This change of outlook was the product of far-ranging and well-reasoned debates. The senators who engaged in this discourse were in turn influenced by diverse and sometimes conflicting motivations. They addressed complex issues from motives both base and noble, and often came to compromise positions in order to achieve partial victories.

The process the Senate followed to create or endorse imperial policy can be viewed through at least five separate lenses: domestic politics, intra-governmental roles, a willful separation of detail from meaning, a balance between national interests and moral duty, and the tension between desired outcome and preferred means. By examining each level of inquiry individually, a more thorough understanding of the American legislative approach to its imperial experiment can be achieved.

Using the first lens, it is possible to see how the cycles of domestic politics continually trumped the high ideals of international affairs. Again and again during the Senate debates on imperialism, the decision process was disproportionately affected by elections, funding deadlines, party infighting, sectionalism, and competition between pending legislative bills at the end of session. Whether in the minority or majority, partisans attempted to use these cycles as either a lever or a shield to influence the process.

As a result, even with hundreds of hours spent discussing imperial topics, important facets of relevant decisions often went unexplored and alternate solutions were left un-posed. Similarly, domestic political realities at times left senators who were passionately anti-imperial uncomfortably stranded, while others with equal fervor for expansion stood alone where their party companions feared to tread. This pattern can be observed both when the two sides were in near perfect division, and when one wielded a landslide majority over the other. The issues raised by the pursuit of empire may have been outside the norm, sometimes defying partisan boundaries, sometimes muting them. In the end, however, the forces exerted by politics determined the result.

Reviewing the preceding chapters with particular attention to concern about intra-governmental roles yields an entirely different understanding of the meaning of these debates. Through this second lens imperialism is merely the catalyst for the latest stage of a long running contest over roles between the legislative and executive branches. In this context, the debates on taking and keeping the Spanish colonies were less about imperialism than about determining who could decide what. With the Senate split on presidential prerogatives and unsure of the extent of its own power regarding foreign policy, inaction and deference to the administration's plan was the norm.

Early in the imperial period, President McKinley took advantage of this opening. He sought to share any potential blame with the Senate by sending a vaguely worded War Message, yet he maneuvered to preserve his options and resisted shared authority. Two years later he went further by establishing and reinforcing civil government in the Philippines by executive action during congressional recess. The president then spelled out his scheme in his annual message to Congress, and set his party's machinery to actualize his agenda. The Senate, for its part, struggled to articulate and advance a comparable foreign policy agenda of its own, either as opposition to that of the administration, or as an extension of it. In the end, the Senate usually found itself reacting to executive initiative and thus often a step behind.

For most of the period discussed here, the Republicans held both the White House and a majority in the Senate. After the sweeping Democratic victory in 1912, however, Senate Democrats were eager to implement their long-stifled goal of reversing the

decisions made pursuant to the war with Spain. By then, however, the executive branch, albeit in Democratic hands, was less a force to be reckoned with regarding imperial policy than it was an anchor to be hauled. President Wilson was distracted internationally by the First World War, domestically by challenges such as the bipartisan overturn of his veto on an immigration bill, and personally by his vision to ensure future world peace through multilateralism.

Democratic senators might have welcomed an engaged executive asserting his role in foreign policy, if only to help the Democratic agenda regarding the Philippines advance cleanly, and perhaps inspire a more liberal solution for Puerto Rico. By 1917, however, executive preference in colonial matters was no longer in question, and thus imperialism was no longer useful as a ground on which to challenge the balance of intra-governmental roles.

The third lens, which takes special note of how the details of policy could become separated from its larger meaning, returns the focus to the Senate and its processes. The Senate debates on empire were calculated to strip the issues thus raised of high ideals and moral weight, again producing another understanding of the actual meaning of the debates. The sweeping issues associated with a republic transforming itself into an empire are lost amidst arguments about calculations of cost versus value, or of advantage versus threat—whether military or otherwise. This was not accidental, but rather a necessary condition for legislative action.

Far from lofty discourse over right and wrong, this approach served to establish a pricing menu meant to inform the conversation in the Senate. It framed the argument in ways that avoided the central question at hand, in favor of a close focus on instrumental details that were nearly always selected to validate, or to challenge, established political positions or previous platform planks. In this manner, for instance, the original Organic Act for Porto Rico was changed from a measure consistent with eventual advancement to statehood. It instead became one that created an unprecedented permanent territory, all in order to rationalize a taxation scheme for the island that was added after the organic act was drafted. In this instance, as in others, the Senate allowed great decisions to hinge on peripheral issues.

