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Foundations of Empire: The American Military Government in the Philippine-American War, 1899-1902

A thesis submitted in partial fulfillment of the requirement for the degree of Bachelor of Arts in History from The College of William and Mary

by
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Accepted for \underline{HIGH HONORS} (Honors, High Honors, Highest Honors)

[Signatures]
David Corlett, Director
Richard Turits
Neil Norman
The United States in the Philippines

The Philippine Islands were the scene of the United States’ lengthiest colonial undertaking. In June 1898, American soldiers under the overall command of Major General Wesley Merritt disembarked in the jungles around the archipelago’s colonial capital of Manila. The soldiers, the majority of whom were National Guardsmen, were ostensibly there to support local Filipino rebels in their war with Spain. The American naval and military expeditions to the islands intended to seize Manila to use as leverage against the Spanish in the pending peace negotiations that would end the Spanish-American War.¹ However, instead of a temporary occupation, the American landings marked the beginning of United States rule in the Philippines.

In August 1898, the Americans surprised their erstwhile allies against Spain by unilaterally occupying Manila. General Merritt and Admiral Dewey, the naval commander, cut a deal with the Spanish governor to exclude the Filipinos from capturing the city. In what was essentially an armed surrender, the Spanish agreed to provide token resistance as the Americans moved into the colonial capital.² Once American soldiers hauled the Spanish yellow and red tricolor down from the central plaza, the Stars and Stripes would fly over the city for the next forty-three years. The United States would be the Philippines’ colonial master until that nation achieved independence in 1946.

United States rule in the Philippines began with the conflict Americans call the Philippine Insurrection that lasted from 1899 to 1902. The war was followed by a period of American colonial hegemony over the islands until the Philippines achieved independence in the years after the Second World War. This paper will discuss the American military government that was in power during the Philippine Insurrection. One of its organizing principles was that the United States would not be a permanent occupant in the Philippines. This principle makes the Philippines unique among the other 1898 conquests; the American government attempted to distance itself from its new addition by developing the concept of a “non-incorporated” territory that kept the Philippines from becoming a full member of the United States and preserved the possibility of de-annexation.

The U.S. Army laid the foundations of the American colony during the war by creating a series of local governments overseen by the military and managed by cooperative Filipinos. In order to pacify the Philippines, the Army designed these governments to benefit the Filipino elite or *ilustrado* class and divided the population along both ethnic and socio-economic lines. Ultimately the American occupation would not have functioned without a significant level of Filipino cooperation. The military government in the Philippines would incorporate high rates of Filipino participation in the colonial government while balancing collaboration with perceived military necessity.

The Philippine Insurrection officially began in February 1899. Fighting erupted after a breakdown in negotiations between the Americans and Filipino leader Emilio Aguinaldo, who proclaimed an independent Philippine Republic the
previous June. The United States fired the war’s first shots when an American
patrol killed a group of Filipino soldiers in a contested section of Manila’s suburbs.

The Filipinos responded with a general attack on the American-occupied portion of
Manila. The resulting battle, known as the Second Battle of Manila, was a decisive
American victory against the Philippine Republic.

Over the next several months, American forces broke the Filipino Regular
Army in a series of engagements in the jungles and trenches of central Luzon, the
Philippines’s largest island. General Frederick Funston, then the colonel
commanding the 20th Kansas Infantry, described the jungle fighting as a series of
“short and sharp struggles” that “resembled as much as anything some of the
confused scrabbles that are seen on the football field.” This conventional fighting
slowly gave way to guerilla warfare as the Filipinos lost battle after battle, and their
field army dwindled and scattered into Luzon’s countryside.

By early 1900, all regular Filipino forces had been disbanded and the
Americans believed that the war was all but won. However, fighting intensified
during the first four months of 1900 and forced the United States to reevaluate its
strategy. Starting in early 1900, the U.S. Army was divided into over 500 small
garrisons stationed in the islands’ towns and villages. From those isolated bases the
Army patrolled the surrounding jungle and villages for Filipino nationalists. Fighting

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5 Frederick Funston, *Memories of Two Wars: Cuban and Philippine Experiences* (New York: Charles Scribner’s Sons, 1911), 198.
consisted of ambushes and patrols as each side attempted to win the support of the local population.

Historians have drawn two major themes from both the war and the initial American occupation of the Philippines. The first theme historians discuss is the American pacification strategy. John Gates, in *Schoolbooks and Krags*, focuses on the infrastructure and public health initiatives the American military undertook as part of their war effort. Gates describes early American officers as “progressives in uniform,” who modernized the Filipino education and health system. Gates’ work, published in 1973, built on previous American surveys of this imperial era that glamorize the American expedition and largely ignore the negative aspects of the conflict.

Conversely, authors writing in the Vietnam era focus almost exclusively on the atrocities committed during the fighting. Leon Wolff, in *Little Brown Brother*, claims that during the war the United States conducted a racially charged campaign of terror that included waterboarding, burning villages and crops, and establishing concentration camps. The concentration camps were particularly heinous; famine created an environment perfect for disease and between one hundred and two hundred thousand Filipinos died from starvation and the subsequent cholera epidemic. Prior to the early 1990s, there were few books about the Filipino

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Insurrection that did not attempt to justify or condemn concurrent American foreign policy in Asia or Latin America by examining American-Filipino history.

Brian Linn, the war’s most prolific author, wrote a series of books and articles that provide a more centrist approach to the conflict. He contextualizes the scale of the atrocities; instead of being a staple of the war, waterboarding and massacres were rare occurrences but were dramatized in the American and insurgent press.\(^{10}\) Linn acknowledges that other morally gray decisions such as the forcible concentration of Filipino civilians into camps and the systematic destruction of crops, livestock and buildings were official American policy beginning in late 1900 and 1901. However, he does downplay the scale of destruction and death the camps caused the Philippines. Linn’s greatest contribution to the war’s historiography is to shift the conversation away from what he sees as a preoccupation with individual atrocities and take a wider approach to studying the conflict.

Linn’s main argument is that at the war’s outbreak the United States was unprepared for an intense conflict and had not developed a political or military strategy to win in the Philippines. The strategy the Army eventually adopted, like the nature of the war, varied from region to region depending on the conflict’s intensity.\(^{11}\) Any discussion of American policy in the islands needs to understand the conduct of the war varied greatly from region to region. For example, the American military government on Luzon had a completely different character than

\(^{10}\) Linn, *The Philippine War*, 158.

the government on Negros, which was in turn different from American policy in Moros. The cause of the variation is directly related to American perceptions of Filipino cooperation with the interim military government.

The second historiographical theme centers on the racial hierarchy that the United States used to justify its occupation of the islands. 1898 was the year of Kipling’s poem “The White Man’s Burden,” which personified the belief that white people had a sacred duty to lead savage, or all non-white races, out of barbarism and into the civilized community.12 The idea was used to justify the American occupation in the United States. As one soldier wrote in his diary, “Anyone at home who believes [the Filipinos] capable of governing themselves has only to come out and he will be sadly disillusioned.”13 To another, the Filipinos were a “race of men who...if guided right will make...valuable citizens” of the United States. 14 Paul Kramer describes the situation best in Blood of Government when he writes “race was an epistemology suited to constructing the political exceptions that would qualify and delimit” colonial state structures.15 The justification and basis of the colonial government was rooted in American preconceived notions about the Filipino people.

Rhetoric leading up to the annexation romanticized a future imperial government with which the United States occupied the Philippines not only for material gain, but also for the higher purpose of teaching the Filipinos the principles

14 George Davis to Frank Baldwin, May 4, 1902, SC Box 1 “Frank D Baldwin: Original 1902 War Letters” Swem Library Special Collections, Williamsburg, Virginia.
of self-government through colonial rule. An 1898 editorial in the *New York Times*
described how the American government would “instruct [the natives] in the duties
of freedmen” during its rule, despite the existence of Aguinaldo’s Philippine
Republic.\(^{16}\) American policy makers stated that the Filipinos were incapable of self-
government to justify the annexation and retention of the islands.

Any discussion of American colonial state structure needs to acknowledge
that one of the stated purposes of American intervention in the islands was to teach
the Filipinos how to govern themselves along American lines. For each Filipino civil
position, there was an American counterpart ensuring that the Filipino adhered to
American interests and perceptions of government. John Barrett, the United States
Minister to Siam in 1898, testified to Congress that “with high-class Americans
exercising a guiding and encouraging hand there is no reason why...the Filipinos
should not attain all the privileges of absolute independence.”\(^{17}\) Barrett went on to
advocate for high levels of Filipino participation in the government. He believed
that giving the Filipinos a significant degree of autonomy and representation in the
colonial government would benefit American long term interests.\(^{18}\) Barrett’s
testimony to Congress is an example of the underlying philosophy behind what
would become the American colonial state in the Philippines.

Historians have thoroughly picked over the racial motivations and constructs
behind twentieth-century imperialism. There is little doubt that conceptions of

\(^{17}\) The Philippine Information Society, *The Insurgent Government of 1898 together with Opinions on
the Questions are the Filipinos Capable of Self-Government?* (Boston: The Philippine Information
Society, 1901), 23.
racial superiority were a justification or used to justify the American annexation of the islands. Where this paper addresses race it will discuss the nature of how the United States sought to exploit existing racial tensions between the various Filipino ethnic groups in order to facilitate American rule. As one retired general predicted in 1898, the United States would adopt a similar strategy to that of the British in India: divide the native ethnic groups and play them against one another to suppress revolt and manage the colonial government.\(^{19}\) General Elwell Otis, General Merritt’s replacement as overall commander in the Philippines, and his military and civil peers believed that Aguinaldo’s government was a Tagalog entity and opposed by other ethnic groups.\(^{20}\) They decided that because the revolution’s leadership was predominantly Tagalog, and because Aguinaldo dealt with revolts from other ethnicities on Luzon, that the push for Filipino independence was a purely Tagalog effort.\(^{21}\) Therefore the best strategy to undermine the Philippine Republic’s legitimacy was to set up regional governments along ethnic boundaries. The Army did this on the island of Negros and in the Muslim Sultanate of Sulu in 1899, and later in Central Luzon in 1900.

President McKinley’s letter outlining his vision for American rule became the Army’s guide to structuring the military government because Congress had made no provisions for governing or organizing the islands. Per the president’s instructions, the Army kept many of the laws and Filipino officials from the old Spanish regime. McKinley ordered General Merritt to keep the Spanish colonial state

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structure until the Army deemed existing Spanish law inadequate. The president gave the Army broad authority to administer all the functions of a colonial government. Everything from customs to taxes, policing to education, and criminal justice to civil marriage fell within the military's jurisdiction. However, the United States lacked qualified civilian officials to fill those posts. Thus the Army turned to the National Guard and U.S. Volunteers to administer the colonial government. Many of these men held the same post as they had in their civilian capacity back in the United States. Indeed, Gates writes, “The great ability of the officer corps was one of the reasons for the success in organizing and administering the military government” in Manila.

