

THE BOMBARDMENT OF SAN JUAN 1898: A LEGAL HISTORICAL ANALYSIS

IL BOMBARDAMENTO DI SAN JUAN DEL 1898: UN'ANALISI STORICO-GIURIDICA

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Abstract English: On May 12, 1898 the first military engagement of the Spanish-American War in Puerto Rico took place with a naval battle between the United States Navy under the command of Admiral William T. Sampson and the capital city of San Juan. During the bombardment US ships destroyed military buildings and civilian infrastructure including a hospital, an orphanage, and a church, also resulting in 18 wounded and 5 civilian deaths. Even though it is suggested by the historiographic literature of the Spanish-American War (1898) that the bombardment of San Juan was an illegal act of war by the United States, there is a need for a legal-historical analysis to that effect, including all the available primary sources from published resources, and also, documentation found in historical archives, together with the international law of the period to comprehend this affirmation better. Henceforth, this critical analysis of the historical facts and the international law of the period can elucidate the bombardment of San Juan as a historical case in which the law of war often omits justice when bombing against civilians.

Keywords: Spanish-American War of 1898; Puerto Rico; San Juan; Bombing Civilians; Law of War

Abstract Italiano: Il 12 maggio 1898 avvenne il primo impegno militare della Guerra ispano-americana a Porto Rico con una battaglia navale tra la Marina degli Stati Uniti sotto il comando dell'ammiraglio William T. Sampson e la capitale San Juan. Il bombardamento a San Juan causò la morte di 5 civili e 18 feriti, poiché le navi statunitensi distrussero infrastrutture civili e militari come un ospedale, un orfanotrofio e una chiesa con le proprie navi. La letteratura storiografica della Guerra ispano-americana indica che il bombardamento di San Juan fu un atto illegale della guerra. Malgrado ciò, è ritenuta necessaria un'analisi storico-giuridica. Per comprendere meglio questa affermazione bisogna vedere tutte le risorse disponibili; risorse pubblicate, documentazione trovata in archivi storici e la legge contemporanea all'epoca. D'ora in poi, questa analisi critica dei fatti storici e del diritto internazionale dell'epoca può chiarire il bombardamento di San Juan come un caso storico in cui il diritto di guerra spesso omette la giustizia quando bombarda contro i civili.

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Parole chiave: Guerra ispano-americana 1898; Porto Rico; San Juan; Bombardamenti sui civili; Diritto bellico

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Introductory context: Why the importance of the bombing of San Juan?

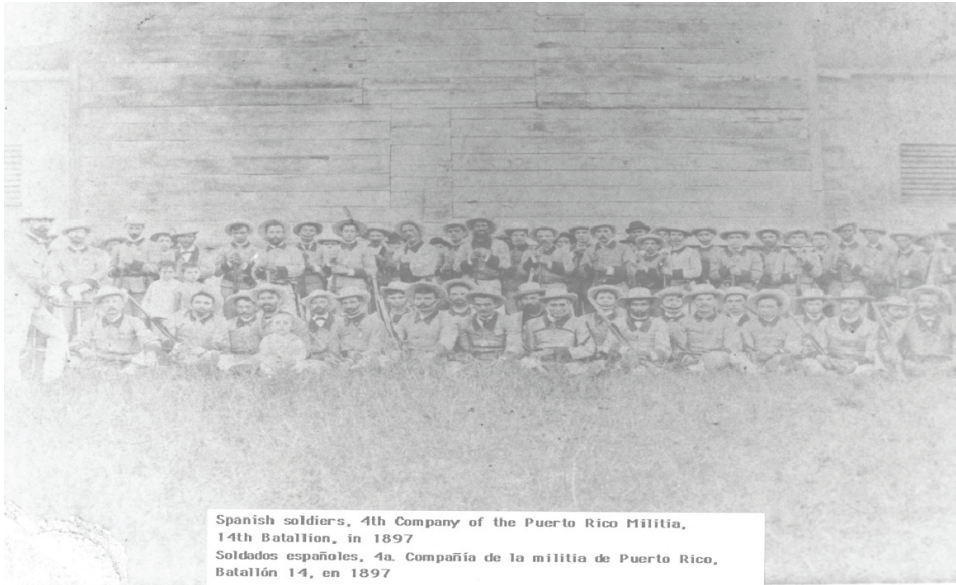
Even though the Spanish-American War (1898) in Puerto Rico is seldom mentioned in the historiographical literature, the bombardment of San Juan was the most important military operation of the war in Puerto Rico¹. It is also significant in naval military history in the sense that it was the first serious attack on a city using modern ships with artillery². For Puerto Rico; it was also of consequence because it was the first attack on San Juan in a century, after the British attack of 1797 during the Anglo-Spanish War (1796-1802). Although there was extensive coverage of the Spanish-American War in Cuba by the American press, there was little interest in the bombardment of San Juan, Puerto Rico's capital, on May 12, 1898. The attack was different than other reports of American supremacy during the war, in the sense that San Juan did not surrender, notwithstanding it received serious destruction to public and military buildings, following hunger and diseases after the attack³. Moreover, the bombardment of San Juan was the first violent attack against the Puerto Rican Nation by the United States that after the Spanish-American War has kept Puerto Rico as a territory. Hence, marking the starting point of a complex legal and also historical relationship, that affects the 3,019,450 residents of Puerto Rico⁴.

¹ Rivero Méndez, 1998, p. 101

² Negroni, 1992, p. 321

³ Ocasio, 2017, p. 87

⁴ Central Intelligence Office, 2024



(Illustr. no. 1, Puerto Rican-Spanish militias from the 4th Company Volunteers of the 14th Battalion in 1897)⁵

Whereas, the people born in Puerto Rico during the period of the Spanish-American War were considered Spanish citizens, under Article 1, First Paragraph, of the Spanish Constitution of 1876 that established: «**The people born in Spanish territory are Spanish**». In addition, Puerto Ricans through the efforts of the island's elites used politics, literature, and history to form the idea that all islanders belonged to a **Puerto Rican Nation**⁶. Adding to that sentiment, there was also a small numbered revolutionary movement that expressed nationality through armed fighting for independence and national sovereignty, even though not as numerous as in Cuba. A notion best described with nineteenth century Romantic Nationalism and the utopian concept of a *patria sola* described by Puerto Rican poet Lola Rodríguez de Tió⁷. As a matter of fact, in a census published in 1899, the total population of Puerto Rico in 1897 was total of 894,302 habitants of which only 16,522 identified as Spanish (*peninsulares*) and 869,681 identified themselves as Puerto Rican nationals⁸. It is worth noting that so-called *peninsulares* had more privileges and power within the social and political hierarchies in Puerto Rico⁹. Therefore being a person born in Puerto Rico, a Puerto Rican, hence from the Puerto Rican Nation, during the Spanish-

⁵ U.S. Department of the Interior, Subseries B: Photographs, 1898-2011, Box 424, Folder 2: 1898 Collection 1890-1897, Catalog Number SAJU 18627

⁶ Meléndez-Badillo, 2024, p. 81

⁷ Álvarez Curbelo, 2021, p. 14

⁸ Library of Congress, 1898, "La Correspondencia de Puerto Rico, October 22, 1898"

⁹ Meléndez-Badillo, 2024, p. 70

American War meant having a second-class citizenship, directly correlated to the place of birth. Significantly the etymology of the word nation comes from the Latin *natio* meaning to be born and the meaning in Spanish is *nacimiento*, indicating the origin by birth and the person's nationality therefore legalizing the *ius soli* or the citizenship by birthright of Puerto Ricans¹⁰. This legal anomaly is similar to the current legal status of Puerto Ricans, who even though are born United States Citizens, also constitute a national community with their own identity and culture that have a less than equal citizenship with other Americans and with less rights¹¹. This *ad hoc* status of United States Citizenship for all Puerto Ricans, residents of Puerto Rico, is directly linked to the Puerto Rican Nation by place of birth. Accordingly, recognizing it for this specific critical legal historical analysis of Puerto Rico and its relations with the United States makes it paramount¹².

Therefore, a critical analysis of the historical events of the bombardment of San Juan and the applicable law of the period is useful in bringing forth justice to the victims of the attack and also for preventing further attacks on civilians elsewhere. Bombing against civilians has played a central role in history, as was the case in World War II when Allied attacks on civilians dramatically increased after 1943 when the Combined Chiefs of the Allied Command prioritized: **«(...) the undermining of the morale of the German people to the point where their capacity for armed resistance is fatally weakened»**¹³. A directive that validated thousands of bombings in Berlin, Dresden, and Tokyo, killing in total circa 700,000 civilians. A logic of terror by the state, that lead to the use of atomic bombs in Hiroshima and Nagasaki.



(Illustr. no. 2, USS Detroit C-10 cruiser that took part during the battle¹⁴)

¹⁰ For a detailed explanation of the so-called Puerto Rican Citizenship, see the Jones Act, Puerto Rican Federal Relations Act of 1917, as amended, and *Ramirez v. Mari Bras*, 144 D.P.R. 141 (1997)

¹¹ Rivera Ramos, 2007, pp. 174-179

¹² Alegría Pons, 2013, pp. 35-36

¹³ *Foreign Relations of the United States*, 2010

¹⁴ Photo: USS Detroit (C-10), U.S. Naval History and Heritage Command Photograph,

Likewise, during the bombardment of San Juan, Puerto Rican Captain Ángel Rivero described how after the surprise of the attack, people were in great fear of the sudden consequences. In the wake of the first artillery shots, San Juan residents took the streets half-dressed from their beds, searching to escape towards salvation. There was a feeling of extreme hate towards those ships that hidden under the cover of night attacked an undefended people, violating the rules of international law and humanity, as Captain A. Rivero recalls. One of the soldiers who defended San Juan during the bombing was a telegraph officer by the name of Máximo Gómez, my great-grandfather, who after the war was sent to his small town in the province of Palencia, Spain. Later deciding to renegade his life in rural Castile, returning, with a sense of belonging to the Puerto Rican Nation, establishing in San Juan, the city he saw shelled and contributed to defend, now under the rule of the United States.



(Illustr. no. 3, Remains of the original tombstone of Officer Máximo Gómez, leaning against the City Walls of San Juan (2024)

1.2 Methodological analysis: a deconstruction of the bombing of San Juan

The historiographical literature of the Spanish-American War (1898) in particular only mentions briefly the American campaign in Puerto Rico. Even though it was significant, committing 16,000 fighting men, almost as many as those that served during the invasion of Cuba, and nearly twice the amount sent to the Philippines, with Spanish forces of a comparable scale¹⁵. Also, historians of the Spanish-American War have disputed whether the bombardment of San Juan,

Catalog NH 54505

¹⁵ Nofi, 1996, p. 227

under the command of Admiral William T. Sampson, was under direct orders or instead Sampson had no orders to attack¹⁶. Some historians have argued that Sampson had the objective of capturing San Juan to obtain great prestige in his service record for capturing the city¹⁷. Nevertheless, more recent historiography is of the opinion that Sampson was under orders to attack San Juan¹⁸.

Amid the uncertainties, a study of primary sources becomes essential. Nevertheless, to this day there are no official records of the bombardment of San Juan in the General Archives of Puerto Rico, where all the official administrative documentation from the governor during the bombardment is missing. Furthermore, no documentation is found in Spanish archives, like the *Archivo General de la Administración*, located in Alcalá de Henares, the *Archivo general del Ministerio de asuntos exteriores* or *Archivo general de palacio* all in Madrid, Spain. All these archives I have researched personally, and to my knowledge no official records of the bombardment of San Juan are available. Fortunately, an important documentary collection, an archival jewel as some may say, was researched in the San Juan National Historical Site Archival Collection of the National Park Service, located in San Juan, Puerto Rico. Also, some Spanish military accounts of the bombardment from the *Archivo General Militar de Madrid* were researched and made available online on the private internet archive *Archivo Digital Nacional de Puerto Rico* (<https://adnpr.net>). Therefore, this article presents previously unpublished documents, maps, and photographs, some of which were formerly kept secret. The documents found in archives, together with other official documentation from the Department of the Navy and the War Department, will demonstrate preparations by the United States involving the planning of the bombardment and also an accurate estimate of the damages done to San Juan. Furthermore, Puerto Rican historian accounts of the period from Cayetano Coll y Toste, who was in Puerto Rico during the Spanish-American War, and Captain Ángel Rivero, who personally participated during the battle in the bombardment are fundamental to establish historical facts.

In this sense, Part 3 of this article will show with primary sources how Admiral Sampson was under direct orders to attack San Juan and how the bombardment was part of a military tactic devised by strategists and the United States Naval Academy years before and later modernized by the War Department on 1897. Therefore, a planned and deliberate attack upon the city and civilians of San Juan. In addition, detailed US military maps of San Juan are included as references, indicating the location of essential civilian infrastructures that were destroyed during the attack.