It is also through this lens that political maneuvering and parliamentarianism employed by senators engaged in the debates can be seen as having ruled the day. After hours of speeches conducted at a higher level, more often than not decisions were sealed by influential senators adjusting their position to suit political fortunes, or by a convenient reinterpretation of arcane rules calculated to suit the moment. The former was clearly exhibited by Senator Foraker's conduct as a member of the committee of conference on the joint resolution for intervention in Cuba in 1898, and perhaps also a factor in Senator Sullivan's absence, a year later, during the crucial vote on the Treaty of Paris, which negated Senator Bacon's attempt to alter it.

The creative use of arcane rules was certainly on display during the debates over organic acts for Puerto Rico and the Philippines in early 1901, when the long-standing Senate prohibition on inserting general legislation into appropriation bills was obviated by vote in favor of the majority. It was evident again, 16 years later, when the modified organic act for Puerto Rico was repeatedly stalled by spurious interjections about prohibition and woman's suffrage. The lens of parliamentary maneuver and procedure affords a butcher's view of sausage making, an important yet sometime disturbing vantage.

The perennial contest between national interest and moral duty, conversely, serves to elevate the matter well above tawdry political considerations, intra-governmental squabbles, and parliamentarianism. In this context, senatorial professions of duty bring a sense of striving toward greatness, and a willingness to engage in a larger cause that would be set back by undue parochialism.

At the same time through this fourth lens it is apparent that, for the most part, the mood of the Senate was far from naïvely idealistic. Senators seemed resigned to the facts at hand as they saw them: if the manly and Christian way was to assume responsibility for the Spanish colonies, even if such an act would not serve America's best interests, then to have shirked would be a worse failing. Yet they always remained conscious of the costs, despite a weary awareness that greatness could not be reflected on a balance sheet. It is difficult to find any senator acting from pure altruism, yet such an understanding was apparent in the background throughout the debates on imperialism.

In 1898, this concept of moral duty formed the underpinning for the impetus to stop Spanish depredations in Cuba. In 1899, it was behind the diametrically opposed outcomes that were envisioned for different parts of Spain's erstwhile empire. Moral duty informed the determination to ensure a free Cuba because the Teller Amendment promised that result. It also informed the determination to hold Guam and the Philippines so as to ensure that one despotic European rule was not swapped for another. During the debates two years later, over the organic acts for Puerto Rico and the Philippines, this mindset supported the institution of republican governments that ensured civil rule of law. And in 1916 and 1917, it influenced liberalization of the Puerto Rican territorial government, while codifying the promise of eventual independence for the Philippines.

In each of these cases, strictly objective decisions based on pure national interests would likely have resulted in less costly and complex, but more oppressive, imperial structures. While what was best for the Puerto Ricans, Chamorro, Cubans, and Filipinos was never foremost in the Senate discussions on empire, neither was what was best for the American people. If it were, the resulting legislation would have simplified imperial rule, but would have also further undermined the public understanding of America as fundamentally different from Europe, whose example no one wished to emulate.

Also evident in this viewing is an awareness of how uncertain the future appeared from the new vantage point that empire afforded. Throughout the debates, senators remarked that despite their best efforts to establish representative governments in Spain's former colonies, once those territories achieved independence their inhabitants would be free to undo those prescriptions. There was an accompanying understanding that it would have been pointless to attempt to force the people of a territory to absorb the lessons the United States had learned through 125 years of self-governance. The new countries would simply have to shift for themselves and be allowed the latitude to make mistakes, just as America had done. That this sentiment was not later observed in practice is a large part of why the overbearing nature of American actions in this period, and after, set in motion a century of disgruntlement in Latin America and decades of resistance in Asia.

The fifth, and final, lens is perhaps most useful in that, in considering the relationship of ends and means, intention and outcome, it also emphasizes the tension between similarity and difference. Regarding the American experiment with imperialism, the objectives advanced by senators differed more with respect to method than desired outcomes. Using this lens, the familiar dividing line between supporters of the American imperial endeavors and their anti-imperialism opponents moves to the background, and a picture emerges in which a substantive consensus is repeatedly split by decisions about implementation.

Illustrative examples abound throughout the period. In April 1898, nearly all the senators were in favor of war with Spain but differed on how much latitude to grant the executive and details regarding whether or not to recognize Cuban independence first. Similarly, during the debates over the ratification of the Treaty of Paris nearly all of the senators had already accepted some responsibility to “do the right thing” by the former Spanish colonies, sharing a sense of *noblesse oblige* to mitigate the disturbances on the islands caused by the Spanish-American War. Again, this was not an altruistic impulse, and the motivations to act were as varied as the senators themselves, but this shared sense of responsibility was an undercurrent throughout. Furthermore, nearly all were in favor of the United States acting differently than European empires would in similar circumstances, and all strove to find a way to work within the existing parameters of the Constitution, though varying greatly in how they interpreted those parameters.