The Army's first attempt to organize some form of local civil governance outside of Manila was on the island of Negros in the Visayan Islands. In February 1899 the Army issued General Order (G.O.) no. 30, 1899 series, which established a remarkably liberal military government on Negros. The order allowed the Filipinos to elect a civil governor and advisory council that ultimately answered to the general in charge of the military district of the Visayan Islands. The Americans retained control of customs and the postal service while a combination of American and Filipinos officers were responsible for administering all other internal affairs.

By allowing Filipinos to vote and creating a Filipino executive and legislative branch,

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22 President McKinley to General Merritt, May 19, 1898, Correspondence Relating to the War With Spain Including the Insurrection in the Philippine Islands and the China Relief Expedition April 15, 1898 to July 30, 1902. Vol. 2 (Washington, D.C.: United States Army, 1993), 169.
24 John Gates, Schoolbooks and Krags, 64.
25 Military Governor of the Philippines, “G.O. 30” General Orders and Circulars: [Issued from the Offices of the U.S. Military Governor in the Philippine Islands] 1899 (Manila, 1899), 1-5.
the government structure on Negros followed the tutelage sentiment while allowing
the Americans to retain sufficient power to suppress the occasional revolt.

That system was supplanted in the rest of the archipelago when the Army
issued G.O. 43, 1899 series. G.O. 43, 1899 series, kept the Spanish provincial and
municipal system with some modifications to the legal system. G.O. 43’s
implementation coincided with the outbreak of heavy guerilla fighting on Luzon.
Within the year the Army recognized that many aspects of its original approach
needed desperate reform. As part of the Army’s strategic revaluation it overhauled
G.O. 43. In 1900 G.O. 40, 1900 series, replaced the older order, G.O. 43, as the
predominant method of organizing municipal governments.

G.O. 40 had many of the same aspects as G.O. 30, but the Army did not apply
it uniformly throughout the island because of the different conditions that existed
between regions. The Army dispersed American units into small garrisons, which
freed junior officers from direct control. Those officers soon found that official
policies needed to be either altered or abandoned, and they developed their own
counterinsurgency methods that reflected their perception of the conflict.26 For
example, between late 1900 and 1901 there were a number of incidents where the
town’s elected mayor was also the local insurgent commander. The Army countered
this strategy by discarding G.O. 40 and implementing marshal law in the affected
areas. Despite its inconsistencies, G.O. 40 maximized Filipino participation in
municipal governments during the Philippine-American war.

26 Brian Linn, The U.S. Army and Counterinsurgency in the Philippine War, 169.
The Army designed G.O. 40 with the ultimate goal of turning the island’s administration over to American civilian authorities. President McKinley dispatched two commissions, one in 1899 and a second in 1900, to act as a balance to the military government. The first commission only made recommendations about how the island should be managed before it was recalled by Washington. The second commission, under the direction of Judge William Taft, ultimately assumed control of the colonial government. The commissions ultimately incorporated many aspects of the military government into civilian rule.

Civil governance was officially established on July 4, 1900, but due to the war, exercised little control over the islands until the Army began transferring towns to its control in 1901. However, in areas where the insurgent presence was stronger, the Army retained control of the civilian population until late 1902. The most extreme cases of military control occurred during the war’s last year when General Franklin Bell corralled Filipino civilians into camps, where many of them died due to starvation and disease in southern Luzon.

The Army’s military government during the war was evolving and irregular; each region was allowed different levels of freedom based on its cooperation with American authority. The President’s long-term strategy was to win the support of Filipino political and economic élite by incorporating them into the new American system.27 The American Empire controlled its Philippine colony by structuring its

27 Daniel R. Williams, *The Odyssey of the Philippine Commission* (Chicago: A.C. McClurg & Co., 1913), 123
colonial government to give limited franchise to the subject population.\textsuperscript{28} In order to achieve that goal, the Army created a system where the Filipinos were responsible for the day-to-day tasks of governing the island under American supervision. The military government in the Philippines was responsible for conquering the islands through both political and military measures.

Subjects, Not Citizens

Before the United States could form a colonial government in the Philippines, it had to determine the islands’ legal status. The process for organizing new territories, enshrined in the Northwest Ordinance Act of 1787 established an organizational pattern for new American territories as well as a path to statehood.\textsuperscript{29} However the Philippines were different from previous territories because there was little public desire to allow the islands to achieve statehood in part because Americans viewed the islands as American property inhabited by an uncivilized people.\textsuperscript{30} This is different than the western territories because there was little room for American settlers in the islands to give it a Caucasian justification to become a potential state. The racial difference between Filipinos and Americans was the primary justification Congress used to circumnavigate the Northwest Ordinance Act.\textsuperscript{31} However, the American public’s unwillingness to accept the Filipinos as potentially equal citizens did not answer the question about the island’s legal status.


\textsuperscript{30} W. Krueger, “Have Colonies Only” The New York Times, December, 1, 1898; 45.

Progress along this front was slow because Congress was bitterly divided between pro-imperialists and anti-imperialists. The Treaty of Paris, which ended the war with Spain, passed the Senate by only one vote, in part due to the clause that annexed the Philippines.\textsuperscript{32} Anti-imperialists believed that the Constitution did not allow the United States to acquire territory without the consent of the people living in that territory or providing some mechanism to citizenship and constitutional protection. Few factions wanted the Filipinos to become full American citizens, but the anti-imperialists were concerned about the precedent that annexation without full incorporation would entail.\textsuperscript{33} As George Frisbee Hoar, the Republican senator from Massachusetts stated, “Under the Declaration of Independence you cannot govern a foreign territory, a foreign people” without giving them the same protections enjoyed by United States citizens.\textsuperscript{34} Due to the divide, Congress was gridlocked over the potential consequences and legality of expanding into the Philippines.

As a result of the gridlock, Congress passed only one resolution and one amendment to address the status of the newly acquired territories between General Merritt’s conquest of Manila in 1898 and the official end of the Filipino insurrection in 1902. A resolution sponsored by Senator Samuel D. McEnery in 1898 specified that Filipinos would not to have the same legal status as American citizens.\textsuperscript{35} McEnery’s act built on the 1892 Supreme Court decision \textit{Ross v. United States}. In that

\begin{thebibliography}{1}
\bibitem{32} Stephen Stathis, \textit{Landmark Debates in Congress: From the Declaration of Independence to the War with Iraq} (Washington: CQ Press, 2009), 234
\bibitem{33} Kramer, \textit{The Blood of Government}, 415; Congressional Records, 56\textsuperscript{th} Congress, 2\textsuperscript{nd} Session., 2977-3600.
\bibitem{34} Congressional Records, 55\textsuperscript{th} Congress., 3\textsuperscript{rd} Session., 493.
\end{thebibliography}
ruling, the court stated that constitutional rights and protections did not extend beyond the borders of the United States to non-American citizens. The adoption of the McEnery resolution was the first step Congress took to separate the new Pacific territories from the American homeland. However the act still did not answer the question of what to do with the Philippines.

In the legislative vacuum, the Supreme Court made the final decision on the legal status of the new territories in a series of decisions over tariff laws known as the Insular Cases of 1901. In 1899 Congress levied a series of tariffs on imports coming from Puerto Rico. A number of American corporations producing raw goods in Puerto Rico challenged the tariff’s constitutionality on the grounds that it violated the uniform duties clause. The court’s 1901 rulings upheld the constitutionality of tariff restrictions on Puerto Rican goods even though it was now part of the United States in Downes v. Bidwell. The Supreme Court’s ruling implied that because Congress could impose tariff restrictions on the new territories, despite the constitutional requirement of uniform duties, the new territories were not protected by the Constitution. If the territories were not protected by the Constitution then they were not protected by the Bill of Rights. As a result of the case, the new possessions America acquired at end of the Spanish-American war were not equal members of the United States.

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36 Silbey, A War of Frontier and Empire, 92.
38 Leah Bruce and Paul Finkelman, Milestone Documents in American History: Exploring the Primary Sources that Shaped America, vol. 3 (Dallas: Salem Press, 2008), 1130.
The American territorial system changed from nearly automatic full incorporation to a system where “civil rights are either refused, or are doled out by Congress one at a time.”\textsuperscript{40} It was a complete abandonment of the previous concept of \textit{ex proprio vigore}, which means the constitution applied to territories through its own force.\textsuperscript{41} The people living in them became American subjects, not citizens. That decision produced the doctrine of “non-incorporated” territories, which are lands governed by the United States but lack constitutional protection.

The novelty of the decision is apparent in the debate over the passage of the Spooner Amendment in 1901. The Spooner Amendment was the second piece of legislation that Congress passed to fulfill its obligations under the Treaty of Paris. The Spooner Amendment did little more than confirm the president’s, and by extension the military’s, control over the executive, judicial and legislative powers in the Philippines.\textsuperscript{42} It passed over the objections of the anti-imperialist Senators Teller and Allen. Teller was in shock that there were no restrictions on the colonial government’s power, and that Congress was preparing to keep the status quo.\textsuperscript{43} The lack of congressional oversight gave the executive branch a large amount of leeway in creating and enforcing American policy in the Philippines.

The executive branch pushed to restrict the legal rights of the Philippine Islands as early as 1898. In a lengthy and convoluted opinion, the office of the Secretary of War pointed out that there was precedence for restricting the legal rights of

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\textsuperscript{40} Sidney Webster, “The New Philippine Government” \textit{The North American Review} vol. 175, no 550 (1902): 303.
\textsuperscript{41} Leah Bruce and Paul Finkelman, \textit{Milestone Documents in American History}, 1132.
\textsuperscript{42} Congressional Records, 56\textsuperscript{th} Congress., 2\textsuperscript{nd} Session, 3141.
\textsuperscript{43} Congressional Records, 56\textsuperscript{th} Congress., 2\textsuperscript{nd} Session, 3140.
\end{flushright}
conquered territories until confirmed by Congress. For example, the executive department did not extend constitutional rights to people living in the Louisiana Purchase until securing the requisite congressional approval.\textsuperscript{44} The executive brief built on the precedent of the Treaty of Guadalupe-Hidalgo, which created a naturalization path for former Mexican citizens. The brief claimed that Congress was the party responsible for extending those rights though the ratification of the treaty’s citizenship clause.\textsuperscript{45} Because neither the 1898 Treaty of Paris nor Congress made such a stipulation, the executive department determined the president was responsible for setting policy. The executive branch used congressional inaction to allow itself unlimited authority to shape the Philippine’s government.

The executive branch decided that constitutional protections could not extend to a new territory because they only applied to states. This decision meant that concepts enshrined in the Bill of Rights, and the rights to habeas corpus, trial by a jury of one’s peers, etc., did not apply to the Philippines until Congress or the military extended their reach to the islands.\textsuperscript{46}

McKinley did place some loose restrictions on military power. He instructed General Merritt to the following end: “the inhabitants, so long as they perform their duties, are entitled to security in their persons and property and in all their private rights and relations.”\textsuperscript{47} That clause laid the groundwork to extend some aspects of American civil liberties to the Philippines, but only after resistance ended.

