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Article Summary: Three Nebraskans—John J Pershing, Charles E. Magoon, and George D. Meiklejohn—did much to shape U.S. colonial policy in the wake of the Spanish-American War. Their views were shaped by their western frontier background, "which strongly conditioned their understanding of the relations between land and political power."

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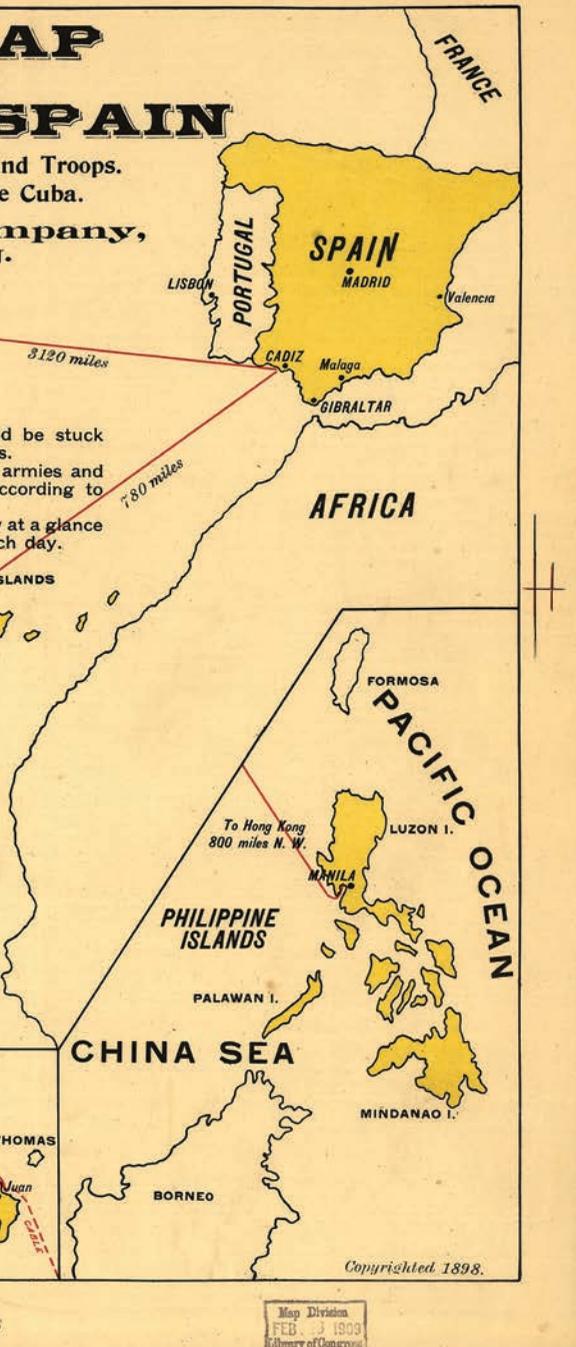
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Photographs / Images: a map on which private citizens could use multicolored pins and disks (supplied with the map) to plot the course of "Our War with Spain" by following the latest newspaper dispatches; Charles Edward Magoon; Lt. John J Pershing with cadet battalion officers at the University of Nebraska, 1895; Pershing wearing the Tenth Cavalry insignia; the State, War, and Navy Building in Washington, D.C., 1917; George D. Meiklejohn; Russell Alexander Alger; Charles Dawes; William Howard Taft and Elihu Root in 1904



Prairie Imperialists:

The Bureau of Insular Affairs and Continuities in Colonial Expansion from Nebraska to Cuba and the Philippines

BY KATHARINE BJORK

On April 14, 1898, the day following congressional approval of President William McKinley's call for intervention in Cuba's thirty-year struggle for independence from Spain, a young Nebraska lawyer wrote a letter to his close friend George D. Meiklejohn. The letter was at once candid and calculating. "I cannot support the war," wrote Charles E. Magoon from his small law office on O Street in downtown Lincoln. Although opposed to the war in principle, "Charley" Magoon, as he was known to his circle of politically active Republican friends in Nebraska, hastened to add that he was nonetheless "an American and believe[d]" in his country. "Right or wrong—my country," he wrote, underlining the words for extra effect.

Left: By following the latest newspaper dispatches, private citizens could plot the course of "Our War with Spain" with the multicolored pins and disks that came with this map. Library of Congress



**Charles Edward Magoon
as governor of the Panama
Canal Zone, 1905-6.**
Library of Congress

Anytime, any where my services are at its disposal. I am willing to face the yellow flag of Spain or the yellow fever of Cuba if my country calls. When the president says 'up' you will find me a coming."¹

Less than a year after writing this letter critical of a belligerent role for the United States in Cuba, Charley Magoon's receptiveness to the "call of his country," aided by the influence of his friend, Assistant Secretary of War George Meiklejohn, resulted in Magoon securing a series of appointments that removed him forever from work on Nebraska land cases and municipal codes and led to his becoming one of the chief architects of U.S. colonial policy for new overseas territories brought under

U.S. control following the war of 1898.² Even before Magoon joined Meiklejohn at the War Department in an official role, Meiklejohn employed his services as a go-between in confidential negotiations with the members of the Cuban Legation, such as Tomás Estrada Palma, whom the U.S. favored to head a Cuban government friendly to Washington's interests after the war. Magoon's colonial career would culminate in his own appointment to a vice regal post in Cuba as provisional governor from 1906 to 1909.

Magoon was not the only acquaintance who sought and received favors from the assistant secretary of war. Meiklejohn's correspondence from this time is full of proposals from Nebraska citizens to form volunteer regiments, as well as petitions from friends and from the friends of friends to favor some relative or other with a position as aide-de-camp or to obtain a transfer to some more desired service. Among those whose interests and ambitions Meiklejohn was both well placed and well disposed to further was another mutual friend of both Magoon and Meiklejohn from Lincoln, John J. Pershing. Pershing had played a role in Meiklejohn's appointment to the War Department post.³ In turn, Meiklejohn's friendship with the former instructor of military science and commandant of cadets at the University of Nebraska was instrumental in helping Pershing realize his ambition of seeing active duty in Cuba. On a day when Secretary of War Russell Alger was absent from the office, Meiklejohn had arranged Pershing's commission as quartermaster of the Tenth Cavalry.⁴ As it proved for Magoon, so Meiklejohn's timely assistance in securing him a wartime commission led to other appointments in colonial administration for Pershing, most notably in the Philippines.