Moreover, most historians have argued that the bombardment of San Juan was a violation of international law because the United States fleet did not give prior

¹⁶ Negroni, 1992, p. 321

¹⁷ Rivera Ramos, 1998, p. 106

¹⁸ Meléndez-Badillo, 2024, p. 97

notice of the shelling to the civilian population¹⁹. While some describe the Puerto Rico campaign as a model for a humanitarian war²⁰. Nevertheless, in the polemics regarding the invasion of Puerto Rico by the United States, it is evident that the historiographical literature has not analyzed the legal sources to establish how the bombardment was illegal or not under international law and also the law of war of the period. In this sense, Part 4 of the article will analyze the legal historical sources, specifically the Lieber Code, signed by President Abraham Lincoln for the use of the Union Army in 1863, which explicitly condoned the bombardment of civilian infrastructure²¹. The Lieber Code was not an isolated war legislation, it was also a humanitarian idea well discussed in international law before and after the Spanish-American War. For example, Article 16 of the Brussels Declaration of 1874 prohibited civilian bombings in fortified cities without prior warning and also required taking all the necessary steps to spare buildings dedicated to civilians and hospitals²². In the case of San Juan, there was no prior warning given to the Puerto Rican civilian population before the bombardment with 5 civilian deaths and 18 wounded. For a better assessment of the damages to San Juan, two (2) annexes are included of original reports from the *Guardia Civil* and *Cuerpo de Ingenieros* after the shelling. Some consideration is also taken in the conclusions into the applicability of international law to colonies, as Puerto Rico was a Spanish colony during the Spanish-American War, under the direction and administration of the *Ministerio de Ultramar*. Finally, the possibility of moral retributions for the attack against the Puerto Rican Nation is raised in the conclusions.

¹⁹ Netsky and Beach, 1995

²⁰ Negroni, 1992, p. 300

²¹ Jochnick and Normand, 1994, pp. 65-66

²² *Declaration of Brussels*, 1874



(Illustr. no. 4, San José Church (built in 1528) destroyed after the bombardment)²³

Likewise, it is useful for this analysis Jacques Derrida's conference given in 1989 to the Cardozo Law School of the Yeshiva University in New York City entitled *Force de loi: le fondement mystique de l'autorité*, published the following year by the *Cardozo Law Review*. It caused a philosophical revolution in American law schools, together with the foundation of the Critical Legal Studies Movement (CLS) in 1977. In this sense, critically analyzing historical laws is of great value within the scope of the relations of power in the Spanish-American War. This type of critical legal thinking would put out of the shade an evident ghost from the historical past that these laws and official acts of war were imposed with violence against the Puerto Rican Nation. Derrida explains in his conference *Force de loi* the violence after a war in the search for justice. Here is a translation of the original French version by the English editor:

After the ceremony of war, the ceremony of peace signifies that the victory establishes a new law. And war, which passes for original and archetypal (*ursprüngliche und urbildliche*), primordial and paradigmatic, violence in pursuit of

²³ "San José Church, Old San Juan, Puerto Rico", *Colección archivo general de Puerto Rico*, Instituto de cultura puertorriqueña

natural ends, is, in fact, violence that serves to found law or right (*rechtsetzende*), lawmaking. From the moment that this positive, positional (*setzende*) and founding character of another law is recognized, modern law refuses to the individual subject all rights to violence²⁴.

Similarly, philosopher Michael Foucault writes about the construction of reality within the structures of power; so, in both cases, reality has to do with a political statement²⁵. Furthermore, when asked about the case of Puerto Rico in an interview Jacques Derrida responded:

(...) From this point of view, identification always supposes memory. But what memory? Memory is naturally composed of ghosts; in other words, sometimes you remember what really happened and other times you remember the construction. The difficulty for groups and persecuted communities; for example, colonists, is to emancipate themselves and to bring forward the wars of their past but at a certain moment when it ceases, to identify themselves with the point of view of the colonizer. At the bottom of this, last century's imperialistic colonization phenomenon by the French, British, and Portuguese constructed identities and in the same way states (...)²⁶.

To make deconstruction possible there are three key features. The first is the inherent desire to have a center or focal point to the understanding of language structures (logocentrism); the second, is that meaning itself is reduced to a set of definitions committed in writing; finally, the opposition of its meaning in writing within the concept itself, what Derrida names *différance*. All these features find themselves in the possibility of deconstruction as an ongoing process of questioning the accepted basis of meaning. Even though this concept was applied initially to language in general, it is equally applicable to legal studies, since the law is a display of language meant to set limits, which are constantly being interpreted; hence, deconstruction relativized and therefore becomes a problem to the foundations of law, morality, history, and politics²⁷. Deconstruction asks obtrusive questions to the hermeneutics that permit or deny justice to the question of whether it can provide definite criteria for administering the law with certainty. Derrida explains that there is no such thing as a *droit* (law) that does not imply in itself, in the analytic structure of its concept, the reality that it is implemented by force. Also, he states that since the beginning of authority, the foundation of *droit* (law) is violence without foundation availed only on itself. Hence, deconstruction is a process through which the *droit* (law) is susceptible to being put apart because it is founded or constructed on an interpretable and transformable textual stratum. Furthermore, *droit* (law) claims to exercise itself

²⁴ Derrida, 1990, pp. 998-999

²⁵ Foucault, pp. 16-26

²⁶ Negrón, 2000

²⁷ Derrida, 1990, pp. 923-924

in the name of justice, so, if justice is required to establish itself in the name of *droit* (law) it must be enforced, causing a contradiction that is an aporia or an irresolvable internal contradiction²⁸.

Noteworthy, is that political philosophy, and legal philosophy are all concerned with issues of justice and the validity of the law, also known as the force of law. As Jacques Derrida points out, the problem of justice within the context of distinguishing universality and singularity is the difficulty of bridging the gap between the two; and also, the fact that it allows the possibility of unlawful actions taken by the state by enacting injustices in the form of law, of which the system of Apartheid is an example²⁹. This raises the Habermasian question concerning the legitimacy of law³⁰.

The Habermasian theory from Jürgen Habermas is based on the idea that the autonomy of the legal system cannot mean a total disconnection between law and morality from politics. Also, the notion of a legal system is not delirious; instead, it flows from a legal reality. To believe this notion brought by Habermas, one has to accept that this is the only criterion to measure judicial autonomy. Therefore, if the dimension where legal fundamentals are opened to moral arguments is closed, we would not know what to do. Hence, there cannot be an autonomous legal system without democracy in place³¹. In this process, for a better understanding of how law institutes itself and continues to function as an institution, through interpretative practices and doctrines one must respect the rules that are already inscribed in the law and its interpreting procedures and, simultaneously reinstitute them on new grounds³². In actuality, deconstruction became extensive in versions of Marxism as well as the demands of subaltern groups such as women, ethnical minorities, and LGBTT+, to name a few. Deconstruction does not attack from the outside, presupposing a stance from which to launch itself, but from the inside the institutions it intends to destabilize³³. Nevertheless, it can never simply eliminate all the institutions as a whole but must negotiate with their internal structures.

2.1 Historical background: distinguishing Puerto Rico from Cuba during the Cuban War of Independence

When I was in grade school in San Juan, my Spanish teacher, a Cuban immigrant of Spanish ancestry explained to the class the difference between the colors in the Cuban and Puerto Rican flag. A simple story that I have not forgotten; the

²⁸ *Ibid.*

²⁹ Strauss, 2009, p. 80

³⁰ *Ibid.*, 68

³¹ Habermas, 1998, p. 45

³² Neuenschwander Magalhães and Rego Magalhães, 2017, pp. 600-603

³³ *Ibid.*

color red in the stipes of the Cuban flag represented the blood of the Cuban people during their war of independence, while the blue stripes in the Puerto Rican flag represented peaceful skies. Later another Cuban professor, now in the university, also in San Juan, taught how the Cuban flag was previously used by Narciso López, a Venezuelan filibuster that organized several military expeditions in Cuba intending to annex Cuba to the United States as a territory with slavery and based his flag on the Texan flag³⁴. The *Partido Revolucionario Cubano* decided on this flag because it was well known in the rural areas against Spain, and also it was very visible during battles against the backdrop of the blue Cuban skies. In reality, some truth lies in my Spanish teacher's story. There is a big difference between the history of Cuba's and that of Puerto Rico. During the Spanish-American War, both islands became involved in the conflict as colonies-provinces of Spain, but their outcome during and after the war were radically different³⁵.



(Illustr. no. 5, Cuban rebels of *Cuba Libre*, 1895)³⁶

In reality, the Cuban War was also causing economic hardship for United States investors with the burning of plantations and damage of the rural áreas by *Cuba Libre*. In 1890 a sort of free trade policy was established between Cuba, Puerto Rico, and the United States, after the Tariff Act of 1890 and the Reciprocity Act of 1890 where products entered freely into the United States eliminating tariffs on sugar, molasses, coffee, and

³⁴ García Menéndez, 1983, p. 21

³⁵ Álvarez Curbelo, 2021, p. 14

³⁶ U.S. Department of the Interior, *Series I: Ramírez de Arellano Collection, 1898-192*, Subseries A, Drawer 1

other products. As a consequence, the Cuban economy was boosted in 1892 with total exports of 89,652,514 Spanish Pesos, and the Puerto Rican economy was described as the healthiest in the Antilles³⁷. Nevertheless, in Europe, within the so-called European Powers there was concern that Spain could not control the colonial insurgency in Cuba, so they started to look at the United States' influence in the Western Hemisphere³⁸. Spain on the other hand firmly decided on maintaining colonial rule over Cuba, sending the biggest army to ever cross the Atlantic Ocean before World War I, circa 300,000 Spanish men³⁹. Also, Spain was taking huge loans to pay the cost of the war. On the battlefield, Spanish troops were not efficient against Cuban cavalry *mambises* and the support from the local habitants to *Cuba Libre*. Spanish troops were also demoralized because of tropical weather, bad food, lack of promotions, and no payment, sometimes for more than 4 months⁴⁰. Hospitals were also filled with seriously ill soldiers, reaching 36,000 and 5,000 irreversible military leaves.



(Illustr. no. 6, The Cadiz Battalion sailing off to war in Cuba, 1897)⁴¹

In comparison, during the Cuban War of Independence, Puerto Rico was at peace with Spain. Even though there was an organized independence and pro-autonomy movement that allied with Cuban rebels from the *Partido Revolucionario Cubano*, it did not reach the majority of the population, which opposed revolts against

³⁷ Canini, 1898, p. 220

³⁸ Hobsbawm, 1989, p. 57

³⁹ Pasqual Martínez, 1996, pp.482-483

⁴⁰ Elorza and Hernández Sandoica, 1998, p. 211

⁴¹ U.S. Department of the Interior, *Series I: Ramírez de Arellano Collection*, 1898-192, Subseries A, Drawer 1

Spain a different case than in Cuba. Notwithstanding, to start an armed revolution in Puerto Rico, the *Partido Revolucionario Cubano* organized and financed a failed revolt in March 1897, known as the *Intentona de Yauco*⁴². Instead, some political leaders in Puerto Rico advocated for more constitutional reforms from Spain and were not interested in making war or becoming part of *Cuba libre*, a plan promoted by the *Partido Revolucionario Cubano* that was later abandoned because it was not considered necessary for the political interests of the Cubans⁴³.



(Illustr. no. 7, Puerto Rican-Spanish militias from the 8th. Battalion Yauco Volunteer Corps, 1897)⁴⁴

⁴² Meléndez-Badillo, 2024, pp. 93-94

⁴³ Figueroa, 1983, pp. 51-54

⁴⁴ U.S. Department of the Interior, *Series I: Ramírez de Arellano Collection, 1898-192*, Subseries A, Drawer 1

Abril 10 de 96.

Ciudadano Brigadier Juan Rius Rivera.

Compañero.

El Directorio de la Sección Puertorriqueña del Partido Revolucionario Cubano teniendo en consideración los grandes méritos por el contrabando para con la patria, sus antecedentes como militante activo y comunista, el alto cargo que de sus dotes tiene, por el valor y heroísmo demostrados en la guerra de independencia de los Estados del Ejército Libertador de Cuba, y el carácter patriótico de su nacimiento, acordó por este convenio y con el consentimiento del Comandante en Jefe del Ejército Invasor y Libertador de Puerto Rico, designar a cargo de esta clase labor, distinguida y heroica, militar y revolucionaria, la elaboración del plan de invasión y la forma de proceder a ella en el plazo más breve posible.

Se le da el honor de elevarse a un nivel más alto que el que merece.

Firma y Sello.

El Secretario. J. J. Lora

El Presidente. J. J. Lora

(Illustr. no. 8, Orders to Cuba Libre's General Juan Rius Rivera, also Puerto Rican, from the *Partido Revolucionario Cubano* to execute the invasion of Puerto Rico and liberate the island from Spain (April 10, 1896)⁴⁵

Whereas Cuba was devastated by the ongoing war, Puerto Rico was described by the Spanish government as having a substantial population increment, making it one of the most densely populated territories in the world. Furthermore, there was a high administrative budget and diminished production costs with the use of electricity, like few places in the world at that time, also, telegraph stations in all towns, and in the cities telephone companies with electronic cables. In contrast, a very different economic and political reality than in Cuba which was ravaged by years of fighting during the two major wars of independence. Nevertheless, the majority of the population in Puerto Rico was living in poverty with health and education virtually unattended; and also, high prices for the few products available⁴⁶.

