

The Role of the Constituent Assembly (Constitutional Convention) in Approving the Cuban Constitution and the American Position (1900-1901)

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Abstract

The first constitution that Cuba adopted following the end of the Spanish occupation was known as the Platt Amendment or Constitution. Named for Orville H. Platt, the Chairman of the Committee, it is a treaty between the United States and Cuba. On February 25, 1901, this amendment was filed, and on February 27, 1901, it was accepted by the Senate; nevertheless, it wasn't officially authorized until May 2, 1903. The most significant of its eight points was that the United States had forced Cuba to sign any treaty with any foreign nation or authority and had forbidden it from taking on any public debt (loan) that would have required interest. Furthermore, this amendment permitted the United States to lease or purchase property for the construction of naval bases, such as Guantanamo Bay, and coal supply stations in Cuba, as well as to engage in significant internal and international intervention in Cuban affairs. This study aims to discuss the role of how the United States of America wanted to control Cuba in political, economic and security terms through this constitutional convention.

Keywords: Cuban Constitution, American Position

INTRODUCTION

Cuba was the focus of attention of the United States of America and great importance to it, because of its important strategic location, as Cuba is located on the roads leading to the Gulf of Mexico and whoever controls it will control the waterways leading to this important site within the framework of international trade, and it is known that Cuba has been under Spanish control since 1511 and the start of its struggle against colonialism from 1868 to 1895. In this year, the United States decided to help Cuba to liberate it from colonialism. What is historically known as the Spanish-American War began in 1898. Which ended with the defeat of Spain and the signing of the Treaty of Paris by the two parties on December 10, 1898, where it contained in one of its clauses the evacuation of Spanish forces from Cuban territory and once this is done, the American forces replace them, and from here began the American military occupation of Cuba and one of the manifestations of this intervention was the development of a constitution for Cuba similar to the American constitution, so Platt's amendment was drafted during the reign of General Leonardo Wood, so the first Cuban constitution under the military occupation in 1901, as that constitution consisted of (115) articles distributed over fourteen chapters. Thus, the United States took control of Cuba, where it had the opportunity not to sign any treaty with any foreign country or powers, and not to borrow any debt from any other country. To become the controller of Cuba in all economic, political and security areas of Cuba.

On December 3, 1900, in his annual policy message to the United States of America, President William McKinley (Ayman, 2011, 37) informed the House and Senate that the United States of America denies any action or intention to exercise jurisdiction or control over the island. Congress declared by its resolution on April 20, 1898 that the people of the island of Cuba (Hanry, 1902, 9-16) had the right to be a free and independent nation, so our administration affirmed its intention to do so and to leave control of the island to the Cuban government and its people. The people of Cuba have established municipal governments that derived their authority from the right to vote for the people allowed according to fair laws and Cuba today and the same way is ready to move forward to establish a national government that assumes and exercises sovereignty, space jurisdiction and control over the island. The Constitutional Conference on the third of September... The elections were held on the fifteenth of September and the members of the Congress held their first session on the fifth of September 1900, which is now being held, so the military governor of the

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island, in his capacity as a representative of the President of the United States, but called the members of the Congress that it was their duty to draft and adopt a constitution for Cuba. When drafted, it should include a draft regulating the nature of relations between Cuba and the United States. There is no doubt that the government will take any action that would lead to any final and formal agreement between the peoples of the two countries in order to promote common interests.

President McNealey did not forget to inform the House and Senate that his military governor, General Leonard Wood, had sent a letter of contempt to the delegates of the Convention.

They should shape relations in the way that the United States desires when I tell them that all friends of Cuba will follow their deliberations with depth and interest and a sincere desire to reach fair agreements. Dignity, individual behavior and wisdom will characterize your actions. The fundamental difference between establishing a government A truly representative government is the extent to which it complies with the will of the people and the people want to frame relations with the United States of America (F.R.U.S., 1900, 42).

