

= Charles Edward Magoon =

Charles Edward Magoon (December 5 , 1861 ? January 14 , 1920) was an American lawyer , judge , diplomat , and administrator who is best remembered as a governor of the Panama Canal Zone , Minister to Panama , and an occupation governor of Cuba . He was also the subject of several scandals during his career .

As a legal advisor working for the United States Department of War , he drafted recommendations and reports that were used by Congress and the executive branch in governing the United States ' new territories following the Spanish ? American War . These reports were collected as a published book in 1902 , then considered the seminal work on the subject . During his time as a governor , Magoon worked to put these recommendations into practice .

= = Biography = =

= = = Early life = = =

Magoon was born in Owatonna , Minnesota . His family moved with him to Nebraska when he was still a small child . In 1876 , he enrolled in the " prep " program at the University of Nebraska at Lincoln and studied there for two years before officially enrolling in 1878 . He left school in 1879 to study law independently with a prominent law firm . In 1882 , he was admitted to the bar and practiced law in Lincoln , Nebraska . Eventually , he was made a partner in the firm . He also became the judge advocate of the Nebraska National Guard and continued to use the title of " Judge " throughout the remainder of his career .

= = = War Department and the " Magoon Incident " = = =

By 1899 , Magoon was sought out to join the law office of the newly created Division of Customs and Insular Affairs , later renamed the Bureau of Insular Affairs , in the U.S. Department of War under Secretary of War Russell A. Alger .

Legal and political controversy had arisen regarding whether the people of the newly acquired territories were automatically granted the same rights under the United States Constitution as American citizens . Magoon prepared a report to Alger in May 1899 that would have established the official departmental policy as " the Constitution follows the flag . "

Under this view , the moment the treaty transferring the territories to U.S. sovereignty was signed , the residents of Puerto Rico , the Philippines , and other territories became subject to all the rights granted by the Constitution . For the new territories following the Spanish ? American War , this would have been from the signing of the Treaty of Paris on December 10 , 1898 . With the resignation of Secretary Alger , this incomplete report was not released to Congress .

In August 1899 , Elihu Root became the new secretary of war , and the unreleased report was scrapped . Magoon drafted a new report which came to precisely the opposite conclusion from the first : the Constitution did not apply in new territories until the United States Congress specifically passed legislation to authorize it . It argued that precedent was set when Congress passed legislation to apply the Constitution to the Northwest Territory and the Louisiana Purchase . This revised report was dated February 12 , 1900 , and released to Congress as a policy document expressing the Department 's official stance on the issue . This view was largely adopted by the Supreme Court of the United States beginning in 1901 in the so @-@ called " Insular Cases . "

During this period , Congress was debating a Puerto Rico Tariff Act that would have been unconstitutional had the first definition been kept . This was a largely partisan issue at the time ? the Republicans were in favor of this Act , but it was strongly denounced by Democrats . During the ensuing debate , the existence of the original report was discovered by the Democrats , who requested that the War Department release the earlier report to them so they could be compared " side by side " . The request was refused , but a copy of the report was leaked , allowing Minority

Leader James D. Richardson to read it aloud on the Senate floor , prior to the vote . These efforts failed ; the vote remained along party lines and the measure was passed .

This small scandal , with Magoon at the center , was termed the " Magoon Incident " by the Chicago Tribune and resulted in harsh words against him from both parties . Fellow Republicans urged that Magoon was only a " subordinate clerk " , with no right to express any opinion except the opinion of the Department , and therefore the first report should carry no weight . Democrats similarly were against the second version of the report . It is unclear which version , if any , actually represented Magoon 's personal views rather than the views of the current secretary of war .

After this incident , Magoon remained with the Department of War . In 1902 , his work on the legal foundations of the new civil governments was released to the public as a book , Reports on The Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States , etc . It was reprinted several times and was considered the seminal text on the subject .

