

LIBERTY AND AMERICAN ANTI-IMPERIALISM

1898–1909



MICHAEL PATRICK CULLINANE



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For Claire

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INTRODUCTION

In the Democratic Party's 1900 election platform, anti-imperialism was named as the "paramount issue of the campaign."¹ Upon securing the nomination of the Party, William Jennings Bryan—already a vociferous anti-imperialist by 1900—delivered a lengthy denunciation of American foreign policy. Bryan was among the ringleaders of the American anti-imperialist movement, which opposed the expansion of U.S. power and sovereignty overseas. The movement began during the War of 1898 as a result of then rumored plans to acquire the Philippines, Guam, and Puerto Rico. Those rumors proved well founded. The Philippines was purchased for \$20 million, while Guam and Puerto Rico were acquired as a war indemnity. As part of his campaign, Bryan expressed flaws in the logic of imperialism through oratorical syllogisms invoking apocalyptic imagery of national ruin to outline the consequences of imperialism:

The young man upon reaching his majority can do what he pleases. He can disregard the teachings of his parents; he can trample upon all that he has been taught to consider sacred; he can disobey the laws of the state, the laws of society and the laws of God. He can stamp failure upon his life and make his very existence a curse to his fellow men and he can bring his father and mother in sorrow to the grave; but he cannot annul the sentence, "The wages of sin is death." And so with the nation. It is of age and it can do what it pleases; it can spurn the traditions of the past; it can repudiate the principles upon which the nation rests; it can employ force instead of reason; it can substitute might for right; it can conquer weaker people; it can exploit their lands, appropriate their property and kill their people; but it cannot repeal the moral law or escape the punishment decreed for the violation of human rights.²

The American Republic, Bryan and the anti-imperialists argued, was timeless. But all empires collapse, and acquiring one was the beginning of the end for the United States as they understood it.

Bryan's opponents dismissed anti-imperialism as scaremongering. Imperialists believed overseas expansion would extend American prosperity and righteousness. Vice presidential candidate Theodore Roosevelt told Americans, "We are now rapidly establishing a stable government, and wherever we have succeeded in establishing that government, we have already given to the natives such justice and liberty as neither they nor their forefathers have ever known throughout the ages."³ During his reelection campaign, President William McKinley hardly even addressed imperialism. Much more important to him was the remarkable economic growth during his tenure. Republicans discounted the worries of anti-imperialists and focused on domestic policy.

The image that decorates the cover of this book is an excellent example of the divide on foreign policy in 1900. Three days after Bryan accepted the nomination of the Democratic Party, *Judge* magazine published this image of Bryan as a court jester.⁴ The insinuation is obvious. The court jester is a fool, someone who should not be taken seriously. Such illustrations of Bryan were not uncommon. Magazines like *Judge*, *Puck*, and *Harper's Weekly*—all Republican-friendly—published images on their front pages and in centerfolds that parodied Bryan and the policy of anti-imperialism. One pictured Bryan pushing a "bugaboo," or a bogeyman, labeled imperialism. Another drew Bryan as a vote beggar feigning support for anti-imperialism, illustrated as a feeble campaign issue.⁵ The images had the desired effect. Even before Bryan lost the election, the issue of anti-imperialism was declared dead by the press.⁶ But the allegation was premature. The anti-imperialist movement opposed various American foreign policies for almost twenty years after 1900. The movement's activists persisted in making American imperialism an issue long after McKinley's reelection.

Yet the image of the anti-imperialists as a grand failure in 1900 persists in most historical accounts of the era. Scholarship has focused almost exclusively on the movement's activities in 1898, 1899, and 1900 despite the movement's popularity, longevity, and enduring activism. Consequently, historians have drawn similar conclusions about the movement: it was never a serious challenge to American foreign policy. Such a conclusion is, at least partly, a product of the narrow scope in which the movement has been evaluated in the past. Previous historical accounts emphasize the political activities and domestic concerns of anti-imperialists. Fred Harvey Harrington was among the first historians to examine the anti-imperialist movement, and his work in the 1930s has long since formed the bedrock of thinking about

anti-imperialists as political activists. Harrington called the movement one “based almost exclusively on grounds of abstract political principle. The anti-imperialists did not oppose colonial expansion for commercial, religious, constitutional, or humanitarian reasons.”⁷ Harrington’s argument has been only marginally revised after nearly eighty years. Even scholars who have stressed the role of economic ideology and international trade on U.S. foreign policy have not depicted the anti-imperialists as opponents of “informal” empire. For example, New Left historians have considered the movement neocolonial, seeking economic dominance if not territorial aggrandizement.⁸

It is a truism to say the anti-imperialists failed to stop territorial expansion. Following the victories over the Spanish in Manila harbor and in the hills and jungle of Cuba, the United States extended its jurisdiction to the Philippines, Puerto Rico, and Guam. Cuba was given independence, but American dominance persisted through indirect controls over political and economic systems. History has judged the anti-imperialist movement in these terms. Because the movement was not capable of stopping the acquisition of territory from 1898 to 1900, it was a failure. In that sense, anti-imperialism was defeated, but viewing the movement through these objectives detracts from the long duration and diversity of activism. By extending the view of the movement beyond 1900 and by examining anti-imperial dissent in ways other than domestic or political protest, it is possible to understand alternative motives and objectives of the movement.⁹ In doing so, it is possible to identify some of the movement’s successes.

The first Anti-Imperialist League opened in 1898 and Republicans, Democrats, mugwumps, and Socialists joined the League’s ranks. Scores of sitting senators and congressmen as well as two retired U.S. presidents (Benjamin Harrison and Grover Cleveland) lent their support. But political interests were hardly the sole motivation of members. Labor leaders like George McNeill and Samuel Gompers protested alongside industrialists like Andrew Carnegie. Clergy from several religions, social activists, newspaper editors, and celebrity writers like Mark Twain, William Dean Howells, and Ernest Howard Crosby all attacked imperialism.

The movement has been regularly described as “primarily and overwhelmingly concerned with their own country,” and not one conceived in a global context.¹⁰ The movement, however, stretched beyond the nation’s borders.¹¹ In his acceptance of the Democratic nomination, Bryan noted that Filipinos would actively oppose American empire in part because the tradition of American anti-imperialism “has been an encouragement not only to the Filipinos, but to all who

are denied a voice in their own government.” Bryan urged resistance to European imperialism in India, South Africa, and Indonesia. He dubbed these movements as identical to the American anti-imperial cause. “Sympathy for the Boers does not arise from any unfriendliness towards England,” Bryan contended, but rather stems from the desire to maintain the “prestige and influence which [the United States] has enjoyed among the nations as an exponent of popular government.”¹² Even the image of Bryan on the cover of this book reinforces the expression of anti-imperialism as a global movement. In it, Bryan is holding hands with a Filipino revolutionary and a Chinese Boxer.

The purpose of this book is two-fold. First, it is a reevaluation of the anti-imperialist movement, its operations, its members, and its impact during the most active decade of its opposition to American foreign policy (1898–1909). To accomplish this, the book investigates anti-imperialists as agents of legal, humanitarian, and transnational activism. Anti-imperial dissent was deeply engaged in a constitutional struggle and interpretation of the nation’s laws as a means of opposing overseas acquisition and colonial government. From the outset of organizing, anti-imperialists challenged expansion on the grounds it was antithetical to a variety of constitutional articles, including the preamble. In subsequent years the movement fought to preserve constitutional tenets such as citizenship, interstate commerce, and taxation. Likewise, anti-imperialists were humanitarian activists and relied on notions of human rights in several campaigns. Anti-imperialist propaganda took up the cause of human rights as early as 1899 and was regularly invoked until 1920 when the Leagues officially dissolved. Furthermore, this book presents the majority of anti-imperialists as deeply aware of and engaged in transnational opposition to imperial ventures outside those conducted by the United States. At various stages of the movement, anti-imperialists built transnational associations and partnerships to oppose imperialism, in all its forms, around the world.

The second purpose of the book is to determine with a greater degree of accuracy whether the anti-imperialists were truly a failure. In reconsidering the movement in terms of constitutional, humanitarian, and transnational activism, a logical follow-up question is whether their objectives were successful. Whereas most historical accounts depict the anti-imperialists as perennial losers, this book will argue the movement had some noteworthy successes in these modes of operation.

It has been over thirty years since a historical monograph has been dedicated to the examination of the anti-imperialist movement and

not since the 1920s has there been a monograph that examined anti-imperialism over such a long span of activism. The last time the anti-imperialists piqued the interest of historians was during the Vietnam War. During that period several monographs and a substantial range of academic articles were published about the movement.¹³ In the late 1960s and early 1970s, some writers even found parallels between American intervention during the 1890s and the Cold War.¹⁴ This book is careful not to bring these parallels into the historical narrative, but the resemblance between American empire then and now is unmistakable. At the time of this book's publication, the United States is engaged in multiple overseas conflicts, including those in Iraq and Afghanistan and, more generally, the Global War on Terror. In terms of law, American imperialism is today being challenged in much the same way as it was in the early twentieth century. Even the atrocities of war look remarkably similar. The water cure used by American soldiers in the Philippines does not seem so different from the waterboarding practiced by American soldiers in more recent conflicts. Transnational networks of activists against American empire operate today in ways reminiscent of anti-imperial networks over one hundred years ago, and perhaps most significantly, the concept of empire has become a term of important contestation, as was the case during the Vietnam War and the early twentieth century. While this book has not consciously drawn any comparative links between the past and the present, it is at least partly inspired by these contexts of American foreign relations and the notion of empire.

Defining American empire warrants a substantial and sustained examination, but it is not the primary focus here. Throughout this study, the term *empire* is used to denote the extension of American power for the purpose of extending American ideas, values, and interests.¹⁵ This is a broad definition that acknowledges power and dominance at the root of empire and not exclusively the expansion of a political state or its territorial borders. *Imperialism* is defined here as a vision for empire, and *imperialists* are those who entertain such a vision. Anti-imperialism is the rejection of an imperial vision. Though brief, these definitions rely on scholarly considerations of the terminology and are broadly conceived within this scholarship.¹⁶ More important, these definitions emphasize how anti-imperialists considered empire. For them, empire was a matter of power and not strictly in the political or jurisdictional sense. Empire, they believed, was the extinguishing of human liberty. Indeed, despite the incredible differences among members of the movement, all anti-imperialist activists in this period held this to be a universal conviction. It bound them as

a group. The movement was a hodgepodge of odd bedfellows, including Democrats, Republicans, Socialists, industrialists, economists, labor leaders, clergy, newspaper editors, literary giants, social reformers, and agriculturalists. On most issues these activists could not agree. In fact, their reasons for supporting the anti-imperialist cause differed wildly. However, they could all affirm one thing: empire was antithetical to American liberty. To this they were steadfastly dedicated. Liberty—or freedom (the two will be used interchangeable here)—was the enduring ideological bond of the movement.

This tidy conception of the anti-imperialist movement inevitably requires a definition of “liberty.” This is perhaps a more daunting task than delineating the meaning of empire. Liberty is a word that abounds in American political and social culture. It has prominence in the sacred text of the Declaration of Independence; it is minted on every coin and has been integrated into the identity of American sports teams, airports, architecture, statutes, stamps, and other symbols. A most general definition of liberty is the ability to act, but its omnipresence in American culture means that liberty belongs to everyone, bestowing an ability to act to all and thus making orderly society unlikely. Political scientist Charles Fried has said that liberty “is its own competitor,” a useful connotation that suggests the eventuality of one person’s application of the idea depriving another of their perception of the very same notion.¹⁷ Restricting liberty for the sake of protecting one human from another is where the ideal of liberty meets reality and where its value for historical research is greatest. The significance of liberty, according to Anne-Marie Slaughter, comes from what it “must mean in practice”: that it is neither static nor singularly defined, but a product of “a particular time in a society’s history . . . its practical contours are continually defined and redefined.”¹⁸ Hence the notion of liberty may contain a multiplicity of meanings while maintaining a singular linguistic idea. Its flexibility of meaning and universal comprehension in language is what gives liberty its special place in American culture and explains why it is regularly invoked. American activists can use the idea of liberty in almost any way conceivable for practically any cause, and the more it is used, the more engrained in American culture it becomes. But the underlying meaning of liberty as it would be applied in practice is not universal, and this is where debate and conflict exist even if the rhetoric remains the same.

In evaluating the anti-imperialists, this book uses liberty in both ways. It uses it as a linguistic ideal and to signify proposed actions. It uses the ideal of liberty to explain how activists operated in a coherent

fashion or how liberty provided a linguistic continuity to the meaning of anti-imperialism. That all members of the movement used the word in some fashion as the antithesis of empire helped to maintain the movement as a unified force. The evidence for this comes from their propaganda, which was laden with the word; evidence comes from protest meetings themed around the notion and private correspondence among members who show personal convictions that relied on the ideal. Overseas, anti-imperialists engaged with liberty and freedom in similar terms, connecting the American movement to foreign movements through the trope. As a linguistic signifier, liberty can explain how ideologies were articulated. Likewise this approach can explain how economic forecasts, interpretations of domestic and international law, human rights advocacy, and racial prejudices were projected. The book delves into the arguments made by advocates of free trade who used the idea of liberty as regularly as protectionists—though on behalf of nearly opposite commercial policies. It uncovers how politicians used liberty in campaigns for a variety of ideological pitches. It looks at the racially tolerant and intolerant who used liberty to push for civilizing so-called inferior races and excluding them from American society and citizenship. Dueling jurists are a part of the story, as they wrote legal dictums with liberty in concurring and dissenting opinions. Liberty is used to illustrate contradictory ideologies in the prospect of uncovering new depths of understanding.¹⁹

From such a linguistic evaluation the themes of unity and discord become more evident. It is possible to see how the anti-imperialists operated collectively and where they disagreed. The examination of the meaning behind their words also sheds light on the movement's diversity, which has been blamed for its seeming failure. Fred Harvey Harrington described anti-imperialists as a malfunctioning group of unlikely dissenters. That was in the 1930s.²⁰ Considerable literature has developed around the demographics of the movement, including examinations of anti-imperialists of different parties, different sexes, different ages, and different geographical regions.²¹ There is some debate about the demographic composure of the movement, but the consensus is that diversity was responsible for its failure—that anti-imperialists could not find a sense of harmony and as a result were ineffectual. Undoubtedly, the movement was diverse, and this certainly led to internal splits. But whether this made the movement ineffectual is questionable. This book outlines how in 1901, 1904, and 1908 the movement bifurcated, splintering the original membership into a variety of new institutions and often loosely formed associations. These schisms consolidated like-minded members, making the

broader anti-imperial cause diffuse, but hardly defunct. Instead, various anti-imperial factions became more concentrated and better equipped to lobby on behalf of their particular notion of liberty. Rather than blame diversity for the failures of the movement, it can provide insight into some of its successes.

It is these questions of success and impact, the activities anti-imperialists engaged in, and membership diversity with which this book grapples. The book begins by explaining briefly a history of anti-imperial opposition movements prior to 1898 as a means of situating the movement in a broader context of American dissent. It picks up the story of late nineteenth century anti-imperialism in the summer of 1898, after the annexation of Hawaii. The larger work of this book examines resistance to imperialism in 1898 in the lead up to the ratification of the Treaty of Paris in the Senate. This was the first battleground in the “great debate” and marked the end of the war with Spain as well as the outset of war with Filipinos and the expansion of American borders. Unlike previous historical accounts, which assess the movement as political in nature, this book contends the Treaty of Paris debate is illustrative of the legal approach anti-imperialists took. The acquisition of sovereignty and jurisdiction of new territories is the key frame of analysis of early anti-imperialist activism. Scholars of American foreign relations have recently given greater attention to law and jurisdiction as a factor in policy making and this book aims to build on this by addressing constitutional opposition to the Treaty of Paris. Though anti-imperialists failed to stop the ratification or establish a sufficient legal precedent, their use of law as a viable means of opposition became the standard approach for successive years of activism. In 1900 anti-imperialists opposed the reelection of President McKinley—not only on the grounds of policy or party but also because imperialism created new legal complications for American citizenship. Residents of new American territories were not citizens, which had potentially negative implications for residents of continental American territories. Incongruity of the law and of citizenship throughout the United States threatened the rights of all Americans. After McKinley’s reelection the opposition took their case to the Supreme Court. The *Insular Cases* of 1901 (and after) took up the matter of relations between and among the new territories and existing U.S. states, which included a substantial assessment of the legal identity of the nation. Anti-imperialists debated the definition of “United States” and the spaces that can be attributed to its sovereignty. The verdict of the cases was not complimentary to the anti-imperialist position but what

became clear during the early years of the movement is that questions of constitutional law were the central weapon in its arsenal.²²

Just like Bryan's campaign for president, the anti-imperialists lost their legal challenges from 1898 to 1901. As a result the movement resigned from approaching activism in the same way. Anti-imperialist correspondence in 1901 indicates that members felt compelled to organize a social movement that could reach out to the public in a different manner. "We cannot do anything by appealing to the authorities," one anti-imperialist wrote to another, "unless we can get public opinion behind us."²³ This analysis of the movement as a social one is something anti-imperialism scholar Jim Zwick encouraged historians to take up.²⁴ His premature death in 2008 left this aspect of the movement's existence, until now, uncharted. The primary context for the social movement was the Philippine-American War and the stories of atrocities committed by American soldiers. The key argument here is that anti-imperialism as a social movement found much more success. The movement influenced the Roosevelt administration more constructively, reached out to the public more effectively, and disseminated its message to new activists. Yet at the point of its greatest success, the movement was fracturing. President Roosevelt's occasional hints at an eventual grant of independence to the Filipinos satisfied many activists that imperialism had run its course. Others demanded immediate independence. By 1904 this division led to the split of the national movement, which this study takes up as a key event in its history.

Integrated into the instances of legal and social activism is an explanation of how the American anti-imperialists operated in transnational networks. There are several instances that could display how the movement applied itself to overseas causes, largely because late nineteenth-century colonialism was endemic. Anti-imperialists were active in opposing European imperialism around the globe. Rather than take up the myriad episodes of transnational activism, this book examines two transatlantic contexts that illustrate this well: the Boer War (1899–1902) and the atrocities conducted by Belgian King Leopold II in the Congo (1890s–1908). Opposition to British rule in South Africa and Leopold's rule in the Congo were as much a part of the anti-imperialist movement as the legal and social activism directed toward American expansion. Another network developed alongside American imperialism, across the Pacific, is examined here. American anti-imperialists worked with Filipino anti-imperial activists to oppose American foreign policy. Relationships with Filipinos began from the very outset of the anti-imperialist movement in 1898. Throughout

the anti-imperialist movement Filipinos were an important component of the legal and social opposition and so these relationships get substantial coverage here.

This book is not as much a revision of previous historical accounts of the anti-imperialist movement as it is an addition. It includes newly recognized modes of operation while reconsidering the successes of the movement. The thesis here does not go as far to revise entirely the notion that anti-imperialism was a failure. This study will show that it does fail in many regards. However, it illustrates the anti-imperialists' success in other ways and not only for their perseverance. Returning to the image of William Jennings Bryan as the court jester is a good place to embark on this investigation. The symbol of the jester has often been used as one of foreshadowing in literature. Shakespeare used the fool in his plays for just this purpose. Perhaps the best example of this is his use of such a character in *Twelfth Night*. Feste, a jester, is not taken seriously by any of the characters and yet plays a mischievous role ultimately manipulating the direction of the plot. Shakespeare's jester is one of great power and influence, though he seems weak, silly, nonsensical, and insignificant. In *Twelfth Night* and other plays the jester is a symbol of unsuspecting sway. The depiction of anti-imperialists in this way is apt. The anti-imperialist movement occurred—not coincidentally—at the same time as the United States lost its appetite to acquire new colonial territories. Bryan and other anti-imperialists were incredibly influential in stemming America's appetite for empire, even if it came at the expense of their popularity. As Michael H. Hunt has contended, though anti-imperialists were “powerless to arrest trends adverse to liberty . . . they nonetheless served their countrymen well by emphasizing the steady drift from professed values.” By fighting against imperialism, the movement “extracted a revenge of sorts. They left lingering the subversive question of whether the central proposition of U.S. foreign policy was really a humbug.”²⁵ This study will determine whether, like the court jester, anti-imperialists got the last laugh.

CHAPTER 1



THE ORIGINS OF A MOVEMENT

The anti-imperialist movement that began in 1898 did not spontaneously materialize as a consequence of the War of 1898. There was a long-standing tradition in the United States that opposed imperialism. This should not be surprising as there is an equally long-standing tradition of expansion and aggrandizement. As the United States grew from 13 colonies to an overseas empire, there were passionate dissenters who can be called anti-imperialists because they opposed the expansion of American power. These movements established a tradition of opposition that informed and inspired the 1898 anti-imperialist movement. This is not to say there are always direct connections between generations of anti-imperialists. As Robert Buzzanco argues, “it would be difficult to observe a consistent anti-imperial ideology” in the nineteenth century.¹ The character, motivations, and contexts that shaped opposition to American expansion varied, and anti-imperialists often found themselves at odds with each other. Dissent was, at times, a product of political fears; in other cases, anti-imperialists felt threatened by the inclusion of seemingly dissimilar races; and at other times, opposition was an extension of economic considerations. Though their reasons for opposing imperialism differed considerably, anti-imperialist activists did share at least one common cause over the years: the protection of American liberty. This chapter will explain how the rhetoric of anti-imperialist opposition has consistently been laden with references to liberty as the antithesis of empire. Collectively, all anti-imperialists condemned U.S. foreign policies in such terms, and this linguistic link deserves a deeper explanation in an attempt to observe the ideological connections that might be lurking in this shared language.

Eric Foner has called liberty the idea most “fundamental to Americans’ sense of themselves as individuals and as a nation.” However, as Foner points out, the word “embodies not a single idea,” but rather “has been defined and redefined with reference to its putative opposite.”² What makes liberty an even more intriguing word is that imperialists were using the very same term to advocate an entirely alternative policy. Liberty and empire in the discourse of imperialists were symbiotic, each served to further the end of the other. The “putative opposite” that Foner cites is the restraint of liberty for imperialists. To deny the blessings of liberty to those longing for it was antithetical to the basic beliefs of the imperialists. To assess these contradicting tropes in U.S. foreign relations, one need only look to the history of American expansion.

The Louisiana Purchase—the single largest acquisition in U.S. history—nearly doubled the nation’s size. Thomas Jefferson acquired Louisiana from Napoleon’s France and it was, on the whole, a popular expansion of American power. But there also was considerable dissent. Jefferson pondered the process of acquisition and considered a constitutional amendment to achieve it, but the rumors of a French change of heart pressured Jefferson to proceed to acquire the land regardless of his legal concerns. The Louisiana Purchase became an American territory by treaty. Opposition to the deal came from northern Federalists who realized westward expansion would dilute their political power by adding new states. New England—the base of Federalist support—would be beholden to the new states cut from the Louisiana Territory. These states were likely to be aligned to the socioeconomic circumstances of the South, making expansion a threat to New England’s political influence. Federalists veiled their political fears by arguing the territory was an expensive gamble on uninhabited waste spaces. More procedurally they argued that the acquisition of territory was not an enumerated power of the constitution, making the Purchase unconstitutional. States, the Federalists argued, and not treaties are responsible for admitting new territory. Their political fears, suspicion of economic benefits, and constitutional anxieties were packaged as a concern for the safety of American liberty. Fisher Ames, a Federalist from Massachusetts, called the Purchase “licentiousness,” an act that he believed would “prove, as it ever proved, fatal to liberty.” For Federalists, the preservation of liberty required a strong central government backed by a firm commitment to constitutional law. Allowing Jefferson to circumvent the legal covenant through a back-door method of acquisition had the potential to circumvent the Constitution in future cases. Some New England Federalists

threatened secession. The threat did not accumulate any significant support, however. The danger of disunion did not, as Rufus King a leading Massachusetts Federalist suspected, “fix the attention of the real friends of liberty” to the anti-imperialist cause. The Federalist failure was to some extent diffused by Jefferson’s rhetoric, which relied equally on liberty and empire in advocating the Louisiana acquisition. His imperial vision was of a republican empire that expanded the sphere of liberty. In correspondence before and after the Louisiana Purchase, Jefferson insisted that the United States was an “empire of liberty.” In his mind, and those of his supporters, liberty and empire did not symbolize an ideological paradox. Rather, Jefferson and the imperialists viewed it as an opportunity to extend the sphere of liberty to those who fell under the sway of American power.³

These tropes of imperial and anti-imperial rhetoric became mainstays of the expansionist debate. Peter Onuf convincingly argues that Jefferson’s articulation of an empire “of” or “for” liberty was among the first conceptions of the American nation and one that “left an enduring legacy in the language of American nationhood.” The Louisiana Purchase had broad support, as did the idea of a benevolent American empire, even if the legal underpinnings of this were being tested. What can also be said is that Federalist dissenters, though defeated in the court of public opinion, similarly inspired later opposition by initiating a constitutional framework for resistance to expansion. Interpreting the law in cases of acquisition and government of new territory would persist as one of the most relied on means of anti-imperial activism throughout the nineteenth century, as would the packaging of interests and concerns into a campaign to protect the cherished ideal of American liberty.⁴

The imperial appetite for territorial expansion hastened after Louisiana. No sooner had the United States officially acquired the vast new territory, Jefferson sought to acquire Florida from Spain. He used diplomacy to press Spain into abandoning the territory, making consciously questionable legal claims to U.S. ownership of the peninsula, and even threatening military action by increasing troops at the border. Though unable to convince the Spanish to hand over Florida during his tenure, Jefferson’s strategy was adopted and expanded on by his successor James Madison. In 1810, Madison ordered the occupation of West Florida, going further than Jefferson in staking a claim to the territory. He consolidated U.S. authority in the northwest by attacking Native Americans who resisted American sovereignty (best exemplified in the Battle of Tippecanoe) and escalated a trading war with the British into a military conflict—the Anglo-American War

of 1812—in an attempt to expel their influence from the continent. Among the objectives of the war was the conquest of Canada and the remaining territory of Florida. The War of 1812 was a stalemate settled diplomatically after more than two years of fighting. The outcome was most devastating for Native Americans. In the Northwest and Louisiana territories, American armies overwhelmed Native Americans and successfully imposed U.S. control in their lands.⁵ Before the war ended, Americans opposed to empire had mustered a substantial movement against the war and its motives. Again led by Federalists, the opponents of empire proposed a series of amendments to the Constitution that would limit the power of the president and curtail the ability of Congress to acquire new territory. These legal reforms were developed during a string of meetings in the winter of 1814–15, which became known as the Hartford Convention. Like their anti-imperial predecessors who challenged the Louisiana Purchase, the Convention used the idea of liberty to claim that the very “foundation of liberty and independence” was at stake. Surrounding the meetings of the Convention was speculation and gossip that at the heart of the reforms was a plan for the secession of New England states. The rumors of secession, along with two major American victories and the signing of the Treaty of Ghent ending the War of 1812 effectively stalled the momentum of the Convention. Its vision of a greater constitutional check on expansion was also quashed. After the war the Convention delegates were seen as unpatriotic and the Federalist Party all but disappeared. In fact, the war helped imperialists to realize more than just their political objectives. The notion of an “empire of liberty” was reinforced with newly secured boundaries in the west and the incipient notion of “manifest destiny” developing into a national creed. That the United States would be dominant on the entire continent would become the resounding consensus.⁶

In 1819, the United States finally acquired Florida from Spain, which had succumbed to the incessant pressure of military incursions. Secretary of State John Quincy Adams also convinced the Spanish to drop their claim to the Oregon Territory, giving the United States an opportunity to expand all the way to the Pacific Ocean. In the South, American settlers flocked to the Mexican territory of Texas and by 1835 outnumbered Mexicans. The demographical imbalance instigated a successful revolution and the new Texas Republic sought annexation to the United States. There were renewed questions over the constitutionality of acquiring territory, this time whether an independent nation—rather than a colonial territory—could be annexed. The legal issues were at least partly responsible for the delayed annexation of

Texas, which became a state in 1844. In addition to opposing expansion, anti-imperialists worried that slavery would extend to the western territories. To alleviate this, the annexation of the slave-holding state of Texas was coupled with the acquisition of the Oregon Territory as a free-soil territory. This balanced the sectional unease.⁷

Though these acquisitions certainly stirred debate between imperialists and anti-imperialists, the dispute reached an apogee during the presidency of James K. Polk. His fierce advocacy for expansion won him the 1844 election and that campaign is often credited with swaying political and public opinion toward approving the annexation of Texas and the Oregon Territory. Polk is also responsible for acquiring over one-half of Mexico's territory by conquest, after failing to acquire it by intimidation or purchase. The Mexican-American War was stoked by border fighting along the Rio Grande River. Polk made the case that American soldiers had been indiscriminately attacked, even though the U.S. Army had belligerently established a fort in the disputed territory. The president's actions were criticized by anti-imperialists as tempting war and igniting sectional consternation over the expansion of slavery. The fear that slavery would extend to any acquired Mexican territory frightened Whig politicians, who drew their support from mainly northern constituencies in free-soil states. Like previous generations, Whig opposition to the war was steeped in language that esteemed liberty. Virulent opponent of the war and abolitionist William Lloyd Garrison even cheered for a Mexican victory. "Every lover of freedom and humanity throughout the world," Garrison said, "must wish them the most triumphant success." Less radical opponents to the war, like Henry Clay, said that the conflict would "prostrate the public liberty." Imperialists made their case on the grounds of patriotic adherence to the history of America's manifest destiny, and like his political idol Andrew Jackson, President Polk imagined the American empire as a descendant of Rome and responsible for an "expanding area of freedom."⁸ Fearful of the same fate as the Federalists, many Whig politicians were reluctant to oppose the war.

After nearly two years of fighting (1846–48), the United States emerged victorious and hastily signed the Treaty of Guadalupe-Hidalgo that stripped Mexico of what is today California, Arizona, Nevada, Utah, and parts of New Mexico, Colorado, and Wyoming. The Whigs who opposed the war also opposed the Treaty—some fearing the expansion of slavery, others in protest of a war of conquest, and others still on constitutional grounds. Such opposition did not deter imperialists like Polk. Following the war, his administration

considered aiding Mexican rebels in the Yucatan peninsula who sought American annexation and he offered Spain \$100 million for ownership of Cuba. Spain refused to sell Cuba, and the Mexican revolution in Yucatan failed. Despite these failures, Polk's appetite for expansion resulted in a sizable increase of American power. But it was not without consequences. Annexation threatened the unity of the country, and particularly the question of slavery's extension stoked the political sectionalism that was quelled briefly by the Compromise of 1850 and permanently by the Civil War.⁹

In the midst of the national discord sown by the slavery issue, the desire to expand American power remained remarkably resolute, as did objections. In 1853, a further thirty thousand square miles of Mexican territory was acquired through purchase. The so-called Gadsden Purchase met stiff opposition before being ratified with reductions in the purchase price and expanse of territory acquired. In 1856, the Guano Islands Act permitted the acquisition of small Pacific islands for guano mining. The legislation led to more than one hundred islands becoming U.S. possessions, and disputes with Spain, Colombia, Haiti, and local inhabitants ensued. In 1866, Andrew Johnson's administration attempted to annex the Danish West Indies. Johnson's lack of political capital allowed his opponents—not necessarily anti-imperialists although some were—to quash his hopes for annexation. Yet even in this atmosphere of political deadlock, Russia sold Alaska to the United States for \$7.2 million one year later. Proponents of the purchase saw it as an opportunity to rid North America of another European influence and make the case for American dominance of the continent. Opponents called it a “folly,” believing it to be empty tundra of no value. Two years later, in 1869, the Grant administration attempted to acquire Santo Domingo. But like the Danish West Indies, the annexation treaty was shelved in the Senate by political opponents. In 1893, American expatriates, with the help of American diplomats, overthrew the Hawaiian monarchy, installed an American-style government and requested annexation. Instead of submitting a treaty of annexation, President Cleveland refused the request, ordered an investigation into the coup, and fired the diplomats responsible. The postbellum debates relied on liberty in the same way that antebellum debates did. For example, Ulysses S. Grant advocated annexation of the Dominican Republic as the extension of “the blessings of freedom” and as part of the “rapid stride toward that greatness which . . . entitle this country to assume among nations.” Conversely, President Cleveland refused to submit the treaty of annexation of Hawaii to the Senate because “it has been

the settled policy . . . to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves.”¹⁰

The purpose of outlining these incidents and the tropes of liberty woven throughout the rationale of imperialists and anti-imperialists is to exhibit the resiliency of the debate. Anti-imperialism shared at least some ideological consistency by using liberty as a common American tradition—no matter how different the conception of the idea was. Since liberty has such strong connotations for American identity, claiming its subversion allowed anti-imperialists to persist regardless of the multiple definitions of the term.

Notwithstanding this rich anti-imperialist history, the year 1898 stands out as a unique moment. It was in the wake of the War of 1898 that anti-imperialism became a nationwide movement that captivated headlines and made a significant impact on U.S. foreign policy. As the advocacy for overseas colonies swept up the minds of imperialists, opposition to acquisition took root in the minds of anti-imperialists who began to build a campaign that would last for over twenty years.

The genesis of the movement came in June, before the War of 1898 had ended. In Boston, Gamaliel Bradford, a wealthy banker and merchant, had unsuccessfully petitioned the aldermen of Faneuil Hall to hold an antiwar rally. The petition failed because the War of 1898 was largely popular, even in Boston where notable men like Harvard History Professor Charles Eliot Norton famously opposed it. Only after Commodore Dewey’s incredible victory over the Spanish fleet in Manila and U.S. military success in Cuba seemed imminent did the public begin to consider the wider ramifications of victory. At the outset of hostilities, the only theater of war was Cuba. The stated purpose of the war was to end the devastating humanitarian disaster perpetrated by the Spanish who sought to quell the Cuban revolution. To prove its benevolent intentions the U.S. Senate explicitly forbid the annexation of Cuba after the war. Before authorizing a war resolution, the Senate passed the Teller Amendment, which insisted on Cuban independence after the island was pacified. The Senate, however, did not anticipate the theater of war spreading to all of Spain’s colonial holdings. As a means of curtailing Spanish capabilities of attack in Cuba, the United States occupied the Philippines, Guam, and Puerto Rico. Bradford’s greatest fear was that while Cuba was guaranteed its independence, these other territories were not. With the help of some of Boston’s most prominent men, Bradford again petitioned

the aldermen of Faneuil Hall. Rather than protest the war, the meeting was called to protest “the so-called imperial policy of the United States government.”¹¹ The aldermen granted Bradford’s request and allowed the meeting set for June 15.

Bradford’s unsuccessful activism against the war prepared him for a poor turnout. Nevertheless, he sent letters to the newspapers urging Boston’s residents to attend. The radical *Boston Evening Transcript* published his letter under the headline, “A Cry for Help.” In it, Bradford sought to attract Bostonians intent on preserving “traditional policy in foreign relations” and resisting any policy that would turn “the great American Republic into a world-wide empire.”¹² The turnout that afternoon was not overwhelming, but far greater than Bradford and his friends expected. More than four hundred attended, “not crowded standing full as at exciting political campaigns,” the *Evening Transcript* reported, but “a thoroughly representative one, holding to an eminent degree the best of the intelligence and character of this community.”¹³ It was the first assembled meeting of self-proclaimed “anti-imperialists” opposed to America’s *overseas* expansion.

At the assembly Bradford served as the presiding officer and shared the stage with three of Boston’s most distinguished personalities: prominent lawyer and reform activist Moorfield Storey, labor leader George E. McNeill, and Unitarian minister Charles Gordon Ames. Each made a brief speech about the evils of imperialism, and at the end of the meeting the anti-imperialists unanimously adopted four resolutions that corresponded to the main ideas contained in each speech. Bradford was the first and most enthusiastic speaker of the afternoon. He repudiated the notion that the war was one of humanity. “That noble quality, which does so much honor to our people, was played upon by other purposes,” he argued, including “private interests seeking after gain, politicians striving to keep themselves in power, and imaginations thirsting after military and naval glory.” Bradford contended that the meeting of anti-imperialists was designed to stop a “faction” that seeks to create “a military empire in Asia with all which that involves.” His appeal, “in the name of humanity” for which the war was allegedly instigated, became the first unanimously adopted resolution. The crowd of anti-imperialists deemed the war an “unselfish endeavor” that “must not be perverted into a war of conquest.”¹⁴

The following speaker, Rev. Charles Gordon Ames, was an ardent traveling humanitarian activist who fretted as much as Bradford that the war would become one of conquest rather than liberation. Ames’s concern was also for the integrity of the traditions associated with U.S. diplomacy. Though Ames believed America to be an exceptional

nation that could serve as a model for all other nations, he did not propose that U.S.-styled democracy could be spread by force. To Ames, the United States was an exemplar; he told the crowd, “We are told that it is ‘our duty’ to extend to the struggling people of the Philippines the same help and protection we have pledged to Cuba . . . And we are to do it by war; by the right of might. Can we not show the world a more excellent way?” The assembled anti-imperialists resolved that the nation could. “The mission of the United States is to help the world by an example of successful self-government, and that to abandon [these] principles,” the resolution warned, “is to enter the path with which other great republics [have] ended in the downfall of free institutions.”¹⁵ Clergy around the country would play a prominent role in the movement and so it was fitting that one of Boston’s most beloved ministers delivered a speech at the first gathering.

The following speaker, Moorfield Storey, foreshadowed the role that lawyers and jurists would play in the anti-imperialist movement. Storey’s speech urged the government to denounce territorial aggrandizement, arguing that colonialism “is a violation of the principles upon which this Government rests.” Storey honed in on the Teller Amendment as the legal principle that forbade the government from acquiring territories after the War of 1898. It was added to the Congressional resolution that authorized the war, but the Teller Amendment only prohibited the United States from acquiring Cuba. Storey contended otherwise—that the Senate had intended the Amendment to apply to all Spanish territories. The Senate could not have known that the theater of war would extend to all Spanish territories, Storey argued. Thus the anti-imperialists resolved that “any annexation of territory . . . would be a violation of the national faith pledged in” the Teller Amendment, which promised independence to the colonies of Spain.¹⁶ Though on legally shaky ground, Storey’s resolution more generally opposed the notion of the United States holding vassal colonies and was unanimously approved by the delegates in Faneuil Hall.

The last to speak was the only man of truly national prominence, founding member of the American Federation of Labor, George E. McNeill. His perspective as a labor leader was evident: “Great economic and social problems are awaiting solution,” he told the crowd. Reporters called McNeill’s speech the most eloquent, and it was undoubtedly the one most closely related to the domestic dangers associated with imperialism. The cost of standing armies and navies, colonial governments, and infrastructural developments awaited the conquering power, McNeill warned. But more troubling, he said, was the

prospect of cheap laborers flooding the job market. The exclusion of Chinese laborers had come only years prior and McNeill reminded the gathered crowd that imperialism would “admit thousands, yes, millions of that and other races by the process of annexation. Have we not already taken into our political stomach all we can possibly digest and assimilate?” The racial undertones of McNeill’s speech would find heartier resonance from other anti-imperialists who were more deeply concerned with the homogeneity of America’s racial identity. McNeill spoke largely in terms of jobs and wage protection, as did the resolution adopted by the whole of anti-imperialists, which declared the “first duty” of the government “is to cure the evils in our own country.”¹⁷

It was a “picturesque coincidence,” the newspapers reported, that in America’s heartland an identical anti-imperialist rhetoric stirred a crowd to rapturous applause at the same time as “the repressed better sentiment of New England” was being voiced by Bradford, Storey, Ames, and McNeill.¹⁸ In Nebraska, William Jennings Bryan, the 1896 Democratic nominee for president and de facto party leader, spoke out against an imperial policy while supporting the war. Bryan’s speech in every substantial way matched the speeches at Faneuil Hall; it differed only in parlance. He called it hypocrisy should the war result in aggrandizement when it was “undertaken for the sake of humanity;” he upheld the nation’s constitutional tenets citing “that self-evident truth, that governments derive their just powers, not from superior force, but from the consent of the governed;” he observed that American exceptionalism was an exemplary anticolonial force; and denounced the “dream of the splendors of a heterogeneous empire encircling the globe,” proposing that Americans would “be content to aid in bringing enduring happiness to a homogeneous people.”¹⁹ Bryan’s political standing gave anti-imperialism a national prominence and all but ensured that should the United States attempt to colonize the occupied Spanish territories, he would make anti-imperialism a central issue in the upcoming Congressional elections of 1898 and 1900 presidential campaign.

In addition to the demonstrations in Boston and Omaha, anti-imperialism was gaining momentum thousands of miles away in the Philippines. On June 12, Emilio Aguinaldo, the General of the Philippine Army and head of the revolutionary government, officially declared independence from Spain. At his hometown of Cavite, Aguinaldo issued a new national flag and told the people assembled that, “under the protection of the Powerful and Humanitarian Nation, the United States of America, we do hereby proclaim and declare

solemnly . . . the right to be free and independent.”²⁰ Aguinaldo viewed American intervention in the Philippines the same way as the American anti-imperialists did: as a war of liberation, not conquest. After all, it was the U.S. Navy that had brought Aguinaldo out of exile in Hong Kong and returned him to the Philippines. At Commodore George Dewey’s request, Aguinaldo was summoned to help defeat the Spanish after the U.S. victory in Manila Bay. Dewey’s success in sinking the Spanish fleet was matched by Aguinaldo’s Army, which expelled the Spanish from nearly all of Luzon, the archipelago’s largest and most populated island. Yet the McKinley administration strenuously insisted that U.S. military leaders—particularly Dewey who had become the war’s hero and a national celebrity—not engage in an official alliance with Aguinaldo. For Aguinaldo, the United States had already given tacit support and set a tone of cooperation by supplying arms and intelligence.²¹ It was not long before he changed his mind. The McKinley administration depicted Aguinaldo in the press as a dictator and tyrant and closed the city of Manila to the revolutionary army. The Philippine Declaration of Independence was anti-imperial rhetoric designed to remind the McKinley administration of the war’s objectives as much as the speeches in Boston and Omaha were. Though these events were uncoordinated, Filipino and American anti-imperialists shared a common cause and would soon come to work together against U.S. foreign policy.

What further makes June 1898 such a unique moment is that all these anti-imperialists shared an intellectual attraction to the idea of liberty as the antithesis of empire. The speeches at Faneuil Hall and Bryan’s speech extolled the ways in which imperialism perverted liberty. The first resolution adopted at Faneuil Hall called for the country to remain true to the intentions of the war as one for humanity. This was partly an ethical demand based around ideas of honesty in government. But more important, it was one that upheld liberty as national contentment. Conquest was not the purpose of the war cried the anti-imperialists. Such ambition for aggrandizement was the ideological opposite of liberty. Liberty was gentle and sensitive, resulting in humility and peace. Ambition led to militancy and aggression.²² In fact, all the resolutions adopted at the Boston meeting utilized the idea of liberty as unselfish, be it in the nation exemplifying liberty for the world to espouse or in the act of humbly attending to domestic problems. As Rev. Ames told the Boston crowd, “The appeal to our unselfish sympathy for suffering and our just hatred of cruel tyranny has rapidly degenerated into an appeal to national pride and ambition, thinly disguised by talk of our duty to mankind. Is this honest and rational

patriotism, or is it a blind popular impulse excited by a single brilliant success?"²³ In the same manner, Aguinaldo's Declaration makes use of the American ideal of disinterestedness as a positive definition of liberty. The red, white, and blue colors of the new Philippine Republic's flag symbolized "profound gratitude towards [the United States] for its disinterested protection," Aguinaldo said.²⁴ The consequences of greed and overambition was the extinguishing of liberty. Besides the prophesized maintenance of armed forces, the speakers at Faneuil Hall feared that constitutional rights would be subverted. "Once accepting this way of dealing with other people," Rev. Ames asked the crowd, "how long will it be before some occasion will arise for applying it at home?"²⁵ Empire would prompt the end of the American Republic, as it would the Filipino Republic, and in the same way as Caesar's reign ended Rome's. Thus from the outset of the anti-imperialist movement, liberty and empire were interrelated and treated as opposite traditions of U.S. foreign policy.

The speeches at Faneuil Hall were not well covered by the national press, and not even the Boston newspapers paid much attention to the meeting. What made the event central to the story of the anti-imperialist movement was that from relatively few activists around Boston, a national campaign was spawned. In addition to the resolutions adopted, the first meeting of anti-imperialists instigated a Committee of Correspondence that would seek out and invite those of like mind throughout the country to join the movement. The ten-member Committee worked throughout the summer and early autumn of 1898 to contact prominent national voices sympathetic to the anti-imperial cause. They particularly sought out congressmen, university presidents, professors, business leaders, union leaders, clergy, and newspaper editors, urging them to cultivate membership in their localities. After months of reaching out to fellow anti-imperialists, the Committee of Correspondence met on the weekend of November 18 to officially establish the movement in an institutional body. At the office of Edward Atkinson, a passionate free-trade economist of national prestige, the Committee drafted a Constitution for an organization against imperialism called the Anti-Imperialist League.²⁶

The Constitution established the League's identity. Membership was open to all citizens of the United States "irrespective of party" showing anti-imperialists were eager to depict their movement as one that went beyond party politics. They courted Democrats, Republicans, and independent mugwumps but, interestingly, restricted membership to U.S. citizens. The League excluded foreign activists from joining. The Constitution "emphasized the purpose of the

organizers to found the League primarily for the good of the people of the United States,” and it specifically excluded Filipinos from joining.²⁷ League members argued that excluding foreigners was necessary to entice broad membership from Americans. Including foreigners among the potential membership would alienate Americans who held deep racial prejudices against Filipinos, Puerto Ricans, and Cubans. Although some anti-imperialists found these views to be despicable, the vast majority of anti-imperialists in 1898 considered the strength of the movement to rest on appealing to the largest number of potential domestic activists, regardless of any unsavory opinions they might hold. This pragmatic appeal for members strengthened the League’s numbers. Thousands of powerful elites around the nation flocked to join. It also created an association of strange bedfellows that would prove to be a weakness.