After a series of meetings and deliberations held by the delegates of the Constitutional Conference (members of the Constituent Assembly) for the period from the fifth in November 1900 to the twenty-first of February 1901, on the last day the thirty-one delegates drafted the first Cuban constitution under the occupation in force of the United States of America. As that constitution consisted of (115) articles distributed to fourteen chapters. As stated in the text of the Declaration of the Constitution of the Republic of Cuba, We, the representatives of the people of Cuba, have met at the Constitutional Convention for the purpose of preparing, drafting and adopting the Basic Law (Constitution) Organization of the affairs of an independent and sovereign State It is the people of Cuba who will form a national government capable of fulfilling its international obligations, maintaining public peace, contemplating freedom and justice, and instilling the common good. The current constitution and adopts it without the protection of God Almighty (Emilio, 2018, 221).

The content of **Part I states:** Under this Constitution, the people of Cuba will form an independent and sovereign state and establish republican rule. **Chapter Two:** The territory of the Republic shall consist of the island of Cuba in addition to the dependent islands and adjacent areas that were under the sovereignty of Spain until the date of ratification of the Treaty of Paris on December 10, 1898. **Part III**The territory of the Republic shall be divided into six provinces, as currently directed and within the same boundaries, and the provincial council shall determine the name of the province, and the provinces may be merged with each other and divided into new provinces through procedures agreed upon by county councils and approved by Congress (Guiral, 1922, 401-412). **Chapter Four:** Cubans, who are indigenous and naturalized foreigners. **Title V:** Foreigners are entitled to the same civil benefits and rights and are subject to the same civil obligations and duties as Cubans. **Title VI:** Cuban Bill of Rights, a copy of that document of the United States, affirms freedom of worship and belief, the separation of church and state, and that primary education is compulsory and free. **Chapter Six:** This constitution is like the Constitution of the United States of America, the legislative power is in the hands of Congress and consists of two chambers, namely the House of Representatives and the Senate, the Senate consists of (24) members and by four members for each of the six provinces. Which are elected by direct vote for a period of (8) years, renewable for half of the article. The year (35) is the minimum age for senators, while the members of the House of Representatives are elected by direct election and by one member for every (25) thousand inhabitants The term of membership is (4) years and membership is renewed for half the term and Congress has the same powers as the Congress of the States The first is the right to enact all laws and legislation. **Chapter Seven:** Executive power rests with the President of the Republic, who is elected by Cubans and by means of public proposal and in the same manner as the President of the United States for a period of four years, renewable for a second presidential term, and must not be less than (40) years old. **Title VIII:** provides for the appointment of one vice president while Title IX provides for the appointment of members of the Council of Ministers appointed by Congress (Emilio, 2018 22-24).

Title X: It relates to the judicial authority placed in the hands of the Supreme Court as well as civil courts and courts of appeals, as in the United States of America. **Chapter Eleven:** Provision for the establishment

of regional governments in the provinces as in the United States of America, which are subordinate to the central government **Chapter Twelve:** It concerns municipalities in the six counties. It is an item similar to the municipal administration in the United States, as each municipality is headed by a mayor or mayor and is known as the Kaladi (alcalde) assisted by a municipal council known as Alderminto and the municipal administration supports the central authorities. **Chapter Thirteen:** All Cuban territory that does not belong to provinces, municipalities or private individuals are part of the national property of the State. Chapter XIV: The mechanism for amending the Constitution stipulates that any amendment must be approved by two-thirds of the members of the Council and then a constitutional conference is held, and this conference has the right to reject the amendment or acceptance. Pursuant to the new Constitution of Cuba, the members of the Congress enacted a law to elect the first President of the Republic of Cuba on the thirty-first of December (1900) (Emilio, 2018 22-25).

A day after the Constituent Assembly promulgated the Cuban Constitution, the United States of America expressed its dismay at the Assembly's failure to address the issue of Cuban-American relations and the failure to include in the Constitution an article regulating bilateral relations between Cuba and the United States of America in a way that guarantees the latter's interests in Cuba and promotes common interests.