\textsuperscript{44} Lynch, “The U.S. Constitution and Philippine Colonialism” in \textit{Colonial Crucible}, 361.
\textsuperscript{47} McKinley to the Secretary of War, May, 19, 1898, \textit{Correspondence}, 169.
Conversely, the wording provided the Army legal justification to burn buildings and crops suspected of being used by the insurgency. The loose interpretation of those instructions became a central part of the Army’s pacification strategy during the height of the guerilla conflict in 1900 and 1901.

In terms of structuring the colonial government, the president initially envisioned a centralized system that made minimal changes to the existing Spanish state. His instructions to the Army read, “[T]he municipal laws of the conquered territory...are considered as continuing in force, so far as they are compatible with the new order of things.” By keeping existing Spanish law, McKinley was attempting to smooth the transition between Spanish and American rule. However, he also laid the foundation for a colonial state along a distinctly Spanish model combined with some American republican ideals such as representative government and separation of powers. The ramifications of this decision are still felt in the modern Philippines, where some historians believe that the centralized structure of the Filipino government has its roots in the Spanish and American colonial state.49

The second half of McKinley's instructions built a level of flexibility into the colonial system. The president qualified his instructions with the passage:

It will be [the military governor’s] duty to adopt measures of a different kind if...the course of the people should render such measures indispensable to the maintenance of law and order. He will then possess the power to replace or expel the native officials in part or altogether, to substitute new courts of his own institution for

48 McKinley to the Secretary of War, May 19, 1898, Correspondence, 677.
those that now exist, or to create such supplementary tribunals as may be necessary.\textsuperscript{50}

McKinley was giving the military governor wide latitude to shape the new government. The Army could pick and choose aspects of the existing Spanish colonial bureaucracy that were most effective for pacifying the Filipino population. McKinley did this in part because the United States had no officials with experience running a colonial government.\textsuperscript{51} The United States was flying blind into uncharted territory, and the president built sufficient room into his order for the Army to be flexible. The Army was free to modify the colonial government and apply different versions to different theaters of operation.

Ultimately, Washington gave the military government very limited instructions on how to handle its occupation. The debate over America’s role as an imperial power and the Philippines’ legal position further confused legislative attempts to exercise some form of control over the process. Congressional inaction left the development of the country’s largest colonial possession in the hands of the executive branch and the military. The lack of any coherent policy required the different military governors in power between 1898 and 1902 to improvise an ad hoc government that attempted to conform to President McKinley’s vague instructions.

\textbf{The Colonial Capital}

The first test of the Army’s ability to construct a colonial state was the conversion of Manila into the new colonial capital. During the brief lull between the

\textsuperscript{50} McKinley to the Secretary of War, May 19, 1898, \textit{Correspondence}, 678.

end of the Spanish-American war in August 1898 and the outbreak of American-Filipino fighting in February 1899 the Army embarked on its first attempts at colonial government. The goal of the military government, as stated by its commander, General Otis, was to “furnish full protection” to Filipino “men of property and education,” whose support was necessary to sustain the military occupation. Otis believed that if the Army could protect the property of wealthy Filipinos then they would support the regime. Essentially, the Army saw its primary duty as maintaining public order and protecting the wealthy inhabitants of the city from insurgent activity.

Order was the military’s primary concern in 1898 because Aguinaldo’s army continued to surround Manila after the Americans took control. There was a general fear that any area governed by or in close proximity to the Filipino nationalists would revert to Filipino control or become destabilized from fighting. For example, the people of Manila were initially dissatisfied with American rule; food was scarce because Aguinaldo levied an “export tax” on foodstuffs entering the city, and its inhabitants had already been forced to eat horses and dogs during the American and Filipino siege of the Spanish garrison. A safe and prosperous Manila was an essential prop to American legitimacy. If the United States could maintain order and refurbish the city after the siege, then it could prove to itself and other western nations that it was capable of maintaining a colony.

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52 Otis to Adjutant-General, February 20, 1899, Correspondence, 908.
54 Sexton, Soldiers in the Sun, 52.
To police the city, the Army created the position of provost marshal and placed the city under marshal law the day following its capture. Within a week the provost guard replaced the existing Spanish police and were responsible for preserving order. This would be no easy task because Manila was a melting pot for the archipelago. Assuming he could understand it, the American soldier could hear all eighty-nine different Filipino dialects on the city streets in addition to Mandarin, Cantonese, and a plethora of European languages.\textsuperscript{55} The sheer number of people and languages made policing difficult because Americans could not identify people who were foreign to the area or quickly understand the nuisances of municipal politics.

The ability of this police force was soon tested. During the night of February 15, 1899, soldiers thwarted a Filipino nationalist attempt to burn the city. Order was restored only after the insurgents managed to destroy an estimated half million dollars of public and private property.\textsuperscript{56} The incident foreshadowed the importance Filipinos would put on irregular warfare, and the equal importance the American Army would put on suppressing their attempts.

Even after Otis drove Aguinaldo’s army from the suburbs, unrest in Manila continued to be a concern for the military government. When the Army advanced into the surrounding countryside after the outbreak of hostilities, Otis was forced to leave a “heavy interior police force” behind to preserve order and maintain the infrastructure improvements it had invested in during the initial occupation.\textsuperscript{57}

\textsuperscript{55} Sexton, \textit{Soldiers in the Sun}, 53.

\textsuperscript{56} Otis to the Adjutant-General, February 18, 1899, \textit{Correspondence}, 906.

\textsuperscript{57} Otis to the Adjutant-General, February 18 1899 in \textit{Correspondence Relating to the War With Spain}, 906.
The occupation government tried to win over Manila’s population by investing in the city’s infrastructure. The Spanish neglected the maintenance of many municipal services in the city, and essential services such as sanitation and sewer collection had ceased to exist with the beginning of the siege. Excrement and trash were piled so high that when the Army dumped refuse into Manila harbor it would wash ashore with the changing tides. The Army’s attempts to clean up the city and other municipalities prompted Gates to write that the American military occupation “leads one far from the stereotype of brutal repression into a seldom-told story of enlightened military government.” However, stable governance does not necessarily equate enlightened governance; after all, the United States fought the Philippine war to colonize a foreign people who wanted independence. Instead, what Gates terms “enlightened military government” was simply the implementation of infrastructure and political reforms calculated to garner Filipino approval for American rule.

The Army supplemented its infrastructure projects with a wide-ranging health and public service initiatives. It restarted the Spanish vaccination program and, partly out of self-interest, tested and issued cleanliness certifications to prostitutes. Their actions were calculated to impress upon the Filipino population the benefits of American colonial rule. For example, the less than egalitarian ban on Chinese immigration to the islands was calculated to appeal to the Filipino working

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Like later policies on Negros and in Central Luzon, the ban on Chinese immigration was a calculated maneuver to elevate one ethnic group at the expense of another. Whether or not the attempts worked is up for debate, but some Americans stated that they did. One soldier wrote an article for the *New York Times* describing how the Filipinos were slowly warming up to the American occupation. However, the difficulty the Army continued to have in maintaining peace demonstrates that despite their attempts, the Philippiens would only enter the American empire through force.

The second and more significant task the Army undertook in Manila was the replacement of the Spanish state. Army officers replaced Spanish judges and held courts according to preexisting Spanish laws. The city council was dissolved and the military governor’s staff took up its duties while Navy and Army officials assumed control of customs. Eventually, custom duties accounted for 20 percent of the revenue in the colonial administration. The customs position would become a vital section of the military administration because it generated the most money for the occupying government. Along with postmasters, customs was the only office the Army barred Filipinos from working in because of their importance to the functioning of the American colonial state.

The transition between Spanish and American officers did not always go smoothly. To begin with, the debate in the United States over the annexation of the Philippines convinced some Spanish officials that they would retain control of

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64 Sexton, *Soldiers in the Sun*, 53,55.
Manila after the peace treaty was signed. The result was that some Spanish officers refused to give their American replacements access to documents and safes. In cases where the Americans gained access to funds, they often found that sizeable sums were missing. Major Charles Whipple, the defacto colonial treasurer, discovered that the former Spanish governor had absconded with some three million pesos from the treasury.65

As the conflict wore on and Otis’s brigadiers pushed Aguinaldo’s field army farther from Manila, the Army issued a series of orders that document the city’s transformation into a colonial capital. In a way foreshadowing the outcome of the war, Manila was moving from an embattled and contested city into a stable seat of American power. In early 1900, General Otis issued an order forbidding American soldiers from being armed in the city unless they were part of the provost guard. Otis would only have given that order if he believed the immediate threat of riots and Filipino infiltrators was reduced.66 As the threat receded, Otis slowly moved back curfew in the city from nine in the evening to midnight over a period of several months.67 The military relaxed its control over the city as the perceived Filipino nationalist threat diminished.

Manila was a trial run for the military colonial government and lessons the army learned in late 1898 and early 1899 would be applied as American authority extended across the island. The Schurman Commission, a collection of civilians and military officials tasked by President McKinley to provide recommendations on how

65 Sexton, Soldiers in the Sun, 54.
66 Military Governor of the Philippines, “G.O. 8” General Orders and Circulars 1900.
the islands should be governed, generated a list of recommendations based on their observations of the Army’s rule in Manila. The Commission found that many leftover aspects of the Spanish colonial state needed to be reformed. Its recommendations became the terms of annexation the United States offered Aguinaldo on May 5, 1899 and formed the basic structure for civil government on Negros. The commission suggested that the president appoint a governor-general who could appoint a mixed cabinet split between Americans and Filipinos. An advisory council directly elected by the Filipinos would support the cabinet and governor. McKinley or the Army eventually adopted many of the Commission’s recommendations, which included maintaining a military force in conjunction with the gradual establishment of civil rule. The Army used a modified version of Schurman’s template on central Luzon in 1900 and Negro later in 1899.

Negros and General Order 30

The military organized the first municipal government outside of Manila on the island of Negros in 1899. For an occupation government, it gave the Filipinos a great degree of representation. Filipinos on Negros accepted the implementation of an American government with minor resistance because the Filipino government on Negros invited the Americans to the island.

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69 Jacob Schurman to Emilo Aguinaldo, May 5, 1899, Manila, P.I. SC Box 1, “Philippine Insurrection Diary 1899-1900,” Swem Library Special Collections, Williamsburg, Virginia.
The political situation on Negros created favorable conditions for an American military government. Negros’ ilustrados, or wealthy elite, rejected Aguinaldo’s Philippine Republic and were fighting Aguinaldo’s supporters from Luzon. The conflict between the Visayans, the ethnic group on Negros, and the Tagalog, the ethnic group on Luzon, caused Negros’ leaders to invite the Americans to intervene in the conflict. On February 22, 1899 General Otis received commissioners from the island requesting American protection from insurgent groups crossing the straights from Luzon into Negros.\footnote{General Otis to the Adjutant-General, February 21, 1899, Correspondence Relating to the War with Spain, 914.} The commissioner’s request demonstrates that not all Filipinos acknowledged Aguinaldo’s control over the Archipelago. Negros’ inhabitants were willing to make a political alliance with the United States. While the inhabitants of Negros did not want to have their internal affairs directed by the United States they were willing to make some concessions in exchange for protection. The government on Negros sent a copy of their constitution to Congress for approval in the hope that Congress would allow them continued autonomy in an American protectorate.\footnote{“General Arthur MacArthur’s Philippine Campaigns: Operations 1899,” Papers of Gen. Arthur MacArthur 1845-1912, The MacArthur Memorial Archives and Library, 207-208.} Their attempt to secure independence failed and Negros hosted the first provincial occupation government.