The Committee further shaped the identity of the League by appointing handpicked members to the organization’s administrative structure. The president was the most significant post and would have effective control over the strategic decisions as well as the League’s finances. The office was filled by George Sewall Boutwell, an eighty-year-old Republican politician who served as Governor of Massachusetts (1851–1853), U.S. Representative (1863–1869), Secretary of the Treasury (1869–1873), and U.S. Senator (1873–1877). Boutwell became President of the League after Moorfield Storey refused the post. Storey, a political mugwump who fled the Republican Party in 1884, nominated Boutwell in the belief that such a well-known Republican at the helm in the League could reach out to the Republican administration of William McKinley.²⁸ For that reason Boutwell was chosen to lead. The League’s Constitution also created the offices of secretary and treasurer. The secretary’s post went to Erving Winslow, a merchant and active editorialist from one of Boston’s Brahmin families. Winslow would hold the post of secretary for over twenty years, but he was not the preferred choice among conservative Republicans. Winslow was supported heavily by Boston’s mugwumps who believed he would be a counterweight to Boutwell. He was also chosen for his administrative skill. Even those who disagreed with Winslow politically recognized that he was a formidable force in social activism. After all, it was Winslow who helped Gamaliel Bradford apply to the aldermen of Faneuil Hall for the first meeting. Winslow also tirelessly dispensed correspondence to anti-imperialist sympathizers around the world as a member of the Committee of Correspondence.²⁹ The final key position established by the Constitution was that of treasurer, which was taken up by Francis A. Osborn, a brigadier general in the

Civil War, outspoken mugwump and successful Gilded Age businessman. His election was less a matter of merit than Winslow's. Osborn was one of the most generous financiers of the League. He served less than a year in the post as the demands of the Treasury office increased. Taking his place was David Greene Haskins, the son of a famous Boston minister and avid northern Democrat. Like Winslow, he would remain the League's treasurer until its dissolution. Haskins's election also neatly filled the top three positions with three different political affiliations exhibiting the movement's nonpartisan approach.

The final entity that the Constitution created was the executive committee, which was responsible for the "distribution of literature," the promotion of "public meetings," and would serve to "receive subscriptions and act generally for the promotion of the objects of the League."³⁰ Winslow Warren, a mugwump and Boston's customs collector, chaired the committee. Its first members included Treasurer Haskins, Massachusetts Institute of Technology Professor James Phinney Munroe, acclaimed Boston lawyer William Endicott Jr., former Secretary of State Richard Olney, Republican politician James J. Myers, and publisher Albert S. Parsons. The officers of the League and its executive committee appointed 18 honorary vice presidents to act as the public advocates of the League around the nation. Some of America's most eminent personalities became vice presidents, including billionaire steel tycoon Andrew Carnegie, former President Grover Cleveland, Secretary of State John Sherman, Knights of Labor founder and President of the American Federation of Labor Samuel Gompers, German immigrant and Civil War hero Carl Schurz, and railroad reformer and heir to the Adams family legacy Charles Francis Adams Jr. The total number of vice presidents would increase as the League expanded over the following decades and added to the prestige of the cause.

The weekend of November 18 marked another milestone for the movement. Aside from ratifying a constitution, the Committee of Correspondence released the League's first publication. Branded as an "Address to the American People" (a title which would be used in several future publications), the League disseminated the four resolutions outlined in the Faneuil Hall meeting as well as its commitment to the idea of liberty. "As solemnly as a people could, we announced the war to be solely for humanity and freedom," the address argued and described humanity and freedom as unselfishness, "without a thought, desire, or purpose of gain to ourselves." Circulated with the address was a protest card for activists to sign and mail to their representatives declaring that they "protest against any extension of the sovereignty of the United States . . . without the free consent of the people thereof,

believing such action would be dangerous to the Republic, wasteful of its resources, in violation of constitutional principles, and fraught with moral and physical evil to our people.”³¹ The first published address encouraged the establishment of local and regional Leagues outside of Boston resulting in the founding of a League office in Washington to directly petition the government to enroll members. The response to the first publication went far beyond Washington, though. Within three months prominent men and women swelled the League’s list of vice presidents from the original 18 to 41. Erving Winslow noted in the minutes of the first quarterly executive committee that by February 1899 League membership was “considerably over 25,000.”³² By the summer of 1898 there were ten League branches in total and membership had swollen to hundreds of thousands.

Hostilities in the War of 1898 ceased in August with the United States the clear victor. In comparison to the Civil War—the last U.S. war—there were relatively few deaths. The speedy victory and low casualties prompted then-Ambassador to the United Kingdom, John Hay, to nickname the confrontation “a splendid little war.” But if the war was splendid and little, the peace that was thrashed out afterward was vapid and lengthy. An American delegation of peace negotiators met Spanish counterparts in Paris in September and all diplomatic signals pointed to a quick resolution. But the peace treaty was not completed until December. Undoubtedly the negotiations would have been more complicated had Filipino and Cuban revolutionaries been allowed to attend. Although the Cuban revolutionaries had inspired the sympathy of the American public and the Filipino revolutionaries conquered the Spanish in Luzon, they were ignored by the McKinley administration after the war. They both actively sought recognition and representation at the negotiations, but the American administration and Spanish Cortes sought to exclude them. Spain did not recognize the victory of Aguinaldo in the Philippines and hoped that the United States would annex Cuba and deny the revolutionaries independence. The exiled Cuban revolutionaries in the United States addressed letters to administration officials and the president but were rebuffed. Administration officials told them their hope for recognition was “useless” and it was well known in political circles that McKinley had a particular dislike for the Cuban expatriate junta.³³ The Filipino revolutionaries appointed Felipe Agoncillo as a diplomatic emissary to petition the United States. Agoncillo was dubious as to whether the United States shared the same values as the Filipinos, believing that

“great nations, being convinced of their power . . . do everything for their own interest.”³⁴ Yet on the vessel that took him to the United States he met General Francis Greene and General Wesley Merritt—commanders of U.S. forces in the Philippines—and told them that “the Filipino people were merely following the American example . . . hence there was no reason for the United States to deny the Filipinos the right to be free.”³⁵ Agoncillo’s sentiment fell on deaf ears. Merritt was an advocate of the “Large Policy” that sought territorial expansion as a component of a foreign policy bent on increasing American world power. So the Cubans and Filipinos who had played such a vital role in aiding the American victory would play no part in the peace negotiations.

Though the negotiations were bilateral, two issues complicated a Spanish-American peace deal. First, the Spanish military failure was so comprehensive that a punitive treaty was not completely unlikely. Spain, along with European traders, feared the settlement would derail Spain’s financial future. Severe concessions to the United States would stir up public outrage and threaten the political stability of Spain, not to mention European trade. Spain had resigned itself to the likelihood of vacating Cuba—its most lucrative colony—but demanded the United States protect the security of Spanish citizens with financial investments on the island. Spain also expected to be absolved of any debts associated with Cuban sovereignty. As for the other territories, Spain wanted to retain sovereignty over Puerto Rico but was aware that American soldiers were being welcomed there and conscious a likely condition of peace was expulsion from the Caribbean. At the negotiations, the United States demanded Puerto Rican sovereignty be ceded and independence granted to Cuba. On the issue of debts, the United States refused to accept responsibility for any Cuban debt, though did not demand a war indemnity, which McKinley saw as a gracious offer. Spain would not relent on the matter of Cuban debt, which kept the two sides at an impasse for much of the negotiations.³⁶

The second outstanding issue was the question of Philippine sovereignty. Spain expected to reassert its colonial domination there with some political reforms, but the advanced stage of the Filipino rebellion, U.S. public outrage at Spanish tactics of suppression in Cuba, and the desire to establish an American trade outpost in the Far East combined to ensure Spain would be expelled from the archipelago. The unsettled issue was where sovereignty would rest after Spain’s departure. The *New York Times* reported that the president’s cabinet could not agree on the question of Philippine sovereignty. This was

an understatement. Nine opinions were reported—one for McKinley and one for each member of his cabinet.³⁷ The American delegation sent to Paris was equally divided. Three opinions emerged from the five delegates and were cabled to the president for consideration. The majority report came from three expansionist delegates who determined that not accepting full American sovereignty over the entire Philippine archipelago “would be [a] naval, political, and commercial mistake.”³⁸ Republican senators Cushman Davis and William Frye saw great financial opportunities in the Philippines while Whitelaw Reid, a Republican fundraiser, editor, and diplomat ultimately agreed with expansion but as a means of excluding rival European powers.³⁹ Of the remaining two delegates McKinley sent to Paris came two very different dissenting opinions. George Gray, the only Democrat and self-proclaimed anti-imperialist, argued that taking the Philippines would be “to reverse accepted continental policy [and] introduces us into European politics and entangling alliances.”⁴⁰ Gray, like the Boston anti-imperialists and William Jennings Bryan, noted that the war was waged in the name of liberation, not conquest; acquiring the Philippines would make the war seem like U.S. opportunism. A compromise opinion between these all-or-nothing cases came from acting Secretary of State William Day, who was also the chair of the delegation and President McKinley’s closest confidant. Day sympathized with Gray’s sentiment and particularly his rationale for entering the war but saw merit in the potential economic gains and security arrangements in the expansionist’s argument. In an attempt to synthesize both side’s concerns, Day argued that to protect the archipelago, insure U.S. interests, and remain consistent with the remit of liberation, the United States should acquire the harbor of Manila and the surrounding city, nothing more. In this way the matter of sovereignty would not be of consequence because geographically the acquisition would be insignificant.⁴¹

The three opinions were sent to the White House for consideration. President McKinley had been aware of his options long before the delegation presented them to him in October 1898. He tested the proposition of full annexation in the public forum during August and September on the midterm election campaign trail. His perception was that the majority of Americans as well as his cabinet were in favor of retaining all the islands, but he famously told the press that he asked God for guidance.⁴² After consulting the public and his advisers (including God), McKinley ordered the delegation to proceed toward the full retention and acquisition of the archipelago. This left the only unresolved issue of Cuban debt, to which the Philippines

proved to be the solution. McKinley refused to budge on absolving Spanish debts in Cuba, but recognized the need to placate the Spanish in some form. The compromise was a \$20 million purchase price for the sovereignty of the Philippines, which would compensate Spain for the Cuban debts, indirectly. Though this was a convenient means of overcoming the deadlock, on the surface it gave the appearance of a colonial trade. The anti-imperialists never hesitated in claiming that the McKinley administration purchased the Filipinos—a population of approximately ten million people—for \$2 a head.⁴³

On December 10, the Treaty of Paris was signed. Its ratification—subject to Senate scrutiny and a two-thirds majority vote like all U.S. treaties—made the Senate the venue of the first standoff between imperialists and anti-imperialists.

CHAPTER 2



OPPOSING THE TREATY OF PARIS

The primary foreign policy issue after the War of 1898 was the acquisition of territory, and particularly the acquisition of the Philippines. The Teller Amendment barred the annexation of Cuba. Guam was of only marginal significance because it was geographically minuscule and had an equally small population. Guam, like other Pacific atolls acquired by the United States, would become a coaling station for trade and travel to the Far East. Puerto Rico, a more substantial island in size and population, was also not a controversial acquisition. Its proximity to the United States situated off the coast of Hispaniola in the Caribbean made its acquisition seem a logical extension of continental expansion. The Philippines, however, was highly controversial. It was the largest of Spain's colonies with more than seven thousand islands—some as large as Kentucky and others as small as Washington, DC—with more than ten million people of various races, languages, and religions. What made the Philippines even more unlike Guam and Puerto Rico was its postwar military circumstances. The United States did not occupy the Philippines as it did the other territories. Only the harbor and parts of the city of Manila on the island of Luzon were under formal American military jurisdiction. The rest of the city was partially occupied by the revolutionary army of Emilio Aguinaldo, which also controlled several provinces surrounding Manila. Along with the Filipino rebels, Spanish soldiers remained embedded in some parts of the islands. The remainder of the archipelago was autonomously ruled by local chiefs and sultans. So unlike the other territories, the Philippines was ruled and occupied by a variety of powers, all of which claimed jurisdiction, which often overlapped another party's claim. Yet in the deliberations for peace, only the United States

and Spain negotiated the settlement, which pronounced the United States sovereign throughout the Philippines. At the signing ceremony in Paris one Spanish diplomat announced to the foreign correspondents, "C'est fini."¹ But the acquisition and imposition of American sovereignty was far from over. The Treaty's greatest obstacle was the Senate, where ratification would be stalled for another six weeks. Before the Senate was through debating, the United States would become embroiled in a war with Emilio Aguinaldo's revolutionaries.

During the ratification debates, the Senate was primarily concerned with how the acquisition of territory comported with constitutional law. The fact that the United States did not occupy the islands or practice *de facto* sovereignty was peripheral although some anti-imperialists, most notably the South Dakota Silver Republican Richard Pettigrew and Filipino activists, denied the United States could hold sovereignty on these grounds claiming it was at variance with international law. Most senators instead focused on the notion of statehood and extending constitutional rights to newly acquired territories. The debates began with Senator George Graham Vest, a veteran Missouri Democrat who introduced the first resolution designed to forbid the United States from acquiring "territory to be held and governed as colonies."² Vest was adamant the American government had the power to acquire new territories, but any new territory "must be acquired . . . with the purpose of ultimately organizing such territory into States suitable for admission into the Union."³ Dubbed by the press as the "first gun of formal opposition," Vest's resolution "converted . . . from a grumble into a fight" the dispute between imperialists and anti-imperialists. Anti-imperialists could all agree that acquiring the Philippines to be permanently held as a territory or possession was synonymous with imperialism.⁴ This chapter begins with a view of evaluating the legal concerns of the Senate's anti-imperialists, particularly regarding their conceptions of statehood, jurisdiction, constitutional rights, legislative procedure, and international law. To accomplish this, the opinions of several U.S. senators who opposed the acquisition of the Philippines will be evaluated.

What makes the examination of these senatorial opinions more interesting is they packaged their constitutional concerns in the language of American liberty in an effort to stop the acquisition of the Philippines. That is, anti-imperialist senators challenged imperialism not only as an illegal practice but also as un-American because it violated their understanding of liberty. The use of liberty as the movement's ideal and constitutional law as the practical extension of this ideal will illustrate the ways in which anti-imperialists collectively

opposed imperialism at the end of the war. Concurrently, the chapter evaluates the underlying meaning and motives of senators and why they conceived of acquisition as antithetical to liberty and constitutional law. Their motives were incredibly diverse and so this chapter simultaneously explores the differences and divisions of the anti-imperialist movement by illustrating the various conceptions of liberty. What is ultimately contended here is the failure of the anti-imperialists to amend or reject the Treaty of Paris was a direct result of differences over legislative procedures and constitutional powers, and the failure is a reflection of the assorted views of American liberty held among the senators.

Most senators looked to the nation's long history of expansion as the precedent for how the Spanish colonies should be acquired. George Vest—who was not a typically outspoken critic of expansion or even a member of the newly founded Anti-Imperialist League—was adamant American history did not support the purchase or conquest of territory to be held as colonies. To him, it went against every virtue contained in the Declaration of Independence and most importantly the Declaration's guiding principle that "all governments derive their just powers from the consent of the governed." In legal terms Vest contended this principle translated into a constitutional requirement. All territory must be acquired with a view to it becoming a state or multiple states, he believed. The hallowed words "consent of the governed" may seem vague and almost ironic when nineteenth-century expansion did not include the consent of Native Americans or other inhabitants of U.S. territory, but Senator Vest argued otherwise. In his speech to the Senate and his resolution to amend the Treaty of Paris he contended that the act of granting representation to a territory, no matter how imperfectly administered, is what made nineteenth-century continental expansion an act of expanding the sphere of American liberty. He believed it was representation that distinguished American expansion from European colonialism. A great many anti-imperialists agreed with Vest's rationale. They, too, did not criticize nineteenth-century expansion as imperialism.

Vest and like-minded anti-imperialists believed the Treaty of Paris marked the end of this precedent. To them, the acquisition of the Philippines would be as a permanent possession not eligible for statehood either at the time of acquisition or ever after.⁵ Should the Treaty pass, Vest claimed, the ramifications would be significant. He told the Senate it would mark the inevitable demise of free republican institutions and domestic liberties and would lead to arbitrary—even tyrannical—rule. His argument was intimately wrapped up with the

idea that all acquired territories would become American, not necessarily in terms of a homogenous race or culture, but in terms of their style of government. Vest held up the Northwest Ordinance, which granted rights to the people of the Northwest Territory, as the model for overseas expansion. The Northwest Territory was acquired as a result of the 1783 Treaty of Paris, which ended the American Revolution and established a guarantee of statehood for the territory from which Ohio, Indiana, Illinois, Michigan, and Wisconsin were created. The Ordinance secured constitutional rights and, in theory, even rights for Native Americans. According to Vest, every successive acquisition, from Louisiana to Hawaii, was made with the view of granting statehood in the same fashion, and this precedent was unassailable because it adhered to the Declaration's tenet of "consent of the governed."

Imperialists did not venerate Vest's strong belief that statehood was preordained for all American territories. On the contrary, imperialists argued no such precedent existed; they believed the United States was obliged to act however it so legislated. The imperialist argument during the Treaty debate is best represented in the diatribes of Connecticut Republican Orville Platt. Platt was a staunch supporter of McKinley and one of the administration's closest allies in the Senate. Platt was intent on keeping the party ranks tightly reined on the ratification process. Republicans had a commanding majority in the Senate, holding more than 50 percent of the seats. But for the Treaty to pass there could be no dissent among Republicans and imperialists would need to court votes from senators of other parties to reach the necessary two-thirds majority for ratification. To this end Platt condemned the Vest resolution as out of touch with constitutional law. He argued Vest's resolution egregiously extended American liberties to the territories in a way that was out of step with American history. He insisted a contradictory constitutional interpretation existed in American law that was founded on the supremacy of sovereign power—a power Platt determined could be exercised by all sovereign nations, including the United States.⁶ In his speech to the Senate, Platt postulated that sovereignty grants "the right to acquire territory" derived from the sovereign "right to govern," and asserted that these rights are "unlimited" and thereby "not limited in the Constitution."⁷ For Platt, acquisition was a right of all nations and not one enumerated in the Constitution. The will of the Congress, he believed to be supreme, even over the spirit of the Declaration of Independence, which Vest put so much stock in. Therefore, making a state of the Philippines is the "sovereign" prerogative of the 55th

Congress, or any Congress thereafter. The Philippines could remain a possession of the United States as well if Congress so determined.

Platt's speech was extremely popular among Republicans and was made all the more powerful because he cited glaring examples of territorial acquisition without the extension of statehood or even the consent of the governed. The most obvious case Platt referred to as supporting evidence was Washington, DC, the seat of the federal government and home to thousands of Americans perpetually governed by the decree of Congress. Washington, DC, was not a state and Platt suggested the United States impose a similar type of jurisdiction and government on the territories. Washington, DC, provided Platt with an exceptional case to demonstrate the inconsistency of Vest's argument. His speech calmed many expansionist senators who were afraid to contradict the hallowed traditions of the Declaration.

Platt's argument also cleverly tapped into the surge of wartime patriotism in which the nation reveled. Rhetorically acknowledging that all foreign nations have a sovereign right to acquire territory, he facetiously supposed if the United States did not have the same sovereign right, senators would be admitting national inferiority. Platt demanded senators express their patriotic resolve by approving the Treaty. For those senators facing reelection in 1900, Platt's argument had significant impact. His politicizing the issue angered many anti-imperialists who responded with pamphlets and editorials on "true patriotism," which attempted to provide shelter for senators not interested in adopting Platt's jingoist position. However, most Republican senators who were up for reelection used Platt's notion of "unlimited sovereignty" to justify their vote for the Treaty and exhibit their patriotic resolve to the voters.⁸

Platt's argument also relied on security concerns in the Philippines. The various centers of authority in the Philippines and the presence of Spanish, Filipino, and private armies allowed Platt to claim the security of U.S. soldiers trumped the application of constitutional law. He argued that principles of American power are not universal and have "never been so understood," and he drew on a variety of historical premonitions by constitutional forefathers and nineteenth-century precedents that justified the restriction of liberties in times when national security is under threat.⁹ The Civil War acted as his primary example and specifically Abraham Lincoln's repeal of constitutional rights during the war as a means to successfully overcome military obstacles. To Platt's mind, the government was able to act on its benevolent motives without regard for the Constitution, and this power is strongest when the goal of subverting the Constitution is

done to save it from a security threat.¹⁰ Using this logic, Platt argued President McKinley was entitled to restrict the liberties of Filipinos by any means necessary in order to give liberty to them in due time.

This rationale was embodied in McKinley's policy of "benevolent assimilation," which Platt laboriously supported in the Senate. After the Treaty was signed by the American and Spanish commissioners, President McKinley outlined the policy of benevolent assimilation for the Philippines. He called it a "full measure of individual rights and liberties which is the heritage of free peoples [with a] sedulously maintained . . . strong arm of authority, to repress disturbance."¹¹ Or as Platt later argued in the Senate, "this is . . . the Government of a great people, a liberty-loving people, a people that can be trusted to do right, and to guarantee to all men who shall come under its benevolent sway and be subject to its jurisdiction, the largest measure of liberty consistent with good order and their general well-being."¹² The policy of benevolent assimilation promised to Filipinos the liberties President McKinley's administration would deem suitable for them. There was no legally binding promise to deliver the liberties contained in the Constitution. Extending liberty was an arbitrary decision of the American government. In addition, despite Platt's call for subverting constitutional principles when national security was at stake, no immediate emergency—let alone one on the scale of the Civil War—was evident in the Philippines. Though a conflict would develop in the months following McKinley's articulation of benevolent assimilation," at the time the policy was enunciated when there was no threat. Nevertheless, the President's policy foresaw a military conflict on the islands, which Platt regarded as threat enough. By February—seven weeks after his benevolent assimilation speech—a conflict had materialized, however, Platt was pushing for subverting constitutional law on the grounds that a conflict was a probability.¹³

The use of arbitrary executive power for what was merely a potential crisis was Platt's most dubious of constitutional claims. But his assertion that inconsistencies existed in how territories are acquired became a significant contribution to the debates. Taking their cue from Platt on this point were several pro-Treaty senators, including Silver Republican Henry Moore Teller who argued that the United States cannot "disregard . . . the great fundamental principles" but that there is "no hard and fast rule . . . the doctrine [of] the consent of the governed has many exceptions."¹⁴ Platt put the anti-imperialist senators on the back foot in terms of their legal opposition. It was clear to the Senate that Vest's reference to the principles of the Declaration of Independence was not a sufficient legal defense. What

opponents of the Treaty needed was an argument that could assuage Platt's notion that the rules of acquisition were substantially flexible.

The first anti-imperialist counterattack was led by Donelson Caffery, a Louisiana sugar farmer, lawyer, and former Confederate army lieutenant. Caffery was a Democrat, appointed to the Senate in 1893 where he would serve until 1901. He became a national political figure known for his appeal across party lines. He even earned the nomination as presidential candidate for two third-party movements in 1896 and 1900, but he declined both. As a Southerner and ex-Confederate soldier, Caffery was like other "Old Confederate brigadiers" such as senators Edmund Pettus and John Morgan, who combined "Old-South traditions with the material interests of big planters [and] opposed Bryan-Roosevelt progressivism by the apparent conflict between states' rights and the new regulation of . . . matters by the federal government."¹⁵ Yet unlike many of his Southern colleagues, including Pettus and Morgan who were expansionists determined to sell Southern agricultural produce overseas, Caffery placed a much stricter emphasis on America's anti-imperial traditions, which he believed were derived from the Southern liberal tradition. Following Platt's speech, Caffery told the Senate he imagined the United States to be a unique entity in world history, that America was an exceptional "apostle of the faith of freedom." Caffery invoked the words freedom or liberty more often than any other word in his speech, defining the terms as "the basic principle of our political life, and faith, and hope."¹⁶ His was a Southern, Jeffersonian understanding liberty in terms of sensitivity over ambition and "love of their kind over military prestige."¹⁷ Being a Southern Democrat and ex-Confederate soldier, Caffery also promoted the virtue of state's rights and the separation of powers, which he argued were derived from a traditional Southern aversion to freedom's nemesis: arbitrary external power.

When it came to acquiring territory, Caffery's definition of liberty instructed his opposition to Platt's notion of unlimited national sovereignty. The Louisianan argued such vast federal powers were the epitome of arbitrary power. To demonstrate this, his address to the Senate relied on an interpretation of the history and tradition of American expansion in much the same way Vest had before him. Caffery started his speech with a reverence for the principles of the American Revolution. The ideological motives for the Revolution, according to Caffery, were a result of British tyranny and American faith in what he called the "germ of liberty." He insisted the American Revolution

was fought to protect a domestic germ of liberty from Great Britain, which “exercised parliamentary taxation and tyranny.” The act of an external power imposing itself on a local community was a violation of “internal liberty,” according to Caffery.¹⁸ He was quick to point out that not all colonial administrations were automatically tyrannical, but the act of stripping people of their right to fair representation was always despotic. In this vein of logic Caffery asserted the acquisition of the Philippines by the United States was not necessarily despotism, but not allowing ten million Filipinos to assert themselves through some degree of self-government was a violation of their internal liberty. Like Vest, Caffery predicted such an act would have apocalyptic effect on the American system of government. “If you destroy the germ of our institution,” Caffery told the Senate, “you destroy the government built on them.”¹⁹

Caffery’s rebuke of imperialism not coincidentally relied on the history of his home state, Louisiana. The 1803 Louisiana Purchase was the first acquisition of territory under the Constitution, and for that reason, Caffery contended it established the national precedent for how territory must be acquired. He explained to the Senate that the Louisiana Purchase gave its inhabitants an evolving form of popular representation as the legitimate agent of political consent, and he described the process as one where territories develop from having “no representation, then larger representation [until] they have full representation.”²⁰ In this way, Caffery believed representation and the consent of the governed would be preserved. His argument complimented the revival of Southern nostalgia during the 1890s and the Southern affinity for states’ rights because it emphasized the role of territorial legislatures. Caffery’s germ of liberty is planted in territorial governments until it is mature and can become incorporated into the American Union. Acquisition for the Louisiana senator meant the involuntary extension of freedom through representation, whereas for Platt acquisition committed the nation to teaching freedom and granting it when native populations were deemed fit, if ever. The treaty that acquired Louisiana, Caffery told the Senate, guaranteed inhabitants “all the rights, advantages, and immunities of citizens . . . and the free enjoyment of their liberty, property, and religion which they profess.”²¹ The 1898 Treaty of Paris, he argued, should do the same.

Though Platt was able to identify exceptions to this doctrine in the case of Washington, DC, Caffery’s argument carried a significant amount of weight in the Senate. The Louisiana Purchase was seen by many politicians as a superlative precedent for nineteenth-century

expansion and thus armed anti-imperialists with a legal precedent that long since 1803 was tested by successive expansions. Acquiring the Philippines and not granting it the same representation would break the traditions of acquisition that most territories, if not all, enjoyed.

Caffery's germ of liberty was distinctly different from Vest's resolution. Whereas Vest saw the Northwest Ordinance and the development of statehood as anti-imperial, Caffery was opposed to the United States making a state out of the Philippines—or even granting its inhabitants the rights of American citizens. Lurking within Caffery's discourse was another motivation—exclusion. As a Southern ex-Confederate, Caffery feared including ten million Filipinos as American citizens would bring about a radical political change and lead to social upheaval because of the archipelago's diverse racial demographics. The thought of Filipinos having a role in the federal government, electing representatives and casting a vote that could affect policies important to American society was intolerable to most white Southerners, including Caffery. When the Louisiana senator urged that government springs from ideals such as “freemen govern freemen,” and that government is “of the people, by the people, and for the people,” there is no doubt he was suggesting “Americans” govern Americans and not Malays, Tagals, or Puerto Ricans.²² By arguing that liberty cannot be imposed or that an unequal citizenry cannot exist in one nation, Caffery gave Southern Democrats a historically legal rationale for opposing expansion, and he did so while shrouding the brooding racism of many Southern anti-imperialists. After Caffery's speech, Southern Democrats avoided the charge that they were intent on excluding Filipinos because of their race by sticking to Caffery's legalistic anti-imperialism, which more directly challenged arbitrary power as the nemesis of liberty.

Caffery's advocacy for excluding the Filipinos also served his constituency well. The state of Louisiana in 1898 was the largest sugar producing state in the nation. Hawaii's annexation and the acquisition of the tropical islands in the Caribbean and Pacific increased the national supply of high-quality sugar cane. Sugar imports did not inherently threaten the sugar industry in Louisiana, but if these territories should be incorporated into the domestic market, Louisiana plantations would have to compete with several new producers. As well as the added supply of the new territories, the cheaper labor costs would further drive down the price of sugar, adversely affecting plantation profits. Louisiana's plantation workers would conceivably find their jobs under threat, as it became more difficult to sell sugar at the

price it typically fetched. Caffery's constituency had much to lose in America's expansion to the tropics.

Regardless of the sugar trade, Caffery pitched his anti-imperialist argument around the notion of the germ of liberty. It was popular, but only among Southern Democrats. State rights and racial exclusion appealed only to those who pined for antebellum days gone by. Senators from the north and west understood all too well the Southern Democratic opposition to expansion was about exclusion. What also hurt Caffery's argument is that it only fleetingly confronted the text of the Constitution. He contended that acquiring territory "goes to the very root of power," but like Vest focused on abstract values in the Declaration and the "spirit" of the Constitution.

As the debates in the Senate continued, tensions in the Philippines were steadily rising. Commander of the Philippine Revolutionary Army Emilio Aguinaldo continued to engage the United States diplomatically in Manila, but McKinley's proposed policy of benevolent assimilation did not comport with Aguinaldo's goals for national independence. Aguinaldo hoped the Senate would reject the Treaty or at the very least give an American commitment to Filipino independence. If not, the Filipinos were prepared to continue the fight for independence against a new enemy.

As a result of opposition to the Treaty, a special third session of Congress was needed, and the debate spilled into the New Year. The newspapers predicted there would not be enough votes for the Treaty to pass. If the strictly partisan tone of the debates were a gauge of how senators would vote, the imperialists did not have the necessary two-thirds majority. Caffery's speech helped unite the Democratic Party, which commanded over one-third of the total votes. On that basis, political pundits predicted the Treaty would be at the very least amended, but "no one in the administration was prepared for the full-scale guerrilla campaign conducted by George Hoar," the senior Republican senator from Massachusetts.²³

On January 9, Hoar made the most passionate and uncharacteristically critical assault on his fellow Republicans. He outlined three reasons why the United States could not adopt Platt's notion of "unlimited sovereignty." First, by accepting Platt's "logic" of plenary congressional power, "every power of legislation that any foreign government . . . may exercise may be exercised by us," Hoar contended.²⁴ In other words, if the legislature could determine the form of American government, the United States could be a parliamentary democracy, or even a monarchy, should the ambiguous prerogative of sovereignty by legislation be permitted. Hoar's point was that it is absurd to imagine

the United States as anything other than a federal republic. This was his first step in proving a constitutional purpose exists. His second reason for opposing Platt came from the text of the Constitution itself. While Platt contended powers not delineated are sovereign and can be exercised by the legislature, Hoar argued that powers that are not delineated specifically are to be exercised by no government authority. He indicated the Tenth Amendment was just such a codified statute to assure “powers not delegated to the [federal government] by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people.”²⁵ Hoar told fellow senators that the framers of the Constitution believed “there are powers which the people of the United States mean shall not be exercised by anybody on the face of the earth.”²⁶ This was the ultimate constitutional power, he believed, and it lies not with Congress, or any other government body, but only with the people. Hoar’s final reason to oppose Platt came in a pithy refutation of the notion that the executive can subvert the law in times of danger to save it. Hoar blasted that “to do evil that good may come” was not an acceptable tenet of law, calling it “a violation of principle.”²⁷ He instead reminded senators that “the Declaration proclaimed another law . . . a law of right.”²⁸

His speech to the Senate ran two hours and ten minutes, and the press observed that he spoke “with remarkable force, animation, and earnestness” on the wellsprings of American republicanism.²⁹ He particularly revered liberty’s earliest days in the empires of Greece and Rome, noting “there has never been a republic yet in history,” focusing much of his argument on Rome during the reign of Caesar, “that acquired dominion over another nation that did not rule it selfishly and oppressively.”³⁰ Hoar believed the American legal tradition, which was assembled by the nation’s founders, learned from these ancient republics and such history was the foundation of the American political system. Specifically, there were two lessons, “which they hoped their children would remember—the danger of disunion,” a lesson realized and greatly subdued by the Civil War, and “the greed and lust of empire.”³¹ Hoar did not exclusively consider American imperialism in light of ancient history. Close friend Charles Francis Adams noted in correspondence with Hoar that the loss of liberties in the French Second Republic was a recent nineteenth-century example of how empire replaced a republic through “sovereign” acts during wartime, which resulted in institutional failures and the extinction of liberties.³² From these ancient and modern examples of collapsing republics replaced by empires, Hoar insisted the Constitution’s founders learned so well that they protected personal liberties

at the very heart of the document.³³ He told the Senate, “every constitutional power, whether it be called a power of sovereignty or of nationality—neither of which phrases is found . . . in the Constitution—or whether it be a power expressly declared and named therein, is limited to the one supreme and controlling purpose declared as that for which the Constitution was framed: ‘In order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity.’”³⁴

The purpose of the American Constitution—securing liberty, safety, unity, and tranquility—must be observed before any interpretation of powers can happen, and Hoar stressed the nation’s founders were so intent on making this the prime impetus of constitutional law that they put these words at the fore of that document. The preamble of the Constitution was its guiding purpose, according to Hoar, and deviating from this was as illegal as defying any of its articles or clauses. The acquisition of territory, he therefore believed, must ultimately serve the edict of the preamble and deliver greater benefits to Americans. After making this case, he opined that taking the Philippines would not serve this purpose, claiming the United States would not be able to maintain order there or extrapolate any long-term benefits.³⁵

The Massachusetts senator gave anti-imperialists a new rationale—one that went beyond seeming hypocrisies in the “spirit” of the Declaration. By invoking the text of the Constitution, Hoar went a long way to plug the legal gaps in both Vest’s and Caffery’s arguments, which relied on previous territorial expansions. For Hoar, anti-imperial republicanism was not merely a tradition, it was an obligation enshrined in the most prominent place of American law. The United States was bound by the Constitution to act as an “exemplar” of universal domestic freedom, he wrote in a letter to Anti-Imperialist League president George Boutwell.³⁶ The tradition of extending statehood and representation had a place in the “letter” of the Constitution.

What strengthened Hoar’s rationale is that it came without any obvious secondary motives, like Caffery’s reliance on an unsavory nostalgia for the Confederacy or interests in the sugar trade. Hoar’s oratory was solely a legal argument. His speech caused a major dilemma for Republican senators. Hoar was the first defector from the Party, and only days after announcing his refusal to vote for the Treaty, another Republican joined him. Senator Eugene Hale of Maine declared he could not vote for the Treaty, either. Without reluctance, both men called themselves anti-imperialists.³⁷ Before Hoar’s speech the Treaty seemed destined for amendment, but after his speech it was

unclear whether Republicans could muster enough votes to stop the treaty's rejection entirely.

Ironically, the senator most responsible for a more positive view of the Treaty was an anti-imperialist. William Ernest Mason, a Chicago lawyer and single-term Republican from Illinois who joined the Anti-Imperialist League as a vice president after the Treaty debates, followed Hoar's address one day later with his own. Mason proposed a resolution that demanded, just as Hoar had, the United States would not "govern the people of any other country in the world without the consent of the governed," but Mason noted acquisition "does not involve a question of law."³⁸ He sympathized with the sentiment of Caffery and Hoar, but argued it was unnecessary to consult the text of the Constitution or any legal precedents. Instead, Mason insisted—along with Ohio Republicans Mark Hanna and Joseph Foraker who made similar contentions—that acquisition was a question of legislative policy. Mason rejected Platt's notion of "unlimited sovereignty" and agreed that Hoar and Caffery were right to indicate the importance of statehood, but that such an act of bestowing representation can only be granted through legislating. Acquisition and statehood, to Mason, were a result of congressional will, and not arbitrary, like Platt suggested. Liberty, Mason believed, rested on both constitutional institutions as well as the will of each generation, which "have been derived from the consent of the people." The Illinois senator adamantly supported the extension of universal liberty to Filipinos, stating on the Senate floor he opposed any policy of "canned liberty," and the United States should extend "the genuine liberty which we enjoy," but these liberties can only be endowed through legislation.³⁹

Mason's argument was not diametrically opposed to the other anti-imperialist positions of Caffery or Hoar. It accepted features of both. In his resolution, the United States could acquire the Philippines with no contradiction to the law, however, the Congress would need to take up the issue of government soon after the Philippines fell under the official sovereign jurisdiction of Congress. The difference was a matter of process, but liberties would extend to the Filipinos in much the same way Hoar and Caffery suggested. Initially, Mason's argument lacked popularity; it alienated aspects of fellow anti-imperialists' arguments as well as the Republican standard line enunciated by Platt. The Boston-based Anti-Imperialist League threw its official support behind Hoar's understanding of the Constitution and chose to ignore Mason's because it took the pressure off imperialists and diverted

public attention from arguments Caffery and Hoar had so effectively stoked. Mason's resolution would allow the Senate to delay a final judgment on imperialism until after the Treaty was ratified, and the League wondered if public or political opposition would hold out.⁴⁰

No one predicted Mason's call for ratification first and liberty later would be adopted by William Jennings Bryan. As the leader of the Democratic Party, Bryan was the only man who could have swayed enough of the Democratic senators to vote for the Treaty, but he was a notoriously outspoken anti-imperialist. Before the Treaty debates began, Bryan made some of his strongest comments against McKinley's policy of benevolent assimilation to a Savannah newspaper reporter. "Our nation is in great danger," he said, and the United States "must give up any intention of entering a colonial policy," including the "forcible annexation of the Philippines."⁴¹ Because of his well-known feelings on imperialism and his persistent opposition to McKinley, most journalists and those in Washington political circles believed he would be entirely unlikely to pressure his fellow Democrats. However, like Mason, Bryan's understanding of constitutional process considered the acquisition of territory a straightforward and legally executable task that precluded any congressional restriction. Also like Mason, Bryan believed the application of liberty—manifested in political representation and statehood—is delivered to people through a policy enacted by the national legislature and thereby divorced from the same laws that dictate acquisition.

Undoubtedly politics played a role in Bryan's determination. As adamantly opposed to the government of colonies as Bryan was, he was also desperate for the "splendid little war" to end. A little more than a year outside of a presidential election, Bryan worried the continued attention on McKinley's military successes would dampen Democrats prospects. The Treaty's ratification was an opportunity for the war to end and thereby put an end to McKinley's use of it as political fodder. Bryan wrote Andrew Carnegie that rejecting the Treaty would "throw the matter" of imperialism "back into the hands of the administration," and the issue would be better vetted not "by a minority of the senate but a majority of the people" in the upcoming election.⁴² He believed the election of 1900 would see either the issue of imperialism win a mandate with the election of McKinley or its retirement with a victory for himself. When fellow Democratic Senator Augustus Bacon of Georgia offered a resolution similar to that of Teller's prewar amendment, stating the "United States . . . disclaim any disposition to exercise sovereignty," in the Philippines, Bryan made his considerable influence and opinion known. He traveled to Washington and

told Democratic senators a distinction existed between “imperialism and not opposing the treaty.”⁴³ Bryan “demanded an immediate statement of American policy” but told Democrats they should not feel bound to oppose the Treaty; rather, they should vote for the Treaty, he argued, and push for an anti-imperial policy after it passed: “If as McKinley said, American forces were being used to help the Filipinos achieve independence, well and good . . . if not, the Democrats would oppose.”⁴⁴ This was exactly the same rationale that Mason articulated in his resolution: anti-imperialism could be realized in a legislative policy rather than by blocking acquisition.

After Bryan’s visit to Washington, Democrats who had once felt uncomfortable with the Treaty could dispel Platt’s rhetoric that they were unpatriotic, remain opposed to Republican policy, and still expect to exclude Filipinos from the national polity by legislating as such after the islands were acquired. Much credit has been given to imperialists like Henry Cabot Lodge and Republican whips like Mark Hanna for the Treaty’s ratification but equally—if not more—responsible were anti-imperialists and namely the combination of Mason and Bryan. Mason even wrote to anti-imperialist financier and steel tycoon Andrew Carnegie that he believed it was Bryan who ultimately swayed the ratification.⁴⁵ Some politicians suggested Democrats who voted for the Treaty were tempted by Bryan with political promises and spoils, but no concrete evidence has been found to prove whether this was the case. George Hoar did not need any proof. He believed Bryan’s brief visit to Washington reversed the effects of his influential speech and reshaped the political battle from one of law to one of policy. Hoar accused him of underhanded political promises that functioned more as a means to have the Nebraskan reelected the Democratic Party’s standard-bearer.⁴⁶

One further opinion on imperial acquisition, which deserves attention here, is that of South Dakota Senator Richard Franklin Pettigrew. Pettigrew was a real estate speculator and at one time the congressional delegate from the Dakota territories before they became states. If anyone in the Senate was most familiar with how acquired territory developed into statehood it was Pettigrew. He was a mugwump who joined the Silver Republican Party in 1896 to support Bryan’s silver platform but remained aligned with the Republican Party on most other issues. Like Hoar, Pettigrew blamed Bryan for turning the tide in favor of the Treaty and accused Republican senators of outright bribery to retain party unity. These charges were entirely in line with the character of

the South Dakotan. He had an outlandish approach to politics, which relied heavily on populist rhetoric and scurrilous declarations that often seemed to be baseless. His two memoirs, *The Course of Empire* and *Imperial Washington*, have been called fanciful and loaded with unsubstantiated claims against those Pettigrew disliked. It is true they include many wild accusations, but they also bear great illustrations of his understanding of the constitutional laws surrounding acquisition through yet another interpretation of American liberty.⁴⁷

Pettigrew made no speeches in the chamber against the Treaty during the debates. This was probably because his state's legislature approved the Treaty and he had already spent much of his political capital on opposing Hawaiian annexation. In addition to this, regiments of South Dakota Volunteers were based around the front lines in the Philippines. Pettigrew was careful not to come off as unsupportive of these troops. Instead, Pettigrew quietly raged behind the scenes about the acquisition being illegal. "The forces of imperialism," as Pettigrew understood it, were "the railroads, the trusts" and business interests or, according to him, the same economic forces that penned the Constitution. In his assessment of the Treaty, the Constitution had no place because it was an instrument of plutocrats. This contention was made more famous in the twentieth century by Charles Beard in *An Economic Interpretation of the Constitution of the United States*, which was a radically revised reading of the ambitions of America's forefathers to secure their own property and wealth through constitutional law.⁴⁸ Pettigrew enunciated this impression long before Beard's famous text was published, contending the Constitution was written solely by the wealthy for the wealthy. Therefore, he argued it was never "drawn to safeguard liberty . . . The Constitution as framed by the Convention, says nothing about . . . free speech, of free press, of free assemblage, or of religious freedom. It breathes no single hint of freedom."⁴⁹ His sentiment was written off by many anti-imperialists as too radical an interpretation, but his thinking gradually found greater support in anti-imperialist circles, particularly in the Midwest. Pettigrew elevated Thomas Jefferson—as did Caffery and Platt—to the position of America's greatest idealistic champion of liberty. It was Jefferson, Pettigrew argued, who upon his return from France saved freedom by inserting the Bill of Rights into the Constitution. Prior to that, the document contained no reference to the idea of liberty at all, and for this reason, Americans should hold the original articles in contempt.

Pettigrew's lack of faith in constitutional law led to his frustration with the Treaty of Paris debates. He was in full agreement with

Hoar that the Tenth Amendment, a Jeffersonian addition, was the “greatest victory for preventing encroachments on the reserved rights and liberty” of the people, but Pettigrew also insisted regardless of this rule, “great crises like this one seldom arise in the Senate, but when they do, there are always enough lawyers on hand to do the work that the corporations want done.”⁵⁰ Taking particular notice of Mason and his lawyerly background and advocacy of legislative policy, Pettigrew argued if the Senate and the executive do not recognize the powers of the Tenth Amendment, the people must by way of revolution. Some newspapers took this to mean Pettigrew desired a revolution at home, but it was not Americans Pettigrew believed should revolt—it was Filipinos. This was no less radical and his assertion was likened to treason by imperialists on the grounds American soldiers occupied Manila. The comments led to his widespread unpopularity in South Dakota—so much so that the legislature refused to reelect him in 1900.⁵¹

Even though Pettigrew’s musings during the Treaty debates were not supported by his peers and allowed most people to reject his rationale outright, the South Dakotan contributed a unique perspective to the debate. He argued that another relevant legal authority existed in the case of Philippine acquisition, one that lay beyond the jurisdiction of the Constitution: “This talk of revolt, about fighting insurgents, it seems to me, is absurd. How can we have title without possession? I think it is a fair proposition, well sustained in international law, that when a country is purchased, possession must come in order to give sovereignty. Spain could not give any possession because her power was ousted and another government existed in its place.”⁵² Possession and the notion of custody was a feature of international law, which Filipinos believed would help win their independence. At the end of the war, Emilio Aguinaldo sent a plenipotentiary to the United States—Felipe Agoncillo—to promote the cause of national independence, and he did so as a matter of international law in collaboration with American anti-imperialists. Agoncillo built a network of contacts and constructed the foundation of the transnational relationship between American and Filipino anti-imperialists. To accomplish this, the Philippine Republic hired lawyer and ardent anti-imperialist Jackson Harvey Ralston. Ralston’s was an expert in the incipient concepts of international law, which appealed to Agoncillo. He advised Agoncillo and his Secretary, Sixto Lopez, to lobby the Senate in such terms, which demonstrates that Filipinos and Americans were coordinating opposition to U.S. imperialism as early as January 1899 and doing so through similar tenets of constitutional law. On January 30,

after most of the anti-imperialist speeches had been heard, Agoncillo submitted a written address to Secretary of the State John Hay and the Senate. It explained, "by the rule of international law . . . the Philippine Republic has been for many months entitled to national recognition, possessing . . . both de facto and de jure [government]. The oppressive arm of Spain has never been able to sustain itself." Agoncillo phrased his opposition in the same way Pettigrew had and as Ralston advised. Moreover, Agoncillo used the concept of liberty in his defense of Filipino independence. Filipinos were sovereign, he said, "because of their adhesion to the cause of liberty."⁵³ The roots of transnational anti-imperialist solidarity had taken shape during the debate over the Treaty.