⁴⁵ *Ibid.*

⁴⁶ Rosario Natal, 1998, pp. 7-10



(Illustr. no. 9, Spanish soldiers in Cuba, 1895)⁴⁷

At the same time, San Juan was living a century of peace after the last attack by the British during the Anglo-Spanish War (1796-1808). Thus, during this period San Juan not only promoted its development as the capital of the military and religious authorities but also consolidated a social elite important in government and commerce, mostly formed by *peninsulares*⁴⁸. During that century Puerto Rico remained the most loyal colony of Spain, while its Empire was collapsing in the Western Hemisphere. The geographical position of San Juan gave its port a unique character; it was considered the layover point when traveling on transoceanic voyages. Used as an important deposit and in the transfer of merchandise in commerce between Spain and other American countries; it also provided coal for ships. Also, it was the center for importation and distribution to different points in Puerto Rico, as well as the center for exportation to foreign markets of sugar, tobacco, and coffee⁴⁹. Furthermore, Puerto Rico's coastline were developed, part of a coastal lighting system that developed from 1872-1899 with 15 lighthouses at different points, including Castle *San Felipe del Morro* in San Juan⁵⁰. Portal activities were not limited to San Juan, Spanish maritime law was also adopted in Puerto Rico, specifically with the *Ley de puertos* of 1880⁵¹, which was put in place in

⁴⁷ U.S. Department of the Interior, *Series I: Ramírez de Arellano Collection*, 1898-192, Subseries A, Drawer 1

⁴⁸ Vivoni Farage, 1998 p. 19

⁴⁹ Rovera Belardo, 1998, p. 97

⁵⁰ Gutiérrez and Pabón Charneco, 1992, p. 64

⁵¹ *Ley de puertos*, 1880, n. 129, pp. 331-333

1886, establishing ports of *general interest* in the cities of Ponce in the South and Mayagüez in the west⁵². These ports established routes and communication with other Spanish ports, including San Juan, also used as deposits for merchandise, and to load and unload ships dedicated to marine commerce and industry part of the Spanish portal network.

Consequently, the population grew in San Juan, and the Spanish colonial-provincial authorities were compelled to expand beyond its city walls. With the demolition of the walls and the enlargement of the city, a new era of prosperity was expected, soon afterward new houses started to be built in areas of Santurce and Puerta de Tierra, prompting a building industry that gave jobs to the working class and commercial opportunities for the elites. On May 18, 1897, the first demolition from the *Puerta de Santiago*, the main entrance that conducted eastward inland was celebrated with public celebrations in San Juan. Afterward, the destruction of the eastern and southern walls were finished by the United States regimen, not using the original Spanish plans for the expansion of the city⁵³. On a political level, a Spanish-style autonomy was implemented, starting in November 1897, the Spanish government published a series of decrees giving civil rights warranted by the Spanish Constitution of 1876 to the inhabitants of Cuba and Puerto Rico, regarding freedom of the press, freedom of assembly, and an electoral system, together with the Autonomy Charter, also known as *Constitución Autonómica de 1897*⁵⁴. Even though the Autonomy Charter was not approved by the Spanish Cortes, thus not formed as a law, as established in art. 18 of the Spanish Constitution of 1876: «The power to make laws resides in the Cortes with the King», elections in Puerto Rico were held and the population felt a strong sense of political progress.

⁵² *Ley de puertos*, 1886, R.O., 05.02.1886

⁵³ Vivoni Farage, 1998, p. 35

⁵⁴ Nuñez Martínez, 2019, p. 359



(Illustr. no. 10, Demolition of the San Juan City Walls for expansion, 1897)⁵⁵

However, the defenses of San Juan were not overlooked in 1897 with the plans for the city expansion and the demolition of some of the city walls. Amidst the war in Cuba and the possibility of a United States intervention, several important military installations were built, like the *Santa Teresa* battery, outside the Castle *San Cristobal* and the *Casa de Guardia de San Antonio* in the Castle *San Felipe el Morro*. Furthermore, to protect the northern walls, modern artillery was placed with *Ordoñez* canons of 15 and 24 cm in concrete platforms⁵⁶.

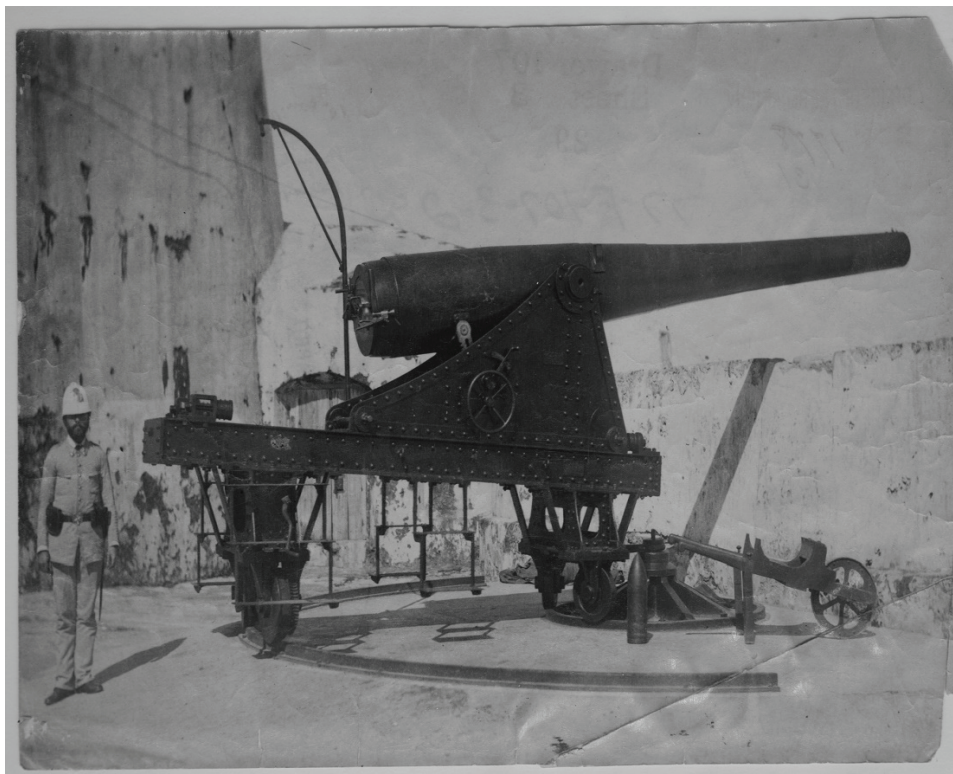


(Illustr. no. 11, Photo: *Santa Teresa* battery built in 1897)⁵⁷

⁵⁵ U.S. Department of Interior, *Series I: Ramírez de Arellano Collection*, 1898-192, Subseries A, Drawer 1

⁵⁶ López, 2019, p. 173

⁵⁷ U.S. Department of the Interior, *Cultural Resources Management Division*, San Juan National Historical Site, w/o no.



(Illustr. no. 12, Photo: *Ordoñez* canon in Castle San Cristobal c.1898)⁵⁸

Accordingly, while the United States was developing plans to attack Puerto Rico, explained in the next section, one of the most relied upon spy sources for the Americans were Cubans and Puerto Ricans from the *Partido Revolucionario Cubano* who offered their services, providing maps and intelligence reports. After the failed insurrection in Puerto Rico with the *Intentona de Yauco*, Tomas Estrada Palma, president of the *Partido Revolucionario Cubano* abandoned the idea that Puerto Rico became a province of *Cuba Libre*, instead many members of the *Partido Revolucionario Cubano* believed that for *Cuba Libre* to survive Spain had to disappear from the Caribbean and that meant exiting permanently from Puerto Rico. Therefore, some Cuban and Puerto Rican rebels took on the idea of incorporating Puerto Rico into the United States as a federated state⁵⁹. Furthermore, during that time the *Partido Revolucionario Cubano* had wide support in the United States with the press, denouncing to the public opinion the horrendous practice of *reconcentrados* used in Cuba by the Spanish general

⁵⁸ U.S. Department of the Interior, *Cultural Resources Management Division*, San Juan National Historical Site, no. RG77-F-107-3-29

⁵⁹ Craib and Burnett, 1998, p. 118

Valeriano Weyler, also known as *the butcher* by the press of the period. This was the first time concentration camps were used in wars to eliminate the dispersed population and concentrate civilians. The dreadful results were concentration camps that housed thousands of civilians with no food or water, and people sick with cholera, yellow fever, malaria, and dysentery⁶⁰. In the end, it was a great violation of human rights with 295,357 Cubans taken forcibly to the camps from the island, in addition to 100,000 also taken from La Habana, accounts estimated a death toll between 155,000 and 170,000 civilians, ten percent of the Cuban population⁶¹. In the United States, Tomas Estrada and the *Partido Revolucionario Cubano* had also a strong lobby in Congress for the recognition of belligerence status for Cuban revolutionaries⁶². What's more, Estrada Palma was planning with lobbyists on getting the independence of *Cuba Libre* with the payment of compensation to Spain that was loaned by the bank firm Christy and Janney of Wall Street, whose attorneys had close personal relations with President McKinley⁶³. These negotiations were kept secret from the Puerto Rican section of the *Partido Revolucionario Cubano* but changed the plans *Cuba Libre* had for Puerto Rico⁶⁴. Thus, major Puerto Rican leaders from the *Sección Puerto Rico* of the *Partido Revolucionario Cubano*, facilitated the shelling of San Juan and the invasion of Puerto Rico against their enemy Spain, at the cost of their prior allies, the Puerto Rican Nation.



Líderes de la Sección Puerto Rico del Partido Revolucionario Cubano. De izquierda a derecha, sentado: Juan de M. Terreforte, Julio J. Henna y Roberto H. Todd; de pie: Manuel Besosa, Aurelio Méndez y Sotero Figueroa. (Foto

(Ilustr. no. 13, Leaders of the so-called *Sección Puerto Rico* from the *Partido revolucionario cubano* in New York (1896)⁶⁵

⁶⁰ Moreno Friginals, 1995, p. 284

⁶¹ See. Lawrence Tone, 2008, p. 223 and Espadas Burgos, 1999, p. 45

⁶² Elorza and Hernández Sandoica, 1998, p. 196 and Figueroa, 1983, p. 169

⁶³ Foner, 1972, p. 220

⁶⁴ Figueroa, 1983, p. 169

⁶⁵ U.S. Department of the Interior, *Series I: Ramírez de Arellano Collection*, 1898-192, Subseries A, Drawer 1

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NUMBER	SENT BY	REC'D BY	CHECK
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4:08 pm

RECEIVED at _____ **May 27 1898**

Dated Washington DC 27

To R H Todd 336 west 14th Street New York City

please give me full information, if possible
from residents on the coast near San Juan
regarding landing places for large or small
boats depth of approaches and communication
by land in direction of San Juan this to cover
or twenty miles in each direction - Royston Street
Roads

(Illustr. no. 14, Telegraph to Roberto H. Todd from the so-called *Sección Puerto Rico* of the *Partido revolucionario cubano* asking for intelligence about landing places for large US ships near San Juan. (May 27, 1898)⁶⁶

2.2. Historical background: United States preparations for war on Puerto Rico

Starting with the presidency of Chester Arthur (1881-1885) the United States began to modernize its naval fleet, a process that continued without interruption until it was ready for expansion towards the oceans⁶⁷. Alongside this naval renovation, the Naval War College, established in 1884 was serving as the think tank for the attack on Puerto Rico. Captain Alfred Mahan, who was the also president of the Naval War College, published in 1890 *The Influence of Sea Power Upon History, 1660-1783*, and with it popularized the belief that United States expansionism and greatness depended upon its sea power, therefore military victory and trade depended upon an efficient navy. Mahan published several best-selling books with his strategical maps giving locations where coal stations should be placed, with Puerto Rico as an essential in the route towards Europe from the Panama Canal, which was already under construction:

⁶⁶ *Ibid.*

⁶⁷ D'Angelo, 1997, p. 184



(Illustr. no. 15, Alfred Mahan's map showing to route between Europe and the Western Hemisphere passing by Puerto Rico)⁶⁸

First and foremost, the United States had already specific plans prepared to attack Puerto Rico and bombard San Juan. To this effect, sometime in 1895, the Naval War College created a document titled *Situation in the Case of War with Spain* that was sent to the Navy Department early in 1896⁶⁹. The Naval War College was important during this period because it was entrusted with the study and preparation of war plans that were deposited in the Office of Naval Intelligence of the Navy Department and then submitted to the Secretary of the Navy. The earliest war plan against Spain found so far was from Lieutenant W.W. Kimball in June 1896⁷⁰. Nevertheless, some sources point to a pre-war strategy by the Naval College for an attack on Puerto Rico and Cuba since 1894⁷¹. The Navy Department was already in the process of acquiring state-of-the-art vessels because the United States Congress had regularly voted for funding the Navy during the 1880s and 1890s. Consequently, in 1898 the United States Navy already ranked 6th as the most powerful navy in the world⁷². In addition, the Military Information Division, a United States intelligence department was preparing detailed surveys and military maps of Cuba and Puerto Rico of the likely theaters of operations⁷³.

