

FIGHTING A "CRUEL AND SAVAGE FOE": COUNTERINSURGENCY
AND HUMAN RIGHTS ABUSES FROM THE INDIAN WARS
TO THE PHILIPPINE-AMERICAN WAR
(1899-1902)

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ABSTRACT

Many scholars have written about the counterinsurgency phase of the Philippine-American War (1899-1902). Military historians often downplayed the impact of human rights abuses, while emphasizing the success of the U.S. Army's counterinsurgency instead. In contrast, social historians frequently focused on human rights abuses at the expense of understanding the U.S. Army's counterinsurgency efforts. Unlike the majority of earlier works, this thesis unifies military, social, and legal history to primarily answer these questions: what significant factors led U.S. soldiers to commit human rights abuses during the war, and at what cost did the U.S. pacify the Filipino rebellion? The war was successfully waged at the tactical, operational, and strategic level, but wavered at the grand strategic level.¹ This study argues that racism, ambiguous rules and regulations, and a breakdown of discipline contributed to U.S. soldiers committing human rights abuses against Filipinos during the counterinsurgency. Primary sources from the perspectives of American policy makers, military leaders, and common soldiers—in addition to documents on U.S. Army regulations and its past traditions—reveal a comprehensive story of what happened during this conflict. The U.S. Army's abuse were not a historical anomaly, but a growing trend extending from nineteenth century conflicts against other races. The counterinsurgency revealed that beneath the stated principles of

¹ For the purposes of this thesis, *grand strategy* is “the direction and use made of any and all of the assets of a security community, including its military instruments, for the purposes of policy as decided by politics.” This differs from the *strategic level of war*, which is the direction and exclusive use of military forces for the purposes of policy as decided by politics. Finally, the *operational level* is the level of war where the tasks, decided by strategy, are coordinated and individual units are commanded. These units, in turn, engaging in *tactics* to achieve operational objectives. Colin S. Gray, *The Future of Strategy* (Cambridge: Polity Press, 2015), 29, 47.

America's benevolent mission, violent racial underpinnings existed in U.S. desires for global and domestic hegemony. The U.S. Army's counterinsurgency resulted in a flawed victory, won at the cost of combatants, innocent civilians, and American idealism.

To the man who wore many hats during my graduate career—editor, counselor,
donor, and motivational speaker—my grandfather.

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CHAPTER 1: INTRODUCTION

REIMAGINING AMERICA'S IMPERIAL WAR IN HISTORIOGRAPHY AND HISTORY

At the dawn of the twentieth century, the United States entered on the world stage to shape an American empire. The Philippine-American War—waged by American troops against Filipino insurgents from 1899 to 1902—tarnished America's public image of imperialism. The United States waged a violent counterinsurgency against a foreign and non-white enemy. In so doing, the U.S. attempted to balance benevolent intentions with racial violence. American soldiers' actions in the Philippines resulted in numerous human rights abuses that stained the nation's civilizing mission. This thesis defines human rights abuses as acts carried out by perpetrators that conflict with victims' rights to life, liberty, and security.²

The nature of the Philippine-American War and the accuracy of reported atrocities continues to be subjects for numerous scholarly works. Scholarship on the counterinsurgency phase of the Philippine-American War, known by earlier American historians as the "Philippine Insurrection," appeared soon after the end of hostilities. This earliest collection of scholarship was dominated by the perspectives of American statesmen and soldiers who participated in the war. Two notable exceptions to this initial

² These acts may include undue physical and mental harm, the denial of individuals' rights to protection under just law, the questionable destruction of property, and murder. For the basis of this definition, see Articles 11, 16, 21-22, 24, 37, 38, 44, 47, 68 of *General Orders No. 100*. Francis Lieber, *Instructions for the Government of Armies of the United States in the Field* (Washington, D.C.: Government Printing Office, 1898), 1-53. https://www.loc.gov/rr/frd/Military_Law/Lieber_Collection/pdf/Instructions-gov-armies.pdf (Accessed January 14, 2019); also see articles 3, 5-7, 13, 25 of *Universal Declaration of Human Rights*. United Nations, *Universal Declaration of Human Rights* (1948), <http://www.un.org/en/universal-declaration-human-rights/index.html> (Accessed March 11, 2019).

trend are James A. Le Roy's *The Americans in the Philippines* and Moorfield Storey and Marcial P. Lichauco's *The Conquest of the Philippines by the United States*.³ Le Roy's multi-volume work portrayed the conflict from an international perspective and used Spanish sources to depict the Philippines prior to American intervention. In *Conquest of the Philippines*, Storey, an anti-imperialist lawyer who investigated the Philippines for the U.S. Senate, and Lichauco, a Filipino lawyer, presented an anti-imperialist depiction of American efforts in the Philippines using autobiographies and U.S. government documents. These two works represented the beginning of scholarly discourse on the war. In particular, *Conquest of the Philippines*' depiction of the war as an imperialistic endeavor—marked by malevolence and atrocities—helped set the tone for how future human rights scholars viewed the conflict. One of the first military histories on the counterinsurgency—William Thaddeus Sexton's book, *Soldiers in the Sun*—evaluated the conflict without discussing atrocities or abuses committed by American soldiers.⁴ His book encapsulated the early division between the study of human rights abuses and military history.

Later contributions to the American historiography on the conflict were primarily written during and after the Vietnam War. These works varied in focus on human rights abuses, the social roots of atrocities, and the outcome of the Philippine-American War. Important works from this period include Stuart Miller's *Benevolent Assimilation*,

³ James A. Le Roy, *The Americans in the Philippines: A History of Conquest and First Years of Occupation with an Introductory Account of the Spanish Rule*, 2 Vols. (Boston: Riverside Press Cambridge, 1914); Moorfield Storey, and Marcial P. Lichauco, *The Conquest of the Philippines by the United States, 1898-1925* (New York and London: G.P. Putnam's Sons, 1926).

⁴ William Thaddeus Sexton, *Soldiers in the Sun: An Adventure in Imperialism*, (Freeport: Books for Libraries Press, 1939).

Richard E. Welch's "American Atrocities in the Philippines," and Brian McAllister Linn's *The U.S. Army and Counterinsurgency in the Philippine Islands* and *The Philippine War*.⁵ Miller and Welch's respective works focused on the social dynamics of the war by highlighting racist attitudes and the nature of atrocities committed during the Philippine-American War. Their scholarship proved influential in bringing the study of human rights abuses into the subfield of military history. Military histories written after Miller and Welch's works—including Andrew Birtle's *U.S. Army Counterinsurgency and Contingency Operations Doctrine* and Brian Linn's two books—discussed the impact these abuses had on the war.⁶ Nevertheless, Brittle and Linn only provided cursory analyses of abuses, arguing instead that atrocities had little impact on the war. Linn's *The Philippine War*, one of the most in-depth studies on the counterinsurgency, went so far as to assert that the campaign was one of the most successful in U.S. history.⁷ While these military histories provided a more nuanced depiction of the counterinsurgency, the impact of abuses still remained understudied in military histories.

The latest scholarship on the Philippine-American War, including Kristin Hoganson's *Fighting for American Manhood* and Paul Kramer's *The Blood of*

⁵ Brian M. Linn, *The Philippine War, 1899-1902* (Lawrence: University Press of Kansas, 2000); Brian M. Linn, *The U.S. Army and Counterinsurgency in the Philippine War* (Chapel Hill and London: University of North Carolina Press, 1989); Stuart C. Miller, *Benevolent Assimilation: The American Conquest of the Philippines, 1899-1903*. New Haven: Yale University Press, 1982; Richard E. Welch, Jr. "Atrocities in the Philippines: The Indictment and the Response," *Pacific Historical Review* 43 (May 1974), <http://www.jstor.org/stable/3637551> (Accessed January 13, 2019).

⁶ Linn, *The Philippine War*; Linn, *U.S. Army and Counterinsurgency in the Philippine War*; Andrew J. Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine* (Washington, D.C.: Center of Military History United States Army, 1998).

⁷ Linn, *The Philippine War*, 328.

Government continued the work of earlier social historians by using the methodologies of gender, domestic politics, and rhetoric. These books complexified the study of human rights abuses by arguing that American domestic-born social and racial anxieties impacted how the Philippine-American War was fought and how it was perceived in the United States.⁸ There has not yet been a sizable movement to unite the military history with the study of human rights abuses—aside from Christopher Einolf’s historical synthesis, *America in the Philippines*. Einolf’s synthesis primarily focused on prominent human rights abuses, such as the water cure, in relation to the larger 19th century history of U.S. Army abuses. This thesis, instead, focuses on factors that led to human rights abuses, and the incidences of abuse, in the context of America’s counterinsurgency in the Philippines.

By combining human rights studies with military history, this thesis identifies several significant factors that contributed to human rights abuses. At the same time, it asserts that the study of human rights abuses is a necessary part of military history on the counterinsurgency. Numerous U.S. Army regulars and volunteers undeniably committed human rights abuses during the counterinsurgency.⁹ While many of these violations were likely never disclosed, recorded acts perpetrated against Filipinos included: physical

⁸ Kristin Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven and London: Yale University Press, 1998). Paul Kramer’s idea of race as evolving and contested is an integral part of my thesis. For more on Kramer’s argument over contested race during the Philippine-American War, see Paul A. Kramer, *The Blood of Government: Race, Empire, the United States and the Philippines* (Chapel Hill: University of North Carolina Press, 2006), 89; Paul A. Kramer, “Race-Making and Colonial Violence in the U.S. Empire,” *Diplomatic History*, 30 (April 2006): 169-210. <https://doi.org/10.1111/j.1467-7709.2006.00546.x> (Accessed January 11, 2019).

⁹ Welch, “Atrocities in the Philippines,” 234.

violence against civilians; the destruction of homes, torture, murder; and policies that led to starvation and disease among large segments of the population.¹⁰ In the face of these abhorrent acts, it is important to ask, what were the principal conditions that led to atrocities being committed by the U.S. Army? This thesis also poses a significant rhetorical question: at what cost did the U.S. counterinsurgency in the Philippines succeed?¹¹

The Philippine-American War was not a historical anomaly. It connects to the long history of American efforts to conquer other races, by assimilation and force, during the 19th century. The influence of the Mexican-American War, Civil War, and Indian Wars on the American psyche during the years prior to the Philippine-American War is undeniable. The actions of U.S. Army officers were influenced by the legacy of

¹⁰ The number of “verifiable atrocities” uncovered during the period included fifty-seven cases. As Allan Millett, Peter Maslowski, and William B. Feis suggested, soldiers usually do not publicize their illegal acts, therefore, the number of human rights abuses committed is certainly higher; several secondary works argue that verified and unverified human rights abuses had a significant impact on the counterinsurgency in the Philippines. Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: a Military History of the United States from 1607 to 2012* (New York: Free Press, 2012), 276-81; Christopher J. Einolf, *America in the Philippines, 1899-1902: The First Torture Scandal* (New York: Palgrave Macmillan, 2014), 37-192; Mark G. Oswald, "The 'Howling Wilderness' Courts-Martial of 1902," (Carlisle Barracks, PA: U.S. Army War College, 2001), <https://apps.dtic.mil/dtic/tr/fulltext/u2/a390585.pdf> (Accessed January 18, 2019); Kramer, *The Blood of Government*, 124-50; Miller, *Benevolent Assimilation*, 67-276; Linn, *Philippine War*, 59-322. For primary sources that reported allegations and specific cases of human right abuses, see Henry F. Graff, ed., *American Imperialism and the Philippine Insurrection* (Boston: Little, Brown and Company, 1969), 64-170; United States Adjutant-General's Office, *Correspondence Relating to The War with Spain* (Washington, D.C.: Government Printing Office, 1902), 2: 893-1357; Moorfield Storey and Julian Codman, *Secretary Root's Record: Marked Severities in Philippine Warfare* (Boston: Geo.W. Ellis Co., 1902), 3-119; United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars Issued from Headquarters Department of the Pacific and Eighth Army Corps, and Headquarters Division of the Philippines*, (1900), 40-158, <https://hdl.handle.net/2027/uiuo.ark:/13960/t38107w2z> (Accessed January 10, 2019).

¹¹ This study does not cover the Moro tribes in Mindanao and the Sulu Archipelago due to an issue of scope. U.S. pacification efforts over these tribes certainly deserve a separate study.

volunteerism, recently codified rules on warfare, and efforts to crush the Southern insurgency during the Civil War. Throughout the Indian Wars, regular army soldiers and agents of the Bureau of Indian Affairs carried out paternal policies aimed at uplifting Native Americans at the U.S. government's behest. Yet, these soldiers were also responsible for conducting harsh acts of reprisal against Western tribes. As a result, the U.S. Army often became entangled in political battles over how to assimilate Native Americans—particularly, whether to assimilate them using policies of attraction or coercion.¹² During this period, numerous citizen-soldiers—men who briefly served in volunteer units, militias, and paramilitary organizations—carried out acts of frontier vigilantism and racial violence. During the Philippine-American War, the legacies of the regular army and of citizen-soldiers intertwined. Many Americans initially aspired to act benevolently towards Filipinos. Yet, an untold number of U.S. soldiers committed human rights abuses during the war. This thesis argues that racism, ambiguously written and poorly enforced regulations on the conduct of war, and the breakdown of discipline led to systemic human rights abuses by U.S. soldiers. These factors—much like gunpowder, fragmentary casing, and fuse—construct a devastating explosive when combined. The counterinsurgency not only ignited the bomb's fuse but increased its violent effects.

¹² C. Joseph Genetin-Pilawa, "Ely Parker and the Contentious Peace Policy," *Western Historical Quarterly* 41 (May 2010), 198-200, <https://doi.org/10.2307/westhistquar.41.2.0196> (Accessed February 2, 2019).

CHAPTER 2:

AMERICAN *HAMARTIA*: THE FAILURE OF BENEVOLENT IMPERIALISM (1864-1902)¹³

In 1898, the United States of America acquired the last overseas possessions of the Spanish Empire. The 1898 Treaty of Paris, which formally ended the Spanish-American War, gave the U.S. possession of several Pacific islands, including a large archipelago known as the Philippines. The U.S. Senate voted to ratify the treaty on February 6, 1899. Before then, however, President William McKinley had already asserted his administration's vision for the Philippines by claiming U.S. sovereignty over the entire archipelago.¹⁴ Two days after Senate ratification, U.S. troops began fighting soldiers representing the people they had claimed to liberate.¹⁵

On May 1, 1898—mere days after the Spanish-American War's start—the U.S. Asiatic Squadron—under the command of Commodore George Dewey—surprised and overwhelmingly defeated the poorly-prepared Spanish fleet at Manila Bay.¹⁶ This episode characterized America's short-lived war against the crumbling Spanish Empire. While the government in Washington decided what to do with the Philippine territory now under its control, Filipino revolutionary *Generalissimo* Emilio Aguinaldo—who had been

¹³ The term *hamartia* is used by Aristotle in relation to ancient Greek tragedies. The Oxford Living Dictionary defines it as “[a] fatal flaw leading to the downfall of a tragic hero.” “Definition of Hamartia,” *English Oxford Living Dictionaries*, Oxford University Press, <https://en.oxforddictionaries.com/definition/hamartia> (Accessed January 8, 2019).

¹⁴ Paolo E. Coletta, “McKinley, the Peace Negotiations, and the Acquisition of the Philippines,” *Pacific Historical Review* 30 (November 1961): 348, <https://www.jstor.org/stable/3636421> (Accessed January 8, 2019).

¹⁵ *Ibid.*

¹⁶ Millett, Maslowski, Feis, *For the Common Defense*, 261.

repatriated to the archipelago aboard the *USS McColluch* by Commodore Dewey— assembled a local liberation force to besiege the Spanish garrison at Manila.¹⁷ President McKinley soon thereafter ordered 20,000 American soldiers under the command of Major General Wesley Merritt to Manila. Upon Merritt’s arrival, he and Dewey negotiated with Spanish General Fermin Jaudenes for control of the city.¹⁸ Unbeknownst to Aguinaldo, the besieged Spaniards worked out a secret deal with Merritt. After several minutes of resistance against the American attack, enough to satisfy national honor, the beleaguered Spanish soldiers surrendered on August 13, 1898.¹⁹ U.S. forces gained possession of the Philippine capital, which Aguinaldo’s army was prepared to take by force. The Spanish Army was spared the embarrassment of surrendering to Aguinaldo and from possible retaliation by his army, which the Spaniards had characterized as a “lesser” and “savage force.”²⁰ Aguinaldo was entirely excluded from all negotiations— his army of liberation was blocked from entering Manila.²¹ On February 4, 1899, skirmishes erupted outside in Manila between U.S. soldiers and Filipino forces, triggering the short-lived conventional stage of the Philippine-American War.²² Filipino forces, after numerous defeats on the battlefield, realized the futility of waging a conventional

¹⁷ Ibid.

¹⁸ Ibid., 267-68.

¹⁹ Leslie W. Walker, "Guam's Seizure by the United States in 1898," *Pacific Historical Review* 14 (1945): 267, <https://doi.org/10.2307/3634509> (Accessed January 13, 2019).

²⁰ Ibid.

²¹ Walker, "Guam's Seizure by the United States in 1898," 1-12.

²² Millett, Maslowski, and Feis, *For the Common Defense*, 273.

war against the U.S. Army. The Filipino population did not accept military defeat on the battlefield as an end to the conflict. In November 1899, Filipino forces convened a war council presided over by Aguinaldo. This council adopted a resolution calling for a permanent transition to guerrilla warfare.²³ Soon thereafter, the U.S. faced its first bloody uprising from the its most unwilling imperial subjects, the Filipino people.

Race and the American Empire

We are a conquering race . . . American [law, order, civilization] and the American flag will plant themselves upon shores hitherto bloody and benighted, but those agencies of God henceforth to be made beautiful and bright.²⁴

- Albert Beveridge, April 1898.