The notion that sovereignty existed before the United States intervened led some anti-imperialists, including Pettigrew, to assert Admiral Dewey's forces provided official recognition of Filipino sovereignty under international law. By trading intelligence and giving cordial assurances that Spain was a "common enemy," Dewey and tacitly the United States, recognized the Philippine Republic.⁵⁴ Although McKinley attempted to keep the United States out of any alliance, Aguinaldo and Dewey met several times while the United States occupied Manila and Pettigrew poignantly compared this U.S.-Filipino alliance to the American-French alliance during the Revolutionary War. He argued, "We may as well have claimed that in the Revolutionary war France was not an ally of the United States because we only used the French and their armed forces and soldiers to assist us in operations against England."⁵⁵ Pettigrew asked the American public to consider how they would feel if the French attempted to occupy and pacify the American colonies after the Revolutionary War. Would not the forces of Washington expel them?⁵⁶ For a growing number of anti-imperialists, the purpose of the war was to liberate the Spanish colonies and "on that simple plan . . . they were, and of right ought to be, free . . . with the recognized requirements of international law . . . We are doing to others what we ourselves would resist."⁵⁷ On the day of the vote in the Senate, Pettigrew made his last statement regarding the Treaty: "We could have had no possible difficulties with the people of the Philippines if we had given to them the honest assurance that we did not propose to overthrow their newly established liberties."⁵⁸

Pettigrew was referring to the unfolding events in Manila. On February 4, 1899, two days before the Senate was due to vote, an American patrol fired on Filipino forces in the outskirts of the city. The Filipino Army retaliated and the American campaign to pacify the

Philippines followed. On February 6, the Senate ratified the Treaty. When the roll call was taken it was clear just how close the vote was. It passed with only one vote more than the two-thirds majority needed for ratification.

Debate had characterized the Treaty's ratification, but the arguments were largely forgotten when the United States was again plunged into war. The press reported the ratification as a product of the outbreak of hostilities and patriotic impulse. Few historians attribute the ratification of the Treaty solely to the events in Manila, but nevertheless violence was the contextual backdrop, which is sometimes responsible for muddling the motives behind its ratification. What propelled the Treaty were the arguments of Bryan and Mason, which compelled at least four Democrats to switch their vote. The intellectual fault line among anti-imperialists broke along the question of whether Congress would take up the question of liberty and independence for Filipinos before or after the Treaty's ratification. The outcome of pushing the question of Filipino independence back on the legislative agenda was not one that favored anti-imperialists. On February 7, Senator Augustus Bacon, a Democrat and ex-Confederate soldier from Georgia, proposed a resolution seeking the pacification of the islands, along with a disclaimer of permanent sovereignty and the creation of a native government. Bacon's resolution not only excluded the Filipinos from American citizenship, it disclaimed permanent U.S. sovereignty.⁵⁹ The resolution was the post-Treaty attempt to legislate an anti-imperialist policy. In the Senate it found support from a broad coalition of anti-imperialists, including Donelson Caffery, George Hoar, William Ernest Mason, and William Jennings Bryan. In the vote, Bacon's resolution lost by the tie-breaking vote of Republican Vice President Garret Hobart.

Louisiana Democrat Samuel McEnergy, one of the Democrats who switched their vote in favor of the Treaty, proposed his own resolution after Bacon's failed. The McEnergy resolution denied citizenship to the Filipinos, expressly prohibited any future annexation or entitlement of statehood, and recognized the permanent sovereignty of the United States. This was an entirely different proposal. It deviated significantly from Bacon's because it granted President McKinley expanded war powers and would facilitate the implementation of his policy of benevolent assimilation along with a tacit recognition of Platt's legal principle of "unlimited sovereignty."⁶⁰ The other important distinction between these two resolutions is that McEnergy's did not allow for universal

extension of the constitution within the sovereign jurisdiction of the United States. The Senate narrowly approved McEnery's resolution and, in frustration, Bacon angrily chastised the exclusionary sentiment of McEnery, calling his resolution "vicious and unfortunate . . . one that does not look toward the future of freedom" and makes the Filipinos "subjects."⁶¹ The failure of the Senate's anti-imperialists to affect foreign policy through legislation caused the movement to give up seeking a solution through congressional channels.

The final days of the Treaty debate had an adverse effect on the budding transnational relationship with Filipino anti-imperialists as well. The blame for the outbreak of the Philippine-American War on February 4, 1899, was squarely placed on the Filipinos by the American press and by imperialist politicians. In fact, Agoncillo took most of the blame. Senator Morgan speculated that Agoncillo advised Aguinaldo to attack American lines in Manila as a means of manipulating the Senate to vote against the Treaty. "Agoncillo had cabled" Aguinaldo in Manila, according to Morgan, "informing him that a vote would be taken [and] advising him to precipitate hostilities." Wisconsin senator John Spooner called the situation one of "dense ignorance [that] believed an attack . . . would help their cause."⁶² Agoncillo, as the agent of the unrecognized government of Aguinaldo, was a public relations liability for the anti-imperialists and the new Leagues vying for increased membership. While some anti-imperialists continued to seek greater solidarity with Filipinos, others wanted to distance the movement from them, fearing a backlash. When war finally broke, even Jackson Harvey Ralston severed all ties with Agoncillo and the Philippine Republic. He publically announced the end of his service to Aguinaldo's government, arguing his patriotic duty was "superior to that which a lawyer owes to his client."⁶³

Even though solidarity was faltering, the intellectual bond was not severed so easily. References to the Revolutionary War, American liberty, and anticolonialism persisted in both anti-imperialist and Filipino rhetoric as a result of their common cause. Evidence of this can be seen after the Treaty's ratification. Even opponents of solidarity—most notably President of the Anti-Imperialist League, George Boutwell—took up the argument in terms of international law, just as Agoncillo and Ralston had.⁶⁴ In the largest meeting anti-imperialists held in 1899, Boutwell told the crowd, "It is said that as we are in possession of the Philippines [and] we must preserve order. But Spain was in possession of Cuba and this was her excuse. If the pretext is good for us now it was good for Spain then . . . Indeed, our right to slaughter the Filipinos is less than hers to slaughter the Cubans, as Spain had been in

possession of Cuba from the earliest times, while we have just set foot in the Philippines, under a title which the inhabitants are bound neither in law or in morals to respect.”⁶⁵ The anti-imperialist arguments against the Treaty exhibit the unifying and disjointed effect liberty had on the debate. In all cases, anti-imperialists utilized a conception of law. The forces of “bare-knuckled self-interest,” like those exhibited by Bryan, who desperately sought to run for president again, or Caffery, who sought to protect the sugar industry in Louisiana, were underlying motives of opposition. However, the talk of liberty in the Senate was overwhelming and should not be considered “lip-service,” but rather the first dissemination of positions in the “great debate.”⁶⁶

CHAPTER 3



CITIZENSHIP AND THE ELECTION OF 1900

During the 1900 election, imperialists and anti-imperialists squared off in a bid to win the hearts and minds of the American public and directly impact the diplomacy of the United States. Anti-imperialists focused less on reversing the gains made by their opponents in the Senate and instead made a case for excluding inhabitants of America's new colonies from the American polity. The extension of citizenship became the predominant legal issue of the anti-imperialist campaign. What made the issue of citizenship even more complicated was the perception of the new colonies as distinctly different from the United States and, more important, their inhabitants as distinctly different from Americans. Between the territories, there were over 12 million people. Culturally there was great diversity. In the Philippines alone there were more than a dozen distinct ethnic groups, not including various tribal ethnicities. Such diversity was often viewed by Americans through stereotypical conceptions of race. Imperialists and anti-imperialists were acutely conscious of the differences between Americans and the occupants of their new territory, often—but not always—conceiving of those living in the colonies as inferior. This belief had obvious implications for citizenship. The admission of millions of foreign races into the American electorate as citizens would dominate the “great debate” during the presidential campaign.

The exclusion of people seemingly eligible for citizenship is a remarkably persistent trend in U.S. history. As a result of nineteenth-century continental expansion, new populations were acquired but more often than not excluded from the American polity by restricting citizenship. The most historically egregious case of exclusion are of

African Americans (through both the antebellum practice of slavery and postbellum Jim Crow laws). Slavery gave the history of American liberty “a powerful exclusionary dimension,” and although the Civil War terminated its practice, the tradition of exclusion was not instantaneously severed.¹ To prevent the reemergence of exclusion by race and to codify liberty, the Fourteenth and Fifteenth Amendments were ratified and guaranteed entitlement of citizenship and the franchise of voting to all men born or naturalized in the United States and its jurisdictions. Its framers, like Thaddeus Stevens and John Bingham, created the amendments as a means to achieve “model republics” and give Congress the power to “force states to live by the rules of republicanism.” Nevertheless these Amendments faced fierce interpretation and attack after their adoption.² Throughout the later years of the nineteenth century racial exclusion reemerged as a popular ideology in Confederate nostalgia and the desire for national unity in the wake of Reconstruction. Exclusion was not limited to freed slaves. Native Americans suffered several epic military defeats at the hand of white settlers, and only in 1879 did Chief Standing Bear win recognition of Native Americans as U.S. citizens.³ Though the Fourteenth and Fifteenth Amendments had been purposely written to ensure citizenship and voting privileges to adult male inhabitants, most nonwhite Americans had not actually achieved this. The exclusion of Filipinos, Pacific Islanders, and Puerto Ricans from American citizenship continued this tradition.

For the inhabitants of America’s newest colonies, inclusion was a matter of social equality and political participation, just as it had been in the cases of African Americans and Native Americans. Nearly all anti-imperialists cited the nation’s history of excluding African Americans as a cautionary model. This united the movement. All anti-imperialists agreed that to deny citizenship to people ruled by the United States was illegal and unconstitutional as well as a heinous disregard for the memory of the Civil War. The movement was satisfied only to exclude the people of the Philippines, Puerto Rico, and Guam from citizenship if American sovereignty was not extended to these places. This conviction bound the anti-imperialists and allowed the movement to continue its activism in a legal mode. Anti-imperialists again invoked the language of liberty as the basis for their opposition to colonialism. Even though the movement was unified in its belief that exclusion was illegal and the notion of liberty justified their position, members had distinctly different ideas of why exclusion was illegal and used the idea of liberty in sometimes conflicting ways. The following sections of this chapter will exhibit these

differences in greater detail and explain how they shaped the context and outcome of the election.

After the ratification of the Treaty of Paris, the focus of anti-imperialist disgust remained on President McKinley's approach to governing the Philippines. The thousands of islands that make up the archipelago included the largest and most racially mixed populations, whereas Puerto Rico and Guam were substantially smaller and were treated substantially different from the Philippines. As early as February 1899, the McKinley administration believed Puerto Rico might qualify for statehood because of its proximity to the United States. Senator Joseph Foraker, an influential Republican imperialist, sought Puerto Rican inclusion and even citizenship for its inhabitants. Secretary of War Russell Alger created a committee in February 1899 "to place these people [Puerto Ricans] under substantially such a system of laws and regulations as are now prevalent in the United States."⁴ Not long after the Treaty passed, Puerto Rico received a residential government with an executive cabinet and territorial representation. The extension of a territorial government was in line with past precedent and touted by most anti-imperialists as an appropriate policy. They advocated the same for the Philippines or for the United States to dispose of the territory.

The election of 1900 was an opportunity for anti-imperialists to make their demands part of the national dialogue. But anti-imperialism was only one issue Democrats and Republicans took up. Contrasting visions for international commerce and coinage had dominated the platforms of the two parties since 1896. McKinley advocated the gold standard where the United States would continue to back the dollar with gold like most European trading partners. He argued the gold standard gave confidence to foreign traders and that the dollar would be a reliable currency. William Jennings Bryan proposed bimetallism or free silver, which would allow gold and a proportional amount of silver (a ratio of 16 silver to 1 gold or 371 grams of silver to 23.5 grams of gold) to serve as the backing of the dollar. For Americans in the West where silver was mined, Bryan's bimetallism would allow them to cash in silver for dollars, and for American farmers it would cause inflation and allow them to more effectively pay off their debts. To Bryan, the only opponents of free silver were the sinister eastern financiers and bankers who feared inflation would leave their investments worthless. Most Americans, he thought, would welcome inflation. Though he lost the 1896 election, Bryan continued to believe the coinage debate was among the primary issues in 1900. It was not. The depression of 1893 was the backdrop of the 1896

election, but in 1900 President McKinley could tout the economic prosperity of the United States. Unemployment had fallen to around 5 percent. Trade was brisk and customs revenue steady. McKinley's campaign made the most of these circumstances. In a similar vein, the regulation of trusts or monopolies was a major issue in 1900. McKinley embraced big business and the trusts as the drive wheel for the nation's economic success. Bryan called for greater regulation of trusts, but big business posed a conundrum to the Democratic Party since it was supported by corporations that held monopolies in ice distribution, cotton production, and mining. Bryan's promise to regulate the trusts seemed an empty threat and a partisan attack on Republican corporate donors. Similarly, Bryan called for an end to government corruption, but Democrats and Republicans were both guilty of giving jobs to party loyalists. There was only one issue Bryan could truly champion that was topical and would contrast himself and his Party from the Republicans: foreign policy. These circumstances are what made anti-imperialism the paramount issue for Bryan.

This chapter examines the development of anti-imperialism during the presidential election of 1900 with particular attention being paid to the ideas of race and citizenship and how they intersected with the movement's rationale for legal activism. Slavery and the two-tiered political state during the antebellum period was a poignant context, which most anti-imperialists used as their starting point in opposing the exclusion of Filipinos. President of the Anti-Imperialist League George Boutwell asked Boston's reform-minded activists, "Having abolished one form of slavery, are we to create another form of slavery?"⁵⁵ League vice president and the founder of Stanford University, David Starr Jordan, defined imperialism as "the permanent seizure of and retention of regions of which the inhabitants are not or cannot be made citizens," and argued it recalls "all the evils of the reign of slavery."⁵⁶ Filipinos were often directly compared to African American slaves. Chicago economist and anti-imperialist J. Lawrence Laughlin noted that American troops believed they were "nigger hunting" in Luzon and called the Filipinos "niggers, black devils, and gugas."⁵⁷ Yet what was most disturbing to anti-imperialists was not the conjectural or anecdotal specter of slavery, but its actual reincarnation. In August 1899, U.S. General John Bates signed a Treaty with the Sultan of Sulu, a monarch of a small island group in the southwestern Philippine archipelago. The so-called Bates Treaty initiated American sovereignty over the Sultan's territory in exchange for a royal stipend and other allowances, including "any slave in the Archipelago of Jolo . . . the right to purchase freedom by paying to

the master the usual market value.”⁸ The Bates Treaty legally recognized slavery and allowed slave trading, representing the McKinley administration’s most overt act of complacency toward America’s peculiar institution. The military and government were not only excluding Filipino residents from citizenship and political freedom guaranteed by the Constitution but also abetting the nation’s most heinous form of exclusion. The lessons of disunion born from the conflict of slavery and the equality of man had been diminished and even reinvigorated by a federal Treaty.

The sense that hard-fought American values were being forsaken led to a nationwide boom in the anti-imperialist movement. In Northampton, New Hampshire, the first institutional offshoot of the Boston League was organized in the spring of 1899. The Northampton Anti-Imperialist League adopted a similar charter to its Boston cousin and even allowed women on the executive committee with Mary Emma Byrd acting as its secretary. By the end of April, a second branch called the Central Anti-Imperialist League would be organized. The Central League was the largest branch outside of Boston. Based in Chicago, the Central League hosted a massive rally in the city’s Central Music Hall in which nearly five hundred opponents to imperialism attended. The Music Hall event adopted the Anti-Imperialist League platform and similar resolutions to those of their Boston associates. The Central League had a slate of officers who were among Chicago’s—and the nation’s—most influential personalities. The founder of Hull House Jane Addams, acclaimed lawyer Clarence Darrow, poet Henry Fuller, reformer and Unitarian Minister Jenkin Lloyd Jones, economist J. Lawrence Laughlin, publisher Louis Free-land Post, and the University of Chicago’s professor of anthropology Frederick Starr all lent their names to the list of notable members.

As spring turned to summer, anti-imperialist recruiters were even more successful at finding members. In July, the city of Cincinnati organized an anti-imperialist foundation called the Cincinnati Liberty League. Managed largely by members of the city’s Single Tax Club, the Liberty League leadership included a variety of notable city personalities like clergyman and influential Democrat Herbert Seeley Bigelow, U.S. Attorney General and later the Governor of Ohio Judson Harmon, and Rufus B. Smith a close confidant of William Howard Taft. Philadelphia followed suit shortly after with an organization called the Philadelphia American League. The Philadelphia branch was a mix of conservative Republicans and radicals who were among the city’s Single Tax proponents. The ideological differences often led to friction over the direction of the League. For example,

one of the Philadelphia branch's founders, Frank Stephens, openly cheered for the Filipino revolutionaries who fought against American soldiers. A radical, Stephens called President McKinley a murderer, for which the League eventually expelled him. The cohesion of the Philadelphia branch was largely a product of the good relationship forged by the political balance and cooperation among officers, similar to the way the Boston branch was composed. The most prominent branch member was radical reformer Herbert Welsh, who edited the newspaper, *City and State*. Welsh used the newspaper to become one of the state's most prominent activists. His radicalism was tempered by conservatives like Republican George Franklin Edmunds, the long-serving Vermont senator who retired in Philadelphia. Edmunds was elected the President of the Philadelphia League to entice like-minded conservatives.⁹ Edmunds and Welsh, along with the branch's secretary and treasurer, worked to keep the city's organization unified.

The movement showed no signs of fizzling out after the summer. In the first week of September two more leagues were founded. In western Massachusetts, the demand for a league that would meet outside Boston resulted in the creation of the Connecticut Valley Patriots. These anti-imperialists met in Springfield and, though small in comparison to the Philadelphia or Boston organizations, utilized the powerful pages of the *Springfield Republican* daily newspaper and had influential members like Herbert Myrick, an agricultural expert. In Washington, there had been an office for anti-imperialists to use since 1898, but it was mainly used to petition senators against the Treaty of Paris. By September, author and social commentator William Augustus Croffut officially designated the office as the home of the Washington Anti-Imperialist League. The ultimate purpose of the branch was unlike any other: it was designed to be a communications center for the nation's other leagues and to assist those branches in petitioning legislators and politicians.¹⁰ Croffut was heavily influenced by the original Boston Anti-Imperialist League, taking advice from its Secretary Erving Winslow and honorary vice president Patrick O'Farrell, an Irish immigrant and Republican lawyer. Also like Philadelphia and Boston, the Washington branch appointed a well-known Republican—Civil War hero General William Birney—as the League president, believing he would have more success lobbying the McKinley administration than a Democrat or mugwump.¹¹ And like the other leagues, radicals and Democrats were included in executive committee positions or as vice presidents to ensure the movement was bipartisan and as balanced as possible.

The quick spread of new leagues with identical ends and operating structures instigated a natural response: the movement gravitated toward national centralization. In anticipation of a national league forming, New York joined the plethora of cities to host a league. Stoked by several founders of the Boston League, the American League of New York was created in October 1899.¹² The register of members in New York was an eclectic mix of America's most notorious figures. William Dean Howells, leading editorialist for the *North American Review* and famous novelist, became vice president and convinced the nation's most satirical voice, Mark Twain, to join as an officer upon his return to the United States the following year. Other vice presidents included editor of *The Nation* E. L. Godkin, progressive activist Josephine Shaw Lowell, Secretary of the New York Social Reform Club Edward Warren Ordway, the nemesis of Tammany Hall Charles Henry Parkhurst, Princeton professor Henry Van Dyke, lawyer and failed nominee to the U.S. Supreme Court Wheeler Hazard Peckham, and banker-turned-philanthropist George Foster Peabody. But the American League of New York had a short-lived existence. In October anti-imperialists held a national meeting in Chicago to organize the various regional leagues (including New York) and centralize operations for the upcoming presidential election in 1900. The meeting culminated in the reorganization of these regional leagues into a national league at Chicago called the American Anti-Imperialist League. The existing leagues around the nation were incorporated as regional branches. The American League of New York was renamed the New York Anti-Imperialist League, the original Boston League was renamed the New England Anti-Imperialist League, and a new branch was opened that winter in Minneapolis. The process made all the regional leagues subordinate to the national one. As Erving Winslow put it, jokingly, the New England League was "devoured by our own spring."¹³ This was not quite true. While the New England branch was designed to be a subsidiary, it remained largely autonomous and in some respects more prominent. New England League President, George Boutwell, was even named President of the national organization.¹⁴ The winter of 1899 and 1900 was the apex of the movement's institutional power. Officers of the movement could boast an active membership base of thirty thousand and an association with nearly seven hundred thousand contributors from every state of the country.¹⁵ Central League Secretary, William Mize wrote in his correspondence that "the movement is crystallizing rapidly,"¹⁶ and the movement was crystallizing around one date: November 6, Election Day.

The denial of citizenship for residents of the territories, the revival of slavery in the Bates Treaty, and the surge in membership in anti-imperialist clubs nationwide set the stage for an explosive election. In his report as Secretary of the New England League, Winslow said the League's goal was not "to cast presidential horoscopes, or to discuss candidates, or to promote party movements" but only to attack the policy of "benevolent assimilation" as "an act of despotic power."¹⁷ The new regional Leagues and the national League were designed with this common objective.

Democrats called anti-imperialism the "paramount issue" of the election. At the Democratic National Convention in Kansas City, the Party declared, "imperialism . . . involves the very existence of the Republic and the destruction of our free institutions . . . we are unalterably opposed to seizing or purchasing distant islands to be governed outside the Constitution, and whose people can never become citizens."¹⁸ The honor of reading the Democrat's platform at the Convention went to perhaps the loudest and most chauvinistic of anti-imperialists, Benjamin Ryan Tillman. Tillman was a U.S. senator from South Carolina better known simply as "Pitchfork Ben" after suggesting he would prod President Grover Cleveland—"old Grover" as he called him—with a pitchfork. Tillman's anti-imperialism and conceptualization of liberty were products of his Southern upbringing and culture. He empathized faithfully with the Confederate cause and attempted to join the army at 16, believing the northern Yankees were "destroyers of our liberty . . . They ought to be shot."¹⁹ But Tillman would never get the opportunity to serve. He was incorrectly diagnosed with a bacterial eye infection and inappropriately treated, which led to the irritation of his eye and the growth of a cyst at the base of his neck. After spending three months in excruciating pain, a doctor removed his eye and the cyst. The episode left Tillman physically drained, forever without his left eye, and unable to serve in the war. Before he could recover from the surgery the Confederacy had surrendered. After the war, disappointed at not being able to contribute to the South's defense, Tillman joined a South Carolina paramilitary organization designed to resist Reconstruction. He was even a party to the Hamburg incident, in which paramilitary white supremacists attacked an African American militia and demanded it relinquish its arms. The incident led to a fracturing of politics in South Carolina and the end of the state's cooperation with the imposition of Reconstruction.

By 1890, Tillman's aggressive opposition to Reconstruction had made him politically popular. He successfully ran for Governor of South Carolina as a result, capitalizing on Southern objections to the social reconfigurations that accompanied Reconstruction. Tillman promoted a shared memory of carpetbaggers and scalawags as forces initiated by Northern Republicans and assisted by freed slaves to destroy Southern culture and identity. In his campaigning he effectively linked the changing role of slaves and slaveholders to the political demise of white men in Southern states. This was a theme that resonated among white men during Reconstruction as the political success of freed slaves was also the political failure of the white gentry. Freedmen were customarily of the Republican Party, and Tillman, a Democrat, presented the enforcement of equality during Reconstruction as a measure of social and political domination by Northern Republicans as punishment for the application of slavery.²⁰

Although Tillman's logic seems more about preserving the supremacy of white men in Southern politics, there was an intellectual element that bound his argument to the idea of liberty and helped compose his rationale. Like many other Southern Democrats, Tillman disapproved of universal male suffrage. This was not merely because it threatened his hold on power but because it conflicted with a historical reading of liberty and an understanding of citizenship that was fundamentally linked to individual self-sufficiency and economic independence. From the very outset of political development in the American colonies, financial dependency was viewed as a form of "political subservience" and many colonialists believed without genuine economic independence citizenship was open to corruption.²¹ This rationale justified the inequalities of early American constitutional law most notably in the acceptance of slavery. The ideological contention followed that men were naturally ambitious and always sought greater power for themselves, so restrictions on liberty itself were necessary, and particularly on the most dependent classes who were most likely to act corruptly if given freedom. For Tillman, the dependency of slaves on a master made them extremely likely to abuse power—if they obtained it—in order to secure their own interests. According to this logic, freedmen could not be objective or independent decision makers who would seek to protect the general welfare of a community. They instead would corruptly seek to protect their own condition.

Tillman's biographer, Stephen Kantrowitz, argues "most . . . white men shared a system of law, custom, and metaphor: as the master of a small farm household . . . a white man was an independent citizen, soldier, and voter . . . black men, women, and children existed only in

various states of dependence on particular white men.”²² Although the Civil War freed slaves, consequently altering the social roles and thus challenging these ideas of dependency on a white patriarch, the termination of Reconstruction marked a revival of white male supremacy. Tillman admitted, the year Reconstruction ended, “we stuffed the ballot boxes . . . we shot [Negros] . . . we are not ashamed of it . . . we will do it again.”²³ He insisted the African American “race had retrograded, not progressed, since emancipation;” slaves had been “well behaved” and uplifted, but with Reconstruction, freed slaves were “inoculated with the virus of equality.”²⁴ He believed it was a patriotic duty to expunge the corruption of Reconstruction through any means available. Nineteenth-century ideas of race derived from interpretations of Darwinism were unnecessary for Tillman. He did not need to “consult . . . pseudoscientific writings” to assert African Americans were “being taught by their leaders [the Republicans] to lie and steal.”²⁵ So in 1899 Tillman voted against the Treaty of Paris believing almost every senator who had firsthand experience with freed slaves should do exactly the same. He decried the “freed negro” a “burden upon our manhood and our ideas of liberty . . . it is still a burden, although they have been granted the franchise.”²⁶ His ideological regard for self-sufficiency and his memory of Reconstruction as the abandonment of that notion was adopted by several other senators from the South. But some Southern Democrats voted for the treaty, which shocked Tillman; he believed any sensible Southern Democratic senator would not “incorporate into our citizenship ten millions more . . . different races” when the problem with African Americans was so obvious.²⁷ Integrating races, according to Tillman, would only create more dependent classes and again alter the composure of the national electorate as well as the social fabric.

But imperialists like McKinley or Senator Orville Platt never suggested they would incorporate Filipinos as equal citizens or ever allow them to alter the nation’s political or social composure. In fact, the McEnergy resolution—proposed by a Southern Democrat—expressly excluded the people of the territories from citizenship and inclusion while still retaining sovereignty. In practice, Southern Democrats were not particularly opposed to overseas expansion. Only extending citizenship and other constitutional rights concerned them. For example, Senator John Morgan from Alabama, a former KKK Grand Dragon, agreed with Tillman that equality was a tool of Republican corruption. Morgan even wrote the Democratic leadership in 1900 that the Party must not promise equality to Filipinos because it was another way for Republicans “to keep the south in this state of impotence.”²⁸ But Morgan was content to acquire the Philippines just so long as

the expansion continued to exclude newly acquired populations from citizenship and Democratic votes could be secured.

So why was Tillman so opposed to the Treaty and overseas expansion? Primarily because he saw benevolent assimilation as a politically duplicitous reversal of the laws established after the Civil War. As much a racist as Morgan or McEnery, Tillman's anti-imperialist logic turned less on race and more on constitutional implications.²⁹ One month before Election Day, Pitchfork Ben made his most emphatic legal objection to the imperialist policy in the *North American Review*. The article reaffirmed the constitutional tenets of the Confederacy against universal individual liberty. According to Tillman, governments are legally permitted to make chattels of men at home but not abroad, or that liberty should be considered within a national context and not on an individual basis. He arrived at this legal contention by interpreting the "consent of the governed" as the basis of American government—just like so many other senators had done during the Treaty debates—but with a unique definition of *consent*. He scoffed at the notion that consent was represented by the vote of any one person. Rather it was defined as a voice that "must emanate from within."³⁰ Concisely, he argued consent was a will that originated from a domestic population, opposite from the "doctrine of the divine right of Kings or of force from without," and Tillman contended the Declaration of Independence was a declaration of the nation's liberty, not a promise of liberty to all its individual inhabitants.³¹ This allowed the senator to separate the rights of citizenship and particularly the right to vote, from the hallowed doctrine of the consent of the governed. It also allowed him to support the Confederate practice of slavery but be adverse to territorial aggrandizement.³² Tillman persistently argued that universal individual liberty was never recognized in the South and he "never acknowledged that the negroes were our equals, or that they were fitted for . . . government," nor that the South would ever support the Fourteenth Amendment and the rights of citizenship for all American residents.³³ Instead he argued that because consent does not apply to individuals, the American government can restrict rights from its population in several ways, all of which are consistent with constitutional law. Yet, on a national scale, the opposite is true: one nation cannot suppress another.

At the Democratic National Convention, held in Kansas City throughout the first week of July, Tillman was among the Party's top power brokers. His booming voice "shouted with sonorous intensity" the party platform. "We assert that no nation can long endure half republic and half empire," he announced.³⁴ Several newspapers

regarded and reported the platform and particularly Tillman's oration as hypocritical or at best ironic. To have such an outspoken critic of domestic equality championing equality among nations was an easy target for satirists.³⁵ Interestingly, the accusation of hypocrisy did not stick. Instead Tillman accused the Republican Party of insincerity and double standards. Smug and haughty, Tillman called the Republican policy of imperialism a Southern, and even Confederate, interpretation of individual liberty and equality. The context of the election provided grist for Tillman's argument. Little more than a month after delivering his party's platform, race riots erupted in Akron, Ohio, and New York City. In Akron, a lynch mob attempted to hang two African American prisoners much to Tillman's delight.³⁶ He wrote the riots "should silence for all time any charges against the Southern whites of being crueller . . . than Northern men are."³⁷ The senator chided Republicans arguing that in the past they have "'twit' Southern men with inconsistency" but now they "silently acquiesced" on the issue of equality. Tillman regularly noted in the press the "maintenance of slavery . . . within the jurisdiction of the United States, as Mr. McKinley has done in his Sulu agreement."³⁸ The Bates Treaty, the Treaty of Paris, the race riots, and the Republican's near silence on citizenship for Filipinos allowed Tillman to argue, "the Republican party will belie all its boasted past," and now the "North has a bloody shirt of its own . . . made into shrouds for murdered Filipinos . . . fighting for liberty."³⁹ The chauvinist South Carolinian even went as far as to decree that the political parties had done a "somersault." Now, the "Democratic party stands for liberty and true American principles," or at least a consistent interpretation of this terminology, and "Republicans repudiate the Declaration . . . pursuing the scheme of conquest . . . as the slave oligarchy of 1860 was in supporting the institution of human slavery in the South."⁴⁰ Tillman's accusation of a political somersault was publicly denied as nonsense by the Republican campaign, but the evidence of racial exclusion abroad and ambivalence at home was evident in the ideologies of staunch imperialists like Massachusetts' junior senator Henry Cabot Lodge, vice presidential candidate Theodore Roosevelt, and Indiana senator Albert Beveridge. In fact, Senator Beveridge flagrantly adopted the Tillman-styled notion of freedom. In the Senate he asked, "For what is Liberty . . . It is not the exercise of individual will. It involves government, but not necessarily self-government. It means law . . . The Declaration has no application to the present situation. It was written by self-governing men for self-governing men . . . The Declaration applies only to people capable of self-government. How dare any man prostitute this expression of

the very elect of self-governing peoples to a race of Malay children of barbarism, schooled in Spanish methods and ideas?"⁴¹

Oddly, one of America's most racist politicians made a legal argument so sensible that arguably a political somersault did occur. Tillman's version of national liberty was not a difficult yoke for Republicans to bear even as they clung to their antislavery legacy. To occupy a foreign country and govern it without the people's consent was unconstitutional, Tillman believed, but suppressing consent at home was justifiable. When he cried hypocrisy he simultaneously declared the ideology of Southern antebellum white supremacy, triumphant.

Outside of his ideological convictions, Tillman was campaigning as a party stalwart. He supported Bryan in a bid to further his career and there was speculation at the time that Tillman was popular enough to have a place in a Bryan cabinet.⁴² As a loyal Democrat, he was not surprisingly prepared to campaign for Bryan, but unlike other Southern politicians who did the same, Tillman made an enthusiastic pitch for a unique view of liberty and anti-imperialism.

Tillman's brand of anti-imperialism did not resonate with all anti-imperialists, and it was totally unappreciated by Republicans, particularly those with previous affiliations with the antislavery movement. One of the foremost antislavery anti-imperialists was Boston lawyer and political mugwump Moorfield Storey. Historians and those familiar with Storey have described him as a persistent reformer who often overstated his cause, perpetually flip-flopped, but nevertheless clung to the Republican legacy of the Civil War era.⁴³ The New England Anti-Imperialist League was led by men like Storey, who placed priority on principles rather than on party and admired independent political activism. These Boston mugwumps also shared an unflinching admiration for antebellum New England republicanism, the core belief of which was that all people are entitled to the blessings of liberty.⁴⁴ This tenet—a product of the Civil War and the fight against slavery—was espoused at the very first meeting of anti-imperialists in 1898 by Storey, who made it clear his perception of McKinley's foreign policy was a revival of the peculiar institution. Addressing the Faneuil Hall crowd Storey asked, "It is said that the people of these islands are unfit for self-government . . . Are either less fit than were the slaves to whom we gave the ballot thirty years ago?"⁴⁵ With Storey's help, the New England League created a platform that eventually was adopted nationally. It included Abraham Lincoln's famous quip, "No man is good enough to govern another

man without his consent,” which was added not merely because the logic resounded easily and frankly but because it recalled a virtuous opposition to antebellum inequality.⁴⁶ Irrespective of his nature to overstate a cause or change party, Storey and his fellow New England mugwumps fundamentally “equated abolitionism with anti-imperialism . . . the cause of the Negro in 1860 with that of the Filipino in 1899.”⁴⁷ Storey made such a case in a letter to his friend and fellow activist Charles Francis Adams: “Certainly the support of the administration is not more general today than the support of slavery by the whole country in 1852. If the anti-slavery men today had then abandoned their opposition and undertaken by supporting Pierce to get better terms for Kansas, I do not think slavery would have been abolished. The history of our country between 1852 and 1861 is our greatest comfort today, and it inspires me to persevere in my opposition.”⁴⁸

Though this parallel to slavery is apparent in the writings of abolition-minded anti-imperialists, they did not merely attempt to resurrect a memory of the Civil War. Men like Storey sought to express the constitutionality of anti-imperialism through the legal victories of New England republicanism. In this endeavor, the most significant figure of emulation for Storey and the Boston mugwumps was Charles Sumner. A young Storey worked as a secretarial assistant to Sumner and later wrote a biography of his mentor. Sumner’s ideas on party closely mirrored Storey’s. Sumner argued, “Men attach themselves to political party as to a religion, and yield blindly to its behests. By error of judgment, rather than of heart, they give up to party what was meant for country or mankind.”⁴⁹ In Storey’s autobiography, he dismissed party affinity for character and principle: “If Lincoln and Sumner were Republicans, I was a Republican; if Cleveland was a Democrat, I was a Democrat.”⁵⁰ It is unsurprising Storey and Sumner held the Constitution in high regard. Both were lawyers, however, many antebellum abolitionists such as William Lloyd Garrison and Wendell Phillips attacked the Constitution as proslavery. To the contrary, Sumner adapted and interpreted the laws within the Constitution rather than attacking the law itself. Citing the “guaranty clause” in Article IV of the Constitution in which the federal government must guarantee a Republican form of government to every state, Sumner radically ordered exclusion by race as not republican and thereby unconstitutional. He defined a republican government as one giving due process to citizens, including suffrage and grounded his legal contention in the notion that the Constitution was “not established *by the States*, nor is it established *for the States*; but it is established *by the people*, for

themselves and their posterity.”⁵¹ Thereby, the ultimate exerciser of liberty was the individual, according to Sumner, and slavery was not an issue of state’s rights or national prerogative but an infringement on individual liberty.⁵²

Thus at the ideological core of Reconstruction was not the domination of the South as Tillman argued, but a clear definition of citizenship and protection of individual liberty. Storey rhetorically asked a crowd of anti-imperialists to ponder Tillman’s argument, “Is there one standard of morals for a man, another for a nation?”⁵³ This, to him was a logical absurdity, not to mention ethically suspect. Storey imagined “the spirit of liberty” as something “born in every creature and does not yield to any claim of superiority.”⁵⁴ The “spirit of liberty”—a reaffirmation of individual equality existing for everyone—was the foundation for the American Republic, he believed. The idea of individual liberty derived from Sumner’s account of slavery, when applied to the legal case of Filipinos, allowed Storey to argue the McKinley administration was using the Constitution to enslave rather than “protect men subject to our jurisdiction.”⁵⁵ The statement was a reference to both the emblematic political slavery of the McEnery resolution and the literal chattel slavery embodied in the Bates Treaty. One month before the election, Storey spoke to a packed Boston audience on who would make the best chief executive; he told them it was “a question of freedom.” Voters have the opportunity to “join in refusing to others that liberty which you claim for yourselves” or they have the opportunity to reject expansion and grant them a freedom “which [Americans] have always believed to be the birthright of every man, no matter what his race or his color.”⁵⁶ Storey vowed not to mark his ballot for any imperialist on these grounds.

Being a member of New England League’s executive committee, Storey had been preparing for a tumultuous election since the Treaty of Paris was ratified. At first he believed the opposition to imperialism would be Republican-led. After all, Republicans like George Hoar led the senate debate against imperialism and George Boutwell led the Anti-Imperialist Leagues. The scenario Storey imagined was one of internal Republican dissent on foreign policy, which would force President McKinley to moderate his plan of benevolent assimilation while continuing his domestic agenda. This would see McKinley reelected with a massive majority to a second term. Storey wrote to his Chicago friend Edwin Burritt Smith in 1899, “Opposition from democrats and mugwumps is attributed to party feeling. Our meeting [in Boston] was authored wholly by Republicans and had more effect on that account.”⁵⁷ But as the election year approached, it became clear McKinley would

not alter his policies and the polling showed he would still handily win his party's nomination. Anti-imperialist Republicans like Senator Hoar, George Boutwell, and Storey's close confidant Charles Francis Adams realigned themselves with McKinley when it became clear he would run unopposed. Particularly Adams—who agreed with his friend that imperialism mimicked slavery—resigned from “faultfinding” in McKinley and believed it “fatuous to think that [expansion] could be reversed.”⁵⁸ Yet among New England anti-imperialists there were men like Storey who felt betrayed by these Republicans.

Most mugwump anti-imperialists, particularly Storey who observed himself as a one-time abolitionist, found the Democrat's brand of exclusion equally unappetizing. In addition to characters like Ben Tillman, the Democrats were dominated by ex-Confederates from the Solid South. Bryan made many New Englanders uncomfortable. His free silver policy was widely disliked in the east and Boston's reformers were appalled at Bryan's disregard for the corruption of Tammany Hall. But any presidential election is a crucible of interests. Men like Storey felt obliged to recognize the necessity of political accommodation with a strong national party. Industrialist and anti-imperialist financier Andrew Carnegie wrote about the election: “Occasions arise when the supporter who regards parties as only a means to ends . . . makes it his duty to refrain from voting or even to vote against his party.”⁵⁹ This was the case in 1900. The election forced many voters to assess their own political priorities. If anti-imperialism was the single most important issue for voters, they were more likely to choose the Democratic candidate William Jennings Bryan who was a self-proclaimed anti-imperialist, although not a member of any league. Bryan promised the independence of the Philippines if elected. If economics and the gold standard were more important, McKinley was the likely choice. The conclusions of anti-imperialists varied. Several Republicans like retired House Speaker Thomas Reed and famed Yale professor William Graham Sumner abstained from the election in protest. They felt neither candidate was suitable. Anti-imperialist, gold Democrat, and retired U.S. President Grover Cleveland went duck hunting to be particularly facetious. Andrew Carnegie, Harvard President Charles W. Eliot, Charles Francis Adams, and Stanford President David Starr Jordan remained loyal to the Republican Party and voted for McKinley. Moorfield Storey, William Lloyd Garrison Jr., Gamaliel Bradford, and Carl Schurz admitted voting for Bryan because they believed anti-imperialism to be the most significant issue of the campaign. Several other mugwumps around the country agreed, including Edwin Burritt Smith, the Chicago executive

committee secretary, and newspaper editors Charles Eliot Norton, E. L. Godkin, and Samuel Bowles. Secretary of the New England Anti-Imperialist League Erving Winslow noted, "When the lines are drawn . . . all of us who believe in the paramount importance of the right solution of the question, Republic or Empire, must I think support the Anti-Imperialist candidate and party, whatever else we have to swallow, with all our might."⁶⁰

Some anti-imperialists entertained a third-party option. Officially named the National Party, the third-party movement began in New York by writer John Jay Chapman and state political reformers Thomas Osborne and Everett V. Abbot—all staunch anti-imperialists. These third-ticket advocates could not reconcile themselves to either politician, contending "they must do something for their principles" and condemned those who voted for a major party as either hoping for a quick solution or leaving open a chance for a dramatic mandate for the benevolent assimilation policy.⁶¹ There was some initial interest in the third party, but it failed to convince most anti-imperialists who believed the National Party would draw at best "disproportionately small" votes.⁶² Carl Schurz, Donelson Caffery, and Moorfield Storey were all approached as potential nominees to lead the ticket and each politely declined. The National Party was outraged that Anti-Imperialist League executive committees generally advocated Democrats and Bryan by the summer of 1900. Osborne called the League "too restricted to be wise or salutary. They are taking everything by one throw of the dice."⁶³

In the 11th District of Massachusetts, Storey also felt a mere vote for Bryan was not enough and he made a last-minute run for Congress. The late entry into the campaign did not bode well for him, nor did his lack of party affiliation. With only two months to campaign, solely on the issue of anti-imperialism and the specter of antebellum "suppression of Negroes in the South with the suppression of the natives in the Pacific possessions," Storey won a paltry 5 percent of the vote. His biographer, William B. Hixson, believes the votes came on the basis of name recognition alone. The *Springfield Republican* recognized, as Storey did, that no chance of victory existed yet congratulated the attempt as a "credible" and virtuous campaign.⁶⁴

Regardless of his personal failure to get elected, Storey's role in the 1900 election illustrates a real measure of intellectual diversity within the movement. Mugwumps were unlike the Democrats or Republicans and grappled with who to vote for and why. Like the Democrats, most mugwumps agreed that McKinley's policy was

contradictory to the idea of American liberty; unlike the Democrats they had a very different conception of the idea of liberty.

The anti-imperialists most acutely aware of the ideas of liberty, equality, and citizenship were the only group with firsthand experience of the struggle to gain these rights: African Americans. While New Englanders like Storey celebrated an abolitionist tradition modeled on the ideal of individual liberty, and white supremacists constructed a broader national notion of liberty, African American consciousness of this idea resided in their own condition. Their disfranchisement and mistreatment gave their conceptualization of liberty a clear definition: freedom was the realization of legal rights guaranteed by the emancipation of slaves. The failure of the McKinley administration to apply these rights to overseas territories created a “context of their own deteriorating status” and introspection over their political condition. When considering foreign policy, African Americans were most concerned with their own rights and the precedents that imperialism signaled for domestic liberties.⁶⁵ Unlike general ideas of liberty applicable to all races in all conditions espoused by men like Storey or Tillman, African Americans were concerned with attaining the elusive fruits of liberty for themselves. They did not interpret liberty in an abstract fashion; the practice of law had serious and often immediate impact on them. Because of this, many African Americans did not see any resemblance of slavery in overseas imperialism. The *Washington Bee*, one of the nation’s most prominent African American newspapers, argued that imperialism was a white issue, and “there are other subjects far more interesting, serious and important for the study and action of the colored voters;” the newspaper noted that “good government at home is more important than policies abroad.”⁶⁶ So the issue at stake in the 1900 election for most African Americans was their condition and not the conditions of Filipinos.

It was the Boston mugwumps who attempted to make anti-imperialism an issue for black voters. Thus it was white activists who equated imperialism to the reincarnation of slavery. The New England Anti-Imperialist League circulated a broadside titled *How Should a Colored Man Vote in 1900?* Originally published in the *Boston Herald*, the broadside was written by George Boutwell, activist Thomas Wentworth Higginson, and the son of famous abolitionist William Lloyd Garrison Jr. These three anti-imperialists addressed the conditions of blacks in America and argued the Republican Party had failed to alleviate their plight as second-class citizens. These three

mugwumps amplified the notion of rampant racism among imperialists arguing “freedom is to become, for the new Republican Party, a matter of color,” and voting for a party that suppressed civil rights abroad raised the question, “what hope is there for the colored race in the United States?”⁶⁷ William Lloyd Garrison Jr., speaking at the National Negro Business League, fused Filipino slavery and domestic liberty, asking, “If the stars and stripes continued to wave over the chattel slaves of the Sultan of Sulu and the conquered subjects of the Philippines, the outlook for the colored people is dark indeed.”⁶⁸ These observations were not particularly novel. Since the Civil War, there had been plenty of African American disappointment with the Republicans, and President McKinley was only another politician that let down this community. His ambivalence toward the rights of Southern blacks was troubling. Oliver Black, the president of the National Colored Democratic Club, noted in 1900, “the colored man believes and he knows that the president has not done all he could have done for him.”⁶⁹ Even staunch African American Republicans like John Bruce, a prominent Washington journalist, observed blacks “are rallying at President McKinley because he has not (so far as they know) said anything against lynching and lawlessness in the South.”⁷⁰ Frustration with the pace of civil rights reform, the riots in the north and the relentless lynching of African Americans in the South gave many black voters a good reason to question their alliance with the Republican Party. This dissatisfaction was outside of the imperial question. Even with years of political letdowns from the Party, African Americans did not abandon it en masse, and there were few signs it would do so in 1900.

Even so, the simmering resentment toward McKinley did spawn a marginal, but noteworthy, exodus of African American voters from the Republican Party. In 1900, thousands of African Americans voted for Bryan, fully conscious of the influence of racists like Tillman within the Democratic Party. The move to the Democrats was significant because it paired the African American condition in the United States with the condition of Filipinos. While white anti-imperialists speculated imperialism would trample rights for Americans, these African American anti-imperialists were sure of it. Among the most prominent black and anti-Republican activists to stump for Bryan were Jerome Riley and Kelly Miller. The most irritating issue for Riley and Miller was McKinley’s inaction over the blatant disfranchisement of voters in the South. After the Treaty of Paris was ratified and the McEnery resolution passed, Riley created the Colored National Anti-Imperialistic League, an unsanctioned yet somewhat official offshoot

of the national American Anti-Imperialist League. The Colored League garnered only a few members due primarily to the suggestion that African Americans temporarily self-sacrifice their rights and seek *rapprochement* and *goodwill* with Democrats in the face of the Party's penchant for white supremacy. Riley told African Americans that by acknowledging and embracing the suppression of their citizenship, African Americans would demonstrate solidarity with Filipinos and illustrate the outrage their community felt toward the foreign policy of benevolent assimilation.⁷¹ According to Riley, only by doing so would *all* citizens achieve true liberty and equality. No matter how noble this idea may have seemed to Riley, it sounded preposterous to many black citizens. Abandoning hard-fought liberties for the sake of Filipinos was a tall order for an already disaffected demographic. Nevertheless, Riley galvanized a movement against the Republican platform along this pretense, eventually inspiring others.⁷² Near Chicago, Riley found his greatest success in recruiting like-minded African Americans. Here he helped to organize a moderate black anti-imperialist forum called the National Negro Anti-Expansion, Anti-Imperialist, Anti-Trust and Anti-Lynching League. This organization—extensively titled and with objectives clearly beyond anti-imperialism—sought to align African Americans with Democrats as a means of shaking up national politics. Riley's success in mobilizing African Americans was partly because Republican doors were closed to black anti-imperialists. There was a growing belief among African Americans that Republicans were only paying lip service to the social issues confronting them. Such treatment, Riley believed, would eventually force greater numbers of African Americans to the Democratic Party.