⁶⁸ Screenshot, International Journal of Naval History, *The Purchase of the Virginia Islands in 1917: Mahan and the American Strategy in the Caribbean* (<https://www.ijnhonline.org/the-purchase-of-the-virgin-islands-in-1917-mahan-and-the-american-strategy-in-the-caribbean-sea/>)

⁶⁹ Trask, 1981, p. 74

⁷⁰ Greenville, 1968, p. 34

⁷¹ Rivera Ramos, 1998, pp. 34-35

⁷² Smith, 1995, p. 24

⁷³ Cosmas, 1994, p. 26

During the creation of different war strategies against Spain, simultaneously, Alfred Mahan was presenting plans based on his idea of the importance of attacking Puerto Rico, because of its geographical position with regards to the Panama Canal and the Pacific coast that was in his view: « *as important as Malta's to the Suez Canal and beyond* »⁷⁴. Nevertheless, Mahan's theories criticized proposals of using naval vessels to attack shore points because it was risky. Instead, Captain William T. Sampson, who was also planning the naval strategy, developed a plan to begin the war by bombarding and reducing the forts protecting Havana Harbor, Sampson's plan was vetoed by the Navy Department because of its inhumanity, because of the damage done in past civilian bombings during the Civil War and also for the risk of land batteries, underwater mines, and torpedoes to United States vessels⁷⁵.

Specifically, the United States Department of the Navy relied on their strategy to attack Puerto Rico, based on the Plans of Operations against Spain from 1896:

San Juan is the only of these fortified to any extent, and for that reason, likely to be used as a base for supplies by Spain in the event of a blockade to Cuba. San Juan and Ponce are the landing places of submarine cables, affording telegraphic communications within Europe and with Cuba. These cables cut near these ports isolate Puerto Rico (...) The strangulation process outlined can be quickened in its operation greatly by the bombardment of San Juan (...) Destroy (...) San Juan by a bombardment (...), compelling at least their temporary abandonment or surrender⁷⁶.

Subsequently, in June 1897 the Navy Department reconsidered the war plan originally presented by the Naval College, restoring the attack on the Philippines, eliminating an attack on the Canary Islands, and providing for an early capture of Puerto Rico which offered: « certain advantages for the rendezvous of Spanish ships of war coming from Europe, for the purpose of breaking and annoying our blockade of Cuba »⁷⁷. Therefore as early as 1897, the Navy Department was mobilizing the Atlantic fleet to the Gulf of Mexico, and preparations for war were accelerated by February 1898, having several warships in the Gulf of Florida ready to blockade Cuba and Puerto Rico. United States diplomacy justified these actions by the Navy to the large amount of Spanish troops and armaments in Cuba⁷⁸. Also on June 30, 1897, the Navy Department documented the plans of the campaign with the intention of attacking Puerto Rico: « As soon as circumstances will permit, a detachment should be made from the force operating in the neighborhood of Cuba, for the purpose of reducing the island of Puerto Rico »⁷⁹.

⁷⁴ Trask, 1981, p. 90

⁷⁵ *Ibid.*

⁷⁶ Navy Department, 1896

⁷⁷ Trask, 1981, p. 77

⁷⁸ *Libro Rojo – Tratado de Paris*, 1988, Vol. I, pp. 135-136

⁷⁹ Greenville, 1968, p. 44

On January 25, 1898, the USS Maine arrived in Havana with the approval of the Spanish authorities in Cuba.



(Illustr. no. 16, Photo: Sunk American ship USS Maine, Havana Harbor 1898)⁸⁰

3. US War on the Puerto Rican Nation 1898: The Spanish-American War and the bombardment of San Juan, 12 May 1898

Thereupon, on February 15, 1898, the USS Maine blew up in the harbor of Havana, with the loss of 266 crew members. This event caused great consternation throughout the United States against Spanish rule in Cuba, and on March 9, the United States Congress appropriated 50 million dollars for national defense, making it possible for the executive power to prepare for war⁸¹. By mid-March, 1898, the US State Department was sending ultimatums to the Ministerio de Asuntos Exteriores asking for an immediate and honorable peace in Cuba, that if not achieved during the following days, would prompt the president to leave the issue to the United States Congress to decide relations between both countries as a result of the catastrophe with the USS Maine. Spain responded, hesitatingly, that it needed at least until May 4 when the Cuban Insular Parliament would meet in session⁸². During this period, the *Sección de Puerto Rico* of the *Partido Revolucionario Cubano* that was presided over by Julio Henna went to Washington D. C. and had several meetings with United States Senators Henry Cabot Lodge (Republican) and John T. Morgan (Democrat), to offer his assistance, and that of his

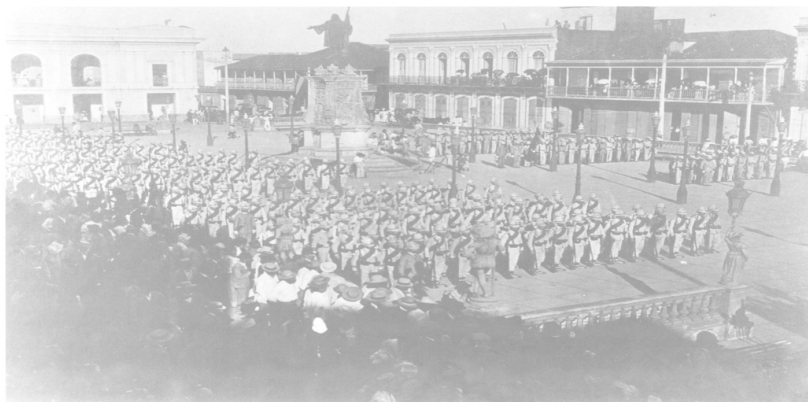
⁸⁰ U.S. Department of the Interior, *Cultural Resources Management Division*, San Juan National Historical Site, US Army Center of Military History, 1898, no. 14486

⁸¹ Miles, 1899, p. 514

⁸² Elorza and Hernández Sandoica, 1998, p. 300

fellow Puerto Rican rebels, to form part of the invading army into Cuba. On March 21, 1898, Henna met with President McKinley and described to him the problem of having Puerto Rico as a Spanish colony while Cuba was independent. He also gave strategic details about geographical locations, the climate, and the bays of Puerto Rico. As historian Loida Figueroa explains, Henna lacked caution when speaking too freely with McKinley, not playing his cards right and getting nothing in return for Puerto Rico. The only promise Henna got from President McKinley was that Spain would leave Puerto Rico⁸³.

Accordingly, the United States proceeded with an independent investigation and report that concluded that the USS Maine was sunk because of Spanish underwater mine. This caused great agitation public opinion, even though President McKinley remained tranquil and was asking the results of the Spanish investigation, which eventually foretold that the sinking was caused by an internal explosion⁸⁴. Also in March, the Naval War Board enunciated the principle that governed the war, following their earlier plans; Admiral Sampson would initiate a close blockade of Cuba, with secondary activity over Puerto Rico⁸⁵.



(Illustr. no. 17, Spanish-Puerto Rican troops in the city of Mayagüez on the west coast of Puerto Rico, 1898)⁸⁶

The drums of war sounded in Puerto Rico, after receiving the United States *ultimatums*, so the *Ministerio de Ultramar* in Spain notified Governor and General Manuel Macías Casado of the imminence of war. Hence, suspending by decree all civil liberties, under the Autonomy Charter and declaring that Puerto Rico was

⁸³ Figueroa, 1983, pp. 200-201

⁸⁴ *Libro Rojo – Tratado de Paris*, 1988, Vol. I, pp. 150, 154-155

⁸⁵ Trask, 1981, p. 89

⁸⁶ U.S. Department of the Interior, *Subseries B: Photographs, 1898-2011*, Box 424, Folder 2, p. 289

in a state of war⁸⁷. Preparations started for an attack from the United States. As early as April 20, 1898, the Navy blockaded Cuba and Puerto Rico according to a joint resolution authorizing the use of force, a state of war existed since April 22. So, the armed forces in Puerto Rico prepared to defend themselves with faith and serenity knowing that the supplies they were expecting from Spain were not going to be able to arrive because of the United States naval blockade. Only the steamship *Antonio López* forced itself through the blockade and beached 8 miles of San Juan, under fire of a United States cruiser it was able to save the material that brought; powder, projectiles, five (5) 12 centimeters bronze canons, two (2) 15 centimeters *Howitzers* field guns, three (3) 12 centimeters mortars, and one electric projector⁸⁸. On April 25, 1898, the US Congress approved a resolution declaring war on Spain⁸⁹. A day later, President McKinley wrote a telegraph to Admiral Sampson communicating the authorization of use of war⁹⁰. Furthermore, the president established rules of engagement with Spain in a Proclamation dated April 26, which reproduced the provisions of the Paris Declaration of 1856 Respecting Maritime Law⁹¹. The president also directed that the war was to be: «conducted upon the principles in harmony with the present views of nations and sectioned in their practice»⁹².



(Illustr. no. 18, First US Marine Battalion that landed in Guánica, Puerto Rico on July 25, 1898)⁹³

⁸⁷ Library of Congress, 1898, "Gaceta de Puerto Rico", April 24, 1898, no. 97

⁸⁸ Coll y Toste, (N.D.), p. 12

⁸⁹ *Declaration of War with Spain*, 1898, (H.R. 10086)

⁹⁰ Collier, 2021, p. 396

⁹¹ Foreign Relations of the United States, 1898

⁹² Collier, *op. cit.*

⁹³ U.S. Department of the Interior, *Subseries B: Photographs, 1898-2011*, Box 424, Folder 2

As a result, the so-called Spanish-American War of 1898 was kind of a spinoff from the Cuban Wars of Independence (1868-1878, 1879-1880, and 1895-1898) that greatly affected US economic interest in Cuba; and it also involved the Philippine Revolution (1896-1899). The United States' intervention on behalf of the Cuban people is one of the most studied conflicts in American history⁹⁴. On the other hand, during this period, Puerto Rico was in peace under Spanish rule and enjoying economic development as the closest Spanish port to Europe from the Western Hemisphere, as explained before. Consequently, the United States understood San Juan's geographical importance in the case of war with Spain, as an intermediate naval station and a base of supplies and reinforcements. In this sense, Captain Alfred Mahan wrote in a memorandum referring to Spain's control over Puerto Rico: «(...) if left in her undisturbed possession, it would enable her practically, to enjoy the same advantage of neatness to the great scene of operations that the United States had in virtue of our geographical position»⁹⁵. Hence, plans for a naval and ground attack on San Juan were put in place during the war with Spain, as seen in this sketch map by Captain Henry Whitney, who disguised himself as an English sailor on a spying mission for the War Department in Puerto Rico:



(Illustr. no. 19, Captain Henry H. Whitney's sketch map of the City of San Juan, indicating various civilian and military infrastructure)⁹⁶

As revealed in Whitney's sketch map of San Juan, great detail is given to the placement of modern artillery, train tracks, roads leading to nearby towns, and

⁹⁴ Gould, 1982, p. 166

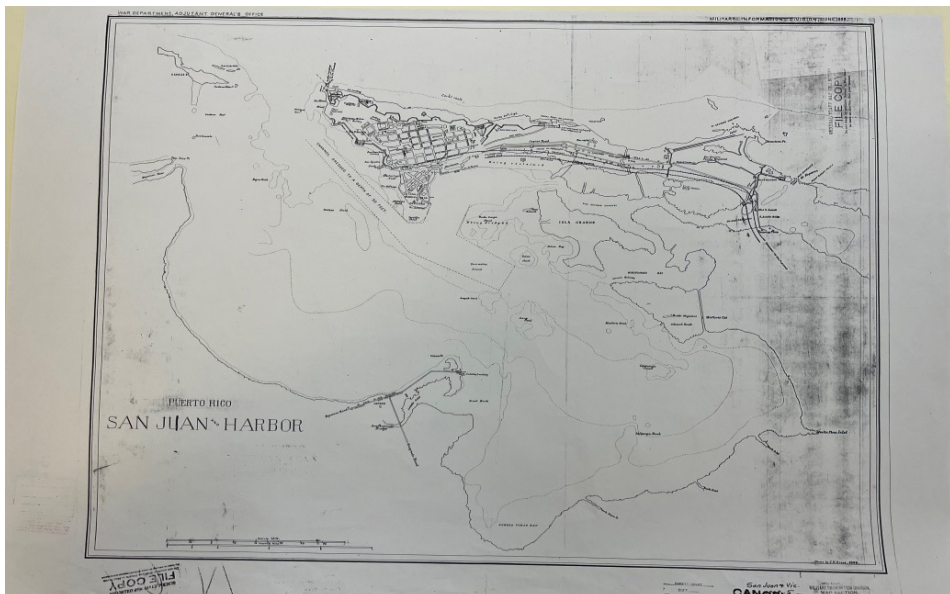
⁹⁵ Trask, 1981, p. 339

⁹⁶ U.S. Department of the Interior, *Series VIII: Visual Materials, 1788-2017*, Sub-Series a: Maps, Drawings, and Posters 1788-2017

the deepness of the water, all indicative of the industrial age and a new style of warfare⁹⁷. What's more, if closely watched Whitney's map has the location of the cathedral, theater, hospital, school, and prisons. In his report, Whitney also describes in detail the city walls of San Juan:

San Juan is a perfect specimen of a walled town, with portcullis, moat gates, and battlements. The wall surrounding this town is defended by several batteries. Facing the harbor are those of San Fernando, Santa Catalina, and Santo Toribio. Looking Antonio, San José, and Santa Teresa, and Fort Princesa. The land part has to ditches, or cuts, which are easy to inundate (...) Built over two hundred and fifty years ago, the city is still in good condition and repair. The walls are picturesque, and represent a stupendous work and cost in themselves⁹⁸.