On Cebu, one of Negros’s sister islands, the Navy initially ran the civil administration in the absence of Spanish authorities and Army troops.\footnote{“General Arthur MacArthur’s Philippine Campaigns: Operations 1899,” Papers of Gen. Arthur MacArthur, 204.} They did little more than patrol the coast for smugglers, establish small bases in the major towns, and appoint naval officers to oversee customs collections. General Otis, in a
telegram to Adjutant-General Henry Corbin, stated that affairs “[on Negros] and in Cebu [are] very encouraging.” 74 The small number of soldiers that the Army needed to maintain order on the two islands indicates that the inhabitants maintained a positive, or at least tolerant, attitude toward the United States. The natives’ accommodating disposition is the polar opposite with the open warfare on Luzon and explains both the Army’s initial lenient policy towards the Visayans as well as the success of those policies in keeping the population firmly in the American camp until late 1901.

Army policy was outlined in the July 22 G.O. 30, 1899 series, that organized Negros into a separate Army district with its own unique combination of civil and martial government. Interestingly, the order did not apply to the rest of the Visayas islands. The Army does not provide a reason for only creating a regional government on Negros, and while it may have provided for the other islands in a different documentation, it only organized Negros in G.O. 30. However, given the nature of the Army’s reports that emanated from the region it is not unreasonable to assume that at some point the Army expanded G.O. 30’s range to the other islands, especially Cebu and Illoco, where the district of the Visayans had its headquarters.

G.O. 30’s structure was intended to enfranchise the educated, wealthy Filipino ilustrados. Upper class Filipinos served as the civil governor and on the advisory council. The advisory council acted as a kind of legislative body for the island and consisted of eight members elected by eligible voters. Council members were in session for 120 days out of the year and were allocated both a pension and travel

74 General Otis to Adjutant-General, February 21, 1899, Correspondence Relating to the War with Spain, 914.
expenses for their troubles. The advisory council could pass resolutions, levy taxes, and make recommendations to the military governor. It lacked the legislative power of later civil governments, but it was the first American-organized legislative body in the Philippines. The office of the civil governor was an elected position that was more of a figurehead or puppet governor. His only real duties were to chair the advisory council and advise the military governor. The civil governor also acted as a rubber stamp for the military governor because he countersigned all civil grants and commissions. This helped the United States develop its legitimacy on the island. Although it had no real power, the office of civil governor was a useful way for the Americans to show that they were willing to integrate Filipinos into the new government. Interestingly, the advisory council was allowed to levy taxes on themselves and spend that money on infrastructure improvements. The only revenue generating institutions that the Americans controlled were the customs and postal services.

There were strict eligibility requirements in order to qualify to vote. The requirements made voting a privilege available only to the ilustrados and concentrated what power the military delegated to the Filipinos in the hands of the wealthy. All voters had to be twenty-one, male, and able to read, speak and write English, Spanish, or Visayan. Tagalog, Bikol, and Visayan were the three major languages.

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75 Military Governor of the Philippines, “G.O. 30” in General Orders and Circulars: [Issued from the Offices of the U.S. Military Governor in the Philippine Islands] 1899 (Manila, 1899), 1-6.
languages in the central Philippine Islands, and Visayan was the prominent language on Negros. Although the language requirement would not exclude any natives of Negros, it linguistically and ethnically separated the civil government on Negros from the rest of the Philippine archipelago. Given that Negros asked for American protection from insurgents moving south from Luzon the language barrier demonstrates that the United States sought to prevent a non-native Filipino from voting on Negros. However, by allowing any Filipino who spoke Spanish or English to vote the law enfranchised the educated and the bilingual after they met the meager residency requirements. The majority of educated Filipinos were bilingual and spoke at least Spanish so they had greater political mobility than the peasants did not necessarily have the same skill. The reading requirement further shrunk the eligible pool and ensured that only Filipinos with an education could vote.

The second and strictest voter requirement was property. To be eligible to vote a Filipino needed to own “500$ worth of real property or rent 1,000$ worth of real property.” The order makes it unclear if the property value was counted in American dollars or what the Americans called “Mexican pesos.” This distinction is important because Americans considered American dollars worth considerably more than the Filipino currency. I am inclined to think that the order meant American dollars because the Army differentiated between Filipino and American currency in its requisition records. If we assume that the property requirement was measured in American dollars then the voter pool on Negros would have been exceedingly small. By rooting the voter eligibility requirements in wealth G.O. 30

80 Military Governor of the Philippines “G.O. 30” in General Orders and Circulars: 1899, 3.
placed the power of the occupation government in the hands of the Filipino oligarchy. This was part of the United States’ broader strategy to appeal to the westernized Filipino class. Elite Filipinos whose public policy interests would be more in line with American interests were far less of a concern to American officials and so were given some representation in the colonial government.

True power on the island was concentrated in the hands of the military governor, who wielded executive power over the island. The first military governor was Colonel James F. Smith, who also doubled as the commanding officer of the entire district of the Visayan Islands. As military governor, Colonel Smith was responsible for appointing secretaries for the treasury, interior, agriculture, and education, and for filling the offices of the attorney general and provincial auditor. The military governor also had veto power over any laws the advisory council passed. The military governor could delegate anything G.O. 30 did not explicitly make provisions for to the advisory council. The military governor also could influence the elections because he set the time and place for elections, registered voters, and maintained the eligibility lists. Additionally, customs duties were paid directly to the military and the military governor was responsible for appointing American officers and collecting the taxes.

General Order 30 also constructed the judicial system on Negros. The highest court on the island was a three-member court whose judges were appointed by the military governor. The advisory council was responsible for the creation of all lower courts, but again, the advisory council’s actions were subject to the military

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governor’s approval. There was no restriction on membership to the court. The court’s jurisdiction did not extend to affairs “prejudicial to military administration and discipline,” meaning that U.S. soldiers were allowed to operate outside the judicial authority of the local government.83 This is unsurprising and is in fact standard practice for any modern military that occupies a foreign country. The court on Negros was in turn subject to the court in Manila. Five months after he issued G.O. 30, General Otis centralized the judiciary system in the archipelago. G.O. 72 series required all military districts to establish provost courts with “a suitable army officer as judge” by the end of 1899. The provost court effectively took power away from the native judiciary on Negros because its jurisdiction covered criminal trials instead of the native judiciary. The native court evolved into a civil court that decided issues pertaining directly to Filipino-passed legislation or legal suits where the both the plaintiff and the defendant were Filipinos.84 Ultimately, the provost court became the more important of the two court systems to the Americans because it enforced the Army’s colonial policies and could be convened in any garrison. The provost court’s versatility surpassed that of the native court on Negros, and as a result the cases important to the colonial government were tried in the provost court before American judges.

G.O. 30 also allowed for the creation of smaller municipal governments for Negros’ towns and villages. These were designed to run the island’s barrios, towns, and cities with minimal interference from the military governor on Negros. G.O. 30 lacks the details for how the sub-districts were to be governed and so the advisory

84 Military Governor of the Philippines “G.O. 72” in General Orders and Circulars: 1899.
council was responsible for drafting their structure. The advisory council most likely kept the same organization and offices that they had under the Spanish regime because one of the American requirements was that the current elected officials in the island would keep their positions until the military governor could organize elections. Keeping the same elected officials, and by extension roughly the same structure, is another example of how the U.S. military sought to keep the native government in the Philippines the same as before the American takeover. The strategy echoed back to McKinley’s instructions to minimize American interference in the island’s political structure.

The military government in Negros presided over one of the more peaceful areas of the American occupation. General Otis called their relations a “Marked and favorable contrast” to rest of the archipelago. The Army’s inspector general in the Philippines, John Mallory, said “The situation in [Iloilo and Negros] is highly satisfactory. The insurgents understand that we do not propose to attack them, but desire to win their confidence and to maintain friendly relations.”

The Army rewarded good behavior with increased commercial opportunities. In July 1899, the same month the Army issued G.O. 30, General Otis opened the ports on Samar, Leyte, Bohol, Cebu, and Negros to international trade. This was a major step for the residents because one American counterinsurgency strategy was to blockade coastal trade between the islands, and reopening the ports created

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85 Military Governor of the Philippines “G.O. 30” in General Orders and Circulars: 1899, 2-5.
88 John Mallory to General Otis, January 20, 1899, Correspondence Relating to the War with Spain, 927.
89 General Otis to the Adjutant-General, July 4, 1899, Correspondence Relating to the War with Spain, 1027.
economic opportunities on in the Visyans that other regions lacked. A second indicator of increased economic stability and less fighting was the record amount of sugar mills in operation. By November, there were more working mills on Negros than before the 1898 rebellion against Spain. The relative stability on the island created an economy that was more robust than the rest of the archipelago and was an indication of a smooth transition to American rule.

A further indication of American success on the island was the return of the European population to the island. Mallory remarked that there was a “general exodus of Europeans and natives shortly after the arrival” of American soldiers. The exodus was an indication that the American arrival may have been met with substantial fighting or at least skepticism, despite the invitation of Negros’ ilustrados.

Despite the expectation of violence, the Philippine Republic was not in a position to wage a substantial campaign against the United States on Negros in 1899. Infighting had reduced their combat effectiveness and General Otis observed that “insurgent Tagalog and Visayans in Pansy [were] in dissension and hostilities between them threatened” to break out on Negros. Between July and January 1899 the military government provided sufficient stability to facilitate the refugee’s return. In the same letter, Mallory reported that once “confidence has been

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90 General Otis to Adjutant-General, August 27, 1899, Correspondence Relating to the War with Spain, 1060.
91 John Mallory to General Otis, January 20, 1899, Correspondence Relating to the War with Spain, 927-928.
92 General Otis to AGWAR, October 2, 1899, Correspondence,1077.
restored” both European and Filipino refugees returned to the cities and the town’s shops and businesses reopened.93

The crowning triumph of the American military government on Negros was the election it orchestrated on November 6 and 7, 1899.94 The elections did not represent a radical shift in native power dynamics but affirmed that the Army was capable of organizing and implementing a government outside of Manila. The Filipino incumbent lost the race but instead of becoming a member of the opposition, was made a general in the native army after the election.95 The new “president of the Biscayan Republic” was a Filipino named Malisa. However, the American government though he was an untrustworthy character; it was not immediately clear to Army officials if Malisa would be fully supportive of the American occupation. Malisa’s election in the most pacified area of the archipelago demonstrates that while the United States controlled the government it did not have control over election results. In fact, hostile officials would be elected under the authority of the military government later in the war. As I shall discuss later, the island of Luzon had the biggest problem with insurgent leaders or sympathizers holding public office. The dual nature of elected officials’ loyalty to the Americans would be the driving impetus for the arrest and torture of suspect Filipinos later in the conflict.