Riley's work led the National Colored Council to endorse Bryan in 1900. In a letter to President McKinley, the Council asked whether "national transgressions" such as disfranchisement or lynching, when "committed by a foreign state [Spain] in foreign territory, against a foreign people" were more important "than when they are committed by a portion of our own people at home?"⁷³ The National Colored Council, like the mugwumps and Riley, attempted to convince the wider African American community of the intellectual hypocrisy of Republicans. But the appeal was perceived by African Americans as useless. According to the *Washington Bee*, few African Americans would vote for Democrats.⁷⁴

Where Riley was a largely unsuccessful upstart, Kelly Miller a Howard University mathematics professor, was more traditional in his approach and found success by allying his opposition with the existing Anti-Imperialist League rather than creating a new and overly

politicized ideology. The New England Anti-Imperialist League and Washington Anti-Imperialist League both published and widely circulated Miller's anti-imperial opinions in broadsides, which generally agreed with Riley's conclusion about joining the Democrats. At first Miller urged African Americans to appeal to their representatives (regardless of party) to support anti-imperialism, believing Republicans would soon come around. As it became clear McKinley was not interested in moderating his position, Miller turned to the Democrats. He remarked, "soundness of the doctrine counts for more than the personality of the preacher. If the oppressor of the negro espouses the principle of human rights, it is a clear gain for liberty."⁷⁵ Almost like Tillman, who argued the political parties had done a somersault, or Storey, who believed supporting anti-imperialism came first, Miller impressed on the African American community that because Democrats were advocating Filipino liberty they should overlook their inconsistent practice of it at home. Miller saw himself as an independent voter who would cast ballot on the merits of every campaign. For him, the 1900 election was less about a power play for African Americans in the two-party system than a moral question about postbellum liberties. In one of his published broadsides Miller argued, "Acquiescence on the part of the negro in the political rape upon the Filipino would give ground of justification to the assaults upon his rights at home. The Filipino is at least his equal in capacity for self-government. The negro would show himself unworthy of the rights which he claims should he deny the same to a struggling people under another sky."⁷⁶

The Filipino condition was identical to the African American condition for Miller. Even so, and not surprisingly, the African American community did not respond positively to his calls for voting with Bryan. In the same way they had done with Riley, the broader African American community ignored Miller's call. It was the uncomfortable sense that they would be working with white supremacists in the Democratic Party that seemed too irrational. Miller protested, "for the black man that he be, for the present, violently deprived of his rights in the South than that he should be lulled into acquiescence with the suppressive policy which must ere long steal away his own liberty."⁷⁷ His sentiment had little effect.

The election gave African Americans an opportunity to take the moral high ground and prove the principle of freedom was a priority to be addressed universally and not solely on their condition. They were clearly aware of this debate—the harsh realities of the policy of benevolent assimilation, the Republican ambivalence toward lynch

mobs, and Democratic disfranchisement in Southern states—and how these acts subverted freedom. For most African Americans, Riley's and Miller's proposition of self-sacrifice was just untenable. Democrats were viewed by the African American community as equally dismissive of "human rights . . . civil and political liberty" and most importantly African American felt Democrats did not "want the negro" whereas the Republicans at least included a large black contingent and paid lip service to civil rights.⁷⁸ Republicans employed black civil servants and nominated black candidates for local and state offices, creating a sense of inclusion. Even if social equality was not something Republicans were willing to accept, African Americans felt at least they would keep the status quo. It was very much a case of siding with the devil they knew than the one they did not. So when it came to voting, the vast majority of African Americans faithfully remained Republican and the black vote overwhelming went for McKinley. Still, it is important to take note of those African Americans who voted for Democratic candidates on the grounds a double standard existed in the understanding of liberty as equality and in the foreign policy of imperialism.

President McKinley won the 1900 election in a resounding victory; William Jennings Bryan actually fared worse than his 1896 bid, losing five states he had previously carried. Particular issues evaporated from the political landscape forever. Free silver, although arguably a dead issue after 1896, was truly gone from national politics. The brand of populism that developed between 1892 and 1900, which merged the People's Party with the Democrats, had eroded, usurped by more conservative elements within the Democratic Party. Other issues remained unresolved, including civil service reform and trust regulation, but the election proved at least one thing: voters supported McKinley on more of these issues than Bryan. But what did the election say about the American public's view on foreign policy? McKinley's plan of benevolent assimilation was clearly contentious, but was his reelection a mandate for a two-tiered system that excluded the new territories from citizenship? It was neither a rebuke nor a mandate. "Imperialism and anti-imperialism were but vague catchwords that meant all things to all men," historian Thomas Bailey wrote in 1937. Bailey concluded the election yielded no consensus on what was the correct policy for the United States abroad, and his assessment remains a valid one. The election illustrated how a variety of conflicting opinions among individuals can coalesce in a vote for a single candidate, but the range of differences

among anti-imperialists shows there was no real consistency in who members of the leagues voted for. Some even abstained. What is also worth noting about the foreign policy debate in 1900 is that sentiment after November still varied “from permanent occupation of the Philippines to an immediate and cowardly surrender to Aguinaldo.”⁷⁹ And so the great debate continued.

The idea of race and citizenship would remain the basis for opposition for many anti-imperialists. A sizable majority of activists, across the geographical sections and ideological divides in the United States, did not want to acquire and govern new territory for fear of including new races into the American demographic. Senator Tillman is representative of the most chauvinistic of these opinions, but other anti-imperialists shared much of his sentiment if not the vitriol. Not all anti-imperialists were racially exclusionary. Many New England activists—like Storey—were opposed to constitutional exclusion based on race. Some African American activists agreed. A range of opinions existed within the movement, but this did not hinder opposition. Anti-imperialists were undoubtedly a strange conglomerate, but they made their case with common language; Tillman, Storey, Miller and Riley all used the idea of liberty as the intellectual adhesive for their contentions.

CHAPTER 4



BUILDING TRANSNATIONAL NETWORKS

One month before Election Day 1900, Mark Twain disembarked in New York after a two-year European speaking tour. During his years abroad, Twain felt obliged to defend American foreign policy. This prompted him to initially support the War of 1898. He wrote close friend Rev. Joseph Twichell from Vienna that the war was “the worthiest one that was ever fought . . . It is a worthy thing to fight for one’s freedom; it is another sight finer to fight for another man’s. And I think this is the first time it has been done.”¹ While abroad, Twain also observed less admirable aspects of American foreign policy. He was surprised at the McKinley administration’s willful ignorance of the Boer cause; he was disheartened and dejected by American occupation of the Philippines; and he regarded the Open Door policy in China as grossly inappropriate. These policies—among others—jilted Twain’s impression of American intentions in the world. When he returned home, a reporter who waited on the docks in New York for his arrival asked Twain if the rumors that he was anti-imperialist were true. Twain replied frankly, “Well, I am. A year ago I wasn’t. I thought it would be a great thing to give a whole lot of freedom to the Filipinos, but I guess now its better to let them give it to themselves.”²

Twain saw anti-imperialism as a global phenomenon, not an idea or movement bound by national borders and interests. Upon his return home, he actively wrote more satirical tracts that reflected his beliefs. His first overtly anti-imperial publication came at the close of the century and was a brief, though concentrated, attack called a “Salutation Speech from the Nineteenth Century to the Twentieth.” Only a paragraph in length, the blurb imagined what a personified nineteenth century would say to a personified twentieth when

handing over the reins of time from one to the other. Twain describes the nineteenth century as “bedraggled, besmirched and dishonored from pirate-raids in Kiao-Chow, Manchuria, South Africa, and the Philippines, with her soul full of meanness, her pocket full of boodle, and her mouth full of pious hypocrisies.”³ The twentieth century, upon receiving the nineteenth, would “give her soap and a towel, but hide the looking-glass.”⁴ Albert Parsons of the New England Anti-Imperialist League seized on the prose and published hundreds of small cards with the Salutation but changed the final quip with Twain’s permission. The League’s cards read, “Give her the glass; it may from error free her when she shall see herself as others see her.”⁵ This was Twain’s first major contribution to the movement and not long after the reprint, he accepted the position of honorary vice president in the New York branch.⁶

Twain was not alone in his view of imperialism as a worldwide phenomenon at the end of the nineteenth century. Many anti-imperialists agreed the century was “bedraggled, besmirched and dishonored,” as Twain put it. European empires carved up Africa. The Chinese coast became a series of colonial enclaves. Japan, after a long period of isolation, built a sizable empire in the Pacific. And the United States solidified its dominance in the Western Hemisphere by acquiring several Caribbean islands and Pacific archipelagos. American imperialism was as much a part of the scramble for colonies as European or Japanese imperialism according to Twain and his fellow anti-imperialists. Perhaps Twain’s most famous anti-imperialist essay captured this sentiment best. Titled “To the Person Sitting in Darkness” and published in the popular *North American Review*, the essay was a sympathetic view of the plight that had befallen the world’s colonized. Twain satirically called them “people sitting in darkness” in response to imperialist depictions of the colonized as uncivilized, uneducated, and incapable of self-government. The colonized, Twain argued, “have become suspicious of the Blessings of Civilization” as espoused by the United States and imperial nations. The United States had “adulterate[d]” the nation’s anticolonial tradition, the essay argued, to support wars of conquest and aggrandizement. Twain comically recounts a confused “Person Sitting in Darkness,” who would say upon inspection of American foreign policy that “there is something curious about this—curious and unaccountable. There must be two America’s: one that sets the captive free, and one that takes a once-captive’s new freedom away from him, and picks a quarrel with him with nothing to found it on; then kills him to get his land.”⁷

“To the Person Sitting in Darkness” was not only a criticism of American policy in the Philippines, but it was also directed at imperial actions in China, which resulted in the Boxer Rebellion. It was critical of African colonialism generally. “Mr. McKinley, and Mr. Chamberlain [British Secretary of the Colonies], and the Kaiser, and the Czar and the French” are all mentioned as the scourge of liberty. Twain concluded that the only way imperialists could dispel this perception was by telling the “people sitting in darkness” the hypocrisy of imperialism was for their own good.⁸

And so the “great debate” was a transnational phenomenon where nations of colonized and colonizers questioned the issue of self-government. Anti-imperialists developed an international network of activists to oppose what they believed was hypocrisy in the imperial logic. Not surprisingly, anti-imperialists around the world shared a common belief with American anti-imperialists: they opposed empire on the grounds it was antithetical to liberty. Conversely, imperialists justified the establishment of dominance and control over overseas territory in terms of securing liberty and civilization for the native inhabitants of colonies. Perhaps most famously, Rudyard Kipling’s poem “The White Man’s Burden” became the poetic essence of this assertion. Representing expansionists’ fears and desires, Kipling’s poem identified empire as the instrument of civilization, the goal of which, he wrote, was an “end for others” or the uplift of “sullen peoples . . . Half devil and half child.”⁹ Albert Beveridge, the outspoken imperialist Republican senator from Indiana, described American foreign policy in just this fashion: “Self-government is a method of liberty—the highest, simplest, best . . . acquired only after centuries of study and struggle and experiment and instruction,” he claimed. Filipinos, being as yet uncivilized in his mind, were incapable of practicing self-government or enjoying the fruits of liberty. The United States, Beveridge argued, must teach them. Such thinking when applied to the acquired American territories after 1898 proposed such principles like the “consent of the governed,” the establishment of republican institutions and the promise of statehood would not automatically be extended. This was similarly the case with European colonies. “All forms of government which secure the fundamental rights of life, liberty, and the pursuit of happiness” are legitimate, Beveridge told the Senate, but other types of government are also legitimate “when people are not capable of self-government.”¹⁰

Anti-imperialists could not disagree more. Many had a favorable view of those being colonized. In America’s case this was especially true of the Filipinos and of revolutionary leader Emilio Aguinaldo.

During the Senate debates on the ratification of the Treaty of Paris, anti-imperialist senators George Vest, Eugene Hale, and Donelson Caffery all identified the liberties sought by Emilio Aguinaldo as grounded in the same liberal philosophy of the Enlightenment. The Filipino Revolution was, to them, identical to the American Revolution.¹¹ Anti-imperialists even went as far as to dub Aguinaldo “the George Washington of the antipodes. As peerless a heart beats in the bosom of that dauntless young Malay as ever pulsed in the breast of the great Virginian.”¹² In response, Aguinaldo and the exiled Filipino government released a statement to the press calling the liberties enshrined in the American Constitution “the only basis of an ordained state in the present times.”¹³ This was not so much a collusion of Americans and Filipinos as it was transpacific admiration of precious principles like liberty. And Filipinos and Americans both believed these principles were manifest in republican institutions. For American anti-imperialists, this made Filipinos capable and worthy of self-government, as much so as the American colonialists in the eighteenth century.

So there was at least one thing all parties to the great debate could agree on: liberty could be defined (to at least some extent) as the exercise of self-government. What was disputed was whether colonized people had the capacity to practice self-government successfully. This conflict was evident in the various independence movements active at the turn of the century. In Egypt, Indonesia, China, South Africa, India, and the Philippines many American anti-imperialists sympathized with those who sought self-government. In some instances, American anti-imperialists actively collaborated with foreign activists. There is room for an extensive study of transnational anti-imperial networks, but this chapter only examines two of these cases to illustrate how the anti-imperialist movement developed in 1900. The chapter begins with a look at the Boer War (1899–1902) because it is a conflict that closely resembled the Filipino situation in terms of duration and circumstance. The Boer War captured the attention of the world as the British Empire imposed suzerainty over two South African republics. In the United States a sizeable collaboration with Boers developed with members of the Anti-Imperialist Leagues, leading an American lobby against the imposition of British sovereignty. Just as American anti-imperialists in the 1900 presidential election urged the even application of citizenship in American territories, globally they were seeking the same type of liberties for Boers. The second case examined here is that of American-Filipino solidarity during the election of 1900. Though the war made operational solidarity with Filipinos unpopular, the intellectual affinity

for liberty remained remarkably strong. Americans and Filipinos collaborated by sharing their ideas and building networks, though not actually organizing joint operational protests against empire. Their intellectual solidarity was significant because it established links that would be expanded after 1900.

The genesis of the Boer War can be attributed to various causes that invariably shape the perception of the conflict. The British claimed that it was fighting for the rights of British citizens, or Uitlanders (outsiders) as the Boers called them. These Uitlanders had taken up residence in the republics in 1886 when considerable deposits of gold were discovered. The British goal was to protect this newfound material wealth and its citizens' claim to it. Furthermore, the British desired the Boer territories to be incorporated into the grand scheme of British colonization and supremacy in South Africa as part of its security designs for its Asian empire. From the Boer perspective, the influx of Uitlanders challenged the political composure of the republics and the closely guarded religious and moral identity of their nations. President of the South African Republic (Transvaal) Paul Kruger imposed strict residency requirements for citizenship fearing imperial encroachment, which had become more apparent as the British acquired the neighboring territories of Natal and Cape Colony. In 1895, the British attempted to acquire the Boer territories in the botched Jameson Raid, further stoking Kruger's fears. In 1898, the British demanded more rights for Uitlanders and mobilized military forces around the two South African republics. In response, Boers called for the British to remove its armed forces from the border and when this demand went unmet, the Boers declared war.¹⁴

The perception of Britain and its motivations for intervention in South Africa vacillated among American anti-imperialists. One impression of Britain was as a nineteenth-century bastion of morality that began the abolition of slavery and developed laws to encourage and enforce liberty throughout a vast empire. This positive impression imagined British policy to be one of rationality, restraint, and benevolence, delivering civilization to the uncivilized. This Britain absconded from conflict in Venezuela, attempted to reconcile its differences with Ireland, and sought to limit the occupation of Egypt. This Britain was liberal and democratic. The contrary perception was of Britain as the first imperial enemy of the United States. Instead of spreading liberty in the nineteenth century, Britain practiced tyranny and interfered in the construction of a transoceanic canal, in Canadian border disputes,

and in currency markets, while also using its superior military forces to impose control. This Britain was devoid of liberal intentions and acted only on behalf of its material interests. Anti-imperialists were widely divided between such Anglophobia and Anglophilia. Some anti-imperialists were of Irish or German descent and predisposed to a sort of Anglophobia due largely to Britain's relationship with their home country. Other anti-imperialists used the Anglo-Saxon racial and cultural dynamics to identify the two nations as sister republics. They contended the United States inherited the positive characteristics of Britain and shed any less appealing ones.¹⁵ On the whole, though, anti-imperialists were neither outright Anglophobes who universally disdained Britain nor eager Anglophiles who embraced it as the motherland. Most had strong professional and personal relationships with British counterparts and these relationships more closely defined their disposition. The Boer War in this context became even more important, because just as the majority of anti-imperialists struggled to define Britain in any singular manner, they were also struggling to define their own country in the wake of policies they could not reconcile with their conception of American identity.

The dimensions of this Anglo-American-Boer context were apparent in the very first annual meeting of the Anti-Imperialist League in November 1899. President of the League, George Boutwell, outlined the dichotomy of the two Britains and its effect on the policies of the United States. He recalled to the Boston crowd a "concurrency of policy" between the two countries; "England is engaged in suppressing the aspirations of infant republics in Africa, and we are crushing a young republic in Asia."¹⁶ Besides the observation of such superficial similarities, President Boutwell identified a looming dilemma that could be found in the "melancholy evidence of the perversity of our human nature . . . exhibited in two hemispheres."¹⁷ The dilemma was over liberty. At this first meeting, the League understood *despotism* to be the antithesis of liberty and Boutwell defined despotism as "the necessity of the army and the navy" to ensure the establishment of a state.¹⁸ In other words, militarism was despotism. Boutwell was hardly the first—or last—anti-imperialist to raise this contention. What was important in Boutwell's aversion to militarism is how he helped to make it central to the movement's case and how it sprung from a transnational context.

In addition to Boutwell and the anti-imperialist intellectual conception of liberty, there was a global legal context that explains the aversion to militarism in 1899. Anti-imperialists, among other activists, were keen to promote international arbitration. In 1899 The

Hague Peace Conference concluded with the birth of the International Court of Arbitration. Consequently, throughout the three years of the Boer War the bulk of anti-imperial and pro-Boer activism in both Europe and the United States vied to have the conflict resolved in that court, with the United States as the mediator between the two belligerents. It is no surprise that arbitration appealed to many anti-imperialists at this time because the movement's domestic objectives also revolved around notions of law. Arbitration offered an end to conflict in the courts rather than on the battlefields and thereby an ideal means of promoting liberty at the expense of militarism.

When the Boer War began in October 1899, the South African Republic sent Willem Leyds to Europe as the Boer Minister Plenipotentiary. Leyds was seeking a European partner willing to take on the British Empire, but found no support even among Anglophobes in Germany, Russia, France, Belgium, the Netherlands, or Portugal.¹⁹ Yet during these early months of the war, a partner did not seem urgently necessary. The Boers had successfully attacked the British Army in the Cape Colony and Natal. It was only when the British instigated a major offensive against the Boers that Leyds more anxiously searched for an ally. The likelihood of a European ally dwindled as the British slowly succeeded to thwart the Boer's attacks and eventually went on the offensive. Such determination by the British signaled to other Europeans that British resolve was firm and in time the Boers would succumb. Potential European allies were unwilling to risk the balance of power in Europe for two small and seemingly insignificant republics. In February 1900, after severe losses at Spion Kop, the British government appointed Frederick Roberts—a much more aggressive military tactician—to take over military operations. From February onward, the Boers were faced with a more intense foe. Only at this time did Leyds change diplomatic tact and begin to consider peaceful arbitration as a useful diplomatic option.²⁰ Persistent European ambivalence toward the Boers forced Leyds to seek out the United States as an arbitrator. It was through the American anti-imperialists that Leyds attempted to sway American public opinion. American anti-imperialists would present the Boers as peaceful liberal republicans, but the South African nations were seeking peace more out of necessity than as a first choice of action.

Days after the seminal battle of Spion Kop, the Transvaal dispatched another diplomat to the United States: Montagu White, Consul of the South African Republic in London. White was a cautious and unofficial representative of the Boers. He was careful to learn his way around public sentiment before taking any action. He

refrained from partisan activities and particularly refrained from participating the Democratic and Republican conventions that would be held later that year, for fear of alienating any potential supporters.²¹ He viewed his initial remit as building sympathy for the Boers without attaching the cause to a wider political agenda or political party. In a statement released by White, he argued the Boer cause went beyond Democrat and Republican, believing the parties would “sink their differences . . . and will simply voice the sentiment of the true American in the cause of peace.”²² Though bipartisan, White sought to open diplomatic relations between the two countries, which would require courtship of the Republican administration. Within weeks of arriving, White was granted an informal audience with President McKinley, Secretary of State John Hay, and New York Governor Theodore Roosevelt. The impression the South African consul made was “a most pleasing” one: “He is genial, earnest, self-contained, makes no exaggerated statements and bears himself modestly, not endeavoring to assume a position this Government would not be willing to accord,” the *New York Tribune* reported.²³ Yet after meeting with several important policy makers, and despite the positive impression he made, American mediation in the war still remained a distant goal.

Throughout 1900, the press ran a torrent of opinions as to what America’s role in the Boer conflict should be. The *North American Review* in particular ran more features on the Boer War than on any other subject that year. One of the most popular arguments against American arbitration was articulated by Russell Alger, the sullied ex-Secretary of War. He wrote that while “we were discharging our duty as the guardian of liberty and humanity” in the Spanish-American War, “Britain did nothing” to hinder American execution of the war, and for that, he said, “We owe her a deep debt of gratitude.”²⁴ Alger was not alone in recognizing British nonintervention in the 1898 conflict. European nations had largely supported Spain and British abstention kept Europe divided—an advantage for the United States. Because of this, anti-imperialists suspected there was little hope for American arbitration. Britain expected the United States to abstain from its affairs, just as she had in 1898. Nevertheless, 1900 was an election year and that gave a renewed sense of hope to anti-imperialists and Boer sympathizers that, regardless of this recent amity and goodwill between Britain and the United States, there could be some diplomatic intervention.

With this objective in mind, the Boer government altered its strategy in the spring of 1900. Rather than continuing to avoid forays into American politics, Boer diplomats began to align themselves with the

Democratic Party. By April 1900, they hired Chicago lawyer, Democrat, and anti-imperialist Clarence Darrow to act as their political consultant. Darrow was active in Chicago's Central Anti-Imperialist League and had long recognized the shared liberal ideology of the South Africans and Americans. When approached by White for lobbying assistance, Darrow advised the Boers to consider a political alliance with the Democrats.²⁵ White remained tentative; he believed it was too risky to peg all the Boer hopes on one political contest and one party. He imagined the Boer issue would become lost among a myriad of domestic issues, and even if the Democrats promised arbitration, such a promise might not materialize in a Democratic administration. So despite Darrow's suggestion, the Boers chose to focus instead on developing the dozen-or-so nonpartisan, pro-Boer organizations in New York and Chicago. With the conflict progressing rapidly in favor of the British, the Boer governments were not as patient as White. Buoyed by the public sympathy in the American press (even if support for intervention among policy makers was tepid), the Transvaal and the Orange Free State released Boer Envoys—three official delegates charged with more aggressively encouraging the United States to take up the role of peace arbitrator. Daniel Wolmarans, Abraham Fischer, and Cornelius Wessels arrived in the United States in May 1900 and initiated a more energized and cooperative transatlantic activism that was more clearly allied with anti-imperialist Democrats and based on common ideals of liberty and freedom.

From the moment the Boer Envoys stepped off their ship in New Jersey on May 15, their strategy was to present the conflict with the British as one of ideological republicanism commensurate with the history of the United States. When interviewed, Abraham Fischer noted, "Our case is identical with that of the American people when they fought for their independence more than a century ago."²⁶ In the midst of a presidential election, Democrats who had latched onto anti-imperialism also latched onto the Boer cause. The Envoys were greeted upon their arrival by a reception committee sponsored by Tammany Hall and New York City mayor and Democrat Robert van Wyck. They held a ceremony at New York City Hall granting the Envoys the freedom of the city. New York's leading anti-imperialist activist, William Bourke Cockran, who was also William Jennings Bryan's election director in that state, met the Envoys when they arrived. Cockran was granted a closed-door meeting that proved so pleasing to the Envoys, he was granted a follow-up meeting. This added to the speculation of political partisanship.²⁷

The ceremonies in New York were of certain detriment to the Envoy's chances of arbitration because they were conducted before the Envoys had met the members of the McKinley administration. It was the typical protocol of all diplomats to present their credentials to the State Department before undertaking any other activities. If all of the pomp of the Democrats and the Boer's explosive talk of solidarity had not been inappropriate enough for incoming diplomats, the Envoys then traveled to Washington the following day with staunch anti-imperialist Democrat and regular lampooner of McKinley, New York Congressman William Sulzer. The nonpartisan White was asked by two of the three Envoys to stay behind in New York. These new tactics would bring the Envoys no closer to achieving the goal of American mediation, and in practice, did much to disturb the sympathy for the Boers.

Their failure can be accredited to two tactical errors. First, the Envoys lacked procedural awareness, one of the things the McKinley administration appreciated. White's strategy of patient nonpartisan lobbying, while yielding no favorable reaction from the McKinley administration, at least earned the administration's gratitude for the refinement in which White operated. On the contrary the arrival of the Boer Envoys with Democrat Sulzer was a ceremonial misstep. Typically, diplomats are introduced by close associates of the administration, but the Envoys were introduced by a man who Secretary of State Hay called a "Republican light-weight" and Sulzer, a political enemy.²⁸ The second mistake the Envoys made came during their introduction to the secretary of state. As diplomats, the Envoys should have officially presented their credentials to the State Department. In such cases, the secretary would have to accept or reject their standing as political representatives of the South African republics. This had real implications. Accepting the papers would in effect recognize the republics. Rejecting them would recognize British suzerainty over them. It put Hay in an awkward position as he was aware of the public sympathies and the British position. But in the end, the Envoys never presented their credentials. They believed the initial meeting was an informal one, and this took all the pressure off the administration. Furthermore, it allowed Hay to criticize the Boer Envoys for holding rallies without officially presenting themselves to the State Department.²⁹

The White House snubbed the Envoys throughout 1900, which only pushed the Boers closer to the Democrats with all hopes for mediation tied to a Democratic victory in the election. Recognizing that initial public support for their cause stemmed in part from the utilization of shared ideas, the Envoys returned to enunciating this theme

in the press. The effect was a regeneration of political sympathies as well as an outpouring of support in congressional resolutions. Anti-imperial congressmen introduced new declarations of sympathy; one such resolution stated the “desire that the Government of the United States . . . assist in bringing the war to a speedy conclusion.”³⁰ These resolutions reinforced correlations made to the American Revolution, or as Georgia’s anti-imperialist Senator Augustus Bacon argued, it was a similar case of “a plain, pastoral, home loving, Christian people engaged in a death struggle for the protection and defense of their country, their homes, and their liberty.”³¹ In the House, the outspoken pro-Boer Sulzer continued to fight for mediation in the same manner. Sulzer argued, “In a contest between liberty and monarchy I want to see liberty win . . . the patriot fathers of this Republic fought England to gain our independence. The South African patriots to-day are fighting the same country to maintain their independence.”³² The historical parallel between the Boers and the American colonists was an easy one for the public to digest.

But however strong the sympathy for the Boers was, the election defeat of Bryan dampened their hopes of American arbitration. Even so, anti-imperialists did not stop working with them after the election. The McKinley victory only forced them to gradually change their approach to opposition. Up until 1900, the American-Boer resistance to imperialism was based on their admiration for liberty and law. For the American movement and the Leagues, whether at home or in faraway South Africa, liberty translated into self-determination embodied in republican institutions. These convictions would not change, but activists after 1900 would begin to view the humanitarian consequences of militarism as a valuable means of depicting the harsh cruelties of imperial policy. Chapter 6 examines this in further depth, but it is worth noting here that pro-Boer activists in the United States were also keen to show the horrors of the war in South Africa.

By November 1900, the British had nominal control over the governments of the Transvaal and Orange Free State. They did not dominate all Boer lands, but where there was a British military presence, there was British control. The South African republics resorted to guerrilla warfare as a result. Humanitarian issues came to the fore in the United States when anti-imperialists discovered and publicized atrocities ongoing in South Africa. Reports were made of dum-dum bullets (hollow-point bullets) being used by British soldiers. Stories of children orphaned due to Boer women forced into fighting, and of concentration camps or the dispossession of homes, became widespread and regularly featured in the American news.³³ Collections

were regularly taken up by anti-imperialist Boer sympathizers to be donated to Boer families and refugees. The venerable anti-imperialist Carl Schurz made the connection between these atrocities and liberty. At a mass meeting for Boer supporters in the winter of 1901, Schurz expressed the notion of liberty as humanity. He argued that Americans should be disgusted with Britain's "spectacle of great power" even as it "claims to stand in the foremost rank of civilized and liberty-loving nations" because it was "slaughtering a little people, men, women, and children, because . . . they hold fast with indomitable spirit to their national independence."³⁴ Anti-imperialists, as later chapters will explain in greater detail, identified liberty as the practice of exercising sympathy to all humanity. In 1900 and 1901 such sympathy was as much with the Boers as it was with Filipinos.

This is reflected in joint fundraising efforts after the 1900 election. Within many of the Anti-Imperialist Leagues, the majority of members were also active members of Boer fundraising groups. In fact, Charles Pierce, the Consul General of the Orange Free State, contacted William Augustus Croffut, the Anti-Imperialist League's secretary in the Washington branch, to petition his assistance in reaching out to anti-imperialists who he believed would be likely to donate or assist in the humanitarian effort.³⁵ As a result, the membership lists of the major pro-Boer relief organizations read remarkably like the membership lists of the Anti-Imperialist Leagues.

Like the Boers, the Filipinos also saw the election of 1900 as a seminal moment for collaboration with American anti-imperialists. However, not all American anti-imperialists believed that working with the Filipinos was in their best interests. The Philippine-American War made collusion with Filipinos appear treasonous, although it was only illegal to conspire with insurgents. Cooperative Filipinos were, at least technically, American allies. Even so, such a distinction was not always easy and because of this, American support of Filipinos was teetering on the brink of extinction in 1899.

Coordinating joint activities was difficult during the Philippine-American War, but the intellectual and ideological bond between Americans and Filipinos remained strong. References to the Revolutionary War, American liberalism, and anticolonialism persisted in the rhetoric of American and Filipino anti-imperialists. Some Americans desired a closer relationship with their Filipino counterparts because of these common convictions, but League President George Boutwell did not. He was adamant that the Leagues refrain from

joint activism. Boutwell expressly told Fiske Warren, who was one of the League's most vigorous proponents of transpacific solidarity, "the Anti-Imperialists should have nothing to do directly with the Filipinos."³⁶ What was most important to Boutwell was the national election campaign. His concern was that American anti-imperialists would be perceived as unsupportive of the troops in the field, which could equate to public outrage toward the movement. He also wanted to make sure the Leagues delivered a clear message during the campaign. Boutwell was a tentative activist and always fearful of the yellow press. Should the anti-imperialists give the press any reason to doubt their patriotism or loyalty, he believed the movement would deteriorate and decline. As president of the New England branch and the national American Anti-Imperialist League, Boutwell's say was final and on cooperation he emphatically resisted. But even Boutwell knew that the ideological convictions among many League members were strong and they were convinced of the righteousness of the Filipino cause. any attempt by Boutwell to demand an end to transpacific collaboration would have consequences for the unity of the movement. Boutwell did his best to stand in the way of League collaboration, but stopping individual members who wanted to support Filipinos was impossible. Boutwell told Warren that if members insisted, "individual Anti-Imperialists [could] have such relations provided that the League should not, in the public mind, be involved in their acts."³⁷ This, he hoped, would insulate the Leagues from any claims of disloyalty. The institutions could officially deny any interaction, while members actively grew transpacific networks.

Even with his directive, not all regional leagues approved or followed this rule. The Cincinnati Anti-Imperialist League and its members were particularly active in working with Filipinos. Furthermore, they regularly used the notion of liberty as an ideological bond. During the summer of 1900, Daniel Kiefer, a leading Cincinnati anti-imperialist, hosted members of the Hong Kong Central Filipino Committee, including its chairman Galiciano Apacible.³⁸ While in the company of Kiefer, the Central Filipino Committee published the tract, "To the American People," outlining why the public should oppose the policy of benevolent assimilation and the Republican Party in the election. The Filipino statement on the election also included an interesting rationale pilfered largely from anti-imperialist publications. It appealed to the idea of American exceptionalism. The document, signed by Central Filipino Committee chairman Apacible, insisted that Americans had a choice: "On the one hand, your honor and your glorious traditions . . . On the other hand, distorted dreams of avarice, the

dark conspiracies of greed and remorseless ambition . . . Choose, then sons of Washington, of Jefferson, and of Lincoln, between these two alternatives: Freedom for the hapless peoples who are in your power, and thus, under God's just laws, the recompense to you of a larger freedom for yourselves, or tyranny and destruction for your struggling but helpless victims, whose wrongs . . . will in due time avenge by the mournful destruction of your own liberties."³⁹ The notion that American liberties were at stake—not only Filipino liberties—drew on fears America could lose its exceptional place in the world. The American anti-imperialists had long articulated their argument against empire along such grounds. Many used the example of Greece and Rome as republics, which, after becoming empires, collapsed. What anti-imperialists believed was the American civilization would decline and die in much the same way.

Historian Fabian Hilfrich argues that emotions like fear played an important role in the great debate. In his determination, American anti-imperialists were convinced that imperialism “would change the temper of the American people, at best distracting them from their civic duties and, at worst, increasing their aggressiveness to levels at which mob rule and revolution would be imminent.”⁴⁰ Perhaps the best example of this sort of rhetoric that promoted the fear of America losing her exceptional place in world history comes again from Mark Twain. During the election of 1900, Twain published *The Man that Corrupted Hadleyburg*. “Hadleyburg was the most honest and upright town in all the region” until a stranger arrived with a sack of gold igniting the inherent greed of the townspeople and destroying its good name.⁴¹ Literary critics have debated whether there is any true morality to be taken from the story, but if the story is viewed in the context of the election and Philippine-American War, as well as the Boer War and Open Door policy, Hadleyburg becomes not any one town but metaphorically an entire country. In this sense, the moral of the story is much more apparent.⁴² On such a scale Hadleyburg represents the United States and its capacity to be a beacon of moral integrity. The stranger and his sack of gold represent the unrelenting temptation of wealth, capable of supplanting this integrity. *Hadleyburg* and the United States cede their proud mantle of exceptional integrity for greater power and wealth. Twain did not believe the United States needed to take part in overseas contests for power. The nation was rich and prosperous because it refrained from this type of diplomacy. *Hadleyburg* is a “sustained attack upon the whole system of values and ambitions that Mark Twain believed to be characteristic of American society,” combining

an acknowledgement of man's natural attraction to dominance and the moral virtues that restrain such dominance.⁴³ This story has often been overlooked as an anti-imperialist trope. This is because Twain wrote plenty of other tracts that were more explicitly anti-imperialist. But the criticism of national greed and materialism in *Hadleyburg* is an important showcase of how anti-imperialists feared the loss of national exceptionalism.⁴⁴

The individual actions of League members and their metaphoric allusion to American exceptionalism generated a sense among Filipino revolutionaries that they had a significant bloc of support in the United States. The American press, which was insatiably covering the growing anti-imperialist movement during the months leading up to the election, generated volumes of information for Filipinos to gather, sift, and process on the public perception of McKinley's policies. It also gave Filipinos an insight into the activities and sentiment of the Leagues and its members.⁴⁵ Among the Filipino leadership, the American newspapers were seen as a means of collecting intelligence. Aguinaldo and the Central Filipino Committee, which was leading the political fight from Hong Kong, used the election to more closely align themselves with anti-imperialists. Aguinaldo ordered all troops to "harass" the American Army during the election campaign believing that skirmishing would influence voters to choose Democratic candidates and bring an end to the conflict. "If we give cause for the triumph of the imperialists," he argued, "we shall have after the Presidential election four more years of continual struggle." But a Democratic victory would end the war, he told his troops.⁴⁶ Many captured Filipino troops were found with newspaper articles reporting Bryan's call to take down the flag in the Philippines. When detained, Filipinos told American soldiers of their hopes for his election victory.⁴⁷ Likewise, the Central Filipino Committee understood the election as an ideological struggle, which had inextricable consequences for Filipinos. One Central Filipino Committee member reported that the presidential election was one between imperialists who "argue as follows: That the Philippines have become part of America, but the property of the United States . . . the islands are sure means of wealth and advantage . . . the archipelago must be retained for the purpose of civilizing." Conversely, he argued that the anti-imperialists are "ardently defending us" using "rational arguments maintaining" that the Philippines would cause "international complications" and be an "economic mistake." Insurgents believed the Leagues were acting "to save the American democracy" as well as the Philippine Republic. They noted the meetings of anti-imperialists

spoke to their “aspirations and well founded rights.”⁴⁸ Aguinaldo, the Central Filipino Committee, and the average Filipino soldier were all entrenched interests during the 1900 election.

These ideological connections between Filipino and American anti-imperialists during the presidential campaign nearly led to Boutwell’s fears being realized. As he had predicted, American solidarity with Filipinos was denounced in public as treason, and during the campaign some anti-imperialists were identified as Filipino sympathizers. In the summer, McKinley’s War Department made public hundreds of documents captured by the U.S. Army, including a letter from Montagu Levinson, a judge and quasi member of the New England League, to Emilio Aguinaldo.⁴⁹ Levinson suggested to Aguinaldo that the Philippine Revolutionary Army should capture an American official and try him as a pirate. Levinson’s letter touted the historical likeness of the Philippine Revolution to the American Revolution, encouraging Filipinos to use the tenets of the Declaration of Independence in their rhetoric and report any atrocities because these appeal to the notion of American liberty.⁵⁰ At the instruction of Boutwell, the Anti-Imperialist Leagues denounced the Levinson letter. New England and Chicago League Secretaries Edwin Burritt Smith and Erving Winslow said of Montagu Levinson, “[He] was in no way connected to the League,” and that he “had caused the League much annoyance.”⁵¹ The Levinson affair sparked a brief period of outrage toward Americans who supported Filipino independence. The image of the League and its members as loyal Americans was momentarily damaged.

Most League members who had struck relationships with Filipinos continued their transpacific activism as if the Levinson affair never occurred. Yet these anti-imperialists were careful to keep a certain distance from Filipinos during the election. In the early years of anti-imperialist activism, transpacific solidarity was adopted unevenly. The members of the Cincinnati League are an example of those enthusiastically in favor; the President of the League, Boutwell, was representative of those who were opposed. Regardless of these differences, anti-imperialists and Filipino revolutionaries shared an intellectual solidarity that even Boutwell could not disclaim.

The 1900 election was an event that not only concerned Americans but one that concerned the world. Filipino and Boer hopes for independence were intimately tied to its outcome. Those colonized or resisting colonization shared their aspirations for liberty with American anti-imperialists and even worked together at times to achieve

self-determination. Anti-imperialism was a global and transnational movement. The hopes of anti-imperialists to restrain Britain from overtaking two South African republics were one of the causes important to Americans. South Africans and Americans worked closely to frame their opposition as liberal by regularly illustrating the self-governing institutions of Transvaal and Orange Free State and by identifying them as ideal republican institutions. Boer diplomats worked closely with the strategists of the Democratic Party in order to get the anti-imperialist Bryan ticket elected. Similarly, Filipinos worked closely with Americans to preserve the First Philippine Republic. The rhetoric of the Anti-Imperialist Leagues was a mirror image of the rhetoric contained in Filipino and Boer propaganda. So Americans were not only concerned with their nation and its exceptional place in the world; they thought in global terms and believed their exceptionalism was a result of interconnected support for peoples with like anticolonial sentiments.

One important note to make about these transnational connections in 1900: they were only the beginning of a more widespread transnational anti-imperial collaboration. The election of William McKinley was a major setback for global anti-imperialism. McKinley's election signaled a continuance of the policy of benevolent assimilation in the Philippines and the Open Door in Asia. Such setbacks faced by transnational collaborators actually strengthened their convictions, and after 1900 these foundational relationships grew into substantial networks. Even Boutwell could not restrain their persistent desire to work with one another. After 1901, transnational solidarities flourished, but in a much different fashion. While in 1900 anti-imperialist bonds were based around abstract principles, after 1901 they were focused more on humanitarianism. Humanitarian disasters around the world would serve as the reason for transnational solidarity.

Chapter 6 explains at great length the social movement and how anti-imperialists rallied against Philippine atrocities. Anti-imperialists found some success in protesting on humanitarian grounds, as this book will show. However, the same cannot be said for the efforts on behalf of Boer humanitarianism in the United States. The pro-Boer social movement suffered under the constant shadow of corruption. From as early as the summer of 1900, prominent Boer fundraisers rowed over how funds would be used. The primary dispute between activists was whether funds should pay for the expenses of fundraisers. Montagu White, ever the cautious diplomat, sent several letters to his superiors in regard to his suspected fraud. Eventually, the corruption charges gained momentum when the press found evidence

of misappropriated funds among the activists. A schism broke out between honest fundraisers like White and those who used the war to profit themselves. The result was the dissolution of the Boer Relief Fund. In July 1901, all remaining funds were sent to the Boer Envoys and the Boer governments.⁵²

Boer sympathizers made one final push for mediation in the summer months of 1901. The attempt was to reignite the notion of liberal pacifism and appeal to the new president, Theodore Roosevelt, but the likelihood of Roosevelt capitulating was slim. White arranged for the popular but deposed Transvaal President, Paul Kruger, to appeal to the American administration directly in a visit to the United States. Circumstances prevented such an event. The death of Kruger's wife in July deeply affected him and his steadily declining health along with the steadily advancing British offensive made the chances of mediation even slimmer than they were in 1900. Kruger abandoned the prospect of swaying Roosevelt and remained in Europe. By May 1902, the Boer guerrilla forces resigned their struggle and the two republics were incorporated into the South African colonial federation.

In the wake of McKinley's reelection, membership in the Leagues and transnational activism deteriorated somewhat. The national movement's endorsement of Bryan hurt the bipartisan image the Leagues tried to nurture. As a result, several bipartisan anti-imperial clubs sprouted in New York, Chicago, and Boston. Called Liberty Leagues, these institutions illustrated the discontent with the movement by some members. But they also recruited poorly and over time it became clear they did not pose a significant threat to the Anti-Imperialist Leagues. It is not surprising that many historical studies of the anti-imperialist movement do not go beyond 1900. While their prospects appeared bleak after the election, they persisted in spite of past failures. The Senate ratified the Treaty of Paris in 1899. The 1900 election gave McKinley another four-year term. Militant imperialism was on the rise throughout the Third World. Regardless, the American anti-imperialist movement persisted. They continued to view the law—and particularly the Constitution—as a bastion capable of restoring foreign policy to its traditional place.

The place where this hope was most concentrated was on the one branch of government that had yet to interject itself in the great debate. Oddly, this was the branch with the most significant authority on matters of law—the Supreme Court. After the election of 1900, anti-imperialists pinned their hopes for the movement's sustainability on the judiciary.

CHAPTER 5



THE INSULAR CASES

The hard fact facing the anti-imperialist movement by 1901 was that it had failed to alter the trajectory of American foreign policy, even if imperialism was a controversial front-page news item for over two years. Bringing the “great debate” to the courts for consideration seemed a doomed last-ditch effort. An outstanding reading of the sentiment at the time comes from a fictional character, Mr. Dooley, an Irish bartender on Chicago’s south side who was a humorous, but serious, critic of national esteem. Conceived by journalist Finley Peter Dunne, Mr. Dooley’s opinions, syndicated in America’s newspapers, were even read in cabinet meetings. On the anti-imperialist movement and its postelection fallout, Dooley quipped, “They’s wan thing about th’ supreme coort, if ye lave annything to thim, you lave it to thim . . . It niver gives a decision until th’ crowd has dispersed and th’ players have packed their bats in th’ bags an’ started f’r home . . . Some say it laves th’ flag up in th’ air an’ some say that’s where it laves th’ constitution. Anyhow, something’s in th’ air. But there’s wan thing I’m sure about . . . no matther whether th’ constitution follows th’ flag or not, th’ supreme coort follows th’ iliction returns.”¹ Dooley’s wit identifies the national consensus about anti-imperialism and the movement’s prospects. Most people assumed it had none after 1900. This was not entirely true, though. The decision to contest the Treaty of Paris and McKinley’s plans for “benevolent assimilation” in the courts was a real and considerable challenge to imperialists and their foreign policy.² In fact, the movement had been gearing up for a Supreme Court challenge since 1898. As early as the war’s outset, anti-imperialist jurists were writing opinions against empire and acquisition. Among these were the country’s leading professors of law.

Ivy League academics disagreed vehemently in 1898 as to whether the extension of American sovereignty obligated the extension of the Constitution's rights and a republican form of government. The legal parameters of the great debate were set well before Leagues organized, and because of this the natural place for a legal crescendo was the Supreme Court. It would be the final adjudication on the legality of American imperialism.

The Supreme Court took up the matter in a series of cases throughout December 1900 and January 1901. The cases are commonly known collectively as the Insular Cases. Each one considered tariff and customs duties for trade conducted between the United States and her newly acquired territories or among these territories. Though the cases centered on commerce, they framed a more significant debate, which would legally define the relationship of the territories to the American nation. The underlying question they posed to the court was whether the territories were part of the United States. And its decision would have the effect of either extending or denying constitutional liberties to the people of the territories.