= = = Panama = = =

In late 1903 , Secretary Root announced that he was retiring as secretary of war . Speculation followed in the media that Magoon would retire simultaneously and join the outgoing secretary in private practice . Instead , Magoon was appointed by President Theodore Roosevelt in June 1904 to be the general counsel for the Isthmian Canal Commission , the group working toward what would eventually become the Panama Canal . In this role , he would be working under Chairman John Grimes Walker , but would not be a commissioner . According to President Roosevelt , Magoon deserved the position because he had " won his spurs " working in the War Department and was well respected . Although Magoon was working for the Canal project , his office and residence remained in Washington , DC .

On March 29 , 1905 , President Roosevelt unexpectedly called for the simultaneous resignations of all members of the Canal Commission and the governor of the Panama Canal Zone , George Whitefield Davis . According to Secretary of War William Howard Taft , this clean sweep was due to the " inherent clumsiness " of the Commission , especially as related to sanitary problems in the Zone , as well as the difficulty of reaching consensus between the current seven commissioners . Several days later , replacement appointments were announced : Magoon was appointed both governor and a member of the Commission , with railroad entrepreneur Theodore P. Shonts made chairman of the Commission . The new Commission had seven commissioners , as required by the act of Congress that created the body , but responsibilities were to be split such that only Magoon , Shonts , and the chief engineer had any real authority . The remaining four members of the commission were appointed only to fulfil the letter of the law . Congress had already rejected a request by the President to formally make the Commission a three @-@ member body ; restructuring the organization was an end @-@ run by the President around that restriction . In order to assume his new duties , Magoon relocated to the Canal Zone the following month .

= = = Governor of Panama Canal Zone = = =

Magoon 's primary responsibilities within the Canal Zone were to improve sanitation and to deal with the all @-@ too @-@ common outbreaks of yellow fever and malaria . At first , he refused to believe that the diseases were carried by mosquitos because , he reasoned , the native population would have been more affected . At this time , the nature of human acquired immunity to diseases was not well understood . The Chicago Tribune , in an article about conditions in the canal , referred to the notion that yellow fever was carried by mosquitos as " bugaboo " . However , by January 1906 , Magoon had long come to understand the role of mosquitos in the transmission of diseases , as evidenced in a New York Times article wherein Magoon addressed criticisms of his administration in detail ; by then he had undertaken a vigorous and ambitious plan to eliminate the swamps that bred mosquitos .

While governor , he worked with translators in the War Department to publish an English edition of the complete Civil Code of Panama , which he codified as the law of the Canal Zone on May 9 ,

1904 . This was the first time that the complete civil code of a Spanish @-@ speaking country not a U.S. territory had been translated into English . It was significant that he did not make changes to these laws when " importing " them into the legal system of the territory that he governed .

On July 2 , 1905 , President Roosevelt further consolidated power in Panama by appointing Magoon Minister to Panama , to replace John Barrett . This put Magoon in the unique position of being both a governor of a U.S. territory and a diplomat to the country of which that territory was an enclave . During the tenure of Governor Davis , there had been friction between him and Minister Barrett . This double appointment would ensure that the two roles could not work at cross @-@ purposes . Magoon would draw two salaries in the arrangement , an issue which would come up later to haunt him . With influential posts in both Panama proper and the Canal Zone , Magoon was an exceptionally powerful man on the Isthmus .

= = = = Friction with Congress = = = =

The President was coming into increasing conflict with Congress on the handling of the Zone , including the unusual consolidation of power . In addition to not officially restructuring the Commission , Congress increasingly fought or raised questions about the appointments of replacement commissioners . In November 1905 , Panama was visited by Poultney Bigelow , a lecturer and writer for the American Geographical Society , who wrote a scathing report on progress in the Canal Zone ? a report that was well @-@ publicized in the States . This report criticized the efficiency of the work being performed as well as the quality of its management . Magoon countered this negative press by stressing that Bigelow had visited the Zone for less than two days , one of which was Thanksgiving Day , and that work was naturally lax on the holiday .

In February , Magoon was called to testify before the Senate Committee responsible for Canal administration , including responding to Bigelow 's report . He was criticized now for the earlier adoption of Panama 's penal system in the Zone . One major point of contention was that it did not allow for trial by jury for American citizens arrested there . They raised questions as to the quality of the judges in the territory and other issues .