Benevolence—in the form of well-intentioned proposals for policy and actions aimed at bettering Filipino life—and racial contempt marked the domestic debates over what the United States should do with the Philippines. These debates occurred before and after the signing of the Treaty of Paris on December 10, 1898 and its ratification by the U.S. Senate on February 6, 1899.²⁵ One argument for imperialism, calling for the unashamed embrace of an American empire based on racial supremacy, came from Republican Senator Albert J. Beveridge of Indiana. Speaking in 1900, Beveridge characterized the Filipino people as “Oriental Malays” who were “instructed in Spanish

²³ “A Period of Guerrilla Warfare: Facts About the Filipinos,” *The Philippine Information Society* 11 (August 1, 1901), 5.

²⁴ Stanley Karnow, *In Our Image: American's Empire in the Philippines* (New York: Ballantine Book, 1989), 109.

²⁵ “A selfish element among the senators . . . was made up of those who feared annexation of the Philippines would eventually mean the introduction of the Filipinos in some form or another into American life.” Storey and Lichauco, *Conquest of the Philippines by the United States*, 78; Miller, *Benevolent Assimilation*, 26-30.

methods,” which led him to conclude, “They are not a self-governing race.”²⁶ The senator essentially called for American influence in the Philippines. In the imperialist vision, Filipinos were portrayed as savages in need of American guidance and ideals, yet unfit for citizenship .

Senate approval of the Treaty of Paris passed by only one vote over the two-thirds majority required. Those who supported imperialism had marginally won congressional approval and those who opposed it faced a dilemma. If anti-imperialist senators chose to oppose the war effort, they worried voters might doubt their patriotism.²⁷ By a small margin, the Senate removed the last major obstacle blocking imperial ambitions in the Philippines.

Members of public helped shaped the discourse over race and empire in the Philippines. In particular, white middle-class women played an important role in perpetuating racial anxiety and an American imperialist fantasy. Some of these women acted as stewards of the traditional Anglo-Saxon, American “race“ by creating images that reinforced militarism, masculine camaraderie, and virtue that contained allusions to the racial hierarchy of the antebellum period.²⁸ Photographs, for instance, offered an

²⁶ U.S. Congress, Senate. Fifty-Sixth Congress, Session I, Albert J. Beveridge, “In Support of an American Empire,” *Congressional Record*, 704-712. <https://www.mtholyoke.edu/acad/intrel/ajb72.html> (Accessed January 9, 2019).

²⁷ Miller, *Benevolent Assimilation*, 27, 30; John Barret, “Some Phases of the Philippine Situation,” *American Monthly Review of Reviews*, July 1889, reprinted in *Journal of the Military Service Institution of the United States* 25 (Governor’s Island: Military Service Institution, 1899): 273. <https://babel.hathitrust.org/cgi/pt?id=npj.32101049985912;view=1up;seq=10> (Accessed January 14, 2019).

²⁸ Laura Wexler’s *Tender Violence* argued that middle-class female photographers, known as the “New Women” offered an “innocent eye” through which traditional race and class relations were normalized and perpetuated into the twentieth century. Laura Wexler, *Tender Violence: Domestic Visions in an Age of U.S. Imperialism* (Chapel Hill: University of North Carolina Press, 2000), 5-9.

alternative reality of American imperialism and the American character. One such photo was taken by Frances Benjamin Johnston in 1899 aboard the deck of the *U.S.S Olympia* before the Philippine-American War started. The image depicted two gracefully positioned enlisted white sailors with fencing foils in hand—wearing well-kept uniforms beneath sporting equipment—standing in the starting form in front of an orderly crowd of equally well-dressed sailors watching attentively.²⁹ The fencing image reflected all the qualities Johnston wanted to show viewers: cleanliness, order, discipline, refined leisure, and most significantly, whiteness. In contrast, Joseph Stickney, a male photographer aboard the *U.S.S. Olympia* around the same time, created photographs that portrayed a different view. One photo—taken on deck towards the ship’s bow— showed white and minority sailors standing together, missing parts of their uniforms, and seemingly unaware of the camera.³⁰ Unlike Johnston’s image, Stickney’s photograph appeared to be a candid snapshot rather than an artistic statement. This photograph showed that prevailing social norms around race and discipline in America were not always enforced onboard the *Olympia*. Anti-imperialist rhetoric, linked with home-born anxieties over America’s changing demography, was countered by tangible images, such as Johnston’s photographs, depicting the tranquil preservation of civility and the old order.³¹ Most importantly, these images showed a tacit acceptance of their subjects’ racial and class standing.

²⁹ The photograph referred to above is on page 25, 1.8. Frances Benjamin Johnston, “Fencing on Deck,” (1899) reproduced in Laura Wexler’s *Tender Violence*. Ibid., 15-16, 25.

³⁰ The photograph referred to above is image 1.14. Joseph Stickney, “On Board the Olympia,” (1899), reproduced in Laura Wexler’s *Tender Violence*. Ibid., 32.

³¹ Ibid., 5-14, 31, 208.

A Legacy of Violence: American Conquest of Minority Cultures

While policy and social discourse shaped American imperialist thought, it was armed Americans who carried out and enforced this ideology. These citizen soldiers—comprised of U.S. volunteers, militiamen, and loosely assembled paramilitary groups—were prone to racial violence. The experiences of these citizen soldiers, whose legacy mixed with that of the more professional regular army, made racial violence in the Philippines more likely.³²

Historically, the traditional citizen-soldier proved to be less than ideal. During the Mexican-American War, volunteer soldiers were prone to ill-discipline, looting, and racial atrocities.³³ From the Mexican-American War onward, efforts to instill discipline and organization into these units meant that volunteers for federal service were expected to operate more professionally under the control of the regular army.³⁴ According to Paul Foos, during the Mexican-American War, “propaganda surrounding the war effort was nakedly opportunistic and expressly promised plunder as the right of the volunteer.”³⁵ During the Spanish-American and the Philippine-American War, intangible motivations—including bravery, heroism, and for some, the expression of racial standing

³² Millett, Maslowski, and Feis, *For the Common Defense*, 83-85, 87, 89, 92, 112-13, 120-21, 187-89, 221-22, 232-33, 243-45.

³³ Foos argued that U.S. volunteers serving during Mexican-American war often rebelled against the harsh discipline of the regular army and against subordination to “national and commercial interests. Foos concluded, “loosely organized volunteers [in Mexico] decided at the company level to collect the wages of manifest destiny in the form of looting and racial atrocity, or simply to return home.” Paul Foos, *A Short Offhand, Killing Affair: Soldiers and Social Conflict during the Mexican-American War* (Chapel Hill: University of North Carolina Press, 2002), 6.

³⁴ *Ibid.*, 3-12.

³⁵ *Ibid.*, 113.

and masculinity in an exotic land—drove volunteerism.³⁶ The federally-authorized United States volunteers and the regular army served together during the Philippine-American War, blending the best and worst of each group’s culture into the character of the U.S. Army in the Philippines.

After the Civil War, political idealism surrounding the citizen-soldier and a return to less government interference in the lives of the public led the United States to revert to a smaller standing army. This army relied upon volunteerism to expand in times of crisis. From 1867 to 1876, the average size of the regular army was roughly 37,000 soldiers.³⁷ Before the Spanish-American War, the regular army was only composed of 2,143 officers and 26,040 enlisted men—a fraction of the 69,420 soldiers the army contained at its peak strength during the Philippine-American War.³⁸ During this time, the U.S. Army was primarily tasked with acting as a peacekeeping force in the West, preventing Native Americans from retaliating against settlers encroaching upon their lands. As in the decades before the Civil War, this peacekeeping constabulary force was spread thin across the American frontier which severely impacted its effectiveness and capabilities.

³⁶ It is important to note that during the Spanish-American War and the Philippine-American War, African-American soldiers served in theater with segregated units. Paul Foos argued that some African-American soldiers hoped their honorable service would increase their racial standing in the U.S. Ibid., 173-74; for more on the gendered motivations for service and the war itself, see Hoganson, *Fighting for American Manhood*.

³⁷ The calculated average for the U.S. Army’s size between 1867 to 1876 is 37072.375. During these years, the army was its strongest at 56,815 in 1867 and its lowest in 1876 at 26,312. Gregory J.W. Urwin, *The United States Infantry: An Illustrated History* (Norman: University of Oklahoma Press, 2000), 118.

³⁸ This number was before President McKinley’s initial call for volunteers on April 23, 1898. “The Army of the War,” *The United States Army and Navy Journal and Gazette of the Regular and Volunteer Forces* 36 (New York, January 7, 1899), 469, <https://books.google.com/books> (Accessed January 14, 2019); Urwin, *The United States Infantry*, 145.

In addition, Western Native tribes posed a unique threat that differed from the tribes Americans had dominated in the East.³⁹ These nomadic peoples often possessed long range mobility, an intimate knowledge of geography, and the ability to live off of meager food supplies.⁴⁰ The regular army ultimately engaged in combat with Western tribes more than 1,000 times from 1865 to 1898.⁴¹ For troops who were veterans of the Civil War, conquering physical terrain in the American West no longer ensured victory nor were the required numbers of soldiers available for such operations. Consequently, the regular army out West re-learned the value of mobility in a guerrilla conflict and how to integrate indigenous populations into military and local governance efforts.⁴² The vastness of the frontier ensured that the regular army was often spread thin. This lack of professional forces resulted in instances of vigilantism in the western frontier.⁴³

In 1861, when regular soldiers marched eastward to fight the Confederacy, territorial militias and volunteers took on the task of fighting hostile Native Americans. Allan Millett, Peter Maslowski, and William Feis argued, “Citizen-soldiers were often extremely brutal toward both hostile and friendly Indians.” According to these authors, the regular army displayed traits of early-professionalism through its devotion to serving

³⁹ Ibid.

⁴⁰ Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 58.

⁴¹ Glen May, *Battle for Batangas* (New Haven: Yale University Press, 1991), 99, 169.

⁴² Millett, Maslowski, and Feis, *For the Common Defense*, 224-25.

⁴³ Ibid., 221-23.

national policy.⁴⁴ In contrast, citizen-soldiers were often viewed as “rapacious,” violent and ideologically swayed.⁴⁵

Historian Edward Westermann also concluded, in *Hitler's Ostkreig and the Indian Wars*, that individuals and groups not affiliated with the U.S. Army carried out mass killings of Native Americans on several occasions. In California alone, these groups were responsible for the Indian population declining from 100,000 to 50,000 people between 1850 and 1870.⁴⁶ During another instance of vigilante violence in 1871, known as the Camp Grant Massacre, a group of Americans, Mexicans, and Tohono O’odham Indians attacked an Apache camp and killed 150 people, mostly women and children.⁴⁷ Mass killings, in the name of frontier justice, were marked by racism. One document—a program from Buffalo Bill’s *Wild West*, a popular frontier-themed touring show romanticizing western history— contained an example of this violent frontier rhetoric. A line from a poem commemorating Lieutenant Colonel George Armstrong Custer’s death asked, “And where is the satisfaction and how will the boys get square? By giving the Reds more rifles? Invite them to take more hair? . . . Send five thousand [volunteers]

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ashley Riley Sousa, “‘They will be hunted down like wild beasts and destroyed!’: A Comparative Study of Genocide in California and Tasmania,” *Journal of Genocide Research* (2004): 206, <http://gooriweb.org/history/91.pdf> (Accessed January 14, 2019); Westermann, *Hitler's Ostkreig and the Indian Wars*, 161.

⁴⁷ Westermann, *Hitler's Ostkreig and the Indian Wars*, 161.

towards Reno and soon we won't leave a Red."⁴⁸ The poem also reflected public disdain for benevolent U.S. policies toward Native Americans: "They talk of peace with these demons by feeding and clothing them well; I'd as soon think an angel from Heaven would reign with content in H-l [sic]."⁴⁹ On the following page appeared a triumphant image of "Buffalo Bill" Cody standing on a cliff and holding the scalp of a Native American. The picture was labeled "Death of Yellow Hand—a Scalp for Custer."⁵⁰ Fiery language and the rhetoric of annihilation—from Buffalo Bill's *Wild West* and newspapers—validated racial violence on a national stage. Editors and reporters in the West often called for the most extreme actions against Native American tribes and used exterminatory language.⁵¹ Politicians and army officers who acknowledged Native American grievances or favored negotiation and reconciliation were often the target of press attacks and smear campaigns.⁵² As for people who lived far from the dwindling wild frontiers of America, their views on how to deal with imagined savages were solidified.⁵³ This rhetoric of violence normalized brutality toward native populations. Western expansionism and the spread of American control—by peaceful means or at

⁴⁸ W.F. Cody, "Dead but Not Forgotten," and "Death of Yellow Hand—Cody's First Scalp for Custer," *Buffalo Bill's Wild West: America's National Entertainment* (Hartford: Calhoun Printing Company, 1884), American West, 10, http://www.americanwest.amdigital.co.uk.libproxy.temple.edu/Documents/Images/Graff_785/9#VisualMaterials (Accessed January 10, 2019).

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Westermann, *Hitler's Ostkreig and the Indian Wars*, 26.

⁵² Ibid.

⁵³ Ibid.

muzzle point—continued throughout the Indian Wars. This American method of racial conquest continued into the Philippines.⁵⁴

Racial violence also extended to numerous instances of white brutality against African Americans. The failure of Southern Reconstruction resulted in the exclusion of emancipated African Americans from the full rights of citizenship. Throughout America, members of white society perpetrated acts of social, economic, political, and legal discrimination and, in some cases, even physical brutality against African Americans in order to preserve the racial *status quo*.⁵⁵ Two months into the Philippine-American War, on April 23, 1899, a large mob publicly tortured, mutilated, and burned to death an African-American man, named Sam Hose, for killing his employer.⁵⁶ Newspapers, much as they had done during the Indian Wars, “blazoned the story of Hose’s crimes across the country, with cumulative embellishments. Previously unexplained murders, rapes, and thefts from all corners of the state [of Georgia] began to be identified as the work of Hose.”⁵⁷ Men who participated in racial violence against Native Americans and African

⁵⁴ Citing A.P. Thornton’s *Doctrines of Imperialism*, Stuart Miller wrote, “The extension of democracy and the westward march [Manifest Destiny and the Indian Wars] made it easier for Americans to view innocently their bloody conquest of the Philippines as a continuation of the western expansion of democracy.” Archibald P. Thornton, *Doctrines of Imperialism* (New York: Wiley, 1965), 12-13; Miller, *Benevolent Assimilation*, 3.

⁵⁵ Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper Perennial, 1990), 171-72, 180, 190-91, 222.

⁵⁶ William Fitzhugh Brundage, *Lynchings in the New South: Georgia and Virginia, 1880-1930*, (Champaign: University of Illinois Press, 1993), 82-83.

⁵⁷ Brundage, *Lynchings in the New South*, 83.

Americans—including those who viewed these acts vicariously and silently approved—exported a culture of racial brutality to the Philippine-American War.⁵⁸

Many American soldiers did not enter the Philippines with rigid beliefs about the Filipino people. Rather, a shift in racial understanding occurred among American soldiers as the nature of the war changed. As the conflict progressed, racial rhetoric among disillusioned American soldiers increased. Initial feelings of benevolence and publicly-shaped ideas of racial “paternalism” changed drastically, especially among combat veterans.⁵⁹ When war initially broke out, Captain Earl S. Pearsall of the 1st Nebraska Volunteers recorded in his diary, “[I imagine] the dusky fellows don’t care for any more of this warfare than the Americano.”⁶⁰ Three weeks later, Captain Pearsall recorded that

⁵⁸ In “United States Indian Policy and the Debate over Philippine Annexation,” Walter Williams argued that America’s first “colonial subjects” were Native American tribes. He suggested this “ward of the state” relationship was extended to fit Filipinos during the Philippine-American War. I contend that African Americans, from the end of the Civil War to the Philippine-American War, enjoyed some rights of legal citizenship but also were viewed in a “semi-ward” fashion by the Federal government. Williams noted that the majority of men serving in the Philippines came from western states. Walter L. Williams, “United States Indian Policy and the Debate over Philippine Annexation,” *The Journal of American History* (March 1980): 810-31, <https://www.jstor.org/stable/1887638> (Accessed January 10, 2019).

⁵⁹ Paternalism is “an assertion of authority, superiority, and control expressed in the metaphor of a father’s relationship with his children.” Mary A. Renda, *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940*, 95. The University of North Carolina Press, 2001. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/templeuniv-ebooks/detail.action?docID=880369> (Accessed March 6, 2019); Kramer argued that numerous diaries and letters from soldiers show a drastic change, for better or worse, in their racial understanding of Filipinos. Kramer, *The Blood of Government*, 124.

⁶⁰ Earl Pearsall Diary, Folder: “Pearsall, Earl, 1898-W-1521, 1st Neb. Vol. Inf., Diary for 1899,” Box 97: “Nebraska Infantry, 1st Regiment, Spanish-American War Survey, U.S. Military History Institute, U.S. Army Heritage and Education Center, Carlisle, PA “dusky fellows” (Feb 4, 1899) quoted in Kramer, *The Blood of Government*, 125.

he was thrilled that American artillery had “put the black rascals over the hills.”⁶¹ By early March, Pearsall wrote that he had been “attacked by the ‘Gugos’ on the Mariquina road.”⁶² As the guerrilla war expanded, American soldiers’ letters and diaries increasingly portrayed combat using racial and animalistic terms. At times, these accounts blurred the lines between a hypermasculine, pseudo-sadistic reframing of actual combat and stories that were either exaggerated or had never occurred.