The first seven of these Insular Cases were decided simultaneously on May 27, 1901. It took five hours and thirty minutes for the justices to read their verdicts and the various opinions for each case. The court's ruling was closely split at 5-4, and it was not immediately clear whether the decision was for or against the extension of rights to the territories. Reporters, eager to scoop competing journalists, sent telegrams to their newspapers attempting to interpret the events. The jostling for a scoop led to conflicting accounts in the headlines the following day. Some newspapers claimed victory for anti-imperialism; others opined the McKinley administration had successfully defended its policy.³ What soon became evident was that the ruling was neither a rebuke of the president's policies nor a resounding death knell for the anti-imperialists. Instead, the Insular Cases had adopted a "novel, even revolutionary, constitutional doctrine: the Incorporation Doctrine."⁴ Enunciated by Justice Edward Douglass White, the incorporation doctrine distinguished between two types of American sovereignty in territories. White believed territory could be either incorporated or unincorporated. The distinction is made during the treaty-making process, he claimed. If a territory be incorporated, the full rights of the Constitution would be extended along with a guarantee of statehood. This was full membership into the Union of the "United States." Conversely, he believed a territory could be unincorporated and thereby not extended certain rights or statehood. This judgment became

a guiding dictum for the judiciary in future cases of acquisition and territorial government.

Incidentally, Justice White's incorporation doctrine mirrors what Alan Trachtenberg calls "The Incorporation of America," or the creation of a newly "structured society with new hierarchies of control" that emerged in the late nineteenth century.⁵ The era, as Nancy Cohen has put it, is one in which "the pressures of capitalist industrialization were spawning a revision of liberalism."⁶ The Gilded Age and Progressive Era were periods awash in conflict between individualism and collectivism marked by a general shift from traditional social contract theory and toward a more dynamic and discretionary compact. This is most evident in the corporate structures that sprung up in the postbellum period and amalgamated investment capital into massive trusts. Wrapped up in this reinterpretation of the individual and collective identity in corporate America was an intellectual debate about liberty. Advocates for corporate expansion extolled the virtues of growth and development, as well as the expanded freedoms that prosperity would bring. Opponents warned of the potential evils of allowing powerful combinations of capital, believing they would soon restrict personal liberties. This intellectual debate continued throughout the era.

Massive industrial growth and the development of large corporations had deeper implications. The growing influence of corporations in the United States was emblematic of a general shift in American culture that also affected foreign policy. The "United States," if metaphorically imagined as an aggregate much like a corporation, can be seen to be wrapped up in similar questions about identity. The "United States" was akin to a growing corporation and the problems with corporate growth are remarkably similar in law to those of the growing nation. The first section of this chapter dissects this metaphor and extends it to establish a cultural context to the Insular Cases. The following section takes a closer look at the anti-imperialist reaction to the Insular Cases, the Supreme Court verdict, and the friction among anti-imperialists over the ruling.

Throughout much of the nineteenth century, a corporation was created by a state's legislature. Aggregates of capital were permitted to conglomerate only by a petition to the legislature, which drew up a charter establishing a corporation and its purpose. The function of legislative charters was to ensure that large aggregates of capital would not be self-serving, and that the interests of the state's citizenry would be provided for. To accomplish this, legislative charters narrowly

defined the operations of corporations, typically limiting them to one type of business that clearly fulfilled a need within a community. For example, corporations were charged with establishing and operating railroads, utilities, and waterworks, and the chartered system forbade aggregates to act outside their given charter. This method of incorporation gave great power to state governments to determine the fate of business and gave them great influence in interstate commerce. Even after the Civil War—ironically waged largely on issues of state rights—the power of states to charter corporations continued.

Several problems plagued this process, however. One was that legislatures were charged with defining the interests of a community and, in many cases, denied charters to corporations as a means of supporting local industries and economies. But this approach also had the unintended result of hampering interstate commerce and limiting free trade throughout the country.⁷ In this way, the charter system often failed to distinguish between the beneficial and detrimental impacts of its actions on a community. A further problem with the system was corruption, as charters were often gained through bribery of legislative members. Beyond these faults, the greatest predicament that chartered corporations created for businesses was restricting conceptual identity. A chartered corporation was considered an artificial entity sanctioned by a state and in existence only because the legislature willed it to be. As Law Professor of Christopher G. Tiedeman put it, “The rights and powers of a corporation depend altogether upon the will of the legislature.”⁸ Corporations were not entitled to expand beyond the remit outlined by the legislature, even if expansion was in the public interest. In such cases, the corporation would need to be granted a new charter. The purpose of this was to safeguard the public from expanding conglomerates that could develop vast powers with a bottomless well of capital. The fear was that such corporations could become unwieldy monopolies and would impose its will on the public rather than the public dictating to the corporation. However, the fear of large monopolies overshadowed the potential benefits that expansive corporations could provide. The primary benefit was that corporations allowed multiples of capital to be amalgamated, which would provide a platform for grand projects to be accomplished through collective investment. A second benefit was best described by Chief Justice John Marshall, who said corporations possessed “certain immunities, privileges and capacities in its collective character which do not belong to the natural persons composing it . . . It is, in short, an artificial person.”⁹ The benefit that Marshall was alluding to was that of limited liability for investors. In creating

a corporation, state legislatures were in a sense creating an artificial being that would be liable for the conduct of the individual investors. Typically, in the case of lawsuits or bankruptcy, the corporation took responsibility while individual investors did not. Thus corporations removed a degree of risk, which instigated greater investment, and facilitated projects only possible with great aggregations of capital.

Incorporation laws had changed immensely by the 1870s, primarily due to the railroad industry, which was the largest aggregates of capital at that time. Railroad companies in the 1870s attempted to file articles of incorporation without submitting to a legislative chamber for debate or a charter. Originally, this method of incorporation was allowed by some states to break up uncompetitive railroad lines that suffocated the market and stifled public welfare. For example, New Jersey's Camden-Amboy Railroad Company controlled a monopoly and the Pennsylvania Railroad Company attempted to break the stranglehold through expansion beyond its charter. To achieve this, the Pennsylvania Railroad filed articles of incorporation with a county clerk, rather than seek a new charter. Such an alteration to corporate law had serious implications. As general incorporation laws slowly replaced the incorporation-by-charter process throughout the United States, restraints on corporations eased. Risk was no longer assessed by the legislature, but by the investors.¹⁰

The foremost proponent of this new corporate identity was Victor Morawetz, a lawyer and director of the Norfolk Western Railroad Company. Morawetz's book *A Treatise on the Law of Private Corporations* contended that while chartered incorporations served state interests, general incorporation laws served a wider national interest by allowing far greater interstate commerce. He embraced Marshall's argument that the corporation is an artificial person, if only figuratively. To fully understand the identity of a corporation, Morawetz believed, its investors must be considered the most important component of the identity, because "in reality" its actions are taken by "the persons who compose it."¹¹ Unlike Marshall, who supported legislatures giving a remit to corporations and thus creating an artificial being, Morawetz's corporation was born of investors, freed from the restraints of charters. Because citizens create corporations, and do so by "voluntary association," they should be governed by the "general laws of contract and agency," Morawetz wrote; the state's only function was to recognize the existence of such a natural entity just as a witness observes a marriage.

In changing the conception of a corporation Morawetz inherently forced a reevaluation of the rights, benefits and restrictions of both

corporations and investors. Devoid of a charter, corporations could proliferate into multiple industries, in multiple states without restriction. Arguably, the corporation could even act outside the public interest. Worse still, corporations retained limited liability for investors, giving all the benefits of a corporate structure without the restrictions of public service. Morawetz disagreed that this was the case. He insisted that “public policy clearly demands that a corporation be made responsible for the torts of its agents,” arguing that just like individuals, corporations are subject to due process.¹² Corporate oversight—like any type of regulation—would be police work and responsibility would rest with the board of directors, if not the investors.

These two conceptions of the corporation draw their inception from social contract theories, which were designed to similarly order individuals into aggregates, only in society rather than business. The idea of a chartered corporation was a derivative of the liberal social contract expressed most famously by philosopher John Locke, who, not incidentally, was well versed in British corporation law. According to Locke’s social contract theory, individuals restricted their own personal liberties to make alternative gains as a collective entity, or as he wrote, “Every man, by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society.”¹³ Importantly, Locke’s impression of a collective entity was one that did not have unlimited rights. Locke contended that such collective entities, like chartered corporations, were inherently bound to a higher power. For liberal government, that higher power was what he called the “law of nature,” a compact between man and God that created a moral code guaranteeing natural rights to all people. Locke’s social contract theory for governments restricted aggregates in the same way that legislatures restricted corporations: by creating a contract that bound aggregates to specific and enumerated duties and rights.¹⁴

The idea of general incorporation law expressed by Morawetz had its own parallel in liberal philosophy, rooted in John Stuart Mill’s utilitarian model of government. Mill did not share Locke’s belief in a law of nature that contracted natural rights or the role of God; Mill instead wrote that governments should be founded to foster “utility in the largest sense, grounded on the permanent interest of man.”¹⁵ Mill’s idea of government exists without such a contract and can develop in any way as long as it serves the greater good. Like Morawetz’s idea for general incorporation, Mill’s government is judged by the consequences of its actions rather than by being bound to any specific remit.

The intersection of corporate law and social contract philosophy applies to the definition of the “United States” during the Insular Cases. The *Harvard Law Review* and *Yale Law Journal* published their Christmas editions in 1898 with two anti-imperial opinions on the illegality of acquiring the then-Spanish territories of Puerto Rico, Guam, and the Philippines. Columbia Professor of Law Carman Randolph and district court judge Elmer Bragg Adams were the first jurists to produce such an opinion. Randolph and Adams wrote that, regardless of whether expansion included plans for annexation and statehood, the rights and liberties of the Constitution extended to any inhabitants of a territory or possession because it was part of the “United States.” Randolph led his piece by noting, “Whether a European power shall indulge the appetite for land is a question merely of ability and expediency . . . The Federal Government is in a different position . . . Whether the United States shall annex Spanish lands . . . demands a more searching examination of the powers, the duties, the purposes of our republic as marked by the Constitution.”¹⁶ Adams and Randolph were soon joined by other eminent scholars like professor of Law at Yale University Simeon Baldwin, cofounder of the American Bar Association Paul Shipman, and New York Supreme Court Justice Edward Whitney. All shared the common belief that with the practice of sovereignty goes the provisos of the Constitution.¹⁷

These jurists used two previous Supreme Court judgments to assert this opinion. First they cited Chief Justice Marshall’s dictum from the unanimous ruling in *Loughborough v. Blake* (1820). This case posed the question to justices whether Congress could impose a direct tax on the District of Columbia, which circuitously took up the question of whether the District of Columbia was a part of the United States or outside of it for reasons of tax, excise, and duty. Marshall’s opinion in *Loughborough v. Blake* was that the city did not fall outside this net. He argued that territories, like states, are part of the whole “United States” and thereby are to be treated identically to “actual states,” including in the extension of the Constitution and its liberties. In the opinion, he said “The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises, should be observed in the one, than the other.”¹⁸ The legacy of his opinion has been the so-called uniformity clause, which has come to mean that the Constitution bars the unequal impositions of duties or taxes on interstate commerce, including that of territories. Inherent in the uniformity clause was also the proposition

that the Constitution extends automatically to territories. The unanimity of the court in this case only gave further authority to the anti-imperialist's argument. Professor Simeon Baldwin surmised that the *Loughborough* case ensured that the "main privileges and immunities guaranteed by the amendments to the Constitution . . . are shared by every other foreigner who may be found within our jurisdiction. Such is their force in every organized Territory . . . and I believe it to be the same in every unorganized territory."¹⁹

The *Loughborough* case was not the only one that anti-imperial jurists and legal scholars used. Somewhat ironically, the *Dred Scott v. Sandford* (1857) case was also used. It was ironic because the *Dred Scott* case was so closely associated with the support of slavery that after the Civil War it was for all intents and purposes nullified, though never officially overturned. Chief Justice Roger B. Taney in giving the court's opinion ruled that African Americans are not citizens and not protected by the Constitution. Though the case excluded slaves from rights, in making that assertion Taney ruled that questions of citizenship were the remit of the Constitution and not of individual States. Taney argued that "There is certainly no power given by the Constitution to the Federal government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure . . . if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and duties of the State, and the citizens of the State, and the Federal government."²⁰ While Taney's decision is famous for its exclusionary effect on African Americans, in 1899 it was used by anti-imperial jurists to explain how the Constitution was "self-extending" and to describe how it "goes with the land of which it declares itself to be supreme law, as the form goes with the substance."²¹ This idea of a "self-extending" Constitution became better known as *ex proprio vigore* (Latin for "goes of itself"). This phrase—a derivative of the *Loughborough* and *Dred Scott* cases—became the legal basis of the anti-imperialist movement to prevent arbitrary rule over the new territories.²² In relation to incorporation laws, *ex proprio vigore* was similar to chartered incorporation because it believed the national social contract (the Constitution) must go where the state's authority extends.

The contrary argument had an equally illustrious list of academic proponents, including Dean of Harvard's Law School C. C. Langdell and fellow Harvard Professor of Law James Bradley Thayer. Langdell contended, as did Thayer, that the United States "is the collective name of the States which are united together by and under

the Constitution . . . this is its natural and literal meaning [which] comprise[s] the territory of the forty-five States, and no more."²³ Langdell criticized the *Loughborough* case as inappropriately interpreted by anti-imperialists. Washington, DC, was originally created from States, and by that fact, Langdell concluded, it could be considered a member of the "United States." New territories could not make the same claim and therefore could not claim to be a "state." Langdell's argument was not so different from the *ex proprio vigore* camp in terms of incorporation law. Though it viewed the collective identity of the "United States" in a fundamentally different way, he similarly relied on the notion of a social contract or charter as the basis for his claims. The Constitution was drafted to serve the community, which in Langdell's argument were the "states" only and not territories. As for the extension of rights, Langdell believed that the Constitution and its rights did not extend to territories and instead Congress had absolute jurisdiction and was not limited in its powers over them. As proof he offered the case of *American Insurance Co. v. Canter* (1928), a case involving salvaged goods off the coast of the Florida territory. Daniel Webster, who at that time was the lawyer for the claimant of the salvaged goods, told the Supreme Court that the "interests of these libellants . . . depends upon the powers vested in the legislature of Florida, which finally depends upon the Acts of Congress,"²⁴ Langdell seized on Webster's statement to assert the same was the case in the Philippines or Puerto Rico. Like Florida, which was a territory and governed by the authority of Congress, the Philippines would also be governed as a territory. Langdell's Harvard colleague Thayer concurred, but more rousinglly: "There is no lack of power in our nation, of legal, constitutional power, to govern these islands as colonies, substantially as England might govern them."²⁵ Langdell's and Bradley's judgment was more commonly referred to as American "plenary power," meaning that Congress was entitled to all powers over the territories not enumerated in the Constitution.²⁶

These opinions were played out somewhat in the Treaty of Paris debates in the Senate. Both arguments for *ex proprio vigore* or plenary power utilized informed legal precedents to justify their legitimacy, but each also impinged on several conflicting dictums and decisions, not to mention generalized sentimentalities of American federal power. The suggestion that the United States could hold territories as colonies, as made by Bradley and Langdell, seemed to wholly contradict the anticolonial tenets of the Declaration of Independence. Equally, there was no steadfast precedent for the automatic extension of the Constitution. After all, America's westward expansion

excluded slaves, Native Americans, and other peoples from these rights and protections. With such obvious contradictions, it was not strange that a third view materialized and completely revised these social contract theories. Abbott Lawrence Lowell, then Professor of Government at Harvard, published the aptly titled article "The Status of Our New Possessions: A Third View." Professor Lowell took a view by which territories could follow two constitutional paths, both of which were variations on the previous assessments and designed to alleviate their inconsistencies.²⁷ He presented the 1898 acquisitions as ones that dictated a fresh look at "established principles . . . how far they are applicable to the new conditions."²⁸ Rather than using judicial precedent, Lowell identified a wider historical framework of continental expansion that determined the status of new territories. According to him, the constitutional precedent was found in the history of treaty making and was based on the needs of the wider community and not any steadfast tenet of the Constitution. Beginning with the Northwest Territory, which was acquired by the first Treaty of Paris in 1783, Lowell suggested that the executive and legislature extended government and liberties by explicitly adding such a commitment in all the successive treaties that expanded the nation's borders. Louisiana was acquired by treaty that explicitly states that civil rights and the guarantees of the Constitution will be extended to states made of the territory. In the case of Florida and the Mexican acquisition, the Adams-Onís Treaty and the Treaty of Guadalupe-Hidalgo also explicitly admitted territories to be made into states with full constitutional rights.

The Treaty of Paris in 1898 was a departure from these previous treaties because it makes no arrangements for statehood or the extension of rights—but this was not an aberration according to Lowell. To withhold these things was legal and entirely plausible given the circumstances. Lowell argued the extension of the Constitution does not go automatically nor does it extend at the discretion of Congressional plenary power. Instead, he wrote that rights included in the Constitution are expressed by the executive and Senate in their role as treaty makers. Both branches have a choice to extend liberties or deny them, regardless of the tradition of acquisition from 1803 to 1848. Just because past treaties "provided that the people should be incorporated into the union, or admitted to the rights of citizens," does not oblige this to be the practice for all time, he contended. The Senate can "acquire possessions without making them a part of the United States."²⁹ This may seem similar to the practice of Congressional plenary power, but Lowell made the point that the Senate's

options to govern are not endless or arbitrary and that Congress must always abide by the laws of the Constitution—even if the territories or possessions do not fall under its sway. Should the executive and legislative branches determine through a treaty to exclude a territory, it would be considered “unincorporated” and its inhabitants not privy to the rights of the Constitution. However, Lowell noted, they are still entitled to natural rights, which would be protected by Congress’s role as legislator. Congress could not rescind these rights. These are God-given rights, whereas constitutional rights are not. Conversely, Lowell wrote that a territory may be “incorporated” and given the full extension of the Constitution, as was the case in the treaties prior to 1898. In either scenario, Congress acts as the local and national government until an incorporated territory is ready for statehood, at which time it sheds the Congress as its local government. In the case of unincorporated territory, it would forever retain the Congress as its local government.³⁰

Lowell’s incorporation doctrine left the legal extension of rights and community identity to the “corporate” entity, in this case the American government. This was a model incredibly akin to the general incorporation laws, which revolutionized corporate growth in the Gilded Age. The corporation in both cases determines the most utilitarian outcome for itself and its community.

Lowell’s doctrine adopted parts of both the anti-imperialist and imperialist arguments but most notably created a legal framework in which the acquisition and government of territory was possible while interpreting the law to restrict the rights of native inhabitants. It only slightly absolved the issue of arbitrary rule. It did so by contending that the role of the executive in the treaty-making process keeps a measure of intergovernmental checks and balances. Just like Morawetz, who argued corporations were responsible to the community in much the same way as an individual, Lowell believed the American state must still act responsibly. Congress must still abide by constitutional law, which loosely meant that it could not adopt unconstitutional policies in unincorporated territories. This did not extend the rights of citizenship or rights contained within the Constitution to foreign inhabitants, though. Residents of unincorporated territories were still ruled arbitrarily, even if their rulers—the Congress—had a measure of restriction.

It is worth noting that while *ex proprio vigore* and plenary power had their conflicts in constitutional law, they also had substantial support in existing dicta and traditions. Lowell’s incorporation doctrine had no precedent. Incidentally, neither did general incorporation

laws prior to 1870. There were no previous court rulings that could establish such a constitutional pattern of expansion. The “third way” was completely fabricated to suit the post-War of 1898 context. However, as Lowell argued, the expansion overseas was a significant deviation in American history, which required a matching reinterpretation of American law. Customarily, such interpretations get little traction, but over time, the third way and Lowell’s idea of “incorporation” would become the legal consensus among jurists and Supreme Court justices.³¹

The first of the Insular Cases to take up these abstract arguments was that of importers D. A. De Lima & Company. The importers sued the New York customs house (represented by customs officer George Bidwell) to recuperate duties that were levied on sugar imports in 1899 after the ratification of the Treaty of Paris. Claiming that Puerto Rico was a part of the “United States” and that according to the Constitution there can be no interstate tariffs, De Lima and Company demanded the tariffs be returned to them. As though the rationale behind *De Lima v. Bidwell* were not difficult enough in adjudicating the status of territories, the passage of the Foraker Act in May 1900 made matters worse. The Foraker Act or Organic Act of 1900 created a territorial government for Puerto Rico, giving it an executive committee, a governor, a legislative body, and a courts system. It extended the coded laws of the United States to the island but made no mention of constitutional liberties or citizenship for inhabitants.³² The Foraker Act also introduced customs houses—which was the most controversial component of the bill. This was because the customs houses would collect levied tariffs on U.S. trade. The tariffs would be the primary source of income for Puerto Rico in lieu of a direct tax that would be impossible to collect.³³ The tariff was designed to capitalize on the strong U.S. trade with the island to generate revenue for use by the new territorial government. It was controversial because it sidestepped the uniformity clause that promised no uneven application of imposts or duties. Therefore a judgment about whether the tariff could be levied on incoming goods from the continental United States was really a judgment of whether Puerto Rico was part of or separate to the United States. The Foraker Act further complicated the case because it created two time periods for the Supreme Court to consider Puerto Rico’s status—the period before the Foraker Act and the period after its enactment. While the *De Lima* case was concerned with the tariff

before the Foraker Act, and Puerto Rico's relationship before it had a local government, another case would take up the question of the tariff after the Act, or when Congress was the acting local government. Importers S. B. Downes & Company sued the New York Customs House—again represented by customs officer Bidwell—in an attempt to recuperate the duties placed on a shipment of oranges imported from Puerto Rico after May 1900. The decision in both cases—*De Lima v. Bidwell* and *Downes v. Bidwell*—became the precedent that would be used to settle all of the Insular Cases.

On May 27, 1901, the Supreme Court returned their decision for the cases. The first verdict was read for *De Lima v. Bidwell*. The ruling was 5–4 in favor of the importers who, according to the verdict, were unfairly charged a duty on their goods. The court ruled that De Lima & Company should be reimbursed the cost of the duty by New York customs house. Justice Henry Billings Brown read the majority opinion:

Whether these cargoes of sugar were subject to duty depends solely upon the question whether Porto Rico was a "foreign country" at the time the sugars were shipped . . . but no act is necessary to make it domestic territory if once it has been ceded to the United States . . . We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic . . . We are therefore of opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States, that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back.³⁴

Seemingly, this verdict was a resounding success for anti-imperialists. Brown's assertion that cession to the United States automatically makes a territory "domestic" and that uniformity must be practiced seemed a clear victory for the argument that the Constitution follows the flag. After hearing Brown's ruling, newspaper journalists telegraphed their newsrooms that the anti-imperialists had won their appeal and that the "Constitution and the Flag Go Together."³⁵ But for those who waited to hear the full extent of the five-hour reading, the verdict resounded in a much different way.

Discerning anti-imperialists who listened closely to Justice Brown's oratory would have noted that the decision did not mention liberties or constitutional protection, only commerce and tariff law. Also, the implications of the *De Lima* case were retrospective. It did not speak of Puerto Rico's status after the Foraker Act, only in the preceding—and

very much past—period between 1898 and 1900. The court's opinion on the period after the Foraker Act was far more significant for the present and future statuses of the territories. After the *De Lima* verdict, Justice Brown read the court's decision for the *Downes v. Bidwell* case. Again the court was divided 5–4. The decision was that after April 1900, a tariff was legally applied to Puerto Rico—a seeming contradiction of the *De Lima* ruling. Justice Brown contended that the uniformity clause “deals with states, their people, and their representatives,” ruling and arguing in a manner that was contrary to his view delivered just minutes earlier.³⁶ Brown told the awaiting crowds that the Constitution is explicit, but that when it is not, Congress can legislate in whatever manner it should choose. His argument fully adopted the government's defense of plenary power advocated by jurists like Langdell. In his opinion, Brown confronted the main question of whether the Constitution follows the flag, claiming it does not. The territories would not be granted constitutional rights, or in his words, rights would “exist rather by inference . . . than by any express and direct application of its provisions.”³⁷ As for what liberties the territories would have, Brown believed they were entitled to natural rights, such as life, liberty and property ownership. These rights are explicitly God given. However, constitutional rights would need to be extended by the Congress, and these included “artificial rights” such as citizenship, suffrage, and due process. “Even if regarded as aliens, [residents of territories] are entitled . . . to be protected in life, liberty, and property,” Brown said, but rights beyond these are “subject to an unrestrained power on the part of Congress to deal with them upon the theory that they have no rights which it is bound to respect.”³⁸

Brown's logic is confusing not because of his reading of natural and artificial rights but because his opinion in *De Lima* is at odds with his opinion in *Downes*. In the *De Lima* case he grants a measure of inclusion to Puerto Rico and thereby to Puerto Ricans. They are part of the domestic community. In the *Downes* case he denies this entirely. What is interesting to note is that such a discontinuity was not missed by the other justices on the bench. No other judge agreed with Brown's reading even if they voted the same way as he had. How Brown came to read the *Downes* decision was only a matter of seniority. When the chief justice is in the minority, the most senior justice of the majority assigns who writes the court's decision Brown was the most senior in the Insular Cases and so he assigned the opinion to himself.

The shortcomings of Brown's opinion led to a concurring opinion submitted by the remaining four majority justices. Although it is called a concurring opinion, the concurring justices were hardly in

agreement. It deviated completely from the logic of Brown's verdict. Justice Edward Douglass White read the concurring opinion and is largely credited with its formulation on behalf of Justices George Shiras, Horace Gray, and Joseph McKenna. White argued that the retention of duties placed on imported goods to Puerto Rico was legal; however, they disagreed with Brown that this was because the island was not a part of the "United States," as it was most certainly, in their mind, part of the United States. Conjuring various forms of the term *incorporation*, Justice White elevated Abbott Lawrence Lowell's third way as a plausible compromise that had sufficient constitutional foundations. Unlike Justice Brown who advocated plenary powers for Congress, White identified national "principles which are the basis of all free government which cannot be with impunity transcended."³⁹ Congress could not arbitrarily rule Puerto Rico or any other territory, White concluded. Even so, he did not believe that Puerto Rico was entitled to uniformity, constitutional extension, or enumerated rights. White's opinion focused on "not the question of power outside the Constitution, but simply whether certain provisions of the Constitution were applicable to the authority exercised under the circumstances which the case presented."⁴⁰ The history of American expansion from the Northwest Ordinance and Louisiana Purchase to the War of 1898 is the history of Congressional incorporation through treaty making, White argued. The same contention was made by Lowell two years earlier. For White and the three concurring justices who adopted Lowell's position, no steadfast practice existed of either *ex proprio vigore* or Congressional plenary power; territories are incorporated or left unincorporated by the treaty that acquires them. Previous treaties, according to White, granted liberties only as a gentleman "expresses a promise," and while each prior expansion promised the extension of the Constitution, there is no requirement or guarantee of specific rights that must be made to the territories. This concurring judgment ultimately sided with the customs house of New York, because, as White said, Puerto Rico was "foreign to the United States in a domestic sense . . . merely appurtenant."⁴¹ The intellectual and legal construction of "incorporated" and "unincorporated" territory hid the competing philosophies on the nature of social contract theory. The use of the word *incorporation* was by no means coincidental.

The minority opinion in the Insular Cases refuted this. The dissenting four justices dismissed the incorporation doctrine as the equivalent to plenary power. The minority's opinion—read by Chief Justice Melville Fuller on behalf of Justices Peckham, Brewer, and

Harlan—seized on Brown’s controversial contentions and argued to the contrary: that Congress could only act from powers the Constitution had clearly outlined and that powers not enumerated did not give automatic authority to Congress or to any other branch of government. Though Chief Justice Fuller delivered the objecting opinion drolly, he was clear in denouncing the arbitrary execution of powers. It “substitutes for the present system of republican government . . . a system of domination over distant provinces,” he said.⁴² The minority vaguely addressed the notion of liberties, but more loosely signaled that all rights must extend as sovereignty does. Uniformity was the central tenet of his reading. Territories were as much a part of the “United States” as “states” and must be treated as such in all regards, he argued. This opinion found favor among many anti-imperialists.

Justice John Marshall Harlan was, at first, satisfied with the gist of the minority’s opinion but felt as though he needed to add a more enthusiastic dissent. Harlan was the most senior member of the court and had not only adamantly disliked Brown’s opinion but also found significant fault with White’s. His dissenting opinion in the *Downes* case is important because it illustrates his fear of a dwindling potency of individualism in place of collectivization. Again, the metaphor of corporate growth was something that Harlan found particularly fitting with the development of trusts at the turn of the century. A complex character that fervently defended individualism throughout his time on the bench, Harlan focused closely on this, more so than any other justice. In his dissent he invoked the words “we the people” to demonstrate that the wellspring of “enumerated powers” was not among branches of government but in the individual citizens of the nation, and argued that circumstances could not supplant the source of congressional powers; that the law and the Constitution outlined rules for all circumstances and for all people, equally.⁴³ It was with this logic that he called the Constitution “a compact . . . between the People of the United States among themselves as constituting in the aggregate the political community . . . [it] speaks . . . to all peoples whether of states or territories.”⁴⁴ Such an enunciation is important for two reasons. First, it resonated deeply with many anti-imperialists, but more significantly, the notion of a compact or contractual relationship between territories challenged White’s belief that the United States was a modern corporate entity. Therefore, at the heart of White’s and Harlan’s disagreement about corporate law was the interpretation of the social contract. At stake was the ultimate purpose of the social contract. That is, why were such contracts developed? Harlan’s personal affection for individualism shaped his

answer. For him, the individual was a beneficiary of social contracts. In this perception, some rights and liberties are restricted by society to ensure individual safety and prosperity. On the contrary, White saw society as the beneficiary, or that individuals deny themselves rights to ensure collective prosperity.

Certainly among anti-imperialists the ideas surrounding corporate law were important. Some clung to the idea of the corporation as a chartered entity. When the verdict in *Downes v. Bidwell* was read, many leading anti-imperialists railed against Justice White's incorporation doctrine. They deemed it unconstitutional and contrary to the ideas of Locke's social contract theory that bound artificial entities to a "higher" law.⁴⁵ Edwin Burritt Smith, the chair of the Chicago League's Executive Committee, quipped that "To say that mere creatures of the constitution can acquire territory and exercise self-assumed powers without the constitution is to say that a stream can run higher than its source."⁴⁶ Solomon Solis-Cohen, a Philadelphia physician, wrote that annexation posed "grave problems of individual and governmental rights . . . If a majority of people . . . may ignore natural rights in one thing, they may do so in all things."⁴⁷

Among anti-imperialists of this conviction, sociologist Charles Richmond Henderson is perhaps the activist who explained most fully how the idea of chartered incorporation applies to foreign policy. In 1901, Henderson moved to Chicago and was made Professor of Practical Sociology at the University of Chicago. That year he also joined the American Anti-Imperialist League. Although his interests as a sociologist were rarely related to foreign policy, he remained a staunch supporter of the social contract theory and chartered incorporation. He acknowledged the similarities in business law and political law and argued that by "extending this study of the physical processes of typical business men we might be enabled to regard some social phenomenon in a new and stronger light."⁴⁸ It was in his studies on the nature of businessmen that he found himself opposed to unrestricted expansion—be it in business or territorial incorporation. The successful businessman, according to Henderson, was bound to be aggressive and militant because "he has risen from the ranks largely because he was a better fighter."⁴⁹ He argued that businessmen make decisions based on profit alone or to "enlarge the scope of their plans," and are not concerned with the greater welfare of society. To alleviate this in corporate law, Henderson wrote, "Democracy . . . finds a way to correct the harshness of greed by legislative measures . . . social cooperation and oversight are essential" to protect "against wily schemers."⁵⁰ Charters were the means of achieving such security.

Henderson's theory was helped along by the context of the Progressive Era. Since general incorporation laws began in the 1870s, monopolies had grown substantially and had developed across state lines and outside of the confines of their original charters. The Standard Oil Company not only cornered the oil market throughout the United States, it had substantial interests in the railroads. J. P. Morgan's control of financial institutions allowed him to obtain a vast empire of assets in the transportation industry (railroads and shipping) and in industrial manufacturing. Louis Ehrich, a lawyer from Colorado and executive committee member of the Chicago League, took up Henderson's observation of the nineteenth-century businessman and expanded it to include the majority of American citizens. Ehrich wrote to Carl Schurz—friend and fellow anti-imperialist—that “here, as elsewhere in the country, the public is not bothering its head about Imperialism or Cuba or anything else outside the making of money. The whole Nation is wallowing in a slough of selfishness. I fear that some great National calamity will be necessary to make our people appreciate facts of public virtue and National righteousness.”⁵¹

The Anti-Imperialist Leagues—and especially the Chicago branch where Henderson was an influence—published hundreds of pamphlets that encouraged citizens to understand the importance of oversight in social welfare and the need for charters to restrict the reach of business and the nation alike. These anti-imperialists contended that the Constitution, as the nation's charter, restricted the reach of government, limiting its powers as a legislative charter limits the powers of a corporation. Using Henderson's rationale, anti-imperialists around the country argued that without a restrictive charter like the Constitution, the government would operate as businessmen: greedily and outside the public interests. Overseas acquisition would continue unabated.

After the Supreme Court's ruling, most regional leagues coordinated broadsides to run in newspapers nationwide, which protested the unchartered use of power. Addressed “To the American People,” the broadsides insisted, “we all rely on constitutions, national and state, to protect our rights. We cannot conceive an American community without these safeguards. Do not the inhabitants of Luzon need against us the protection that we need against ourselves?”⁵² While Henderson was not particularly well known among League members, his analogies between business law and state governance sparked a wider anti-imperial recognition of the similarities between the two. His claim that “without strong ethical feeling . . . the meanest . . . sets the pace for all those who really desire to be honorable and fair” was a sentiment shared by those who sought to restrict the powers of the

government in the ex-Spanish colonies where Congress was ruling arbitrarily.⁵³ To avoid despotism was to have a charter or ensure that the Constitution followed the flag.

Although this appealed to many anti-imperialists, others disagreed with Henderson. If Henderson set the intellectual tone for anti-imperialists who favored chartered incorporation, Ernst Freund, a German immigrant and political scientist at Columbia University, set the tone for anti-imperialists who disputed the need for a charter. Freund completed his doctoral dissertation on the intricacies of corporate law and his thesis helped legitimize the practice of general incorporation. In his dissertation, Freund contended that the laws of general incorporation could actually facilitate a greater protection of rights.⁵⁴ The ability for corporations to diversify allowed them to deliver greater benefits to the widest possible community, Freund believed; restricting corporations would only hamper the greatest possible social welfare. While Henderson feared the potential evils of expansive corporations, Freund imagined the potential advantages. No matter the intellectual divide, both men were anti-imperialists. Freund joined the Chicago branch of the Anti-Imperialist League the same year that Henderson did.

When considering the issue of incorporation in foreign affairs, Freund observed Justice White's incorporation doctrine as one that recognized the complex network of liberties and restrictions that existed within the "United States." He did not imagine the "United States" as a singular entity but as a multiplicity in the same way a corporation may be a multiplicity.⁵⁵ Such multipolarity was good, he argued, because it precluded arbitrary power. In his book, *Empire and Sovereignty*, which was published after the Insular Cases but served to summarize his position during the trials, Freund asserted that multipolarity was the antithesis of empire. He defined empire specifically as a "system of absolute or constitutionally unlimited government" normally featuring "a dominant state with outlying dependencies" and incapable of facing problems without the assistance of the dominant state.⁵⁶ His definition was based largely on historical interpretations of ancient empires and the nineteenth-century example of the British Empire. From these examples, Freund concluded that the exclusivity of power was the most important characteristic of an empire. He argued that the United States lacked this quality. Its constitutional government employed multiple political organizations, none of which bore absolute control and could thereby not act arbitrarily or dominate comprehensively. For Freund, the United States was an aggregate with multiple points of power among states and the federal government

(as well as within those structures). He contended that corporations divide powers similarly among its individual investors and the artificial entity. There is no absolute power in either model.⁵⁷ Freund even suggested that chartered corporations belie this most important tenet of anti-imperialism; that they are so restrictive that they give one body—the legislature of a state—the ability to prescribe and deny exclusively. In espousing the virtues of incorporation, Freund helps to explain why many anti-imperialists did not resist Justice White’s dictum in the *Insular Cases*.⁵⁸

Freund was not a particularly active member of the movement, but other anti-imperialists adopted his appreciation of incorporation. Charles W. Eliot, a moderate anti-imperialist and long-serving President of Harvard, equated the incorporation doctrine of Justice White to “neither anarchy nor despotism,” believing that it offered democracy and utility in the way Freund described. In fact, Eliot called corporations indispensable “purveyors of opportunity” and associated the role of the United States in places like the Philippines and Puerto Rico in a similar way, as a purveyor of opportunity for the inhabitants of those territories.⁵⁹ Freund’s ideas were also taken up by anti-imperialists from Boston like Charles Francis Adams and Fiske Warren, who, along with at least 16 other members of the movement, started the Philippine Information Society. The Society was organized to examine the major controversies surrounding the Philippine-American War and was expected to “supply the anti-imperialists with ammunition for use in their fight against the Administration.”⁶⁰ The results of the investigation were hardly damning. In fact, the Society found that by 1901 the Filipino insurgency had dwindled. Many Filipinos—including the newly formed Federal Party—were looking forward to further territorial representation, and American rule in the islands had a “practical effect” on the welfare of the Filipinos, according to the Society. With pacification, the Information Society contended, came provincial and local government, which empowered the natives.⁶¹ This was not empire for these anti-imperialists. Unexpectedly, and to the chagrin of their fellow anti-imperialists, the Philippine Information Society concluded that the acquisition of the Philippines as appurtenant to the “United States” was reaping considerable rewards. That utility justified the acquisition of the territories.

Historians have debated whether this latter group of anti-imperialists who approved of the corporate analogy should even don that title—that

they were “anti-imperialist expansionists” or “tepid anti-imperialists”—because of their belief in the inherent gains by territorial inhabitants through American expansion.⁶² And yet both groups of activists spoke in terms of law and liberties. As Jim Zwick relates, the movement defies “neat categorization.”⁶³

But what is most apparent in the context of the Insular Cases is the fracturing of the movement in two ways. First, the very intellectual foundations of the movement—grounded on the notion of liberty—were fraying. These two deeply philosophical readings of corporation law and the relationship between the territories and the “states” had done more to splinter the anti-imperialists sense of identity than the election of 1900. Though not every anti-imperialist was perfectly aligned with either of these schools of liberal thought, none could avoid the intellectual contentions and almost every anti-imperialist adopted a course of action that reflected one of these views. A good example of this is E. L. Godkin, an Irish immigrant and founder of *The Nation*. Godkin had been a student of British philosophy and was well versed in the ideas of Locke and Mill. When he attended Queen’s College in Ireland and studied philosophy he reveled in the idea of utilitarianism, calling Mill “our prophet.” He adored the idea of government serving the greatest good and, during the 1860s, had a “flexible approach to state power . . . which sought to bring the liberal principle of individual liberty in concordance with” the principles of utilitarianism. Not coincidentally, during the same time that general incorporation laws were being tested in the courts (the years after the Civil War), Godkin changed his perception of Mill. He gradually became much more pessimistic about the virtues of aggregations and their ability to work honestly in markets or in politics. By the 1890s he had totally abandoned the ideas of Mill for the classical liberalism of Locke and the social contract as a means of binding the ambition of capital and governments alike. For Godkin, although general incorporation laws may have offered the greatest good, they also have the potential of wreaking the most havoc. By 1900 his transformation as utilitarian to a classical liberal was complete and evident in a letter to a friend: “I came here fifty years ago with high and fond ideals about America, for I was brought up in the Mill-Grote school of radicals. They are now all shattered and I have apparently to look elsewhere to keep even moderate hopes about the human race alive.”⁶⁴

Besides the intellectual fraying, the movement broke with its approach to opposing empire. The year 1901 and the Insular Cases marked the end of legal resistance. After challenging imperialism in

the Senate, the election, and the courts (and losing in each instance), it seemed pointless to continue with the same approach. The failure in the courts also hampered any momentum the League had built throughout 1899 and 1900. By the end of 1901, more so after the election, anti-imperialism seemed a moribund movement. Many of the smaller Leagues had closed, including some in New England where enthusiasm was so concentrated. Members of these branches who wished to continue their opposition joined the larger branches. However, many resigned and did not return to anti-imperial activism.

CHAPTER 6



THE SOCIAL MOVEMENT

During the summer and autumn of 1901, the anti-imperialist movement faced what were perhaps the greatest obstacles to maintaining its relevance. Change from both within and outside the movement posed serious, if not fatal, threats to its existence. Inside the movement, some activists still held out hope for a reversal of the *Downes v. Bidwell* case. But by the end of the year, even these holdouts had recognized the futility of the legal fight.¹ Externally, the political context had shifted as well. A surge in transatlantic trade boosted economic prosperity and consequently led to a rise in the Republican Party's popularity. More dramatically, the assassination of William McKinley lent the Party much sympathy. The accession of accidental president Theodore Roosevelt, an imperialist, further led to the disillusionment of activists. Anti-imperialist defeats were so great, 1901 very well could have been the year of the movement's dissolution, but the resolve of members' was potent.²

To survive and eventually affect change in foreign policy, activists determined they needed a new approach. Henry Parker Willis, a rising personality among anti-imperialists, wrote to fellow activist Herbert Welsh, "We have reached the end of our rope in the movement against Imperialism, unless we can take it up and carry it on by new methods."³ Willis believed legal opposition was destined to fail and contended the movement should act as a social lobby instead. In his correspondence with Welsh, Willis determined that anti-imperialists "cannot do anything by appealing to the authorities, unless we can get public opinion behind us."⁴ For survival, Willis argued, the movement needed to be fresh and absolutely compelling, but most importantly, it had to appeal to the public and spur social mobilization. He believed only the public

at large was capable of keeping anti-imperialism a legitimate issue and reversing the trend of American imperialism.

The move to mobilize the public, rather than politicians, was also evident at the third annual meeting of the New England Anti-Imperialist League. Secretary of the League Erving Winslow outlined the political and legal justifications for the organization's work in the 1899 and 1900 League addresses. But his third address in 1901 resigned these commitments almost entirely. He refused to relinquish hope that the minority decision in the Insular Cases would eventually inspire a favorable court decision for the anti-imperialists, but Winslow argued curtly, "Our appeal lies to the American people."⁵ He told the assembled activists the Leagues must cease its incessant appeals to politicians and instead exhibit the "repugnant" acts of imperialism to the public who will reject them "as they come to be understood."⁶ From the winter of 1901, anti-imperialism became a social movement with ambitions of popular dissent spurred by spreading propaganda. That the anti-imperialist movement was a social movement is often overlooked perhaps because its members were among America's most elite. But this does not preclude the movement from such definition. Charles Tilly defines "social movement" as a "sustained interaction in which mobilized people, acting in the name of a defined interest, make repeated broad demands on powerful others via means which go beyond the current prescriptions of the authorities."⁷ By this account, the anti-imperialist movement was a social one, if not a grassroots movement. It was a top-down social movement instigated by elites. The Leagues and other operations were financed by the wealthy, and their messages were delivered by America's most influential individuals like senators, newspaper editors, presidential nominees and union leaders.⁸ Elite American anti-imperialists contacted other elite Americans and used their extensive resources to disseminate propaganda. They operated with a view of affecting the general public after 1901, even if the effort did not always target community networks.

This oversight of the anti-imperialists as a social movement is perhaps one reason why it has received little attention after 1901. During the years 1898 to 1901, the movement acted in clearly identifiable political circles that were so obvious because they clashed with the contrary, but equally identifiable political actions of imperialists. In the years after 1901, the movement did not directly confront imperialist policy makers. Instead, anti-imperialists made their case in editorials, in investigations of the Philippine-American War, and via the publications of the Leagues. Undoubtedly this approach generated less attention than the direct assaults on the Treaty of Paris, the

election of 1900, or the Insular Cases. However, the anti-imperialists did not cease to exist. They were still highly active. Predicting their downfall became a habit of the imperial press throughout their existence, but in almost every case it was overstated.⁹ The transition from a legal movement to a social one is only another example of this.

The movement's new approach did have an effect on membership. The move to a social movement contributed to a decline in popularity, yet somewhat ironically, the lack of esteem resulted in a decline of financial funding, which actually fuelled the movement's persistence. Anti-imperialists adapted to thriftier means of disseminating propaganda. In fact, the shift to a more frugal social movement allowed anti-imperialists to develop a long-term opposition to American foreign policy, which continued well into the twentieth century. By necessity, they relied less on distributing expensive nationwide petitions and instead focused on crafting targeted propaganda.

One thing that remained constant, even as the approach changed, was the intellectual foundation of the movement. The idea of liberty was still lodged at the forefront of the minds of anti-imperialists. In 1902, David Greene Haskins, the Treasurer of the New England League, published his annual report of the organization's finances and cheered the idea of an anti-imperialist social movement as a means for members to "renew our struggle courageously and confidently." Haskins called the new social approach a way for anti-imperialists to show how "America shall be free herself and respect the freedom of others."¹⁰ Like others in the movement, Haskins argued the movement's values—and particularly that of liberty—had not changed, even if the circumstances and approach of the activism had.

What most hastened the developments of anti-imperialists to develop a social movement was the state of affairs in the Philippines. Since February 1899, the United States had been fighting Filipino revolutionaries led by Emilio Aguinaldo. The war had started as a conventional one but quickly devolved into a guerrilla conflict. The U.S. Army's frustration with the guerrilla tactics of the revolutionaries led to widespread atrocities by American soldiers. Such atrocities began to surface in the American press by 1901. With these reports, anti-imperialists came to be less concerned about constitutional rights and the acquisition of territory and more focused on human rights. Human rights are often associated with the post-World War II Declaration of Human Rights, which guarantees individual liberties to all humans. In the early twentieth century, human rights were understood in less personal terms and more often considered in relation to warfare. The term *human rights* was used in this period to describe courtesy and fairness

in times of war. It was a code that precluded brutality and atrocities as tactics beyond a “civilized” or ethical code of warfare.¹¹ This is how American anti-imperialists understood human rights.