Malisa’s election was a symptom of wider conflict on the island. So far, I have focused exclusively on the occupation government’s successes. However, there was

93 John Mallory to Otis January 20, 1899 in Correspondence, 927.
95 John Mallory to Otis January, 20, 1899 Iloilo Bay, Panay in Correspondence, 928.
still measurable fighting on Negros. While there was no large-scale battle like on Luzon, resistance to U.S. occupation in the region would mirror the fighting that took place during 1901 and 1902. The majority of the fighting was dominated by political assassination and small ambushes on American patrols. Despite the relatively slow tempo of operations on the island the insurgents were able to keep the war smoldering underneath the veneer of success presented by the U.S. military government. In June 1899 the body of a captured American officer, Captain Tilly, was found, and Colonel Smith decimated the insurgents who committed the crime.96 Later, insurrectionists assassinated a “[P]rominent Filipino, [who was] friendly to Americans” at Cebu. Targeting Filipino collaborators would continue to be a staple in the insurgency’s playbook. This assassination coincided with a request from the inhabitants for more American forces in the islands but the United States could not garrison every town and relied on friendly Filipinos for help.97 Filipino-on-Filipino fighting was common during the war, which in that respect could arguably be labeled a Filipino civil war. Filipinos fought each other as members of pro and anti-American forces and at first were divided along tribal lines in their support of the American regime. The presence of the United States instigated much of the violence, but Aguinaldo encountered resistance to his Republic of the Philippines on Luzon before the American’s arrival.98

In December 1899 Negros saw a sudden outbreak of skirmishing between irregulars armed with bolos, a type of club or knife, and the 1st California Infantry.
The outbreak in violence corresponded with rumors of a great American defeat on Luzon. The Filipino nationalists circulated false information citing “recent great insurgent victories in Luzon and Panay” to encourage the peasant population to rebel against the Americans. The arrival of 300 Tagalog soldiers from Luzon and the support of two local priests kicked off a series of uprisings and riots in pacified towns on Negros. The timing of the attacks reveals how tenuous the American position was in the Philippine Islands. The attacks occurred wherever Filipinos thought that the Americans were losing the war and were a direct response to perceived American weakness. They demonstrated that the American strategy of co-opting Filipinos was still new enough that only the threat of violence maintained the U.S. colonial government. As long as the United States appeared to be winning, the majority of Filipinos supported its government, and Negros would remain relatively quiet.

**Colonial Courts**

General Order 43, 1899 series, established the American colonial judiciary system beyond Manila and Negros. The Army relied heavily on provost courts, military commissions, and courts marshal to police the newly occupied territories and to enforce existing Spanish law. Military commissions and provost courts dealt with Filipinos accused of criminal activity. Provost courts handled petty crimes and could impose lighter penalties than military commissions, whose primary role was to prosecute more serious Filipino offenders. These were known as “courts of first instance” and were considered to be lower courts than the high court operating out

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99 General Otis to Adjutant-General, December 8, 1899 Correspondence, 1115-1116
100 General Otis to Adjutant-General, December 19, 1899 Correspondence, 1123.
of Manila. The courts marshal system handled both American officers and former Filipino loyalists accused of the more serious military crimes such as espionage. The Army used both civil and military courts to regulate occupied townships that lacked an overhead provincial structure.

Any American garrison could convene provost courts and military commissions. The military governors of the various towns and districts were responsible for appointing a suitable army officer as judge and as judge advocate. For provost courts and military commissions, the judges were junior officers, mostly captains, assisted by a lieutenant who played the role of judge advocate in provost courts. The minimal overhead that the Army required to staff these courts allowed them to be quickly convened. The process gave local commanders a degree of independence in enforcing colonial rule. Instead of being sent to regional headquarters prisoners were dealt with in their immediate locals.

The provost courts had jurisdiction over all “violations of military orders and regulations committed by inhabitants or temporary residents and not triable [sic] by courts-martial.” Their broad mandate increased the provost courts’ natural flexibility to punish petty crimes. Provost courts could imprison people up to one year or fine them up to one thousand Mexican dollars, or any combination of the two. If a Filipino could not pay a fine, then he was subject to imprisonment with

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hard labor at the rate of three pesos a day until his fine was paid off.\textsuperscript{105} The system pushed the colonial judicial process to the Army's lowest organizational levels, but there was no standardized system that replaced Spanish law until 1900.

The Army was constantly tweaking its court system, and a judicial hierarchy developed among the different military districts. Over time, the provost court at Manila gained a large amount of power compared to the regional courts. This development was in many ways logical; as the colonial capital, Manila was directly administered by the governor general. He therefore had a large amount of control over the findings of those courts by appointing the military officers who sat on them and the chief judge advocate who reviewed their findings. General Order no. 46, 1899 series, gave the Manila provost court the ability to imprison persons for up to two years with hard labor and or impose a fine of $5,000 or its equivalent in gold.\textsuperscript{106} By comparison, regional provost courts could only imprison a defendant for one year and levy a fine of $1,000. The Manila provost court was able to inflict penalties that were twice as harsh as provincial courts. The strengthening power of the Manila judiciary contributed to the increased centralization of the judicial system by separating the provost courts into higher and lower courts.

Military commissions and the provost marshal could try nearly all criminal cases. Charges ranged from the ubiquitous robbery and general lawlessness to murder.\textsuperscript{107} The consequences for these two disparate crimes were surprisingly similar and demonstrate the seriousness with which the Army treated civil unrest.

\textsuperscript{105} Military Governor of the Philippines, “G.O. 64,” General Orders and Circulars 1899.
\textsuperscript{106} Military Governor of the Philippines, “G.O. 46,” General Orders and Circulars 1899.
\textsuperscript{107} Military Governor of the Philippines, “G.O. 67” General Orders and Circulars: [Issued from the Offices of the U.S. Military Governor in the Philippine Islands] 1900-1901 (Manila, 1901).
The unfortunate Melecio Vitug was sentenced to fifteen years hard labor for robbery, while Felix Bautista was sentenced to twenty years of hard labor for killing another Filipino.\textsuperscript{108} Both these men received the maximum penalty Spanish law allowed.\textsuperscript{109} Another Filipino received five years hard labor for “lurking as a spy” and was held as a prisoner of war.\textsuperscript{110} The similarity of the sentences suggests that robbery, which threatened property, was nearly as heinous as the killing of a non-European.

There were no fewer than three separate types of military courts one could be tried under. The military could convene a courts marshal, or assemble a provost court or a military commission to try potential offenders. The difference between a military commission and a provost court are themselves unclear and seem to have been used interchangeably. The only consistency across the islands was that only the military could try criminal cases. Civil cases fell under the jurisdiction of either local Filipino assemblies or American civilians.\textsuperscript{111} To deal with the mess, the Army established a supreme court in November 1899 for the entire archipelago that consisted of both Filipino elites and military officers.\textsuperscript{112}

The Philippine’s highest court was the Americanized descendent of the Spanish \textit{audencia}. Under Spanish authority, the \textit{audiencia} was the highest colonial legal

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\textsuperscript{108} Military Governor of the Philippines, “G.O. 66” \textit{General Orders and Circulars}. \\
\textsuperscript{109} Military Governor of the Philippines, “G.O. 58” \textit{Amendments to the Criminal Code of Procedure}, 140. \\
\textsuperscript{110} Military Governor of the Philippines, “G.O. 69” \textit{General Orders and Circulars 1900}. \\
\textsuperscript{111} Military Governor of the Philippines, “G.O. 58” \textit{Amendments to the Criminal Code of Procedure}, 20; \textit{Military Governor of the Philippines, “G.O. 72,” General Orders and Circulars 1899}. \\
\textsuperscript{112} Gates, \textit{Schoolbooks and Krags}. 130.
authority. There is little reason to suspect that the audiencia’s powers changed during the first year of the American occupation because the military kept most of the existing Spanish institutions. As it evolved, the Philippine Supreme Court’s staffing reflected the growing participation and influence of the ilustrado class in the colonial government. The Army created G.O. 40, which reworked the provincial and municipal structure, with the suggestions of two prominent Filipinos associated with the old audiencia. Both the attorney general, Don Florentio Torres, and the Philippine Supreme Court’s chief justice, Don Cayetano Arellano, helped draft G.O. 40 and impacted the Philippine’s long term future. The staffing choice represented the political tutelage and collaboration models the American press anticipated prior to the occupation. Through the Supreme Court, Filipinos participated in important state functions under American supervision and control. Nevertheless, the Filipinos were still subordinate to the military commanders.

Although G.O. 64, 1900 series, authorized the establishment of civil courts in the provinces, those courts’ findings could easily be overruled by the military. Department commanders could overturn civil, and therefore Filipino judges’ findings, or skip them all together and bring cases directly to military commissions or provost courts. Furthermore, the officer commanding the department in which the trial took place could overturn the findings of any of the courts. For example, a certain Pedro Paleis was found “not guilty” of guerilla warfare by a military

\[^{114}\text{Military Governor of the Philippines, “G.O. 18,” General Orders and Circulars 1900, 2.}\]
\[^{115}\text{Military Governor of the Philippines, “G.O. 40,” General Orders and Circulars 1900, 1.}\]
\[^{116}\text{Military Governor of the Philippines “G.O. 64” General Orders and Circulars 1900.}\]
commission but the department commander ultimately overturned the committee’s findings.\textsuperscript{117} Military officers’ ability to overturn and directly interfere with judicial proceedings gave them an unsurpassed amount of control to interpret policy through judicial rulings. They could, and did, use their power to arrest and imprison insurgent leaders for petty crimes.

The exception to the rule of complete control was the civil courts of Manila. The military could not easily try criminal cases that fell under the jurisdiction of the city’s civil courts. Only two officers, the provost marshal of Manila and the military governor of the entire Philippine islands, had the authority to order a military commission to try cases that fell within the city’s legal boundaries after 1900.\textsuperscript{118} A combination of Filipino and Army judges staffed the Manila civil court. Again, it was part of the American pacification strategy to appoint prominent members of the Filipino community to positions of relative power in the colonial administration.

The provost courts and military commissions were not able to try American soldiers for misconduct. A court marshal tried American soldiers who violated the laws of war. While courts marshal were rarely convened against Filipinos, the crimes that they tried reveals the different ways courts in the islands treated soldiers and natives. While there is nothing unusual about a colonial power providing its troopers with lighter sentences, the findings of the courts marshal underscores the Army’s policy.