One such story was recorded on January 15, 1900, by Private George Osborn, 6th Infantry Regiment. In a letter home, Osborn wrote, “Just back from the fight. Killed 22 niggers captured 29 rifles [sic] and 1 shotgun and I tell you it was a fight . . . we just shot the niggers like a hunter would rabbits.”⁶³ Another story, from Anthony Michea of the 3rd Artillery, alleged, “We bombarded a place called Malabon, and then we went in and killed every native we met, men, women, and children . . . the natives captured some Americans and literally hacked them to pieces, so we got orders to spare no one.”⁶⁴ Soon after Michea’s story was published, Professor Dean C. Worcester of the Second Philippine Commission publicly stated that not only were there no Filipinos massacred, but Malabon had never been bombarded since it was abandoned before the U.S. Army

⁶¹ Earl Pearsall Diary, Folder: “Pearsall, Earl, 1898-W-1521, 1st Neb. Vol. Inf., Diary for 1899,” Box 97: “Nebraska Infantry, 1st Regiment, Spanish-American War Survey, U.S. Military History Institute, U.S. Army Heritage and Education Center, Carlisle, PA “black rascals” (February 24, 1899), “attacked” (March 6, 1899) quoted in Kramer, *The Blood of Government*, 125.

⁶² Ibid.

⁶³ Russel Roth, *Muddy Glory* (West Hannover: Christina Publishing House, 1981), 53.

⁶⁴ Michea’s rank and exact organization are not specified. Anthony Michea, “Soldiers’ Letters Being Materials for the History of a War of Criminal Agression,” in *The Anti-Imperialist Reader: Volume I, From the Mexican War to the Election of 1900* ed. Philip S. Foner and Richard C. Winchester (New York and London: Holmes & Meier Publishers, Inc., 1984), 321.

arrived.⁶⁵ It is unclear how many early accounts of atrocities were accurate or even true. Nevertheless, the overwhelming tone among many soldiers' accounts suggested a normalization of racially-charged violent rhetoric.⁶⁶ One of the most popular marching songs among soldiers in the Philippines, "The Soldiers' Song" echoed the rhetoric of annihilation used by volunteers and vigilantes who battled Native Americans on the American frontier:

Damn, damn, damn, the Filipino
Pock-marked khakaic Ladrone;
Underneath the starry flag
Civilize him with a Krag,
And return us to our own beloved home.⁶⁷

The rhetoric of racial violence was weaponized by American soldiers who imposed their perceived dominance upon the subjects they policed. At the war's most difficult and violent times, American soldiers' racist rhetoric morphed into action. One infamous practice of torture later inspired Albert Gardner of Troop B in the 1st U.S. Cavalry, to compose a racist song about the water cure.⁶⁸ The first verse called upon soldiers to begin torturing a captured Filipino, "Get the good old syringe boys and fill it to the brim[,] [w]e've caught another nigger and we'll operate on him"; a later verse

⁶⁵ "The Treatment of Wounded Filipinos," attributed to *Medical Record* in *Journal of the Military Service Institution of the United States* 25 (January 1, 1899): 292, <https://books.google.com/books>.

⁶⁶ "Racial-extremist sentiment . . . was not uncommon in U.S. soldiers' songs, dairies and letters." Kramer, "Race-Making and Colonial Violence," 204.

⁶⁷ "The Soldiers' Song," in "*Sound Off!*" *Soldier Songs from the Revolution to World War II*, ed. Edward Arthur Dolph (New York: Farrar & Rinehart Incorporated, 1942), 200-02.

⁶⁸ "The Water Cure in the P. I.," in Notebook, Folder: "Albert E. Gardner, 1898-W-851, Troop B., 1st U.S. Cav., Scrapbook, Booklets, Letters, Soldiers' Manual," Box 194: U.S. Cavalry, 1st Regiment, Spanish-American War Survey, U.S. Military History Institute, U.S. Army Heritage and Education Center, Carlisle, PA quoted in Kramer, *The Blood of Government*, 141.

encapsulates the trooper's apparent dark humor, "Shove in the nozzle [sic] deep and let him taste of liberty [,] [s]hout[ing] the battle cry of freedom."⁶⁹ In parodying the Civil War era song, the "Battle Hymn of the Republic," Gardner depicted a disconnect between the actions of the torturers and the proclaimed ideals which the United States was fighting to promote. The song also suggests the close relationship between rhetoric and action that developed. For many soldiers engaged in a war of intense human suffering, the idea of fighting for freedom and democracy became farcical.

Sine Qua Non: The Weak Cornerstone of the U.S. Army

The U.S. Army was legally unprepared for the effects racial animosity and disillusionment had on counterinsurgency operations in the Philippines. In particular, the rules and regulations governing soldiers proved weak. Where ambiguity in rules and official orders existed, the U.S. Army had codified the primacy of obedience over questions of legality. Prior to the Philippine-American War, the Assistant Judge Advocate General, Brevet Colonel William Winthrop, went so far as to declare that a serviceman who refused to carry out an order from his superior officer "does so, of course, on his own personal responsibility and at his own risk," later adding, "it is his [the subordinate's] duty to obey such orders first, and if he should be aggrieved thereby he can seek redress afterwards."⁷⁰ During the counterinsurgency in the Philippines, when gaps in effective oversight existed and legality came second, officers and enlisted men

⁶⁹ Ibid.

⁷⁰ William Winthrop, *A Digest of Opinions of the Judge Advocate General of the Army*, Rev. ed. (Washington, D.C.: Government Printing Office, 1901), 12-13, <https://babel.hathitrust.org/cgi/pt?id=uc1.b3017061;view=1up;seq=7>, (Accessed January 18, 2019).

took the initiative to violate the human rights of Filipinos. In some cases, servicemen blatantly violated the prescribed intent of Army rulings that had been read to them.⁷¹ Even in cases where the rules of war and the orders of commanding officers were clearly violated, officials failed to enforce the letter of the law with appropriate punishments. To understand this history, a brief review of the legacy of U.S. rules on the conduct of warfare—and adherence to these rules before the Philippine-American War—is essential.

Pre-1898 Rules on American Warfare: Codification and Precedence

The most significant codification of rules on the conduct of war began during the Civil War. In April 1863, the Lieber Code—formally known as *Instructions for the Government of Armies of the United States in the Field, General Order No. 100*—was issued to the Union Army by Major General Henry Wader Halleck and the Union War Department.⁷² For the first time, the adequate treatment of prisoners became a legal policy governing American forces. Prisoners of war were explicitly protected from “intentional infliction of suffering,” a “want of food,” and from “mutilation, death, or any other barbarity.”⁷³ Despite a horrific disregard for these rules among some soldiers, as

⁷¹ According to *A Digest of Opinions*, every enlisted man was required to be read the U.S. Army’s articles and rules, found in the Judge Advocate General of the Army’s *A Digest of Opinions*. Within 6 days of his enlistment, the man would give the oath of enlistment. Assuming this requirement was followed, it would “confirm” enlisted men where familiar with army rules. Winthrop, *A Digest of Opinions*, 24.

⁷² John F. Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012), 245.

⁷³ Articles 49-50, 56, 75 of *General Orders No. 100*. Lieber, *Instructions for the Government of Armies*, 18, 20, 24, https://www.loc.gov/rr/frd/Military_Law/Lieber_Collection/pdf/Instructions-gov-armies.pdf (Accessed January 14, 2019).

evident in the high death tolls of Confederate prisoners of war in Union camps, the United States had a legal framework for future conflicts.⁷⁴

The escalation of guerrilla conflict near the end of the Civil War also provided practitioners of *General Orders No. 100* with their first challenge on how to wage war against guerrilla forces.⁷⁵ Particularly important was how the U.S. Army viewed guerrilla combatants and non-combatant auxiliaries that offered support to the enemy. In the final stages of Civil War, Union Major Generals Philip H. Sheridan and William T. Sherman used scorched-earth tactics during their campaigns in regions sympathetic to the Confederacy. These campaigns not only targeted civilian resources valuable to the enemy war effort but also encouraged that the hostile populace feel “the hard hand of war.”⁷⁶ American officers and soldiers were required to legally navigate the lines between conventional and guerrilla soldiers, sympathizers supporting the enemy war effort, and innocent civilians. More importantly these scorched-earth tactics also proved effective against the western Native American tribes and later, Filipino guerrillas. The Civil War

⁷⁴ Robert Doyle argued that the Lieber Code, also known in the U.S. as *General Orders No. 100*, gave the international community “real rules that had real consequences” and helped create a “wholly new precedents for the treatment of POWs [Prisoners of War] worldwide.” Robert C. Doyle, *The Enemy in Our Hands: America’s Treatment of Enemy Prisoners of War from the Revolution to the War on Terror* (Lexington: University of Kentucky Press, 2010), 90-94.

⁷⁵ Guerrilla conflict during the Civil War required the U.S. Army to question the existing lines between the enemy and local inhabitants as evident in the following commentary, “During the war of rebellion [the Civil War], all inhabitants of insurrectionary states were *prima facie* enemies [characterized as enemies until proven otherwise]” in terms of Article 45, “Relief or protection of the enemy constitutes a serious crime,” and Article 46, “correspondence with or providing intelligence to the enemy constitutes a serious crime.” Winthrop, *A Digest of Opinions*, 25-26.

⁷⁶ Russell F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (New York: Macmillan Publishing Co., Inc, 1973), 145-52.

offered the U.S. Army a testing ground for the rules of war and created a template for how to wage a counterinsurgency, including political functions.⁷⁷

One work that defined the legal status of Native Americans during the late Indian Wars era was *A Digest of Opinions of the Judge Advocate General of the Army*. In section 1512 of Colonel William Winthrop's book, under the heading "Indian War," he asserted the position of Native Americans under the U.S. Army. He wrote that Native Americans, "even where district political communities [exist]" constituted a "species of domestic rebellion," but that laws and usages that governed foreign wars "are to be recognized as in general prevailing and operative."⁷⁸ Native Americans, while culturally different and politically autonomous at the level of tribal governance, fell under the legal custodianship of the U.S. Army and the United States government. They were essentially foreigners upon their own lands, yet the Army reserved the right to deny any signifiers of independence during episodes of rebellion. In addition, language within subsection 1498, under the heading "Indian Country," provided legal leniency through which regulations governing "Indian Country," could have been interpreted to extend to territorial holdings such as the Philippines.⁷⁹ The written regulations for dealing with Native Americans easily allowed for an existing legal heritage to be transposed upon Filipinos. Although the

⁷⁷ Weigley suggests that European states in the nineteenth century waged restricted wars against an enemies' resources because of the economic interconnectivity and the limited impact of economics in early wars. Weigley, *The American Way of War*, 146. For more on the U.S. Army's involvement in governance and politics during the Reconstruction era, see Millett, Maslowski, and Feis, *For the Common Defense*, 228-29.

⁷⁸ Winthrop, *A Digest of Opinions*, 141.

⁷⁹ The subsection states, "the term 'Indian country,' [as used in statutes regulating trade and intercourse with Indians might include] ...any districts not in other respects Indian country, over which the operation of those statues may be extended by treaty or act of Congress." *Ibid.*, 408.

Philippines did not legally become “Indian Country,” a framework existed for their subjugation long before the U.S. pursued imperialism on the world stage.

The Indian Wars also offered a pattern of mixed legal response to atrocities. The Sand Creek Massacre of 1864 in the Colorado Territory, where members of the 1st and 3rd Colorado regiments, under the command of Colonel John M. Chivington, made a “sudden and violent attack upon a village of friendly Indians,” offered a legal precedent for the post-Civil War Indian Wars.⁸⁰ The Congressional “Committee on the Conduct of the War”—cited in *A Digest of Opinions of the Judge Advocate General of the Army*—found that while Chivington’s actions were “wholly unauthorized and criminal,” his discharge prior to being court-martialed required the War Department to “set forth briefly the circumstances of the crime [and denounce it] as to discharge the military administration from responsibility therefor [sic].”⁸¹ The U.S. government failed to follow through on the charges against that officer. According to Gregory Michno, Chivington’s case suffered from politicization. The colonel became a victim of unjust news articles and infighting between Army officers and the Departments of the Interior and War.⁸² Although Chivington’s role in what unfolded at Sand Creek—and what exactly happened there—are still contested, evidence presented by several historians suggests that violations of the rules of war did occur. Archaeological research corroborated that field

⁸⁰ Ibid., 452.

⁸¹ Subsection 1514 of “Indian War” section, Ibid., 112.

⁸² Gregory F. Michno, *Three Battles of Sand Creek: In Blood, in Court, and as the End of History* (El Dorado Hills: Savas Beatie, 2017), 125-26 ,130-48; Jerome A. Greene and Douglas D. Scott, *Finding Sand Creek: History, Archeology, and the 1864 Massacre Site* (Norman: University of Oklahoma Press, 2004), 8, 18, 22-24.

artillery was used and gives credence to reports that explosive projectiles were employed indiscriminately against Native American combatants and non-combatants during the battle.⁸³ Several reports also suggested that discipline broke down among U.S. soldiers and that they mutilated Native American bodies.⁸⁴ Public attention ensured investigations into the Sand Creek Massacre became political and that Chivington became the scapegoat. In response, the army pursued a policy of damage control by conducting inquiries and condemning what had occurred. Yet, the U.S. Army failed to bring anyone to justice. The last well-known legal precedent occurred as a result of the 1890 Wounded Knee Massacre, in which members of the 7th U.S. Cavalry killed more than 146 Lakota men, women, and children.⁸⁵ The commanding general of U.S. Army troops in South Dakota, Major General Nelson A. Miles, sought to censure Colonel James Forsyth, the 7th Cavalry's commanding officer, for the massacre. In response, Miles was criticized by army officers and the American press.⁸⁶ In the eyes of the officer corps, the general had violated unwritten tradition that bound officers from making attacks against each other's reputations, even when mistakes might have been made.⁸⁷ Members of the army seemed unwilling to protect the U.S. Army's professional integrity at the cost of a fellow officer.

⁸³ Michno, *Three Battles of Sand Creek*, 79-108; Greene and Scott, *Finding Sand Creek*, 94-97, 132-35.

⁸⁴ Ibid.

⁸⁵ Peter R. DeMontravel, "General Nelson A. Miles and the Wounded Knee Controversy," *Journal of the Southwest* 28 (Spring 1986): 23-44, <https://www.jstor.org/stable/40133849> (Accessed Jan 11, 2019).

⁸⁶ Ibid., 23-44.

⁸⁷ "The Case of General Forsyth," *Army and Navy Journal*, February 14, 1891, 425 quoted in Peter R. DeMontravel, "General Nelson A. Miles and the Wounded Knee Controversy," *Journal of the Southwest* 28 (Spring 1986): 44, <https://www.jstor.org/stable/40133849> (Accessed Jan 11, 2019).

The Indian Wars, which entered its final stage following the Civil War, started with *General Orders No. 100*, a legal code that specified how warfare was to be fought by modern nations. The era ended with these new rules falling victim to the continuation of an unspoken tradition—holding the U.S. Army’s organization and its members above ethical and legal concerns.

CHAPTER 3:

FACTORS OF FAILURE: HOW AND WHY DISCIPLINE IN THE U.S. ARMY FALTERED DURING THE PHILIPPINE-AMERICAN WAR

“Everything in war is very simple, but the simplest thing is difficult.”⁸⁸

- Carl Von Clausewitz, *On War*.

The U.S. Army that entered the Philippines was unprepared for the long guerrilla conflict that followed the quick conventional war of 1899. While the experiences of American soldiers in the Indian Wars were not entirely identical to that of soldiers in the Philippine-American War, the factors that brought about human rights violations were strikingly similar.⁸⁹ The imperialist endeavor in the Philippines required the U.S. Army to continue efforts to hastily restructure its capabilities. This process placed strain upon American soldiers and contributed to a lowering of discipline. As a result, an environment where human rights abuses flourished began to take shape in the Philippines.

Prior to the Spanish-American War, the U.S. Army primarily served as an unofficial national police and manned America’s coastal fortifications. Years of congressional neglect meant the U.S. Army was forced to quickly adapt to the Spanish-

⁸⁸ Carl Von Clausewitz, *On War*, ed. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 119.

⁸⁹ Millett, Maslowski, and Feis argued that the Indian Wars were not analogous to the Philippine-American War. They wrote, “Indian resistance was always on a smaller scale and that the army had the assistance of American settlers and railroads. In addition, they stated that “no reservation system was feasible” and that the army had to “make Filipinos *want* American rule [or tolerate it].” While concurring with this difference in logistics, inhabitants, and the importance of the consent of the people, I argue that the reservation system served a similar purpose to Brigadier General Bell’s concentration strategy. While the reservation was not created to serve a military purpose, the system inherently replicated a goal of Bell’s concentration camp—to control and shape the society of friendly inhabitants while separating local hostiles from a source of aid and supply. Millett, Maslowski, and Feis, *For the Common Defense*, 274.

American and Philippine-American War.⁹⁰ In particular, the army struggled to properly equip and maintain the effectiveness and discipline of its recently-augmented force.⁹¹ One early logistical error occurred in 1899, when some volunteer units equipped with black-powder Springfield “Trapdoor” rifles were issued more powerful cartridges than their rifles could handle. Between 1892 and 1897, the regular army had adopted the Krag-Jorgensen rifle, a repeating rifle chambered for a smokeless cartridge. Meanwhile, possible safety concerns regarding models of the “Trapdoor” rifles likely went unresolved. As a result, some of the volunteers’ older rifles were reported to have blown apart, striking fear among the soldiers; one regiment alone sustained five casualties when several of their firearms catastrophically failed.⁹² Major General Elwell Otis of the Eighth Army Corps reported to a concerned Secretary of War Russell A. Alger, “Do not consider [the lack of proper supplies to be] of merit.” Otis informed the Secretary of War that while some rifles had indeed exploded, nevertheless, many volunteers performed well with and preferred their Springfield rifles. “All volunteer[s] [who are] expert shots have Krag [rifles] . . . [I] do not want more; the volunteers [equipped with the older rifles will] return [home] by the time they could be received.”⁹³ One year later, as the insurgency

⁹⁰ Millett, Maslowski, and Feis, *For the Common Defense*, 233, 238, 248-50, 255.