What this chapter will explain is how the atrocities scandal, which unfolded in 1901 and 1902, was used by the anti-imperialist movement to attack the policy of “benevolent assimilation” based on the assertion that it denied Filipinos human rights. The explanation of how activism changed comes from American and Filipino perspectives. To understand human rights in a transnational perspective, the chapter examines the relationship between the Lopez family (who were Filipino anti-imperialists), their American counterparts, and the Leagues. Most importantly, this chapter will explain how anti-imperialists won their first victory of the “great debate” by taking this approach. If success in the great debate was defined as a substantive change of American policy, the atrocities scandal, which was instigated by the movement, precipitated a clear and marked shift in U.S. policy. Furthermore, the atrocities scandal forestalled the movement’s dissolution. While the Insular Cases drove a massive intellectual wedge between the members of the movement, the stories of atrocities reconstituted and sharpened unity among anti-imperialists while heightening existing transnational collaboration. The purpose of anti-imperialism became clearer as a consequence.

On March 5, 1900, in the Midwest regional daily newspaper the *Omaha World*, the first report of an act of torture carried out by the U.S. Army was published. Returning to Nebraska, Private A. F. Miller told the following to his local newspaper:

We go out on a bike, catch a negro [Filipino], and ask him if he has a gun; he will give us a polite bow and say “no sabby” and then we take hold of him and give him the “water cure.” After which he can get us two or three guns. Now this is the way we give them the water cure: lay them on their backs, a man standing on each hand and each foot, then put a round stick in the mouth, and pour a pail of water in the mouth and nose, and if they don’t give up pour in another pail. They swell up like toads.¹²

The story of the “water cure” was reproduced around the nation in periodicals and newspapers. It shocked the public during the summer of 1900, just as the presidential election was heating up. But it had little impact on the outcome of the race and it garnered no public

call to action. This was primarily because Miller's story was not followed up with editorials or investigations by other newspapers. In 1900, newspaper and magazine editors were wary of criticizing the American soldier, and more, the tales of a Midwestern private did not suggest torture was widespread.¹³ Only after further testimonials from soldiers were unearthed would the public learn that Miller's account of torture was not an isolated case.

Within a year of the war's outset, the U.S. Army had successfully defeated the Filipino Revolutionary Army in all of their engagements. Led by Emilio Aguinaldo, the Filipinos had been severely weakened as a military force throughout 1899 and 1900. American success was at least partly due to the U.S. Army's aggressive persistence in following the Filipinos after they lost ground. In battle after battle, the Americans defeated the Filipinos and then followed their line of retreat until they were confronted again.¹⁴ By the summer of 1900, the persistence of the American Army convinced the leadership of the Filipino Revolutionary Army that in order to continue its resistance, it would need to change tactics. Aguinaldo was reluctant to adopt guerrilla tactics, but his Army's dwindling resources and inability to confront the enemy in conventional battles left him with no other option. Ambushes on American forces became regular occurrences in late 1900 and 1901. Some revolutionaries no longer wore uniforms and, after an ambush, Filipino rebels would return to their villages and deny their involvement in the insurgency to American soldiers. Within the U.S. Army this was called "amigo warfare" because insurgent Filipinos would protest that they were "amigos" but undoubtedly not all of them were.¹⁵

Guerrilla tactics contributed to the growth of contempt for Filipinos within the U.S. Army. This alone was not the only cause. Other matters added to the frustration and discontent of American soldiers. Race gave many a reason to dislike Filipinos. Historian Paul A. Kramer argues hostilities were conceived as a "race war" in which "imperial soldiers came to understand indigenous combatants and noncombatants in racial terms."¹⁶ Race contributed to the perception of Filipinos' capacity for self-government and it also accounted for U.S. soldiers' comprehension of guerrilla tactics as "uncivilized" barbarism. "Those who waged guerrilla warfare," according to Kramer, "were, by definition, savage."¹⁷ Therefore, treating savage peoples as such was not a contradiction of human rights. Though many American soldiers viewed the war in this way, many anti-imperialists did not consider Filipinos racially inferior or uncivilized savages. Reports of

soldiers referring to Filipinos as “niggers” or “gugus” was condemned by many within the movement.

An additional factor in the frustration of American soldiers was the archipelago’s difficult terrain, the tropical diseases, and the monsoons, which were a component of everyday life during the rainy season. Geographical irritations were intensified by the guerrilla tactics. Further, the lack of conventional battles produced periods of “incessant boredom” where soldiers had little work assigned. The boredom led to much dissatisfaction. Soldiers filled their time with vice and sexual misadventure.¹⁸ One private would go on to report many of these misadventures to the Senate Philippine Committee, telling senators about gang raping in the islands or “gang crewing” as it was called. Rape was a regular activity along with consensual sexual encounters with prostitutes.¹⁹ Boredom was often compounded with the consumption of “beno,” a strong rice wine flavored with anise.²⁰ Intoxication added to the likelihood of abuses and to soldiers’ animosity.

All of these factors were responsible for a deterioration of relations between American soldiers and Filipinos, but one event more than anything else discernibly altered the approach of U.S. forces: the Balangiga massacre. Balangiga was a small village in the southern island of Samar. As the war entered its third year, Samar continued to be a region of guerrilla activity. The U.S. military command focused heavily on its pacification in the summer of 1901.²¹ The village of Balangiga would undergo a particularly uncomfortable occupation. The commanding officer of U.S. forces there, Captain Thomas Connell, ordered male residents to work without pay. These Filipino slaves were ordered to clean the village and the jungle brush surrounding it. Women were ordered to wear “modest” clothing by Connell, who was a strict Catholic, and yet American soldiers drank excessively and raped local girls without punishment.²² The residents of Balangiga were not particularly resistant to the measures of benevolent assimilation as other villages in Samar, but the weeks of abuse under Captain Connell had changed that. On the evening of September 27, 1901, the village women brought several small coffins from the jungle to the church in the village. The coffins were filled with the bodies of children who died due to a cholera epidemic, but under the dead children were bolos—Filipino machetes. The following morning the residents of Balangiga used the bolos in an ambush on the American soldiers at breakfast, killing 44, including Captain Connell and all the officers.²³

The massacre made front-page headlines in almost every newspaper across the United States. The details reached the press through the explicitly detailed reports of marines who arrived in Balangiga the

following day. Captain Connell and several others had been burned. Most of the bodies were mutilated.²⁴ As outraged as the American public was, soldiers in the U.S. Army were even more so. Torture, atrocities, and internment had played a role in the war from 1899 to 1901, but the news of the Balangiga massacre kicked off a more sadistic approach to pacifying the Filipinos. A retaliation force of marines stormed the village quickly after the massacre and murdered villagers indiscriminately. The commanding officer of the marines who recaptured Balangiga cabled back to the military governor, simply, "Buried dead, burned town, returned."²⁵ This initial reprisal was only the beginning of a severe military punishment for Filipinos throughout the archipelago. General Adna Chaffee ordered two newly organized units—the army's Third and Sixth Brigades—to put down the insurgency once and for all in the most active regions of Samar and southern Luzon.²⁶ Third Brigade Brigadier-General J. Franklin Bell took the opportunity to issue orders to local officers in Luzon to organize the towns into concentration camps. Brigadier-General Jacob H. Smith of the Sixth Brigade gave orders for local commanders in Samar to execute a pacification policy by any means necessary. Of particular interest was Smith's order to Major Waller, the commanding officer of a marine regiment. Smith ordered Waller to "kill and burn—the more you kill and burn the better you will please me." When Waller asked for greater explanation and clarification of his orders, General Smith replied, kill "all persons . . . capable of bearing arms and in actual hostilities against the United States" and set an "age limit as 10 years of age." Perhaps more famously, Smith told Waller to make Samar a "howling wilderness."²⁷ Beyond these orders Generals Smith and Bell gave local commanders in their jurisdiction extensive freedom as to how they could carry out the pacification orders. This empowered their subordinates to engage in inhumane behavior without recourse.

After Balangiga, local commanders more readily turned to torture as a means of gathering intelligence. Most coveted was information on insurgent locations and weapons caches. To obtain this information, the water cure—once believed to be only a tactic of the Macabebe scouts who were Filipino mercenaries hired by American soldiers—was discovered to be commonplace among U.S. Army Regulars. The rope cure was also a typical practice. Soldiers wrapped a rope around the throat of a victim, crossed it behind the back and under the armpits and shoulders before circling the waist under their ribs. A stick was then jammed between the crossed ropes on the back and twisted, forcing the rope to tighten around the torso and groin. Other acts of torture reported included a "special diet" of salted fish for two days without

water, stringing up by the thumbs, ten-second hangings, stripping flesh and stretching fingers with bamboo.²⁸ Besides torture, other sorts of atrocities were common including burning villages, beatings, looting, starvation, arbitrary mutilation, and executions, which all increased in frequency after Balangiga.²⁹

Anti-imperialists were vehement that such acts of torture were a betrayal of American values such as liberty and human rights. Generally, the American public agreed with anti-imperialists on this. As stories filtered home of the events unfolding in Samar and elsewhere in the Philippines, anti-imperialists called on the public to demand from their government an end to the atrocities, and attempted to link the violence with the policy of imperialism. Anti-imperialist Rev. A. A. Berle addressed the third annual meeting of the New England League and contended that the movement must focus on humanitarianism and reach out to the American public on this issue. In his speech he said, "We shall appeal to the common people. We must link the cause of Philippine freedom with the experience and observation of the common man. We must take the policy of imperialism and reduce it to those terms of elementary which will readily show how false and antagonistic it is to those things which the average American holds dear . . . It is the appeal to the heart and soul of man that wins the victories of liberty."³⁰

Berle concluded his speech to the League by contending that the general public would be the only entity capable of swaying members of the government to end their imperial policy. To accomplish this he advocated "propagandism," or the mass publication and investigation by the anti-imperialist movement into the conditions in the Philippines. The purpose of propagandism, he told his fellow anti-imperialists, was to educate the public that liberty is a "human right."³¹

* * *

Only a week after the November 1901 meeting in which Berle—among others—promoted social activism based on human rights, U.S. Army General J. Franklin Bell, commander of forces in southern Luzon, began to issue orders that would initiate some of the war's most horrid abuses. First, on December 8, he ordered the relocation of native villages into cities. Rural populations were put in garrisoned concentration camps to identify them as noncombatants. Those found outside the camps were considered rebels and interned. These concentration camps were remarkably reminiscent of Spanish General Valeriano Weyler's *reconcentrados* policy in Cuba. The similarity did not go unnoticed in either imperialist or anti-imperialist newspapers.

The media scolded Bell as the “Butcher,” a nickname once used by the American press for Weyler.³² But General Bell justified his order for such harsh warfare. He argued a “short and severe [war] creates in the aggregate less loss and suffering than a benevolent war indefinitely prolonged.”³³ Bell’s reconcentrados inflicted incredible hardship on rural Filipinos and was followed with subsequent commands that intensified the already rampant poverty for Luzon’s population. Bell ordered station commanders to execute Filipinos at places near attacks on American forces as a means of keeping the Filipinos in a state of constant anxiety. He ordered the confiscation of food and used natives as slave labor.³⁴ The results were famine, the spread of epidemic diseases like cholera, dependency on the American Army for sustenance, and inevitably, hatred.³⁵

Anti-imperialists made General Bell and his orders the focus of their opening attack. In early December, leading members of the Leagues met in Boston to draw up a petition to the U.S. Senate to instigate an open investigation into the atrocities. Moorfield Storey convinced fellow activists that such an investigation would promote social action because it would be widely broadcast across the nation, delivering the shocking truth through familiar mediums. The tactical decision to use a government body as a vehicle for rousing public support may seem like the movement was keeping with its past political and legal opposition, but the petition to the Senate was different. The goal of a Senate investigation was not to compel Congress or the executive to take action against immoral militarism in the Philippines; the goal was to create a forum that would induce newspaper editors to publish stories about human rights abuses. The atrocities were scandalous enough to keep imperialism in the headlines and make the press a conduit for anti-imperial propaganda. The social movement initially approached its opposition in this way because the lack of donations had made the dissemination of anti-imperialist publications less possible. Newspapers had a far reach and would operate free of the finances of the movement. Also, by bringing the newspapers on board, indirectly, the movement would remove the stigma of such stories being perceived as biased anti-imperialist propaganda. Those who did not label themselves anti-imperialists or adamantly disliked the movement could still contribute to the outrage against the occupation of the Philippines. Storey wrote to his League colleague Carl Schurz on this point and contended the role of the movement was to press the public in a more apolitical manner: “If the people don’t follow it is their fault not ours, but if no lead can be given it is our fault.”³⁶

The petition Storey and fellow anti-imperialists crafted charged Bell with three offenses to Filipino human rights: the reconcentrados, the ratio of dead to wounded (which suggested that the U.S. Army soldiers were executioners rather than assimilators), and the policy of torture. All of these were moral questions rather than political ones. Though policy differences still existed, in an attempt to decouple politics from the atrocities, the anti-imperialists were content to refrain from rehashing old debates. "Men differ as to whether this country should pursue the attempt to conquer these islands or should leave their people to govern themselves," the movement's leadership argued, "on this point we say nothing now: but there should be no room for difference among civilized men as to the use of torture and other inhuman methods of waging war."³⁷ In the petition, anti-imperialists constructed an intellectual argument based on historical notions of liberty as humanity. As historian Bernard Bailyn points out, the early colonialists saw ambitious and aggressive power as the predator of liberty: "The one was brutal, ceaselessly active, and heedless," whereas liberty "was delicate, passive and sensitive."³⁸ Anti-imperialists argued in their petition that "human nature remains unchanged: cruelty begets cruelty . . . kindness and sympathy inspire affection."³⁹ The regional leagues and individual activists worked diligently and successfully to gather hundreds of prominent men and women to sign the petition on these grounds. Thousands of prominent Americans signed, a most impressive accomplishment for a movement that newspapers reported was no longer operating.

To the delight of anti-imperialists, a breakthrough came before the petition even made it to Congress. The rumblings of torture stoked the deeply partisan and persistent anti-imperialist senator from Massachusetts, George Hoar. On January 13, 1901, Hoar introduced a resolution to establish a Congressional investigating committee.⁴⁰ The resolution was accepted only after fellow Massachusetts senator and staunch imperialist Henry Cabot Lodge demanded that any investigation operate through the Philippine Committee, of which he was the chair.⁴¹ But the stewardship of the Committee did not concern Hoar. He believed the bipartisan nature of committees would allow both sides to have a voice in the proceedings. Hoar told the Senate that on the "great questions of human liberty, of righteousness, and of constitutional law," an open investigation would allow both sides expression with "respect the purity of purpose of each other."⁴² Most certainly, this was not naivety. It was a calculated maneuver. Hoar suspected that any investigation would unleash a tidal wave of unpleasant publicity for the imperialists through the revelation of atrocities. His

constituents had forwarded Hoar hundreds of tragic stories of Filipinos suffering at the hands of the U.S. Army. He believed that when these stories surfaced they would cause the public to move decisively against the policy of benevolent assimilation.

The investigations into atrocities opened on February 1, 1902, in Lodge's Philippine Committee. One of the first documents the Committee was presented with was the petition of anti-imperialists against the practice of atrocities.⁴³ It was obvious from the very outset of the Committee's investigation that the hearings would become a vehicle from which anti-imperialists could affect public outrage. As much as Lodge attempted to restrict proceedings, newspapers were eager to broadcast the stories of atrocities that were outlined in his Committee. The most forthcoming supplier of the stories of atrocities was the Leagues and individual anti-imperial activists. Nearly all of the stories that came to the Committee had been investigated first by them. The most diligent researcher was Herbert Welsh, anti-imperialist editor of the Philadelphia newspaper *City and State*. He supplied members of the Committee with stories he—or those employed by him—collected. He was a tenacious researcher who scavenged the nation for veterans' stories about their time in the Philippines. His work was critically important to the movement because while many of Hoar's and other congressmen's constituents reported crimes to them, they also sought anonymity, which precluded them from testifying before the Committee. Without sworn affidavits from a multitude of reliable American character witnesses, public outrage would gather no momentum.

Along with his research skills, Welsh was an adept orator who promoted the social movement as one founded on human rights. What he astutely recognized was that the idea of liberty needed to be translated from the normative definition used by anti-imperialists since 1898 that sought political freedoms such as representation and constitutional rights to a definition of liberty as an ethical concept. Speaking at the Massachusetts Reform Club only a week before the investigations of the Philippine Committee would open, Welsh sketched out how this transition might be achieved. He argued that the American standard of liberty permeated all realms of comprehension; in politics it is "the right to self-government"; in religion and philosophical terms it is "do unto others as ye would they do unto you."⁴⁴ He urged that, "in spirit, they are the same," and when deconstructed, freedom is simply "the equality of human rights."⁴⁵ In what witnesses called a passionate conclusion, Welsh explained how to achieve this anti-imperial principle: "Without something far deeper, more spiritual . . . the machinery of

war will grind on pitilessly . . . To stop it all the citizen must feel is his sovereignty and must assert it—Congress will act as he demands, if he demands—not otherwise.”⁴⁶ The public, Welsh steadfastly believed, had convictions and powers that would renounce such cruelty and end the policy of imperialism.

Including Welsh, his team was composed of his business partner Matthew Sniffen, anti-imperialist campaigner J. Leroy Smith, and Philippine Army veteran Abram L. Mumper. All four scoured the nation for reliable stories from dependable soldiers not long returned from the Pacific and willing to testify under oath. Mumper was particularly well suited to this task. He was a veteran of the Twentieth Kansas Regiment, commanded by then-Colonel Frederick Funston. Mumper had been present at the Battle of Caloocan, where Funston was accused of ordering soldiers to “take no prisoners.”⁴⁷ Other veterans—and especially those of the Twentieth Kansas Regiment—trusted Mumper. Sniffen and Smith operated largely as investigative journalists. They sent back to Welsh in Philadelphia the stories of soldiers and compiled a list of those that would contribute to the Committee’s investigations. Most of their activities were sponsored by Welsh, but on some occasions the Anti-Imperialist Leagues paid their expenses.

The stories collected by Welsh’s team were telling accounts of the application of torture. For example, Private Fred Newell was interviewed by Welsh in 1902 and told him about the level of contempt among officers for Filipinos. Newell eventually testified to the Philippine Committee that “an old man who lived in the hill . . . gave the squad a chicken dinner. After the chicken dinner had been eaten the corporal wanted to shoot the old man.” Newell intervened and saved the old man from execution, only for him to be relocated to the town’s reconcentrados.⁴⁸ What was common in all the testimonies Welsh’s team collected was that soldiers received their orders from commanding officers and did not act autonomously. In fact, soldiers were threatened to act under penalty of insubordination.

H. Parker Willis, acting as the Washington correspondent of the anti-imperialist Boston newspaper the *Springfield Republican*, became the leading anti-imperialist for coordinating correspondence and testimony between Welsh and his team of researchers and the minority Democrats on the Senate Committee. Two cases (among several) unearthed by Welsh’s team appealed to the Democratic senators: the orders of General Frederick Funston and the testimony of Sergeant Charles S. Riley on the water cure.⁴⁹ Funston was a political target. In 1902 Funston had returned from the Philippines as the triumphant capturer of Emilio Aguinaldo and conducted a speaking tour to drum

up support for the war. On his tour, Funston advocated greater force be used against the Filipinos. He criticized the civilian leadership, particularly that of Governor-General William Howard Taft, for not being more willing to invest men and resources to stop the guerrilla tactics of the revolutionaries. One of the most prominent features of his tour was the attack he regularly made on anti-imperialists. Funston dubbed them traitors, telling the press that anti-imperialists “did more with their mouths and minds to aid the insurgents than did these poor men with the Krag-Jorgenson rifles. I would rather see those men hanged for treason than see one of our soldiers dead on the battle field.”⁵⁰ He not only called anti-imperialists unpatriotic and begrudging of the troops, but Funston expressed a contradictory ideology and one grounded in a different perception of liberty. While on the speaking tour, he argued that the soldiers were not interfering in “a single right” and that they would not “curtail a single liberty that any man is justly entitled to.”⁵¹ The American soldier, Funston contended, was bringing liberty to a benighted people. Filipinos were inferior, just “unruly savages,” he claimed.⁵²

Anti-imperialists worried that a prominent hero figure like Funston could derail their movement’s new approach. In response to his vitriol, anti-imperialist editorials struck back. The *Springfield Republican* quipped that “Gen Fred’s ideas of liberty, it may be feared, are getting orientalized,” and that Funston had taken up a Machiavellian approach to law and order.⁵³ Mark Twain published a scathing satirical counterattack in the *North American Review* titled “A Defense of General Funston,” mocking the General’s logic. For Welsh, the General’s oratories—which elevated the Philippine-American War as one *for* liberty—allowed him to dredge up the orders that Funston made when he was Colonel of the Twentieth Kansas Regiment. Mumper was instrumental here. He was sent, at Welsh’s expense, to Kansas to find information regarding atrocities that occurred in Caloocan. Caloocan was where the Twentieth Kansas Regiment was stationed in southern Luzon before it would go on to capture Aguinaldo and elevate Funston to national fame. Mumper’s research produced several testimonies at the Committee, including that of William W. Moore. Moore made a statement to the Committee charging Major Metcalf—under Funston’s direct command—with killing two unarmed prisoners.⁵⁴ The regiment had killed many more. What became clear through the investigations of the Caloocan skirmish was Metcalf’s orders from Colonel Funston were to “take no prisoners,” and Metcalf carried out his orders precisely.⁵⁵ These revelations not only worked well to disarm Funston

and mark him as an abuser of human rights; they effectively ended his speaking tour. As the Philippine Committee heard further testimony by government officials about the ratio of dead to wounded being as high as five to one, Funston became a political pariah. Even though he denied making these orders, the Senate investigation was sufficiently embarrassing to the Roosevelt administration. Roosevelt personally ordered the General to make no further public statements on the matter. Funston obeyed his commander in chief but refused to retract any past comments when asked. He escaped any criminal reprimand regarding the atrocities.⁵⁶

Public outrage over torture, and particularly the water cure, did not abate after Funston's tour ended. Dissent within the armed forces was brewing in 1902. General Nelson Miles, the Commanding General of the U.S. Army and highest ranking serviceman, wrote to Secretary of War Elihu Root to protest against the way the war was being executed.⁵⁷ Major Cornelius Gardener, the military Governor of Tayabas in southern Luzon, also sent a report detailing the atrocities, which were in his words "daily making permanent enemies."⁵⁸ Herbert Welsh supplied the minority Democrats on the Philippine Committee with a vast number of cases that supported the observations of Miles and Gardener and refuted the claims of the administration that the war was being executed in a "civilized" manner.

Another significant case that Welsh's investigations handed over to the Committee was the testimony of Sergeant Riley. In March 1901, Riley reported the use of the water cure to his local newspaper upon returning home. The sergeant stated that where he was stationed, the local Philippine mayor and priest were given the water cure and afterward troops burned down the town.⁵⁹ Riley's commanding officer issued a report to the War Department that downplayed the abuses when the story reached Washington. Secretary Root discounted Riley's story as sensationalism and typical of soldiers who returned home. Root even accused Riley of embellishment to impress friends and family.⁶⁰ Riley was interviewed by Welsh's team of researchers before he gave the testimony to the Philippine Committee. Once before the Committee, Riley explained in detail how the town's mayor was "stripped to the waist" and laid underneath a water tank that poured gallons of rain water into his stomach. The chamber where the torture occurred was adjacent to the soldiers' quarters and all officers were aware of the "water detail" as well as all eighty members of the two regiments that were housed there.⁶¹ After the water cure, when the mayor confessed, an expeditionary force was organized to find weapons in the mountains, and when the mayor

refused to guide the expedition he was given a more severe dose of the water cure. The second dose was administered on the street in front of the soldiers' quarters. Two syringes were forced into his nose and mouth and thereafter five gallons of salt water were poured into the funnels. When the expeditions returned from the mountains, the mayor's town, which included four hundred to five hundred homes, was burned by the army.⁶² The testimony was shocking and Republicans on the Philippine Committee attempted to subvert Riley's testimony, asking him why he did not report the atrocities by his fellow soldiers. The senators questioned why his letter of testimony was published in his local newspaper first. The Committee's foremost imperialists, Henry Cabot Lodge and Albert Beveridge, asked Riley to be clearer on the duration of the torture. The duration, Beveridge claimed, was important. Whether it was five minutes or fifteen "would make a good deal of difference," he told Riley.⁶³ But no matter what imperialists on the Committee tried, the facts remained clear and reprehensible to the public. Through the research of Welsh and his team of investigators, the public got a glimpse at the violent and bloody side of the war. Senator Hoar's conviction was correct: regardless of who chaired the Committee, public knowledge of the atrocities would be inevitable.

Subsequently, the anti-imperialists put pressure on the Roosevelt administration to respond to these criminal charges. The White House attempted to keep the issue of abuses quiet, but by April the incessant press reports on the atrocities forced President Roosevelt to take action. Root ordered Riley's commanding officer, Major Edwin F. Glenn, to be sent to California for court-martial.⁶⁴ This was the first court-martial of a high-ranking officer and it gave the anti-imperialists their first victory. The social movement had worked better than anti-imperialists expected because the court-martial of Major Glenn became an event like the Committee on the Philippines. It was a newsworthy item, which was covered by most national and many regional newspapers. It captivated the public imagination all over again. The trial called as a witness the mayor of the town and the victim of the water cure, as well as Glenn's subordinates who had taken part in the "water cure detail."⁶⁵ Their testimony encouraged an already disgusted public into further outrage. The result of the trial was the conviction of Glenn for abuse of power.

Glenn was the first officer convicted, but by no means the most famous. The highest ranking officer and perhaps most heinous practitioner of atrocities was Brigadier-General Jacob H. Smith, who commanded operations in Samar. Smith's orders to take no prisoners

and to “kill and burn” earned him a similar court-martial. After the investigation, Smith was also convicted. But neither Glenn’s nor Smith’s convictions were perfect triumphs for anti-imperialists. The punishment for Major Glenn was suspended duty for one month and a \$50 fine. The military judge notified the court that testimony implicating Glenn in the use of the water cure was illustrative of only one incident. He believed the court could not punish him for the suspicion of several similar cases without evidence.⁶⁶ Glenn was tried and punished for only one case of torture. In Smith’s case, the punishment was forced retirement, but he served no prison sentence and received no fine. Other culprits of atrocities, such as Brigadier-General Bell, who established concentration camps, justified his actions to the Senate Committee by contending that he “used his authority with moderation.”⁶⁷ Bell was not tried.

The court-martials were an imperfect and limited victory, but a result nonetheless. Regardless of whether Smith and Glenn were appropriately punished for their crimes, their cases had successfully tapped into the power of public sentiment. By providing the Committee on the Philippines with sworn testimony, the movement was supplying the newspapers with their daily material. Newspapers disseminated the stories of atrocities to the nation. This kept the movement’s costs down as well as keeping the source of the investigations somewhat shrouded. The public did not know that the Anti-Imperialist Leagues or men like Welsh were behind the investigations, keeping a neutral tone to the reports. The failure to court-martial Bell—who was denounced even by some imperialists—marked the end of the research funded by Welsh. The Philippine Committee only indicted a handful of U.S. Army officers, and Lodge believed that Smith and Glenn were sacrifices that would satisfy the public outrage, even if it would not curb the insatiable desire of anti-imperialists.⁶⁸ After months of investigation, Lodge terminated the Committee’s examination of atrocities in June 1902. The anti-imperialists would have to find another means of stirring public ire.

American anti-imperialists were not the only group of activists responsible for making the Philippine Committee a conduit for anti-imperialist propaganda. Filipino testimony was also important and came as a result of collaboration with American activists. The experience of the Lopez family serves as an example of such collaboration.

Sixto Lopez was an *ilustrado* (well-educated elite), who was an advocate of independence. During Felipe Agoncillo’s diplomatic

effort to have the Philippine Republic recognized by the United States, Lopez served as the delegation's secretary. Along with Agoncillo, he fled America in 1899 for fear of capture. Most American newspapers referred to him as Aguinaldo's secretary. This infuriated Lopez because since the Philippine-American War was declared, he persistently admonished the fighting on both sides and reminded journalists that he was the secretary of the delegation and a subordinate to the Philippine Republic, not directly to Aguinaldo.⁶⁹ Though uncomfortable with the war, Lopez continued to represent the Philippine Republic from London, where he resided after leaving the United States. It was during his time in London that Lopez became more familiar to Americans. He was one of the most vociferous Filipino activists and the most published author. Many of his writings were reproduced by the Anti-Imperialist League. From 1898 to 1901, the League officially published over a dozen pamphlets or broadsides by Lopez, three of which became widely distributed throughout the nation. This is not to mention the hundreds of opinions Lopez published in regional and national newspapers and magazines.

Lopez's opinions relied heavily on the idea of liberty in the same way anti-imperialists used the word. From 1899 to 1901, he opposed acquisition and government of the Philippines on legal grounds and argued that it betrayed the memory of the American Revolution. Lopez closely followed the Senate opposition to the Treaty of Paris and particularly the oratories of Donelson Caffery and George Frisbie Hoar, which alluded to the element of "consent" in the Declaration of Independence and Constitution as legal sinews of liberty. He applauded Richard Franklin Pettigrew's use of international law and ownership. In a widely disseminated article, Lopez made his case for a withdrawal using the same contentions. Like Pettigrew, who argued that Spain was in no position to sell the Philippines, Lopez argued, "Spain never had a moral right to our country. Her alleged ownership rested solely on might and not on right."⁷⁰ Like anti-imperialists who talked about the consent of the governed, Lopez asked, "Who is it declares that 'all just powers of government are derived from the consent of the governed?' Who is it that now seeks to deny the application of that principle of human right to the Filipinos?"⁷¹ His insights on the legal contentions were identical to American anti-imperialists. Even the solidarity-wary George Boutwell had no qualms publishing Lopez's opinions alongside American authored tracts because they were so similar to the movement's own intellectual opinions. This illustrates the League's (and even Boutwell's) willingness to recognize an intellectual connection existed, even if joint operations were not condoned.⁷²

As early as 1900, Lopez's writings began to turn away from espousing legal principles and political philosophy. While anti-imperialists continued to remain active in legal opposition to the policy of benevolent assimilation, the election of 1900 had led Lopez to believe the legal and political struggle was over. American history would still be useful rhetoric to evoke legal traditions, but after the election Lopez focused more on social activism and reaching out to the American public. His actions actually foreshadowed the means by which the anti-imperialists would operate from 1902 onward, when the legal route ultimately failed in the wake of the Insular Cases.

In his arguments, Lopez affectionately displayed his romantic fascination with the American War of Independence and Civil War, which according to him, made Americans "the freest people in the world." He added a caveat to this: "Those only are free who are prepared to grant the same freedom to others which they claim for themselves" and pleaded with the American public—rather than its politicians—to resist the policies of imperialism.⁷³ To affect social dissent Lopez crafted an expression of liberty that would motivate the Filipino nation and illustrate to the American public the determination of his movement. In a letter written to William Augustus Croffut, the Secretary of the Anti-Imperialist League's Washington branch, Lopez explained that Filipinos "desire to convey to those with whom, as workers in the common cause of humanity and liberty, they now wish to join hands across the sea," and that they "crave . . . liberty; not merely *personal*, but *national* liberty."⁷⁴ Lopez contended that national liberty was something the U.S. Army and government could not construct; it was a part of the Filipino identity and was marked most importantly by independence and self-determination. Lopez acknowledged that acquisition by the United States might bring his nation personal liberties, but Filipinos had already learned how to grant these by the example of American history. National liberty was the prize of the Philippine War. It would allow Filipinos to be "arbiters of our own destiny," and Lopez wrote that it will "always rank higher than personal liberty."⁷⁵ This desire for national liberty, Lopez argued, was illustrated by the willingness to "give up everything, even . . . life," and thereby one's own "personal liberty," for the more valuable national type.⁷⁶ The idea of national liberty would remain dormant among Americans for some time, but as the American movement evolved and saw Philippine independence as their core goal, rather than preservation of the American Republic, "national liberty" would become their objective as well.

Such harmonization between Lopez's views and the anti-imperialists was facilitated by Fiske Warren, a Boston paper manufacturer and member of the New England Anti-Imperialist League who visited Lopez in London during the summer months of 1900.⁷⁷ Their meeting was so amicable that Warren invited Lopez to visit the United States as his guest, where he would introduce him to the members of the anti-imperialist movement. From that point on, Lopez would develop stronger relations with the Leagues and its members. On September 30, Lopez arrived in New York and was greeted by Warren who took him to Boston. But while Boston's anti-imperialist community was building new links with Filipinos, the imperialists were denouncing any similarities between Filipinos and Americans. Racial slurs regularly found their way into descriptions of Filipinos; Lopez was described as having a perfect "chestnut" head with skin the same color.⁷⁸ More important, imperialist newspapers assailed the notion that Filipinos were capable of liberty and independence, describing Lopez as a savage who "at home dresses in a breech clout and a bolo and subsists on leaves, roots, and other kinds of savage fodder. He cannot possibly know anything of our civilization, our beneficent purposes, and our unselfish aspirations."⁷⁹ It might be assumed that these imperialist attacks on Lopez would have little effect on the anti-imperialists, but they were exactly the thing that gave Boutwell apprehension about solidarity. For others, though, like Warren, the desire for solidarity only got stronger after 1900.

Warren continued to hail the ideological connections with Filipinos and blazed a trail that many American anti-imperialists would follow. It began in May 1901 when Warren made the decision to visit the Philippines with Lopez as his guide to find Filipinos who were dedicated to independence and interested in working with men of similar minds in the United States. The mission was a treacherous one for the cause of solidarity as well as for Warren's credibility. In an executive committee meeting of the New England Anti-Imperialist League, Boutwell made clear he disapproved of Warren's trip. In a letter to Warren, the League president said, while he would not "take any step adverse to your purpose," he did not "anticipate any beneficial result from it with reference to the end I have in view."⁸⁰ Boutwell believed he and Warren had different ends, not just different means. The League president even insinuated that Warren was more concerned with the fortunes of Filipinos than the American republic, another affront to his patriotism.⁸¹ After more than three weeks of considering President Boutwell's attack and accusation, Warren resolved that the League—with Boutwell at the helm—was

not an association that shared his aspirations. Warren replied to Boutwell that his trip with Lopez was a personal mission "to learn what I can about the political situation" and to speak for the "other side, in behalf of mutual co-operation in what after all is a common cause."⁸² Partly to save the League any further embarrassment, and partly to protest the conservative element in the League that opposed solidarity, Warren resigned his place on the executive committee.⁸³

His resignation did not stem the threat to Warren's credibility as a patriotic anti-imperialist. The trip was misrepresented in the press as one where Warren was attempting to rile Filipino resistance to the American occupation and thus a direct and treasonous attack on U.S. soldiers there. Upon his arrival to the Philippines, Warren was directed to take an oath of allegiance, and although he complained that he was a citizen loyal to his country, he was informed that entry would be denied without taking it.⁸⁴ The same applied to Lopez, who refused to take the oath. And though Warren guaranteed Lopez's visa with an offer of a \$100,000 bond, Lopez was not permitted to enter the archipelago.⁸⁵ He instead took up residence in Hong Kong while Warren traveled on after taking the oath. Lopez's reluctance to take an oath agitated public opinion in the United States. In Manila, insinuations were made against Warren's character; soldiers searched his luggage and described finding "treasonable and inflammatory proclamations," which were discounted by Warren as "souvenirs," but did little to help his push for solidarity.⁸⁶ An important contextual note about the trip was that it corresponded with emerging reports of the Balangiga massacre, the apex of American anger toward Filipino insurgents. It contributed to the sensation that elements in the anti-imperialist movement were un-American. But when things looked most desperate for transpacific solidarity, the emerging stories of atrocities in the Islands made it more likely that Americans and Filipinos would come together and celebrate their common humanity.

Anti-imperialism's revival in the wake of accusations of army atrocities improved the prospects of greater interaction with Filipinos. Sympathy extended to those suffering under inhumane conditions and enlarged the number of opponents to American imperialism, which in turn led to a more tenable and popular support for Filipinos. Although Lopez and Warren were unpopular before the atrocities, their proximity to the events transformed them from a peripheral part of the movement to a central one in 1901. In fact, for Lopez and his family, their experience under American jurisdiction became a case study that was representative of other Filipino families. Simultaneously, as the atrocities scandal emerged, Lopez's

family was experiencing atrocities firsthand. On December 13, brothers Lorenzo, Cipriano, and Manuel were arrested by General J. Franklin Bell, whose more infamous orders included the introduction of concentration camps.⁸⁷ Like other reports that surfaced in late 1901 and early 1902, the Lopez brothers, once arrested, were not charged officially, had no evidence brought against them, faced no trial or court-martial, were fed only small portions of rice and salt, and much of their property was seized, including a steamer ship, which was their most important means of financial subsistence. Sixto's brother, Cipriano, was a leading insurgent before the amnesty was granted, but he surrendered to General Bell in 1901. Bell continued to suspect him of supporting the insurgency, even though no fighting had taken place in the Batangas Province where the Lopez's lived. And in spite of Cipriano's open denouncement of the insurgency, Bell continued to suspect the family's allegiance.⁸⁸ The real motivation for Bell's arrest of the Lopez brothers was more likely a political one. The superintendent of police at Manila noted that "they are undoubtedly suffering largely on account of their brother Sixto"; his speeches, American tour and refusal to accept the oath of allegiance were seen by Bell as insubordination.⁸⁹ Even Sixto's brother Mariano believed that if Sixto would only take the oath, General Bell would release his brothers and return the family's goods. "In Sixto's hands, then, lies the remedy of our troubles and total ruin," Mariano wrote, "and he must choose one of the two things: either to sacrifice himself, renouncing his desire to set free his country at the cost of his life . . . or shutting his eyes to all this, to remain sternly faithful to his aims . . . leaving us all to die."⁹⁰ Sixto's reply was a loving brother's compassionate sympathy for his family's condition at home, but vivaciously uncompromising; it invokes his notion of national liberty with the revolution as the paramount cause, not the fortunes of his family or even the Batangas Province. Sixto wrote Mariano, "If we cannot get justice for our brothers and our property, then we must suffer . . . We should remember that our fellow-countrymen have suffered and are suffering for the sake of right. Even the poorest and least educated have been prepared to sacrifice their life for what they believe to be the benefit of their country."⁹¹ Like the anti-imperialists, Sixto indicated to Mariano that the further suffering of Filipinos, as well as the atrocities "unworthy of an American soldier, and a blot upon the escutcheon of the nation," would produce American public pressure on the Roosevelt administration to make a hasty exit. Mariano remained unconvinced; he called Sixto an idealistic bachelor and martyr.⁹²

Throughout 1902, the Anti-Imperialist Leagues publicized the inhumane acts of the war, focusing heavily on the province of Batangas, where the Lopez family lived, and where the insurgency had withered despite continuing atrocities. While Sixto continued his self-exile in Hong Kong before returning to the United States in April 1902, his eldest sister Clemencia embarked on her first trip overseas to lobby for reform and for an end to the war. She first visited Sixto in Hong Kong, with her youngest sister Maria. It was in Hong Kong all three first got word of the imprisonment of their brothers. Clemencia then traveled to Europe alone and visited France for two weeks on a speaking tour, before sailing on to the United States.⁹³ Clemencia—or Clemen to her family—was warmly welcomed by associates of Sixto along the way. In the United States, Fiske Warren and his wife Gretchen, who were just concluding their visit to the Far East, took her in. Clemen arrived in Boston in February and her initial focus was the liberation of her brothers, but as a result of her charming personality, the planned advocacy for her family's release sprawled into a 19-month speaking tour and propaganda campaign coordinated with anti-imperialists to oppose the atrocities of the U.S. Army. In many ways, Clemencia's gentle demeanor was helpful in illustrating her family as the example of repression. By May, Clemen was headlining at anti-imperialist meetings, and even President Boutwell had appeared at her side in a marked shift from his opposition to solidarity only a year earlier.⁹⁴ The motive for Boutwell's appearance is partly due to the shift in public opinion due to the news of atrocities, but the likelihood also exists that gender played a role. Showing solidarity with a Filipino woman seemed less menacing than appearing in public with a Filipino man.⁹⁵

A most important note is that Clemen represented the same intellectual conceptions that Sixto advocated and she sought to elicit solidarity. In her address to the anti-imperialists, she reminded Americans of their commitment to humanitarianism during the War of 1898. She couched her arguments in references to liberty and American exceptionalism, ideas she derived from her brother. She told a crowd of anti-imperialists in Boston, "By liberty and democracy you have won the place of greatest liberty, prosperity and security of any nation in history. Will you sacrifice all this for the hazard of sham glory, fighting for burdensome territory in a cockpit of contending empires, abandoning greatness for bigness, liberty for empire?"⁹⁶ Clemen cleverly—but also genuinely—used American liberty in this way to appeal further to those anti-imperialists who vainly ignored Filipino pleas before. Combining a woman's voice

and exceptionalism in her rhetoric, the speaking tour was a successful illustration of solidarity. Clemencia attended several anti-imperialist meetings and League members were open to public expressions of fondness of her values, views, and personality. She was always presented as a figure of prominence and listed among the foremost anti-imperialists at any meeting she attended. Almost always she sat with the League's leaders at the top podium.⁹⁷

But in attaining her primary objectives, Clemencia's efforts were a resounding failure. The freedom she talked most passionately about was that for her brothers Cipriano, Lorenzo, and Manuel. Her lobbying on this front began with an impassioned plea to President Roosevelt less than a month after arriving in March 1902. Mabel Bayard-Warren (Fiske Warren's sister-in-law) introduced her to the president and Clemencia presented him with a petition for the release of her brothers. She spoke no English and began reading the petition in Spanish to the president, but soon after speaking she could not control her crying and the president was given the petition in written form, translated.⁹⁸ In the meeting with Clemencia, Roosevelt promised immediate action and dictated a letter to Secretary of War Root on the matter while she was still in the room. While the petition was pending, Clemencia was called as a witness on the Senate's Philippine Committee. Unfortunately for Clemencia, the response from the White House was not positive and seemed a serious blow to her brothers' liberation. President Roosevelt, after asking Secretary Root to investigate the allegations leveled by Clemencia, responded to her that nothing "properly can be done," and more importantly noted that "there appears to be a consensus of opinion that no injustice was done."⁹⁹ She also worked closely with Herbert Welsh, who got her onto the Committee's list of witnesses. Welsh suggested that Clemencia could give unique firsthand evidence on the atrocities committed and she entered her testimony along with letters from other members of the Lopez family. In the end, Clemencia's testimony, persistence, speeches, and cooperation with anti-imperialists did not free her brothers. They were released in 1902 as a result of the surrender of General Malvar of the Filipino Revolutionary Army in command of Batangas province. The very same day as Malvar's surrender, Bell sent a Lopez family confidante a telegram declaring that the brothers would be freed.¹⁰⁰

As American outrage over atrocities grew, so did solidarity between American and Filipino anti-imperialists. Across the Pacific and in joint protests, the Filipinos and Americans conceived of liberty as human

rights and the imperial policy of the United States its antithesis. Any victory for anti-imperialism must be attributed to both.

* * *

Herbert Welsh realized well before the sentencing of military officers or the collaboration with the Lopez family that the Senate's Philippines Committee was not a venue that could impart the intellectual argument that anti-imperialists were trying to make. Lodge and the imperialists on the Committee thwarted any attempt by anti-imperialists to suggest the United States was abusing human rights and restricting liberty. The trials of Smith and Glenn were also ineffective in changing the policies of the government. Welsh believed that a true anti-imperial social movement would stoke the public to the point of outrage and be primarily concerned with the policy of imperialism, not just the cases of abuse. Even before Smith was convicted, anti-imperialists, again led by Welsh, began to construct a propaganda campaign. On April 28, 1902, several prominent League members, including Herbert Welsh, Charles Francis Adams, Carl Schurz, Moorfield Storey, and Edwin Burritt Smith, met in New York and created a new committee of the Anti-Imperialist League called the Philippine Investigation Committee.¹⁰¹ The purpose of the new Committee was to begin a citizens lobby, or as Adams called it, an "organization which should make itself heard in protest."¹⁰² The Committee was operated largely by Welsh, with the other members acting as advisors. Its goal was to stir public ire and disseminate the policy of imperialism as the antithesis of liberty or nemesis of human rights.

The first action the Philippine Investigating Committee took was to send a memorial (public petition) to the Senate in June, lobbying for a renewed investigation into the atrocities. Except rather than have a Senate committee do the work, the Philippine Investigating Committee lobbied for anti-imperialists to be entrusted to do the research.¹⁰³ The memorial's central contention was that regardless of the Filipino's status in relation to the United States, all people were entitled to human rights. The petition defined human rights as fair access to food, shelter, sanitation, and freedom from terror. According to the Philippine Investigation Committee, Filipinos "of both sexes and all ages" were living with the most unsanitary and inhumane results of the war; "towns have been burned, and the food supply of the country destroyed . . . epidemics . . . are now raging in the islands."¹⁰⁴ The blame, according to the Committee, lay directly at the feet of the United States and the anti-imperialists insisted this included the public and the administration.¹⁰⁵ The logistics of the

Committee's plan to reverse the damage the U.S. Army had wrought included the organization of a research trip to the Philippines. The trip would be led by anti-imperialists who would observe and report on human rights abuses. Their report would be disseminated to the public in a joint congressional periodical. In their memorial to the Senate, anti-imperialists argued that Filipinos "have no means . . . of directly communicating" and need the American people to do so on their behalf. The petition called for "an unrecognized constituency and clad with no official authority, undertake to go out to the Philippine Archipelago, or send there a committee of our own number, we would have no power to gather evidence, to elicit facts, or to prescribe remedies. We could at best appear merely as volunteers . . . Its delegates would represent the full dignity, authority, and power of the American people . . . as will cause the people . . . to feel assured that full information is being elicited, that all grievances will be considered."¹⁰⁶

The petition had the desired response from the press and the public. Even some imperialist newspapers agreed that the notion of a joint congressional report conducted by anti-imperialists was a sensible idea and capable of insuring a humanitarian execution of the war. *The New York Times*, then a newspaper sympathetic to the policy of imperialism, wrote, "On general grounds the memorial is right because it is based on the fundamental fact that in the long run it is the American people that must settle the problem in the Philippines, and they must be well-informed in order to do this intelligently."¹⁰⁷

The League's Philippine Investigation Committee also sent a memorial to President Roosevelt in the summer of 1902. However, the administration was not conciliatory and had grown more entrenched since the indictments and high-profile court-martial of Smith and Glenn. By 1902, Roosevelt recognized that anti-imperialist propaganda made much progress as a result of the human rights abuses and were proving to be an effective challenge to his administration. Imperialists, in Congress and the executive, hit back in the same public forum that so suited the anti-imperialists. For example, before ending the investigations of the Senate's Philippine Committee, Senator Lodge entered an impassioned address to that body contending that the government's policy of benevolent assimilation was not at fault, only individual soldiers and their environment. "When we condemn Waller," the disgraced marine major acquitted of practicing atrocities, Lodge argued, "when we think of that little band of his that struggled through the wilderness of Samar . . . and came out on the other side delirious . . . let us understand the circumstances ere we condemn."¹⁰⁸ Lodge would later read into the Congressional

Record multiple accounts of torture tactics used by Filipino insurgents on American soldiers as well as an entire appendix of a survey of attacks made by “friendly” Filipinos.¹⁰⁹ Newspapers across the country that once printed stories about American Army atrocities now told stories about atrocities executed *upon* the U.S. Army by insurgents. The question raised was if Filipinos have no respect for human rights, why should Americans?

