

WORKERS OF ALL COUNTRIES, UNITE!

HISTORY OF A TAKEOVER



**The U.S. naval base
at Guantánamo Bay**

Prepared by Gilberto Toste Ballart
Ministry of Foreign Affairs official

Editor: Rosa Alfonso

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INTRODUCTION

The U.S. coaling or naval base at Guantánamo Bay in the Eastern part of Cuba has been a sore point ever since the island won its formal independence and found it limited by the imposition of the Platt Amendment and the Permanent Treaty that provided for the establishment of the base.

There were angry political debates in Cuba when the Yankee naval base was imposed; and, over the years, the matter has become an ever-greater bone of contention between the partisans of absolute, integral state sovereignty and those who have defended the alleged right of the imperialist powers to maintain military enclaves in foreign countries on the pretext of ensuring their own security.

In January 1959, with the triumph of the Revolution against the pro-imperialist tyranny in Cuba, the struggle to rid the island of this anti-Cuban enclave intensified and moved beyond the national level to the international arena.

Thus, there is a need for an historical account of events, dating from the Spanish colonial period and the Cuban patriot's struggle for independence, its frustration by the United States' intervention in the war for liberation and the subsequent installation of this military enclave by the United States.

This work, therefore, provides an historical panorama of the relations between Cuba and the United States during the 19th and 20th centuries, of the Cuban people's struggles for emancipation from the Spanish colonial yoke and Washington's interference first to purchase the island and then, when that failed,

to intervene in the Spanish-Cuban war.

It describes with detailed precision the sordid web the United States wove to chain the island to its spurious interests, and the diplomatic astuteness — combined with pressure and force — it used to implant a neocolonial regime in Cuba.

It records the many Yankee attacks and acts of intervention from Guantánamo against the Antillean countries and those surrounding the Caribbean and the support that the base has given to Caribbean tyrannies — including support for the satrap Batista against the rebels in the Sierra Maestra before they came to power and then against the Cuban Revolution — all irrefutably documented.

It reveals the U.S. government's prepotency and arrogance in seeking to preserve the Guantánamo military base to humiliate the fighting Cuban people as its own power waned — even though the strategic importance of the base has diminished considerably.

The text provides an accurate account of the early relations between Cuba and the United States — going as far back as 1805, when President Jefferson informed Spain that the United States would seize Cuba in case of war.

It describes how the U.S. government's "ripe fruit" policy and the Monroe Doctrine were applied and how the United States intervened in the Spanish-Cuban war, blowing up the battleship *Maine* in Havana's harbour to provide the pretext.

It refers to the hateful Breckenridge Memorandum, in which gradual elimination of the Cuban population and its replacement by U.S. nationals was contemplated, and the McKinley Administration's Joint

Resolution of 1898 and the occupation of the island by U.S. troops that same year, while the Cubans were excluded from the signing of the Paris Peace Treaty, which presumably gave the island its independence from Spanish domination.

In analysing the Spanish occupation and the beginning of the U.S. occupation, the document describes how Leonard Wood, who headed the occupation government, hatched the scheme of promoting annexation and how the new colonial army was followed by the Yankee latifundists, bankers and private companies in grabbing the country's wealth and controlling its lands, industry and commerce.

Thus, the 1901 Constitution imposed the infamous Platt Amendment; the Permanent Treaty; and, in that context, the coaling station at Guantánamo Bay, that was allegedly established "to maintain the independence of Cuba and to protect the people..."

A detailed legal analysis¹ of the agreements clearly shows them to be illegal, since neither before nor after they were signed did the United States show good faith in leasing the base at Guantánamo Bay. There is no doubt that the constitutionalists of 1901 and the negotiators of the 1934 Treaty acted under coercion, accepting the Platt Amendment and the U.S. base on Cuban territory as the lesser of two evils. The document also stresses that a serious violation of a treaty by one of the signatories is cause for its termination since consent for the unequal Treaty was attained un-

¹ The legal analysis of the agreements on the Guantánamo base is based on the remarkable works published by Fernando Alvarez Tabío and Miguel D'Estéfano.

der coercion; it can, therefore, be considered invalid by a people that repudiates it. It is not amiss to recall that the United Nations Conference on Treaty Rights, held in Vienna in 1969, approved a declaration solemnly condemning any state that threatens or uses military, political or economic pressure to coerce another state to engage in any action related to the signing of a treaty. All treaties, the declaration added, should be signed on the basis of principles of sovereign equality and freedom of consent; it was deplorable that, in the past, states sometimes found themselves forced to sign them under pressure applied by other states. The agreements for the Guantánamo naval base are a clear example of the kind of situation that is condemned by international law.

There is also an explanation of the period following the triumph of the Revolution (1959-1979) which lists a number of acts of provocation, violations and attacks made from the U.S. base at Guantánamo Bay to frustrate the Cuban revolutionary process.

The determination and calmness with which the Cuban people, their Party and their government have confronted this situation are also noted.

There is no more eloquent proof of the Cuban people's firm position concerning their legitimate right to demand that the territory illegally occupied by the U.S. military base at Guantánamo be returned than the direct and secret vote of 5,473,534 — 97 per cent of the registered voters — to adopt the new Constitution of the Republic of Cuba on February 24, 1976. Article 10 of the new Constitution states, "The Republic of Cuba rejects and considers illegal and null and void all treaties, pacts and concessions which were

signed in conditions of inequality or which disregard or diminish its sovereignty over any part of the national territory.”

In response to the flight of the “scum” sponsored by the U.S. Government, mass rallies of the revolutionary people held throughout the country in April and May 1980 became an objective and conclusive referendum, reflecting Cuba’s unequivocal repudiation of, and continued struggle against, the presence of a Yankee naval base at Guantánamo, and U.S. violations of our territory and blockade.

This work is not only timely but vitally necessary, for there is growing worldwide interest in the question of military bases established in foreign territories against the expressed will of the peoples of those territories — of which Guantánamo is a symbol — and mounting repudiation of such actions throughout the world, especially within the Movement of Non-Aligned Countries.

I. BACKGROUND OF CUBAN-U.S. RELATIONS

Ever since the beginning of the 19th century, the general position of the best-known representatives of the U.S. government and its economic interests has been that the island of Cuba should play a role in the United States' strategic plans for expansion. The U.S. political line throughout the century alternated between two poles: that the United States should dominate Cuba and that the island should remain under Spanish control.

In 1805, President Thomas Jefferson informed the British Ambassador in Washington that, in case of war with Spain, the United States would immediately seize Cuba to defend Florida and the Gulf of Mexico. Jefferson reiterated the point in 1807 and in 1809. Cuba's annexation to the United States wasn't an easy matter to arrange at that time, however, because England had the same goal. This permitted the continuation of Spanish sovereignty as long as it wasn't possible to make the island part of the North American Union.

A map of the United States printed by the U.S. government in 1812 included not only the Mexican territories of Texas, New Santander, Cohahuilla, New Mexico and parts of New Vizcaya and Sonora but also the island of Cuba as a natural part of the Republic, as Don Luis de Onis, Spanish Minister in Washington, informed Don Francisco Javier Venegas, Viceroy of New Spain.

The map became a reality as the years passed. On the threshold of the 20th century, when Cuba became

a neocolonial republic, the territorial boundaries of the United States had been extended to include all the land the United States plundered from Mexico and annexed in 1836 and 1847.

U.S. TERRITORIAL EXPANSION

The U.S. bourgeoisie faced an attractive and promising situation at the end of its war of independence in 1783. Before it lay a huge virgin territory that abounded in raw materials for industrial development. As the country began its economic advancement, it also embarked on a vast expansionist race that reached its climax during the first half the 19th century, when the country's native Americans were practically wiped out and their lands taken over, while other nations were forced to bow to the conqueror's will.

In 1803, the United States acquired the Louisiana Purchase, thus incorporating the entire north-western and south-central part of the continent, from the Canadian border down to the Gulf of Mexico: an area of more than 2 million square kilometres, that became 12 States of the Union. By 1819, it had taken over the whole of Florida. In 1836, the Mexican territory of Texas was seized, following General Santa Anna's defeat at the battle of San Jacinto; it was annexed in 1845. Three years later, in another shameful episode, Mexico was robbed of California and New Mexico. This huge area consisted of 2 million square kilometres of territory. "Then the expansionists' restless gaze once again turned the Caribbean in the hope that circumstances would be favourable for renewing efforts

to take Cuba.”²

THE PERMANENT AND UNALTERABLE PLAN

All the efforts made by the United States, as well as Jefferson’s views, show that the U.S. interest in Cuba began at least as early as 1805 and 1808, but that it became more generalized and defined after 1823, the year in which two important documents governing the relations between Cuba and the United States saw the light: the “ripe fruit” policy, and the Monroe doctrine. Perhaps more than any other Spanish-American state, Cuba’s future was the principal reason for the enunciation of the so-called doctrine by President Monroe, who said once that they would leave Cuba where it was, but what they would never tolerate was she that fell in other hands than theirs.

John Quincy Adams, who was President Monroe’s Secretary of State and his successor in office, outlined his position in a memorable note sent to Mr. Hugh Nelson, U.S. Minister to Spain, on April 28, 1823, asking Nelson to inform the Spanish government of the U.S. strategic position on the annexation of Cuba. In part, he said:

“...Cuba, almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union...

“...in looking forward to the probable course of events for the short period of half a century, it is

² Benítez Cabrera, José A., *Las Antillas: colonización, azúcar e Imperialismo* (The Antilles: Colonization, Sugar and Imperialism), Casa de las Américas, Havana, 1977, p. 218.

scarcely possible to resist the conviction that an annexation of Cuba to our federal republic will be indispensable to the continuance and integrity of the Union itself...

“...But there are laws of political as well as of physical gravitation; and if an apple severed by the tempest from its native tree cannot choose but to fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which by the same law of nature, cannot cast her off from its bosom...”³

Adams words set the unalterable policy that the United States applied toward Cuba throughout the 19th and a good part of the 20th centuries.

In December 1823, the famous Monroe Doctrine was proclaimed, warning the European powers to keep out of the Americas, which were to remain the exclusive province of U.S. interests.

When Ferdinand VII of Spain died in 1833, the United States once again stated that it did not seek to annex Cuba but that it would not permit it to be annexed by any other power.

In 1836, the U.S. representative to Madrid declared that the United States had a particular interest in having Spain retain power in Cuba and that, in this sense, U.S. interests were in complete agreement with U.S. desires.

³ Roig de Leuchsenring, Emilio, *Cuba no debe su Independencia a los Estados Unidos* (Cuba Doesn't owe its Independence to the United States), Publications of the Cuban Society of Historical and International Studies, Havana, 1950, pp. 32-53.

Throughout the 19th century, Washington made a number of efforts to purchase Cuba. Not satisfied with its plunder of Mexican territory, the Polk Administration tried to purchase Cuba in 1848, but Spain refused to sell. A few years later, President Buchanan renewed the attempt, again in vain. With respect to Cuba all U.S. Presidents followed the same policy: for Spain if it can't be for the United States, but never for the Cubans.

By 1898, however, the fruit was ripe for intervention. The long-awaited moment had arrived. The Spanish-Cuban-American war was the pretext for the implementation of Manifest Destiny.

II. U.S. INTERVENTION IN THE SPANISH-CUBAN WAR

In view of Spain's unwillingness to sell Cuba; the resulting failure of annexation and autonomy; and the Cuban's imminent victory and independence, after 30 years of struggle, "the United States was looking for a pretext to intervene, seize the island and impose its imperial will. The battleship *Maine* was blown up in Havana's harbour to provide that pretext."⁴ This event climaxed a period of ideological preparation of the North American people by means of a massive, systematic campaign of yellow journalism, directed by the big financial and expansionist interests in the United States to create an atmosphere favourable to the approaching war. This propaganda effort disguised the real aims of conquest those interests pursued behind the banner of freedom for Cuba.

The war against Spain was diligently prepared on the ideological, diplomatic and military levels, and the partisans of an aggressive foreign policy were whipped up to war pitch.

During Cuba's long years of struggle for independence, "the United States had never recognized the governments of the Republic in Arms or acknowledged Cuba's war footing; the United States had consistently denied its support, specifically in order to keep it from becoming independent."⁵

The working masses in the United States, how-

⁴ D'Estéfano Pissani, Miguel, *Derecho de Tratados* (Treaty aw), Editorial Pueblo y Educación, Havana, 1977, p. 148.