⁹¹ On the issue of logistics, *For the Common Defense* and *The U.S. Army and Counterinsurgency* differ. Millett, Maslowski, and Feis asserted that the War Department “perfected” procedures by focusing on the supply and transportation of soldiers from the U.S. to the Philippines. They argued that this perfection is evident by the speed at which “well-equipped” volunteers were shipped to the Philippines. In contrast, Linn’s book highlighted supply issues that occurred between garrisons and islands. These incidents, according to the authors, were more frequent and significant. Millett, Maslowski, and Feis, *For the Common Defense*, 274; Linn, *The U.S. Army and Counterinsurgency*, 105-06, 111.

⁹² United States Adjutant-General’s Office, *Correspondence Relating to The War with Spain* (Washington, D.C.: Government Printing Office, 1902), 2: 990.

⁹³ *Ibid.*

raged, Ordnance Lieutenant Colonel John R. McGuinness reported, “there is too much ammo of all kinds in the hands of various commands for present needs.” McGuinness insisted that surplus ammunition—anything more than “200 rounds or more per man”—should be turned over to the Manila Arsenal for storage and safe keeping.⁹⁴ Aside from ammunition, a more macabre issue revealed how unprepared the United States had been for a remote war for empire. Two months into the conflict, as some of America’s first fatalities awaited repatriation, General Otis cryptically reported to Washington, “[It it] impossible to embalm and ship bodies now. Experiment failure; weather warm, decomposition rapid.”⁹⁵

The most pressing issue for the U.S. Army, proper medical care and basic sanitation standards, affected the morale and strength of the military force throughout the Philippine-American War.⁹⁶ In discussing one instance that occurred in the Dosol municipality of the Sorogon Providence, Brian Linn wrote, “Bad food, inadequate rest, nonexistent medical supplies, and the strain of guerrilla warfare produced [a breakdown of the 47th Regiment in the early months of 1900].”⁹⁷ In addition, isolated garrisons throughout the Philippines suffered from diseases that “soon reduced entire garrisons to

⁹⁴ United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars Issued from Headquarters Department of the Pacific and Eighth Army Corps, and Headquarters Division of the Philippines*, (1900), 116, <https://hdl.handle.net/2027/uiuo.ark:/13960/t38107w2z> (Accessed January 10, 2019).

⁹⁵ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 955.

⁹⁶ United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars*, 146, 420.

⁹⁷ Linn, *The U.S. Army and Counterinsurgency*, 107, 128-29.

emaciated feverish invalids.”⁹⁸ Medical care throughout the Philippines was often inadequate, resulting in the sick failing to receive what they needed to recover and the healthy breaking down from increased duty and lack of rest.⁹⁹ On March 19, 1900, General Otis issued Circular 18 in response to numerous cases of dysentery. In the circular, he reinforced proper procedures for the creation of facilities, the sanitation of bathrooms, and the disposal of “excreta.” Otis also stressed the necessity of boiling or distilling drinking water. On September 15 of the same year, Otis’s replacement, Major General Arthur MacArthur, Jr., issued General Order 89, in response to the still unresolved problem of sanitation. He reported, “It has been satisfactorily demonstrated to the medical department that nearly fifty percent of the sickness in this army is produced by causes which may be avoided by the observance, by company and other officers in command of troops, of simple sanitary regulations.”¹⁰⁰ Official casualty reports to the Adjutant General at the War Department revealed that American soldiers suffered more from disease than wounds sustained in combat.¹⁰¹ This pattern had been true for the shorter-lived Spanish-American War of 1898 and continued into the Philippine-American War. Commenting in 1944 on the former conflict, Lieutenant Colonel Arthur P. Long of the U.S. Army Office of the Surgeon General wrote that while the army was aware of

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 1192; United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars*, 146, 420.

¹⁰¹ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 893-1355.

hygiene practices, sanitation, and the microorganisms that caused various diseases, “seven men were lost from disease to every one killed in battle [and about] . . . one in every five men developed typhoid fever . . . [this disease alone] resulted in 80 percent of all total deaths.”¹⁰² Casualty reports suggested that during the Philippine-American War, the army had only succeeded in preventing a smallpox pandemic.¹⁰³ Not until the First World War did the amount of men killed in battle nearly equal the amount who died from disease.¹⁰⁴ The U.S. Army’s inability to enforce army-wide health standards and adequately care for incapacitated soldiers contributed to the lowering of morale among American forces. Diseases, poor living standards, and a fluctuating supply of food and medicine meant that the controllable and uncontrollable forces of attrition wore away at army. Demoralized soldiers, primed by suffering, likely became further desensitized to racial violence in rhetoric and later, actions.

¹⁰² Arthur P. Long, "Immunizations in the U.S. Army," *American Journal of Public Health* 34 (January 1944): 27, <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.34.1.27> (Accessed January 11, 2019).

¹⁰³ United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars*, 226-238; United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 893-1355.

¹⁰⁴ Long, "Immunizations in the U.S. Army," 27.

“The Last Drop”: The U.S. Army and Alcohol Abuse¹⁰⁵

During the Indian Wars and Philippine-American War, alcohol proved to have a notable effect upon the U.S. Army. Drinking provided a communal ritual for soldiers and helped build unit cohesion. For some soldiers, its dulled feelings of boredom, exhaustion, and the poorly understood effects of trauma.¹⁰⁶ Inversely, soldiers’ use of alcohol not only coincided with misconduct, but contributed to the decline of discipline among soldiers. Intoxication impaired the judgement and moral decision making of soldiers, ultimately weakening the effective chain of command. During the Philippine counterinsurgency, human rights abuses linked to alcohol negatively impacted the U.S. Army’s efforts to win the confidence of the Filipino people.

During the Indian Wars, the negative effects of alcohol influenced Nelson A. Miles to recommend the prohibition of alcoholic liquors in 1876. As then Colonel Miles reported, “Records of the military courts will show that the greater number of offenses in the army can be traced to [drinking saloons established under authority of law]. It is,

¹⁰⁵ “The Last Drop” is the title of an art work by fifteenth century Dutch painter Judith Leyster. The image depicts two men enjoying the celebrations before Lent. The two men ignore a “menacing presence” of a skeleton, ominously holding an hourglass in one hand and a skull in the other behind a man emptying the last of an alcohol flask into his mouth. Judith Leyster, “The Last Drop,” 1629. Oil on Canvas, 35 1/16 inches by 28 15/16 inches (89.1 centimeters by 73.5 centimeters) Philadelphia: *Philadelphia Museum of Art*, <https://www.philamuseum.org/collections/permanent/102220.html> (Accessed January 11, 2019).

¹⁰⁶ This is cited from a presentation given during Temple University’s CENFAD Lecture Series on October 13, 2017. Edward B. Westermann, “Hitler’s Police Battalions: Enforcing Racial War in the East” (Speech, Philadelphia, PA, October 13, 2007). The study of Psychology, between the years 1899 to 1902, was just becoming a professional field. The racial pseudo-sciences of Phrenology, study of the skull’s shape for mental abilities and later, the hereditary-focused field of Eugenics gained popularity among the public. The U.S. Army’s first application of military psychology, a poorly-constructed intelligence test called the Alpha and Beta Tests, started in December 1917. David Hothersall, *History of Psychology*, Fourth edition (Boston: McGraw-Hill, 2004), 92-96, 267-69, 317-21, 337, 425-30.

therefore, recommended that selling of spiritous liquors be prohibited on all military reservations and at every military post.”¹⁰⁷ Prior to the Philippine-American War, the army created several significant regulations between 1890 and 1899, attempting to prohibit the sale of liquor to enlisted soldiers.¹⁰⁸ The reality, particularly in the Philippines, proved that temperance waned and alcohol use increased under the conditions of war.

Records and testimony regarding the drunken conduct of soldiers in the archipelago revealed the negative impact alcohol had on discipline, propelling many to commit human rights abuses against Filipinos. A soldier of the 1st California Regiment wrote, “I am thoroughly disgusted with the crowd I am in . . . their only idea of pleasure seems to be in doing the town and coming back beastly drunk. We were paid off the first of the week and the barracks has seemed like a home for inebriates ever since.”¹⁰⁹ A civilian observer wrote, “The conduct of the boisterous, undisciplined individuals who formed a large percentage of the first volunteer contingent has . . . inspired a feeling of horror and loathful [sic] contempt in the affluent and educated classes who guide Philippine public opinion.”¹¹⁰ Alcohol proved to undermined the discipline of U.S. soldiers.

¹⁰⁷ U.S. Congress, Senate, *Sale of Intoxicating Liquors at the Army Canteens* (Washington, D.C.: Government Printing Office, 1900), 5.

¹⁰⁸ “Sale of Intoxicants,” 2287-90. Winthrop, *A Digest of Opinions*, 642-43.

¹⁰⁹ “Adventure in the Philippines,” 36, Ed E. Dunbar Papers, 1st California Infantry, Spanish-American War Survey, U.S. Military History Institute, U.S. Army Heritage and Education Center, Carlisle, PA quoted in Linn, *The Philippine War*, 32.

¹¹⁰ U.S. Congress, Senate, *Sale of Intoxicating Liquors at the Army Canteens*, 21.

Officers, who had not been the focus of U.S. Army regulations on temperance, were also found guilty of serious infractions related to alcohol consumption. One case concerned an officer who had traveled to Manila under false pretenses in order to get drunk with officers from another unit; on a later occasion, the same officer had been found to be drunk during guard mounting duty.¹¹¹ In two additional courts martial, which were tried in March 1900 in Manila, a lieutenant and major of the 49th Infantry, U.S. Volunteers, were separately implicated in starting a drunken brawl, robbing a Filipino *Carromato* cart driver at gunpoint while in uniform, and for proceeding to whip the driver.¹¹² Abuses by undisciplined soldiers in Manila became so problematic that, on January 14, 1900, weapons were ordered to be taken from enlisted military and civilian personnel who were not on duty.¹¹³

Another byproduct of the U.S. Army drinking culture—alcoholism—appears in official correspondence generated during the war.¹¹⁴ Throughout the Philippine-American conflict, casualty reports officially linked soldiers' deaths to alcoholism.¹¹⁵ On January 16, 1901, the Adjutant General's Office cabled General Arthur MacArthur, Jr., the military governor in the Philippines, to inquire about "the condition of the Army . . . with

¹¹¹ United States Army Department of the Pacific and Eighth Army Corps Headquarters, *General Orders and Circulars*, 80.

¹¹² *Ibid.*, 84-88.

¹¹³ *Ibid.*, 48.

¹¹⁴ United States Adjutant-General's Office. *Correspondence Relating to The War with Spain*, 2: 635-1247.

¹¹⁵ *Ibid.*

reference to drunkenness and use of intoxicating liquors.”¹¹⁶ MacArthur responded the next day: “Drunkenness [in] this army, [is] no more noticeable here than in garrisons [in the] United States” adding that in forces stationed in the Philippines, it was “probably much less.”¹¹⁷ MacArthur admitted that drunkenness in Manila was “very noticeable” but that this created a false impression that the problem prevailed throughout the archipelago. “[The] Army [is] in splendid discipline,” MacArthur confidently closed, “doing the hardest kind [of] service, [in a] most faithful[,] inspiring manner.”¹¹⁸ Nevertheless, by February 1901, Congress passed an amendment to section 40 of the Army Bill, that forbade the use or sale of beer, wine or “intoxicating liquors” at any post, transport, or on any premises used by the U.S. military.¹¹⁹ The casualty reports that followed MacArthur’s response, however, changed drastically. After January, the reports of death by alcoholism all but disappeared.¹²⁰ Instead, reports of death linked to “abscess of the liver,” “liver cirrhosis,” “heart disease” and, “jaundice” increased and remained present until the formal end of hostilities.¹²¹ Likely, these changes in diagnosis were an attempt to expunge the word “alcoholism” from the reports. While the army attempted to conceal the crisis, soldiers continued to drink and often suffered the ravages of high alcohol use.

¹¹⁶ Ibid., 1246.

¹¹⁷ Ibid., 1247.

¹¹⁸ Ibid.

¹¹⁹ U.S. Congress, Senate, *Sale of Intoxicating Liquors at the Army Canteens*, 27; United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 1251-52.

¹²⁰ Within casualty reports, only one soldier is reported to have died from alcoholism after this period, volunteer infantryman Harry C. Anderson on March 18, 1901. United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 1264.

¹²¹ Ibid., 1248-357.

Although the use of alcohol to a debilitating level by soldiers was not unique to the army stationed in the Philippines, its result upon discipline was undeniable.¹²² Soldiers, during and after the prohibition of alcohol continued to drink from local sources. One particularly infamous drink was a potent Filipino wine known among U.S. soldiers as *vino*. The diary of Private Nelson E. Bishop, 39th U.S. Volunteer Infantry, listed abuses committed by U.S. soldiers against Filipinos in 1900. The first abuse Bishop recorded dealt with the infamous local drink and alleged, “a sentry on post intoxicated with vino, [was] out in the street without hat or belt, ransacking everything [local Filipinos] carried and molesting [sic] every native [who passed by].”¹²³ Filipino vino was later made explicitly illegal for soldiers to purchase under the Second Philippine Commission.¹²⁴ In 1900, Private Bishop reported two additional abuses carried out by U.S. soldiers related to this Filipino liquor. In one instance, he wrote that an officer returned to shoot a Filipino suspected of making vino the morning after the man had been found innocent.¹²⁵ The second abuse, perpetrated by numerous soldiers, involved troops promising to pay Filipinos for illegally produced vino, then later, threatening to imprison the vino

¹²² The U.S. Army, from before the Civil War onward, suffered from a high desertion rate, suicide, “watered down whiskey and wayward women” according to historians Allan Millett, Peter Maslowski, and William B. Feis. Throughout the remaining nineteenth century, the regular army sought to reform living conditions, increase the quality of life and “Americanize” the men it recruited in order to curb these issues. Progress was “slow and uneven” because of public apathy, congressional budget concerns and opposition from traditional officers who believed reform efforts would ruin discipline. Millett, Maslowski, and Feis, *For the Common Defense*, 248.

¹²³ Diary/Journal of Nelson E. Bishop, 39th Infantry, Company D, U.S. Volunteers, box 1, Folder 1898-W-1523, Collection of Nelson E. Bishop, 1899-1917, 1937-1940, U.S. Army Heritage and Education Center, Carlisle, PA.

¹²⁴ U.S. Congress, Senate, *Sale of Intoxicating Liquors at the Army Canteens*, 35.

¹²⁵ Bishop, Diary/Journal.

merchants in order to have their debts cleared.¹²⁶ While alcohol alone did not cause all of the many human rights abuses, it fueled insubordination, poor judgement, and violent behavior among its most chronic users. The wide range of alcohol abuse also suggests many soldiers sought to mentally escape from the realities of war in the Philippines. These practices suggest that soldiers suffered from poor discipline in an environment that required more than just combat.

While the U.S. Army had always been faced with the negative effects of alcohol consumption among its troops, soldiers' use of alcohol during the Philippine-American War had a notable impact on the counterinsurgency. Alcohol use proved to be a detriment to soldiers' abilities to win the hearts and minds of locals. Beyond the effects of public drunkenness and ill-discipline, chronic alcohol use also led to the deaths of numerous soldiers. Worst of all, alcohol use preceded untold numbers of human rights abuses against Filipinos.

American Savagery in the Howling Wilderness

“Cry 'Havoc!' and let slip the dogs of war.”

- Shakespeare's *Julius Caesar*.¹²⁷

At the same time small and scattered units struggled to fight the insurgency and win the peace locally, U.S. Army headquarters in Manila oversaw the creation and implementation of strategy. This job of executing Washington's civilizing mission primarily rested with the military governor of the Philippines—who controlled the army

¹²⁶ Ibid.

¹²⁷ Act 3, Scene 1, Line 273 of William Shakespeare, *Julius Caesar*, ed. Albert H. Tolman (New York: Globe School Book Company, 1901), 48.

and led the transitional government. The civilian component—the Second Philippine Commission and later, the Insular Government—progressively gained more power throughout the war until the conflict formally ended. The posts of military governor and commanding general in the Philippines were held by three generals during the counterinsurgency period of the Philippine-American War. The first military governor, General Elwell Otis, commanded the army and oversaw civil functions with the assistance of the First Philippine Commission. The following military governors, Arthur MacArthur, Jr., and Adna Chaffee, each individually governed and commanded the army while sharing power with the civilian component, the Second Philippine Commission in early March 1900 and later, the Insular Government in July 1901. As the U.S. Army fought Filipino *Insurrectos* to gain publicly-accepted monopolies in governance throughout various districts of the Philippines, the military governor often clashed with the civilian component headed by William Howard Taft. Taft had been selected by President McKinley for his well-known integrity and as a favor to the Republican Party.¹²⁸ Taft and the commission had legislative power in the Philippines, while the military government retained executive power.¹²⁹

Despite these organizational structures, a united effort and the strategies for how to pacify the Philippines during the guerrilla insurgency fluctuated with each general—Otis, MacArthur, and Chaffee. Each man envisioned the counterinsurgency and collaborated with others differently. Even in the rare instances where unity of effort was achieved among Washington, the military, and the civilian component, U.S. Army

¹²⁸ Long, *The Effect of the Civil-Military Relationship*, 23-27.