Take the case of Captain George Brandle and Second Lieutenant Alvin Perkins of the 27\textsuperscript{th} United States Volunteer Infantry. Both officers were from the same unit and

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\item \textsuperscript{117} Military Governor of the Philippines “G.O. 67” \textit{General Orders and Circulars} 1900.
\item \textsuperscript{118} Military Governor of the Philippines “G.O. 64” \textit{General Orders and Circulars} 1900.
\end{itemize}
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stationed in the frontier town of Mariquina in Luzon.\textsuperscript{119} Control over small and mid-sized towns such as Mariquan was vital to the American war effort because Filipino guerillas drew the majority of their supplies and support from the rural villages. Captain Brandle was the town’s garrison commander, charged with policing the surrounding countryside and working with the Filipino elected officials.

The Army tried the two officers for “conduct [to] the prejudice of good order and military discipline, in violation of the 62\textsuperscript{nd} Article of War.”\textsuperscript{120} The two men were convicted of “inflicting mental anguish upon” prisoners when they hung “a native...and five others by the neck with a rope for ten seconds” during the course of an interrogation.\textsuperscript{121} Torture such as this was precisely what the Army did not want its garrison commanders doing because it alienated the villagers. The two men were convicted and officially reprimanded before returning to duty. While it is difficult not to focus solely on the non-punishment of U.S. troops engaging in such a horrible and potentially lethal form of torture, the words contained in the official rebuke reveal much about the nature of the U.S. Army’s war effort and reechoed the racial justification for annexing the Philippines.

Penned by the adjutant-general in Manila, the reprimand reminded two officers that their actions were

\textit{Not only criminal...but...calculated to defeat a carefully considered policy, and to inflict permanent injury upon essential interests of the Nation. The purpose of the United States in these islands is to introduce and plant republican institutions, based upon the beneficent principles of the Constitution. Success in this great endeavor depends largely upon securing,}

\textsuperscript{119} Military Governor of the Philippines “G.O. 63” General Orders and Circulars 1900, 1.  
\textsuperscript{120} Military Governor of the Philippines, “G.O. 63” General Orders and Circulars 1900, 3.  
\textsuperscript{121} Military Governor of the Philippines, “G.O. 63” General Orders and Circulars 1900, 5.
through a sense of self-interest and gratitude, the confidence and attachment of the Filipino people.\textsuperscript{122}

This quotation reveals the purpose of the Army’s policy toward the Filipino villagers in 1900. 1900 was a pivotal year in the war because it was the first time Aguinaldo officially adopted irregular tactics and the Army needed a coherent policy to counter the resurgent independence forces.\textsuperscript{123} The policy was to create only two perceived alternatives for the Filipino people: destruction brought about by warfare between the Americans and the Filipino nationalists or relative peace under an American occupation government. Crimes such as those committed by Captain Brandle were not punished because they were adjudged immoral; Paul Kramer has successfully argued that many soldiers justified torture because they believed the Filipinos were racially inferior.\textsuperscript{124} The court marshal made it clear that it had punished the two officers because they threatened the image the Army was attempting to create.

An examination of captured insurgent document from the island of Samar written in 1901 by the Filipino general Lukban corroborates the idea that the rebels made American violence a rallying cry for resistance. In a proclamation to his supporters, Lukban extorts his fellow Filipinos to “see the great abuses, the amazing acts committed by the enemy in the towns he has entered,” which included “outraging young girls, sacking houses...and perpetrating other abuses which no

\textsuperscript{122} Military Governor of the Philippines, “G.O. 63” \textit{General Orders and Circulars 1900}, 6.
\textsuperscript{123} Linn, \textit{The U.S. Army and Counterinsurgency in the Philippine War}, 61.
\textsuperscript{124} Kramer, \textit{The Blood of Government}, 143.
history of warfare records.” Lukban’s efforts had some effect on the people of Bohol and Cebu. These regions were considered pacified in 1899 but under Lukban’s leadership they belatedly supported the Filipino independence movement until 1902. Public opinion, both in the Philippines and in the United States, was essential to both sides for continuing the war.

In Luzon, Filipino nationalists mistreated a collection of villages in Bataan, causing them to defect. The villagers of Liago expelled Aguinaldo’s garrison because it forced the villagers to work without payment. A Filipino officer reporting the incident claimed that the townspeople were “out of patience with the captains of the national militia” for the “arbitrary imprisonments of both sexes...for superfluous services required without food being provided all day” as recompense. In this instance, Aguinaldo’s fighters lost the political battle and the inhabitants bought into the Army’s narrative.

The structure of the Army’s justice system was calculated to preserve order among the occupied territories and present American rule as a “civilized” alternative to home rule. Despite the harsh punishments the provost courts could impose on offenders, and the suspension of constitutional rights, the Army was trying to keep alive the narrative that American rule would be beneficial to the islands’ ilustrados. The court system that developed during the years of the

Army’s colonial rule was a way to showcase American justice and curtail atrocities among American troops to support that narrative.

Manila became the center of the islands judiciary system, in part because it was the first major city under American control with functional courts. The only other relatively stable American occupied territory was the island of Negros and a civil court was not established there until July 1899. The composition of the civil courts included both American officers and Filipino *ilustrados*. G.O. 43’s extension of a reliable judiciary to the provinces demonstrates that the Army recognized that the new battlefield would become the provincial towns. In order for the military to successfully create conditions favorable for civilian rule it needed to convince a substantial minority of the Filipinos that American rule was a better alternative to self-rule. The diversity inherent in the judicial systems reflects the broader carrot-and-stick policy the U.S. Army used to pacify the Philippines.

Municipal Government

As American control expanded on Luzon during 1899, conventional Filipino resistance to American occupation decreased. Towns that were contested by Filipino forces or deserted by their inhabitants began to repopulate. John C. Brown, an engineer stationed in Central Luzon, wrote in his diary about the improving conditions in occupied towns, describing one unnamed village that “was deserted when we arrived” but now “about twenty shops have opened...and you see the native tailors squatting on their hams busily working on their sewing machines.”

Further indications that the war was winding down was reflected in dispatches to

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128 Brown, *Gentleman Soldier*, 112
Washington. General Otis reported to his superiors in Washington that the “mass of people...desire peace and American protection” and “no longer flee on approach [of] our troops.”\(^{129}\) The virtual destruction of Aguinaldo’s field army in the campaigns of 1899 combined with the return of the native population convinced the American command that the war was all but won by January 1900.\(^{130}\) The Army’s perceived success called for a restructuring of the municipal governments, and in mid 1900 it decided to replace G.O. 43. G.O. 43 was never meant to be a permanent solution to governing the Philippines, and a commission was summoned to provide both Filipino and American input in formulating the new provincial structure.

General Otis implemented the commission’s recommendations two months later in March 1900. General Order 40, 1900 series, attempted to create a “decentralized municipal government” where “each municipality is the legitimate administrator of the interests of its town.”\(^{131}\) The decentralized form of government fell in line with President McKinley’s original 1898 instructions to the Army. Historian Paul Hutchcroft contends that there was a push among President McKinley’s advisors to create an imperial form of government that reflected American ideals and move away from the system created by other colonial powers.\(^{132}\) The commission wanted to create a “practicable plan of municipal government...which shall be as liberal in character as existing conditions permit.”\(^{133}\) In this context, the word “liberal” should be taken to mean that the Filipino people would have maximum control over

\(^{129}\) General Otis to the Adjutant General, June 26, 1899, Correspondence, 1022.
\(^{130}\) Wills, Our Philippine Problem, 22.
\(^{131}\) Military Governor of the Philippines, “G.O. 40,” General Orders and Circulars 1900, 1.
\(^{133}\) Military Governor of the Philippines, “G.O. 18,” General Orders and Circulars 1900, 2.
municipal affairs. At the dawn of 1900, the Army believed that the war had deescaled to the point where it could take a step back from colonial administration and pass a larger portion of the burden to the Filipinos. The shift to decentralization marked a definitive change from the centralized Spanish model of colonial governance and a relaxation of military authority.

The major structural change G.O. 40 implemented was a new classification system for the towns and the creation of provinces and provincial governors. Under Spanish rule, the rural towns were modeled around the church or parish and had a certain number of priests depending on their size.\textsuperscript{134} Incorporated towns were divided into four classes according to the number of inhabitants. First class towns consisted of at least 25,000 inhabitants and were allocated 18 councilors. Second and third class towns, which held 10,000-18,000 people and 2,000-10,000 persons respectively, were allotted ten councilors. Towns that had between 2,000 and 10,000 inhabitants were allotted ten councilors.\textsuperscript{135}

The councilors formed a governing body that operated in the same manner of the legislative branch of a government. They created offices of municipal secretary, treasury, attorney, and all other public offices that they deemed pertinent such as the chief of the native police. They had the power to levy taxes, appropriate spending, and enact ordinances.\textsuperscript{136} The councilors resembled the earlier advisory council on Negros. They shared many of the same powers and restrictions; both could enact laws, pass resolutions, and authorize taxes. However, on Negros the

\textsuperscript{134} The Philippine Information Society \textit{The Insurgent Government of 1898}, 16.
\textsuperscript{135} Military Governor of the Philippines, "G.O. 40" \textit{General Orders and Circulars 1900}, 10.
\textsuperscript{136} Military Governor of the Philippines, "G.O. 40" \textit{General Orders and Circulars 1900}, 11.
advisory council’s actions were subordinate to the military governor, who could veto their laws. G.O. 40 gave the councilors a greater amount of independence because they did not directly report to the American garrison commander. Instead of an American officer with veto power, only the Filipino mayor could veto laws passed in town organized under G.O. 40.

Executive authority in the municipalities was concentrated in the hands of an alcalde, who was essentially the town mayor. His responsibilities included presiding over the meetings of the municipal council, appointing all non-elected public positions, and enforcing and approving town ordinances and laws. The alcade was also responsible for collecting taxes and issuing orders to the native city or rural police. Essentially, the alcalde took on all the responsibilities of the executive branch, while the councilors formed the legislative branch. This system was very similar to the municipal structure Aguinaldo organized for the nationalist government in 1898.

While there is no direct evidence that links the Philippine National Government and G.O. 40, a respectable number of Aguinaldo’s former high ranking civilian and military officers found their way into the highest levels of the military’s government. In mid 1900, General Arthur MacArthur granted a general amnesty to any insurgents who surrendered to the United States. Although this policy had mixed results, it attracted several prominent Filipino officials. Pantaleón García, Aguinaldo’s chief of staff, Pedro Paterno, the former president of the Philippine

139 Arthur MacArthur to Adjutant-General, June 9, 1900, Correspondence, 1177.
cabinet, and the Generals Pilar and Garcia, two of the insurgency’s most respected commanders, took the amnesty oath along with some 5,000 others. While none of them influenced G.O. 40, they did impact the political landscape by encouraging other Filipino nationalists to go over to the United States and formed the first Filipino political party under American colonial rule.

The former members of Aguinaldo’s cabinet formed the Federal Party, which attained a measurable effect on the political landscape in the islands. Their platform called for the creation of an American protectorate with an eventual route to American statehood. Although they were formed too late to influence the development of G.O. 40, and their aspirations for statehood were ambitious, the Federalists did convince a number of insurgents to defect to the United States. The Federalist Party, combined with the relatively loose voting requirements in G.O. 40 and the simple fact that the United States was winning the war, made American rule increasingly attractive.