On top of that the United States also had specific military maps and did not only rely on Whitney's sketch, as seen in this map from the War Department, dated June 1898, one month before the invasion of Puerto Rico on July 25th. If closely watched also civilian infrastructures are detailed:



(Illustr. no. 20, Map of the San Juan Harbor from the US War Department, June 1898)⁹⁹

Soon after, on May 1, the first battle of the Spanish-American War took place in the Philippines. The battle was initiated by an attack by the United States

⁹⁷ Lopez, 2019, p. 173

⁹⁸ War Department, 1898

⁹⁹ U.S. Department of the Interior, *Series VIII: Visual Materials, 1788-2017*, Sub-Series a: Maps, Drawings, and Posters 1788-2017, Drawer A9, Folder 1: Puerto Rico San Juan Harbor, 1898

Asian Squadron, under the command of Admiral George Dewey to the Spanish Squadron, under the command of Admiral Patricio Montojo who was in the Bay of Manila. Dewey's ships moved slowly shooting their guns for one side and then turning and shooting from the other side, closing to the Spanish ships, repeating this naval formation for two hours. Even though the American marksmanship was not accurate it proved superior to the Spanish. At the end of the battle, Dewey sank the Spanish ships with the loss of only one crew member¹⁰⁰. The outcome of the naval battle established a high morale for the United States armed forces early on during the war. A few days earlier than the Battle of Manila Bay, on April 28, Admiral William T. Sampson, while blockading Cuba, received orders to head to Puerto Rico with his fleet to attack and take the capital San Juan as a base of operations for the war¹⁰¹. Also, Sampson had orders to destroy the Spanish fleet, under the command of Admiral Pasqual Cervera¹⁰². Sampson had received a telegraph with information that the Spanish fleet departed from Cape Verde Islands crossing the Atlantic Ocean and was presumably heading towards San Juan¹⁰³. The journey to Puerto Rico took longer than expected, giving Sampson more time to prepare his battle strategy; two monitor warships had mechanical problems and needed to be towed, and also there was a coalition of two of his ships. It is important to note, that Admiral Sampson received secret orders from the Secretary of the Navy to attack and capture San Juan, even in the case that Admiral Cervera was not able to cross the Atlantic before he arrived¹⁰⁴.

¹⁰⁰ Symonds, 2005, p. 171

¹⁰¹ Coll y Toste, (N.D.), pp. 10-11

¹⁰² Meléndez-Badillo, 2024, p. 97 and Rivera Ramos, 1998, p. 68

¹⁰³ Wolters, 2011, p. 122

¹⁰⁴ Sampson and Schley, 1899, p.39



(Illustr. no. 21, Admiral William T. Sampson, 1899)¹⁰⁵

Precisely, Sampson's Captain Log records the arrival of his fleet to San Juan on the evening of May 11, finding no signs of the Spanish fleet¹⁰⁶. Nevertheless, on May 10, San Juan fishermen were giving reports to Spanish authorities of *ghost ships* showing on the horizon. Captain Ángel Rivero, commander in the Castle San Cristobal observed three United States warships that were making reconnaissance of the port of San Juan¹⁰⁷. Thus, there was no sign of the Spanish fleet commanded by Admiral Cervera. Military action began when the cruiser USS Yale advanced to the reach of the Spanish batteries and Captain Rivero opened fire at midday, forcing the cruiser, which did not show its colors, 900 meters further into the ocean; the first shot during the war in Puerto Rico¹⁰⁸. During peacetime in San Juan, for a century, canons were not fired even for military practice only on ceremonial occasions blanks were shot¹⁰⁹. Therefore, artillery officials were not experienced in measuring distances to ascertain the shots fired

¹⁰⁵ Library of Congress, *Admiral William T. Sampson 1899*, Library of Congress Prints and Photographs Division, no. LC-USZ62-69176

¹⁰⁶ Sampson and Schley, 1899, pp.39-40

¹⁰⁷ Negroni, 1992, p. 300, p. 320

¹⁰⁸ See Coll y Toste, (N.D.), p. 78 and Rivero Méndez, 1998, p. 65

¹⁰⁹ Vivoni Farage, 1998, p. 29

with precision. Captain Ángel Rivero, a Spanish artillery officer and identified as Puerto Rican, describes the shot:

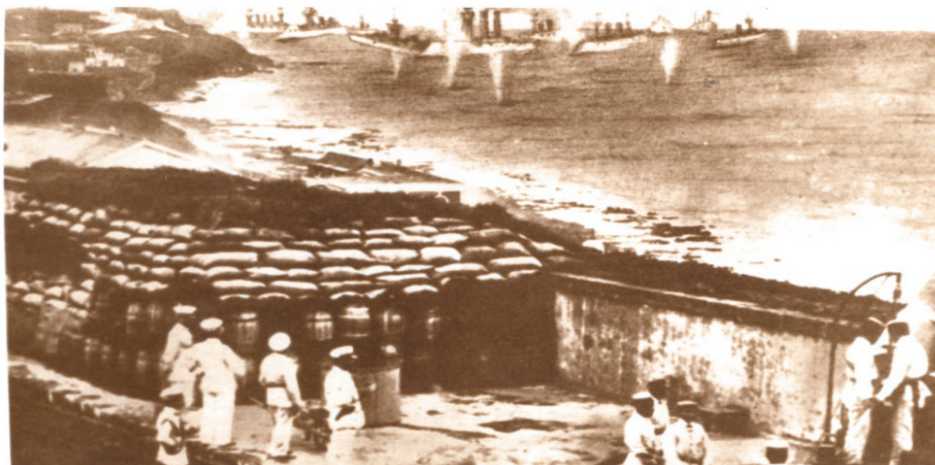
The projectile fell very short, and rebounding, it collided again in the sea about 200 meters away. The USS Yale forced its march and positioned itself on the horizon, although without abandoning surveillance of the port. This was the first shot fired during the Spanish-American War in Puerto Rico; The cannon used was a 15 cm, tubed, to be loaded through the chamber and Ordoñez system.

When the blast was heard there was some alarm in the city; I soon saw (castle) San Cristobal filled with chiefs and officers eager to know what had happened, and with many friends of mine, who congratulated me effusively for having had the honor of firing the first cannon shot.

Since the last day of April in 1797, the Plaza de San Juan had not fired a single war shot: one hundred and one years of peace¹¹⁰.

Correspondingly, on May 12, 1898, Admiral Sampson, during the night, before sunrise, attacked San Juan. Puerto Rican Captain Ángel Rivero described the event as a: «rain of projectiles, rattling like railway engines, passing over our heads; a real storm of iron¹¹¹.» Also, historian, Cayetano Coll y Toste who witnessed the bombing described the attack:

On May 12, before dawn, surrounded by mist and in the darkness of the night, the most powerful squadron that in modern times has fought on the seas appeared in front of San Juan and attacked with vigor and resolution the city, who woke up surprised by such a sudden and terrible attack (...) one of the most notable military events in history and a victory (...)¹¹².



(Illustr. no. 22, San Juan defenses during the bombardment of San Juan, May 12, 1898)¹¹³

¹¹⁰ Rivero Méndez, 1998, p. 66

¹¹¹ *Ibid*, p. 70

¹¹² Coll y Toste, (N.D.), pp. 10-11

¹¹³ U.S. Department of the Interior, *Subseries B: Photographs, 1898-2011*, Box 424, Folder 2

Succeeding, the line of ships headed by the USS Detroit stood still and out of range of the *Ordoñez* canons from the Spanish batteries, allowing itself to be used as a target from the Castle San Felipe el Morro and Castle San Cristobal batteries. Also, the USS Wompatuck was anchored to mark the extreme point of the circuits. Meanwhile, the USS Iowa passed, flying the colors of *Remember the Maine*, while the USS Detroit slowly started to turn at 4 knots and fired with its guns. Behind came the USS Indiana, followed by the USS New York. Marking the limits of the course of those battleships were the monitor warships: USS Amphitrite, USS Terror, USS Montgomery, and USS Porter¹¹⁴. All vessels were now firing, advancing closer to shore in this formation, firing with calmness and expertise target practice towards San Juan. There were no Spanish warships in the port¹¹⁵. A telegraph message was sent to all ships on the fleet to use only large guns because the smoke from the smaller guns gave too much smoke. The United States fleet maneuvered slow circuits, parallel to the coast, shooting from the starboard side with its batteries, once they reached San Cristobal Castle, turning north and then west, continuing shooting from the port side, and reaching *Isla de Cabras* (see. Illustr. no. 20), with their bows south and then east, while the USS Detroit was delivering rapid fire¹¹⁶. On the second circuit, the USS Iowa moved closer to shore and shot against *el Morro* within 1,500 yards. Spain's artillery was landing ahead of the fleet's circuits, only making one target with the USS New York with a six-inch grenade fired at 5,000 yards from Castle San Cristobal, that fell on the bridge near the stern, ripping the roof and killing one sailor and wounding four, destroying the ship, this was after the ship made its third circuit¹¹⁷. Sampson's fleet had very impressive firepower, with 164 canons, shooting 1.362 rounds at San Juan, on the other hand, Spanish artillery canons numbered 28¹¹⁸. It should be noted that some United States ships had 330 mm canons that fired 1,500 pounds (680 kilograms) projectiles, comparable in weight to the modern air bombs used nowadays. Because of the strong waves, United States marksmanship was not accurate and for every 100 shots, 20 fell short, 60 fell long, and the rest got to the batteries or near them¹¹⁹. The bombardment lasted three hours, ending around 8:00.

¹¹⁴ Alden, 1899, p. 416

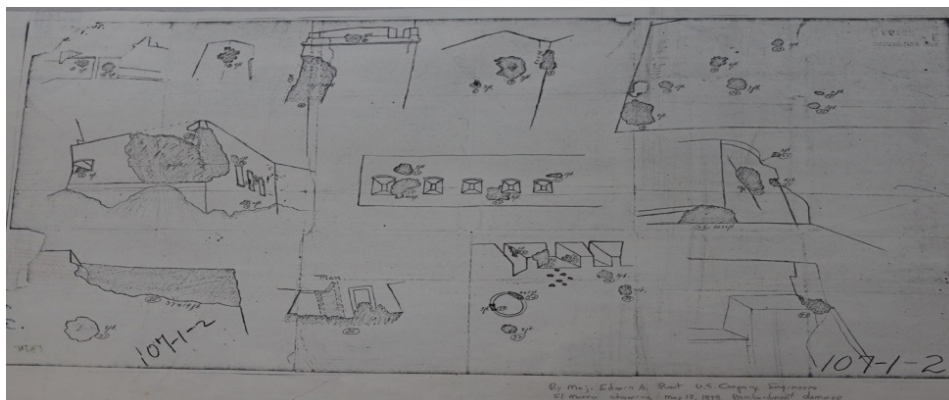
¹¹⁵ *Ibid.* and Rivero Méndez, 1998, p. 99

¹¹⁶ Rivero Méndez, 1998, p. 71

¹¹⁷ *Ibid.*, p. 101

¹¹⁸ Negroni, 1992, p. 321

¹¹⁹ Placer Cervera, 2006, pp. 138-139

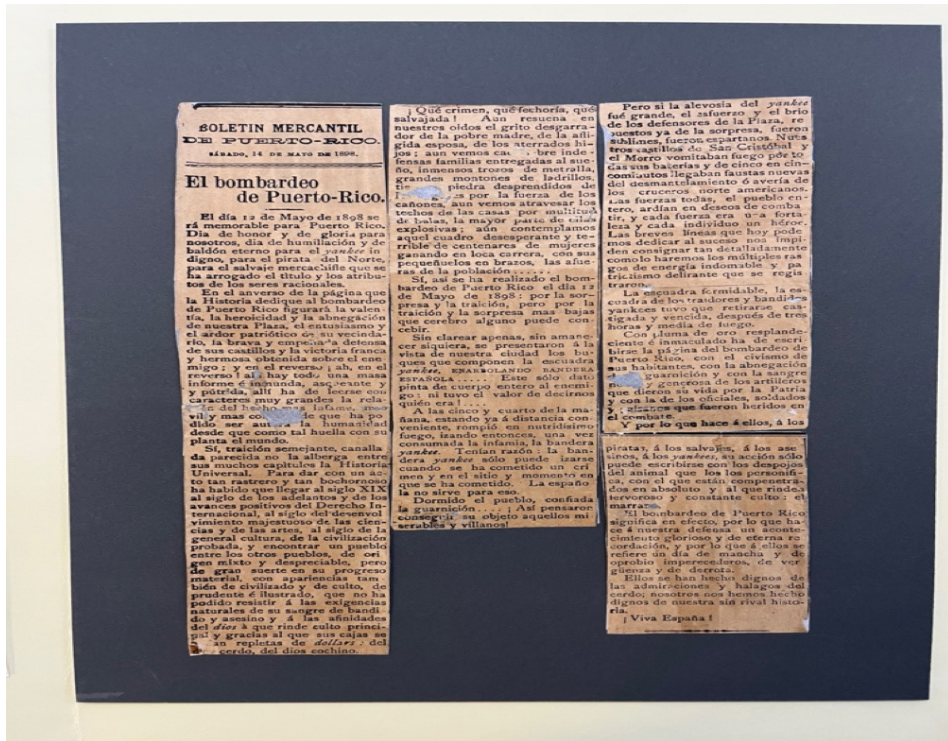


(Illustr. no. 23, Croquis: Bombardment damage to San Felipe Castle *San Felipe El Morro*, 1898, by Major Edwin Root, U.S. Corps of Engineers)¹²⁰

Consequently, after the city of San Juan trembled with the force of her canons and the blast of the bombardment, Admiral Sampson thought that it would take him several days before San Juan eventually could surrender. He would also have to wait for reinforcements with troops to garrison the city. Furthermore, there was the fear of running into the Spanish fleet commanded by Admiral Cervera, therefore the fleet was ordered to retreat westward to Havana, an order that Admiral Sampson followed reluctantly¹²¹.