The alchemy of friendship is mysterious and resists yielding its secrets to historical analysis. This is even truer when, as with Pershing, Meiklejohn, and Magoon, the bonds of affection and mutual regard are inextricably bound up with political ambition. Yet the basis of the expedient friendship that was formed among the three men from Nebraska warrants closer examination and offers some valuable lessons for understanding continuities in the mechanisms of expansion between the trans-Mississippi West and the overseas territories each of them had a hand in shaping. These three men, whose serendipitous introduction to one another in Nebraska in the 1880s and early '90s proved so instrumental in their later prominence in colonial affairs, represented a post-Civil War generation of self-described "western" men—men whose education, outlook



and ambitions departed markedly from those of their parents. Their generation was too young to fight in the Civil War; yet they grew up in a nation profoundly altered by its legacies. Most significantly, their generation—the children of farmers and homesteaders—was shaped by the circumstances of the new western states in which they came of age and which strongly conditioned their understanding of the relations between land and political power. Their lives had coincided with the transformation of the West as the federal government delimited a vast public domain and then implemented the mechanisms for the conversion of much of that land into private property as well as its allocation to other entities, such as the railroads and land grant universities, that would profoundly shape the development of the newly incorporated territories of an expansive continental power.

Richard White has aptly described the West as “the kindergarten of the American state.”⁵ The

institutions and federal powers built up in the process of western expansion in turn provided a model as well as a set of cultural attitudes and practices that shaped the next stage of American expansion overseas and which left their mark on American efforts at colonial state-building in the new insular territories abroad. As their life and administrative experience mirrored the transition from the domestic to the overseas realm, communications with the War Department between western men like Pershing and Magoon offer examples of the transposition of frontier categories of perception and value onto the newly incorporated colonial sphere. The repertoire of colonial actions in the insular territories drew upon techniques for extending control over and extracting value from land that had developed in the context of westward expansion.

A letter from Pershing written to his mentor at the War Department immediately following the Spanish surrender in Cuba reflects several shared

Lt. John J. Pershing (seated, center) with cadet battalion officers at the University of Nebraska, 1895. Pershing served as a military instructor at the university from 1891 to 1895. NSHS RG2378-18-3

Lt. John J. Pershing wearing the Tenth Cavalry insignia. Pershing commanded a troop of the all-black Tenth in 1895-96, and later returned to the Tenth as regimental quartermaster, fighting with the regiment at Kettle and San Juan Hills during the Spanish-American War. NSHS RG2378-1-19



assumptions shaped by their western background which informed Pershing's expectations about what would follow the American military victory abroad as well as the prospects it offered him for professional advancement:

I hear that there is another call for volunteers. If so I should like to have you obtain me some sort of recognition. Preferably, I should like however to have a commission in any immune [underlining in the original] regiment or similar organization. Anything from majority—up.— Would it be asking to [sic] much to ask you to put in a letter of recommendation so that it can be referred to. Then if you could have a talk with [Adjutant General] Corbin or Secty Alger I think you could get it for me. I shall get a letter from Gen. Wood in whose Brigade I now serve as I did in the fight. I take it for granted that you are anxious to see me receive advancement and now that politics has had its day, perhaps distinguished service will come in for something.⁶

Pershing's rationale for asking his well-placed friend to obtain him a commission in an "immune" (African-American) regiment like the Tenth Cavalry, with which he had served both in Montana and in Cuba, was his expectation that because of their supposed hereditary resistance to tropical diseases, black troops (commanded by white officers)

would be ones designated to stay in Cuba and the Philippines following the war. "As I understand it," he continued,

There is no limit to the number of officers who can be appointed to immune regiments—at least no limit which cannot be broken down with an earnest hope of receiving some appointment which will give me a chance at service.⁷

Pershing's letter from Cuba contained further elaboration of his career ambitions as well as some more specific suggestions of how Meiklejohn might use his influence to help him achieve them. Intertwined with these military aspirations, Pershing also expressed another kind of desire which at first seems at odds with the rest of the letter—and with his otherwise single-minded focus on promotion and furthering his military career. In a paragraph describing conditions in Cuba which included references to yellow fever and also criticisms of the roads and the organization of army supplies, Pershing interjected a surprising comment:

This is a beautiful country and I should like to have a ranch near here. I cannot write a letter it seems without importunities of one sort or another but I am sure you generously submit to it and do all you can.⁸

Pershing did not immediately receive the commission he sought in an "immune" regiment. Nor did anything ever come of his wistful interest in acquiring land in Cuba. Instead, upon his return from Cuba as a brevet major, he joined Meiklejohn and Magoon in the War Department. Together the three Nebraskans formed the nucleus of an incipient bureau for colonial affairs. The story of how this came to pass is more than a tale of nepotism and crass political opportunism, though at some level it is both of those things. The centrality of men from the trans-Mississippi West in the administration of overseas empire also represents a continuity in the processes of expansion from the domestic realm to the overseas territories. Pershing's assumption that "buffalo soldiers" would continue to play a prominent role in the pacification of insular subjects as they had in the recently concluded suppression of native resistance to U.S. sovereignty over the plains is not surprising given his own experience. He had policed Apaches on the New Mexico border in the 1880s, commanded a company of Oglala Indian Scouts on the Pine Ridge reservation during and after the Wounded Knee massacre, and served as an