In the same context, the spokesman for the administration of President McNealley declared, "If Cuba shows an unwillingness to accept the advice of the administration and demands a stronger expression of the will of the United States not to intervene, which it still controls militarily, the president will ask the U.S. Congress to convene." For the purpose of discussing and discussing the task of convincing Cuba that the United States of America believes that the right of free government will not be exercised in Cuba until that country has been assured to the United States of America that Cuba will be constrained by pledges that it is our precise duty to secure Cuba's independence and that Cuba will agree and be pleased to do so, including: Serves its advantage.

The lack of confidence of the United States of America in the Cuban Constituent Assembly in drafting a draft specifying the nature of relations between Cuba and the United States of America, and the lack of sufficient time to submit a proposal to be approved as a separate law, especially since the vote on the Constitution will take place within (60) days, in order to achieve a balance between Cuban independence and the wishes of the United States of America to control Cuba and its politicians, who, according to its view, are not qualified for autonomy and in order to preserve its interests in Cuba and turn it into an American colony that enjoys The Chairman commissioned a committee headed by Senator Orville H. Platt (Orville H. Platt: American lawyer, politician and U.S. Senator, born July 19, 1827 in Washington, Connecticut, Platt studied law in Meriden, Connecticut, in 1850 and was active in Connecticut politics. He then served as a clerk in the Connecticut State Senate for the period 1855–1857; Secretary of State of Connecticut in 1857; then Senator from Connecticut for 1861. 1862; served as a representative at the Connecticut General Assembly in 1864, chairman of the Judiciary Committee, and speaker of the House of Representatives in 1869. In 1864, as Chairman of the House Judiciary Committee, he played a key role in securing legislative approval for a proposed draft. Amend the Constitution of Connecticut that would grant voting rights to state soldiers in the field during the Civil War. After that he retired and devoted himself to practicing law, he was appointed state attorney for the province of New Haven from 1877 to 1879. Orville Hitchcockblatt was elected Republican to the U.S. Senate in 1879, was a staunch supporter of Theodore Roosevelt for re-election in 1904 and was a recognized party leader as one of the "Big Four" in the U.S. Senate. Senator Orville Hitchcockblatt died at his home, Kirby Corners, in Meriden, New Haven County, Connecticut on April 21, 1905 at the age of 77 for expansion seen:

<https://www.britannica.com/topic/Senate-United-Statesgovernment>
<https://ar.m.wikipedia.org/wiki/>) Senator on Relations with Cuba and the membership of Secretary of War Eliahu Root and the Military Governor of Cuba General Leonard Wood (General, 2007, 40-41) The committee was able within four days (21-25) February to prepare A bill that fulfills the above purpose is known as the Platt Amendment, which is a guideline for future relations between the United States and Cuba drafted by Secretary of War Eliyahu Ruth after the chairman of the committee, Senator Orville H. Platt (Benjamin, 2004, 379-380).

The amendment was introduced to Congress by the chairman of the Orville Platte Committee on February 25, 1901 (Michael, 2015, 105) and passed in the Senate on the twenty-seventh of that month by a vote of 43 to 20 (Lars, 1998, 139-151).

On March 1, it was passed by the U.S. House of Representatives and the following day and signed by President William McNealey on March 2, 1901 (Steven, 2007, 107).

After President William McNeely signed the law - the spokesman of his administration announced on the second of March 1901 the text of the law that came in its preamble in fulfillment and commitment to the joint resolution passed by Congress on the twentieth of April 1898 - and in order to recognize the independence of the people of Cuba, and to demand that the Government of Spain relinquish its authority and rule over the island of Cuba and withdraw its land and naval power from Cuba's land and waters, and the directive of the President of the United States of America to use the land and naval forces of the United States to implement these resolutions. The President is therefore authorized by this decision [by law] to leave Cuba and leave control of it to its people. Once a national government is established in it by virtue of a specific constitution, whether as part of it or a decree annexed to it future relations between the United States and Cuba."