¹²⁹ Ibid.

headquarters in Manila failed to extend this unified effort to various military districts and remote garrisons. In reality, the generals had little control over their subordinates. As historian Brian Linn stressed in *The U.S. Army and Counterinsurgency*, the intensity of guerrilla resistance varied between islands and provinces throughout the Philippines.¹³⁰ American combat forces were dispersed among nearly 400 small garrisons, isolated from each other by terrain or the lack of easy communication.”¹³¹ Flexibility in command and a large degree of operational freedom allowed each district’s various commands to tailor their tactics specifically to local conditions. The success of this freedom relied upon the quality of officers and enlisted men.¹³² Soldiers directly involved in the guerrilla war—tasked with winning the hearts and mind of Filipinos in the most violent areas—often had little interest in civilizing the Filipino people benevolently, if at all.

The Gilded *Façade* Cracks: Disorder and Racial Violence on the New Frontier

The vital importance of discipline must be fully understood by and impressed upon all in the military service . . . Lax discipline destroys efficiency and produces demoralization . . . every act or influence that tends to produce it must be discouraged and prohibited.¹³³

- *Regulations of the Army*, 1881.

During the counterinsurgency phase of the Philippine-American War, army commanders at every echelon of command failed to clearly articulate their objectives and hold their subordinates accountable for breaches in discipline and morality. While the

¹³⁰ Linn, *The U.S. Army and Counterinsurgency*, XI.

¹³¹ Ibid.

¹³² *U.S. Army Counterinsurgency Handbook*, 1-22.

¹³³ United States War Department. *Regulations of the Army of the United States and General Orders in Force on the 17th of February 1881* (Washington, D.C.: Government Printing Office, 1881), 460.

army produced its share of exceptional members and successes, the system allowed good soldiers to flourish also allowed others to inflict severe harm on prisoners and noncombatants. Even the organizational, legal, and moral tenets that formed the ideological foundation of the U.S. Army were skewed or blatantly ignored.¹³⁴ Although the lack of close oversight allowed commanders to tailor their initiatives toward local populations without undue interference from above, the overall strategy for achieving President McKinley's policy of Benevolent Assimilation was overshadowed by the immediate goal of militarily defeating insurgents. Soldiers' inability to understand the larger strategic picture during the war created tension among officers and their subordinates. It also led servicemen to act in ways that compromised the overall objective.¹³⁵ The ambiguity of the laws of war and in commanders' orders allowed disillusioned soldiers to explore and ultimately inflict racial violence upon the Filipino people with relative impunity. The lines between benevolence, military necessity, revenge, and acts of racial supremacy blurred within these loosely connected

¹³⁴ The lengthy regulations were required to be read to every soldier. It is unlikely that many soldiers understood every regulation read to them. See note 92 above. In a copy of *The Soldiers' Pocket Companion* owned by 39th U.S. Volunteer Infantryman Private Nelson E. Bishop, the manual states that the "articles of war [are] to be published once in six months [and provided] to every regiment, etc." and as part of Article 128, "The forgoing articles shall be read and published once every six months, to every garrison, regiment, troop, or company in the service of the United States." N. Hershler, *The Soldiers' Pocket Companion* (Washington, D.C.: James J. Chapman, 1899) in box 1, 1898-W-1523, Collection of Nelson E. Bishop, 1899-1917, 1937-1940, Spanish-American War Survey, U.S. Military History Institute, U.S. Army Heritage and Education Center, Carlisle, PA.

¹³⁵ Disunity in effort is related to *U.S. Army Counterinsurgency Manual's* assertion that "Unity of Effort is Essential." It is important that all participants of a counterinsurgency operation are working together towards the same overarching goal. This also relates to the concept of a "common operational picture" or, a collaboratively-created and collectively understood conception of an operational idea, situation, or plan within the military. *U.S. Army Counterinsurgency Manual*, 1-22, Glossary-4.

counterinsurgencies occurring throughout the Philippine archipelago. While the war was being waged on the local level, higher echelons of command attempted to influence the war with varying degrees of success.

The Generals' Ambitions and the Boondocks' Bloody Realities

[The] paramount aim of the military administration being to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples [and by proving to them that our mission is one of benevolent assimilation] . . . [for the good of the governed] there must be sedulously maintained the strong arm of authority, to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government.¹³⁶

- President William McKinley, "Benevolent Assimilation Proclamation," December 21, 1898.

From 1899 to 1902, Generals Otis, MacArthur, and Chaffee individually held the position of military governor of the Philippines. Each attempted to orchestrate his own grand vision of "Benevolent Assimilation" and counterinsurgency over the islands with fluctuating levels of success. In reality, the directives and orders issued from Manila served only as guidelines since the army lacked the capacity to ensure its wishes were followed.¹³⁷ The hallmark of each general's tenure became the policies he promoted and the unique vision of the conflict each man articulated. Each general's true impact on the war became the messages that reached his subordinates, the tone he set and how well he adapted to the realities outside Manila. Ultimately, each general failed to stem the tide of human rights abuses.

¹³⁶ U.S. Presidential, Executive Order, William McKinley, "Executive Order, Dec 21, 1898," *The American Presidency Project*, <https://www.presidency.ucsb.edu/node/205913> (Accessed January 12, 2019).

¹³⁷ Linn, *U.S. Army and Counterinsurgency in the Philippine War*, XI.

General Otis' tenure was defined by benevolent intentions and a severe disconnect with the realities of a quickly shifting war. The deteriorating situation and the beginnings of human rights violations went seemingly unnoticed by Otis. From 1899 to 1900, Otis focused the army's efforts on policing, infrastructure projects and governance.¹³⁸ In Otis's mind, the conventional war had defeated the Philippine army. Although an insurrection existed, the pacification of insurgents and thieves—known as *ladrones*—was promising.¹³⁹

Secondary sources on the Philippine-American War essentially agree that Otis lacked the necessary skills to simultaneously command the army, represent President McKinley's policy objectives and accurately assess the situation throughout the Philippines.¹⁴⁰ Otis's personal assumptions on the war and his knowledge of the importance of the perception back home—and likely the perception among the insurgents—led him to promote the message that the war would soon be over.¹⁴¹ A former war correspondent, quoted in a periodical from the *Philippine Information Society*, provided evidence that Otis's official narrative stood in stark reality from events on the ground. "It is not custom to speak of native armed bodies as 'ladrones', 'robbers,'

¹³⁸ Michael B. Long. *The Effect of the Civil-Military Relationship on the Philippine-American War* (Fort Leavenworth: U.S. Army Command and General Staff College, 2016): 30, <https://apps.dtic.mil/dtic/tr/fulltext/u2/1032935.pdf> (Accessed January 12, 2019).

¹³⁹ Ibid.; Linn, *U.S. Army and Counterinsurgency in the Philippine War*, 21, 30; United States Adjutant-General's Office. *Correspondence Relating to The War with Spain*, 2: 999, 1098, 1149.

¹⁴⁰ Otis is commonly described by several sources as obtuse, self-righteous, incapable of delegating authority, and a general who never left his desk. Linn, *U.S. Army and Counterinsurgency in the Philippine War*, 10-11; Miller, *Benevolent Assimilation*, 46-47; William Sexton, *Soldiers in the Sun*, 63-64.

¹⁴¹ Miller, *Benevolent Assimilation*, 73; United States Adjutant-General's Office, *Correspondence Relating to The War with Spain*, 2: 970, 974, 976, 1051, 1098.

and bandits,” wrote John T. McCutcheon in April 1900, “Nearly every day we hear of a force of our own soldiers encountering some band of robbers [leading to a loss of American soldiers and a large number of bandits] . . . it would be asking too much . . . of the people at home to ascribe all the fights to the ‘robber’ bands.”¹⁴² Clearly, McCutcheon, and many American soldiers, failed to believe the army’s frequent engagements with local forces were only against bands of thieves. Not only did Otis’s official narrative differ from the reality some soldiers faced, but his policy to combat these conditions created discord. Otis, in an uncomfortable alliance with the advisors of the First Philippine Commission, pursued a policy of benevolence with the assumption that the Philippine people—particularly elite *Principales*—would buy into American rule without coercion.¹⁴³ On May 29, 1899, Otis remarked to the Secretary of War that the First Philippine Commission had proved helpful in gaining the confidence of elite Filipinos. The commission was primarily tasked with collecting information on the Filipino people. In addition, the commission made suggestions to General Otis and the McKinley administration on how to pacify the inhabitants of the archipelago and transition from military to civilian government. Otis doubted that the commission had achieved much else aside from helping gain elite support.¹⁴⁴

¹⁴² John T. McCutcheon, *The Chicago Record's Stories of Filipino Warfare* (Chicago: Chicago Record, 1900), 103-04, 107, 109, 111, 113 quoted in “A Period of Guerrilla Warfare,” 15-17.

¹⁴³ Linn, *U.S. Army and Counterinsurgency in the Philippine War, 20-21*; United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain, 2*: 998.

¹⁴⁴ *Ibid.*

According to Andrew Birtle, Otis, the “Armed Progressive,” followed the strategy laid out by Major William E. Birkhimer’s *Military Government and Martial Law*.¹⁴⁵ Birkhimer, however, cautioned that benevolence, Otis’s primary focus, was contingent upon security. Birkhimer wrote, “people ask only to be governed and protected in person and property, and [to have] a ruling power of sufficient vigor and strength to afford that protection . . . the indispensable elements of government are [swift action, impartial justice and overwhelming force].”¹⁴⁶ In order to win over the people, using contemporary counterinsurgency methods, Otis had to meet the “paramount objective of conquering a peace” and be able to protect the people above all.”¹⁴⁷ Otis ultimately failed to meet these conditions.

During the conventional war, on May 29, 1899, Otis sent a letter to the Secretary of War that further complicates the existing Philippine-American War historiography. Otis reported, “Leading Filipinos unite with me in asserting that continued applications of force followed by kind treatment and the establishment of a strong United States government will alone bring the desired results.”¹⁴⁸ This letter suggests that early in the war, Otis understood the necessity of providing security, but may have lacked the force of will to pursue it. Instead, Otis essentially undervalued the security step—failing even to adjust his policy when evidence suggested security had not been met—in order to focus

¹⁴⁵ Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 119.

¹⁴⁶ William Birkhimer, *Military Government and Martial Law* (Washington, D.C.: James Chapman, 1892), 174.

¹⁴⁷ *Ibid.*

¹⁴⁸ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 998.

heavily on President McKinley's objective of Benevolent Assimilation and civil governance. In so doing, Otis overextended the army and allowed insurgents to intimidate civilians and infiltrate local governments. Otis created greater disunity among Washington, the military, and the First Philippine Commission. Commanders created their own counterinsurgency methods while attempting to meet their overwhelming civil responsibilities.¹⁴⁹

At the War Department's request in June 1899, the entire Philippine archipelago was divided into four geographic departments, Northern Luzon, Southern Luzon, Visayas, and Mindanao-Jolo, that were all subordinate to the military governor and General of the Military Division of the Philippines.¹⁵⁰ Under the new reorganization, each department was divided into districts and sub districts; below district commanders and sub districts were military-civilian governors and "hundreds of battalions and company posts".¹⁵¹ After March 1900, Otis officially led the civilian government and military as both military governor and commanding general of the Military Division in the Philippines.¹⁵² Ultimately, this restructuring did little to improve Otis's ability to effectively orchestrate the counterinsurgency.

On May 5, 1900, General Otis was replaced by Major General Arthur MacArthur, Jr. Republicans interested in convincing the American public of the fidelity of Otis's message, that the Philippine-American War was essentially won, funded a series of

¹⁴⁹ Linn, *U.S. Army and Counterinsurgency in the Philippine War*, 20-24.

¹⁵⁰ Linn, *Philippine War*, 198-99.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

elaborate receptions for the returned “hero.” At the same time, MacArthur cabled Washington for more troops.¹⁵³ The new military governor, publicly and privately, acknowledged the insurgency was indeed growing and attempted to balance benevolent policies with military action. MacArthur proved to be a more dynamic general than Otis. Before becoming military governor and commanding general of the army in the Philippines, MacArthur had led the 2nd Division of the 8th U.S. Army Corps during the conventional phase of the Philippine-American War.¹⁵⁴ After the creation of the department-district system, MacArthur was reassigned as district commander of the Department of Northern Luzon. His time in the field fostered an understanding of the dynamic nature of the insurrection.¹⁵⁵

The new commanding general proved adept at waging a counterinsurgency. MacArthur’s greatest failures resulted from a culmination of minor circumstances in and out of his control. These included Washington’s inability to clearly articulate the role civilian administrators in the Philippines and the U.S. Army played in the McKinley administration’s grand strategy. This negatively affected American pacification efforts. MacArthur’s balancing act of political allegiance versus his military professionalism also hindered his success in effectively addressing issues of discipline.

Over time, MacArthur and the civil government’s policies began to show positive results, but human rights abuses ultimately tainted his well-intentioned efforts.

MacArthur’s tenure was defined by a policy aimed at enticing insurgents and neutral

¹⁵³ Miller, *Benevolent Assimilation*, 100-03.

¹⁵⁴ Linn, *Philippine War*, 42.

¹⁵⁵ Sexton, *Soldiers in the Sun*, 247.

inhabitants to join the political fold. He understood the role that the Filipino public played in the insurgency. The educated Filipino *Ilustrado* leaders, the *Principales*—who controlled the ways and means of production—and the peasants were the *insurrectos*' strategic center of gravity—their support was essential to the insurrection.¹⁵⁶ To end the insurgency, Americans had to entice these members of Filipino society to oppose the insurrection, while the U.S. Army militarily defeated the guerrillas. MacArthur made efforts to peacefully disarm and militarily defeat insurgents by offering cash for weapons, reinstating the *General Orders No. 100*. He cautiously increased local forces for use in combat, intelligence, and security operations.

Most secondary works suggest that MacArthur's first policy of amnesty, enacted on June 21, 1900, failed to have a significant impact on the war.¹⁵⁷ This policy, written and distributed in Spanish and English, allowed ninety days for insurgents to disavow the insurgency, swear allegiance to U.S. authority, and thereby receive amnesty. It barred amnesty only for "persons who have violated the laws of war."¹⁵⁸ In this announcement, MacArthur made an appeal to "destitute soldiers" by authorizing a payment of 30 Pesos

¹⁵⁶ Deady, Timothy K., "Lessons from a Successful Counterinsurgency: the Philippines, 1899-1902," *Parameters* 35 (Spring 2015): 57. <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/05spring/deady.pdf> (Accessed January 17, 2019).

¹⁵⁷ "Only 5,022 Filipinos surrendered, and many of these were already prisoners of war or lived in areas outside guerrilla influence." Linn, *The U.S. Army and Counterinsurgency*, 22; "The proclamation had not affected the pacification of the Islands to a marked degree." Sexton, *Soldiers in the Sun*, 248.

¹⁵⁸ *Annual Reports from General Arthur MacArthur, U.S. Volunteers, Commanding, Division of the Philippines*. Manila P.I., 1900, 1:10, <https://babel.hathitrust.org/cgi/pt?id=coo.31924007717402;view=1up;seq=20> quoted in "A Period of Guerrilla Warfare", 29-31.

“to each man who presents a rifle in good condition.”¹⁵⁹ While MacArthur’s amnesty policy failed to inspire most Filipino insurgents to surrender, it did have political value for MacArthur.¹⁶⁰ He showed a force of will when asserting his policy to Washington, facilitated a working relationship with the Second Philippine Commission, and arguably demonstrated that benevolence alone would not end the war.¹⁶¹

One of the proclaimed victories of MacArthur’s benevolent amnesty policy was the surrender of Padro A. Peterno, president of the Filipino Cabinet.¹⁶² Peterno later asked to throw a banquet in honor of the amnesty and to give thanks to the United States. MacArthur stoically reported, “Every facility was afforded to insure success” but

¹⁵⁹ Ibid., 30; the language of MacArthur’s proclamation puts Stuart Miller’s uncited claim that “it was suspected that many of the natives surrendering were mere opportunists collecting bounty for obsolete weapons,” into question. Miller, *Benevolent Assimilation*, 161.

¹⁶⁰ Andrew Birtle’s *The U.S. Army and Counterinsurgency* and John Gate’s *Schoolbooks and Krags* counter historiographical trends that argued MacArthur’s policy was successful. While Birtle failed to evaluate the policy, Gates asserted that the program to buy rifles was “highly successful” claiming over 1800 rifles were bought without citing any source. The earlier work, *Soldiers in the Sun*, claimed only 140 rifles were obtained, but also fails to provide a citation. MacArthur’s own conclusion in official correspondence to Washington was that the policy failed. Linn, *U.S. Army and Counterinsurgency in the Philippine War*, 21-22; John Morgan Gates, *Schoolbooks and Krags: The United States Army in the Philippines* (Westport: Greenwood Press Inc., 1973), 148; Sexton, *Soldiers in the Sun*, 248; United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2:1203.

¹⁶¹ Within *Correspondences Relating to the War with Spain*, MacArthur’s tact is apparent. His initial suggestion for the amnesty, which Taft had agreed to, was a 90-day period of amnesty followed by a 60-day notice before all insurgents were to be declared “outlaws.” In response, Washington insisted the time-limit must be removed, which MacArthur successfully argued against. In another instance, on June 22, 1900, the Secretary of War asserted that MacArthur was not allowed to accept anything less than the “unqualified acceptance of amnesty as offered.” MacArthur used his working alliance with the Second Philippine Commission to successfully argue for more autonomy. The commission even argued on behalf of MacArthur, “[A] favorable outcome would be hindered by further reducing and relaxing [the] military grasp.” United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 1175-77, 1183-85.

¹⁶² “A Period of Guerrilla Warfare,” 31.

insurrectionary mottoes, Aguinaldo's portrait, and "extreme [negative] sentiments [about the U.S. Army's efforts] entertained by speakers assigned to [give] toasts [praising America]" characterized the banquet.¹⁶³ It was quickly shut down.