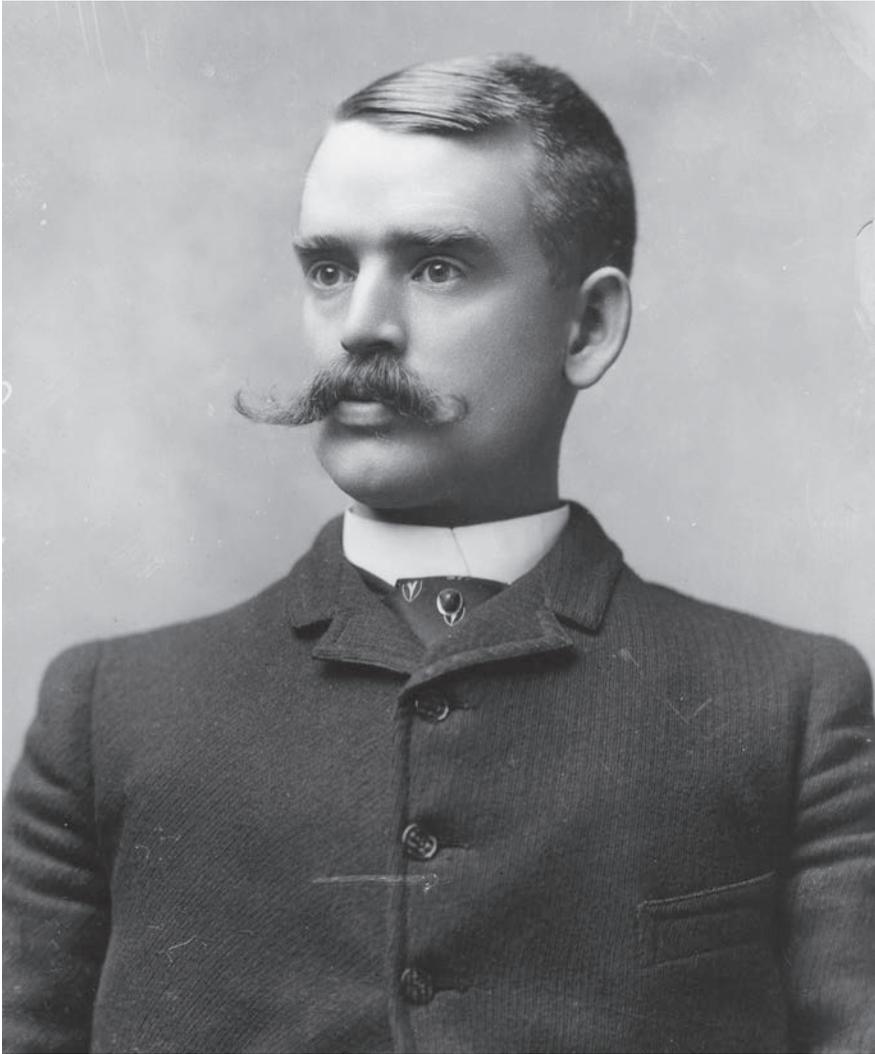
officer with the Tenth Cavalry at Fort Assiniboine, close to the Canadian border where his main activity had been leading black troopers in actions against the Cree Indians.

Similarly, a western upbringing instilled in both Pershing and Meiklejohn a receptivity to the beauty—and the value—of land. The desire for a ranch in Cuba which Pershing confided to Meiklejohn in his “importuning” letter was expressed in an idiom in which both men had been steeped since childhood: the alluring language of the boundless promise of real property. As it had in previous phases of territorial expansion, victory in Cuba meant opportunities for property ownership for Americans. Many of Pershing’s fellow soldiers found the prospects of owning land in Cuba equally as attractive as he did and joined the ranks of the approximately thirteen thousand North

Americans who had acquired title to land in Cuba by 1905.⁹ Within a decade almost the whole north coast of the province from which Pershing had written would come under American ownership, and while Pershing never followed through on his fancy to acquire a ranch in Cuba, other Americans soon bought up three quarters of the cattle ranches in the whole country.¹⁰

Pershing’s passing fancy for the idea of owning land in Cuba must also be understood as another allusion to the Nebraska connections that formed the very basis of his bond with and claim on Meiklejohn. Like his not-so-casual invocation of University of Nebraska Chancellor James Canfield and a network of “other mutual friends” who Pershing implied in his letter would be pleased to learn of Meiklejohn’s efforts on his behalf, a shared acquisitive interest in land was part of the

The State, War, and Navy Building in Washington, D.C., in 1917. As assistant secretary of war, Meiklejohn in 1898 created the War Department’s Division of Customs and Insular Affairs, hiring his friends Magoon and Pershing to form the nucleus of a colonial administration.
Library of Congress



**George D. Meiklejohn,
as a U.S. congressman
representing Nebraska's
Third District, 1893-97.**
NSHS RG2411-4975

basic outlook of their generation of frontier-bred professional men.

Pershing, Meiklejohn, and Magoon all came from families that made their living from the land—farming, homesteading, speculating in property—these constituted their collective experience. But winning a living from the land was not the destiny of the empire generation. The forebears of the Magoon and Meiklejohn clans had begun their American odyssey in the East, Vermont and New York, respectively, and both had paused for another generation in parts of the territories that became Minnesota and Wisconsin. Both families sought opportunities presented by the Homestead Act and the removal of the Pawnee Indians from Nance County, Nebraska, in the 1870s.