G.O. 40’s voting requirements allowed for a broader voter base in reorganized townships. Any male twenty-three and older could vote as long as they lived in the town for six months before the election, paid thirty pesos or more in taxes, and could speak, read, or write English or Spanish. A possible reason for the language and residency requirements of eligible voters is it theoretically restricted pan-regional involvement in local government. It discouraged political movement

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140 Arthur McArthur to Adjutant-General, August 31, 1900, Correspondence, 1203; Sexton, Soldiers in the Sun, 247.
142 Sexton, Soldiers in the Sun, 259.
between regions, which in theory prevented outside insurgent leaders from being elected to public office. In some ways this made subsequent pacification more difficult because insurgent leaders who also held public office were also natives of the region.

Compared to General Order 30, on the island of Negros, the voting requirements were less strict. The biggest change was the reduction of the property requirement from men who owned at least 500 American dollars to men who only paid 30 pesos in taxes. The reduction of the property requirement expanded the general electorate and represented a slight and a shift in American attempts to appeal directly to the *ilustrados*. A lower property requirement allowed all but the poorest Filipinos to participate in the American colonial government.

The military continued to exercise some control over the mayors and town councils through the office of provincial governor. The military governor of each district appointed the provincial governors, and the provincial governors in turn had the ability to suspend and appoint municipal officials.\(^{143}\) While there was theoretically no prohibition on Filipinos serving as provincial governors, Europeans tended to fill those positions. The first provincial governor was an American, H. Phelps Whitmarsh, who was a journalist and writer prior to his appointment. In an interesting side note, his provincial secretary was German.\(^{144}\) The appointment of a European to such a prominent position represented the shortage of qualified American colonial officials. The shortage made the incorporation of Filipinos into government not only a strategy but a necessity for the American colony to function.

\(^{143}\) Military Governor of the Philippines, “G.O. 40” *General Orders and Circulars 1900*, 19.

\(^{144}\) Williams, *The Odyssey of the Philippine Commission*, 123.
The Army did not intend to implement G.O. 40 throughout the entire Philippine Islands. It was up to the district commanders to decide if conditions were favorable for its implementation.¹⁴⁵ The implementation of G.O. 40 reflected the variation of American success and strategy across the archipelago.¹⁴⁶ G.O. 40 was the form of government the Army reserved for the most pacified regions. An examination of the implementation of G.O. 40 or the civil forms of administration that preceded it demonstrates the varying levels of resistance on Luzon.

For example, the Filipinos in the district of North-West Luzon, commanded by General Samuel Young, were more receptive to the American occupation. By the beginning of 1901, Young considered the city of Laoag in Ilocos Norte and the towns of Candon and Vigan in Ilocos Sur sufficiently cooperative to implement G.O. 40.¹⁴⁷ While these two towns represent a small portion of the total population of the region it represented significant progress from the American perspective because G.O. 40 was designed for territories where resistance was minimal and the Army could take a step back from civil control.

General Young considered the implementation of civil administration in his district a critical part of the war effort. In every town his men garrisoned, Young established some form of Filipino civil government. At a minimum these Filipino government consisted of a president, or mayor supported by a town council and a local police force recruited from Filipinos loyal to the United States.¹⁴⁸

¹⁴⁶ Linn, The U.S. Army and Counterinsurgency in the Philippine War, 169.
¹⁴⁸ Linn, The U.S. Army and Counterinsurgency in the Philippine War, 35.
Where General Young’s policy differed drastically from official policy was in how tightly he controlled the civil officials. Garrison commanders were responsible for reporting civil activities and compiling profiles on the Filipinos who served in public office. These were reported directly to Captain John Balance, the staff officer who oversaw civil administration in northwestern Luzon. Balance also moonlighted as Young’s intelligence chief and was responsible for compiling data on insurgent leaders and activists. Balance drew information both from American commanders and a type of secret service known as the Guardia de Honor, which was made up of former insurgents now responsible for rooting out insurgent activity in the towns. The Guardia’s efforts combined with the Maccabee scouts, recruited from ethnic minorities as an auxiliary force, defeated the insurgency in Northern Luzon. Both the Guardia de Honor and the Maccabees were examples of the American government using dissatisfied Filipino factions to support their war effort.

Manila considered the department of Northern Luzon’s Fourth District, commanded by General Frederick Funston, as a second region that was sufficiently stable to incorporate G.O. 40. By beginning of 1901 one of the provinces in the district, Nueva Ecija, organized no fewer than six sizeable towns under the provision of G.O. 40. In the district’s other major region, Pampagana, the military government considered four towns sufficiently pacified for G.O. 40.

In the Fourth District, the Army’s success had less to do with a successful strategy and more to do with the ethnic tensions between the Tagalogs and the

149 Linn, The U.S. Army and Counterinsurgency in the Philippine War, 33.
150 Linn, The U.S. Army and Counterinsurgency in the Philippine War, 33.
151 Linn, The U.S. Army and Counterinsurgency in the Philippine War, 43-44.
majority Ilocano population.\textsuperscript{153} The ethnic divisions in the district allowed General Funston to recruit large numbers of auxiliary forces from the loyal Ilocanos of the province.\textsuperscript{154} Native scouts, combined with the proliferation of American garrisons, which ranged in size from whole regiments to less than a company, and the relative apathy of the ethnic Ilocanos created an environment similar to Negros in 1899. By exploiting ethnic tensions, manifested as Ilocano fear of Tagalog domination, Funston’s intelligence service and native forces broke up most of the Philippine Republic’s attempts to create a substantial guerilla presence in the region.\textsuperscript{155} By isolating different Filipino ethnicities the Army created a governing blueprint where ethnic differences were exaggerated in order to secure American control.\textsuperscript{156} This was the same formula used on Negros that smoothed the American occupation in 1899.

Through the provincial governors, the commander of the military district exercised a degree of control that theoretically prevented any Filipino whose interests were deemed contrary to the interests of the United States from holding office. The power to remove men from office would be used quite often during the heyday of the insurgent’s \textit{Amigo} strategy during 1900 and 1901, when the Army discovered that active insurgent leaders had somehow been elected to prominent positions in the colonial government.

\begin{thebibliography}{9}
  \bibitem{153} Linn, \textit{The U.S. Army and Counterinsurgency in the Philippine War}, 64.
  \bibitem{154} Funston, \textit{Memories of Two Wars}, 319.
  \bibitem{155} Linn, \textit{The U.S. Army and Counterinsurgency in the Philippine War}, 68, 72.
  \bibitem{156} Paul Kramer, \textit{The Blood of Government}, 2.
\end{thebibliography}
Filipino Responses to American Success

The implementation of Filipino-run civil government on Luzon coincided with a lull in the war. In mid-1900 the American people realized that General Otis had severely underestimated the insurgency’s resilience and strength. Some historians view the implementation of G.O. 40 and other forms of civil government as premature given the subsequent escalation of Filipino resistance. Linn writes that the Army’s hasty efforts to establish civil government in early 1900 did little to root out former revolutionaries; instead the Americans often confirmed the very municipal officials appointed by the Philippine Republic to aid and organize the resistance to American control. This developed into a rather awkward situation for the Army; the Filipinos who were supposed to cooperate and govern the towns were the same people who were intent on derailing the American experiment.

During the heavy guerilla fighting of 1900 and 1901, the main insurgent strategy was to get their own people elected to the top government positions in American-held towns. The historian Reynaldo Ileto calls this strategy *amigo* warfare. The conditions that characterized *amigo* warfare were confusing and frustrating for American troops. American soldiers could not determine who were friendly or enemy in the pacified towns. In regions with heavy American support, such as in Funston’s fourth district, the Army was able to construct a loyal native police and intelligence network that kept the predominantly Tagalog insurgents out

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of elected office. However, in many instances the “Americans could not be certain that the friendly, cooperative...local mayor they were dealing with in the daytime was not the chairman of the town’s revolutionary committee at night.” 160 The elected positions became a new battleground between the insurgents and the Americans. For the Americans, Filipino cooperation was no longer a simple tactic or an indication of success; it opened up additional methods of resistance.

The most infamous amigo case was discovered quite by accident in the town of Tiong in south central Luzon in 1901. In May of that year, Tiong had been organized under the provision of G.O. 40 at the request of the local ilustrados.161 The request had been granted and the town would have been a simple blip on the radar of American authorities if an investigation, whose original intent was to investigate American abuse of natives, had not revealed that the insurgency was operating a highly effective shadow government.162 Pedro Cantos, the mayor of Tiong, was in reality a member of the Filipino resistance. More embarrassing for the United States was that Tiong’s garrison commander was extremely close to Cantos, and through their relationship, Cantos played an active hand in shaping local American policy to benefit the insurgency.163

Cantos appointed insurgent leaders to all the municipal offices in Tiong. For example, a Filipino colonel sympathetic to the resistance organized the native police force and falsified reports to American troops. The insurgents were even able to institute a system of taxation where they collected half the profits from goods sold

161 Sexton, Soldiers in the Sun, 280.
162 Sexton, Soldiers in the Sun, 279.
to the Americans, 10 percent of all agricultural production, and tolled the roads into Tiong. Natives who drew an American salary or worked for the American colonial bureaucracy also contributed large portions of their pay to the insurgent government. This incident demonstrates G.O. 40’s vulnerability when there were no collaborating Filipinos in a town.

Tiong-type incidents proliferated throughout southern Luzon and in sections of the Visayans. Captured insurgents testified during interrogations that they would “intervene in the elections for the authorities of the towns” so “those who knew best how to” fool the Americans would get elected to office. For the insurgents, this type of shadow government was the only way to support their continued resistance. The United States was too strong for them to fight directly in the field so they relied on a campaign of misinformation and ambushes to maintain their independence movement. Without the active support of the towns’ inhabitants the insurgency’s shadow governments could not survive.

When confronted by the amigo policy, American officers often were at a loss and unable to differentiate between friendly and pseudo-friendly Filipinos. The frustration with what the Americans termed “uncivilized” Filipino tactics became a cause of American-instigated torture during the conflict because soldiers could not tell if the friendly shopkeeper or mayor was the same man who was taking pot shots.

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164 Sexton, Soldiers in the Sun, 280.
165 Miguel Malvar interviewed by United States Army, “Extracts From Testimony Given By General Miguel Malvar, and Other Insurgent Officers of His Command, Under Oath, Before the Board of Officers Ordered to Investigate the General Charges Made by Major Cornelius Gardner, 13th Infantry, Against the Conduct of the Army in Tayabas Province, Ect.,” in Annual Report of Major General Adna R. Chaffee, 24.
at them at night. Indeed the majority of American defeats in the later half of the war, such as the massacre on Samar where an American company was killed nearly to a man, stemmed from the ineffectiveness of local commanders to determine the degree of hostility of their native hosts. The inability of the Americans to counter the amigo policy, especially in southern Luzon, led to the revocation of G.O. 40 and all civil government in the heavily impacted areas. Instead the United States embarked on an aggressive campaign of population control that resulted in the forcible confinement of entire towns and cities into enclosed areas.