⁵ *Ibidem*.

ever, supported the Cuban independence struggle and identified with an oppressed people that was trying to win its freedom.

A few days before the United States entered the war against Spain, President McKinley declared that it would not be wise at that moment to recognize the independence of the so-called Republic of Cuba, since that might place the United States in the embarrassing position of having international obligations to that republic and of being subject to the approval or censure of its government in case of U.S. intervention. The United States might even have to follow Cuban leadership and enter into a friendly alliance with it.⁶

On April 11, 1898, the U.S. President sent the Congress his anxiously awaited message concerning relations with Spain and the war in Cuba, requesting authorization for the United States to intervene in the conflict. The House and Senate debated the matter for several days and, on April 19, approved the Joint Resolution that William McKinley signed into law the following day, an ultimatum for war with Spain.

The U.S. government realized that Spanish control in Cuba was weakening daily and that the revolution, on the country, was growing ever stronger. If the United States delayed, it would face an independent Cuba and lose the chance to “pacify” the island for use as a catapult in its Antillean and Asian expansion.

Thus, the war to free Cuba was really a war to block its independence, drive Spain out of the Antilles

⁶ Foner, Philip, *The Spanish-Cuban-American War and the Rise of Yankee Imperialism*. Editorial de Ciencias Sociales, Havana, vol. I, p. 299.

and the Philippines and open the door to U.S. economic and political domination of these islands.

Spain rejected the Joint Resolution, and diplomatic relations between the two countries were broken. On April 22, 1898, the U.S. naval fleet left for Havana to impose a blockade against Cuba.

War was formally declared on April 25. Yankee troops began to land on the eastern shore of the island on June 22. On July 3, the Spanish squadron was defeated in the naval battle of Santiago de Cuba. This defeat practically sealed the fate of that city, and in effect, put an end to the Spanish empire in the Americas and Asia.

Yankee intervention in the Spanish-Cuban war occurred at the moment in history when the Spanish government had used “the last man and the last peseta” in its systematic opposition to the island’s full emancipation by repeatedly backing the imperialist doctrine of Manifest Destiny and the ripe fruit policy.

The U.S. intervention in the war for independence on April 1898, at the moment the Cuban mambises were on the point of winning, had as its immediate objective to guarantee that the island would be economically, if not territorially, annexed to the United States, as Spanish Admiral Pascual Cervera had said in February of that year.⁷

The Spanish garrison that defended Santiago de Cuba surrendered on July 16, 1898, but the U.S.S. command refused to allow the Cubans to take part in the surrender ceremonies, in line with official U.S. nonrecognition of Cuban revolutionary bodies. The

⁷ Benítez Cabrera, José A. *Op. cit.*, p. 247.

surrender was not signed by Cubans. Cuba's decisive role in the victory was not acknowledged. Cuban General Calixto García, head of the rebel troops in the eastern part of the island, protested energetically in a famous letter addressed to the U.S. authorities. The consistency of U.S. policy toward Cuba had been ratified once again.

Hostilities ended on August 12, and the victorious United States issued orders for the lifting of the naval blockade against Cuba, Puerto Rico and the Philippines. The Spanish-Cuban-American war — “the splendid little war,” as John Hay called it in a letter to Theodore Roosevelt — had lasted four months.

Once the Spanish squadron had been defeated. Major General Nelson A. Miles, commander of the United States Army, carefully read his final political instructions from U.S. Secretary of War J.G. Breckenridge to conduct the war in Cuba and Puerto Rico. The document is so explicit that needs no further analysis.

THE BRECKENRIDGE MEMORANDUM

“The annexation of territories to our Republic has been so far that of vast regions very scarcely populated, and has always been preceded by the peaceful invasion of our emigrants in such a way that the absorption and amalgamation of the existing population has been easy and speedy. The Antillean problem presents itself two aspects: One is related to the island of Cuba, the other to Puerto Rico; our aspirations and the policy we should follow in each case also differ. Cuba with greater territory, has a greater population

than Puerto Rico. Its population consists of whites, negroes, asiatics and their mixtures. The inhabitants are generally indolent and apathetic. It is obvious that the immediate annexation to our federation of such elements would be folly, and before so doing, we must clean the country, even though it be by applying the same means which were applied by Divine Providence to Sodom and Gomorrah.

“We must destroy everything in range of our guns, we must concentrate blockade so that hunger, and disease its constant companion, may sap the civilians and cut down the Cuban army. That army should be employed constantly in reconnaissance and rearguard actions, so that they may suffer rigorously between two fires, and to them shall fall all dangerous and desperate enterprises... We will aid with our arms the independent government which will be constituted, although informally, while it is in the minority. Fear, on one hand, and their own interest on the other, will cause this minority to strengthen itself, making the autonomists and the Spaniards remaining in the country to appear as the minority.

“When this moment arrives, we should create difficulties for the independent government and these, and the lack of means to comply with our demands and the obligations created by us, the war expenses and the organization of the new country, will face them.

“These difficulties should coincide with the troubles and violence among elements referred to, and to the opposition we should lend our aid.

“Summing up, our policy should always be to support the weaker against the stronger, until we have ob-

tained the extermination of them both, in order to annex the Pearl of the Antilles.”

III. THE ROAD OF OCCUPATION

FROM THE JOINT RESOLUTION TO THE TREATY OF PARIS

Point Four of the Joint Resolution of Congress of April 19, 1898, declared "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

It also stipulated:

"First: That the people of the island of Cuba are and, of right, ought to be free and independent.

"Second: That it is the duty of the United States to demand, and the government of the United States does hereby demand, that the government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters."

While the Joint Resolution clearly denied recognition to the Republic of Cuba in Arms and legal standing to the Council of Government of the Revolution, it went much farther than the U.S. executive had intended. It bolstered the resistance and mobilization of the Cuban people, which prevented annexation of Cuba later, as was done with the Philippines and Puerto Rico. The Joint Resolution also implied a certain international commitment on the part of the U.S. government so that other "legal ways" had to be found to guarantee control over the island of Cuba.

The Joint Resolution offered Spain one alterna-

tive:

1) to relinquish its authority and withdraw its forces from Cuba; or 2) to go to war and open the way to Yankee occupation of Cuba. The Spaniards chose the latter.

After Spain's military defeat in Cuba in a lightning war, the surrender, signed on August 12, 1898, provided that Spain would relinquish all claims of sovereignty and all rights over Cuba and immediately evacuate the island, and that it should appoint to arrange and see to the details of the evacuation.

The United States took over military control of Cuba. The new colonial authorities that would constitute the interim military-civilian government in charge of the nation's destiny as long as the occupation lasted began to establish themselves in the territory.

In October of that year, the Spanish and U.S. delegates appointed to draw up and sign the peace treaty began their discussions in Paris. As at the surrender of Santiago de Cuba, the Cubans were not invited to send representatives to the Conference, to participate in the discussions or to sign the Treaty.

The bilateral Treaty of Paris, signed between Spain and the United States, on December 10, 1898, stipulated in Article I that:

“Spain relinquishes all claim of sovereignty over and title to Cuba.

“And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.”

The text listed the territories over which Spain renounced sovereignty (Cuba) and those ceded to the United States (Puerto Rico and the other islands of the West Indies, Guam and the archipelago of the Philippines).

Cuba became a special occupation territory, since it was no longer “a war-occupied or enemy territory, once the Treaty of Paris was signed. Neither could it be considered a state or territory that had been absorbed by another state, for the United States was not absorbing Cuba or Spain.”⁸ But, since law and order was clearly in the hands of a foreign military government that imposed its will by issuing military orders, it can certainly be said that Cuba was subjected to military occupation.

Article XVI of the same Treaty of Paris said: “It is understood that any obligations assumed in this Treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon termination of such occupancy, advise any government establisher in the island to accept the same obligations.”

Cuba took over from the United States the obligations that it had assumed under the Treaty of Paris.

Whereas the Joint Resolution implied a commitment to respect Cuban independence, the Treaty of Paris ignored it by turning the island into a “special” territory.

While the United States refused to recognize the government of Cuba in arms, it did request and obtain help from the Cuban patriots of the Liberation Army

⁸ D’Estéfano Pissani, Miguel, *Op. cit.*, p. 150.

— the decisive factor in the victory over Spain — for the U.S. Army landing. Those heroic Cuban fighters weren't even recognized when their aid was required, were barred from the cities when Spain surrendered and were ignored when the Treaty ending the Spanish-American war was signed in Paris.

That is why the Yankee hastened to declare that the Joint Resolution wasn't an agreement, a law or even a decree. McKinley was quick to state that he didn't recognize Cuban authority or any revolutionary body's right to negotiate with the United States; and the Cuban Assembly agreed to dissolve on April 4, 1899, after the United States refused to recognize it. Clearly, the peace with Spain was not a Cuban peace with the United States.

IV. U.S. MILITARY OCCUPATION (1899-1902)

At midday on January 1, 1899, Spain's sovereignty over the island of Cuba ended, and that of the United States officially began.

"The victorious Cuban troops were not allowed to establish the country's new form of government. That was done by the foreign power that expelled Spain and took over from her. The Cuban army that had fought for the homeland's freedom throughout years of epic struggle and the long-suffering emigrants"⁹ watched the Spanish flag lowered from Havana's Morro Castle that January 1; in its place was raised not the Cuban flag, but that of the United States.

As the Cuban patriots contemplated that harsh reality, it isn't hard to imagine that, in one great national chorus, they reaffirmed Bonifacio Byrne's verse:

*Back home, with heavy heart I see
the flag that is my pride
unfurled, but still not free,
another hoisted by its side.*

Cuban military and civilian power submitted to the occupation forces; but, since the U.S. Congress could not pass laws concerning Cuba, because the United States had not assumed sovereignty over the island, legislation was by military decree of a governor

⁹ Roig de Leuchsenring, Emilio, *Historia de la Enmienda Platt* (History of the Platt Amendment), Editorial de Ciencias Sociales, Havana, 1973, p. 102.

appointed by the President of the United States.

Annexationist and anti-independence views were vehemently expressed in U.S. financial and military circles during this period. General Leonard Wood, who became military governor of Cuba in 1900, was a frenetic annexationist who wrote Elihu Root, U.S. Secretary of War, that annexationist feelings were growing everywhere and, unless the Convention approved the Appendix without further delay, the big agricultural and commercial interests would develop enough influence to boost it. A few days later, in another note he added that Cuba had naturally been left little of no independence under the Platt Amendment and that the only solution was to seek annexation. He added that this would take time, however, and that, during this period, Cuba should maintain its own government — with U.S. control over it, a control that would doubtless be turned into possession.

Cuba was the first big neocolonial market for incipient U.S. imperialism; “by 1899 the United States was already talking about the big business that Cuba would provide. The private companies, bankers and latifundists followed the army of occupation as the legitimate occupiers.”¹⁰ The expulsion of Spain from its last colonies in the Americas and Asia gave the United States virtual domination over the Caribbean, and an advantageous position in the Pacific, as it usurped a piece of territory in Guantánamo, took over Puerto Rico plus Guam and the Philippines — and, later, occupied the land for the Panama Canal.

“Domination of the upper Antilles was the path-

¹⁰ D’Estéfano Pissani, Miguel, *Op. cit.* p. 101.

way to the exercise of a blood-curdling influence over the rest of the Antilles, in Latin America.”¹¹ José Martí, a political genius, grasped the danger that was there and tried in time, with Cuba’s independence, to prevent the United States from extending its control through the Antilles and falling with that added strength on our lands of America.

THE CONSTITUTIONAL PROCESS OF 1900-1901

In his December 5, 1899 message to Congress, President McKinley said that Cuba, of necessity, had to be linked to the United States by special ties, which could be organic or conventional, and that only the future would tell how far Cuba’s destiny was to be linked to that of the United States. McKinley’s reference to organic ties was an indirect expression for annexation, while conventional ties were those that left the way open for the Platt Amendment, which was to provide the formula for future relations between Cuba and its northern neighbour.

On July 25, 1900, the U.S. military government issued Civilian Order No. 301, calling for the election of delegates or deputies to a Constitutional Assembly or Convention that was to begin its sessions on the first Monday in November, to draw up and adopt a Constitution for the people of Cuba and, as a part of that document, determine, in agreement with the U.S. government, the relations that would exist between the two governments in the future.

¹¹ Benitez Cabrera, José A., *Op. cit.*, p. 224.