Based on the amendment, Platt's amendment provided as follows:

The Government of Cuba shall never enter into any treaty or agreement with any foreign power which may weaken or prejudice Cuba's independence, and shall not in any way permit any foreign power or powers to control the island by colonization or to use part thereof for military, naval or other purposes.

The Government of Cuba may not hold or contract a public debt (loan) resulting from it. To provide the credit of the fund Transfer of island expenses - You must rely on the island's revenues after deducting the expenses of the current government.

The Government of Cuba agrees that the United States of America is entitled to exercise the right to intervene to preserve Cuba's independence, to provide adequate protection for the life, property and individual freedoms of individuals and to fulfil its obligations with respect to Cuba imposed by the Treaty of Paris and to be implemented by the Government of Cuba (P.F.R.U.S., 1902, 321).

The Government of Cuba must ratify and ratify all laws adopted by the United States of America during its military occupation, and all American rights must be preserved as legitimate and acquired and must be protected.

The Government of Cuba should implement, as necessary, the plans already drawn up or those to be mutually agreed. These include sanitation plans in Cuban cities to prevent the recurrence of epidemics and infectious diseases, thus ensuring that the Cuban people are protected from diseases and that the people residing in them are protected from diseases.

Omission the isle of Pines from the proposed constitutional boundaries of Cuba, leaving its address for future amendment under this law.

In order for the United States to maintain Cuba's independence, protect its people and defend itself, the Government of Cuba agrees to lease to the United States the land necessary for the establishment of coal stations for its ships, and that these points (territories) will be agreed upon with the President of the United States.

In order to provide further guarantees, the above clauses (provisions) will be embodied in a permanent treaty with the United States of America.

The Platt Amendment was passed on March 2, 1901, as part of the U.S. Army Appropriations Act of 1901. It stipulated seven clauses for the withdrawal of U.S. troops from Cuba and the end of military occupation, along with an eighth condition to ensure that Cuba's signing of treaties with the United States would be the basis for equal relations between the two countries and the promotion of common interests (Tlaga, 1972, 21-23).

Cuba's military governor, General Leonard Wood, handed over a copy of Platt's amendment to members of the Constitutional Convention. (Fitzgibb, 1935, 74)

The official announcement of Platt's amendment generated a storm of criticism and protests both internationally and domestically. Immediately at the time, the French newspaper *La Discussion* condemned the amendment by saying that "the amendment is a flagrant violation of Cuba's absolute independence and full sovereignty" (Steven, 2007, 107), as reported by the *Baltimore Sun* (The *Baltimore Sun* "One Cuban politician shouted 'We deceived our friends' and the members of the Constitutional Convention applauded him as one man." Another headline read: "We started hearing fighting attacks from Cuba (Tricked, 1901. 35) In referring to the state of resentment and anger that began to prevail in the provinces and cities of the island in response to the Platt amendment, which led to the provocation of nationalist feelings and the awakening of national motivation in the hearts of the Cubans (Louis, 1986, 46)

Members of the National and Republican parties (liberal forces) took advantage of the wave of popular protests that swept the provinces and cities of Cuba rejecting the Platte amendment and to deliver anti-American speeches on the anniversary of the 1895 war, with spokesmen for both parties stressing that "the United States of America has not Cuba's independence has been achieved" and a follower of the National Party declared that "the sovereignty of any country lies in the daggers of its inhabitants" (Charles, 2017, 11-12).