Using the bully pulpit, Theodore Roosevelt at a Memorial Day address in Arlington National Cemetery also made a similar case. He said, “For every guilty act committed by one of our troops a hundred acts of far greater atrocity have been committed by the hostile natives.”¹¹⁰ Like Lodge, he argued that misdeeds by American soldiers should be punished, but the policy of benevolent assimilation itself was not brutal. Roosevelt, like McKinley before him, justified the policy as an act of extending liberties in the face of Filipino aggression. His rapport with the press facilitated a reversal of anti-imperial momentum. Roosevelt argued contrary to what anti-imperialists were reporting

our warfare in the Philippines has been carried on with singular humanity . . . the victories of the American Army have been the really effective means of putting a stop to cruelties . . . Wherever these victories have been complete . . . all cruelties have ceased, and the native is secure in his life, his liberty, and his pursuit of happiness . . . our armies do more than bring peace, do more than bring order. They bring freedom . . . Wherever in the Philippines the insurrection has been definitively and finally put down, there the individual Filipino already enjoys such freedom, such personal liberty under our rule, as he could never even have dreamed of under the rule of an “independent” Aguinaldian oligarchy.¹¹¹

Roosevelt’s defense of the imperial policy in the Philippines as humanitarian and liberal was as much an ingenious political move as it was risky. If atrocities were to continue, Roosevelt would lose credibility. At such an early stage in his accidental presidency, political capital was not plentiful.

To assuage the risk, Roosevelt declared an end to the Philippine-American War. The Memorial Day address about atrocities was part of his broader plan, which sought to react to anti-imperialist demands. On July 4 he made the official declaration of the war’s end. Fighting continued for almost a decade after the declaration, as would atrocities, but Roosevelt argued that the insurgency as an organized military

operation had been defeated.¹¹² The declaration had a profound effect on the anti-imperialist movement. It shifted attention from the disturbing cases of individual soldiers practicing atrocities to the broader debate over the direction of foreign policy. On this issue, imperialists had convincingly battered anti-imperialists since 1898. Ending the war also sparked a brief patriotic surge and effectively diverted the newspaper stories toward the glory of victory.

Besides this, the decision to officially end the war was one that fundamentally changed the foreign policy of the United States. Weeks after the declaration, Congress passed the Philippine Organic Act, which extended a promise of republican-style government to Filipinos once the islands were completely pacified and a census completed. President Roosevelt proclaimed a general amnesty for Filipino insurgents. Finally, the act of insurgency was reduced to a criminal charge of banditry rather than treason.¹¹³ The change in policy was a direct result of anti-imperialist lobbying. Roosevelt even wrote anti-imperialist Senator George Hoar, "I was entirely willing to take the position which I understood you wished—that is, that when and if the Filipinos attained a degree and capacity for self-government . . . we should leave it to them to decide whether or not they would be independent of us."¹¹⁴ Independence and self-determination were not ideas featured in McKinley's policy of benevolent assimilation. The announcement of the end of the war by Roosevelt was an announcement that American foreign policy had changed. It adopted, or at least co-opted, aspects of the anti-imperialist position and was now offering eventual independence. The social movement had worked.

Roosevelt's decision to adopt parts of the anti-imperialist agenda was partly a matter of protecting his tenuous political position. By moving the Philippines and the unsettling issue of atrocities off the headlines of newspapers, Roosevelt could focus on more popular domestic reforms. However, there remained a significant political threat to his administration from anti-imperialists, particularly the pesky Herbert Welsh, who was not prepared to accept Roosevelt's declarations as a victory for the movement. Welsh seized on the end of the war to further attack the administration. In the autumn of 1902, he determined that the civilian leadership was more responsible for the atrocities and human rights abuses than the soldiers or officers in the army. Secretary of War Elihu Root became the primary target of Welsh. Welsh's weekly newspaper, *City and State*. As well, the Anti-Imperialist League churned out propaganda with the goal of forcing Root's resignation for his role in the atrocities scandal.

Welsh's early impression of Root was not entirely a negative one. In March 1902, while he was pushing for an investigation of soldiers, the Philadelphia editor wrote of him: "We do not believe that Secretary Root will deny the truth of the facts."¹¹⁵ But it was not long until Welsh changed his opinion. Major Cornelius Gardener sent a report to Secretary Root in early February 1902. It outlined the atrocities, most outstanding of which was the water cure. The report also indicated to Root that the war was not being effectively managed.¹¹⁶ As the Senate's Philippine Committee was investigating the atrocities and demanding all related documents from the administration, Root withheld from the Senate incriminating incidents of brutality found in Gardener's report. Welsh saw this as withholding evidence from the public. In addition to this lack of transparency, it emerged that only one week after reading the report, Root lied to Congress. Root promised the Senate Committee that "every report or charge of this description which at any time has been brought to the notice of the War Department has been made the subject of prompt investigation."¹¹⁷ The statement enraged Welsh, who used it to make the claim that Root was guilty of perjury and culpable of destroying the administration's credibility. When the Gardener Report was finally publicized Welsh demanded that Root tender his resignation.¹¹⁸

Welsh's drive to force Root out was enmeshed with the broader anti-imperialist belief that imperialism was degrading American freedoms and liberties. Root's failure to act transparently was an example anti-imperialists could give as to how the American republic was being supplanted by an empire. H. Parker Willis, who worked as a special correspondent for Welsh and *City and State* in Washington, DC, wrote that "there is nothing that can assure freedom from corrupt practices except the influence of a powerful public opinion . . . If we must stay in the Philippines . . . then it is a public duty to avoid the greater dishonor . . . which always arise from the exercise of irresponsible power."¹¹⁹ Corruption—which is so often the traditional ideological antithesis of liberty—was evoked by anti-imperialists throughout 1902. It became the most regularly reported story in the columns of Welsh's *City and State*.¹²⁰ Willis and Welsh accused Root of corruption and whipping the Defense Department to his will, to "act upon [his] cue . . . to keep matters as secret as possible."¹²¹ Thus the call for transparency was important for two reasons. First, by concealing the atrocities, Root was making it impossible for the social movement to rouse public opinion against the administration. The information, Welsh believed, was incriminating enough to permanently turn the table on the great debate and see anti-imperialists take the upper

hand. Second, government corruption was proof that imperialism was stripping Americans of their rights.

The Gardener Report was not the first report Root “pigeonholed” and it would not be the last.¹²² Not long after the Committee on the Philippines concluded its testimony, it emerged that Secretary Root concealed the charges of atrocities brought forward by Andrew Weir, a Calvary-man stationed in Balayan Province. Root again assured the senators of the Philippine Committee that he had been entirely forthcoming with all the evidence he had at his disposal. As a result, the scandal was not covered in detail by the press.¹²³ Particularly, the national newspapers ignored the story. After Roosevelt’s speech in Arlington and the July 4 declaration of an end to hostilities, the national newspapers pressed the administration far less forcefully. But *City and State* contested that it was a “major point,” and Welsh wrote, “The American people must address themselves if they wish to preserve self-respect and to retain their good name. Those papers do but further substantiate the charge, long since made by *City and State*, that hideous torture has been a policy under our flag in the Philippines to obtain a military end . . . the lie which has denied this charge will wither and die like myriads of its kind . . . Secretary Root must take his hat . . . and bid the Administration a lingering but final farewell.”¹²⁴

The Philadelphia newspaper tried its hardest to compel Root’s resignation throughout 1902, arguing that the War Department under his command was corrupt and a practitioner of political “absolutism.”¹²⁵ Welsh even attempted to send out pamphlets and propaganda to universities and colleges for the institutions to mobilize its student body, but to no avail.¹²⁶ Root had the confidence of President Roosevelt, and Roosevelt had successfully changed the political conversation from atrocities back to how the United States would govern and grant independence to the Philippines.

While Welsh and Willis were perhaps the most aggressive attackers of the administration’s policies, their impact was minimal. The circulation of *City and State* included only the Philadelphia region and so its pages did not reach out far beyond the Delaware River. The two activists also never found a successful way (even during the height of the reports on the atrocities) to spread the propaganda to educational institutions or beyond the traditional annals of the anti-imperialist movement. Both found much more success as researchers working for the Anti-Imperialist Leagues. In this capacity, Willis and Welsh helped the Leagues with their greatest propaganda victory—the May 1902 publication of *Marked Severities: Secretary Root’s Record in Philippine Warfare*. Authored by Moorfield Storey and fellow Bostonian Julian

Codman, it extensively detailed the abuses of human rights in the archipelago. Storey and Codman, with the help of Willis and Welsh, compiled documents relating to the atrocities in a bid to further influence the public. Clear from its subtitle, *Marked Severities* had the same agenda as *City and State*: the resignation of Secretary Root. But unlike that newspaper, the dissemination of *Marked Severities* was national and had a much greater impact. Also like *City and State*, *Marked Severities* sought to hang the Roosevelt administration. Quoting from the remit that President McKinley originally gave to Root as Secretary of War—that he should assure Filipinos the “full measure of individual rights which is the heritage of free peoples”—Storey and Codman charged that the Secretary had neglected his duty to uphold this duty and thus American liberty.¹²⁷ *Marked Severities* depicted Root as a corrupt liar who impeded the truth, and in parts it went even further to contend that Root actually condoned the atrocities. Storey and Codman argued that the first atrocity by an American soldier came as early as July 1899, when a soldier shot a prisoner. General Otis defended the soldier claiming he was under great pressure and should not be punished, and Secretary Root agreed. No court-martial and no punishment followed. Storey and Codman argued this was the equivalent of endorsing brutality. They wrote that “the military authorities at the very outset of the war let it be understood that the killing of prisoners was, on the whole, a venial offense.”¹²⁸ The same was the case for Frederick Funston. The hero who captured Aguinaldo was also an early proponent of measures that led to atrocities, Storey and Codman posed. Promoting Funston, they believed, excused his brutality and ignored human rights and the “refusal to investigate, especially after the public notoriety which the charges had received meant . . . that the Secretary of War did not propose to punish such barbarity, whether it was the fault of a single officer or a general practice.”¹²⁹

Storey’s and Codman’s publication also attacked the administration’s suggestion that the tropical environment caused American soldiers to become brutal, or that the geography of the Philippines, including the jungle and the temperature, forced the hand of American soldiers. Senator Lodge encouraged General MacArthur to enunciate this strand of thinking in the Philippine Committee’s investigations and in the General’s second testimony he said, “Under the influence of the far-Eastern sun the heated imagination had a boundless scope for indulgence of the boldest assumptions.”¹³⁰ Such contentions excused the soldiers and placed blame and responsibility on external factors, they believed. Storey and Codman did not accept such logic, but knowing how popular it was decided to manipulate it to attack Root. If weather

and terrain affected the American soldier, what excuse had Root for condoning atrocities, they asked. "Removed from the scene of conflict, and unaffected by the fierce passions aroused in the soldier by actual battle," Storey and Codman wrote that it was the secretary's "duty to watch the progress of the contest, and to see that its objects were kept in view, that the rules of war were observed, and that all unnecessary brutality and destruction were prevented or punished."¹³¹ Root's place in Washington should have facilitated a clear head, and one that would not fail to remember the morality that makes America "civilized." His failure to do so helped to substantiate the anti-imperialist call for his resignation with the public.

In fact, *Marked Severities* rejected every contention that Root articulated during the Senate's investigations. When Root argued that atrocities were few and far between, anti-imperialists could then question the need for the secretary to withhold the Gardener Report. When Root claimed he was unaware of the atrocities, which he did initially in relation to the commands of Jacob H. Smith, anti-imperialists chided this was at best ignorance, and at worse dereliction of duty or negligence.¹³² Storey and Codman wrote that Root was guilty of distorting the idea of liberty. They quoted Root after the Balangiga massacre as saying, "The natives had been treated with kindness and confidence: liberty and self-government had been given to them," but Storey and Codman asked "what '*liberty and self-government*' had been given the inhabitants of Balangiga, forced at a point of a bayonet to work all day, confined at night as no farmer would confine pigs, while all their food reserves were destroyed? Mr. Root has either been guilty of recklessly false statements, or we may understand once for all what he means by '*liberty and self-government*.'"¹³³ *Marked Severities* was a major contribution to the anti-imperialist cause. Even so, Root kept his post. Roosevelt refused to see him as anything other than a "loyal lieutenant and a man of unquestioned probity"; the president called those attacking Root "unpatriotic mudslingers."¹³⁴

* * *

It would seem logical for the anti-imperialists to set their sight on the next rung of authority in 1902. This would have included an attack on President Roosevelt, but neither *Marked Severities* nor the majority of anti-imperialists had this ambition. The same was not the case with *City and State*. Throughout 1902 and 1903, the Philadelphia weekly published several articles in outright opposition to the president's policy and person. Welsh's weekly editorial criticized Roosevelt on several occasions: for firing an anti-imperialist civil servant; for suspending

further investigations, and in his execution of the ongoing war.¹³⁵ *Marked Severities* quite purposely avoided attacking Roosevelt. Being a League publication it could not include any substantial critique of Roosevelt without causing serious disunion within the Leagues. Republican anti-imperialists would have seen such an attack on Roosevelt as partisan. The Insular Cases had already caused a serious division and further disunion could have led to the collapse of the movement. Storey, who would become the League's next president in 1905, was particularly wary of compounding the fracture. Though Storey was careful to keep the movement unified, other outspoken critics like Welsh could not resist agitation and instigated the split Storey feared. Welsh called fellow anti-imperialists who refused to criticize Roosevelt traitors and openly condemned those who were closely affiliated with the Republican Party. Republican anti-imperialists struck back and claimed that the president was "as much opposed to cruelty as anybody." But Welsh and anti-imperialists like him contended that Roosevelt "became technically and morally responsible before the American people," and that he covered up human rights violations in opposition to "the honor of America and of the army."¹³⁶ There was a fundamental difference in how the members of the League viewed Theodore Roosevelt and these differences led eventually to a permanent rift among members.

The opposition to the atrocities in the Philippines is of vital importance to understanding the anti-imperialist movement's development. The shocking stories of American soldiers harassing, assaulting, burning, looting, and attacking the inhabitants of the Philippine archipelago were vivid and of such apparent moral indecency that the public reacted with outrage at the deeds. The legal arguments made by the anti-imperialists were built on complex readings of the Constitution, the Declaration of Independence, and the Civil War, but human rights relied on basic moral questions. Herbert Welsh's succinct reading of liberty as an extension of the "golden rule" was easy to grasp. The success of the movement in these years gave it permanent hope that it could eventually affect a policy change through social activism. If the organs of government could not see the error of its ways, as the anti-imperialists saw it, the public would crucify the policy of imperialism in the light of such brutality. Even when anti-imperialists worked with members of the state, as it did with senators on the Philippine Committee, its ultimate design was to generate propaganda destined for the eyes of the public.

Most importantly, the social movement was the first taste of success the movement had. Senator Lodge, who was incredibly well versed in

manipulating publicity, was outmaneuvered by fellow Massachusetts senator George Hoar, who instigated the investigations. President Roosevelt had to draw on all of his favors from the press to stem the flow of stories from Philippine veterans. Secretary Root clung desperately to his post while anti-imperialists double-checked every action his department took. Finally, the anti-imperialists influenced a substantial change in American foreign policy. The official declaration of the end of the Philippine-American War was a result of their activism. Additionally, the Roosevelt administration's decision to grant amnesty and begin a process of gradual independence for Filipinos was a move toward what anti-imperialists had long advocated. This was success.

CHAPTER 7



SPLIT AND DECLINE

As the stories of atrocities became less frequent in the press and intellectual divisions over the meaning of liberty became more apparent in anti-imperialist circles, the movement declined. The regional Leagues that had sprung up throughout the country in 1899 started to disband, some as early as 1901. This was partly due to the League's string of failures, but that alone was not the cause. The Philippine-American War was over (at least technically). The stories of atrocities—while shocking and universally deplored—were offset by the rising star of President Roosevelt and his command of public relations. By the summer of 1903 there was a prevailing sense that anti-imperialism was on the losing side of the “great debate.” Membership and finances of the Leagues suffered. Only the major branches in New York, Chicago, Boston, and Washington remained active and even these branches operated with diminished force. The main anti-imperialist activity was the annual conference in Boston, but protests and propaganda decreased noticeably.

Yet this decline of the movement is curious, particularly as it came in 1903. The decline coincided with one of the most overt acts of imperialism since the Treaty of Paris. On January 22, 1903, the United States signed the Hay-Herran Treaty, which allocated a six-mile strip of land in Colombia's Panamanian territory for constructing a transisthmian canal. The terms of the Treaty ordered the United States to give Colombia a \$10 million lump-sum payment and \$250,000 in yearly annuities in return for a century-long lease of the land and the rights to protect it. The Treaty also paid off the French firm who owned the rights to the canal's construction since 1880. The French company was set to receive \$40 million for its rights to

the construction of the canal. Ultimately, the Hay-Herran Treaty was never ratified. The Colombian Senate rejected the Treaty arguing the concessions to Colombia were insufficient. Colombia's senators particularly disliked the terms of the lease, believing that it gave the United States effective sovereignty, if not actually sovereignty, over Colombian territory. Such a transfer of power was legally questionable under Colombia's constitution. Further, the \$10 million payment seemed trifling in comparison to the \$40 million French businessmen would secure. Negotiations with Colombia ended without agreement in the summer of 1903.¹

The rejection of the Hay-Herran Treaty had two effects. First, it gave Americans the impression that the Colombians were not fair dealers. The Roosevelt administration was quick to depict them as extortionists looking for more money. Secretary of State John Hay called the Colombians "greedy little anthropoids."² The second effect of the rejection was the Roosevelt administration gave more consideration to alternative means of acquiring the construction rights. Senator John Tyler Morgan had long advocated a canal through Nicaragua and had pushed the administration to give up on Panama. But Roosevelt and Hay were committed to the Panamanian plan because it was the favorite of engineers. French businessmen who owned the rights in Panama also worried a delay could result in America turning to Nicaragua. After Colombia rejected the Treaty, French conspirator Philippe Bunau-Varilla, who had invested in the French company that owned the rights and stood to profit, devised and carried out a plan to remove the Colombians from the negotiations altogether. Within a month after the Treaty's rejection, Bunau-Varilla successfully convinced Panamanian revolutionaries to stage an uprising and seek independence from Colombia. More impressive, Bunau-Varilla convinced the Roosevelt administration to support the revolution.³

The naval warship *USS Nashville* arrived in Colón on November 2. On November 3, the Panamanian revolutionaries carried out their planned uprising. The officers of a regiment of Colombian troops were arrested by Panamanian revolutionaries. Public buildings were seized and the revolutionaries succeeded in overthrowing the Colombian government in a bloodless coup. Colombian troops stationed in Colón considered retaliation, but when faced with the threat of annihilation by the American warship they instead evacuated Panama. The potential for war between Colombia and the newly recognized state of Panama loomed, but the United States sent thousands of troops to reinforce the new republic and ensure that its security would not be threatened. Days after the coup, the new government

of Panama officially acknowledged the lobbying talents of Bunau-Varilla and appointed him Ambassador to the United States with a remit of negotiating a new treaty to construct a canal. With incredible haste, Bunau-Varilla negotiated a new agreement with Secretary Hay and signed it on behalf of the new Panama government. It took only two weeks. No Panamanian was a party to the negotiations and when the new republic's first president heard Bunau-Varilla signed a treaty without his consultation, he was livid. He was even more outraged when he read the terms. The Treaty was more advantageous to the United States than the previous Hay-Herran Treaty had been. The United States increased the size of the land that would be leased from a six-mile strip to a ten-mile strip. The new Treaty prescribed the same amount in lump-sum and annuity payments to Panama as it had to Colombia, but it made far greater concessions on sovereignty and governance of the territory. The United States would lease the land from Panama for "perpetuity" and operate in the Zone "as if it were sovereign."⁴

Anti-imperial critics of the Treaty were plentiful, but by no means were they as vociferously opposed to the Hay-Bunau-Varilla Treaty as they were toward the occupation of the Philippines. John M. Thompson astutely notes that anti-imperialists doubted whether they could "translate criticism of the President's actions into effective opposition . . . Some accepted the policy as a *fait accompli* about which they could do nothing."⁵ The New England Anti-Imperialist League had scheduled its annual meeting in 1903, only ten days after the Treaty's signing and evidence of Thompson's assertion about opposition to the canal is featured in the surprisingly sparse outrage. Those who attempted to make the revolution and the new Treaty a part of the movement's agenda were consumed by indignation, but did not get very far in convincing other members. Executive committee chairman Winslow Warren told members at the annual meeting that imperialism began "with murder and outrage in the Philippines," but in 1903 has "come to burglary and common stealing in Panama."⁶ League Secretary Erving Winslow hypothesized that the Panama fiasco would awaken the "American people from the intoxication which has so long possessed it" and led them "back to the ways of sanity, peace, and humanity."⁷ No matter how critical these anti-imperialists were of Roosevelt's policy, most activists merely griped about the brazen use of executive power to support the revolutionaries or the ethical questions surrounding the role of Bunau-Varilla. In the Senate, George Hoar criticized Roosevelt for not seeking congressional consent for the role U.S. forces played in Panama. Senator Augustus

Bacon pushed the government to compensate Colombia for the loss of Panama.⁸ Outside of these condemnations, the Panama incident had barely riled anti-imperialists. Even the harshest critics of the “burglary” of Panama did not propose that the United States return the Canal Zone or that it abscond from building the canal.

The muted anti-imperial opposition to the canal has two explanations. First, the legal circumstances of the Canal Zone were substantially different from those that surrounded the acquisition of the Philippines, Puerto Rico, and Guam. The United States did not acquire the Zone as an American territory. The Hay-Bunau-Varilla Treaty only permitted the United States to act “as if it was sovereign,” and paid Panama yearly annuities for the right to lease the Zone. Panama retained complete sovereignty, if only in law. Such a legal nuance removed many of the constitutional criticisms that anti-imperialists had made in earlier battles. Statehood and American government was never an option for Panama. Citizenship was off the table for Panamanians and even children born to American parents in the Canal Zone were not automatically citizens of the United States. The question of whether the Panama Canal Zone was part of the “United States”—as territories had been considered in the Insular Cases in 1901—was never even a fleeting consideration.

A second reason why Panama did not spark a revival of anti-imperialist fury in the way the Philippines did was because the canal could be conceived as a humanitarian intervention and part of the nascent progressive agenda to which many anti-imperialists approved. The construction of the canal raised the potential for global development: “The reconstruction of two cities, the erection of ports and quays . . . the containment of contagious diseases and mosquitoes provided a model of what state enterprise had done.”⁹ Historian E. Berkeley Tompkins has aptly said that 1903 was the year in which “anti-imperialism was beginning to merge with the broad reform sentiments of the Progressive Era,” and David Montgomery points out that progressives like Samuel Gompers and Andrew Carnegie retired their memberships that year because it conflicted with their progressive vision for public works.¹⁰ Furthermore, the Panama Canal Zone provided a certain amount of order to the Western Hemisphere, which could help stimulate reform. Historian Julie Greene concurs and calls the Canal Zone “a living laboratory for the sorts of activist state policies . . . progressives” sponsored.¹¹ The humanitarian issues that forced Roosevelt to reconsider his Philippine policy conversely bolstered his canal policy.

The only real semblance of opposition to the Treaty came from anti-imperialists in the Senate and particularly Democratic senators Edward Carmack of Tennessee and Arthur Pue Gorman of Maryland. But even these opponents did not deny they wanted a canal. Their opposition was only to Roosevelt's "lawlessness;" Gorman went as far to call him a "putative Napoleon."¹² Yet for as much condemnation they doused Roosevelt with, the Democrats overwhelmingly supported the Treaty when it came to the floor vote. The Texas Governor summed up the rationale of the Democrats on Panama: "You might whip the dog . . . but would you throw away the rabbit?"¹³ In the south where Democrats were in their greatest numbers, the canal was popular even if the means of acquiring the lease was not.

Some anti-imperialists held out hope that the Panama incident would spark a new wave of public anger. It did not. At the heart of anti-imperial discontent in 1903 was the same issue that had agitated the movement since 1898: American policy in the Philippines. Anti-imperialists remained in agreement that the continued occupation of the archipelago represented the abandonment of American liberty. "The past is in some sense irreversible," one anti-imperialist activist at a 1903 Memorial Day parade said. "Many wrongs cannot be righted; but the future is ours and I see signs of returning sanity among the American people."¹⁴ All anti-imperialists—regardless of political affiliation—were sure their day would come when the United States would announce the independence of the Philippines. What drove an irreversible wedge between them were the expectations they had on *when* independence would come. This chapter's first section will explain the institutional split in the movement caused by different timelines for independence and American withdrawal. One group of anti-imperialists demanded "immediate" independence; another set of anti-imperialists would be placated with a promise of "eventual" independence. Each group would organize around different anti-imperial institutions. Even though the Leagues splintered, activism remained dominated by global humanitarian concerns. The second section of this chapter explains how the movement operated with international partners to condemn the humanitarian crisis in the Congo. From 1904 to 1908 American anti-imperialists helped lead the protests against King Leopold of Belgium—the sovereign of the Congo Free State—until he relinquished power. So even as President Roosevelt made one of the most bold and legally questionable seizures of territory in Panama, the movement continued to be fixated on the Philippines and transnational humanitarianism. Here, the movement continued its successful opposition to imperialism.

* * *

The first signs that the movement was breaking down came in January 1903. Jacob Gould Schurman, the President of Cornell University and the chair of the First Philippine Commission, refused to speak at an Anti-Imperialist League gathering. The anti-imperialists had long courted Schurman because of his role on the Philippine Commission and his close ties to the Republican Party, but Schurman did not agree with the oppositional ethos of anti-imperialism, and particularly its antagonistic approach to Republican political candidates. Even so, Schurman sounded like an anti-imperialist. He had long been reticent about publically supporting anti-imperialism yet in his report to the president as chair of the Philippine Commission, Schurman advocated the establishment of a Filipino-led civil government as early as 1900. He said such a move “would do more than any single occurrence to reconcile the Filipinos to American sovereignty, which would then stand revealed not merely as irresistible power, but as an instrument for the preservation and development of the rights and liberties of the Filipinos and the promotion of their happiness and prosperity . . . To secure the confidence and affection of the Filipinos it is necessary . . . to let them in all local affairs govern themselves in their own way.”¹⁵

Convictions like these, which supported the self-government of Filipinos, were entirely in line with the convictions of anti-imperialists. Where Schurman differed from the movement was in his support for the long-term paternal role of the United States in the Philippines. He also discounted the claim that Aguinaldo was supported by American forces during the 1898 revolution and believed a hasty exit from the islands would lead to disorder and anarchy.¹⁶ On a speaking tour in 1902, Schurman sought to explain these seeming inconsistencies. “I found myself . . . misquoted by the jingos . . . and abused by the anti-imperialists,” he wrote in private correspondence, “and it seemed high time to let the public decide for themselves how far my reports, articles and speeches might be construed as an endorsement of one view or the other.”¹⁷ He made his stand at the Massachusetts Reform Club where he took up company with other anti-imperial activists, sharing the stage with the radical Herbert Welsh. Schurman told the audience,

The jingo saw the annexation of the Philippines as another avenue for spread-eagleism . . . to the Protestant churchman it offered a new field for missionary enterprise; the exploiting capitalist was fascinated by the riches . . . and the sensational press still delirious from the fever of war . . . discerned . . . new sensations which promised to be as

stirring . . . All these influences and others were undoubtedly at work. Yet it was the humanitarian object of liberating the Filipinos from Spanish tyranny and bestowing upon them the boon of freedom . . . to confer this blessing was the final cause of our acceptance from Spain of sovereignty . . . Nothing has happened since to alter our purpose. On this fundamental point President Roosevelt is not less explicit than President McKinley.¹⁸

At the lecture Schurman acknowledged the failures of the United States. Be it army atrocities or the extended duration of the war and its side effects, he did not discount these fiascos. But he believed the goal of the Roosevelt administration was, ultimately, independence. His conception of liberty as a learned trait is what convinced him of this. "Filipinos with an ever increasing measure of liberty" will gradually move closer to independence, he said. "The mistake of Aguinaldo and the insurgents . . . was in approaching the United States with rifles instead of petitions."¹⁹

His speech to the Massachusetts Reform Club in 1902 popularized the notion of "eventual independence." The idea would persist as Schurman repeatedly articulated the argument in public addresses. In January 1903 at an address to anti-imperialists at Cooper Union in New York, he told the crowd, "There is not, I believe, a single [Filipino] who will consent that his country should be permanently a dependency or colony . . . which is the policy of our imperialists."²⁰ Conservative anti-imperialists found Schurman's argument appealing, not least because it spoke of liberty and freedom in terms they had so often expressed:

It is easy enough to deal with the physical ills of the Filipinos . . . but what shall we do . . . with the spirit of freedom and independence, that energetic, restless, aspiring spirit of freedom . . . I am not now commending; still less I am censuring this spirit. In the opinion, perhaps, of some of this house, it could not be too strong or too insistent on its goal. Yet there are others, I suspect, in high places, who secretly wish that the independent spirit of these distant lovers of liberty were more accommodating and more reconcilable with arbitrary authority. But the question now is not whether the Filipinos deserve praise or blame for their spirit of freedom and independence; the question is what are we to do with it? . . . There is but one alternative. It is the use of force to keep the Filipinos in subjugation. Now as a temporary expedient, force may be justifiable; but as a permanent policy it is the feeblest and most uncertain thing in the world . . . force will not mitigate or destroy their unconquerable love for independence.²¹

Here Schurman exacerbated the rift among anti-imperialists. He admonished activists who were “too insistent” and endorsed moderates who believed independence was coming. What remained constant was the interpretation of activism—of either sort—as liberty best served.²²

Jacob Gould Schurman’s call for eventual independence was coupled with the growing popularity of Theodore Roosevelt. Roosevelt had an ability to pull mugwumps into his camp because of his image as a progressive reformer and his close relationship with some anti-imperialists. To some within the movement, Roosevelt was an incessant imperialist who boisterously clamored for war in 1898 and the acquisition of Spanish territory in 1899 and who stole Panama in 1903. Another class of anti-imperialist saw in Roosevelt an opportunity for reconciliation and reform. Many of these Roosevelt-friendly activists had long wished to return to the Republican fold. They saw a president who was planning for public works, education, and sanitation in the United States and the Philippines. Most importantly, these anti-imperialists who saw the potential of Roosevelt believed his declaration ending the war in 1902 was the first sign that independence was coming to the Philippines. The young president, however, would not openly declare a plan for “eventual” independence, deeming it possible to cause rebels to restart the insurgency. But Roosevelt did use language anti-imperialists could relate to. He identified the objective of U.S. policy in the archipelago as “securing individual liberty depend[ing] on the fitness for popular self-government of the people.”²³ Anti-imperialists read these statements as the administration’s nod to independence, even if Roosevelt was adamant that this was not the objective. Philosopher, educator, and anti-imperialist William James argued that “Republicans themselves have not half made up their minds that the islands ought to be retained . . . the better self of the Republicans, their subliminal consciousness, so to speak, is already on our side . . . if we don’t put them too much on the defensive, time will do our work.”²⁴ Roosevelt’s appeal was so broad he must be credited to some degree with the split within the movement.

Not all Republicans agreed with James. Days before Schurman’s presentation at New York’s Cooper Union, President of the League George Boutwell, who was once a leading Republican, made some of his fiercest criticisms of the Party’s policies in the Far East. At a celebration of the fortieth anniversary of the Emancipation Proclamation, Boutwell spoke to a crowd of African Americans and reminisced about the Republican Party he had helped to found before the Civil War. The Party of Abraham Lincoln and Ulysses Grant stood for liberty and equality, he told Boston’s African Americans, but the

“Republican of the Party of Presidents McKinley and Roosevelt . . . maintains the principles of freedom and at the same time sets up a government of tyranny in Asia.”²⁵ The hypocrisy was unacceptable; “Unless the freedom of the Philippine Islands shall be secured, there can be neither power nor justice for you in America.”²⁶ Generally speaking, Boutwell’s argument was nothing new, but it signified the politicization of the movement. In fact, Boutwell could not entirely be considered a Republican by 1903. Like many other anti-imperialists, he had sided with Bryan in 1900 and supported other Democratic candidates in the 1902 elections. After 1903, to be a Republican meant to wholly support Roosevelt and the plans for eventual independence articulated by Schurman. Anti-imperialists who sought to accomplish immediate independence viewed the Republican Party of Theodore Roosevelt as completely antagonistic. Even founding members of the Party like Boutwell—who was chosen by anti-imperialists to lead the League because of his reputation as a partisan Republican—was no longer seen in these terms. Boutwell was informally excommunicated from the Party because of his anti-imperial stance. This only prompted the League President to make sharper attacks on Republicans. “The abandonment of the Philippine Islands and the policy of Empire,” he told the annual meeting of anti-imperialists in 1903, “could be accomplished only by and through the overthrow of the Republican Party.”²⁷

The debate over eventual or immediate independence and the political polarization resulted in a permanent institutional split among anti-imperialists. Carl Schurz wrote to Charles Francis Adams that he believed anti-imperialists would remain “of one mind,” but the political rift had too far evolved.²⁸ In March 1903, New England anti-imperialist Fiske Warren and Chicago League Secretary Edwin Burrill Smith proposed a new anti-imperial organization. Warren was viscerally opposed to the leadership of Boutwell and his attempt to break free from the League was really a means of breaking free from Boutwell’s grip on the reigns of the League’s finances and power.²⁹ In New York, the split also was inspired by League officers Edward Ordway and Josephine Shaw Lowell, who believed Republicans like Roosevelt were open to the idea of independence for the Philippines. Warren, Ordway, and Lowell circulated a draft proposal for a new organization. The majority of activists in the New England branch opposed the measure. Winslow told anti-imperialist rebels the New Englanders refused “to be annexed by the Republican Party.” Winslow also told Ordway, real anti-imperialists would not accept the notion of eventual independence in place of immediate independence.³⁰ The majority

of New York anti-imperialists determined a new organization might breathe new life into the movement.

The steadfast New Englanders developed their own plans. In the widely circulated *North American Review*, Winslow wrote, "The American people are awaking to the meaning of Imperialism in its largest sense . . . a menace to liberty" and regardless of a timetable for withdrawal, the policies of the United States "implies the exercise of autocratic power, secrecy, and brutality."³¹ The more adamant tone of these anti-imperialists grew from their belief that "the American people desire no such modification of their principles of government and disbelieve in the possibility of an attachment to its constitution, contrived to hold [Filipinos] in subjugation."³² For them, the hypocrisy was too apparent. Moorfield Storey addressed the South Carolina Bar Association on the matter a few weeks later:

I am told we are only preparing the Filipinos for independence. We are educating them; and when their education is complete, we shall let them go. Our practical policy is calculated to prevent this. If we offer American capital the opportunity to find investment in these islands . . . we establish the strongest possible barrier against Filipino independence . . . There is but one remedy for the wrongs we have done. We cannot recall the dead; but we can do justice to the living . . . If we have been wrong, let us not adopt the helpless attitude, and say, "We are sorry we began; but being in, we must persist." . . . Our true course is to give the Filipinos their independence.³³

Besides their aversion to arbitrary government, anti-imperialists like Storey and Winslow were quick to point out that they did not support economic expansion either. Moderate anti-imperialists like Schurman and the break-away anti-imperialists Warren, Ordway, and Lowell saw nothing imperial about commercial dominance. Better known now as neocolonialism or informal empire, trade and economic power has been used as a means of control or to make others dependent. Some anti-imperialists did not perceive this as imperialism, although since the end of World War II and decolonization, this form of power and dominance has been more readily associated with empire. William Appleman Williams and New Left diplomatic historians were quick to condemn anti-imperialists as neocolonialists who were content to expand commercially and create dependent economies, even if they were not keen on acquiring territory. Those anti-imperialists who sought reconciliation with the Republican Party often found nothing improper with informal empire. On the contrary, Storey, Winslow,

and the New England anti-imperialists rejected this neocolonialism on the grounds it was only another form of empire.³⁴ Therefore, in both economic and political perceptions of empire, the anti-imperialist movement was fracturing.

By 1904 the operational links between the moderate Republican anti-imperialists and the more radical anti-imperialists of New England had been severed in an institutional break. The American Anti-Imperialist League—the national branch located in Chicago—was disbanded along with the New York and Washington branches. The executive committees of these branches could find little consensus. The New England Anti-Imperialist League was the last remaining branch, but as the vast majority of its members agreed on a common political and economic ideology, it was reorganized into the national headquarters of the movement. As the Leagues were disbanding, a rival organization was founded in New York. Conscious to avoid using the anti-imperial brand, the new group called itself the Philippine Independence Committee. Its focus was solely on obtaining a promise from politicians of eventual independence for the Philippines. Organized by Lowell and Ordway, the Philippine Independence Committee operated in much the same way the Leagues had even as it distanced itself from them.³⁵ It began by petitioning elites throughout the country just as the League's Committee of Correspondence did in 1898. Thousands of new opponents to Philippine subjugation joined, including many ex-anti-imperialists. Membership in the Philippine Independence Committee generally prohibited joint membership in the Leagues. It was not an expressly forbidden rule, but the new organization was wary of allowing anyone associated with the Leagues to become a member. Institutionally, the split was significant, but intellectually, the ideas that had long galvanized anti-imperialists remained the same. Independence—albeit on a different timetable—remained the goal.

In 1904, the Anti-Imperial League and the Philippine Independence Committee sought to make Philippine independence—immediate or eventual—the paramount issue of the presidential campaign. Sensing a political opportunity, the New England League's executive committee began to meet more regularly in early 1904. Not surprisingly, the committee determined that the League should focus on lobbying the Democratic Party, which it believed would be more sympathetic to their cause. The executive committee agreed "to approach the Democratic Convention directly or indirectly . . . to urge upon the party the pledge of an immediate promise of independence to the Filipinos." And at the Democratic National Convention in St. Louis, the New

England Anti-Imperialist League was well represented.³⁶ Western and Midwestern members of the New England League were the first to address the Resolutions Committee, where the work of thrashing out a platform was to be done. "We insist that we ought to do for the Filipinos what we have done already for the Cubans," the League's representatives told the committee; the United States should "set the Filipino people upon their feet, free and independent, to work out their own destiny."³⁷ The resolution was adopted unanimously and added to the national platform, exhibiting the political power of the League among Democrats.

The leaders of the Democratic Party, however, embraced anti-imperialism tepidly. Although anti-imperialism was prominently enshrined in the platform, it was not a plank that was broadly supported by all members of the Party. The greatest proof of this can be seen in the Party's nominee. In 1903, Arthur Pue Gorman was the Democrats' frontrunner. The Maryland senator was supported by northern big businessmen like Thomas Fortune Ryan as well as southerners who saw him as an advocate of state's rights. Gorman's downfall was that he was one of the most outspoken anti-imperialist senators and his criticism of the Hay-Herran Treaty was incongruous with the convictions of many Democratic regulars. After he voted against the Treaty, Gorman's popularity decreased. He eventually withdrew from the race as a result.³⁸ William Jennings Bryan, the Democratic nominee in 1896 and 1900, was an outspoken anti-imperialist, but his steadfast convictions on the free silver issue and two previous failures to win precluded him from the nod. William Randolph Hearst, the newspaper tycoon, was a candidate with a raucous anti-imperialist background. Hearst used his vast fortune to start his own Liberty League in 1900, but he was at odds with the Bryan wing of the Party and too radical for conservative southern Democrats.³⁹ In the end, the nomination went to Judge Alton B. Parker of New York, who Edmund Morris described as "gray enough to defeat the new science of autochrome photography."⁴⁰ Nowhere was Parker more "gray" than on anti-imperialism.

In a direct reply to New England anti-imperialists who demanded immediate independence, Judge Parker told them, "The importance of the issue to which you refer cannot be overestimated," and he called for U.S. policy "to do for the Filipinos what we have done for the Cubans."⁴¹ Parker's sentiment reiterated the Party's platform in this sense and appealed to anti-imperialists, but the nominee was not advocating immediate independence. Instead, Parker sought political accommodation and told anti-imperialists that independence

“will come as soon as they are reasonably prepared for it.”⁴² He was calling for “eventual” independence. “He attacked the President’s refusal to name a date for Philippine independence,” Morris writes, “without suggesting a date himself.”⁴³ Furthermore, the New England League’s aversion to neocolonialism was not endorsed by Parker and the Democrats. “We favor the preservation . . . of an open door for the world’s commerce,” the Democrat’s platform stated, “without unnecessary entanglement.”⁴⁴ New England anti-imperialists had opposed the open door ideology because they believed it inevitably led to intervention. The nomination of Alton Parker was neither a success for the Leagues nor an abject failure. It illustrated two things. First, it provided evidence of a decline in the popularity of anti-imperialism as an election issue. Though it had been so sharply contested four years earlier, in 1904, anti-imperialism was a marginal issue. Second, it illustrated the niche anti-imperialists had staked out in the Democratic Party. Parker may not have been the ideal candidate for anti-imperialists, but they had a good deal of influence on negotiating the platform and even Parker accepted the legal tenets the anti-imperialists had long advocated. He was a bland and uninspiring candidate but he certainly took up the idea of liberty and empire: “If we would retain our liberties and Constitutional rights unimpaired, we cannot permit or tolerate, at any time or for any purpose, the arrogation of unconstitutional powers by the Executive branch . . . We should be ever mindful of the words of Webster, ‘Liberty is only to be preserved by maintaining Constitutional restraints and just divisions of political power . . . The issue of imperialism . . . involves a decision whether the law of the land or the rule of the individual caprice shall govern.’”⁴⁵

Of course, this sort of anti-imperialist advocacy was ineffectual as legal opposition to empire was well past its prime. Parker was three years late. The 1901 Insular Cases had ended that debate. What greatly irritated the Democratic anti-imperialists was that Parker did not take up the social activism the Leagues had so successfully stoked in response to the atrocities scandal. The scandal had only just subsided and could have made for a controversial campaign topic. The general impression of Parker was “innocuous” and lacking vigor, something his Republican opponent—Roosevelt—was not short of.⁴⁶ The Judge failed to understand the history of the movement and continued to look at empire and liberty as a constitutional issue, rather than a moral, humanitarian, or economic question.

League anti-imperialists had no other choice but to support Parker, though. The Republican platform and nomination of Theodore

Roosevelt was even less appealing. The Republican National Convention in Chicago embraced imperialism as the engine for an economic and progressive expansion: "We have organized the government of Porto Rico, and its people now enjoy peace, freedom, order, and prosperity. In the Philippines we have suppressed insurrection, established order, and given to life and property a security never known there before. We have organized civil government, made it effective and strong in administration, and have conferred upon the people of those islands, the largest civil liberty they have ever enjoyed."⁴⁷

Beyond the formal and territorial colonization of the Philippines and Puerto Rico, the Republicans celebrated informal empire and promised to continue the open-door ideology in the Far East and Western Hemisphere. On this point Roosevelt was most aggressive: "Can you not tell our speakers to dwell more on the Panama Canal? We have not a stronger card."⁴⁸

For the conservative anti-imperialists who composed the Philippine Independence Committee, the Republican convention was as unaccommodating as Parker was to League anti-imperialists. The Philippine Independence Committee presented Republicans with a petition of more than five thousand signatures of prominent Americans, who all desired "a frank, definite, and unequivocal profession" of when Filipinos can expect to "occupy a position of national independence."⁴⁹ The petition failed to inspire the Republicans in the way these anti-imperialists had imagined. In fact, the Republican platform was an embarrassment for the Philippine Independence Committee as it celebrated the achievements of colonial tutelage and proposed no plans to withdraw from the archipelago. Because of this, the Philippine Independence Committee all but abstained from the 1904 campaign hoping that Roosevelt's hints of, "second thoughts on the Philippines and condemned military atrocities," would materialize into eventual independence.⁵⁰

The election was one of America's most lopsided. Theodore Roosevelt won a resounding victory over Alton Parker, which represented the largest Electoral College landslide in American history to that date. The issue of independence of the Philippines played, at best, a marginal role in the electorate's decision, and it would never again feature as prominently in the platforms of the main parties. Even so, the Philippine Independence Committee enjoyed a surge in membership in 1904 and in 1905 and reorganized into the Filipino Progress Association. The unabashedly Republican-friendly organization had drawn several anti-imperialists from around the country to fight for eventual independence as well as progressive liberal development. In

New England there were enough stalwarts remaining loyal to the traditional anti-imperialist ideals to keep that branch running as the national headquarters, and their objective was immediate independence and withdrawal. David Greene Haskins, the League Treasurer, said the League “will continue its work, with full confidence of ultimate success. The defeat in an election of a political party . . . is regrettable, but it is a mere passing incident.”⁵¹

But despite the proclamations, the decline of the movement after 1904 is clear. While the two sects survived the election and persisted in their activism, 1905 presented new challenges to the movement’s relevance and existence. Demographically, the Leagues were showing their age and losing their most famed activists to death. Though historians have amended their first impressions of the anti-imperialists as old men of a bygone age, it remains true that the most famed members—if not the most active—were octogenarians.⁵² Erving Winslow lamented the passing of League officers Francis A. Brooks, E. L. Godkin, and the Reverend A. A. Berle in 1902; and Francis Ellingwood Abbot and Nathan T. Allen in 1903.⁵³ Before the votes in the 1904 election had been cast, anti-imperialists were saddened by the death of George Frisbie Hoar. Hoar had been at the fore of opposition to the Treaty of Paris and fought for the investigation of atrocities in the Philippines. His activism was indicative of how one could be anti-imperial yet remain a Republican partisan. In 1905, the League suffered its greatest loss when President George Boutwell died at the age of 87. The secretary’s report observed Boutwell’s death as “irreparable [his] absence is more and more felt by us all from day to day.”⁵⁴ The following year (1906) was perhaps the blackest one for the movement. It was that year when Edward Atkinson, a cofounder of the movement whose home was used by anti-imperialists for many of their first meetings, along with Carl Schurz who in many regards was the sage of the movement, died. In addition, two League secretaries—Edwin Burrirt Smith of the Chicago branch and George Gluyas Mercer of the Philadelphia branch—as well as long-time vice presidents Senator Donelson Caffery and Boston’s labor champion George E. McNeill, passed away.