The Constitutional Convention held its first session in the Irijoa (now Martí) Theatre on November 5, 1900. Military Governor Leonard Wood addressed the delegates to give them their final instructions. Among other things, he said that it was their duty, first of all, to draw up and adopt a Constitution for Cuba and, when that had been done, to determine what future relations should, in their view, be established between Cuba and the United States. Then, when they had formulated these relations, the government of the United States would undoubtedly take the necessary steps to bring the matter to final agreement, authorized by the peoples of both countries, for the purpose of promoting their common interests.

In the article "The Cuban Republic... Limited," (*Review of Reviews*, December 1900) pro-administration writer Walter Wellman, Washington correspondent for the *Chicago Record-Herald*, predicted that the imperialist plans drawn up behind the back of the Cuban Assembly would make Cuba theoretically a sovereign state but, in fact, a self-governing colony of the United States.

There is no need to list the vicissitudes of the Assembly in drawing up the constitutional text. On February 11, 1901, the discussion was concluded and the Constitution approved; its final text was read on February 21.

Once this magna charta was written and accepted, discussion of the political relations between Cuba and the United States was opened. A five-member commission was designated on February 12 to study and propose the bases for such relations. The U.S. Military Governor immediately informed the members of

the commission of the instruction that had been received from Secretary of War Elihu Root, establishing the nature of those relations. The conditions he outlined, with certain additions, amounted to the articles that later appeared in the Platt Amendment, so called because it was presented to the U.S. Senate by Senator Orville H. Platt of Connecticut on February 25, 1903, as an addition to the draft of H.R. 14017 on loans to maintain the Army during the fiscal year ending in June 1902 (Law on Army Expenditures).

When the Convention learned of the unacceptable conditions the U.S. government had imposed, it approved (on February 27) five counterproposals to the instructions Governor Wood had received, particularly relating to recognition of the United States' right to intervene and to establish naval stations on Cuban Territory.

By a remarkable coincidence, that same day the U.S. Senate and House approved the Platt Amendment, whose text was drawn up by Secretary of War Elihu Root. On March 2, President McKinley signed it into law. "The die was cast for the birth of formal sovereignty."¹²

THE PLATT AMENDMENT

The Platt Amendment authorized the President of the United States "to leave the government and control of the island of Cuba to its people so soon as a government shall have been established in said island

¹² Arasquitaín, Luis, *La agonía antillana* (the Antillean Agony). Editorial Espasa-Calpe, S. A., Madrid, 1928, p. 231.

under a Constitution which, either as a part thereof or in ordinance appended thereto, shall define the future relations of the United States with Cuba.” The Joint Resolution provided that Cuba would be free as soon as it was pacified, while the Platt Amendment provided that Cuba was to be free as soon as its future relations with the United States were defined. The two were contradictory.

The Platt Amendment crushed Cuba’s independence, not only because it permitted Yankee intervention (Article III), but also because it pared away our national territory by omitting the Isle of Pines from Cuban boundaries and leaving its ownership “to future adjustment by treaty” (Article VI). It also limited Cuba’s right to make treaties (Article I) and its right to assume or contract public debts (Article II), established the nature of our sanitation program (Article V), validated all the acts of the United States in Cuba during the military occupancy (Article IV) and also obliged Cuba to “sell or lease” naval stations at certain points (Article VI).

Article VII, concerning the naval bases, reads:

“To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defence, the Cuban government will sell or lease to the United States, the lands necessary for coaling or naval station, at certain specified points, to be agreed upon with the President of the United States.”

According to Article VIII, “The government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.”

This final clause obliged Cuba to incorporate these

fetters on its sovereignty into a permanent treaty — a legal delicacy so it wouldn't be said that the United States had shackled a country without its citizens' consent.

General Leonard Wood, who, on November 5, 1900, had told the Cuban Constitutional Convention delegates that he would leave the relations between Cuba and the United States to their judgement, warned them on February 27, 1901, that they seemed to be paying little or no heed to what the United States had done for Cuba.

On March 2, Governor General Wood presented the Platt Amendment to the Cuban Convention for its consideration, adding that the President was awaiting the action which that body would take on it. That day, he wired Root and suggested that the itinerary of the U.S. Navy be adjusted so it could pay a visit to Cuba. He pointed out that the squadron that was then off the coast of Florida was due to arrive in Cuba on March 9 and that it wouldn't be a bad idea for it to come at once.

The convention opposed including the Platt Amendment as an appendix to the Cuban Constitution and only authorized certain concessions under U.S. pressure.

A number of delegates felt the Convention should adjourn rather than agree to measures that offended the dignity and sovereignty of the Cuban people. On March 7, the Cuban reply, written by Juan Gualberto Gómez, one of the delegates, argued that Article III of the Platt Amendment “is the equivalent of giving (the North Americans) the key to our house so that they can enter whenever they feel like it, day or night, with

good or evil intent,” and on Article VII he added:

“Any way you look at it, its purpose is nothing more than the diminution of the power of future Cuban governments and the sovereignty of our Republic.

“The thought of renting or selling part of the national territory so wounds the country’s feelings that the article referring to the naval stations has caused more discontent among our people than all the other articles of the amendment. The cry ‘No coaling’, has dominated in all the mass demonstrations held against the amendment... and it is, therefore impossible to recommend the articles... that involve a mutilation of national territory and a constant threat to our domestic peace.”

On April 13, the Convention suspended the debate on Juan Gualberto Gómez’s position paper and decided to send a committee to the United States to ascertain the views and aims of the U.S. government on everything related to the establishment of a definitive order of political and economic relations between Cuba and the United States and to try find a basis for agreement on these extremes to propose to the Convention or its final resolution.¹³

The U.S. government hastened to state publicly that the committee had not been invited, had no official status and would visit Washington at its own initiative.

Secretary of War Root received the committee on

¹³ Alvarez Tabío, Fernando, “La base naval de Guantánamo y el derecho Internacional” (The Guantánamo Naval base and International Law). In *Cuba Socialista* magazine, no. 11, Havana, 1962.

April 25 and 26 and told its members in no uncertain terms that the United States' right to impose the conflictive articles had been proclaimed for 75 years throughout the United States and Europe, and that Washington was not prepared to go to the extreme of endangering its own security by renouncing it.¹⁴

The committee returned from Washington and made its report to the Convention which received it with general discontent. On May 28, another position paper that accepted the amendment with certain clarifications was submitted for discussion, but the U.S. government would not accept this solution and sent an ultimatum, through Governor Wood, to the effect that it would only accept the unqualified amendment, which was a statute passed by the U.S. legislative bodies that the President was obliged to carry out the way it was. It could not be changed, modified, added to or subtracted from; the executive action the statute required was the withdrawal of the Army from Cuba, which it would authorize when and only when a government had been established under a Constitution that provided, in its text or appendices, certain final arrangements specified in the statute.

The Cuban delegates had made numerous efforts to have the U.S. government give up or at least soften the Amendment.

The Yankee threat, however, was categorical and public. That same day, Wood said that the time had arrived to establish the government's position with absolute clarity and that it should be done as an ultimatum to end the discussions. Anything else would be

¹⁴ *Ibidem.*

an indication of weakness or indecisions.¹⁵

Congressman Grosvenor and others in the United States fumed that those individuals (the Cubans) whom the United States had permitted to form a Constitutional Congress had had the nerve to try to amend even laws passed by the United States.¹⁶

Senator O.H. Platt publicly warned the Cubans that, if they didn't accept all the articles of the amendment, the United States would immediately occupy the island until they did so.

This was the ultimatum. By a bare majority, the Cuban delegates voted for what they considered to be the lesser evil and on June 12, 1901 included the Platt Amendment as an appendix to the Constitution. Out of this act of force came the U.S. naval base at Guantánamo Bay.

The U.S. government's imposition of the Platt Amendment as an essential and indispensable condition for ending the military occupation and handing the island over to the Cubans was not an isolated episode in the history of the relations between the United States and Cuba, as we have seen. Its roots go back to the 19th century. The territorial annexation that Jefferson and his followers sought was not consummated, but, along with the aims of conquest, a process of economic annexation was simultaneously developing, and Cuba was the first victim of that neocolonization.¹⁷

With the triumph of the Cuban Revolution in

¹⁵ D'Estéfano Pissani, Miguel, *Op. cit.*, p. 154.

¹⁶ *Ibidem.*

¹⁷ Benitez Cabrera, José, *Op. cit.*, p. 228.

1959, this hateful tie was broken, however. The Yankee naval base at Guantánamo remains as an offensive symbol against the island's sovereignty, lacking the strategic importance it once had. Its main purpose now is to serve as an imperialist spearhead against the Cuban Revolution and as a fountainhead of political pressure and blackmail.

Secretary of War Elihu Root told the Convention Committee that visited Washington on April 25, 1901 that the territory leased for bases in Cuba would always look seaward, never inward toward Cuba. Now just the opposite is true; the base looks in toward the land.

TEXT OF THE PLATT AMENDMENT¹⁸

“That in fulfilment of the declaration contained in the Joint resolution approved ninety eight, entitled ‘For the recognition of the independence of the people of Cuba’, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval reserve forces from Cuba and Cuban waters, and directing the President of the United States to carry these resolutions into effect, the President is hereby authorized to leave the government and control of the island of Cuba to its people so soon as a government shall have been established in said Island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the

¹⁸ Taken from Roig de Leuchsenrlng, Emilio. *Historia de la Enmienda Platt* (History of the Platt Amendment), Editorial de Ciencias Sociales, Havana, 1973, pp. 23-24.

United States with Cuba, substantially as follows:

“I. That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers, which will impair or tend to impair the independence of Cuba, or in any way authorize or permit any foreign power or powers to obtain by colonization of for naval or military purposes or otherwise, lodgement in or control over any portion of said Island.

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

“III. That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

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

“V. That the government of Cuba will execute, and as far as necessary extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may

be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to commerce of the southern ports of the United States and the people residing therein.

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

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

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

The constitutional appendix was accepted by the Cuban Convention, under pressure from the United States on June 12, 1901.

The foreign power that expelled Spain took control of Cuba, with the Platt Amendment providing the legal cloak for its illegal power.

THE NEOCOLONIAL REPUBLIC

“In his annual report of November 1901, Secretary of War Elihu Root stated that, with the Cuban Constitutional Convention’s adoption of the Platt Amendment, its Constitution could be considered an adequate basis for forming a new government that, once in power, would be invested with control of the

island.”¹⁹

Washington’s opinion as to who should be the first President of the future Republic of Cuba was made clear: “President of Cuba — Selection of (Estrada) Palma Would Please Washington,” read a U.S. newspaper headline in April 1901. Estrada Palma was the favourite son of the United States. He had lived there for 20 years and was considered “loyal.”

As the sole candidate, Estrada Palma was duly elected on December 31, 1901, in a vote that was guaranteed by the government of occupation. Finally the great day arrived: May 20, 1902, the spoiled fruit of a long historical process fraught with endless sacrifice. What emerged was a controlled Republic managed by the powerful guardian to the north — a republic that, with the Platt Amendment, wasn’t really a nation economically, juridically or politically.

The Cuban people saw their time-honoured aspirations frustrated, their illusions shattered. They had changed from a colony into a neocolony.

Under the first Cuban government, the Treaty of Reciprocity, the Treaty of Permanent Relations and the agreements that implemented Article VII of the Platt Amendment — granting territorial concessions for U.S. naval and coaling bases — were signed.

Even so, there was still the possibility of continuing the struggle to achieve true independence, as events in future years proved.

¹⁹ Foner, Philip S., *La guerra hispano-cubano-norteamericana y el surgimiento del Imperialismo yanqui* (The Spanish-Cuban-American War and the Rise of Yankee Imperialism), Editorial de Ciencias Sociales, Havana, 1978, vol. II, p. 341.