MacArthur understood that America's political will and public support for the war was essential. These factors were also important to Filipino insurgents' war efforts. Had President McKinley not been re-elected in November 1900, the strength of the U.S. Army's strategic center of gravity would have arguably weakened.¹⁶⁴ In December 1900, with President McKinley's re-election secured, MacArthur pursued a proverbial carrot-and-stick strategy rather than only benevolence. The stick was an attempt to conquer the insurgents by using harsh rules within the 1898 edition of *General Orders No. 100*, while the carrot was the creation of the Filipino Federal Party—an alternative to guerrilla shadow governments—which paved the way for civilian rule. Unintentionally, the army's use of harsh and ambiguous laws encouraged soldiers to realize their violent and racially-charged fantasies.

MacArthur reissued selected sections from the reprinted *General Orders No. 100*, which made for a harsher version than what President Lincoln originally approved for use in 1863.¹⁶⁵ The excerpted version focused on the severity of war that could be waged, whereas the original document had also considered human rights. Historian Christopher Einolf argued that Otis employed sections of the *General Orders No. 100* relating to the

¹⁶³ United States Adjutant-General's Office. *Correspondence Relating to the War with Spain*, 2:1194.

¹⁶⁴ Deady, "Lessons from a Successful Counterinsurgency," 57.

¹⁶⁵ Witt, *Lincoln's Code*, 357-59.

treatment of non-combatants prior to MacArthur.¹⁶⁶ While Einolf suggests that the general took discipline and the treatment of Filipinos seriously, he also concedes that numerous infractions occurred and were inconsistently punished.¹⁶⁷ As suggested earlier, Otis's benevolent effort failed to win the support of many American soldiers and Filipino insurgents. MacArthur, proving stricter than his predecessor, focused his use of *General Orders No. 100* on combating guerrillas.¹⁶⁸ Sections of the orders that imposed restraint upon soldiers were removed, while those advocating retaliatory revenge remained.¹⁶⁹

The unabridged version of *General Orders No. 100* was a groundbreaking achievement that inspired international bodies to adopt similar laws protecting basic human rights such as the Institute of International Law in 1880 and the Hague Convention of 1899. The selective application of *General Orders No. 100* in the Philippine-American War undermined the original document's intent to civilize warfare. U.S. servicemen were able to disqualify Filipinos from receiving basic human rights because of ambiguity and loopholes in the document. In particular, articles 82 and 85 of *General Orders No. 100* gave soldiers the right to deny guerrillas prisoner of war (POW)

¹⁶⁶ Christopher J. Einolf, *America in the Philippines, 1899-1902: The First Torture Scandal* (New York: Palgrave Macmillan, 2014), 38.

¹⁶⁷ *Ibid.*, 38-40, 45-51.

¹⁶⁸ *Ibid.*, 63.

¹⁶⁹ Witt, *Lincoln's Code*, 357-59.

status, and therefore basic human rights.¹⁷⁰ During his term, Otis had incorrectly characterized the insurrectionists collectively as outlaws—since Otis, soldiers in the field essentially had the ability to decide the identity of their foe.¹⁷¹ Yet, even if commanders declared the enemy they faced as entitled to prisoner of war status, Article 62 gave American soldiers the right to “give no quarter” to an enemy “known” or discovered to have given no quarter.¹⁷² During the Hague Convention of 1899, Convention II—a version of rules similar to Francis Lieber’s original *General Orders No. 100* were ratified by several nations—including the United States—and were adopted by a second

¹⁷⁰ General Order 82 and 85 read as follows: “Men [who are not commissioned, part of an organized army, and who do not fight intermittently] are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates”; War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army . . . If captured, they may suffer death, whether they rise singly, in a small or large band . . . they are not prisoners of war.” Lieber, *Instructions for the Government of Armies*, 26-27.
https://www.loc.gov/rr/frd/Military_Law/Lieber_Collection/pdf/Instructions-gov-armies.pdf (Accessed January 14, 2019).

¹⁷¹ *Ibid.*

¹⁷² Article 21, read: “All troops of the enemy known or discovered to give no quarter in general, or any portion of the army, receive none.” *Ibid.*, 22.

international body, the Institute of International Law.¹⁷³ The rules of both organizations explicitly denounced, without exception, the act of giving no quarter.¹⁷⁴

MacArthur's issuance of an edited form of *General Orders No. 100* took on a different purpose than those adopted internationally—the re-issued orders gave geographically-scattered subordinates the power to meet the violent insurgency with a malleable set of rules. Various local commanders, frustrated by benevolence, had already implemented measures that selected sections of *General Orders No. 100* were construed to cover, including the burning of homes and villages. One officer had ordered, “the killing of any man found near a telegraph line or out on the road at night[,]” after an army-issued curfew and for food and crops to be destroyed and restricted in rebel-controlled areas.¹⁷⁵ MacArthur had implemented a system of rules that later insulated the U.S. Army and its higher-ranking officers from criminal liability. The men who actually got their hands dirty meeting their commander's orders in the field were often afforded less legal leeway. MacArthur coupled legal harshness with a gradual increase in native

¹⁷³ Articles 9, part ‘b’ of the Institute of International Law at Oxford on September 9, 1880 stated, “It is forbidden to . . . declare in advance that quarter will not be given, even by those who do not ask it for themselves.” Dietrich Schindler and Jiri Toman, “*The Laws of War on Land. Oxford, 9 September 1880,*” *The Laws of Armed Conflicts a Collection of Conventions, Resolutions, and Other Documents* (Leiden: Martinus Nijhoff Publisher, 2004), 29-40, <https://ebookcentral.proquest.com/lib/templeuniv-ebooks/reader.action?docID=3003991#> (Accessed January 17, 2019); Herbert Whittaker Briggs, “David Dudley Field and the Codification of International Law,” quoted in *Livre Du Centenaire, 1873-1973: Evolution et Perspectives du Droit International* (Bale, S. Karger, 1973), 67-73, <http://www.idi-iil.org/app/uploads/2017/06/Dudley-field-p67-73-livre-du-centenaire-1873-1973-Briggs.pdf>. (Accessed January 12, 2019).

¹⁷⁴ Ibid.

¹⁷⁵ Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 127-28.

forces—initially as a reluctant effort to overcome the lack of soldiers—and for the gathering of intelligence.¹⁷⁶

The Army enlisted natives as auxiliaries, taking advantage of tribal differences, much as it had done during the Indian Wars.¹⁷⁷ This practice exploited natural fractures within Aguinaldo’s unification effort and helped the U.S. Army obtain informants, spies, and scouts willing to work with its soldiers. These collaborators became essential in gaining intelligence and capturing or killing Filipino insurgents.¹⁷⁸ MacArthur’s successes, and those of other American commanders throughout the war, included capturing of enemy documents and enticing locals to participate in counterinsurgency. The negative aspect of his policy was a further normalization of racial violence as “local auxiliaries were prone to committing acts of brutality that contravened the achievement of pacification.”¹⁷⁹

American soldiers across the Philippine archipelago also experimented with various methods of torture before and during MacArthur’s tenure. The first documented case occurred on December 27, 1899, and involved Lieutenant Bissell Thomas of the 35th U.S. Volunteer Infantry, who beat two insurgent officers during an interrogation.¹⁸⁰ Other instances of torture by U.S. soldiers alleged several brutal methods, including: hanging

¹⁷⁶ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain*, 2: 1173, 1197; Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 116-19.

¹⁷⁷ Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 116-19.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*, 116.

¹⁸⁰ Einolf, *America in the Philippines*, 43-44.

victims in painful positions, denying prisoners water for several days, strangulation using ropes, and mock executions.¹⁸¹ As the war progressed, the fighting on both sides became more violent. An important idea in recent U.S. counterinsurgency theory—not acknowledged or stressed by most historians of the Philippine-American War—is the inverse relationship between the well-being of American soldiers and the success of a counterinsurgency operation. As counterinsurgency becomes more successful, forces are required to expose themselves to an increasing amount of risk.¹⁸² For U.S. soldiers, this often increased their reliance upon Filipinos for intelligence, security, and governance functions. This increased collaboration signified the growing legitimacy of the American-backed local government. In some instances, the local Filipino *Amigos* American soldiers relied upon and worked with were double agents. The path towards American victory resulted in more suffering for American soldiers and the Philippine people.

American violence, inspired up by racial rhetoric, fueled by terror, and unbound by a lack of discipline manifested itself through increased atrocities. Although terror tactics and torture were never officially sanctioned by Washington or Army headquarters in Manila, officers and enlisted men took advantage of the lack of supervision to enact these methods.¹⁸³ To make matters worse, William Howard Taft wrote to then Secretary of War, Elihu Root in July 1900: “The pacification of the islands seems to depend largely on the character of the military officer in charge of the particular district.”¹⁸⁴

¹⁸¹ Ibid., 43, 46, 50-51, 63.

¹⁸² *U.S. Army Counterinsurgency Handbook*, 1-27.

¹⁸³ Welch, “Atrocities in the Philippines,” 237.

¹⁸⁴ William H. Taft to Elihu Root, (14 July 1900), *William H. Taft Papers*, series 21. Library of Congress, Washington D.C. quoted in Lynn, *The U.S. Army and Counterinsurgency*, 22.

Whether Taft's opinion was well-informed, or he simply wished to antagonize MacArthur is hard to discern, but his observation proved precise. As the war went on, MacArthur's working relationship with Taft deteriorated as each sought more power. Ultimately, MacArthur proved unwilling to relinquish his own power to the civilian government and proved politically obtuse in stark contrast to Taft.¹⁸⁵

Worst of all, MacArthur's tenure proved to be marked by violence. According to Richard Welch, more atrocities were committed after September 1900, when a partial civilian government was instituted, than in earlier periods of unrestricted military rule.¹⁸⁶ While Taft's government contributed to disunity in pacification efforts, the continuation of benevolent policies likely vexed soldiers on the ground. Stories of captive American mutilated by natives, coupled with a general "spirit of lawlessness," made it easier for soldiers to wage bloody war against Filipinos on their own terms.¹⁸⁷ The diary of Private Nelson Bishop, 39th U.S. Volunteer Infantry, described one incident where an officer and enlisted men imposed their own brand of justice on a native. "A native [was] taken from his house and dealt blows from an officer[']s fist and soldiers [sic] guns on suspicion of being guilty of theft."¹⁸⁸ Under the page heading "1900 instances of abuse," Bishop listed an additional 30 atrocities.¹⁸⁹

¹⁸⁵ Long, *The Effect of the Civil-Military Relationship*, 35, 42-43.

¹⁸⁶ Welch, "Atrocities in the Philippines," 236.

¹⁸⁷ Miller, *Benevolent Assimilation*, 188.

¹⁸⁸ Bishop, *Diary/Journal*.

¹⁸⁹ *Ibid.*

Human rights abuses on an even larger scale were evident from the testimony of General James M. Bell, who on May 3, 1901, suggested “One-sixth of the natives of Luzon have either been killed or died of dengue fever in the last two years . . . The loss of life by killing has alone been very great, but . . . not one man has been slain except where his death served a legitimate purpose of war.”¹⁹⁰ Out of an estimated population of 3,727,488 Filipinos, an estimated 616,000 died as the “direct result of war” because of the harsh measures the U.S. Army took during the counterinsurgency.¹⁹¹ Army soldiers and the organization as a whole were complicit in carrying out or allowing certain inhumane acts.

During the same year, in the summer of 1901, a Republican Congressman who visited the Philippines later recounted, “You never hear any disturbances in Northern Luzon . . . the good Lord in heaven only knows the number of Filipinos that were put underground. Our soldiers took no prisoners and kept no records.”¹⁹² One infamous human rights abuse was the water cure. In one instance, this method was used against a Filipino courier caught sending a message between *Generalissimo* Aguinaldo and his brother, Baldermo.¹⁹³ In the water cure, heavily salted water was forced down the throat

¹⁹⁰ General James M. Bell, *New York Times*, May 3, 1901 quoted in Storey and Codman, *Secretary Root's Record*, 26.

¹⁹¹ Ibid.; Elihu Root, *Annual Report of the Secretary of War*, Appendix D (Washington, Government Printing Office, 1901), 153-54.
<https://babel.hathitrust.org/cgi/pt?id=njp.32101047678832;view=1up;seq=184>.

¹⁹² *The Boston Transcript*, March 4, 1902, quoted in Storey and Codman, *Secretary Root's Record*, 27.

¹⁹³ Miller, *Benevolent Assimilation*, 167.

of the victim until the stomach was distended; the torturer then forced the water out of the victim with a physical blow and repeated the process over again.¹⁹⁴

On the American home front, soldiers' accounts of war-related violence and the testimony of witnesses—true, distorted, and false—filled various newspapers. While the realities of the war in the Philippines were far removed from the American public, the savagery depicted in the headlines discredited the civilizing mission. According to Republican Senator George L. Wellington of Maryland, soldiers in the Philippines had “step by step departed [from honorable warfare as recognized by civilized nations] . . . [and] adopted methods of barbarism and savagery such as the wild natives of the unconquered Philippines islands themselves could not approach.”¹⁹⁵ According to Kristin Hoganson, The goals of building masculinity and racial supremacy among American men in the Philippines not only failed but unraveled under the strain of the savage war.¹⁹⁶ By late 1901, the will of the public to support the war began to falter. The U.S. Army watched as political support for their mission began buckling.

American soldiers inflicted acts of violence not only on Filipinos but also on their own bodies. As reported in official casualty returns, suicides occurred throughout much of the war. Some soldiers were reported as “Killed by comrade,” a category distinct from

¹⁹⁴ The water cure, as described by Miller, likely varied among its users. Miller, *Benevolent Assimilation*, 251.

¹⁹⁵ Fifty-Seventh Congress, Session II, George L. Wellington. Congressional Record, 5723. May 21, 1902. <https://www.govinfo.gov/content/pkg/GPO-CRECB-1902-pt6-v35/pdf/GPO-CRECB-1902-pt6-v35-10.pdf> quoted in Hoganson, *Fighting for American Manhood*, 183.

¹⁹⁶ Hoganson, *Fighting for American Manhood*, 200-05.

accidental deaths, implying murder.¹⁹⁷ In January 1900, the Deputy Surgeon General and Chief Surgeon in the Philippines, Lieutenant Colonel A.A. Woodhill, revealed, “Self-inflicted wounds of the hands and occasionally of the feet, claimed to be accidental, usually occurring on outpost, are so frequent that I have the honor to suggest that all such cases be carefully investigated.”¹⁹⁸ Officers and enlisted men who received injuries preventing them from returning to active duty, refused to submit to non-life threatening medical treatment or surgical procedures. In early November 1900, the army issued General Order 118, reminding a growing number of soldiers that they were guilty of “willfully avoiding treatment the object of which is to enable him [a soldier] to perform the duties for which he enlisted” and, therefore, were subject to being court-martialed.¹⁹⁹ Soldiers refusing medical assistance, instances of self-maiming in order to gain a medical discharge, and even committing suicide reflected the mental duress that broke the well-being of American soldiers. One officer even inflicted violence on his own men. On September 16, 1900, MacArthur reported to Washington about a captain who was killed by a private in self-defense, “Charles McQuiston, captain, fourth infantry, died yesterday [in Cavite Province from a gunshot wound] . . . Captain McQuiston [became temporarily insane and] attacked men of [his company, he] shot one or more, [and then] was shot

¹⁹⁷ United States Adjutant-General’s Office, *Correspondence Relating to The War with Spain*, 2: 1201, 1205, 1208, 1210, 1213, 1216, 1232-33, 1242.

¹⁹⁸ United States Army Department of the Pacific and Eighth Army Corps Headquarters, “Circular No. 3,” *General Orders and Circulars*, 104.

¹⁹⁹ United States Army Department of the Pacific and Eighth Army Corps Headquarters, “General Orders No. 118,” *General Orders and Circulars*, 526.

himself.”²⁰⁰ The army increasingly relied upon punitive measures as hostilities persisted. The counterinsurgency not only consumed the lives of the Filipino people, but that of the conquering army itself. The breakdown of discipline in the U.S. Army had simply broken soldiers. The last campaigns in Samar and the “Tagalog heartland” of Southwestern Luzon in August 1901 to 1902 proved to be the apex of violence.²⁰¹

On September 28, 1901, a devastating surprise attack on a company of the 9th U.S. Infantry garrisoned in Balangia, Samar, shocked the U.S. Army. Major General Adna Chaffee, who had replaced MacArthur in July, blamed humanitarianism for the “slaughter.”²⁰² Under his command, violence became the order of the day for American soldiers tasked with winning the remaining unpacified regions of the Philippines. In so doing, Chaffee arguably diminished the American public’s will to finish the bloody task of empire-building. American troops’ reaction towards Filipinos had completely shifted from an idealistic sense of benevolence to one of intense racial hatred. The imperative for many American soldiers became placing their boots on the throats of Filipinos rather than extending helping hands.

By the time General Chaffee took command of the U.S. Army in the Philippines, Washington had clearly defined the role of civil and military authority—the administration streamlined its grand strategy by removing many functions of the state

²⁰⁰ United States Adjutant-General’s Office. *Correspondence Relating to The War with Spain 2*: 1209.

²⁰¹ Linn, *The Philippine War*, 327-28. The phrase “Tagalog heartland” was used by Linn to describe the areas where Filipinos of the Tagalog ethnicity in the Second Military District including the providences of Batangas, Laguna, and Cavite in southern Luzon. Linn, *U.S. Army and Counterinsurgency in the Philippine War*, 120.