In 1882 Meiklejohn, newly arrived in Nebraska from Wisconsin, had formed a legal partnership with the son of one of Nance County's founding ranchers. Randall Fuller was among the early

stockmen "who looked with longing gaze on the broad prairies and fertile valleys of the [Pawnee] reserve," and "intruded with their stock" even before the Indians' removal in 1875.¹¹ Driving a large herd of cattle from Faribault, Minnesota, to Colorado Territory in July of 1876, the founder of Fullerton was diverted by "the luxurious grasses of the valley" and decided to join a couple of other stockmen who had settled at the mouth of Timber Creek and had built a dugout there three months earlier. His son, I. R. Fuller, with whom Meiklejohn practiced law in the county seat of Fullerton, owned 2,000 acres and 400 head of cattle.¹² It was here that the twenty-four-year-old George Meiklejohn had embarked on his political career. In addition to serving as the solicitor for the Fullerton State Bank, Meiklejohn served as county attorney from 1881 to 1884; he was elected state senator in 1884, served as the president of the senate from 1886 to 1888 and as chairman of the Republican state convention in 1887 and 1888; he served as lieutenant governor in 1890-91. In 1892 he was elected to the Fifty-third U.S. Congress from the Third Nebraska District and was re-elected in 1894. At the expiration of his term in Congress in 1897, President McKinley tapped him to be the assistant secretary of war.¹³ Even as he discharged his duties at the War Department, his name was much discussed as the next senator—or possibly governor—of Nebraska.¹⁴

John J. Pershing was also born into a farming family. Land speculation in south-central Missouri led to the near ruin of Pershing's father in the panic of 1873. As the eldest son, Jack had been left in charge of farming the remaining land in LaCledde while his father took a job as a traveling salesman until the family lost that land as well. The need to find a way of earning his living and contributing to the family's support led the young Pershing first to teaching in local schools and a brief stint at the normal school in Kirksville, and then to winning a place at West Point through a competitive exam. At the time his ambition was neither the army nor teaching, but rather to become a lawyer. In Lincoln he took advantage of his appointment to the state university as instructor of military science under the Morrill Act to pursue a bachelor's degree in law, which he received in 1893. Like many of the ambitious young men of his acquaintance in Nebraska, including Magoon and Meiklejohn, he continued to look for opportunities to invest in land, as the letter to Meiklejohn from Cuba suggests. All three men were caught up in and profoundly shaped by evolving policies and mechanisms for defining all kinds of claims over land,

both in their individual capacities as speculators and investors, and in ways that their professional lives as attorneys, legislators, and members of various military organizations (militia, national guard, army) reinforced.¹⁵

The values of a self-conscious center of prairie civility and culture, such as Lincoln in the 1880s and '90s, also vindicated assumptions about white racial superiority and reinscribed assumptions about the place of ethnic others—both immigrants and Indians—in the hierarchy of expanding civilization that provided the prejudices and predilections that informed their generation of empire builders and administrators both at home and abroad.

By any measure Meiklejohn was an ambitious and energetic assistant secretary of war. In a careful study of the administration of insular affairs by the War Department, historian Romeo Cruz wrote of him: “If any man was responsible for anticipating and thinking ahead of the others what America’s future administrative needs would be with its new empire, that man was George Meiklejohn.” His responsibilities and influence in the job were enhanced by the fact that the war secretary under whom he served, Russell Alger, was frequently absent from the office and “spent most of his time either ill, tending his lumber interests, or defending himself from his critics.” As a result, Meiklejohn “was given the run of the War Office.”¹⁶

Undoubtedly the most far-reaching initiative Meiklejohn launched on one of the days when his boss was out of the office was his creation of a distinct division under his own authority in the War Department for the administration of all civil affairs related to Puerto Rico, Cuba, and the Philippines. The first step in creating the new agency was to establish the basic structure of a customs office within the War Department. Meiklejohn accomplished this administrative objective by using his authority as *acting* secretary of war to issue a directive to himself in his appointed capacity as *assistant* secretary of war “to take charge of all matters relating to customs duties to be levied and collected in Cuba, Porto Rico [*sic*], and the Philippines.”¹⁷

Pursuant to his own directive to himself, Meiklejohn began to handle all incoming insular matters with the assistance of his clerk, John C. Schofield. From August to December 1898, the two men alone handled an increasing volume of incoming papers and documents pertaining to the colonies. By December, the accumulation of data as well as requests for information from members of Congress and other government departments and the public was so great that Meiklejohn again took the



administrative initiative to create a distinct division (called the Division of Customs and Insular Affairs), again under his own authority, that would encompass all civil affairs related to the three insular territories. As it grew and developed into the Bureau of Insular Affairs, Meiklejohn’s agency would provide a nexus for communication between the various government departments in Washington and the insular possessions, and function as the incubator and clearinghouse for policy initiatives.¹⁸

Elihu Root, who succeeded Alger as secretary of war, informed the Senate in 1901 that the Division of Customs and Insular Affairs performed “with admirable and constantly increasing efficiency the great variety of duties which in other countries would be described as belonging to a colonial office and would be performed by a much more

Russell Alexander Alger, U.S. Secretary of War (1897-99). Alger’s frequent absences gave Assistant Secretary of War George Meiklejohn authority as acting secretary.
Library of Congress

Charles Dawes circa 1890. The former Lincoln, Nebraska, attorney and future U.S. vice president formed close ties with Pershing and aided his career. NSHS RG3856-1



pretentious establishment.”¹⁹ In effect, Meiklejohn had created an embryonic colonial office for the administration of the new empire of the United States at a time when the country was deeply conflicted over the idea of formal colonial administration. The agency proved significant in shaping policy for America’s new colonies; it also helped launch the colonial careers of the two friends from Nebraska whom Meiklejohn recruited to help form its core.

Within a month of creating the new agency, Meiklejohn arranged Magoon’s appointment as “Solicitor for the Customs and Insular Division.”²⁰ The position Meiklejohn secured for Pershing after his return from Cuba was a volunteer commission as his “military aide” in the division, which by that time was growing in both scope and personnel. In March 1899, Pershing became the first chief of the new division, which until this time had been headed by Meiklejohn himself. Thus the three men whose mutual interests and ambitions had formed the basis of a friendship begun in Nebraska were reunited in Washington for a brief but significant period at the center of colonial policy coordination for the newly acquired territories.