V. THE PERMANENT TREATY OF 1903. NAVAL AND COALING CONCESSIONS

THE NAVAL BASE AT GUANTÁNAMO BAY

“The Platt Amendment became a sword of Damocles, whose sharp blade consisted of the naval and coaling concessions. The strength of the colonial appendix lay precisely in the article on military bases.”²⁰ The so-called Permanent Treaty between the United States and Cuba, signed in 1903, was a word-for-word copy of the Platt Amendment — which, in turn, was attached as an Appendix to the 1901 Constitution. Naturally, Article VII, concerning the sale or lease to the United States of lands necessary for coaling or naval stations, was included, and it became operative through an agreement signed on February 16, 1903 by Cuba and on February 23, 1903 by the United States. The Permanent Treaty was signed on May 22. The coaling agreement was signed before the main treaty was. Cuban territory occupied by the United States was transferred to the new government on the express condition that it would assume the obligations to the United States contracted in the Paris Treaty of 1898 with Spain and would then accept, by force, the United States’ right to intervene, a right first recognized in the Platt Amendment itself and then in the incorporation of that amendment as a constitutional appendix in 1901 and as part of the Permanent Treaty between the United States and Cuba in 1903. Manuel Sanguily, a Cuban patriot and a member of the Con-

²⁰ D’Estéfano Pissani. Miguel, *Op. cit.*, p. 154.

stitutional Convention, commented that the United States had “subrogated our former metropolis, Spain.”

Article I in the February 1903 Agreement read: “The Republic of Cuba hereby leases to the United States for the time it shall need them and with the purpose of establishing coaling or naval stations in them, the extensions of land and water adjacent to the island of Cuba forthwith described...” Article III went on to say that while on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two governments) for the public purposes of the United States any land or any other property therein by purchase or by the exercise of eminent domain with full compensation to the owners thereof.

The regulations for leasing the coaling and naval stations were signed into law on July 2, 1903, and at noon on December 10, 1903, the United States took possession of the land and sea areas leased for the establishment of a naval base in Guantánamo. The price of the lease was fixed at \$2,000 a year in U.S. gold, which the United States agreed to pay throughout the period it occupied and used those areas under the agreement.

In 1912, some years after the naval base had al-

ready been established at Guantánamo Bay, a new treaty was signed that extended the U.S. advantages there. The treaty became void as it was not ratified by the parties in due course.

The U.S. base is located on the southern coast of the eastern end of the island, at the foot of the Sierra Maestra mountains, in a 117 square mile area, 33 percent of which — 39 square miles — is taken up by the bay itself. In addition to being the third largest bay in Cuba, Guantánamo is a deep, sheltered inlet that was selected for its strategic location and was considered, at the time, to be fundamental to U.S. military domination of the Caribbean and Central and South America. Later it was also a vital support point for controlling the Panama Canal. At present, however, its strategic value has diminished.

As soon as the United States secured possession of Cuba, it lost no time in trying to repeal the Anglo-U.S. Clayton-Bulwer Treaty of 1850 in order to acquire a strip of the Central America isthmus. Once England accepted repeal of the treaty, the United States had a free hand in building and operating the inter-oceanic canal. This venture was “legalized” in February 1904, when the U.S. Senate ratified the Hay-Bunau Varilla Treaty; the United States control over the Panama Canal Zone.

In its war with Spain, the United States had legitimized the principle of the right of intervention to protect its interests. The development of the twin policy of Plattism and interventionism led the United States to intervene in Cuba, the Dominican Republic, Haiti, Mexico, Panama and other Central American republics in actions that brought those peoples nothing but

sorrow and poverty.

The U.S. naval base at Guantánamo, child of the Platt Amendment, played an important role in aggressive imperialist policy, because its strategic geographic position made it possible to mobilize troops in a hurry and send them on tactical interventionist missions anywhere in the Antilles and Central America. As recently as 1965, U.S. troops were sent from the Guantánamo base to crush the constitutionalist popular uprising in Santo Domingo led by Francisco Caamaño.

Speaking at the United Nations on September 26, 1960, Cuban Prime Minister Fidel Castro stated:

“It is a well-known fact that under the Platt Amendment — which our people were coerced into accepting — the U.S. government arrogated the right to establish naval bases in our territory, a right imposed by force and maintained by force.

“A naval base in any country is cause for just concern..., concern that a country with an aggressive and warmongering international policy should possess a base there in the heart of our island...”

During his talks with the UN Secretary-General in Havana on October 20, 1962 the Cuban Prime Minister pointed out that “The United States says it possesses that base under a treaty, an agreement made between the United States and a Cuban government — a Cuban government that emerged during the intervention.”

It wasn't by treaty: it was by unilateral agreement of the U.S. Congress that an amendment was attached to our Constitution as a condition for the withdrawal of the U.S. troops stationed on the island. This amendment also provided for the establishment of the

naval base.

VI. THE 1934 TREATY ON THE RELATIONS BETWEEN CUBA AND THE UNITED STATES

The Cuban people's repudiation of the Platt Amendment yoke, the development of national political consciousness in the '20s and the revolutionary upsurge of 1933 — as an expression of general resentment on the part of the peoples of Latin America against the colonial policy of the United States, while the "treatment" given the Dominican Republic in 1916 and Nicaragua in 1926 was still fresh in people's minds and when they were also hit by the serious capitalist economic depression, forced a diversionist turn-about in U.S. policy toward Latin America under President Franklin D. Roosevelt's New Deal. Roosevelt's "good neighbour" policy sought to improve the image that Latin America had of U.S. foreign policy, based of his predecessors' use of the "big stick." These factors contributed to the signing of the so-called Treaty on the Relations between Cuba and the United States in 1934, abrogating the Permanent Treaty of 1903 and the Platt Amendment — except that Article II of the new treaty provided that "The stipulations of that agreement with regard to the naval station of Guantánamo shall continue in effect... so long as the United States of America shall not abandon the said naval station of Guantánamo or the two governments shall not agree to a modification of its present limits..." The Platt Amendment came to an end, but Cuba remained a neocolony.

When the 1934 Treaty became operative, Senator

Pittman remarked that the relations between Cuba and the United States were no longer governed by the Platt Amendment but would in the future be guided by international law, thus recognizing that the Platt Amendment was contrary to international law. (He was mistaken in his view that future relations would be governed by international law, however.)

Manuel Márquez Sterling, Cuba's Ambassador in Washington who was an active participant in the treaty negotiations, described the significance of the new treaty in a report submitted on April 18, 1934, 40 days before the document was signed:

“If the United States incorporates in this treaty we have negotiated the right in perpetuity to retain its coaling or naval stations in our territory as a specific condition of our relations, we will never be able to brag of having freed our homeland from the humiliating yoke of the Platt Amendment. In its good neighbour relations with this powerful empire, our country should not continue to accept the imposition of coaling stations.”

The Ambassador continued as follows:

“If the entire text of what was first the Platt Amendment, later the constitutional Appendix and finally the Permanent Treaty ceases to have validity — without excepting Article VII — then it is clear that Cuba's obligation under this annulled clause ceases to exist and cannot later be discredited. It is not correct to admit that Cuba has an obligation of this nature outside Article VII — where that obligation arose — once the text is voided.”

Thus, the 1934 Treaty is an uncreated treaty, since it maintains one of the Articles of the 1903 Treaty; it

was vitiated and null and void from the start.

All these documents are invalidated by so many factors that those who try to maintain them in force cannot allege that they have been partially confirmed by the 1934 Treaty. They are null and void from beginning to end, and nothing can give them a pretence of validity. Their essential perversion cannot be validated by any subsequent legal document.²¹

²¹ *Ibidem*, p. 165.

VII. LEGAL ANALYSIS OF THE AGREEMENTS ON THE GUANTÁNAMO BASE

It is appropriate to outline Cuba's legal basis for rejecting the illegal treaties and agreements on the Guantánamo base, in the light of international law and its progressive development.

The preceding sequence of U.S. decisions on Cuba covers a very brief but also a very important historical period — between April 1898 and March 1901, from the Joint Resolution to the Platt Amendment.

THE PLATT AMENDMENT'S VIOLATIONS OF THE JOINT RESOLUTION AND THE TREATY OF PARIS

According to the April 19, 1898 Joint Resolution of the U.S. Congress, which opened the door to direct intervention in Cuba's affairs, the Cuban people were and of right ought to be free and independent, and the United States disclaimed any intention "to exercise sovereignty, jurisdiction or control over the island except for the pacification thereof" and asserted its determination, once that was accomplished, "to leave the government and control of the island to its people." Following the U.S. military intervention in the war in Cuba, the defeat of Spain and the end of hostilities, the whole premeditated, negative attitude the United States had shown toward Cuba was summed up in the Treaty of Paris — signed with Spain on December 10, 1898, under which the United States, tak-

ing over occupation of the island from Spain, “will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property.”

Article XVI stipulated “that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any government established in the island to assume the same obligations.”

Then, by an order issued July 25, 1900, the Constitutional Convention was convoked to implement the Joint Resolution by drawing up a Constitution that, in agreement with the government of the United States, would determine the relations that would exist between the two countries. General Wood inaugurated the Assembly on November 5, 1900, reminding the delegates that it was their duty to determine what, in their view, those relations should be.

On March 2, 1901, after the Constitution was written, the Platt Amendment was promulgated as part of a law governing U.S. Army funds. It considerably reduced Cuba’s sovereignty by stipulating, “that to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defence, the Cuban government will sell or lease to the United States, the land necessary for coal-ing or naval stations at certain specified points, to be agreed upon with the President of the United States.”

It is easy to see that the evident, unilateral and arbitrary intention of the United States was, more than anything else, to usurp Cuba’s sovereignty over a part

of its own territory.

The Joint Resolution and the Paris Treaty became a dead letter. While the Resolution spoke of a free Cuba and the Treaty limited U.S. obligations to the period of its occupancy, the Platt Amendment coercively and arbitrarily imposed legislation on Cuba through articles that showed no interest in respecting the Joint Resolution.

The United States persisted in its crude plot to usurp Cuban sovereignty and independence by tying the island to its colonial yoke engaging in flagrant contradictions and illegalities that undermined the whole pseudo-legal scaffolding on which the plot depended. Many people understood this right from the start.

Juan Gualberto Gómez, Cuban patriot and delegate to the Constitutional Convention, said at the time that “as long as the occupation lasts” the words of the Treaty of Paris couldn’t be more expressive and that “the day the occupation ends, they cease to hold any meaning at all.” Another delegate, Méndez Capote, reasoned that, if the United States had proclaimed to the whole world its exclusive right to meddle in the affairs of Cuba, “it should have requested this, and clarified it, in the Resolution of April 19, 1898.” He added that the Platt Amendment “contradicts the entire Joint Resolution from its preamble to its end.”

As the President of Cuba, Osvaldo Dorticós said in a letter to Chilean students written in 1962, “The Platt Amendment, imposed on the Constitutional Convention of 1901, betrayed the spirit and letter of the Joint Resolution and diminished Cuba’s sovereignty in a humiliating way.”

From the very beginning, then, the indelible stigma of illegality and nullity was present at every stage that led to the agreements on the Guantánamo naval base. A specific, objective, deep analysis of this plot — that is in open defiance of international law and its progressive development — is in order.

THE 1901 CONVENTION DELEGATES' LACK OF JURISDICTION OVER RELATIONS AND CONCESSIONS DEMANDED BY THE UNITED STATES

The first thing to note is that the 1900-1901 Convention delegates represented a people that had no legal right to draw up contracts on matters beyond its power. The Platt Amendment and the right the Yankee assumed under it to have bases in Cuba was approved in the United States in March 1901 while the Constitutional Convention was in session — many months after it had been convened and invested with its powers. The whole thing was so unusual that the Cuban delegates reacted immediately and overwhelmingly. Manuel Sanguily suggested the wisdom of calling a new election to select other convention delegates, who would be fully authorized to determine future links of friendship and trade with the United States; Enrique Villuendas pointed out that “the Amendment demands that the delegates accept conditions whereas the people of Cuba voted for a convocation that covered only standards and forms.” Salvador Cisneros Betancourt advised that the delegates turn in their credentials and papers to the Governor, and General Emilio Núñez argued that the Platt Amendment im-

plied “reforming not just some but all the Constitution principles.”

One of the pillars of law is that an agreement is not valid when it exceeds its established powers — which automatically invalidates the Platt Amendment as an appendix to the Constitution. Moreover, its unconstitutionality renders it completely null and void.

COERCION AND FRAUD

Countless expressions of U.S. coercion and fraud have been documented both before and after the concession of the bases.

The neocolonial structure also wields its power mechanism to force the country to submit, while investing its contracted obligations with a semblance of validity.

On the Guantánamo issue, the United States has clearly aimed to present fraud and coercion as the evils of consent.