¹²⁰ U.S. Department of the Interior, *Series VIII: Visual Materials, 1788-2017*, Sub-Series a: Maps, Drawings, and Posters 1788-2017, Drawer E2, Folder 2, 12 May 1898

¹²¹ Sampson and Schley, 1899, p. 38



(Illustr. no. 24, Newspaper clipping from the bombardment of San Juan, it mentions the attack as a violation of international law, May 14, 1898)¹²²

Nevertheless, the heavy damage done in San Juan by the bombardment would have been worse if not for the geographical location of San Juan, with the whole seafront where rocks frown above the entrance to the bay, with Castle San Felipe *el Morro* thick walls and tiers of guns, making it practically impenetrable¹²³. San Juan had the advantage over Admiral Sampson's fleet of being at a considerable elevation, thus enabling the Spanish to deliver plunging fire with forts and batteries all along the outer edge of the reef¹²⁴. Adding to this, there were torpedoes and mines placed in the bay. Furthermore, strong winds caused high waves from the east and on the north coast that are completely exposed to open ocean making ship artillery fire very uncertain¹²⁵. Another factor was that the United States Navy used black powder and the smoke from the guns prevented efficient firing¹²⁶. In addition, the selection of the projectiles was not the most damaging, using perforating grenades with hard heads with fuses that did not

¹²² U.S. Department of the Interior, Subseries A: Illustrations and News, 1898-1992

¹²³ (N.A.) *Scientific America*. 1898, p. 339

¹²⁴ *Ibid*.

¹²⁵ Rivero Méndez, 1998, p. 102

¹²⁶ Miles, N.A., 1899, p. 516

work, would have worked best against the Spanish Fleet commanded by Admiral Cervera. Instead, if Admiral Sampson had decided to use ordinary grenades with percussion fuses and shrapnel shells with time fuses, which the fleet possessed the result of the bombing would have been much more devastating¹²⁷. Thus, as explained before, the bombardment was not effective from a tactical point of view; with many projectiles not exploding and some reaching inside the Bay of San Juan, even inland to the town of Cataño¹²⁸.

Despite President McKinley prompting the United States into a declaration of war against Spain based «in the cause of humanity» for the people of Cuba¹²⁹. The Puerto Rican press reported on « the first act of humanity that had a place in Puerto Rico was throwing against its capital without any consideration hundreds of bombs during the hours that more direct and indirect damage would cause to indefensive people»¹³⁰.



(Illustr. no. 25, *Ballajá Barracks destroyed after the bombardment of San Juan, 1898*)¹³¹

During the bombardment, civilians in San Juan abandoned the city by masses using the train, filled with passengers, heading to nearby the towns of Santurce and Río Piedras. Most carried with them all that they could, and some ran with only their nightwear. A woman was forced to give birth on the side of the road

¹²⁷ Rivero Méndez, 1998, p. 97

¹²⁸ Torrech San Inocencio, 2024

¹²⁹ Library of Congress, 1898, "La Correspondencia de Puerto Rico", May 13, 1898

¹³⁰ *La Correspondencia*, 1898

¹³¹ U.S. Department of the Interior, *Cultural Resources Management Division*, San Juan National Historical Site, w/o no.

in front of people fleeing inland¹³². On the Bay of San Juan, many small vessels carried passengers across the bay to the towns of Cataño and Guaynabo. There was chaos in the city, bureaucrats abandoned their offices and merchants closed their businesses, taking with them their merchandise to sell inland. There were temporary encampments set up for the residents; elderly people, sick people, and mothers with their children all fleeing from San Juan, the city was abandoned¹³³. At one point during the bombardment, Admiral Sampson noticed silenced batteries from San Juan, meaning that the gunners merely had sought shelter until the bombardment ceased¹³⁴. Shelling was also done to the dormitory of the children's home *La Beneficiencia*. After the bombing, the castles facilitated provisional hospitals for the habitants that remained in San Juan, there was the belief that the United States fleet would return during the night to bomb again. Damage to civilian property was inflicted on several buildings including, but not limited to: chapels, hospitals, a church, private houses, private businesses, and governmental buildings¹³⁵. Specifically, severe damages were done to the *Ballajá* Barracks that was destroyed; also, the mental asylum; the children's orphanage, the Royal Administration, the Cathedral, founded in 1521, the San José Church, built in 1528, and Casa Blanca historical building constructed in 1521 as Juan Ponce de León's residence. The planning of the bombardment was even more evident to the population when some unexploded shells were found with the writing *Porto Rico 1898*¹³⁶. Some volunteers came from inland in the town of Bayamón to help the victims of the bombardment; among them was Dr. José Celso Barbosa, later the founder and leader of the statehood movement asking for admittance of Puerto Rico as a United States federated state¹³⁷. The total number of deaths and wounded during the bombardment of San Juan amounted to 56, of which 2 troops and 4 civilians died and 34 troops and 16 civilians were wounded¹³⁸.

Thereupon, *fiestas* were organized by the Spanish authorities to celebrate the victory against a more powerful enemy, but at the same time, many people from San Juan suffered traumas and looked for shelter in nearby towns, starving from hunger and in misery during the following days, as explained before. The governor and general Macías gave an order praising the defenders of San Juan and communicating to the government of Spain their valor. Also, the *Congreso de los Diputados* in Madrid sent a telegram proclaiming their satisfaction over the victory against the United States. Nonetheless, after the bombardment of

¹³² Vivoni Farage, p. 32

¹³³ Rivero Méndez, 1998, pp. 90-91

¹³⁴ Netsky and Beach, 1995

¹³⁵ Rivero Méndez, 1998, pp. 92-93

¹³⁶ Rosario Natal, 1998, p. 169

¹³⁷ Coll y Toste, (N.D.), p. 78

¹³⁸ Rivero Méndez, 1998, p. 108

San Juan, a naval blockade by the United States strangled Puerto Rico's economy and further aggravated existing social tensions. As a result, trade with foreign countries came to a halt, with shortages of consumer goods and starvation among the population. Also, there was a monetary crisis that placed agricultural loans out of reach for planters and farmers; this period was characterized by some rural peasantry resorting to theft and social protests. Among the despair of the Puerto Rican Nation and in the middle of the *fiestas* organized by the Spanish colonial authorities, only the press denounced the bombardment as a violation of international law (See Illustr. no. 24).

4. Discussion: the legality of the bombardment of San Juan

During the Spanish-American War (1898) there was no international treaty between the two countries, Spain and the United States that dealt with the treatment of civilians during war. It was not until one year later that the United States and Spain participated in the conference for the Hague Convention of 1899. Nevertheless, under the Lieber Code of 1863, adopted into law by the United States during the American Civil War (1861-1865), there were some protections for bombing against civilians.

More than a century before the Lieber Code (1863) the legal ideas regarding the protection of civilians during war were already in development and considered international law during the Spanish-American War. Starting with Emmerich de Vattel's *Law of Nations*, published in 1758 a legal proposal for extending immunity to civilians and their properties during war was illustrated:

(...) at present war is less dreadful in its consequences to the subject: matters are conducted with more humanity: one sovereign makes war against another sovereign, and not against the unarmed citizen. The conqueror seizes on the possessions of the state, the public property, while private individuals are permitted to retain theirs. They suffer but indirectly by the war; and the conquest only subjects them to a new master¹³⁹.

An idea that Jean-Jacques Rousseau followed in *The Social Contract* (1762): «(...) Even in real war, a just prince, while laying hands, in the enemy's country, on all that belongs to the public, respects the lives and goods of individuals: he respects rights on which his own are founded»¹⁴⁰. Both Vattel and Rousseau imposed restraints on conquest, limiting the liberties of the conqueror regarding the civilian population and private property¹⁴¹. In particular, during the second half of the 19th Century, the rules regulating the law of war were internationally codified for the first time. Therefore, we can define civilian victimization in war

¹³⁹ De Vattel, 1797, ch. 13, sec. 200

¹⁴⁰ Rousseau, 1923, p. 40

¹⁴¹ Giladi, 2012, p. 85.

when the military and/or political elites choose to target and kill noncombatants intentionally or fail to discriminate between combatants and noncombatants, in this instance killing in large numbers¹⁴².

In the case of the bombardment of San Juan, even though there were not a large number of civilians killed, it was a planned and intentional attack by Admiral Sampson, following specific orders from the US Navy's high command. Furthermore, the attack was based on an originally conceived military tactic to attack San Juan by the Naval Academy and then followed by the US Navy, in the so-called Plan of Operations against Spain, cited earlier, in which Admiral Sampson was a signatory in the original document¹⁴³. Additionally the US War Department had very specific maps of San Juan (See Illustr. no. 16), marking the exact location of civilian infrastructures like a residential homes, a church, and hospitals some which were destroyed during the bombing.

Accordingly, the law of war of the United States during the Spanish-American War was the Lieber Code, also known as General Orders No. 100, promulgated by President Abraham Lincoln on April 24, 1863. It was a piece of legislation adopted and praised as a humanitarian milestone in implementing the rule of law during the American Civil War. Created by Francis Lieber a German-born professor of law who had fought in the Prussian Army against Napoleon. Lieber was a law professor at the University of South Carolina and later founded the International Law Studies at Columbia University¹⁴⁴. The code details the treatment of prisoners, non-combatants, and military objectives. It was considered a piece of legislation product of a legal movement that pursued to strengthen the idea of Humanitarianism and establish limits to certain aspects of warfare¹⁴⁵. As military historian J.F.C. Fuller points out, during the Mid-Nineteen Century there was a change in warfare because of military technology, with the application of the steam engine and railroads that revolutionized mobility and the logistics of armies, with its adoption at sea transformed naval architecture and warfare¹⁴⁶. Thus, these changes in warfare made legislation of warfare a political necessity. Simultaneously during that period, there was a revolution in metallurgy that transformed weapons and military tactics resulting in more powerful attacks¹⁴⁷. Codifying the laws of war in the context of international law became a priority for political leaders who had a numerous conscription system in place. In other words, out of the need to legislate on warfare because of the large number of their population that was armed. Explicitly, in the Lieber Code, there are different limits against the destruction of civilian property and

¹⁴² Downes, 2008, p. 13

¹⁴³ Navy Department, 1896

¹⁴⁴ Jackson, 2007, p. 15

¹⁴⁵ Roberts, 2019, p. 195

¹⁴⁶ Gat, 2011, p. 38

¹⁴⁷ Fuller, 2016, pp. 95-96

also a fundamental distinction between combatants and noncombatants¹⁴⁸. It is important to point out, that the Lieber Code was unique in the sense that it was intended to have an international law significance and not just domestic policy, with its references to the legal concepts of law of war and law of nations¹⁴⁹.

Therefore, during the bombardment of San Juan the law of war in the United States was the Lieber Code, establishing the prevalence of the concept of a humanitarian war and also distinguishing between combatants and noncombatants, among other things. The code that was re-published and distributed in 1898 by the US War Department had the new title *Instructions for the Government of Armies in the Field*. As a book title it refers to land warfare, leaving behind bombardment by ships of war. An oversight that American academic Theodore Dwight Woosley pointed out in 1901: «even though naval bombardment is so indiscriminating, so destructive method as to be out of all proportion to the nature of the offenses which it is designed to punish»¹⁵⁰. Raising the question if the Lieber Code was the required law to be followed by the Navy Department, with no evidence or sources law that point out on the contrary.