While they were in Washington the three men—all in their late thirties and all bachelors—took rooms at the same Washington hotel, the

Wellington, and frequently dined there together. When Pershing became the first (and only) member of the trio to marry in 1904, Magoon served as best man at his wedding. Pershing’s bride was Frances Warren, daughter of Wyoming Senator Francis E. Warren, who was chair of the Committee on Military Affairs. By this time Pershing had won recognition for his successes in suppressing resistance to U.S. rule in the southern Philippines the previous year. President Theodore Roosevelt had proposed his promotion to brigadier general over the heads of 862 more senior officers and praised his military exploits in a speech before Congress.²¹ The Pershing-Warren wedding was attended by a significant portion of official Washington, including President Roosevelt. Magoon also became godfather to Pershing’s daughter Helen.

Their circle of Nebraska connections in Washington also included Charles G. Dawes, who had made the move from the Midwest to take up a post as comptroller of currency in the Treasury Department. The men all knew one another from their involvement in Republican Party organizing in Nebraska. They also belonged to the same clubs and social circles back home. The ties between Pershing and the future vice president were particularly close. When Pershing had completed his bachelor’s degree in law at the University of Nebraska during the time he was on detached service from the army, he had approached Dawes about going into a law partnership with him. The younger man had declined and had encouraged Pershing to stick with the army. “Better lawyers than you or I can ever hope to be are starving in Nebraska,” he told Pershing. “I’d try the Army for a while yet. Your pay may be small, but it comes in very regularly.”²² The relationship between the two men remained strong. Over dinner at Dawes’s house on K Street near the White House, Pershing sought his friend’s advice and discussed politics and the outlook for the colonies. Dawes was close friends with President McKinley’s secretary, George Cortelyou, and passed along to Pershing insights into the president’s mounting exasperation with Secretary Alger.²³

It did not take long before the attractions of a desk job in the capital paled for Pershing. Meiklejohn and Magoon encouraged him to stay, predicting that his anticipated leadership of an expanded and permanent Division of Customs and Insular Affairs might bring with it a promotion to brigadier general. Pershing was not insensible to the possibility of winning promotion through administrative service nor to the inherent interest and consequence of his role in the division, but he was

anxious to get back to active duty. Over his friends' entreaties to stay, Pershing sought an assignment in the Philippines, which he received in August 1899.

In the Philippines Pershing was assigned to the Military District of Mindanao and Jolo, first as adjutant general for District Commander General Kobbé and then as commander of his own force of expeditionary troops around Lake Lanao. He also served as military governor of Moro Province from 1909 to 1912. In response to resistance to the imposition of U.S. rule by the Muslims, or "Moros" of the southern Philippines, Pershing employed a combination of diplomatic and punitive measures adapted from the army's repertoire of tactics for extending American sovereignty in the plains and prairies against the rival claims of native peoples there.²⁴

Pershing maintained his correspondence with his friends in Washington, especially Meiklejohn. As he had from Cuba, he wrote to the assistant secretary of war to report on conditions and to suggest reforms that he thought would improve military administration in the archipelago. As usual, letters between the two men also reflect a continued focus on chances for advancement of Pershing's career.²⁵

While Pershing engaged in both diplomatic overtures and punitive measures in the southern Philippines, work on the legal and constitutional implications of administering an overseas empire occupied Magoon at the War Department. As law officer for the Bureau of Insular Affairs, one of Magoon's main tasks was to survey the entire body of civil law pertaining to the formerly Spanish colonies to make recommendations as to what should be retained and what adapted or replaced under a new U.S. legal regime.²⁶ He also prepared reports for the secretary of war in response to the many questions that arose concerning the nature of U.S. political sovereignty in the new colonial possessions.²⁷

One of the issues on which Magoon worked during his time at the War Department was the disposition of the "Friar Lands" in the Philippines. The Friar Lands comprised some 158,000 hectares which had been abandoned in 1896 by the religious orders under whose control they had been placed during Spanish colonial rule (the Dominicans, Augustinians, and the Recollects).²⁸ The approach of the U.S. government to the thorny questions of land tenure that accompanied a change of colonial regimes provides an example of how American ideas about land and the state's role in administering it were adapted from the trans-Mississippi West to the new insular possessions. In short, the Friar Lands were redefined as belonging to the public domain and were placed under the administration of a

colonial Bureau of Public Lands, which oversaw their lease and sale in ways that mirrored aspects of homesteading. For example, provisions were made for Filipinos already occupying the Friar Lands to be given preference in acquiring title to the land, but they had to lease the land for three years before they would receive title.²⁹

Preferential leases of several large tracts of Friar Lands to influential Filipinos (as well as to American and British sugar growers based in Hawaii and Cuba) also suggest that political considerations played an important role in the disposal of Friar Lands.³⁰ Most notably, Gen. Emilio Aguinaldo, former president of the Philippine Republic, whose defeat and capture was still the focus of the U.S. army when Pershing had first arrived in the Philippines, and Arturo Dancel, a former governor of the province of Rizal, were both granted leases to more than a thousand acres each, with an option to purchase and with rental rates lower than those paid by other lessees.³¹ Overall, American colonial public land policies in the Philippines failed to meet their stated goals of providing landless peasants with land and a means for tenants and squatters to secure title to their land. They did, however, help to consolidate support of Filipino elites for the U.S. colonial regime.³² Part of the reason for the failure of U.S. land policies, including variants of "homesteading," which ended up chiefly benefiting large landholders and foreign sugar companies, can be found in the reliance on familiar but inadequately adapted institutions imported from the well-developed frontier repertoire of transplanted administrators.