There was no official outcome from these hearings , but Congress subsequently passed a Consular Reform Bill which included a provision that specifically would not allow a diplomat , such as Magoon , to hold a separate administrative position . Rather than remove Magoon from one of his positions , he was named to become vice governor @-@ general of the Philippines . Ultimately , this offer was rescinded before it could take effect , and he was instead appointed governor of Cuba . The best coverage of Magoon 's work in Panama can be found in : Mellander , Gustavo A. ; Nelly Maldonado Mellander (1999) . Charles Edward Magoon : The Panama Years . Río Piedras , Puerto Rico : Editorial Plaza Mayor . ISBN 1 @-@ 56328 @-@ 155 @-@ 4 . OCLC 42970390

= = = Cuba = = =

In 1906 , Cuba was in the midst of a constitutional crisis as a result of a disputed election and an attempt by elected President Tomás Estrada Palma to stay in power after the conclusion of his term . This led to a revolt , and the U.S. military sent in 5 @, 600 men to reassert control over the country in what would be called the Second Occupation of Cuba . This was permitted under the Cuban @-@ American Treaty of Relations of 1903 , a treaty that stipulated the degree of United States intervention in Cuba . After a brief period of stabilization by Secretary Taft , Magoon was appointed governor under the Constitution of Cuba , effectively with absolute authority and backed by the U.S. military .

On October 13 , 1906 , Magoon officially became Cuban governor . Magoon declined to have an official inauguration ceremony , and , instead , news of the appointment was announced to the Cuban public via the newspapers . In his written appointment address to the country , Magoon indicated that he would " perform the duties provided for by the ... constitution of Cuba for the preservation of Cuban independence " . He was there , in short , to restore order and not to colonize .

During Magoon 's time as governor , the remaining revolutionaries were defeated , and his attention was turned inward to infrastructure . He coordinated the construction of two hundred kilometers of highway . He called for the reorganization of the Cuban military into a formal army , rather than a Mexican @-@ style " rural guard " . More controversially , he called for the removal of the sunken USS Maine , the ship whose destruction led to the Spanish ? American War , because it was interfering with traffic in Havana 's harbor . In his yearly report to the secretary of war , Magoon reported that many Cubans held the popular belief that neither the United States nor the US @-@ backed Cuban government had explored the wreckage because evidence might be found to suggest that the ship was not sunk by a torpedo , as was the official report ? something that would cast doubt on the justification for the United States ' war against Spain . The removal of the ship did not take place while Magoon was in office ; it was authorized by Congress in 1910 .

While he was well regarded in the United States , Magoon was not popular among Cubans . He reaped a vast number of lurid accusations at the hands of Cuban writers who described him as a " man of wax " , who was " gross in character , rude in manners , of a profound ambition and greedy for despoilment " . The Cuban scholar Carlos Manuel Trelles later wrote that Magoon " profoundly corrupted the Cuban nation , and on account of his venality was looked upon with contempt . " Other Cuban historians point to the fiscal wastefulness of Magoon 's tenure , which " left a bad memory and a bad example to the country " and returned Cuba to the corrupt practices of colonial times .

On January 29 , 1909 , the sovereign government of Cuba was restored , and José Miguel Gómez became president . No explicit evidence of Magoon 's corruption ever surfaced , but his parting gesture of issuing lucrative Cuban contracts to U.S. firms was a continued point of contention . Several months later , Magoon received an official commendation from President Taft for his excellent service in Cuba .

Following his service in Cuba , Magoon retired from public service and vacationed for a year in Europe before returning to the United States . Speculation at the time pointed to him taking a position as ambassador to China , a special commission on stability in Central America , or a Cabinet position . Ultimately Magoon did not take up any of those new responsibilities and formally entered retirement . He died in Washington , D.C. , in 1920 after complications from surgery for acute appendicitis .

= = Works = =

Magoon , Charles Edward (1902) . Reports on The Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States , etc . Washington , D.C. : U.S. Government Printing Office . OCLC 4668092 . (Also known as The Law of Civil Government under Military Occupation .)