In 1901, the watchword was that the Platt Amendment was the key to the future of the republic: no amendment, no republic. Once this had been made clear to the Constitution Convention, the stage of intimidation and coercion began. On March 2, 1901, General Wood told the Convention that the President was awaiting the Convention’s action on this matter. He then wrote Secretary Root that it might not be a bad idea to add the strong hand of authority to the political element. Moreover, possession of the Isle of Pines was left up in the air. Threats came from every direction.

The New York Times wrote that the U.S. govern-

ment's patience had reached an end.

Representative Littlefield stated Cuba had no strength and, because of its weakness, would be compelled to meet the U.S. demands.

Cuban Military Governor Leonard Wood wrote Secretary of War Elihu Root that the time had come to state the U.S. government's position with absolute clarity, in the form of an ultimatum that would halt the discussions. Wood also warned the Cuban Convention that the Amendment would not be modified and that the army of occupation would not be withdrawn until its terms were accepted.

Intimidation and threats of imminent and serious danger presented the Cuban delegates with an imminent and serious dilemma at the turn of the century. There was more than enough evidence to show the illegal nature of the agreements. Everything from "persuasion" to ultimatum, from the basest "interpretation" to the most public and shameless threat, was used. Not only did the United States violate its own commitments and formulations by switching from the Joint Resolution to the Platt Amendment; it also angered, wounded and intimidated the Cubans. It also tried to apply a veneer of legality to a document that was unconstitutional in origin and was subsequently imposed on the delegates by coercion and fraud.

EVILS OF CONSENT

The principle that consent is the basis of all legal obligation and can be annulled by the so-called evils of consent has been established under international law. Treaties presuppose consent by both parties in

order to form a legal tie; but the entire case of Guantánamo is based on the crudest expressions of illegality and immorality, involving no free consent at all.

The aim of and reason for the agreement must also be taken into consideration. If the signing of a treaty is the culmination of a chronological succession of events, the Guantánamo affair offers the clearest possible opportunity to look at the events that preceded, accompanied and followed it. Consent is vitiated from the beginning, because treaties are manifestations of a joint willingness create a legal tie, based on mutual understanding of the intent of the treaty. This is such an important principle of law that the intent of the parties is what prevails when there is a difference between expressed and real will.

We need not go back to the objective (which makes for consent) and the purpose (which is the intrinsic reason for the existence of the legal document). Where is the purpose of maintaining Cuba's independence, that Yankee imperialism falsely vaunted at the dawn of the century, when it laid the foundation for establishing foreign bases on our soil?

The purpose, the reason for contracts, is based on demands arising from rational, legitimate motives for determining the willingness to concur in consent. The alleged purpose of the 1934 Treaty on Relations between Cuba and the United States was the desire to strengthen the links of friendship between the two countries and modify the relations between them established by the Treaty signed in Havana on March 22, 1903. If the purpose of the contract was to strengthen the links of a friendship that was nonexistent because of aggression and attitudes of open and

abusive animosity, then it violated the only reason for which it was allegedly drawn up.

The naval base has been a tool of aggression — not of defence or friendship, as it was claimed.

FALSE LEASES

When the lease for Guantánamo base was signed, it stressed that the United States recognized the continuation of the Republic of Cuba's definitive sovereignty over the territories included in the agreement, which means that Cuba retained its political sovereignty and right of ownership to those portions of land and sea, ceding only their use and enjoyment.

The United States leased the coaling or naval stations under Article VII of the Platt Amendment, which was then included in the 1903 treaty and reiterated in the 1934 Treaty of Relations. Leasing is a contract by which a person temporarily cedes the use of a facility or provides a service to another person. All leasing is by definition temporary.

In 1953, the then Admiral of the Guantánamo base, M.E. Murphy, wrote a limited-circulation brochure entitled *History of the Guantánamo Base*, which reflected the colonial concept of leasing. It said:

“...this body of water and the contiguous land constitute an important outpost of the United States, valuable far beyond the dreams of those who negotiated for its lease. The harbour is La Bahía de Guantánamo — Guantánamo Bay...

“Guantánamo Bay is, in effect, a bit of American territory, and so it will probably remain as long as we have a Navy; for we have a lease in perpetuity to this

Naval Preservation, and it is inconceivable that we would abandon it...”

Every attempt has been made to ignore the temporary nature of the Guantánamo lease; none of the agreements on the matter specify a time limit. In the February 16-23, 1903 agreements, the first article speaks of the lease as being for the period that the United States needs it and for the purpose of establishing coaling or naval stations there. The 1934 Treaty reiterates Cuba’s obligation to continue the leases to the United States as long as the two governments do not agree to modify the existing limits.

It is a legal absurdity that the owner of rented property should never be able to recover its possession and direct use. Moreover, the validity of any lease depends on compliance with the purpose or use agreed to.

While the tenant has a right to use leased property, he must use it for the specific purpose stated in the lease. Article VII of the Platt Amendment states that Cuba leased that territory “to enable the United States to maintain the independence of Cuba and to protect the people thereof,” while the 1934 Treaty stipulates that the lease was signed out of a desire to strengthen the ties of friendship between the two countries. There is no doubt that the purpose stated in both Treaties was very different from the real use to which the base was put.

How has the United States used the base, just since 1934? Not for independence, but for dependency; not for the protection of the people, but for harassment and trampling on their rights, for death, hunger, pressure, blackmail and dictatorship. In 1958, the planes

of Batista's tyranny refuelled in Guantánamo and then flew bombed the Sierra Maestra; the bullets used to murder Cuban fighters came from the base; it has been used to protect traitors, counter-revolutionaries and criminals. Instead of the friendly use the treaties proclaimed, it has been used for aggression.

Need we say anything more concerning U.S. use of the base to protect Cuba's independence and strengthen ties of friendship?

THE REBUS SIC STANTIBUS (BASIC CHANGE IN CIRCUMSTANCES) CLAUSE

According to this principle, a treaty can be declared to be ineffective, inapplicable or null and void when there is a basic change in the circumstances that existed when the treaty was signed.

This applies in the case of Guantánamo and unquestionably confirms that the Yankee presence there does not have a leg to stand on.

In 1898, McKinley's refusal to recognize the independence of Cuba in arms could not be answered in practice. In May 1959, however, the revolutionary Government of Cuba made a lasting reply to Washington's insolence when it stated, "The revolutionary Government assumes the right to determine what it considers to be in line with the vital interests of the Cuban people. It does not now and never will admit any indication or proposal that tends to diminish national sovereignty and dignity in any way." This was no longer the neocolonial republic. Circumstances had changed.

The 1934 Treaty, allegedly signed to strengthen the

friendship between the two countries and modify the relations established by the March 22, 1903 Treaty, has ceased to be valid, because the Guantánamo naval base is not a contribution to friendship.

The reference to the 1903 Treaty, sequel to the Platt Amendment, drawn up to “maintain Cuba’s independence,” is equally invalid.

THE YANKEE NAVAL BASE AT GUANTÁNAMO: SUPPORT POINT FOR FULGENCIO BATISTA’S TYRANNY

The planes of Fulgencio Batista’s dictatorship that indiscriminately bombed the peasant zones liberated by the Rebel Army in the Sierra Maestra in 1957 and 1958 refuelled at the U.S. naval base at Guantánamo.

An excerpt from the report that Raúl Castro, head of the Frank País 2nd Front of Oriente, sent to Fidel Castro from Bayate, Oriente, on June 2, 1958, offers eloquent proof of the results of Yankee aid to the tyranny in that area: “In the last few days, Army planes have been dropping incendiary bombs provided by the Yankees at the Guantánamo naval base. At the same time, the Yankees are ordering Trujillo and Somoza to provide arms to Batista, since pressure from all over Latin America prevents them from doing so directly.”

Rebel Army Military Order No. 30 and the Message to the Youth of the World, sent from the Sierra Maestra in late June 1958, also referred to this.

“From March through May 1958, the dictatorship’s Air Force made nearly 100 incursions... During May it was supplied with all kinds of bombs from the

U.S. Naval Base of Caimanera (Guantánamo)....” As a result of this aid, “The air squadrons of the dictatorship have been making three to five incursions a day over our territory... bombing incessantly... Hundreds of families have been living in caves, holes and other air raid shelters for endless days of danger, anguish and hunger... Hundreds of humble homes built with the sacrifice of many years’ work have been razed.

“...Repeated criminal strafings and bombings — including U.S. missiles and incendiary bombs dropped from U.S. planes, flown by pilots trained in U.S. camps — are being carried out by the tyranny’s Air Force every day in greater numbers, not only against our rebel forces but also against the defenceless peasant population..., acts that are carried out with the aid and approval of the U.S. government....

“...We have patiently awaited the results of the efforts that have been made through different channels to urge the U.S. government to halt the military aid it is giving to the tyranny that oppresses the Cubans.

“In recent months, instead of diminishing, U.S. aid to the Batista dictatorship has increased... ‘Mutual aid’ and ‘continental defence’ are the criminal pretexts that have been used to cover up the immoral aid that the Latin-American dictatorships’ are being given in order to protect their interest....

“We understand now why the... head of the Batista Air Force, who was also responsible for bombing the cities of Cienfuegos and Sagua la Grande, was decorated by the chief of the U.S. Caribbean Air Command on President Eisenhower’s direct orders...

VIOLATIONS OF AIR AND SEA SPACE, ACTS

OF PROVOCATION AND INCIDENTS FROM THE U.S. NAVAL BASE AT GUANTÁNAMO BAY, 1959-1979

With the triumph of the Cuban Revolution in 1959, the culmination of a long battle by the people, Cuba won its independence for the first time. Ever since, the United States has vainly engaged in a series of attacks, crimes and acts of sabotage and turned the Cuban territory that it had usurped and used for its naval base at Guantánamo Bay into a permanent source of threats, acts of provocation and violations of the island's sovereignty, with the aim of creating difficulties for the Revolution.

Period of time	20 years
Violations of airspace	6,065
Violations of waters	1,303
Acts of provocation and other incidents	5,300
TOTAL	12,668

BRIEF DESCRIPTION OF SOME OF THE ACTS OF PROVOCATION PERPETRATED FROM THE U.S. NAVAL BASE

April, 1962

Cuban fisherman RODOLFO ROSELL SALAS was detained, tortured and assassinated.

June 9, 1964

At 11:18 P.M., JOSÉ RAMÍREZ REYES was shot in the left leg by sailors from the U.S. guard post six kilometres inland on the eastern side of the base.

June 25, 1964

At 7:15 P.M., soldier ANDRÉS NOL LARDUET was shot in the left side of his chest by sailors from the U.S. guard post five kilometres from the main gate on the eastern side of the base.

July 19, 1964

At 7:07 P.M., sailors from the U.S. guard post three and a half kilometres along the northwestern edge of the base shot at our guard post, killing soldier RAMÓN LÓPEZ PEÑA. Minutes later, two U.S. officers arrived on the scene and took notes.

February 23, 1965

At 12:35 P.M., photographer-soldier BERTO BELEN RAMÍREZ was shot in the right hand by sailors from the guard post five kilometres west of the main gate of the base.

May 21, 1966

At 7:00 P.M., a rifle shot from inside the base killed soldier LUIS RAMÍREZ LÓPEZ, who was in the guard post around 500 metres from the eastern edge of the base and three kilometres from its main gate.

VIII. INTERNATIONAL REPERCUSSIONS OF IMPOSED MILITARY BASES

Aside from these considerations and from the rigorous analysis that confirms the illegality and invalidity of the agreements on the Guantánamo naval base, there is the fact that the progressive development of international law leads to the denunciation and condemnation of the continuance of military bases in foreign territory by means of force.

The United States has hundreds of Army, Navy and Air Force bases on all the continents — all with a markedly aggressive aim and keeps troops stationed there for the most diverse interventionist aims. The Yankee bases at Guantánamo, in Cuba, and in Puerto Rico and Panama not only assault the territorial integrity and sovereignty of those countries but also constitute a threat to all the peoples of the Caribbean and the rest of Latin America. These installations are largely supplied with weapons of aggression against these peoples. Moreover, they serve as training camps for repressive corps; centres of espionage, sabotage and terrorism; places of contact for and concentration of counter-revolutionary, mercenary and fascist forces and elements; and areas in which all kinds of drugs are stored, distributed and smuggled, and prostitution and other kinds of vice flourish.

The Guantánamo base was the first one that imperialism established in the triangle of the Caribbean. The territory for the Panama Canal was acquired some months after the 1903 agreements between the

United States and Cuba, and the bases in Puerto Rico were set up later.