For Meiklejohn, the man who had engineered the friends' reunion and promoted their interests at the center of power, his three years as a colonial secretary marked the end of a political career that had seemed so promising in their Lincoln days when he had been a rising star in Nebraska Republican politics. In his assiduous use of his War Department position to reward and promote Nebraska friends and interests, Meiklejohn had overplayed his hand. When President McKinley finally took the initiative to replace the notoriously inefficient Alger with able New York attorney Elihu Root, Meiklejohn's days were numbered. Root, in contrast to his predecessor, took an active and energetic role in the administration and expansion of the War Department's colonial authorities. This included Customs and Insular Affairs, which had been Meiklejohn's creation and which had remained under his control. In May of 1900 Root moved the renamed Division of Insular Affairs under his direct supervision.³³ Root, along with



William Howard Taft and Elihu Root together in 1904, the year the future president succeeded Root as U.S. Secretary of War.
Library of Congress

colonial officials in the Philippines such as William Howard Taft, Elwell Otis, and Arthur MacArthur, took a dim view of Meiklejohn's patronage appointments to civil service positions in the Philippines. In Cuba, Military Governor Leonard Wood, meanwhile, resented the infringement of Meiklejohn's division on what he saw as his prerogative to control Cuban customs collection.

Ironically, Meiklejohn, like his ineffective superior before him, seemed impervious to intimations that he should resign. The end of his service thus came ignominiously. An article in the *New York Tribune* announcing the appointment of William Carey Sanger, a political independent from New York, as Meiklejohn's successor on March 6, 1901, conveyed the humiliating reality.³⁴ Meiklejohn was campaigning in Nebraska at the time his ouster became public. Secretary Root called Magoon to his office to apologize that the announcement had reached the papers before he had had a chance to let Meiklejohn know in person of the plan to

replace him. Root assured Magoon that Meiklejohn still had his support as well as that of President McKinley and that they had hoped to delay the appointment of his successor until Meiklejohn's expected election to the U.S. Senate later that month. In the event Meiklejohn should not be chosen by the Nebraska legislature, Root assured Magoon that they still "desire[d] to take care of Mr. Meiklejohn," and had "been looking around for something for him in the event he is not elected senator." Root asked Magoon if he knew of any position his friend would like if he was not elected senator. Magoon responded that although Meiklejohn had never talked with him about such a thing, he had heard Meiklejohn express the opinion that being land commissioner in the Interior Department "afforded a western man an opportunity to do good work." Root called the White House in Magoon's presence to arrange a meeting with the president later in the evening and asked Magoon to call at his own residence at 9:30 that night to hear the outcome. Following his conference with the secretary that night, Magoon wrote another message to his friend saying that the "only thing left is to execute as graceful an exit as possible," and offering the hopeful opinion that his resignation would not hurt Meiklejohn's chances for being elected senator. "I think it will help them," he wrote. "It certainly forces the Secretary and President to openly declare that they want you elected and to avow your candidacy . . . It ought to make your friends in and out of the legislature the more determined to elect you senator."³⁵ Unfortunately for Meiklejohn, Magoon's predictions of victory in the senate election did not prove accurate. Magoon, who confessed himself to be "all unstrung" by the manner of Meiklejohn's forced resignation, sent his old friend a heartfelt telegram following his senate defeat:

I cannot express in words how deep and sincere is my regret that you were not elected senator with your honorable life and record your youth and ability the time will surely come when the state and nation will call for your services.³⁶

Magoon remained at the War Department for another four years after his friends' departure. In 1904 President Roosevelt appointed William Howard Taft, who had spent the previous four years as governor-general of the Philippines, to succeed Root as secretary of war. Magoon enjoyed close relations with the new war secretary, who warmly supported Magoon's appointment to be governor of the Panama Canal Zone the following year. On

his departure to take up the isthmian post in May 1905, Taft sent him a note of appreciation for the services “rendered to the War Department and to the country during the seven years for which [he had] been the legal adviser of the Secretary of War” and commended Magoon on his new administrative appointment:

You have won your way to a position of great prominence in this country, and I am very sure that you will discharge your duties in the important post which you now assume as to make your return to Washington certain in a higher capacity than any you have hitherto occupied.³⁷

Magoon’s main responsibilities in Panama related to sanitation and disease control as well as oversight of labor issues involving the tens of thousands of laborers from all over the Caribbean who were drawn to the zone for work on the canal. Magoon also oversaw an initiative to establish a rudimentary system of public education in the American protectorate.³⁸

The most influential phase of Magoon’s colonial career began in 1906, when President Theodore Roosevelt appointed him to serve as provisional governor of Cuba in the aftermath of a fraudulent election which had returned the incumbent Moderate Party to power and which also led to an armed insurrection by supporters of the Liberal Party, who refused to accept the results of the election. When U.S. attempts at brokering a compromise between the two political parties failed, the U.S.-backed Moderate government collapsed like “a house of cards,” in the words of William H. Taft, whom Roosevelt had sent, along with Robert Bacon, to assist the Cuban government in finding a way out of the postelection crisis. Faced with the prospect of a renewed insurgency—or even civil war—in Cuba, Roosevelt acted under the provisions of the Platt Amendment, which established the right of the U.S. to intervene in Cuba’s affairs in far-reaching ways, especially in the interest of preserving “stability” and protecting U.S. interests in the nominally independent republic.³⁹ As the appointed representative of U.S. colonial authority in Cuba, Magoon was posted to Havana from 1906 to 1909.

As provisional governor, Magoon oversaw the process of formulating municipal law in Cuba in accordance with the republic’s new constitution. He also presided over the revision of the electoral law to establish “sufficient provisions to secure a representation by the minority and providing for the conduct of elections” as well as laws providing

for the reorganization and increased independence of the judiciary.⁴⁰ Cuba offered plenty of scope for practicing the kind of patronage politics for which his experience in Nebraska and Washington had prepared him.

Magoon’s work on a municipal code for Cuba also provided a connection with his early legal career in Nebraska, when, as a young lawyer, he had compiled and edited *The Municipal Code of Lincoln*, which was published in 1889.⁴¹ Magoon’s immersion in the *culture* of the law, and specifically his involvement in the establishment of legal institutions for new communities in the process of consolidating civic control over areas of the frontier West, provided another repertoire for exportable techniques of colonial governance.