As an expression of rejection and feelings of resentment expressed by the Cuban street towards the Platt amendment, which was seen as an American means of restricting Cuban sovereignty. Demonstrations broke out in the capital, Havana, on the twentieth of March 1901, known as the torch demonstrations, because angry demonstrators demonstrated at night and marched carrying torches towards the residence of the military governor general of Cuba (the governor's palace). They handed him a whale protest petition categorically rejecting Platt's amendment, which followed the Havana demonstrations (protests) that lasted for several days. Several protests took place in a number of other Cuban cities, after which a torrent of protest telegrams sent by protest organizers in those cities and municipalities to the residence of the Governor-General continued. (David, 1963, 169)

Protesters and demonstrators in all Cuban cities stressed the violation of the national sovereignty of Cuba by the United States of America, holding banners bearing the phrase *No da de carboneras*, in explicit reference to the article that allowed the United States to be rented from the government of Cuba. lands for the establishment of stations for the supply of coal to their military and naval vessels (S. Faner, 1972, 595)".

The waves of anger and resentment that turned into demonstrations and protests in all Cuban cities and provinces began to cast a shadow on the meetings of the members of the Constitutional Convention, as some of them did not hesitate to show indignation to the United States of America "before The members (Constituent Assembly) decide to reject the amendment (refusal to attach it to the Constitution) in April 1901" (Lars, 1998, 139-141).

In the face of the rejection of the members of the Constituent Assembly of the Platt Amendment, the U.S. Secretary of War announced to them, through the Military Governor General, General Leonard Wood, what was known as Root's interpretation of the Platt Amendment, declaring that the Platt Amendment did not imply the imposition of an interventionist policy by the United States of America on Cuba, as much as the military threat by a foreign power or powers was a policy of protection. Root 's interpretation of Platt's Amendment began to alleviate the fears of Cubans, especially since Ruth insisted in his interpretation that the Platt Amendment was not to restrict national sovereignty, but rather to preserve it from internal chaos and expansionist colonial ambitions. For some American countries. Root 's explanation came and succeeded in calming the popular masses demanding independence and the protection of legitimacy and national sovereignty.

After several failed attempts by Cuban political forces to reject or amend the terms of the Platt Amendment, the members of the Constitutional Convention finally succumbed to pressure from the United States of America and decided to include it in the Cuban Constitution (George, 1935, 90-95) and voted on it in a session

The Role of the Constituent Assembly (Constitutional Convention) in Approving the Cuban Constitution and the American Position (1900-1901)

held on the twelfth in June 1901 and it was accepted by a majority of (16) votes to (11) rejected and (4) abstained (Lars, 1998, 139-145).

(2) After the withdrawal of U.S. troops from Cuba by order of President Franklin D. Roosevelt in 1902, the Platt Amendment with its seven provisions became a treaty between the two countries known as the Treaty on Cuban-American Relations, which the two countries signed on the twenty-second of May 1903. Under it (under its provisions) the United States restricted Cuba's independence. The United States obtained the right to rent Cuban Guantanamo Bay for \$2,000 in gold and gave the United States the right to intervene in Cuba's internal affairs. The evidence is that the Roosevelt administration used the treaty as a justification for the occupation of Cuba (second military occupation) from 1906 to 1909 to expand on the treaty (R.H Fitzgibbon, 1935, 90-95).

CONCLUSION

By reviewing the content of the research, which came under the title (The Role of the Constituent Assembly in Approving the Cuban Constitution and the American Position on it 1900-1901), we conclude that the United States of America wanted to control Cuba politically. In economic and security terms, it intervened with the help of Cuba in its war against the Spanish authorities in 1895 and then signed a treaty with Spain in 1898 that allowed it to intervene directly in Cuba. We can say, by looking at the terms of Tiller or the Constitution of Cuba, that the Taylor amendment confirmed that the United States hereby disavows any intention to exercise sovereignty, jurisdiction or control over the island except to calm the situation there. However, U.S. forces occupied Cuba for several years.

Platt's amendment also introduced the conditions under which the United States intervened in Cuban affairs during the years (1906-1912-1917) that this does not prevent the rise of Cuban nationalism and widespread criticism of Platt's amendment to the abolition as part of Roosevelt's new policy (the neighborhood policy towards Latin America), yet the United States retained the lease of Guantanamo Bay, where a naval base is still operating today.

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