Consequently, the humanitarian principles of the Lieber Code were later incorporated into the Naval War Code of 1900. art. 3 of the Naval War Code that establishes: «noncombatants are to be spared in person and property during the hostilities as much as the necessities of war and conduct of noncombatants will permit»¹⁵¹. With regards to bombardments, art. 4 of the Naval Code, does not make the distinction between bombing fortified or unfortified towns, specifying only bombardments on unfortified towns: «The bombardment, by a naval force, of unfortified and undefended towns, villages or buildings is forbidden, except when such bombardments is incidental to the destruction of military or naval establishments (...)»¹⁵². Thus, the incorporation of art. 3 of the Naval War Code to United States warfare suggests that during the period of the bombing of San Juan in 1898 until 1900, when the Naval Code was issued and entered into force, the applicable law in the United States was the Lieber Code. Even more, the international law of the period established in the Diplomatic Conference in Brussels of 1874, art. 16 that: «But if a town or fortress, agglomeration of houses, or villages be defended, the commander of the attacking forces, before commencing a bombardment, and except in the case of surprise, do all in his power to warn the authorities»¹⁵³. In this sense, art. 16 of the Conference of Brussels (1874) and the prevalence of the Lieber Code show how during the bombardment of San Juan civilian noncombatants had rights and protection

¹⁴⁸ Carnahan, 1998, p. 228

¹⁴⁹ Akande, 2015, p. 639

¹⁵⁰ Woosley, 1901, p. 301

¹⁵¹ Navy Department, 1900, p. 103

¹⁵² *Ibid.*, p. 104

¹⁵³ Brussels Declaration, 1874

both under U.S. law and international law as well. The Lieber Code remained in force until World War I¹⁵⁴. Precisely, with regards to informing the enemy before a bombardment, art. 19 of the Lieber Code establishes:

Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the noncombatants, and especially the women and children, may be removed before the bombardment commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

In this sense, Lieber's understanding of noncombatants is based on a test of their treatment of war, a concept that the code does not explain in detail. The test should be mitigated to the collective responsibility of noncombatants to military responsibilities, and their instrumentality¹⁵⁵. Within this concept, art. 25 of the Lieber Code establishes in part how this distinction should be made: «In modern regular wars of the Europeans, and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule; privation and disturbance of private relations are the exceptions.» Whereas, the apparent discretion that art. 19 of the Lieber Code, cited earlier, to give prior notice before bombing non-combatants, is clarified in art. 33 of The Laws of War on Land, 9 September 1880, also known as the 1880 Oxford Manual echoed the prohibition to bombardment, establishing that: «The Commander of an attacking, save in case of open assault, shall, give prior notice thereof to the local authorities»¹⁵⁶.

Moreover, the lives and property of non-combatants could not be taken for granted, as established also in articles 11, 15, and 16 of the Lieber Code¹⁵⁷. A historical distinction can be made with another side of war during that period, as seen by the Prussian Army during the Franco-Prussian War (1870-1871) which endorsed a different type of war vision that had to be fought in an all-out manner by attacking all the resources of the enemy, including justifying the target of civilians in war as leverage for achieving their aim. As an example, Field Marshal Helmuth von Moltke, the Prussian Chief of General Staff decided to bombard Paris, not to destroy the city but to make every effort to pressure its inhabitants into surrender¹⁵⁸. Whereas, the Lieber Code provided a different approach requiring that the United States military established a course of action that was less harmful to its adversaries and civilians. Regardless of the actions by the Prussian Army during the Franco-Prussian War, the bombing of civilians during wartime is protected by international law and also by humanitarian law as well,

¹⁵⁴ Solis, 2000, p. 491

¹⁵⁵ Giladi, 2012, pp. 109-110

¹⁵⁶ Oxford Manual, 1880

¹⁵⁷ *Ibid.*

¹⁵⁸ Beer, 2017, pp. 343-345

it was present during the Nineteenth Century and rapidly developed soon after. Even though there was no real mechanism to enforce those protections, there was an international system of human rights that protected these people¹⁵⁹. In terms of maritime law, the Paris Declaration Respecting Maritime Law of 1856, established the basis for the rights of civilians during naval conflicts, distinguishing between neutrals and belligerents: «That the uncertainty of the law and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents which may occasion serious difficulties, and even conflicts»¹⁶⁰. This gave way to the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field of 1864.

In that context, a few years after later the enactment of the St. Petersburg Declaration of 1868 it was recognized in international law that the only legitimate object of war is to weaken the enemy military force, therefore attacks on civilians would be prohibited¹⁶¹:

That the only legitimate object during war is to weaken the military forces of the enemy;
That for this purpose it is sufficient to disable the greatest possible number of men;
That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable¹⁶².

It should be mentioned that the principles of the St. Petersburg Declaration of 1868 extended to naval forces later in the Hague Conventions of 1899 and 1907 that adopted the maritime principles of the Geneva Conventions of 1864 and 1907, and the Paris Declaration Respecting Maritime Law of 1856¹⁶³.

In the same way, even before the Napoleonic Wars, from the middle of the seventeenth century to the eighteenth century, civilians were not considered direct parties on the battlefield, thus making strong distinctions between combatants and civilians¹⁶⁴. Before that in medieval France, the principles for the protection of the weak and non-combatant population were established to protect the peasantry from the nobility¹⁶⁵. Thus, making the safeguards for the protection of civilians and their property in war are well-established principles of international law.

5. Conclusions

It is important to clarify that the bombardment of San Juan was a planned act of war by the United States against civilians that did not go according to the prevalent ideas in international law against the bombing of noncombatants.

¹⁵⁹ Sarkin, 2007, p. 127

¹⁶⁰ Paris Declaration, 1856

¹⁶¹ Kolb and Milanov, 2018, p. 534 and Schinder and Toman, 1880, p. 31

¹⁶² St. Petersburg Declaration, 1868

¹⁶³ Atlay, 1905, p. 19

¹⁶⁴ Yishia, 2017, p. 345

¹⁶⁵ Fuller, 2016, p. 15

Also, even though the bombardment of San Juan was considered a victory by the Spanish colonial authorities in a military sense, it had a very negative impact on the population, being the first attack by the United States against the Puerto Rican Nation and noticeable as a violation of the law of war, causing damages to civilian infrastructure and killing civilians

Thus, through this critical legal analysis, justice can be given to the Puerto Rican Nation when its political future is debated in the United States Congress. According to the Treaty of Paris of 1898, the peace treaty between Spain and the United States after the Spanish-American War, it is the sole competence of the United States Congress to establish the civil rights of the Puerto Rican Nation¹⁶⁶. This should be viewed also in the context of the violence and illegality of the bombardment of San Juan to better serve justice to the inhabitants of Puerto Rico.

Accordingly, it has been well established that the so-called law of nations or international law during the Nineteenth Century did not apply to colonies. In the case of Puerto Rico during the Spanish-American War (1898) the term colony referring to Puerto Rico is stated on numerous occasions in the Autonomy Charter of 1897, that even though was not approved by the Spanish *Cortes* was overwhelmingly accepted by the Puerto Rican Nation and elections were held on March 1898 for the Insular Parliament, as established in art. 3 of the so-called Autonomic Constitution of 1897: «The power to legislate on colonial affairs in the manner and under the terms established by laws corresponds to the Insular Chambers with the Governor General»¹⁶⁷. Regardless of the legal validity of the Autonomy Charter of 1897, throughout the history of Puerto Rico and its relations with Spain it was considered for more than 400 years a Spanish colony. Therefore, it is unclear or perhaps academic to think whether the law of war with regards to the Puerto Rican Nation would have been the same or equal, as in the case of a United States bombardment on the Spanish Mainland. Also, during that period the United States systematically killed circa 270,000 Philippine lives during the Philippine-American

¹⁶⁶ Article IX, Treaty of Paris 1898: «Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress».

¹⁶⁷ *Real Decreto* no. 331, November 27, 1897

War (1899-1902), not in accordance with international law. A horror that was then justified by American colonialism and the ideas of racial differences, widespread racism, and attempts to civilize so-called savages¹⁶⁸. A few years before, Spain also committed mass atrocities during the Cuban Wars of Independence, as explained before. Thus; during this period in history the so-called world powers justified their actions against colonials in a permissive frame of colonial doctrine that justified selective extermination of the non-European world¹⁶⁹. Notwithstanding, international law as well as US law has made certain progress in favor of some few remedies thru reparations for the victims of colonialism.

Finally, there is the issue of legal standing on behalf of the Puerto Rican Nation that is byzantine, since Puerto Rico is a nation and a US territory without sovereignty. Therefore, Puerto Ricans did not have the opportunity to legally denounce the bombardment of San Juan during the aftermath of the Spanish American War. Conversely, following the attack Spanish authorities in Spain and on the island of Puerto Rico celebrated with *fiestas* the outcome of the battle after the United States shelling. On the part of the United States, no court martial was done against Admiral Sampson or an investigation on the legality of the bombardment. No one denounced the attack as a violation of international law, except for a commerce newspaper (See Illustr. no. 24). All this points out that the bombardment of San Juan was treated as a *damnum absque injuria* both by the Spanish and American authorities, which does not mean necessarily that the legal rights of the Puerto Rican Nation are without justification even in a contradictory political and legal theory¹⁷⁰.

Nonetheless, massive damage was inflicted to the San Juan. In that sense, Annexes I and II show a detailed list of the physical damages done to San Juan on May 12, 1898. Thus, a review of these primary sources is solicited to best ascertain specific damages.

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¹⁶⁸ Clem, 2016, p. 4

¹⁶⁹ Bellamy, 2012, pp. 76 and 95

¹⁷⁰ William Singer, p. 174

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Annex I ¹⁷¹

Annex II ¹⁷²

¹⁷¹ Report of the damages in San Juan after the bombing by the *Comando de Ingenieros*, May 21, 1898, *Archivo general militar*, no. 5173.10 (Images provided by the Archivo digital nacional de Puerto Rico: <https://archivonacional.com/?t=16UaKWsrV&s=bombardeo%20a%20San%20Juan%201898>, (Last Accessed, December 7, 2024)

¹⁷² Report of the bombardment of San Juan by the *Guardia Civil*, May 12, 1898, *Archivo general militar*, no. 5173.4 (Images provided by the Archivo digital nacional de Puerto Rico: <https://archivonacional.com/?t=16UaKWsrV&s=bombardeo%20a%20San%20Juan%201898>, (Last Accessed, December 7, 2024)

Comand^{te} de IngenierosP^{to} de Rico

Para

de San Juan

Relación de los desperfectos ocasionados en los edificios militares y fortificaciones que a continuación se exponen por efecto del bombardeo ocurrido en la mañana del día 12 de Mayo de 1898.

Castillo del Moro

Parte principal

Pequeños desmoronados causados por caídas de proyectiles y las piedras.

"Batería del Cañon"

Destruída la bóveda del escudo de oficiales de los metros de luz: esta bóveda es de tres rosas de la chilla (0.00 86) y un volumen de 5 m³ del muro antiguo.

En la escarpa del macho que forma un espaldón en esta batería y próximo a la bóveda de pino el patio un proyectil ha derribado un volumen de muros entre otros y otro próximo al piso un desperfecto análogo.

Paseo del Sur

(subida al Sanator)

En el muro sur un proyectil lo atravesó demostrando el volumen de este (0.50 m³).

Caballero o Macizo

Desde el escudo de 15 cm. ante y el central ha sido demolido un volumen de parapeto de 2.25 m³. Entre la pira central y la este demolido un volumen de parapeto de 0.20 m³.

En el repuesto de la pira este un muro raspa la ventana. La capa de tierra de este repuesto fue.

atravesada por un proyectil, que se incurrió en el horrigón de la bóveda.

En el cobertizo situado al Este han sido desmontados $16m^3$ de cubierta de azotea y $5m^3$ del muro del ángulo E.N.E.

En la cañonera del frente de tierra sobre la puerta del Castillo se ha desmontado el sardinel y las tierras.

En la cañonera central de la batería de Costa, $0,50m^3$ de cresta de parapeto destruido.

Destruído el macizo de $1m^3$ donde estaba colocado antiguamente el palo del semáforo y la cresta de una de las cañoneras que da a la entrada del puerto.

En el parapeto de horrigón del Obis del Norte hay dos impactos de proyectiles, uno de ellos a $0,50$ del plano de fuego que ha determinado una grieta horizontal de una longitud igual a un tercio de la del parapeto y el otro a $0,15$ del plano de fuego y que ha producido otra grieta análoga. El traveso semi-circular de horrigón que protege el monte cargas presenta otra grieta horizontal producida por un proyectil de grueso calibre.

En la escarpa de este cubalero o macho hay 4 impactos de proyectiles de mediano y grueso calibre.

Pompa de bajada a la

Batería de Sta Bárbara

Un proyectil al parecer de $15cm$ atravesó la escarpa del macho y penetrando en el Calabozo llamado del Obis, explotó en la pared de enfrente produciendo una rotura de $0,25m^3$ este proyectil atravesó un muro de mampostería de $7m$ de espesor próximamente.

En la pompa de subida de la batería de Sta Bárbara al patio del Castillo un proyectil, demoró tres metros cúbicos de horrigón del fondo.

Batería de Sta Bárbara

En la 3ª cantonera a' partir del Sur un proyectil de 12, desmontó a 50 m² del muro y frente de la escarpa quedando enterrado en la macinportaria. Otro de 0.25 m² en la cantonera próxima a' la anterior. En la garita próxima 0.25 m² desmontados y en la parte inferior en el ángulo correspondiente un proyectil de grueso calibre produjo un derrumbe de 2.50 m². Hay otra deshecho de 0.25 m² proximoamente de desmoronarse en una cantonera frente a' los repuestos de esta batería y en la saceta situada frente a' la escalera de bajada a' las Casamata.