Charles Magoon, George Meiklejohn, and John J. Pershing all came from similar backgrounds. They represent related but distinct aspects of the complex process of building up the institutions of a particular kind of civilization on the settled frontier of the expanding United States in the latter part of the nineteenth century. They also embody the first generation to deploy those experiences and worldviews as well as their more individual professional repertoires in the colonial realm. All were shaped by key institutions of state formation in the West such as the land grant universities established by the Morrill Act as well as the many other mechanisms for disposing of land which study and the practice of property law conditioned and equipped them to recognize, valorize, and exploit. The expansion of Anglo-Saxon institutions, including the law, into areas that had been Indian country in their parents’ generation created continuities between the domestic and overseas territories not just because it was the proximate theater of militarized expansion, but also because for so many men it constituted the order of things they had left behind when they went overseas in the service of empire.

In the aftermath of the Spanish-American War, it was “western” men who spearheaded the work of empire in the new island territories wrested from Spain in 1898. As the theater of imperial engagement shifted from the frontier to the insular possessions, “buffalo soldiers” became “immune regiments.” Civilian as well as military administrators adapted the theory and practice of diplomacy and counterinsurgency from the domestic frontier to the new insular arenas of overseas empire. Besides military techniques, American colonial government drew on a range of other frontier institutions. Here, too, western men predominated as the architects and administrators of the new

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overseas empire. Pershing, Meiklejohn, and Magoon exemplify both the outlook and the range of career appointments of this transitional generation who adapted domestic practices to overseas conditions and opportunities. ☒

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NOTES

¹ Charles E. Magoon to George D. Meiklejohn, Apr. 14, 1898, Box 47, Folder 317, George D. Meiklejohn Manuscript Collection, RG 3500, Nebraska State Historical Society (hereafter, Meiklejohn Collection).

² Charles E. Magoon, *The Municipal Code of Lincoln, Comprising the Laws of Nebraska Relating to the City of Lincoln and the Ordinances of the City Council* (Lincoln: State Journal Company, 1889).

³ In his memoirs Pershing relates how he was “guilty of play[ing] politics” in the matter of Meiklejohn’s appointment as assistant secretary of war. At the time Pershing was aide-de-camp to Maj. Gen. Nelson A. Miles, commanding general of the army. After discussing Meiklejohn with General Miles, he had made the case for his friend’s appointment with Nebraska Senator John M. Thurston, an early supporter of McKinley’s nomination for president. Senator Thurston took up the matter with President McKinley, who made the appointment. “Meiklejohn was very grateful for my interest in his appointment,” Pershing recalled. John J. Pershing, *My Life Before the World War: A Memoir, 1860-1917*, ed. John T. Greenwood (Lexington: The University Press of Kentucky, 2013), 95.

⁴ To prevent loss of personnel from the military academy, an order prohibited officers on the West Point faculty from transferring to active duty. To obtain an exemption to this rule, Pershing appealed to Meiklejohn for his help and also visited the War Department in person to make his case. Later he commented on this questionable circumvention of army rules in his autobiography: “My action in going directly to Meiklejohn was not at all in keeping with accepted army procedure then, and would not be today, but with our country at war I felt it excusable,” quoted in Jim Lacey, *Pershing* (New York: Palgrave Macmillan, 2008), 22.

⁵ Richard White, *It’s Your Misfortune and None of My Own’: A New History of the American West* (Norman: University of Oklahoma Press, 1991), 58.

⁶ Capt. J. J. Pershing to Asst. Sec. of War Meiklejohn, Santiago de Cuba, July 16, 1898, Box 28, Folder 176, Meiklejohn Collection.

⁷ Ibid.

⁸ Ibid.

⁹ Richard Gott, *Cuba: A New History* (New Haven and London: Yale University Press, 2004), 115.

¹⁰ Louis A. Pérez Jr., *Cuba and the United States: Ties of Singular Intimacy* (Athens: University of Georgia Press, 1990), 119-21.

¹¹ A. T. Andreas, ed., *History of the State of Nebraska; containing a full account of its Growth from an Uninhabited territory to a Wealthy and important state; of its early settlements; its rapid increase in population, and the marvelous development of its great natural resources, also an extended description of its counties, cities, towns and villages, etc.* (Chicago: The Western History Company, 1882), 2: 1120-21.

¹² Betty Mapes, et al., *Fullerton’s First 100 Years 1879-1979*, centenary history of Fullerton published by the Fullerton Centennial Book Committee (Fullerton: Fullerton Public Library, 1979), 6.

¹³ “Memorandum relative to appointment of Assistant Secretary of War, Hon Geo. D. Meiklejohn,” Box 19, File 124, Meiklejohn Collection. The memo notes that Meiklejohn was nominated to the office on Apr. 14, 1897, confirmed on Apr. 15, commissioned on the 16th and took his oath on Apr. 22, 1897.

¹⁴ “George D. Meiklejohn Probable United States Senator,” undated newspaper clipping, Nov. 12, 1899 [?], Box 19, Folder 127, Meiklejohn Collection. Meiklejohn’s prospects as a likely Senate candidate are a frequent topic in letters from various correspondents in Nebraska during his time at the War Department. See also A. T. Andreas, ed., *History of the State of Nebraska*, 2: 1120.

¹⁵ In addition to Pershing’s career in the army, Meiklejohn and Magoon also held positions in military organizations. George Meiklejohn organized a militia company (Company B, First Cavalry, from Fullerton) in response to white fears of the Ghost Dance movement at the Pine Ridge Agency in the winter of 1890-91. He persuaded seventy-three men from Fullerton to enlist in this effort. The history of this unit and of Meiklejohn’s role in organizing it is told in “History of Company B,” by Capt. John T. Smith, which was excerpted in the *Fullerton Post*, Jan. 15, 1897. Charles Magoon became a judge advocate in the Nebraska National Guard.

¹⁶ Romeo V. Cruz, *America’s Colonial Desk and the Philippines, 1898-1934* (Quezon City: University of the Philippines Press, 1974), 229-30. Cruz also found that Meiklejohn used the division as a “personal recruiting agency.”