Despite internal schisms and the deaths of influential members, the anti-imperial movement remained active and relevant. In fact, its failures in altering American foreign policy were balanced by successes in the fight for international human rights. The establishment of the Congo Reform Association (CRA) illustrates the persistence

of the anti-imperialists in transnational opposition. From 1904 forward, critics of Leopold II (King of the Belgians) and his rule in the Congo became more organized, better financed, and published more propaganda than at any other point in their activism. American anti-imperialists were an important part of the movement to dislodge Leopold there.

No diplomatic event of the nineteenth century more clearly represented imperialism than the partitioning of Africa by the European nations at the Berlin Conference (1884–1885). Representatives of 13 countries—none from Africa—oversaw the division of the continent among six nations and one sovereign, leaving only Abyssinia independent. There were multiple purposes for the Conference, the chief of which promised to deliver greater freedom to Africa. The Berlin Conference also sought to ensure free trade among Africa's western rivers. It concluded with a dedication to quash the slave trade, to develop "liberal" civilization, and to create an internationally monitored security force that would end the jockeying for territory and promote peace.⁵⁵ Though these were the promoted ends, a curious theme of military occupation and imperial domination was the means to such liberation. Perhaps the most curious and unique example of this was the establishment of the Congo Free State under the rule of Leopold II. Leopold had staked his claims to the Congo ten years prior to his involvement in the philanthropic International African Association and the International Congo Society. But it was at Berlin that Leopold convinced the international community to allow him to administer this vast territory in central Africa. The logic of this bequeathal followed the theme of the Conference: Leopold would "civilize" the African tribes and eradicate the slave trade, while providing free and unhindered access to the Congo River, thus contributing to the collective security of the continent. In return, the huge tract of land became his personal possession.⁵⁶

Though the United States did not play a particularly active role in the Berlin Conference or even become a signatory to the General Act of Berlin, it did play an important role in enhancing Leopold's legitimacy in the Congo. Prior to the Conference, the United States was the first country to recognize Leopold II's claim to the territory. The Belgian King had courted American approval from President Chester A. Arthur as well as prominent U.S. senators, arguing that his humane and philanthropic deeds in the Congo would yield great wealth, prosperity, security, and the advancement of civilization.⁵⁷ Such lobbying from Leopold yielded significant results when President Arthur praised his good deeds in his 1883

address to Congress.⁵⁸ Then, only a few months later, Secretary of State Frederick Frelinghuysen, in an official capacity, recognized the Congo as a territory under the jurisdiction of Leopold's International Congo Society. In these instances the United States became the first nation to recognize Leopold's authority and his seemingly benevolent intentions. Frelinghuysen announced American "sympathy with, and approval of, the humane and benevolent purposes of the International Association of the Congo."⁵⁹ And finally, in a ceremonial act of recognition of the Congo Free State in 1885, the *USS Lancaster* fired a 21-gun salute at the mouth of the Congo River marking "the first salute by any nation to that flag."⁶⁰ The recognition and salutation to Leopold's Congo—and being the first to do so—would have implications for the future role of the United States and its relationship with the Free State.

During the first years of Leopold's reign as sovereign master of the Congo, the United States government commended him as the expeditor of liberalism and human rights because of his denunciation of slavery. That perception of Leopold faded quickly. In 1890, an American report of atrocities kicked off broader investigations into his rule. African American historian George Washington Williams traveled to the Congo expecting to support Leopold's endeavors at ending the slave trade. Williams hoped to conclude that Leopold represented a victory for human rights in Africa. Before his trip, the American explorer announced the territory was "built upon the enduring foundation of *Truth, Liberty, Humanity, and Justice*."⁶¹ But when he arrived, Williams was shocked to find natives swindled out of their land, no hospitals for whites or blacks, no schools, and "no honest and practical effort made to increase their knowledge and secure their welfare."⁶² After a peripatetic voyage down the Congo River, Williams surmised that things had actually degenerated during Leopold's reign. He observed natives engaged in "cruelties of the most astounding character . . . burying slaves alive . . . cutting off the heads of captured warriors," and the most horrifying to Williams was the sale of slaves to be eaten by cannibals.⁶³ According to his accounts, there was only one thing crueler than these atrocities committed by natives: the atrocities committed by Leopold himself. Williams chronicled the retail and wholesale trade of slaves by Leopold's administrators as well as indentured servants he found in chain gangs. Courts were corrupt. He found the indiscriminate murder of native populations. Leopold had been misrepresenting trade, missionaries, and travel conditions central to the General Act of Berlin.

Williams attempted to personally persuade King Leopold that conditions in the Congo were inhumane, but his letter to the King only angered the monarch. Williams's inability to convince Leopold led him to make an appeal to President Benjamin Harrison and the State Department to put diplomatic pressure on Leopold to end the abuses. For two reasons, this appeal failed to generate any action. First, Leopold had a strong American lobby that worked hard to damage Williams's reputation in a multitude of personal and professional attacks.⁶⁴ Second, and more important, within months after his activism began, Williams died. Though his campaign ended with his death, the observations of Williams are important to later anti-imperialist campaigners. He was a model of humanitarianism activism, even if Williams was not an anti-imperialist. He failed to connect the atrocities of the Congo with the act of colonization. Like many men of his time, Williams argued that the civilizing mission of European nations in Africa continued to be a durable model capable of uplifting lesser races so long as it was humane and progressive. Nevertheless, he inadvertently contributed to the anti-imperialists cause by penning the first publications of the humanitarian disaster and bringing those conditions to the attention of Leopold and the U.S. government. From Williams's investigation came further and more probing examinations.

After Williams's report to President Harrison, the United States signed a treaty with the Congo in 1891, which barred slavery and limited the amount of liquor and arms sold there. And though the treaty helped dampen the furor over atrocities in the Congo, objections remained. Throughout much of the 1890s, missionaries in the Congo continued to raise the issue of liberty for natives by publicizing incidents of ongoing slave trade and the brutality of Leopold's rule. In Liverpool, Edmund Dene Morel, a journalist and shipping clerk, began to uncover and transmit stories to the British Foreign Office about the Congo's trading practices that were clear infractions of the free-trade policy established in the Berlin Conference. Morel's investigations made Britain the hotbed of opposition to Leopold's Congo. The journalist had built a coalition of politicians, traders, and missionaries who lobbied the British Parliament to act on behalf of the Congolese people. By 1903, Morel had successfully convinced the House of Commons to investigate the claims of atrocities, and soon afterward British diplomat Roger Casement, who was stationed at the mouth of the Congo River, began a trip inland to investigate. Casement's report to the British Foreign Office was a scathing attack on Leopold and the Free State for acts of slavery, abuse, and the restriction of free trade. Upon his return to

Britain, Casement urged Morel to more strenuously oppose the rule of Leopold through an institutional movement and even donated “£100—one third of his annual income—to cover expense for the founding of a ‘Congo Reform Association.’”⁶⁵

British activists like Morel recognized the rhetoric and ideology of the anti-imperialists in the United States as similar to those to the British CRA. In 1904, he looked across the Atlantic to the United States for help in ousting Leopold. Prior to 1904 the CRA had little more than Morel, Casement, and two other benefactors. Combined, they had swelled the CRA’s coffers to a measly £378. A speaking tour in the United States could generate new funding for the Association. Before leaving Liverpool for the United States, Morel tugged on the ideological heartstrings of Americans, arguing that it was not just the hope of financing that brought him across the Atlantic but the “liberty-loving instincts and humanitarian feeling” for the people of the Congo.⁶⁶

And while the trip helped to build a sizable Congo Reform movement in the United States, a homegrown American opposition to the rule of Leopold had developed even before Morel’s arrival. The effort was led by Chicago sociologist Robert Ezra Park who, with the help of anti-imperialist human rights activists, formed the American Congo Reform Association and began to develop a successful lobby to generate immense public pressure on the Roosevelt administration and Congress. Park had built a strong relationship with British academic Henry Richard Fox Bourne, a writer of African and Pacific anthropology and a prominent member of the Aborigines Protection Society and the British CRA.⁶⁷ Park also developed a close relationship with the newly reorganized New England Anti-Imperialist League, which would provide just under half of the leading members of the budding American Congo Reform Association.⁶⁸ The American CRA had the same goals as the British CRA, but Robert Park announced the American Association’s creation more than a month before Morel’s arrival and strenuously argued in the press that his organization “had arisen spontaneously.”⁶⁹ The importance of this assertion was twofold. First, Park’s adamancy was a salute to the domestic humanitarian movement in United States, which had begun in response to the atrocities scandal in the Philippines. Second, it assured American Anglophobes the American CRA was distinct and free from any British manipulation. Such propaganda was necessary to build a broad-based membership.

Although the majority of members of the American CRA were also members of anti-imperialist institutions, Park himself never associated with the Leagues or the Filipino Progress Association. Still,

the Chicago sociologist identified an important link between the two movements. According to Park, the human rights activists of the anti-imperialist movement were one and the same as those working for the American CRA. Speaking generally about the two movements, he contended the purposes of “the various associations in which its aims have found association,” the American CRA “seeks to preserve the native peoples from . . . ruthless exploitation.”⁷⁰ Park also linked his Congo Reform movement with the same intellectual conceptualization of liberty that the anti-imperialists used in their human rights activism. Anti-imperialists defined human “exploitation” as the antithesis of liberty and illustrated by stories of torture in the Philippines. Park defined “exploitation” as the deprivation of “individual freedom” by Leopold in “oppressive and unlimited taxation, enforced by a savage and often uncontrolled soldiery, maintained by . . . brutal and illegal coercion, and by forms of punishment.”⁷¹ Even though the American CRA founder had no connection to the anti-imperialist movement, he used a similar conception of liberty and recognized the connections between his humanitarian movement and the humanitarian elements of the anti-imperialists.

E. D. Morel did the same. Morel and the British CRA delegation arrived on September 29, 1904. His visit generated a surge in membership for the American CRA. On his first day in the United States, Morel presented a memorial to President Roosevelt calling on his administration to pressure Leopold into bequeathing the Congo Free State to the Belgian nation. Morel believed this would lead to greater respect for human rights in the territory. Later that day Morel met with Secretary of State John Hay on the same topic. In the meetings with the president and secretary of state, Morel appealed to their “liberty-loving instinct” and gave Roosevelt and Hay three reasons why the United States should intervene. First, Morel contended that the United States was the only world power in a position to be entirely philanthropic. Unlike Britain or Germany, the United States had no vested interests in Africa and could thus act entirely on behalf of human rights without the sense that it was seeking material or strategic benefits. Second, previous American support given to abolitionists in Africa—most recently in an 1891 treaty with the Congo that barred slave trading—was evidence of the nation’s natural dispensation for human rights. Third, Morel argued that the experience of the Civil War and of African American oppression during Reconstruction served as a potent reminder of atrocities like slavery and inequality.⁷²

These last two points also spoke to the abolitionist tradition that was strong among many in the anti-imperialist movement. A few days

after the meeting with the American administration, Morel spoke in Boston to the International Universal Peace Congress, again associating liberty with intervention and calling the General Act of Berlin a “policy of ‘peace and liberty,’ or ‘moral and material regeneration,’” and Leopold’s rule in the Congo was the “tinsel of so-called civilization.”⁷³ Many anti-imperialists at the meeting were moved by Morel’s “lofty ideals” and recruitment for the American CRA increased. But as quickly as Morel built momentum it was stalled. President Roosevelt announced one day after Morel’s speech to the Peace Congress that his administration would ignore any call for intervention.⁷⁴ Roosevelt did not fault the “lofty ideals” of Morel or the idea of “liberty” at the heart of his activism, but charged that intervention in the Congo did not serve national interests, which restricted his position. The president also noted that public opinion could turn if it was imagined that his administration was being used as “a stalking horse” for British interests in Africa.⁷⁵

The failure to convince Roosevelt was partly due to the public’s lackluster interest in the Congo story. The successes of the anti-imperialists in 1902 with the Philippine atrocities gave members of the CRA a model of how activism can work. Thus after Roosevelt’s refusal to intervene, anti-imperialists lent the CRA its most valuable skills and experience in social mobilization. They organized, published and distributed propaganda for the Congo Reform movement. Mark Twain, the most widely known anti-imperialist and satirist, joined the Congo Reform Association as its first vice president.⁷⁶ He immediately began writing “King Leopold’s Soliloquy,” a scathing attack on the Belgian King, using Leopold as the narrator of his own story. In the same way that Twain’s previous writings depicted American liberty as inconsistent with U.S. policy in the Philippines, he lampooned the American government’s implicit support for the Congo Free State. In Twain’s story, Leopold “with evil joy” recounts the recognition the United States afforded the Congo Free State. The King villainously says, “They never can rid their records of the reproachful fact that their vain Republic, self-appointed Champion of the Liberties of the World, is the only democracy in history that has lent its power and influence to the establishing of an *absolute monarchy!*”⁷⁷ When Harper Brother’s refused to publish the piece fearing the indignation of Leopold and the Roosevelt administration, the Congo Reform Association purchased the rights. The CRA published it in pamphlet form and later in 1905 as a book.⁷⁸ It was not a bestseller, but propaganda like Twain’s soliloquy successfully reached thousands of Americans.

According to one journalist, after reading it, one “must burn with a desire to help right these wrongs.”⁷⁹

By 1906 the contingent of anti-imperialists had grown exponentially in the American Congo Reform Association. G. Stanley Hall, the first President of Clark University, an academic in the social sciences and longtime associate of the New England Anti-Imperialist League, was named the President of the American CRA. Among its chief officers included David Starr Jordan, a leading academic in his own right and a vice president of the Anti-Imperialist League. Jordan was also one of the League’s most widely published activists. Edwin D. Mead, a Philadelphia anti-imperialist and human rights activist, also joined. These activists contributed to the escalating global outcry over the atrocities and used their experience in lobbying and propaganda to transform public opinion in America. With their help came the first clear signs that the movement was making inroads with the Roosevelt administration. Although the State Department was adamant it would make no changes in its policy that year, the newly appointed Secretary of State Elihu Root was successfully lobbied to establish a new post of Consul General to the Congo Free State.⁸⁰ The job included investigating human rights allegations. Root turned to anti-imperialist and President of the CRA G. Stanley Hall to recommend a suitable candidate. Hall nominated fellow Clark University Professor George Blakeslee. Leopold’s agent in Washington protested his appointment, not because of his background, but because of his backer. Leopold’s Consul General argued that “anybody recommended by President Stanley Hall . . . could not under any circumstances be looked upon favorably.”⁸¹ Root ultimately chose Clarence Slocum, a consular officer and inoffensive bureaucrat, after deciding the “officer must be acceptable to King Leopold’s administration.”⁸² Even though anti-imperialists and the Congo reformers did not get their choice for the post of Consul General, the fact the post itself was created was most significant. As a result, the American government would be forced to investigate atrocities in the Congo.

By November 1906, political pressure for an investigation was mounting. News dribbled out of Belgium that the American Congo Company, which was headed by political heavyweight and tycoon Thomas Fortune Ryan (and also backed by robber barons John Rockefeller and Daniel Guggenheim), had received lucrative concessions from Leopold to extract rubber and precious metals from the Congo.⁸³ Though Ryan denied that the concessions had any links to American policy makers, it emerged that powerful Rhode Island Republican senator Nelson Aldrich’s son was a chief stockholder in

the American Congo Company.⁸⁴ The newspapers insinuated that in return for concessions to the American Congo Company, Leopold had secured the congressional support of leading Republicans like Aldrich, who would work to avoid American intervention. These insinuations were compounded by William Randolph Hearst, the famous newspaper magnate and periodic anti-imperialist. Hearst published a series of letters between Leopold's chief lobbyists in America.⁸⁵ The correspondence confirmed Leopold's intentions to keep the United States out of the Congo by making it lucrative for American business. Secretary of State Root and Senator Aldrich were accused of being influenced by Leopold's lobby and by the concessions given to the American Congo Company.⁸⁶ Senator John Morgan of Alabama, who had pushed to repopulate African Americans in the Congo, was even forced to fire his personal secretary after Hearst published correspondence between Morgan's secretary and Leopold's lobbying team that clearly proved an act of bribery occurred.⁸⁷ The public seized on these scandals and those implicated in the controversy scurried to find political cover.⁸⁸ Aldrich and Morgan began feeling the pressure when Massachusetts senator Henry Cabot Lodge—who was more often a political ally—introduced a resolution of support for an investigation into the Congo atrocities.⁸⁹ Lodge was in a precarious political position. His home state was also a principle headquarters of the Congo Reform Association. The CRA lobbied Lodge aggressively, appealing to his moral rectitude and invoking the idea of liberty as human rights. This was a theme familiar to Lodge. After all, the investigations of atrocities in the Philippines were headed by him as chair of the Philippine Committee.⁹⁰ In presenting the resolution to Congress, Lodge petitioned his close allies—Secretary of State Root, President Roosevelt—and his fellow Senate Republicans to pass it as a means of dispelling the contentions of Hearst and distancing themselves from the scandal.⁹¹

The pressure on Lodge helped turn the tide in the White House and in the Senate against Leopold. Even so, the United States did not intervene to stop the atrocities. In fact, intervention was unnecessary. Throughout 1907, Leopold and the Belgian government negotiated a sale price to transfer ownership from the sovereign to the nation and by 1908 the Congo Free State was turned over to the Belgian government. From the U.S. perspective, this was capitulation. For the anti-imperialists, the capitulation was won by its members, namely G. Stanley Hall and William Randolph Hearst. The muckraking of Hearst, the propagandizing of Twain and others, as well as the pressure

from the anti-imperialist-led CRA are evidence of the movement's transnational interests and activities.

Though the vast majority of anti-imperialists supported the human rights movement with a view to ending King Leopold's stranglehold on the Congo, at least one notable activist did not approve. Frederick Starr, the Chicago University Professor of Anthropology, disagreed entirely with his fellow anti-imperialists, arguing the United States should not lend its good offices to any transfer of power in the Congo. His position in this regard led to an awkward alienation among the members of the New England Anti-Imperialist League, of which Starr was an honorary vice president. Starr's opinion mattered greatly not only because of his place in the League but also because he was the only anti-imperialist of notable standing who traveled to the Congo Free State. While there on an anthropological expedition, Starr conducted a personal investigation of the atrocities. On December 31, 1906—as pressure was mounting due to Hearst's muckraking—Starr returned from his journey.⁹² *The Chicago Tribune* arranged for his trip to be disseminated in a 17-part series—syndicated around the country—that would illustrate Starr's alternative to American intervention there. He deemed the argument to be “true” anti-imperialism.

In his first article, Starr admits that his view on imperialism is “radical” and not akin to the general public or even all of the members of the New England League. He endeavored in his series to mobilize the public against U.S. intervention, just as his fellow anti-imperialists were doing the opposite. “Personally, I dislike the effort to elevate, civilize, remake a people,” Starr wrote, and invoked the wisdom of Lincoln so often invoked by anti-imperialists, “there is no people so weak or so degraded as to be incapable of self-government.”⁹³ The Congolese were no exception to this, but Starr curiously refused to support intervention to end Leopold's rule to secure some degree of self-government. In fact, Starr urged that Leopold be allowed to remain as monarch and admitted atrocities abound, including flogging, chain gangs, heavy taxation, hostage taking, forced labor, and mutilation. But Starr's report posits these acts were not as apparent or appalling as the press was reporting. On his trip, Starr observed a more demure humanitarian crisis. He questioned why the attacks on Leopold were so fierce. He determined the “laudable impulses and praiseworthy sympathies [are] being used for hidden and sinister ends of politics.”⁹⁴

His first article did not expand on the conspiracy theory, nor did it address what political ends might be served by overly indignant claims of atrocity in the Congo. His following articles instead turned to the primary concern on the trip: the anthropological analysis of the Congolese. The *Chicago Tribune* published Starr's observations on Congolese slavery, gender roles, the village-centric lifestyle, tribal ethnocentrism, Congolese nutrition, diseases, and the impact of liquor on society.⁹⁵ The Professor concluded these social conditions were not the fault of the "white man" but a product of the sub-Saharan climate. "A little cause may bring about a catastrophe," he wrote, and in the heat of the Congo, "slight neglect or insult of the most trifling character becomes an enormous injury."⁹⁶ Starr's anthropological perspective resulted in a view of foreign policy. White men's temperament was beholden to the sun, he argued, but the Congolese were soothed by the heat. His analysis was applied not only to the Congo but to all tropical places, including the Philippines.

This sort of assessment was not uncommon. Largely based on social Darwinism and other evolutionary theories, the notion the tropics were inhospitable was an idea shared by several anti-imperialists. It is an important contention when evaluating the intellectual basis of the anti-imperialist human rights movement and American Congo Reform movement. Starr's analysis of the tropical conditions as the instigator of atrocities makes the white colonizers of the Congo victims of their surroundings. Once civil and peaceful, the environment compels white men to act in ways that were once unthinkable. Starr's logic removed a degree of responsibility from the colonizers and added a dimension of futility to imperialism. Unless the environment could be altered and made more temperate, white men had no hope of thriving in the tropics. They could never achieve their objectives, whatever they were.

Congolese culture, Starr observed, was markedly different from European or American culture as a result of these conditions.⁹⁷ Atrocities were an integral part of culture and life in the Congo, Starr reckoned, and not to be considered relative to American or European culture. He even admitted in the newspaper series to partaking in atrocities, himself. Particularly, kidnapping was not uncommon. When bartering, Starr found himself shortchanged and held a native hostage until the transaction was rectified. Human rights activists decried hostage taking as a barbarous practice, but Starr wrote it was the common way of doing business in Africa. He also diminished the sensational reports of flogging and noted that sometimes natives would laugh after a beating. He admitted that chain gangs did not

arouse his sympathy either.⁹⁸ Throughout the Professor's nearly one-year journey in the Congo, he saw only one case of mutilation that could be classed as an "atrociousness." The act was carried out by a native and not one of Leopold's agents.

Starr's observations effectively exonerated Leopold. He blamed the depopulation of the Congo on Arab slave traders, native wars, disease, and the lure of the French Congo, which paid better and offered the Congolese a reduced tax rate.⁹⁹ The outrage was overstated and misdirected in his mind. His newspaper series in the *Chicago Tribune* was hugely popular. It even caught the attention of King Leopold, who awarded Starr the Order of Leopold, a distinction for his vindication of the monarch's policies.

Starr did not take up the question of imperialism until his final two articles. In these he redressed the main contention of his first article: the stories of atrocities were concealing "sinister political ends." The Professor argued the call by the Congo reformers to oust Leopold was designed to enable other nations to acquire the resources and wealth of that colony. The anthropologist believed the advocacy of "liberty" for the Congolese was a ruse. According to Starr, it was far too convenient that the Congo Reform Association originated in Britain and forged its relationship with the United States and European nations through E. D. Morel, a clerk for an international trader. He believed the liberal rhetoric a means for greater share of the world's trade. It was the *modus operandi* of Britain Starr wrote, "She has Egypt—temporarily—and shows no sign of relinquishing it; she has the Transvaal and the Orange Free State; how she picked a quarrel and how she seized them we all know. Now she could conveniently annex the Congo."¹⁰⁰ The professor did not place all the blame at the foot of the British Empire. He believed Germany and France would also join in the act of dividing the massive territory. Deposing Leopold would only usher in a new imperial master, he determined. Any European nation would similarly forgo the idea of liberty for the Congolese and vie for territorial and financial aggrandizement.

At the heart of Starr's assumption of a European imperial conspiracy to acquire the Congo was a belief that intervention into European affairs was dangerous for the United States. The European nations were naturally covetous and his final installment of the series outlined this theory best. The "Congo Muddle," as he called it, would only instigate further interventions in years to come. It would ultimately force the United States to become the policeman of Africa. Second, Starr imagined that the Congo Reform would strengthen American ties with Britain and strain relations with other European powers.

Finally, Starr could not identify any national interests for the United States that could be safeguarded by way of intervention.¹⁰¹ There were too many pitfalls for the United States and no realizable benefits; replacing Leopold with other European rulers would not end the atrocities, only supplant the committer of atrocities. The Congolese “will still have their oppressors” Starr determined.¹⁰²

The social movement, which developed in opposition to the Congolese humanitarian crisis, concluded positively for both Starr and the CRA. With Leopold’s sale of the Congo to the Belgian government in 1908, the CRA had achieved its objective. Leopold was no longer the overlord of the Congo. For Starr it was a victory as well. The United States avoided intervention. Little more than a year after the official transfer of the territory, in December 1909, Leopold died. His death marked the demise of the CRA as it lost its *bête noire*. By 1912 the American CRA was officially dissolved without any greater liberties being delivered to the Congolese. Nevertheless, for those anti-imperialists who joined the CRA, the Congo atrocities were an exciting victory for a group more accustomed to defeat. For Starr, it was a somewhat disappointing victory. The Belgian government opened up the Congo to trade and Starr ultimately saw the transfer of power as one of conquest and greed.

The anti-imperialist movement was certainly not as strong as it was in 1902. According to membership figures, political lobbying activities, and finances, it paled in comparison to the opposition it previously mustered. But it was not prostrate. Anti-imperialists were remarkably resilient. In fact, the institutional split concentrated activism into two lobbies. The New England Anti-Imperialist League petitioned Democrats for “immediate” independence in the Philippines. The Filipino Progress Association petitioned Republicans for “eventual” independence. The quest for Philippine independence (in some form) bound the movement in a common cause. The humanitarian social activism, which characterized the movement’s opposition in 1902 and 1903 also persisted. The protest against imperialism in the Congo—either by Leopold or by other Europeans—exhibits this. Anti-imperialist humanitarian activism had further successes in influencing public opinion at home. One of the most successful propaganda campaigns of anti-imperialists came in 1906. The movement distributed a photograph of the aftermath of the battle of Bud Dajo on the Philippine island of Jolo. More aptly named the Moro Crater Massacre, over six hundred mostly unarmed Filipino villagers were killed at

the orders of General Leonard Wood. Not one American soldier was killed in the engagement.¹⁰³ Both the League and Philippine Progress Association criticized the government's response. The League's new President, Moorfield Storey, even criticized the American public as a "partner in crime" because there was not widespread indignation as had been the case in 1902.¹⁰⁴ Although Storey may have felt the Moro Massacre lent the movement new traction, it was at this time the government was giving the Filipinos a greater measure of independence. Independence was more often referred to as "neutralization" after the 1904 election, a term that was coined and emphasized by League Secretary Erving Winslow.¹⁰⁵ Neutralization, according to Winslow and the League executive committee, was "a pledge of early and complete independence to the Philippines, together with recognition by all the great powers including Japan."¹⁰⁶ The idea was designed to reconcile members of the Filipino Progress Association with the League even if neutralization was more akin to eventual independence. The effort to reconstitute the movement did not succeed. In 1907, the two groups attempted a merger, but again could not agree on a compromise between immediate and eventual independence. Both remained separate until 1908 when the Filipino Progress Association terminated its activities.¹⁰⁷ The Association did not participate in the 1908 election of William Howard Taft over the ever-persistent anti-imperialist William Jennings Bryan, who was supported by the League.

The 1908 presidential election was only further proof that the question of independence for the Philippines remained an insignificant campaign issue. Bryan scooped up the support of most League members to whom he promised a policy of immediate independence, but Taft's vague promise of eventual independence and a sort of home rule for Filipinos pleased those who were once members of Filipino Progress Association. Taft's election was the third national electoral defeat for anti-imperialists. After that even the editorial pages of America's most anti-imperialist newspapers like the *Springfield Republican*, contended that movement was finished.¹⁰⁸

CONCLUSION



The New England Anti-Imperialist League continued to operate until 1920. The Filipino Progress Association wound down operations in 1908 even before the presidential election that year. In all practical senses the movement was no longer the influential force it had been during its first decade of activism.

After 1909 the anti-imperialist movement only had a marginal impact. The New England League moved closer to the Democratic Party and assisted in drafting their 1912 election platform. Wilson's victory seemed to be a great accomplishment for anti-imperialists. Stalwart anti-imperialist William Jennings Bryan was appointed secretary of state giving the New England League the sense that independence for the Philippines was soon at hand. Yet it became clear shortly after Wilson's inauguration that he was not the movement's champion. In September 1913, Wilson rejected the League's nominee for Governor General of the Philippines and appointed Francis Burton Harrison. Harrison supported graduated independence, not the immediate independence the Anti-Imperialist League had lobbied for. His appointment disillusioned many League members and was the first indication that Wilson was not as committed to their cause as they first believed.

After 1912 the anti-imperialist movement collaborated closely with the nascent peace movements. This was not surprising. Anti-imperialists long promoted an end to militancy and aggression. The rising tensions in Europe before the outbreak of World War I alarmed American anti-imperialists. The growth of sizable standing armies and the development of new technologies in warfare prompted anti-imperialists to become peace advocates. Wilson's declaration of American neutrality pleased members, but unrestricted naval warfare in the north Atlantic stoked national fears of American intervention in a way reminiscent of the Cuban revolution in 1896. This was best symbolized by Bryan's resignation in 1915 from the State Department. Secretary Bryan protested Wilson's persistence in advocating neutral shipping and American citizens traveling into war zones. Bryan,

like many anti-imperialists, believed shipping and travel would draw America into the fight as German's U-boats attacked all Allied vessels. Wilson urged Germany to make a distinction between warships and passage ships, but Bryan called the U-boat attacks a new type of warfare and urged Americans not to risk disaster by avoiding travel to the war zone. Bryan remembered the war fever which gripped America after the destruction of the *USS Maine* in Havana. When the *Lusitania* was torpedoed and over one hundred American's died on board, public sentiment had markedly turned against Germany in much the same way it had in 1898 when the *Maine* exploded. In protest, Bryan resigned from Wilson's cabinet soon after the *Lusitania* was sunk.

Outside of European conflicts the Anti-Imperialist League membership also deplored Wilson's many interventions in Latin America. Although Theodore Roosevelt was the first American president to advocate intervention in Latin America when American interests were at stake, he infrequently acted on that doctrine. Wilson, however, intervened in Latin America more than his Republican predecessors and anti-imperialists viewed these actions as a willingness to engage with the world in an imperialistic spirit. Even if Wilson's rhetoric was different from Republicans, his actions were all too familiar.

The greatest disappointment for the League's members came in 1916 when the Jones Bill finally passed. The Jones Bill was legislation that granted greater civilian self-rule and "eventual" independence to the Philippines. It was not the sort of formal declaration of independence for the islands the New England League had imagined. First, it took nearly three years for the bill to be pushed through a Democratically controlled Congress. The House of Representatives—with the help of Filipinos like Manuel Quezon, the Philippine Resident Commissioner to the U.S. Congress—passed the bill in 1913. The Senate delayed it with a variety of amendments. Both the delay and the amendments to the original bill frustrated anti-imperialists. The final Jones Law or Autonomy Act was by no means "immediate" independence for Filipinos. Under the Jones Law the American president retained extensive powers, including the ability to repeal rights, veto legislation, and appoint a governor-general who would have supervisory control over all executive offices in the new government. Many of the executive officers and bureaucratic administrators in the Philippines continued to be American after 1916. The Jones Law was a sort of home rule, not independence in the League's meaning of that idea. It was closer to what members of the Filipino Progress Association had advocated, and so League members once again felt cheated by Wilson. After all, it was the League that assisted Wilson's presidential campaign and congressional Democrats in 1912. That support was

repaid with legislation that was more akin to the objectives of their anti-imperialist counterparts of the Filipino Progress Association.¹

The entry of the United States into World War I was the moment that ultimately wore down and splintered members who had remained active in the League after 1909. Those still loyal to the anti-imperialist campaign could not agree on the virtues of American intervention. The submarine warfare in the North Atlantic and humanitarian crisis in Europe sowed a further measure of discord among members. Some opposed intervention for any reason while others believed that the circumstances were so extraordinary that intervention was justified. The League held annual meetings until November 1920, but with the Jones Law granting some measure of self-government to Filipinos and the gravity of World War I, anti-imperialism was no longer a cause that stimulated national attention. By 1917, the League ceased most of its activities. Propaganda was no longer produced or distributed by them. The executive committee stopped meeting; and with the exception of the annual gathering in Boston, there was no anti-imperialist movement. Finally, after its last annual meeting in 1920, President Moorfield Storey and the remaining members of the executive committee agreed to terminate operations completely. The last vestige of their activism—the annual meetings in Boston—was canceled for 1921 and the movement officially closed its long campaign.

There are very few generalizations that can be made about the anti-imperialist movement. It seemed completely disparate at times. All political parties were represented including Silver Republicans, Single-Taxers, Socialists, and mugwumps. Members were young and old, workers and owners, racist and inclusionary, progressive and conservative. Lawyers, journalists, and academics, shared the movement with clergy, poets, and demagogues. It was a briarean organization of varying interests, which only barely managed to operate as a coherent whole before fracturing. Even so, the persistence of the movement in the history of U.S. foreign policy suggests that something bonded its members. This study has determined that at least one thing was constant among activists: they all articulated a love for liberty. This idea was instrumental in binding them as a movement and giving a commonality to their interests, even if the idea of liberty meant very different things to individual members. Liberty was an idea that was inseparable from anti-imperialism. Members hosted “Liberty Meetings,” wrote “Liberty Tracts,” and confronted imperialist claims that the United States was giving new territories a full measure of liberty. These words are not insignificant rhetoric. What liberty represents is the intellectual wellspring of this “great debate”; and while language cannot fully explain the advocacy or dissent for the foreign policy

decisions of this era, the utility of language comes from its ability to shed light on previously neglected aspects of the debate's history and integrating these with past representations of the movement. This is apparent in the overarching argument of this book: that the anti-imperialists—though an association of diverse members—operated in three coherent modes, which had a measure of success. The anti-imperialists functioned as a legal, social, and transnational movement and these modes of operation—inspired by the interpretations and contestations of liberty—bound the incongruent membership.

During its early years, anti-imperialists regularly associated the idea of liberty with republicanism, citizenship, constitutional rights, and even international law as a means to challenge imperialists in forums that could legally adjudicate the nation's foreign policies. Legal arguments are inherently concerned with the definition of words and laws are made through the careful consideration of language. Changes to language can deeply modify the meaning of legislation or treaties. In the case of imperialism, the proposal to restrict the liberty of the inhabitants of territories acquired after 1898 had serious implications for constitutional rights in all American territories and even in long-established states. The incorporation of colonies and the refusal to give similar representation to the new territories threatened republican and democratic traditions such as citizenship, constitutional rights, and even the nation's identity as a federal collective. Anti-imperialists bitterly fought to have these discrepancies recognized and refuted. However, their legal appeals failed. Imperialists successfully ratified the acquisition of ex-Spanish territory in 1899 with the Treaty of Paris, William McKinley's reelection in 1900 perpetuated his policy of "benevolent assimilation," and the Supreme Court ruled that territories can be governed outside the tenets of the Constitution. Nevertheless, anti-imperialist protests were lodged in the Congressional Record, the 1900 platform of the Democratic Party's and campaign, and in Supreme Court justices' opinions of the Insular Cases.

The failure to stop the acquisition and arbitrary government of overseas territories did not result in the movement's surrender. Instead activists found a different means of opposition. After 1901 the members more regularly associated liberty with human rights and appealed to the American public's empathy for human rights as universal. Stories of atrocities in the Philippines were brought to the attention of the public as a means of generating outrage at the imperial policies of the McKinley administration. The first stories of U.S. Army brutality in the Philippines emerged as early as 1900 but were not effectively broadcast through propaganda until 1901. Using the atrocities as evidence that imperialists had failed to deliver liberty to the new

territories, anti-imperialists were reaching out to the public with a view to forcing policy makers to rethink imperialism. In this cause the movement had a significant measure of success. The propaganda compelled the Roosevelt administration to court martial offending army officers; the administration was induced into accounting for its failures; and Roosevelt reacted by ending the Philippine-American War, instituting greater civilian rule, and inferring that the Philippines would eventually earn their independence. It was not withdrawal from the archipelago but it was a shift in policy. The anti-imperialists effectively won the minds of the public, and even imperialists who once supported the policy of benevolent assimilation had agreed there was nothing benevolent about the military occupation.

The linguistic evaluation of liberty also provides a demonstration of how the movement operated in a cohesive transnational manner. Not conceived in a domestic vacuum, liberty was a global idea and anti-imperialists traded their conception of this most American notion with those across the Pacific and Atlantic oceans. The collaboration of thought created an international perception of liberty that applied to the global context of the late nineteenth and early twentieth century. Anti-imperialist movements around the world had parallel objectives to that of the American movement. Non-American anti-imperialists conceived of themselves through the same idea of liberty. While this study is by no means an exhaustive account of the transnational anti-imperialist movement, it does use the Boer War, the Congo Reform movement, and the Filipino independence movement to illustrate how these connections and collaborations operated and conceived of themselves in a global context. There is more work to be done here. American anti-imperialists spent much time considering their world and had associations with movements for independence in India, Ireland, and Egypt. Even so, the cases presented here are evidence enough to state with confidence that the movement operated in a transnational fashion through a common use of the idea of liberty.

By understanding the meaning of liberty how it was used by the anti-imperialists, this book has also realized a second objective. It identifies the deeper divisions that existed among members of the movement. Each chapter has delved into the personal conceptions of liberty by multiple anti-imperialists. The chapters contrast their perceptions and stake out their place in the context of the times. These nuances add depth and perspective to the anti-imperialist story. The explanation of how the movement operated as a whole and as its disparate parts are the two primary achievements of this book and in this way it makes a unique contribution to the history of the anti-imperialism and helps

explain the great debate. Anti-imperialism is sometimes overshadowed by imperialism in the history of U.S. foreign policy—or it can be seen as an influence only during the War of 1898 and 1900 presidential election—but this study attempts to place the anti-imperialists in a much more prominent place. It was significant during its time and impacted the long-term debates over American foreign policy. Their influence on policy lasted well into the twentieth century and what has made the anti-imperialists so intriguing is their longevity.

On May 3, 1902, the *New York Evening Post* ran a story called “The Pesky Anti-Imperialist,” which lampooned the movement as dead. Imperialists regularly taunted anti-imperialists in this way, but as this book explains, the anti-imperialists were far from dead in 1902. The 1902 article concluded that anti-imperialists were resilient and “what makes the anti-imperialist so pesky” is that “he is American to the core.”² Ideas of freedom and liberty, which anti-imperialists used to coordinate their activism, gave the movement rhetoric steeped in a traditional American narrative. Anti-imperialism—as an idea—has a venerated place in American culture. Using liberty as the trope of anti-imperialist dissent made their opposition American. And this was evident throughout American history. During nineteenth century continental expansion—including the war with Mexico, the purchase of Alaska, and the Hawaiian coup in 1893—opposition to expansion was made on the grounds that it belied the idea of liberty in some way. This tradition has not ceased. Since 1920 and the League’s dissolution, anti-imperialist movements have used liberty to justify their activism. In fact, some anti-imperialists organized similar leagues like the communist All-American Anti-Imperialist League, established in 1925. Such activism is perhaps most notable during the Cold War when interventions like the Vietnam War sparked widespread protests from the American public. Dissent of this kind has not ebbed in the twenty-first century either. The wars in Iraq and Afghanistan has instigated a revival of anti-imperialist opposition to U.S. foreign policy.

Although the anti-imperialist movement studied here existed from 1898 to 1920 and may have failed to make all the changes to American foreign policy that it sought, its unrelenting resolve in the face of these failures helped to perpetuate the movement’s impact. As the *New York Evening Post* wrote about the “pesky” anti-imperialists, they do “not in the least mind being in the minority” because they remember “that the history of success is the history of minorities;” an anti-imperialist is “content to bide his time, knowing that the road of popular persuasion is a long one, though sure in the end.”³ To use Mark Twain famous quip, the reports of their death were often greatly exaggerated.

NOTES

INTRODUCTION

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10. Robert L. Beisner, *Twelve against Empire: The Anti-Imperialists, 1898–1900* (New York: McGraw-Hill, 1968), 220. There are some exceptional transnational histories that touch on aspects of the movement's international networks and collaborations. See Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, and the Philippines* (The University of North Carolina Press, 2006), 117–19, 355–56; Jim Zwick, "The Anti-Imperialist League and the Origins of Filipino-American Solidarity," *Amerasia* 22, no. 2 (1998), 65–85.
 11. For an extensive list of members of the various Anti-Imperialist Leagues, see "The Anti-Imperialist Leagues, 1898–1920," *Liberty and Anti-Imperialism*, ed. Michael Patrick Cullinane, <http://www.antiimperialist.com/1626.html>.
 12. Bryan, "Speech in Indianapolis," *Bryan on Imperialism*, 83.
 13. Tompkins, *Anti-Imperialism*; Beisner, *Twelve against Empire*; Daniel B. Schirmer, *Republic or Empire: American Resistance to the Philippine War* (Cambridge, MA: Schenkman Publishing Company, 1972); Ernest R. May, *American Imperialism: A Speculative Essay* (Chicago: Imprint Publications, 1967).
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 18. Anne-Marie Slaughter, *The Idea That Is America: Keeping Faith with Our Values in a Dangerous World* (New York: Basic Books, 2007), 20.
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CHAPTER 1

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 12. “A Cry for Help,” *Boston Evening Transcript*, June 2, 1898.
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 16. *Ibid.*
 17. *Ibid.*
 18. “The Faneuil Hall Protest,” *Boston Evening Transcript*, June 16, 1898.
 19. Bryan, “First Speech against Imperialism,” *Bryan on Imperialism*, 3–4.
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 21. George Dewey, “Commodore George Dewey to Secretary of the Navy John Long, June 27, July 1, July 7, 1898,” and John Long, “Secretary of the Navy John Long to Commodore George Dewey, May 26, 1898,”

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or total abandonment of the Philippines. Similar acquisitions of harbors and small island territories found little resistance in the Congress, with the exception of Hawaii.

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CHAPTER 2

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3. *Ibid.*
4. George Hoar, “George Hoar to Edwin Mead, November 15, 1898,” George Frisbie Hoar Papers (hereafter cited as GFHP), Carton 71, Correspondence: November 16–20.
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6. H. W. Brands, *Bound to Empire: The United States and the Philippines* (New York: Oxford University Press, 1992), 26; Howard Wayne Morgan, *William McKinley and His America* (Syracuse, NY: Syracuse University Press, 1959), 115–21.
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17. *Ibid.*
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19. *Ibid.*, 438.
20. *Ibid.*, 437.
21. *Ibid.*, 433.
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25. U.S. Const. amend. X.
26. Hoar, “Speech of George F. Hoar in the Senate of the United States, January 9, 1899.”
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34. Hoar, “Speech of George F. Hoar in the Senate of the United States, January 9, 1899.”
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44. Coletta, “Bryan, McKinley, and the Treaty of Paris,” 137.
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- resolution,” which included an insistence that the Senate take an anti-imperial policy toward the Philippines after the ratification.
46. Paolo Enrico Coletta, “McKinley, the Peace Negotiations, and the Acquisition of the Philippines,” *Pacific Historical Review* 30, no. 4 (November 1961): 175–78. Bryan was also under pressure from within the Democratic Party. Senator Arthur Pue Gorman, who unlike Bryan could vote on the Treaty, was his closest rival for the 1900 nomination. Gorman, also an anti-imperialist, was pushing the Democrats in the Senate to vote against the Treaty. By positioning himself as a proponent of the Treaty, Bryan distinguished himself from Gorman.
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 48. Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: Transactions Publishers, 1913).
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CHAPTER 3

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2. Garret Epps, *Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America* (New York: Henry Holt and Company, 2006), 164–66, 262–63.
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4. Robert P. Kennedy and C. W. Wilkens, "Letter for Secretary Russell A. Alger, Colonial Affairs," GBCP, Box 71, Spanish American War General Correspondence: February 11–20, 1899; Julian Go, *American Empire and the Politics of Meaning: Elite Political Cultures in the Philippines and Puerto Rico during U.S. Colonialism* (Durham, NC: Duke University Press, 2008), 18–23.
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11. William Augustus Croffut, "William Augustus Croffut to George L. Wellington, September 22, 1899," WACP, Box 1, General Correspondence: September 7, 1899–September 22, 1899.
12. E. Berkeley Tompkins, *Anti-Imperialism in the United States: The Great Debate, 1890–1920* (Philadelphia: University of Pennsylvania Press, 1970), 135. Andrew Carnegie, Carl Schurz, Felix Adler, William Bourke Cockran, Theodore Cuyler, Patrick Ford, and Samuel Gompers were the founders of the Boston League responsible for establishing the New York League.
13. "1st Annual Meeting," Reports of the Annual Meeting of the Anti-Imperialist League (hereafter cited as RAM).
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21. Foner, *Story of American Freedom*, 21–24; Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred A. Knopf, 1996), 275–99; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967), 55–66.
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23. Congressional Record, 59th Cong., 2nd sess., 1,032–40.
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25. *Ibid.*, 167.
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27. *Ibid.*
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29. Rubin Francis Weston, *Racism in U.S. Imperialism: The Influence of Racial Assumptions on American Foreign Policy, 1893–1946* (Columbia, SC: University of South Carolina Press, 1972), 104–6; “Odell Their Arbitrator: Anti-Gruberites Banner,” *New York Times*, July 27, 1900; “Tillman’s Retort to a Hiss,” *New York Sun*, April 30, 1900; “Political Notes and Gossip,” *Evening Times* (Washington, DC), February 27, 1900.
30. Benjamin Tillman, “Causes of Southern Opposition to Imperialism,” *North American Review* 171, no. 527 (October 1900): 442–43.
31. *Ibid.*
32. *Ibid.*, 442–43.
33. *Ibid.*, 444.
34. “The Consent of the Governed,” *New York Times*, August 10, 1900.
35. The *New York Times* wrote, “Why waste hypocritical platform sentiment on the people of Porto Rico because they have a ‘government without their consent . . . when 600,000 voters . . . in Democratic States, are deprived of the right of consent.’ Theodore Roosevelt similarly challenged Bryan if he would ‘refuse to accept the electoral votes of North Carolina because obtained without the consent of the governed . . . and denounce the action of your party associates,’ referring specifically to Tillman.” “The Consent of the Governed,” *New York Times*, August 10, 1900; “Roosevelt Replies to Bryan’s Talk,” *San Francisco Call*, October 13, 1900.
36. “The Anarchy in Akron,” *Evening Times* (Washington, DC), August 23, 1900.
37. Benjamin Tillman, “Causes of Southern Opposition,” 443.
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