The concession, cession, lease or any other form of surrendering part of a country's national territory for the installation of foreign aggressive military bases constitutes a surrender, covertly or not, of national sovereignty itself and threatens peace and security — both of the state in which these bases are established and of other states, as well. In the last few years, this has become increasingly recognized in international affairs.

Moreover, the UN General Assembly has adopted a considerable number of resolutions in this regard. Among these, Resolution 2105 of December 20, 1965 requests the colonial powers to dismantle their military bases installed in the colonial territories and to abstain from setting up new ones, and Resolution 2344 (XXII) of December 19, 1967 asks the Conference of the 18-nation Disarmament Committee to renew its study of the means of eliminating foreign military bases in the Asian, African and Latin-American countries, in line with Resolution 2105 (XX), already cited.

IX. THE MOVEMENT OF NON-ALIGNED COUNTRIES AND THE NAVAL BASE AT GUANTÁNAMO BAY

The conferences of the non-aligned countries have repeatedly denounced the installation of imperialist bases in other parts of the world considering them to be a premeditated attempt to intimidate the peoples and an unjustifiable continuity of the policy of neocolonialism and imperialism.

The conferences of the non-aligned countries have been specific in their denunciation of the Guantánamo naval base. Thus the Political Declaration of the 1st Summit Conference, held in Belgrade in 1961, stated:

“11. The participating countries consider the establishment and maintenance of foreign military bases in the territories of other countries, particularly against their express will, a gross violation of the sovereignty of such states. They declare their full support to countries who are endeavouring to secure the vacating of these bases. They call upon those countries maintaining foreign bases to consider seriously their abolition as a contribution to world peace.

“12. They also acknowledge that the North American military base at Guantánamo, Cuba, to the permanence of which the Government and people of Cuba have expressed their opposition, affects the sovereignty and territorial integrity of that country.”

The final declaration of the 2nd Summit Conference of the Non-Aligned Countries, held in Cairo in 1964, states:

“The Conference considers the maintenance or fu-

ture establishment of foreign military bases and the stationing of foreign troops on the territories of other countries, against the express will of those countries, a gross violation of the sovereignty of states, and a threat to freedom and international peace. It furthermore considers as particularly indefensible the existence or future establishment of bases in dependent territories which could be used for the maintenance of colonialism or for other purposes.

“Noting with concern that foreign military bases are in practice a means of bringing pressure on nations and retarding their emancipation and development, based on their own ideological, political, economic and cultural ideas, the Conference declares its full support to the countries which are seeking to secure the evacuation of foreign bases on their territory and calls upon all states maintaining troops and bases in other countries to remove them forthwith.

“The Conference considers that the maintenance at Guantánamo (Cuba) of a military base of the United States of America, in defiance of the will of the Government and people of Cuba and in defiance of the provisions embodied in the Declaration of the Belgrade Conference, constitutes a violation of Cuba’s sovereignty and territorial integrity.

“Nothing that the Cuban Government expresses its readiness to settle the dispute over the base of Guantánamo with the United States on an equal footing, the Conference urges the United States Government to negotiate the evacuation of this base with the Cuban Government.”

Subsequent ministerial and summit conferences of the Movement of Non-Aligned Countries showed the

growing universal interest in denouncing foreign military bases imposed by force against the express will of the respective peoples.

For example, the 4th Summit Conference held in Algiers in a 1973:

“...demands that the military bases of the United States of America on Cuban, Panamanian and Puerto Rican territory be restored to the countries which are their rightful owners.

“It gives its support to countries struggling for the removal of military bases which have been established on their territory under unequitable treaties and are being maintained against the wishes of their peoples.”

The 5th Summit Conference of Non-Aligned Countries, held in Colombo in 1976, stated that “The Conference demanded the restoration of the sovereignty over Guantánamo... to Cuba... the rightful owners of these territories.”

The Conference also pointed out that “the presence of U.S. military bases in Latin America — such as those existing in Cuba and Panama — represents a threat to peace and security in the region,” and its demand that the U.S. government “immediately restore to these countries the inalienable part of their territories occupied against the will of their governments and peoples...”

The 6th Summit Conference of non-aligned countries, held in Havana in 1979, also “condemned the presence of foreign military bases in Latin-America and the Caribbean, such as those in Cuba and Puerto Rico... and demanded that the Government of the United States... restore to those countries the inalienable part of their territories occupied against the will

of their peoples...”

X. THE POSITION OF THE CUBAN REVOLUTION

In 1959, as the victorious culmination of a century-long revolutionary process fraught with difficulties, the Cuban homeland achieved its full independence. Ever since, the United States has vainly engaged in a new series of attacks, crimes, acts of sabotage, a permanent blockade and other criminal acts, in addition to systematically using the usurped Cuban territory of the Guantánamo naval base as a permanent source of threats, acts of provocation and slights of sovereignty, with the aim of turning the real Revolution from its natural course. In January 1961, the United States severed formal diplomatic relations with Cuba. Since then, times have changed. Proof of this was the crushing military defeat dealt the mercenary invasion at Playa Girón — an invasion organized, financed and military supported by the United States and preceded by bombings of various parts of the country (with support from the Guantánamo naval base). It was the first defeat of Yankee imperialism in its long history of aggression against the Latin-American peoples.

José Martí's revolution, put off in 1898 by the U.S. intervention, had become a reality. Patiently and serenely, yet with determination and firmness, free and sovereign Cuba demands the return of the Cuban territory that the U.S. military base at Guantánamo Bay is illegally occupying by force against the will of the Cubans.

The Cuban Revolution has maintained and strengthened the principle that its patriots raised more

than 75 years ago — its unrenounceable sovereignty over the portion of Cuban territory occupied by a foreign country. Embodying the elimination of the Monroe Doctrine, Manifest Destiny, geographic fatalism and the coarse concept of Pan-Americanism, this Revolution practises the policy of exercising sovereignty by act and right, as Fidel Castro, Prime Minister of Cuba, has stated.

Former Foreign Minister Raúl Roa said that, with the triumph of the Revolution, “Cuba assumed, for the first time, the sovereign control of its foreign relations, due to the new conditions generated by the triumph of the revolutionary insurrection led by Fidel Castro.”²²

The question of a foreign base on our soil has been and is a painful thorn in the flesh of our sovereignty. Fidel Castro’s words at the UN General Assembly on September 26, 1960 are a magnificent summary of all that this means: “The most tragic case in the entire history of the bases now scattered over the world is that of Cuba: a base forcibly placed in what is undeniably our territory, a good distance from the coasts of the United States, against Cuba and against the people, imposed by force and constituting a threat to and concern for our people. The revolutionary Government is very seriously considering requesting within the canons of international law the withdrawal of the naval and military forces of the U.S. Government from that portion of our national territory.”

In his speech on the 26th of July, 1962, Fidel Castro, Prime Minister of Cuba, reiterated, “The naval

²² *Ibidem*, p. 156.

base is a dagger stuck in the heart of Cuba... We are not going to remove the base by force, but it is a piece of land that we will never renounce.”

In the 1st Summit Conference of Non-Aligned Countries, held in Belgrade in 1961, the Cuban delegation proclaimed that the base “has only served to harm the dignity of our nation, to harbour counter-revolutionary forces, to bring arms into the country for use in fighting against the liberating revolution and to concentrate troops whenever the liberation movements in the Caribbean countries have threatened imperialist domination.”

On October 28, 1962, Prime Minister Fidel Castro set forth the five points for normalizing the situation between Cuba and the United States, the fifth point being “the withdrawal from the Guantánamo naval base and the restoration of the territory occupied by the United States.”

The Constitution of the Republic of Cuba, proclaimed on February 24, 1976, states in Article 8 a) that the socialist state “maintains and defends the integrity and sovereignty of the country.” Article 12 b) states that it “condemns imperialist intervention, whether direct or indirect, in the domestic and foreign affairs of any state and therefore armed aggression and economic blockade, as well as any other form of economic coercion and interference or threat to the integrity of states and to the political, economic and cultural elements of nations.”

BIBLIOGRAPHY

Alfonso, Ramón M., *El problema político actual y la Enmienda Platt* (The Present Political Problem and the Platt Amendment), Havana, 1901.

Alvarez Tabío, Fernando, "La base naval de Guantánamo y el Derecho Internacional" (The Guantánamo Naval Base and International Law), *Cuba Socialista* magazine, no. 11, 1962.

Araquistain, Luis, *La agonía antillana* (Antillean Agony), Madrid, 1928

Benítez, José A., *Las Antillas: colonización, azúcar e imperialismo* (The Antilles: Colonization, Sugar and Imperialism), Havana, 1977

Casasús, Enrique, *Política cubana y sistema americano* (Cuban Policy and the American System), Havana, 1901.

Castro Ruz, Fidel, *La Revolución Cubana* (The Cuban Revolution), selection foreword and annotations by Gregorio Selser, Buenos Aires, 1960.

Collazo Tejeda, Enrique, *Los Americanos en Cuba* (The Americans in Cuba), Havana, 1972.

D'Estéfano Pissani, Miguel, *Derecho de Tratados* (Treaty Law), Havana, 1977.

Fabela, Isidro, *Los Estados Unidos contra la libertad* (The United States vs Freedom), Barcelona, 1922.

Figueras, Francisco, *La intervención y su política* (Intervention and its Policy), Havana, 1966.

Foner, Philips S., *La guerra hispano-cubano-norteamericana* (The Spanish-Cuban-American War), 2 volumes, Havana, 1978.

Guerra Sánchez, Ramiro, *La expansión territorial de los Estados Unidos* (The Territorial Expansion of

the United States), Havana, 1975.

Le Riverend Brussone, Julio, *La República: dependencia y revolución* (The Republic: Dependence and Revolution), Havana, 1969.

Machado Ortega, Luis, *La Enmienda Platt, estudio de su alcance e interpretación y doctrina sobre su aplicación* (The Platt Amendment, a Study of its Scope and Interpretation and the Doctrine on its Application), Havana, 1922.

Márquez Sterling, Manuel, *Proceso histórico de la Enmienda Platt* (The Historical Process of the Platt Amendment), Havana, 1941.

Martínez Arango, Felipe, *Cronología crítica de la guerra hispano-cubano-norteamericana* (Critical Chronology of the Spanish-Cuban-American War), Santiago de Cuba, 1959.

Medina, Waldo, "El mediterráneo americano" (The American Mediterranean), *Bohemia* magazine, June 14, 1959.

Ministry of Foreign Affairs, *Documentos oficiales aprobados en reuniones de los Países No Alineados* (Official Documents Approved in Meetings of the Non-Aligned Countries), Havana.

Ministry of Foreign Affairs, *Revista de Política Internacional* (Foreign Policy Magazine), 1963-67 collection.

Ministry of the Revolutionary Armed Forces, *Historia de Cuba* (History of Cuba), Havana, 1967.

Murphy, Marion Emerson, *The History of Guantánamo Bay*, Guantánamo, 1953.

Roig de Leuchsenring, Emilio, *Historia de la Enmienda Platt* (History of the Platt Amendment), Havana, 1961.

Rojas, Marta, “Operación antiaérea” (Anti-aircraft Operation). *Bohemia* magazine, Havana, July 5, 1959.

“Orden militar No. 30 y mensaje a la juventud del mundo” (Military Order No. 30 and Message to the Youth of the World), *Bohemia* magazine, Havana, June 28, 1959.

Vladimiriv, L., *U.S. Diplomacy during the Spanish-American War*, Moscow, 1958.

PHOTOGRAPHIC EVIDENCE

1. A soldier of the heroic border guard unit at Guantánamo watches one of the customary violations of our air space by U.S. planes operating from the Yankee base.

2. Our self-sacrificing and cautious border guards watch day and night the limits of the territory occupied by the United States at Guantánamo Bay.

3, 4, 5, 6, 7. Yankee provocations and aggressions against Cuban guard posts have been systematically repeated for more than 20 years.

8. The entrance to the Yankee base with the humiliating sign announcing the illegal occupation.

9, 10. Other examples of trampling on our sovereignty.

11. Cynical and provocative attitude characteristic of the Yankee soldiers stationed at the base.

12. The infamous assassination of the 19-years-old soldier Ramón López Peña, while on guard duty at the border, arouse indignation of the Cuban people.

13. Luis Ramírez López, assassinated by the Yankee marines from the base.

14. U.S. officers and soldiers assigned to the Guantánamo enclave on a routine provocation patrol.

15. Moving and patriotic excerpt from a note written by Ramón López Peña's mother, reflecting the determination of the Cuban people to struggle and their limitless confidence in the Revolution.