¹⁷ Cruz, *America’s Colonial Desk*, 24.

¹⁸ Ibid., 233. See also Frank Vandiver, *Black Jack: The Life and Times of John J. Pershing* (College Station: Texas A&M University Press, 1977), 219-20.

¹⁹ Abstract from report of Secretary of War Elihu Root for 1901, File 940-8, “Calendar No., 1769,” 59th Congress, 1st Session, Senate Report No. 1785, Records of the Bureau of Insular Affairs, RG 350, National Archives, Washington, D.C. The report supported a bill (S. 4109) “To increase the efficiency of the Bureau of Insular Affairs of the War Department.”

²⁰ Undated memo announcing Magoon's appointment, Box 47; Folder 317, Meiklejohn Collection. The memo makes clear that Meiklejohn made the appointment of his friend as "Solicitor for the Customs and Insular Division of the War Department." The memo further states that Meiklejohn is the head of the department and that "Mr. Magoon owes his appointment to the personal friendship of the Assistant Secretary, who has great confidence in his ability to perform the services of the position."

²¹ In his message to Congress urging reform of the system of army promotion to be more capable of responding to individual merit, President Roosevelt mentioned Pershing in particular at the opening of the 2nd Session of the 58th Congress on Dec. 7, 1903. President Roosevelt referred to Pershing's punitive actions against the Moros: ". . . when a man renders such service as Captain Pershing rendered last spring in the Moro campaign, it ought to be possible to reward him without at once jumping him to the grade of brigadier general." It took another three years for Pershing's promotion to come through. Avery De Lano Andrews, *My Friend and Classmate John J. Pershing; with Notes from My War Diary* (Harrisburg, Pa.: Military Service Pub. Co., 1939), 61-62. See also Richard Goldhurst, *Pipe Clay and Drill: John J. Pershing: The Classic American Soldier* (New York: Reader's Digest Press, 1977), 132.

²² Vandiver, *Black Jack*, 1: 125. Charles Dawes was vice president in the Calvin Coolidge administration. For more on the relationship between Charles Dawes and John J. Pershing, with particular attention to their respective roles during World War I, see Edward A. Goedecken, "The Dawes-Pershing Relationship During World War I," *Nebraska History* 65 (1984): 108-29.

²³ Vandiver, *Black Jack*, 1: 222-23.

²⁴ Peter G. Gowing, "Moros and Indians: Commonalities of Purpose, Policy and Practice in the Government of Two Hostile Subject Peoples," *Philippine Quarterly of Culture and Society* 8, no. 2/3 (1980): 125-49. Analysis of continuities in the use of punitive tactics on the frontiers of U.S. empire were developed in a paper presented at the University of Chicago on May 3, 2013.

²⁵ See for example, J. J. Pershing to George Meiklejohn, Zamboanga, Mindanao, Jan. 17, 1900, Box 28, Folder 179, Meiklejohn Collection.

²⁶ An earlier analysis of this aspect of Magoon's work was presented as a paper at the Social Science History Association conference in Chicago, Nov. 18, 2001, entitled "Changing Legal Regimes in 'Twice-Colonized' Colonies."

²⁷ Many of Magoon's findings on legal questions were issued as government reports. In 1902, a number of these reports were collected in a volume and published at Secretary Root's direction. Charles Magoon, *Reports on the Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States* (Washington, D.C.: Government Printing Office, 1902).

²⁸ Onofre D. Corpuz, *An Economic History of the Philippines* (Quezon City: University of the Philippines Press, 1997), 266.

²⁹ The mechanism for the Friar Lands becoming part of the public domain was that the United States obtained title to the lands from the Vatican. In July 1903, William Howard Taft, the first civil governor of the Philippines, negotiated with the Roman Catholic apostolic delegate to the Philippines for the purchase of the lands which had previously been in the possession of the three orders. Magoon assisted Taft with the Friar Lands case in his capacity as law officer. The sum of \$10 million in gold was agreed upon in late 1903. Congress then authorized the insular government to issue bonds to cover the purchase of the Friar Lands (US PL No. 235). *Ibid.*, 266-69.

³⁰ José N. Endriga, "The Friar Lands Settlement: Promise and Performance," *Philippine Journal of Public Administration*, 14 (Oct. 1970): 410.

³¹ *Ibid.* Aguinaldo's lease, with an option to purchase, was for 1,050 hectares (2, 675 acres); Dancel's lease of 579 hectares (1,397 acres) was obtained at a rental of 10 cents per hectare per annum.

³² Patricio N. Abinales and Donna J. Amoroso, *State and Society in the Philippines* (New York: Rowman and Littlefield, 2005), 122-23; Endriga, "The Friar Lands Settlement," 412.

³³ Cruz, *America's Colonial Desk*, 38.

³⁴ *Ibid.*, 47.

³⁵ Charles E. Magoon to George D. Meiklejohn, Mar. 6-7, 1901, Box 47, Folder 325, Meiklejohn Collection.

³⁶ Telegram from Charles E. Magoon to George D. Meiklejohn, Mar. 28, 1901, Box 47, Folder 325, Meiklejohn Collection.

³⁷ Secretary of War William H. Taft to Governor Charles Magoon, May 16, 1905, Magoon Papers, MS 3922, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

³⁸ Gustavo A. Mellander and Nelly Maldonado Mellander, *Charles Edward Magoon, the Panama Years* (Río Piedras, PR: Editorial Plaza Mayor, 1999).

³⁹ Louis A. Pérez Jr., *Cuba Under the Platt Amendment, 1902-1934* (Pittsburgh: University of Pittsburgh Press, 1986), 97-105.

⁴⁰ Charles E. Magoon, *Annual Report of Charles E. Magoon, Provisional Governor of Cuba to the Secretary of War, 1907* (Washington: Government Printing Office, 1908), 20.

⁴¹ Charles E. Magoon, *The Municipal Code of Lincoln*.