²⁰² Millett, Maslowski, and Feis, *For the Common Defense*, 279.

from the U.S. Army. Since June 1901, William H. Taft operated as the civil governor of the Insular Government, leaving Chaffee to command the army for the sole purpose of pacifying the remaining regions. The accelerated creation of the Insular government and re-designation of the army for military duties was a purely political decision. Rather than a response to the disunity in effort that existed in the Philippines, Taft's well-placed political pressure on the McKinley administration and MacArthur's poor relationship with Washington resulted in the decision to hasten the turnover to civilian rule.²⁰³ Chaffee's goal became pacifying the unconquered regions of the Philippines—and to do so with fewer soldiers than provided to MacArthur.²⁰⁴

One of Chaffee's first decisions was to dismantle Otis's department-district system and divide the Division of the Philippines into two departments: the Department of Northern Philippines, which was Luzon, and the Department of the Southern Philippines, which included every area of operation except Luzon.²⁰⁵ Subordinate to the two departments were seven "Separate Brigades" that spearheaded the mission of pacification by military force.²⁰⁶ Historians generally agree that Chaffee's tenure was defined by his reliance on the harsh use of military force and an end to army policies of benevolence. The main goal was for U.S. soldiers to attack insurgents' operational centers of gravity in order to destroy the guerrillas' abilities to equip, support, and sustain

²⁰³ Long, *The Effect of the Civil-Military Relationship*, 36-37.

²⁰⁴ *Ibid.*

²⁰⁵ Lynn, *Philippine War*, 219.

²⁰⁶ *Ibid.*, 218-19.

irregular military forces.²⁰⁷ Chaffee's subordinates, particularly Brigadier Generals James Franklin Bell and Jacob H. Smith, embodied the most influential application of this strategy. Taft continued to work towards the objective of Benevolent Assimilation, while Chaffee promoted an environment of harsh pacification at all cost.²⁰⁸

In September, Chaffee and Taft received a new commander-in-chief, President Theodore Roosevelt, following President McKinley's assassination.²⁰⁹ Early on, unity of effort again seemed in peril as Roosevelt wrote Chaffee in response to a jurisdictional dispute between military and civil authorities: "I am deeply chagrined, to use the mildest possible term, over trouble between yourself and Taft. I wish you to see him personally and spare no effort to secure [a prompt and friendly agreement . . . I trust you will both reach an agreement]."²¹⁰ In this strained environment, visions on how to win the war and the peace blurred.

Generals Smith and Bell theoretically employed the same methods for combating the insurgency in their respective districts. On the Island of Samar, Smith was tasked with destroying the forces of Vicente Lukban, mastermind of the Balangiga attack, while Bell was to end the resistance in the "Tagalog heartland" of Southwest Luzon.²¹¹ To achieve

²⁰⁷ Deady, "Lessons from a Successful Counterinsurgency," 58.

²⁰⁸ "What had been good for American secessionists [in the Loudoun Valley during the Civil War], Chaffee held, was certainly good for [Filipino] Asians who, in his opinion, placed so little value on human life that they could be brought to their sense only by a strong demonstration of force." Birtle, *U.S. Army Counterinsurgency and Contingency Operations Doctrine*, 133.

²⁰⁹ Miller, *Benevolent Assimilation*, 197.

²¹⁰ Theodore Roosevelt wrote Chaffee on October 8, 1901. United States Adjutant-General's Office. *Correspondence Relating to The War with Spain*, 2: 1297.

²¹¹ Robert Ramsey III, *A Masterpiece of Counterinsurgency Warfare*, US Army Combined Arms Center (Fort Leavenworth: Combat Studies Institute Press, 2007), 5 <https://www.armyupress.army.mil/Portals/7/combat-studies-institute/csi-books/ramseyop25.pdf> (Accessed January 11, 2019).

this goal, Smith and Bell needed to defeat combatants, expose their auxiliaries, and compel the populations to end all support to the insurgency.²¹² The generals developed two distinct strategies as exemplified by their orders. Both sets of orders were approved by Chaffee and the War Department without requiring any revisions.²¹³

General Smith was placed in charge of the 6th Separate Brigade and tasked with mopping up resistance in Samar. Chaffee elevated reprisal over responsible command by choosing Smith to lead the counterinsurgency without explicit instructions. Smith's past career—which included two courts martial for insubordination—and his propensity for using extralegal violence—foreshadowed his actions in the Philippines.²¹⁴ Following the attack on Balangiga, Smith issued two infamous orders. The first was directed towards his subordinate officers:

The policy to be pursued in this brigade will be to wage war in the sharpest and most decisive manner possible . . . every native whether in arms or living in the Pueblos will be regarded and treated as an enemy until he has conclusively shown that he is a friend . . . Neutrality must not be tolerated . . . if not an active friend, he is an open enemy.²¹⁵

Smith issued his most infamous command to Major Littleton W.T. Waller of the U.S. Marines: “I want no prisoners. I wish you to burn and kill; the more you burn and

²¹² Auxiliaries are active sympathizers of an insurgency who provide important support services including storing supplies, operating safehouses, gathering intelligence, acting as couriers, and providing funds; “Insurgents must be [i]solated from [t]heir [c]ause and [s]upport.” *U.S. Army Counterinsurgency Handbook*, 1-12, 1-23.

²¹³ Storey and Codman, *Secretary Root's Record*, 98.

²¹⁴ Linn, *Philippine War*, 312-13.

²¹⁵ U.S. Congress, House of Representatives, Fifty-Seventh Congress, Session II, Document No.2, Vol. 12, 188 quoted in Sexton, *Soldiers in the Sun*, 273.

kill, the more you will please me.”²¹⁶ While Smith’s first directive was arguably covered by *General Orders No. 100*, his orders to Major Waller represented a clear violation of the laws of war. In the 6th Separate Brigade’s circulars composed by Captain W.E. Ayers, Adjutant of the 12th Infantry, General Smith failed to instill his subordinates with any purpose beyond engaging in combat.²¹⁷ When questioned whether units under his command were using the water cure in March 1902, Smith issued a response to his men.²¹⁸ In this circular, Smith stipulated that if the water cure had occurred, “such action must cease.” Rather than stressing the necessity of treating the Filipinos humanely, he commanded, “All officers are enjoined to see that the natives are always treated in such a manner . . . that said treatment can not [sic] be criticised [sic] by any one.”²¹⁹ Furthermore, Smith’s orders to Major Waller reinforced the racist rhetoric of annihilation and retaliation that reverberated after Balangiga. As a result, General Smith’s counterinsurgency was defined by the racially motivated violence committed by soldiers under his command.

General Bell and his subordinates in the 3rd Separate Brigade fought a harsh war that primarily followed the letter of the laws of war. Where other generals issued

²¹⁶ *Secretary Root’s Record* quoted in Sexton, *Soldiers in the Sun*, 273.

²¹⁷ U.S. Congress, House of Representatives, Fifty-Seventh Congress, Session II, Document No.2, “Annual Reports of the War Department, Report of the Lieutenant-General Commanding the Army and Department Commanders,” *United States Congressional Serial Set*, No.. 4451, IX (Washington, D.C.: Government Printing Office, 1902), 206-14, 218-19, 222-23. [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b6628038;view=1up;seq=11](https://babel.hathitrust.org/cgi/pt?id=uc1.$b6628038;view=1up;seq=11) (Accessed January 11, 2019).

²¹⁸ *Ibid.*, 214.

²¹⁹ *Ibid.*

dangerously ambiguous commands, Bell phrased his orders with tact.²²⁰ He was the first general to stress the importance of political objectives, directing commanders to operate methodically and within the rule of law. Bell's counterinsurgency campaign, as documented by his telegraphic circulars, embraced a series of harsh policies aimed at stamping out the insurgency in Southwestern Luzon.²²¹

Although Bell was among the most professional and competent commanders during the Philippine-American War, his efforts to promote discipline and the rule of law did not end human rights abuses during his campaign. Rather, Bell's rules of engagement included practices that violated human rights and undermined the spirit of civil laws Americans were selling to the Filipino people. These practices included the execution of civilians by right of retaliation, the destruction of property in the name of military necessity and retaliation, the resettlement of civilians in policed zones of concentration, the impressment of civilians for forced labor, and the strict control of food and supplies to civilians.²²²

On December 8, 1901, Bell ordered garrison commanders to establish clearly marked areas that were easily defensible by each command's troops.²²³ Local Filipinos living outside these defended perimeters were informed that they had until December 25,

²²⁰ Bell, J. Franklin "Telegraphic Circulars and General Orders Regulating Campaign Against Insurgents and Proclamations and Circular Letters Relating to Reconstructions after Close of War in the Provinces of Batangas, Laguna and Mindoro, Philippines Island." Headquarters, Third Separate Brigade, December 1, 1902 quoted in Ramsey III, *A Masterpiece of Counter guerrilla Warfare*, 45-116.

²²¹ Ibid.

²²² Ibid., 113, 83.

²²³ Gates, *Schoolbooks and Krags*, 259.

1901, to move.²²⁴ They were to either relocate into a protected zone or stay with the understanding their property stood the risk of being confiscated or destroyed.²²⁵ Using contemporary terminology, Bell's policy of concentration had several objectives: garrison commanders attempted to separate local inhabitants from guerrillas by creating two separate operational zones within their areas of command. The soldiers within the protective zone focused on security and public works projects. Soldiers outside these zones conducted relentless patrols against the enemy and destroyed their supplies, gathered intelligence, and captured or killed insurgents.²²⁶ Evaluating Bell's policy of concentration requires historians to consider the general's decision-making as well as similar events occurring before and during the Philippine-American War. A "successful" policy of concentration was used by Commander-in-Chief Lord Horatio Kitchener during the South African War that raged between Afrikaner guerrillas and the British Empire from 1899 to 1902. This may have inspired Bell's policy in the Philippines.²²⁷ History also offered the negative outcome of Spanish concentration policy. General Valeriano Weyler's earlier *reconcentración* policy in Cuba during the Cuban War of Independence (1895-1898)—which mirrored Lord Kitchener's later strategy—devastated the Cuban

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ *U.S. Army Counterinsurgency Manual*, Glossary-3.

²²⁷ Many politicians followed the South African War closely, including Senator Henry Cabot Lodge, who wrote Theodore Roosevelt on December 16, 1899, "England was having a tough time in Transvaal" and remarked—viewing the war in terms of race, rather than conventional verse guerrilla warfare—that the British "had forgotten how White men fight." Henry Cabot Lodge, *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918* (New York: Charles Scribner's Sons, 1925), 1:429.

population and galvanized anti-Spanish feelings in America before the start of the Spanish-American War.²²⁸ Bell's policy unintentionally mimicked the horrors of the Spanish concentration policy, which earlier, President McKinley denounced as "not civilized warfare . . . [but] extermination."²²⁹

General Chaffee embraced a tough militant tone that resonated with his troops. His statements—calling for a harsh war against an untrustworthy population—captured the sentiments of many seasoned American soldiers and marines in the Philippines. A rhetoric of violence finally bridged the ideological gap between headquarters and many in the field. For General Smith, mopping up insurgents in Samar meant relatively unrestricted reprisal. For General Bell, Chaffee's aims were best served by discipline and the controlled use of inhumane violence under the auspices of *General Orders No. 100*. Chaffee, Smith, and Bell's actions combined with existing conditions to create the most violent phase of the war. In defense of Smith's brutal campaign, Chaffee argued that troops in Samar had to "surmount apparently impossible physical difficulties" while withstanding "prolonged mental strain" from the "apprehension of ambush made possible at every step through the tropical jungle." He concluded that only the soldiers and marines who "actually participated in the work of hunting for the enemy in "the pathless wilderness of the Island" could understand the realities of the war in Samar.²³⁰ Chaffee's conclusion about Samar could apply to his view of the entire counterinsurgency during

²²⁸ Miller, *Benevolent Assimilation*, 9-11.

²²⁹ Storey and Codman, *Secretary Root's Record*, 94.

²³⁰ U.S. Congress, House of Representatives, Fifty-Seventh Congress, Session II, Document No. 2, "Annual Reports of the War Department, Report of the Lieutenant-General Commanding the Army and Department Commanders," 189.

his command. Chaffee's failure to control the narrative also meant that stories of heightened violence reached the American public. As a result, pressure was placed on the Roosevelt Administration and its imperialist allies to answer for the horrors of the war.

CHAPTER 4:

INTER ARMA SILENT LEGES: THE LODGE COMMITTEE INVESTIGATION ON AMERICAN MILITARY CONDUCT IN THE PHILIPPINES AND U.S. ARMY COURTS MARTIAL

These people [of the Philippines] are given to us as children, to lead them out of their childhood into manhood. They were docile and affectionate in the beginning. But they needed your kindness and justice, and a respect in them for . . . the rights we had declared always were inherent in all mankind. You[, Mr. President,] preferred force to kindness, and power to justice . . . You held an attitude toward [them] which you hold to no strong or to no civilized power.²³¹

- Senator George Hoar, May 22, 1902.

While human rights abuse occurred earlier in the war, the violations reported by newspapers during General Chaffee's tenure outraged large segments of the American public. Dissatisfaction had reached a boiling point as soldiers' letters, negative press accounts of the war, and court-martials continued to be published in newsprint.²³² As a result, an investigation into American atrocities in the Philippines became an important domestic issue. Rather than a moment of reflection or culpability, the investigation became an act of whitewashing human rights accusations on the national stage.

Senator Henry Cabot Lodge—under pressure from his fellow Republican senator from Massachusetts, George Frisbie Hoar—introduced a resolution in the Senate to empower the Committee on the Philippines to investigate accusations of misconduct

²³¹ George F. Hoar, *The Attempt to Subjugate a People Striving for Freedom, Not the American Soldier, Responsible for Cruelties in the Philippine Islands: Speech of Hon. George F. Hoar, of Massachusetts, in the Senate of the United States, May 22, 1902.* (Washington, D.C.: Government Printing Office, 1902), 33-34, <https://hdl.handle.net/2027/hvd.32044086965712> (Accessed Jan 17, 2019).

²³² Hoganson, *Fighting for American Manhood*, 184, 193-94.

during the war on January 28, 1902.²³³ From January 31 until June 28, 1902, the committee gathered testimony that reached the American public. The investigation proved to be a political contest of wills. Senator Lodge, the chairman of the committee and an imperialist, and members of the Roosevelt administration led a “determined counteroffensive” in the form of War Department reports against the wave of anti-imperialist publicity.²³⁴ The war became politically divisive. In February 1902, Democratic senators Benjamin Tillman and John L. McLaurin of South Carolina erupted into a fistfight on the Senate floor over an accusation that McLaurin had been corrupted into voting for the ratification of the 1898 Treaty of Paris.²³⁵

From the onset, the scheduled committee hearings seemed strategically balanced in favor of the imperialists. Among the testimony of soldiers, the committee had also invited several well-known advocates of the administration’s stance including George Dewey, Elwell Otis, and William Howard Taft while avoiding the testimony of any Filipino. Although the supporters of imperialism were successful in limiting the effectiveness of the hearings, information that did come through proved to be a liability for the administration. Admiral Dewey publicly revealed that the battle for Manila had been staged and characterized the Filipinos as “more capable of self-government than the Cubans.” General Otis, an early hero of the American imperialist movement, curtly

²³³ Henry F. Graff, ed., *American Imperialism and the Philippine Insurrection: Testimony Taken from the Hearing on Affairs in the Philippine Islands Before the Senate Committee on the Philippines—1902* (Boston: Little, Brown and Company, 1969), xv-xvi.

²³⁴ Kramer, *The Blood of Government*, 146.

²³⁵ “Senators Fight on the Senate Floor,” *The New York Times* (February 23, 1902), <https://search-proquest-com.libproxy.temple.edu/docview/96241018?accountid=14270> (Accessed January 18, 2019).

avoided inquiry. Governor Taft—to the embarrassment of the administration—admitted that Filipinos were tortured.²³⁶ To make matters worse, Taft had joked, “There are some rather amusing instances of Filipinos who came in and said they would not say anything until tortured; that they must have an excuse for saying what they proposed to say.”²³⁷ Thanks to disclosures like these, imperialists failed to regain the benevolent narrative that had influenced Americans to support the imperialist endeavor in the Philippines.

An unflattering narrative of the Philippine-American War unfolded before the public’s eyes. Soldiers had committed horrific acts against the Filipino people. The war had not boosted American pride or the character of its men, but instead had tarnished the nation and tragically corrupted its previously idealized soldiers. The Lodge Committee hearings made it clear the U.S. Army had to respond further to substantial allegations of atrocities. Throughout the war, the army had court-martialed soldiers for a range of mild and serious crimes. Unlike previous court-martial cases, the publicly prominent allegations, made by soldiers and officials, put the institutional character of the U.S. Army at stake. Several courts martial were pursued by the U.S. Army to save the integrity of its public image. The most important of these cases in 1902 included: Major Littleton W.T. Waller, First Lieutenant John H. Day, Brigadier General Jacob H. Smith, and Major Edwin F. Glenn. Prior to the trials of these four men, newspaper accounts of human rights violations committed by American soldiers did little to hold the public’s attention.

In late 1901, one of Smith’s subordinates, Major Waller, decided to organize a reconnaissance mission in Samar composed of 6 officers, 50 Marines and more than 30

²³⁶ Graff, ed. *American Imperialism and the Philippine Insurrection*, 2-3, 31-34, 92-93.

²³⁷ *Ibid.*, 92-93.

Filipino carriers and scouts.²³⁸ The group suffered from disorientation, sickness, and the loss of several healthier members, who split off to return back to where the mission started.²³⁹ After 11 Marines disappeared from the remaining group, a fever-stricken Major Waller ordered Lieutenant J.H.A. Day to execute the same number of Filipinos in his custody by firing squad in retaliation. Waller assumed the Marines had fallen victim to Filipino treachery.²⁴⁰ In March 1902, following a public outcry, Major Waller and Lieutenant Day went before a general court-martial. Waller was charged with murder committed “willingfully, feloniously, and with malice afterthought.”²⁴¹ Day was charged with carrying out the unlawful execution.²⁴² The court acquitted both men despite the outrage of the reviewing authority, General Chaffee.²⁴³

While Chaffee’s review did not carry any legal weight, his finding revealed a dangerous flaw in U.S. Army strategy. His arguments for why Waller and Day were guilty did not rest upon their clear violation of written laws of war, but on their lack of professional discretion as officers. In Waller’s case, Chaffee argued that although the

²³⁸ Guénaél Mettraux, “US Courts-Martial and the Armed Conflict in the Philippines (1899-1902): Their Contribution to National Case Law on War Crimes,” *Journal of International Criminal Justice* 1 (April 2003): 136, <https://doi.org/10.1093/jicj/1.1.135> (Accessed January 1, 2019).