16, 17, 18, 19, 20 and 21. No comments are necessary here.

22. Historical march of the militant people on

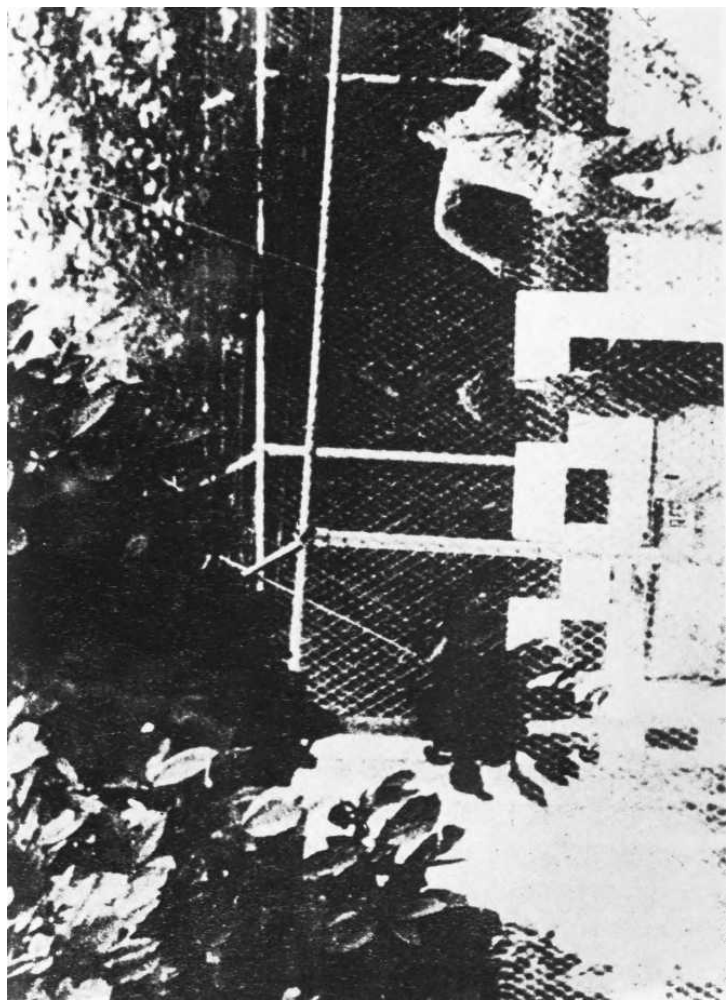
April 19, 1980.

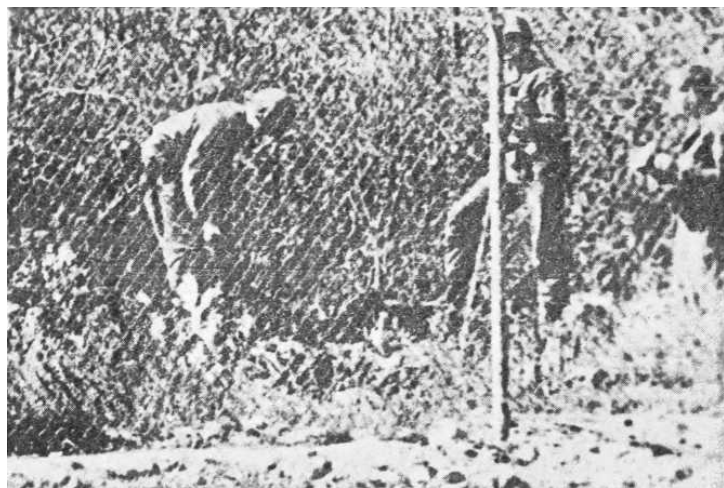
23. Giant mass rally on May 1, 1980.

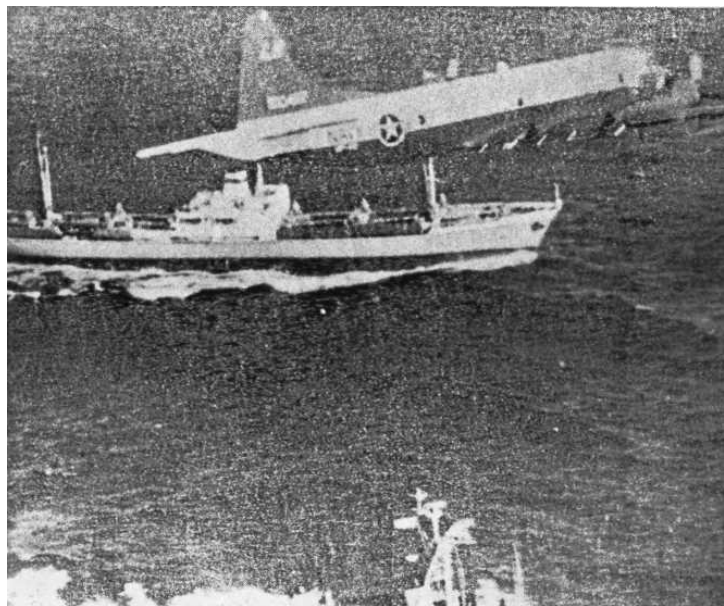
24. The May 17, 1980, march of the militant people.







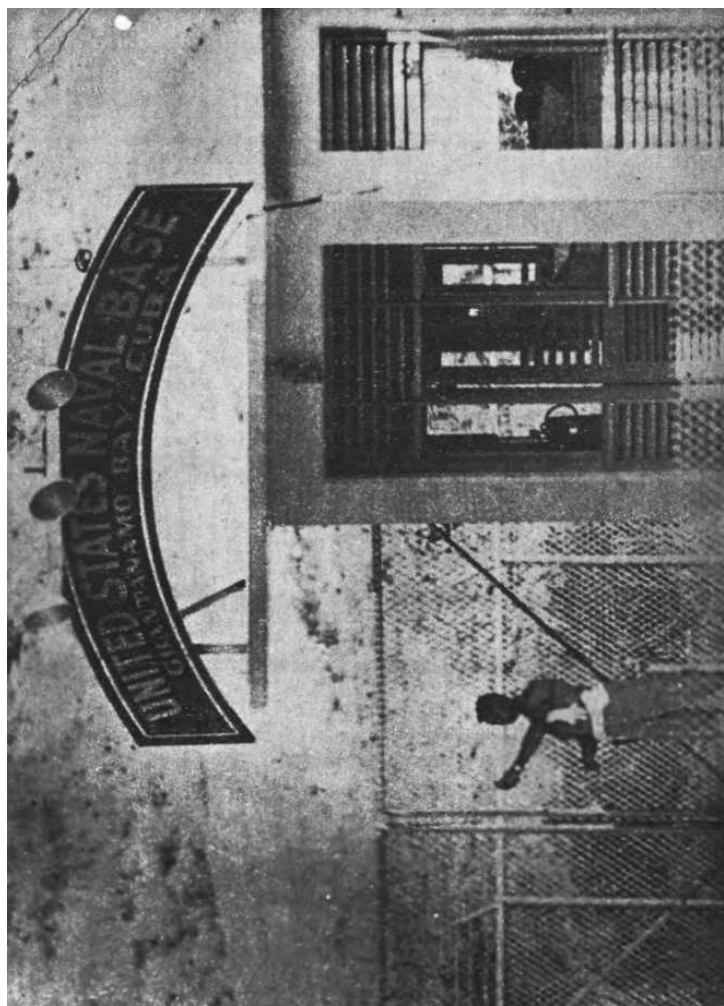


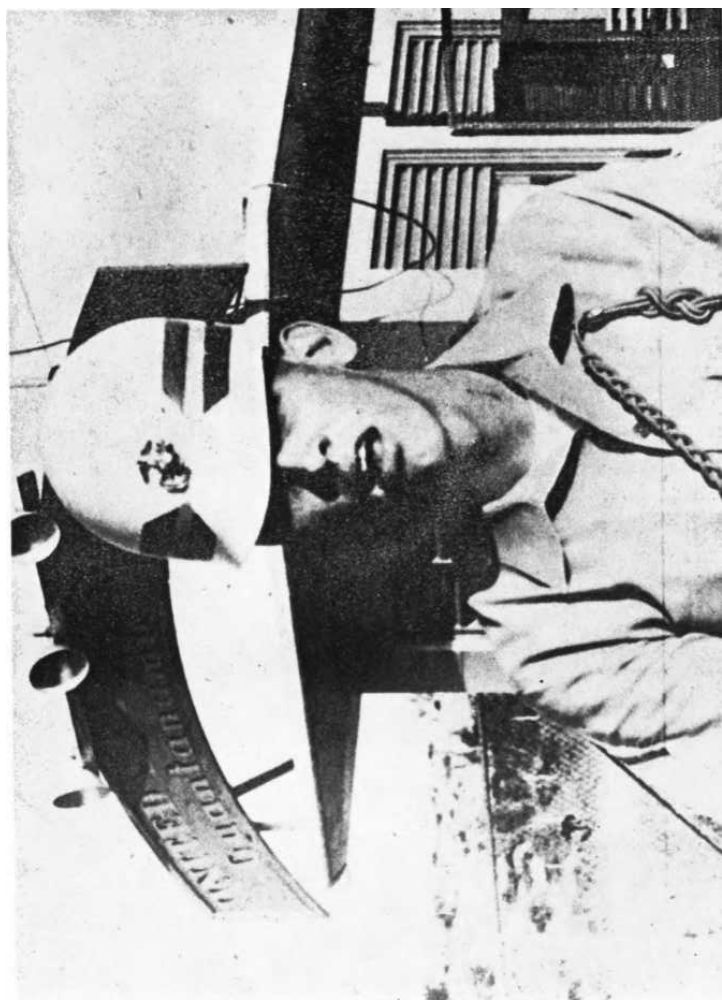


DANGER
THIS AREA PATROLLED
BY VICIOUS DOGS

PELIGRO
ESTA AREA PATRULLADA
POR PERROS BRAVOS

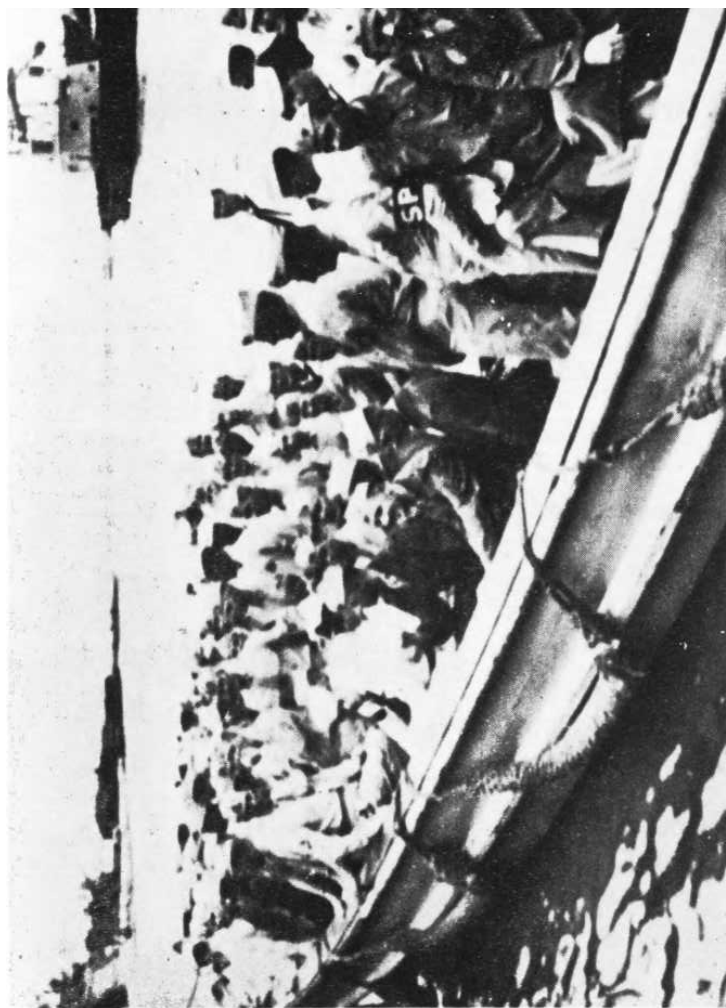
U.S. GOVERNMENT GOBIERNO DE LOS
RESERVATION ESTADOS UNIDOS
NO TRESPASSING RESERVADO
KEEP OUT NO PASE











7.º como madre cubana que
se perdió un hijo asesinado
por los yanquis pido a los demás
madre que sigan en la lucha
que no desmalle que ante un

dolor como el que
el enemigo no vea

AGOSTO
AUGUST
AOUT

16

domingo
sunday
dimanche

nuestras lagrimas si no que
ocupemos el lugar de nuestro
hijo caído y si es necesario
dar la vida por defender
nuestra revolución le daremos
patria o muerte Euzonia Peña

"Aquí tenemos una base militar impuesta por la fuerza y que se mantiene solamente por la fuerza"

"No podemos dejarnos arrastrar por las provocaciones de nuestros enemigos"

El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos. El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos.