El efecto de un proyectil de grueso calibre que chocó en el ángulo Norte de esta batería produjo un derrumbe de 16 m². En el ángulo Oeste se ha derrumbado la garita por efecto de un proyectil que al chocar en la escarpa destruyó 15 m² de macinportaria. Otro volúmen igual destruyó la escalera de bajada a' la batería del Carmen por efecto de otro proyectil de grueso calibre. En la esmerla de esta batería hay un derrumbe de 8 m² y en toda la escarpa gran núm en de impactos de proyectiles de todos calibres.

Castillo de San Cristóbal

En las escarpas del frente Norte se notan 16 impactos, 5 de ellos de proyectiles de gran calibre.

En lo alto del Caballero y en el pretel del Oeste se nota una perforación en el muro de proyectil de no pequeño calibre.

En la Capilla bajo el altar de San Cristóbal, ha penetrado un proyectil habiendo taladrado entre una puerta para entrar, y se encuentra alojado en el macizo de macinportaria a' que se encuen-

ha adosada la capilla, y' pues dos sectores de profun-
didad.)

Bateria de Sta Ceresca.

Se notan en la escarpa tres impactos de proyectiles, dos de mediano calibre y otro de 33 cm que ha originado una explosión y commoción de alguna trascendencia en el pie de la escarpa; aparte de otros varios de pequeño calibre y carcos.

Bateria de la Princesa.

Aparte de las señales de ninguna importancia de algunos proyectiles de mediano calibre que se han encontrado en el muro de hienas de los parapetos, solo se notan los de perfectos de un gran cañon, que ha penetrado por la puerta de la letrina de tropa y ocasionado algunas grietas en el tabique divisorio entre esa letrina y la de Oficiales.

Cortina de St. Rosa

Dos proyectiles de grueso calibre produjeron un derrumbe de los muros cubicos pda una, rompiendo el conector de los parapetos del Cuartel de Batallaja.

Batería de Santo Domingo

El flanco izquierdo un proyectil dentro tres sectores cubicos de manporteria

Cortina de la Sta San Juan.

Un proyectil ha ocasionado medio sector cubico de manporteria.

Cuartel de Batallaja.

Frente Norte

El muro de fachada presenta 26 impactos de proyectiles de mediano y gran calibre, habiendo perforado 7 de estos y multitud de los de pequeño calibre de metralladora

en estos. Los que han perforado el muro verificando en explosión en las dos primeras cruces han destruido los cubitos y los tres arcos por estos puntitos y ocasionado esto la caída de la cubierta de azotea y piso principal y 2º con sus entramados en las dos cruces exteriores y la caída de sus entramados las grietas que en el muro de fachada y en el 2º se notan.

Las ratenas en el muro de fachada se manifiestan por tres grandes grietas verticales de casi toda la altura del muro, en los interjes de 3 vanos contiguos a partir hacia el Este del 3º del Oeste en los 3 ejes y otras tres grandes horizontales en las montaduras de los pillos y arcos; estas que son grietas horizontales aparecen significadas por el paramento exterior, son grandes escotaduras por el interior que tienen próximamente de profundidad al espesor del muro, de ancho el grueso de piso y parabe de sus entramados, y de longitud la correspondiente entre los vanos indicados.

La profundidad de esas escotaduras y el apartamiento que ocasionan las vigas hacia arriba del muro por faltarles el apoyo del muro entre las dos cruces, han ocasionado en este muro de fachada empujes laterales que se manifiestan en proyección vertical por las tres grandes grietas verticales, y en la proyección horizontal por inclinaciones del muro al exterior, que alcanzan desplazamientos de cerca de 15 centímetros.

En el 2º muro los empujes ocasionados por el apartamiento de las vigas, no han ocasionado desplazamientos, por estar este muro anclado en el otro paramento por los pillos que le ligan al muro de galería, pero presenta serios e infernos poteros, que el de fachada por esta causa y por los proyectiles que habrán perforado antes la de fachada y 1º.

El muro de la galería presenta las perforaciones y roturas de otros proyectiles que han atravesado

antes los otros tres.

Fronte Oeste.

El muro de fachada presenta 34 impactos de proyectiles de mediana a gran calibre y algunos pequeños de ametralladora y canes. Entre estos impactos q han perforado el muro se nota 4 de proyectiles del mayor calibre conocido. El punto de alto q proyectiles se acusa en los otros tres muros de este frente con deformaciones y roturas de alguna entidad. Un proyectil de mediana calibre que entró por un vano de fachada es el que ha destruido las molduras del arco que se habrian estado en este punto por consecuencia de la obra de reparación en curso de ejecución ya ocasionada los picos de los albañiles: agrietada en toda su altura del pilar de la puerta principal, del estribo Sur de la escalera principal y duritiendo todo el macizo de manifestación de un arco de la que se desde los rincones y aliviar hasta el piso principal.

El ángulo S.O. del edificio en su parte superior ya pudo ser herido en este frente Oeste por un proyectil que hizo desaparecer la manifestación unde el corrimiento y empujó el muro del Sur ocasionando grieta vertical y desplazamiento.

En el primer muro de este frente Oeste y el 2º piso parte ocupada por un dormitorio de tropa, el choque de un proyectil causó una parte de la pared del primer arco del Norte dejando grietas de consideración al estribo. Grietas en forma de arcos se notan tambien en otro estribo de arco en el muro de prolongación hacia el Norte del de galería del patio ocasionados por un proyectil que atravesó los muros del Norte.

Fronte Sur.

Un proyectil que atravesó los 4 muros del frente Norte, ya en la rama descendente de su trayectoria duritió la mitad de un estribo del 2º al 3º arco a partir del Oeste.

en el piso bajo del muro de galería que, ocasionando
además, por impacto sin perforación en el 2.º piso
de este frente. En ese mismo muro de la galería se
nota otro impacto sin perforación, procedente del pro-
yectil que atravesó también los muros del Norte.

Frente Oeste.

Solo se nota en el muro de galería, piso bajo, una impac-
to sin perforación ocasionado por un proyectil venido
del frente Oeste.

Cocinas.

En los muros exteriores del Norte de estas cocinas 11 impac-
tos de proyectiles de mediano calibre, 4 de ellos con perforación
y otros muchos de cascos y de conchaballadora.

Vaja.

En el frente a Norte se nota la perforación de un proyec-
til en el Zócalo y en el del Oeste la de otro en un tramo de
reja que ha destruido un pilar de fundación y siete
cerrosos.

La parte Oeste del muro Norte comenzara inminente-
mente a ruina.

Cuartel de Santo Domingo.

Preceda el muro de fachada Norte de este edificio de un
factos de proyectiles de algun calibre y algunos otros de con-
chaballadora y cascos. de estos impactos 5 con perforación, ha-
biendo ocasionado uno de ellos en el piso bajo casi la total
destrucción de un muro de travesa de la primera cru-
cia, en la puerta ocupada por los cerros de las Ofi-
nas de Administración Militar.

El efecto de otros proyectiles se nota solo en el interior
de la parte al cargo del puma civil, ocupada por la
(Audencia).

Hospital Militar.

Solo se nota en el muro de fachada Oeste p' la última

del techo del piso bajo una gran impacto que penetró en todo el espesor del muro.

Hospitales de Fiebre Amariilla

Dependencias generales

En el edificio n.º 1 los disparos han destruido parte de los muros Norte este, destruyendo sus frentes de ventanas.

En el edificio n.º 2 (1.ª sala de enfermos) se presentan varios de corredores, perdidos en orden de la gerencia alta, los pilares de hierro galvanizado con fierro de la gerencia en su estructura y los techos fijos y destruidos otros frentes de ventanas.

En el edificio n.º 3 perforado por muros.

En el n.º 5 (cocinas) destruido el aljibe Noroeste

En el n.º 6 (Sala de enfermos) perforado uno de los muros.

Almacén de pólvora de San Sebastian

Un proyectil al chocar en el muro de cerca, disminuyó mucho su fuerza sobre la estructura.

Palacio de St. Catalina

Un proyectil de 12 cm. atravesando la fachada Norte fue una de las destrucciones del salón de Corte, abrió una brecha principal próxima a la puerta de entrada. En la misma fachada Norte en el piso segundo un cañón de granada al chocar en el muro destruyó el conchillo de la cornisa.

Gobierno Militar

Un cañón de granada atravesando la estructura de hierro galvanizado del mirador, produjo desperfectos en el piso.

Casa Blanca

En el pabellón del Subinspector fachada Sur un

marco derrumbó dos puentes eléctricos de manopostera. Otros
puentes atravesaron el techo de la chimenea la cubierta
de hierro, colgándose de la cámara fotográfica y de
cuanto de alados.

En el pabellón del Comandante, un curso de artillería
derrumbó los eléctricos de artillería, otro penetrando por la caci-
na destruyó el fogón de manopostera y un proyectil
atravesando los frentes de dos muros derrumbó la esqui-
na S.O. del de fachada.

Otro proyectil destruyó la esquina N.E. del muro en
continuación de las oficinas.

En el pabellón de juro de los Maestros de Obras, un curso
de artillería destruyó un muro cuadrado de artillería
y otro atravesó la cubierta de hierro colgándose del
Almacén.

Pedellones de la calle de Terrugorán

Un proyectil de mediano calibre salvó la fachada Norte,
produciendo desperfectos en el interior.

Almacén de Vigilancia Morista

Un curso de granada destruyó parte del techo Oeste.

Notas-

- 1ª En las alrededores del pabellón de Miniflorja
quien gran número de proyectiles, sin que ocasiona
nada de perfecto alguno
- 2ª En el de San Gerónimo no hubo novedad
ni se observó caída de proyectiles próximos.
- 3ª No se puede precisar el número de
impactos que existen en las cercanías de

- la granada que dan al mar por no ser posible observar sus desde fuera.
- 4^a En el muro el numero de impactos producidos por proyectiles de mediana y grueso calibre y en las escarpas se calcula en 200. y en las baterias del Cuartillo de San Cristobal en 90.
- 5^a No se detallan los desperfectos sin importancia producidos por pequeños cañones o por proyectiles de pequeño calibre.

Puerto Rico 21. Mayo de 1898.
El Comand. en Jefe Subj. J. M. de...

Annex II ¹⁷⁰

GUARDIA CIVIL
COMANDANCIA DE PUERTO-RICO
PRIMER JEFE

14 MAYO 99
ENTRADA
REGISTRO GENERAL

Station 3
Nº 1446

Como - Sr.

Señor a los cinco y medio de la mañana el vi bombardero
Enfermado sobre lo ocurrido esta Plaza por la formidat' en suada en la Casa Cuartel que ocupa los Estados Unidos, o. segundo la fuerza de este tiempo con una disparo puesto por los fardos en tiro del Bombardero de un lado una bomba en el pedestal de un lado en el día de ayer por habido el primer canchero de este lado la Cruzada Vanke.

Don José León Alvaroz,
comandando el batigón, e hiriendo
esto en la del a dicho Oficial en la cabeza, siendo
dejar el Corriel esta herida de pronóstico reservado
del Socio y dos contusiones con amargura...
miento en el baro izquierdo y en
huciones en las piernas a su ho-
mano Sargento del A. Provi-
sional Alumno de la Academia
preparatoria D. Alfonso León
Alvaroz; dicho Oficial después
que le hicieron la primera cura
marcho a un punto a prestar

Al Jefe de la Comand. Enm Civil
Capital
16 Mayo 1898
Codo enante manifestado P.
en un correo de 13 del actual ran-

do cuenta de los desperfectos ocasionados al atacar el enemigo el día doce del actual, debe hacerse al Subdirector del Tercio

Lo digo á V. para su conocimiento

Dios G -

Folio 16

el servicio que se le tenía encomendado; poco después en la noche poco antes de amanecer por la parte Norte, una columna de la Infantería del Ejército, aumentando los disparos, en el momento que en la adjunta relación se expresan, así como las otras dos compañías en la mitad de la parte Norte del Cuartel.

También el Guardias de esta Comandancia Miguel Bocan que se encontraba en el Depósito de Transmisiones en el Cuartel de Bocallón, fue herido con tres heridas una en la cabeza de pronóstico ruinado y dos en las piernas en el lado y mano del brazo derecho; cuyo individuo pasó al Hospital.

Me permito llamar la atención de la respetable au-

honradad de V.E. el buen proceder
 del Comandante anteriormente citado
 Don José León Alvarez
 el que a pesar como dije después
 de haber sido herido en la cabeza y
 brazo, tan pronto se le hizo la pri-
 mer cura, sin reparar en su estado,
 marchó a su puesto, dando por-
 menor a pesar del Sol, (que en
 este País es tan perjudicial para las
 heridas) hasta que recibió ordenes
 una terminada que se retirara.
 Dios que a V.E. m. d. a.

Puerto Rico 13 Mayo 1876

Como V.E.

El Comandante 1.º de B.

V. d. s. v.

M. J.

C.

Como V.E. Capitan Gral. de estos Puertos (Capital) 23