²³⁹ Ibid.

²⁴⁰ Ibid., 136-37.

²⁴¹ Ibid., 137; in *A Digest of Opinions of the Judge Advocate General*, under the subtitle “Murder” Winthrop wrote, “The taking of the life of a prisoner of war, when not concerting an escape or engaging in any violence or breach of discipline justifying such an extreme measure, is as fully murder, as could be any homicide committed with deliberate malice in time of peace.” Winthrop, *A Digest of Opinions*, 484.

²⁴² Mettraux, “US Courts-Martial,” 136-138.

²⁴³ Ibid.

laws of war “rested with the discretion of any commanding officer,” they do not allow an officer “upon the dictates of his own will” to “inflict death upon helpless prisoners committed to his care.”²⁴⁴ Soldiers had a responsibility to follow the written laws of war. They were legally required to obey lawful orders but also to disobey unlawful ones. According to Chaffee’s review of Day’s case, the lieutenant should not have been acquitted because “the order which he received and the circumstances under which it was given” should have led Day to “question its legality and to disobey that order.”²⁴⁵ General Smith’s orders to “burn and kill” were introduced during Waller’s trial, but were not linked to his plea of innocence.²⁴⁶

In stark contrast to General Chaffee’s findings, Winthrop’s *A Digest of Opinions of the Judge Advocate General of the Army* recommended, “The order of a proper superior is to be presumed to be lawful, and should be obeyed, where it is not clearly and obviously in convention of law.”²⁴⁷ Winthrop further wrote, “Unless illegality is unquestionable, he should obey first, and seek redress, if entitled to any, afterwards.”²⁴⁸ A review of *General Orders No. 100* suggests that Major Waller’s command to execute 11 Filipino men may not have been unquestionably illegal. Articles 27 and 28 state that the careful use of retaliation is condoned; a commander has the power to retaliate as a means of last resort against a “reckless enemy” in order to “secur[e] himself against the

²⁴⁴ Ibid., 138.

²⁴⁵ Ibid., 139.

²⁴⁶ Ibid., 137.

²⁴⁷ Article 22 of the *Articles of War* in Winthrop, *A Digest of Opinions*, 33.

²⁴⁸ Ibid.

repetition of barbarous outrage.”²⁴⁹ Article 28 only stipulates that the act of retaliation requires a “careful inquiry” into the “real occurrence, and the character of the misdeeds” prior to its use.²⁵⁰ *General Orders No. 100* contained legal ambiguity that required clarification. The most pressing issues included the unclear legal status of Filipino rebels and the line between waging a harsh war against insurgents and their civilian auxiliaries versus respecting human rights and considering the political ramifications of their military operations.

The American public was incensed by the acquittals of Waller and Day, in addition to evidence that General Smith had issued “inflammatory orders.”²⁵¹ In response, from April 24 until May 3, 1902, Smith faced a general court martial for his draconian orders—instructing Major Waller to burn, kill, and give no quarter to Filipinos in Samar.²⁵² Despite the court’s inability to prove the general’s orders led directly to any crime, he was found guilty under the charge of “conduct unbecoming an officer” for giving orders that violated *General Orders No. 100*’s explicit condemnation against giving no quarter.²⁵³ The sentence required immediate and complete dismissal from the U.S. Army. Instead, President Roosevelt retired the general.²⁵⁴

²⁴⁹ Lieber, *Instructions for the Government of Armies of the United States in the Field*, 10-11.

²⁵⁰ *Ibid.*, 11.

²⁵¹ Mettraux, “US Courts-Martial,” 139.

²⁵² *Ibid.*

²⁵³ *Ibid.*, 139, 141.

²⁵⁴ Mettraux, “US Courts-Martial,” 143; Article 61 of the *Articles of War*, Winthrop, *A Digest of Opinions*, 64.

General Chaffee and his subordinate, General Smith failed to follow up on their orders with clearer rules of engagement—directives that explicitly specified procedures and limitations on the use of force. In his review of the case, Judge Advocate General George B. Davis commented on the court’s rulings on General Smith, and his subordinates, Major Waller and Lieutenant Day. He argued that although Smith had committed an offense by issuing commands that violated *General Orders No.100*, the laws of war truly governed his subordinate’s actions. Jurors followed Winthrop’s legal interpretation and placed ethical responsibility upon the officers.²⁵⁵ This lack of consensus among the jurors and the Judge Advocate General regarding the rules of war, army regulations, and professional responsibility of the officer reflected a problem that plagued the army since the counterinsurgency began. The campaigns to pacify the Philippines were conducted on a weak legal foundation. To make matters worse, many soldiers failed to consider the rules of war and the army’s regulations.

Another consequential court martial involving human rights violations was that of Major Edwin F. Glenn, a former captain of the 25th U.S. Infantry. His trial embodied a “telling” response by the U.S. Army and Washington when faced with an undeniable act of torture that clearly violated the rules of war. Glenn became infamous for administering a mobile team of “water cure experts” in Leyte and Samar unofficially known as “Glenn’s Brigade.”²⁵⁶ Despite the fact that the team was rumored to have widely used

²⁵⁵ Winthrop, *A Digest of Opinions*, 32-33.

²⁵⁶ Witt, *Lincoln's Code*, 359.

this method, Major Glenn was charged with the minor offense of “conduct to the prejudice of good order and military discipline” for only one particularly incident.²⁵⁷

On November 27, 1900, soldiers under Glenn’s direction had administered the water cure to Joviano Ealdama, the mayor of Igaras, in Panay.²⁵⁸ Glenn, a military lawyer by training, argued that he acted legally and under the justification of military necessity.²⁵⁹ The court found Glenn guilty but gave him a light sentence in acknowledgement that military necessity motivated his actions.²⁶⁰ He was ordered to “be suspended from command for a period of one month” and to pay fifty dollars.²⁶¹ Judge Advocate General Davis objected to the court’s findings, arguing that Glenn had violated the rules of war against torture that explicitly prohibited such practices in all cases.²⁶² Despite this, the judge recommended no further action citing that hostilities had ended and “public interests” were best served by the original sentence.²⁶³ Ultimately—following the ritual of the Senate investigation—few of those involved in the human

²⁵⁷ Mettraux, “US Courts-Martial,” 143.

²⁵⁸ Allan W. Vestal, “The First Wartime Water Torture by Americans,” *Maine Law Review* 69 (January 2017): 5, <https://digitalcommons.mainerlaw.maine.edu/cgi/viewcontent.cgi?article=1149&context=mlr>, (Accessed January 11, 2019).

²⁵⁹ Mettraux, “US Courts-Martial,” 143.

²⁶⁰ *Ibid.*, 143-44.

²⁶¹ United States. Congress. Senate. *Trials of Court-Martial in the Philippines Islands in Consequences of Certain Instructions*. Fifty-Seventh Congress. II Section. Document 213. (Washington, D.C.: Government Printing Office, 1903), 27 quoted in Mettraux, “US Courts-Martial,” 144.

²⁶² Mettraux, “US Courts-Martial,” 144-45.

²⁶³ *Ibid.*, 145.

rights abuses received punished from the federal government or army. Faced with the impact human rights abuses had on race and discipline domestically, members of the Lodge Committee, the U.S. Army, and the White House conducted damage control by whitewashing human rights allegations. Only the war's continuation posed a threat to narratives of success. Despite continuing conflict with the Moro tribes in Mindanao, the Sulu Archipelago, and small remnants of armed resistance elsewhere, President Roosevelt triumphantly announced the end of the Philippine-American War on July 4, 1902.²⁶⁴ With a stroke of the pen, the “civilizing” mission abruptly ended.

²⁶⁴ U.S. Presidential, Proclamation, Theodore Roosevelt, “Proclamation 483: Granting Pardon and Amnesty to Participants in Insurrection in Philippines, Proclamation 483 of July 4, 1902,” *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=69569> (Accessed January 10, 2019).

CHAPTER 5:

CONCLUSION:

THE AFTERMATH OF THE WAR

[The] war was not just a military campaign but also a parable . . . There were lessons of honor and courage, of compassion and sacrifice. And then there was the saddest lesson . . . that war is corrupting, that it corrodes the soul and tarnishes the spirit, that even the excellent and superior can be defiled, and that no heart would remain unstained.²⁶⁵

- Rich Atkinson, *Days of Battle*.

The Philippine-American War offered Americans a glimpse of their true national character—that their most lauded principles of freedom and liberty came second to American and Anglo-Saxon hegemony. America’s experiment in imperialism and the methods by which the army “civilized” Filipinos indicated that the nation did not always inhabit the moral high ground. Many of President McKinley’s idealized perceptions of America’s exportable values did not truly exist. He had declared the United States would protect the “full measure of individual rights,” including Filipinos’ personal rights, their homes and careers, but America could not even deliver on such promises to all its own citizens.²⁶⁶ In 1875, the Supreme Court ruled in *Kohl v. United States* that the government could seize private property through the use of “eminent domain,” requiring only that the owner received “just compensation.”²⁶⁷ Another Supreme Court decision in

²⁶⁵ Rich Atkinson, *Days of Battle: The War in Sicily and Italy 1943-1944* (New York: Henry Holt and Company, 2007), 121.

²⁶⁶ U.S. Presidential, Executive Order, William McKinley, “Executive Order, Dec 21, 1898,” *American Presidency Project*, <https://www.presidency.ucsb.edu/node/205913> (Accessed January 8, 2019).

²⁶⁷ Supreme Court of the United States. *Kohl v. United States*, 91 U.S. 367, 371 (1875), <https://www.justice.gov/enrd/history-federal-use-eminent-domain> (Accessed January 11, 2019).

1896, *Plessy v. Ferguson*, codified the right for states to deny African Americans equal rights under the guise of “separate but equal.”²⁶⁸ Federal and state governments could legally deny rights to some citizens and take away the properties and homes of any citizen under their jurisdiction. When illegal acts of ethnic or racial violence occurred, the government often failed to uphold fair justice under the law. During the late-nineteenth and early-twentieth centuries, the Industrial Revolution, coupled with limited government interference, brought an almost untethered iteration of capitalism into American society. The economic and technological boom of the Gilded Era introduced a growing number of Americans to a higher standard of living. The Faustian bargain—an under-regulated market in exchange for soaring economic growth—came at the cost of increased market instability and growing exploitation of human beings on a national scale. Workers throughout America had few, if any, legal rights in the face of growing industries.²⁶⁹ For many, the refuge of racial superiority now failed to quell the growing class struggle.²⁷⁰ The Philippines offered Americans an arena in which to reconcile their contradictory

²⁶⁸ Supreme Court of the United States. *U.S. Reports: Plessy v. Ferguson*, 163 U.S. 537 (1895), <https://www.loc.gov/item/usrep163537/> (Accessed January 11, 2019).

²⁶⁹ “There were almost no rules dealing with the inevitable conflict between labor and management . . . because management was in a far better position to influence government at this time, government almost always came down on the side of companies in a crisis.” John Steele Gordon, *An Empire of Wealth: The Epic History of American Economic Power* (New York: Harper Perennial, 2004), 252, 257-63.

²⁷⁰ “While the region’s new upper class of planters, merchants and industrialists prospered, the majority of Southerners of both races sank deeper and deeper into poverty. For Southern yeomen, the restoration of white supremacy brought few economic awards.” Eric Foner, *A Short History of Reconstruction* (New York: Harper Perennial, 1990), 251; “[Racism was created following Bacon’s Rebellion as to] separate dangerous free whites from dangerous slave blacks by a screen of racial contempt.” Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Company, 1975), 328; Hothersall, *History of Psychology*, 316-17, 319-21.

beliefs in Republican democracy, Anglo Saxon supremacy, and capitalist productivity. Instead, gender insecurities, racial prejudices, and the exploitative nature of capitalism contributed to the infliction of violence upon the population of the Philippines. Ironically, President McKinley's words that best summed up America by the end of the Philippine-American War were not about freedom, but force: "There must be sedulously maintained the strong arm of authority, to repress disturbance and overcome all obstacles [in order to bestow the blessings of a good and stable government.]"²⁷¹ This strong arm of authority had operated in the United States. It had put down domestic strikes by force, asserted racial supremacy at home and extended its reach past U.S. borders for the benefit of commerce and in the name of defense.²⁷²

The war failed to transform the Philippines—and the United States—in the manner many Americans had initially hoped. The war ended in 1902, apart from the Moro provinces in Mindanao and the Sulu Archipelago. The Lodge Committee hearings—rather than an examination of American military conduct in the Philippines—became an exercise in damage control for the Roosevelt administration and imperialists. The war ended with amnesty for U.S. soldiers who violated the human rights of Filipinos, signaling the demise of public interest in what had transpired. Four years later, one of the

²⁷¹ William McKinley, "Executive Order, Dec 21, 1898."

²⁷² Hyde's narrative of the American West depicts strong networks of power were developed through kinship. By 1860, these familial networks were replaced by racial ideology, which dismantled the old networks and stronger centralized government control. Anne F. Hyde, *Empires, Nations and Families: A New History of the North American West* (Lincoln: University of Nebraska Press, 2011), 16; Hoganson also identified American consumers as agents of imperialism and neo-imperialism. "Exporters, investors, missionaries, and militarists were not the only groups with an interest in empire; countless middle-class Americans had quite a lot at stake as well. "Kristin Hoganson, "Buying into Empire: American Consumption at the Turn of the Twentieth Century," 258-59; Millett, Maslowski, and Feis, *For the Common Defense*, 223-34.

worst human rights violations of the twentieth century had occurred in Bud Dajo, on the Philippine island of Jojo against indigenous Filipino Moros.²⁷³ An assault conducted against Moros entrenched inside a volcanic crater led to the death of more than 600 natives, including a large number of women and children.²⁷⁴

The United States took to the world stage to define the nation's character and reap the benefits of empire. When Filipinos took up arms against their new occupiers, the U.S. Army was tasked with implementing a counterinsurgency. Most military and human rights historians who have written about the war have failed to bridge the gap between their subsets. This trend left an important gap in the scholarship on the Philippine-American War for both groups. In particular, were the questions of what significant factors led to human rights abuses occurring during the war and at what cost did the counterinsurgency succeed.

To win the war, soldiers exploited—or clearly violated—ambiguous army regulations and the rules of war. Casualty reports, headquarters' circulars, courts martial records, and the writings of soldiers clearly depicted that troops were pushed to their mental and physical limits. These records affirmed that men inflicted violence upon the local population and themselves. To make matters worse, the Lieber Code, interpretive texts on military regulations, and the legacy of legal indifference by the U.S. Army demonstrated that the military force was ill-prepared to wage an ethical counterinsurgency. The army lacked a clear legal foundation—and too few servicemen

²⁷³ Michael C. Hawkins, "Managing a Massacre: Savagery, Civility, and Gender in Moro Province in the Wake of Bud Dajo," 59 (March 2011): 84, <https://muse-jhu-edu.libproxy.temple.edu/article/421138/pdf> (Accessed January 8, 2019).

²⁷⁴ *Ibid.*

displayed a desire—to protect Filipino human rights and property, despite efforts to prosecute the numerous offenders who violated these rights. As a result, discipline among U.S. troops in the Philippines further waned. The army was plagued by ineffective leadership and the friction of war as evident in the official correspondence between Washington, civilian administrators, and the U.S. military’s main headquarters in Manila. Disunity among these actors and echelons of the army throughout the Philippine archipelago—as evident in records of officers’ commands and headquarters’ circulars—indicated the counterinsurgency was waged with loose central command and relative impunity. From 1899 to 1902, The McKinley and Roosevelt administrations poorly directed functions of grand strategy in the Philippines. Between the command tenures of Otis and Chaffee, U.S. Army regulations were weakly reinforced. Many soldiers used these regulations to justify extralegal practices after abuses were committed rather than using them to initially govern their actions. Evidence shows racial animosity towards Filipinos infested the ranks and created widespread dehumanization of the Filipino people. These factors collectively led to human rights abuses and tarnished the America’s imperial image.²⁷⁵ Following the war, America still slowly pursued an informal empire—increasingly pursuing spheres of influence and soft power as a means to spread American hegemony.²⁷⁶ Nearly a century later, a different civilizing mission sent soldiers to the far off nations of Iraq and Afghanistan. Yet again, during the early Global War on Terror,

²⁷⁵ H.W. Brands, “War and Forgetfulness,” *Revue Française D’études Américaines* (March 2006): 11-12, <https://www.jstor.org/stable/20875658> (Accessed January 10, 2019); Hoganson, *Fighting for American Manhood*, 199.

²⁷⁶ *Ibid.*

stories regarding human rights abuses and the rules of war put the U.S. military and Washington in the spotlight.

Mark Twain once remarked that history does not repeat itself, but it often rhymes. As the U.S. Army prepares for an era defined by elusive enemies and uncertain outcomes, the events of over a century ago in the Philippines prove relevant.²⁷⁷ The Philippine-American War was ultimately a flawed victory—a military accomplishment of an imperfect political objective, won at the cost of helpless civilians, the ethical integrity of the U.S. Army, and the character of America.

²⁷⁷ U.S. Army Training and Doctrine Command (TRADOC), “The U.S. Army Operating Concept: Win in a Complex World, 2020-2040,” (7 October 2014). http://www.g8.army.mil/pdf/army_operating_concept_tp_525-3-1_7oct2014.pdf (Accessed March 10, 2019).

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