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POBREZA Y MISERIA

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SOLIMARINO DEL MUNDO

El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos. El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos.

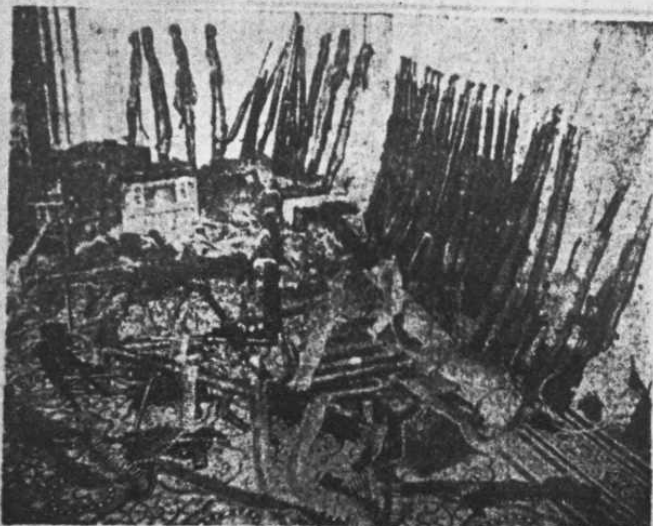
EL CAMBIO DE DOLARES

El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos. El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos.

LA SITUACION DE LOS CUBANOS

El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos. El pueblo de Cuba ha de ser la fuerza revolucionaria que en su revolución, sin tener en cuenta el peligro de retroceder a la situación anterior a la revolución, se mantenga firme en sus principios y en sus objetivos.

Fidel Castro en su discurso en la Caimanera...



ARMAS YANQUIS, DISTRIBUIDAS DESDE LA BASE, PARA USARLAS EN EL ATENTAD

LAS CONJURAS CONTRA CUBA

Frustrado complot de la CIA para asesinar a Raúl Castro

- DE HABERSE CONSOLIDADO el atroz intento se hubiera producido de inmediato la más sangrienta a la Base Naval Yanqui de Caimanera para justificar una intervención militar de los Estados Unidos en Cuba.
 - ESTE ATENTADO DEBERA efectuarse durante la celebración del Año conmemorativo del 28 de Julio, en la ciudad de Santiago de Cuba.
 - LA BASE NAVAL NORTEAMERICANA situada en la Bahía de Guanabacoa y dependa ilegalmente por el imperialismo, presta de Base de operaciones para este complot. El que fuera hasta hace poco jefe de dicha Base, capitán Carl E. Scherwitz, ha sido uno de los más activos organizadores del frustrado atentado.
 - CON MOTIVO DE ESTOS HECHOS se han efectuado detenciones en distintos lugares de la República las que oportunamente se darán a conocer a la Opinión Pública, se han informado el Departamento de Seguridad del Gobierno Revolucionario.
- ¡Más amplia información sobre estos hechos en la página DOS!



ASESINAN AGENTES DE LA CIA A UN PESCADOR CERCA DE CAIMANERA

Fue hallado su cadáver horriblemente mutilado e bordo de su embarcación. Indignación pública

Extraordinaria indignación ha causado a los vecinos de Caimanera y al pueblo de Cuba en general el nuevo y horrendo crimen realizado por elementos contrarrevolucionarios al servicio del imperialismo yanqui en la persona del pescador cubano Rodolfo Rosell, cuyo cadáver fue encontrado, con señales de torturas a bordo de su embarcación "Los Tres Hermanos", en el lugar conocido por El Conde, en la Playa Tio Frio, aguas de la Base Naval norte, americana.

La autopsia reveló que Rosell, antes de ser asesinado, fue torturado salvajemente, pues presenta señales de perforación, especialmente en la cabeza, hechas con clavos y punzones.

Tan pronto el pueblo de Caimanera conoció la noticia, se lanzó a las calles con gran indignación pidiendo justicia contra el imperialismo yanqui y recordaron que el asesinato de Rosell es similar al perpetrado el año pasado con el obrero Rubén López Sabariego.

Antes de conocer los detalles del suceso, el pueblo se congregó en el necrocomio, don-

de usó de la palabra Rita Díaz, secretaria general de las ORI, informando que se trataba de un nuevo crimen del imperialismo, de acuerdo con la autopsia, anunció que las autoridades están practicando indagaciones para ofrecer un informe especial en las próximas horas y que hoy a las 7 y 30 de la noche, hará por la radio local una formal denuncia ante la opinión pública del monstruoso crimen.

Rosell había salido el miércoles a trabajar sólo en su pequeña embarcación pero al no regresar por la noche, como acostumbraba, la esposa y el padre denunciaron su desaparición. Su amigo y compañero Eneido Coy Luna salió a buscarlo en su bote y lo encontró muerto dentro de su embarcación, por lo que ya seguida regresó a la cooperativa pesquera "Gustavo Fraga", donde trabajaba el que resultó occiso, para avisar del hallazgo. Rápidamente se envió al lugar a la nave "26 de Julio", que rescató el cadáver.

POVOCACION YANQUI EN EL ENTIERRO

En la tarde de ayer se efectuó el sepelio del desdichado obrero, al que asistieron miles de personas que constantemente pedían justicia. Durante el entierro, con un descoco y un entusiasmo desmedido, cuatro aviones a chorro y dos helicópteros de la marina yanqui volaron a baja altura por las cercanías del cementerio, desvergonzada provocación que aumentó la justa indignación popular.

Mientras estuvo insepulto el cadáver se decretó luto en Caimanera y el comercio en pleno permaneció cerrado. Después, los obreros del puerto y demás sectores efectuaron actos de calle condenando enérgicamente el bárbaro crimen.



HERIDO DE BALA SOLDADO CUBANO

LOS DISPAROS FUERON HECHOS DESDE
UNA POSTA YANQUI DE LA BASE NAVAL

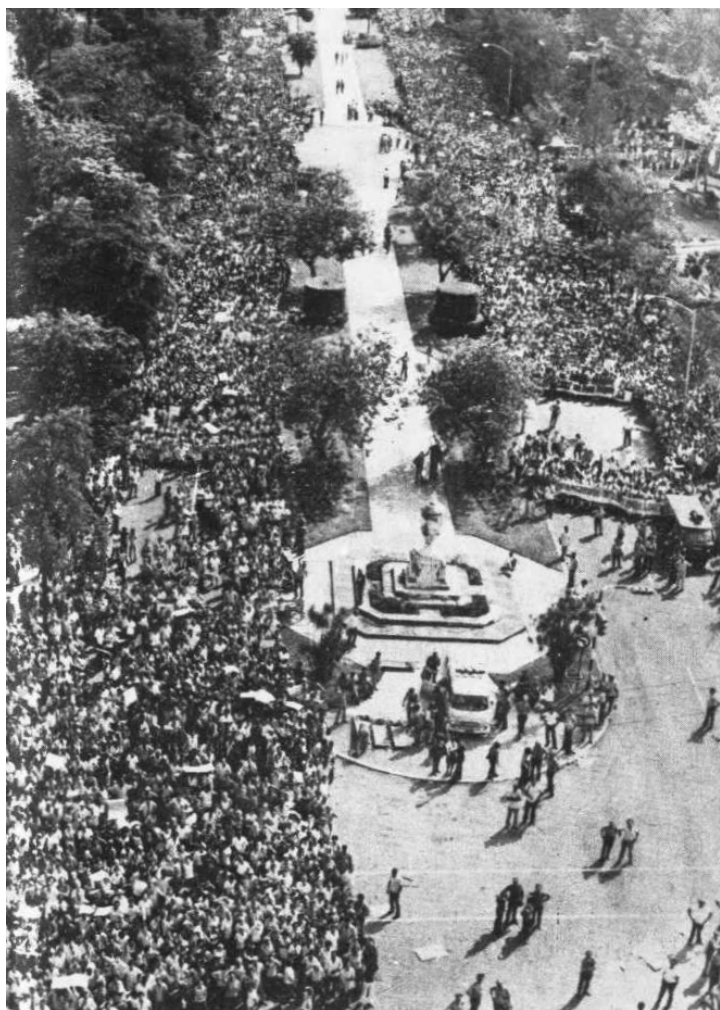
Siendo las once p. m. del día 9 de junio, una de las postas yanquis abrió fuego con su fusil de campaña contra una de las postas cubanas que guardan la frontera en la base naval de Guantánamo, alcanzando con uno de los siete disparos que efectuó al soldado José Ramírez Reyes, de 25 años de edad, hiriéndolo de carácter grave en la pierna izquierda. El hecho se produjo dos kilómetros al sur de la entrada principal de la base por el límite Este de la misma.

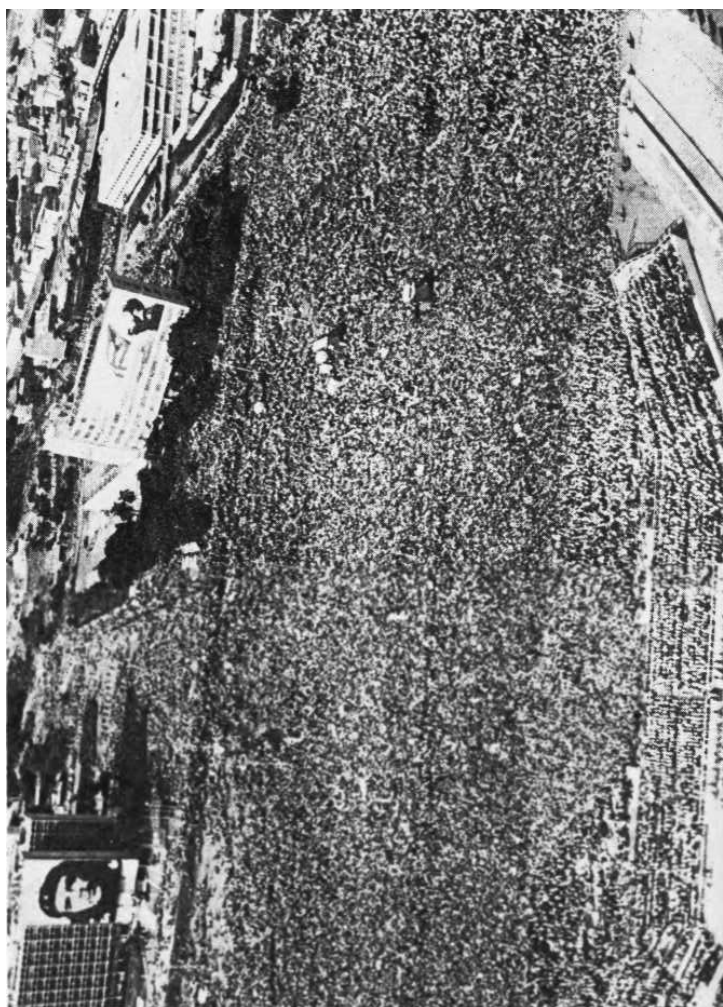
El soldado herido fue ingresado en el Hospital Civil de Guantánamo donde está siendo atendido.

HÉRIDO GRAVE OTRO SOLDADO GUBANO POR POSTAS YANQUIS

A las 19 y 15 horas de hoy 25-6, la posta norteamericana en un punto a 5 kms. al Sur de la entrada principal por el límite Este de la Base Naval de Guantánamo efectuó 2 disparos hacia la posta cubana Nro. 5, alcanzando al soldado Andrés Noel Laurduet en el lado izquierdo del pecho. La misma posta norteamericana realizó también un disparo sobre otro soldado cubano, cuando éste prestaba auxilio a su compañero herido. El estado del soldado Andrés Noel Laurduet es grave.

Ministerio de las Fuerzas Armadas









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