Later, as organic acts were drafted for the territories, senators agreed that the temporary nature of military occupation was untenable and they worked to institute civil rule in one form or another. Although they contested the details, the senators understood that stability in the territories benefitted Americans and native populations alike. A decade and a half further on, senators of all stripes acknowledged it was time to let loose of the Philippines, but disagreed on details such as whether to guarantee independence unilaterally or through multilateral agreements, and on the most appropriate sequence of events.

By the end, however, a short 20-year run managing an empire had produced a Senate weary of the experiment, distracted by domestic issues, and increasingly occupied

by concerns of the Great War. During the 1917 debates over the permanent status of Puerto Rico, the impetus that forced resolution of the final imperial issue came solely from the senator sponsoring the bill, who was eager to expedite settlement of the Puerto Rican case in order to move on to consideration of a water-power bill vital to his state.

As a result of waning interest in things imperial, even the anti-imperialist bloc of Democratic Party, then in ascendancy, was unwilling to undertake the hard work of undoing what had already been done, however much it may have disapproved of the endeavor at the time. There was no stomach for reopening negotiations on the concept of American imperialism and considering steps to free Puerto Rico and Guam. Idealism had its limits. Instead, the 56th Congress Senate settled for a resolution regarding the Philippines that included no definite timeline, solidified the status quo elsewhere, and then turned to greater issues. After 20 years of bitterly contesting the idea of America as an imperial power, Senate Democrats, finally enjoying a majority, instead aimed low, and thereby left a structure in place that endures to this day.

B. A COMPOSITIONAL VIEW OF AMERICAN IMPERIALISM

The images viewed through the five lenses combine to depict a body of legislators who, while debating empire between 1898 and 1917, sought to balance their conception of what was right against what was expedient and kept both sides of the scale in sight throughout. Even when their words advertised full commitment to their chosen position, their actions revealed an understanding of the power of reserved options, and the wisdom of abandoning a lost cause to fight another day.

Then as now, senators were expert politicians and parliamentarians, who sought loopholes and exploited advantages. They leveraged these opportunities in order to subvert the express will of the majority of their peers or to create a fractured opposition unable to coalesce around the issue at hand. During the early portion of the period, they used the splintered nature of the major parties and multiple minor parties to divide issues into component parts and force consideration piecemeal. At the end of the period, this piecemeal approach is displaced by a growing tendency to use imperial matters as a sounding board to trumpet domestic and international issues of greater import.

Throughout, senators on both sides of the question of empire alternated between strict interpretation of the Senate rules, in order to deny an opening to the opposition, and liberal interpretation (or willful misinterpretation) of the same rules in order to advance their own agenda.

Amidst the skullduggery, however, a surprising number of senators extolled a higher purpose and a moral compass that was ever present during the debates. It was at this level that something like consensus often reigned, without foreclosing the possibilities for fierce disagreement on matter of detail and implementation. The senators were well aware that the American national narrative was challenged by the nation's foray into imperialism, and this awareness fueled both the strongest denunciations and the most heartfelt justifications for the actions contemplated.

Also revealed is a legislature that considered the domestic implications of every decision on imperialism. From the initial consideration of President McKinley's War Message through the debates over the final disposition of Puerto Rico, the issue of imperialism was never isolated. Central to every discussion, and often pivotal in its resolution, was the repercussions a pending decision would have on such subjects as army reorganization, revenue generation, and constitutional limitations. Thus the Senate continually brought the stakes of the imperial debate home by displaying the potential impacts on the metropole of the issues that it raised.

Another display of variation was the way the Senate eventually developed individual solutions to suit the four Spanish colonies. Neither a monolithic process nor a uniform result was sought. Differentiation of the territories grew from the Treaty of Paris negotiations on. First Cuba was culled from the rest for special treatment, then the Philippines, and finally Puerto Rico.

In the end, senators crafted unique sets of freedoms and restrictions for each of the former colonies, and over time determined a unique final status for each. These disparate results were partly the product of the characteristics of the islands themselves, and of the changed environment as the period wore on. They were also, however, the result of senators acting with intent and agency, for reason often remote from the issues

directly at hand. They knew that this experiment was unprecedented, fraught with peril, and morally questionable, yet they pressed on.

American imperialism lacked a grand design but was no accident. It arose from a string of conscious, deliberate choices, each considered on the merits of the moment. The senators who took part in these debates displayed awareness of the stakes at hand and exhibited agency throughout, even when in the minority. Some acted to expand the power of the Senate, others to further their own political careers, to assist their party in gaining or maintaining power, or to advance American diplomatic or strategic advantages; but they engaged willingly and energetically. The United States Senate, like the nation it represented, first encountered empire as a choice, and so it remains.

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