Historian William Sexton sees the implementation of the concentration policy in southern Luzon as a direct result of the Army's inability to counter amigo warfare. It is certainly true that incidents such as the one at Tiong demonstrated the necessity of the concentration policy in American officials' eyes. However, instead of stemming from an isolated incident, the camps were the culmination of the gradually escalating American response to irregular warfare. Beginning in 1900 the Army sought to separate the civilian population from guerrillas by destroying crops, requiring passes, restricting trade and travel, and harassing known insurgent sympathizers. General Arthur MacArthur eventually ordered his men to concentrate less on seeking out Filipino resistance forces and to target and destroy their supply routes. The Army applied this policy where it considered it appropriate throughout the entire archipelago. Eventually this policy was

168 Sexton, Soldiers in the Sun, 281.
169 Linn, The U.S. Army and Counterinsurgency in the Philippine War, 57-58, 60.
170 Linn, The U.S. Army and Counterinsurgency in the Philippine War, 144.
abandoned in 1901 except in southern Luzon, and later on Samar and Bohol, after a renewed outbreak of resistance.

Unlike the rest of Luzon, the insurgency remained strong in southern Luzon after 1900. In the Camarines, the Filipino revolutionary leadership removed the civilians into the mountains away from American control and kept them out of the towns and cities with a mixture of patriotism, propaganda, and intimidation.¹⁷¹ The result was catastrophic to the Army’s municipal administration. According to Brian Linn, “The mass evacuation of the towns had rendered futile the standard model of government under G.O. 43” or its replacement, G.O. 40.¹⁷² By separating the population from the occupiers the insurgents were unable to establish shadow governments and had no base of support in the cities. However, American strategy of presenting American rule as a more attractive and prosperous alternative to Filipino self-rule was effectively countered because there was no one to rule over.

General Bell, who assumed command of the department of southern Luzon in 1901, authorized his commanders to concentrate the Filipinos into camps. This was a direct response to the Filipino policy of removing either the populace from the towns or installing their own people in positions of authority. The Army believed that the insurgency was only able to continue its resistance through the “connivance and knowledge of practically all the inhabitants...who...professed friendship towards the United States.”¹⁷³ Under Bell’s orders, all livestock, food, or people outside of the concentrated zones were fair game for American soldiers and

¹⁷² Linn, The U.S. Army and Counterinsurgency in the Philippine War, 108.
¹⁷³ General Chaffee to the Adjutant General September 30, 1902, Annual Report of Major General Adna R. Chaffee, 10.
considered enemy property or combatants. This would effectively end the *amigo* policy in southern Luzon by depriving the insurgents of their base of support because no Filipinos could move freely outside of the camps without being fired on.

In General Bell’s camps, thousands of Filipinos died from malnutrition or disease. Despite the catastrophic toll on the Filipino people, the American government allowed the camps because of two factors. The first factor was that the president’s advisors were looking for an end to the war. Pressure was mounting in the United States for an end to the conflict and the Democrats had made the annexation issue a central part of the 1900 presidential campaign. Although he had won reelection, pressure was mounting on President McKinley to bring the war to a rapid end. On July 4 President McKinley relieved the military from the responsibility of administering the island’s colonial government and transferred that authority to Judge William Howard Taft’s Philippian commission. The executive branch needed a tangible strategy to end fighting in the Philippines and was willing to adopt policies that promised quick results. The second factor was General Arthur McArthur’s replacement in late 1901 by Major General Adna Chaffee.

General Chaffee was an ‘old army’ Indian fighter who had just returned from commanding the American expeditionary force that helped to put down the Boxer Rebellion in China. Chaffee intended to wage an “Indian-style” campaign in southern Luzon that was characterized by the forceful control of the population. Chaffee’s

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176 Henry Corbin to General MacArthur June 19, 1901, *Correspondence*, 1286.
177 Stuart *Benevolent Assimilation*, 196.
policy required that the “people who were disposed toward peace and order and living outside military observation should separate themselves...from [those who] were not disposed to peace.” 178 While this policy was ultimately successfully from a strictly military point of view, much of the southern Tagalog provinces were converted into a wasteland by March 1902. Food and livestock that could not be moved to the protected zones were burned, and a cholera epidemic broke out in the southern provinces, exacerbated by malnutrition and the poor sanitary conditions in the camps. 179

The concentration camps proved to be an incongruous end to the Army’s colonial government. They were an implementation of what General Young termed “European” methods of colonial control. 180 American leaders knew that the camps caused significant hardships to the Filipinos and acknowledged that the American version was no less harsh than their European counterparts; yet American leaders stressed that the camps were legal under the laws of war. 181 While they were not employed universally throughout the Philippine Islands and were only used on Samar and Southern Luzon, camps were the Army’s final system of organizing the Filipino people. The concentration policy brutally separated the Filipino nationalists from their cooperative, or not actively hostile countrymen. The camps presented a stark contrast to the earlier policies the military government pursued and demonstrated the United States was willing to inflict a great deal of destruction

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179 de, Reynaldo C. “The Philippine-American War: Friendship and Forgetting” in *Vestiges of War*, 15
to consolidate their regime. Ultimately the concentration policy bared the hollowness in President McKinley’s overtures for peace. The United States was willing to sacrifice thousands of native lives to enforce their colonial rule.

Foundations of Colonial Government

The military’s jurisdiction over civil administration technically ended when the Second Filipino Commission assumed control over civil affairs on July 4, 1901. The Army transferred twenty-two out of the seventy-seven total provinces in the Philippines to Taft’s civil administration, but this accounted for a little more than half the archipelago’s population. Although technically under civilian rule, the military retained its former authority over noncompliant provinces in the Philippines. On average, these provinces were geographically isolated and less populous than their pacified counterparts. Even after the official transfer to civilian control the Army retained a sizeable presence.

The Taft commission established the first true civil colonial government in the American occupied Philippines. The civil government adopted many of the same tactics to maintain American rule that the Army used to impose it. Native scouts, such as the Maccabees, became the foundation of the infamous Filipino constabulary, who were responsible for preserving American authority. Armed with the suspension of habeus corpus and other war-time strategies such as General Bell’s resettlement or “concentration” camp policy, the constabulary suppressed major challenges to American authority on Luzon in 1905, Cebu in 1906, and Moros

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182 Elihu Root to Arthur MacArthur June 22, 1901, Correspondence, 1287.
183 Sexton, Soldiers in the Sun, 268.
in 1913 to name but a few instances.\textsuperscript{184} The twin aspects of force and political incorporation continued to preserve American rule in the islands just as it implemented it.

Just as the military government had done, Taft structured voting restrictions and colonial policy to favor the Filipino elite, which combined with the military’s efforts to maximize Filipino participation. Parallels between the voting restrictions the commission laid out and General Order 40 persisted as the Philippine Commission assumed power. Like in G.O. 40, voting was restricted to males at least twenty-three years of age who could read or write English or Spanish. Some changes Taft’s government made, such as raising the voting property requirement to 500 pesos, served to entrench power in the hands of wealthy Filipinos.\textsuperscript{185} This allowed the ilustrados to dominate the emerging government.\textsuperscript{186} The ilustrados formed political parties that pursued a cooperative relationship with the United States. In exchange for their cooperation and peace in the Philippines, the American government enacted policies that preserved the Filipino’s elite’s socio-economic status.\textsuperscript{187} That implicit agreement was the very thing the Army’s haphazardly formed colonial government attempted to cultivate.

The civil governors kept the municipal structure in the Philippines nearly identical to the system the Army developed. Like G.O. 40, the “municipal code made


\textsuperscript{185} Williams, \textit{The Odyssey of the Philippine Commission}, 140.

\textsuperscript{186} Stuart Miller, \textit{Benevolent Assimilation: The American Conquest of the Philippines, 1899-1903} (New haven: Yale University Press, 1982), 263.

\textsuperscript{187} Michael Cullinane, “Bringing in the Brigands,” 69.
the government of the towns practically autonomous” by colonial standards, according to one of Taft’s undersecretaries.\textsuperscript{188} The entire structure served to entrench the rural power structures dominated by wealthy Filipinos.\textsuperscript{189} Along the same vein, the commission kept the emerging legal system the Army pioneered in 1899. A review of the Spanish legal system found it “so cumbersome and so opposed to modern conceptions of justice” that the Army’s legal system was initially adopted unadulterated by the civilian administration.\textsuperscript{190} This in turn kept the preexisting power structures in the cities. Much like the Army’s administration, the upper class Filipinos cooperated with the colonial administration and could be found working at every level of government.

The Army’s policy toward Filipino self-rule was set in the storyline the McKinley Administration sold to the public. Both government officials and private citizens stated that the United States needed to annex the Philippine Islands not only to benefit from its resources, but also to coach the natives along the path to “self sufficient” rule. What “self sufficient” entailed was never formally defined and was instead held as a loose promise to the Filipino people as a potential reward for cooperation. When testifying before a senate subcommittee then Governor Taft advocated postponing a clear definition of American-Philippine relations to some unspecified time in the future. When several senators described situations where the Philippines might achieve statehood or become a dependency like Canada or Australia was to the United Kingdom, Taft refused to condone their visions. The only

\textsuperscript{188} Williams, \textit{The Odyssey of the Philippine Commission}, 140.
\textsuperscript{189} Paul Kramer, \textit{Blood of Government}, 173.
\textsuperscript{190} Williams, \textit{The Odyssey of the Philippine Commission}, 92.
concrete policy goal he suggested was to not define the relationship and maintain all options as future possibilities.\textsuperscript{191} It is entirely possible that the idea of “self sufficiently” was a talking point to encourage support for annexation among anti-imperialists and the Filipino people.\textsuperscript{192}

Despite the official silence, the people responsible for constructing the American colonial government transported aspects of American government, such as the separation of powers and representative democracy, in a limited form with them across the Pacific. As one astute governor of the Philippines noted, Americans “were convinced that we had the best form of government ever devised in the world and that our customs and habits” were the “mark of civilization.”\textsuperscript{193}

The Army developed the provisions in the legal code, the government structures on Negros, and the provisions of G.O. 43 and 40 with vague instructions from America’s policy makers. The Army created a system of colonial government that allowed the Filipino collaborators a significant amount of discretion in governing themselves in the American colony. In areas where the Filipino people refused to cooperate, the United States cemented its rule with force. The Army developed a uniquely American form of colonial government that both enfranchised and repressed the Filipino people. The military government in the Philippines embarked on a major effort to conquer the islands through both political and military measures. The combination of the two created a new template for American colonial

\textsuperscript{191} Henry Graff, ed. \textit{American Imperialism and the Philippine Insurrection: Testimony Taken from Hearings on Affairs in the Philippine Islands before the Senate Committee on the Philippines-1902} (Boston: Little Brown and Company, 1969), 38.
\textsuperscript{192} Grunder, & Livezey, \textit{The Philippines and the United States} 69.
governance that formed the foundation of the succeeding colonial state in the Philippines.
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