

A Useful Corner of the World: Guantánamo

Paul Kramer

It was 1935, and the Guantánamo naval base had to go. So declared an American commission stocked with foreign-policy experts: the United States was pursuing less antagonistic relations with its southern neighbors, and an American base on Cuban soil, anchored by a lease without an end date, looked increasingly like an “anomaly.” Particularly aggravating to Cubans’ sensibilities had been U. S. Marine missions to quell uprisings elsewhere on the island; the year-long parking of American warships in Cuban waters had not helped. Weren’t there plenty of other defensible harbors on the United States’ own Gulf Coast, or on Puerto Rico? The commission cautioned that the U.S. government should “seriously consider whether the retention of Guantánamo will not cost more in political misunderstanding than it is worth in military strategy.”

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Where *was* the base? This was a trickier question than might first appear. The straightforward answer was that it straddled both sides of lower Guantánamo Bay, roughly five hundred miles east and south of Havana, about as far from the

capital as one could travel and remain in Cuba. The bay also opened onto the Windward Passage, one of the hemisphere’s most trafficked sea-lanes, a strait linking the Eastern Seaboard to the Gulf of Mexico, Central and South America, and, through the Panama Canal, the Pacific Ocean.

The terrain that rose above the bay—dry, sun-blasted hills, where cactus and scrub clung to outcroppings of barren rock—was hostile enough that, despite the bay’s geographic lure, Cuba’s Spanish rulers had taken their time colonizing the region. For centuries, Guantánamo had effectively been no state’s domain, a haven for pirates and slaves escaping both Cuba and Haiti, only a hundred storm-tossed miles across the Windward Passage at its nearest point. For them, Guantánamo had meant something like freedom.

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The more perplexing question was where the base stood when it came to the law. American politicians had long dreamt of annexing Cuba and, at the very least, hoped to prevent its takeover by another power. By the late 19th century, U. S. commercial and military interests in both Cuba and the broader Caribbean had deepened: American-owned sugar plantations in Cuba itself, and the prospects of a Central American canal. When a Cuban uprising against Spanish rule threatened to secure the island’s

independence, American policymakers pursued military intervention, capitalizing on popular outrage at the mysterious explosion of the U.S.S. Maine, in Havana harbor, in February of 1898. In a nine-day battle for Guantánamo Bay, the first American action in the war, American soldiers under Commander Bowman H. McCalla, and Cuban insurgents, defeated the Spanish garrison with the aid of naval gunfire. U. S. forces launched their invasion of Puerto Rico from the bay in July. As least one Cuban observer feared the Americans would dig their teeth in deepest where their occupation had begun. As Cuban diplomat Manuel Sanguily wrote to a friend, “Now that they have seen Guantánamo, they will never renounce their control over it.”



US forces hoist the American flag at Guantánamo Bay, Cuba, June 12,

OUR FLAG FLIES AT GUANTANAMO

Hoisted by Marines Over a
Captured Spanish Camp.

BUILDINGS SET ON FIRE

The Outer Fortifications Easily
Silenced by Warships.

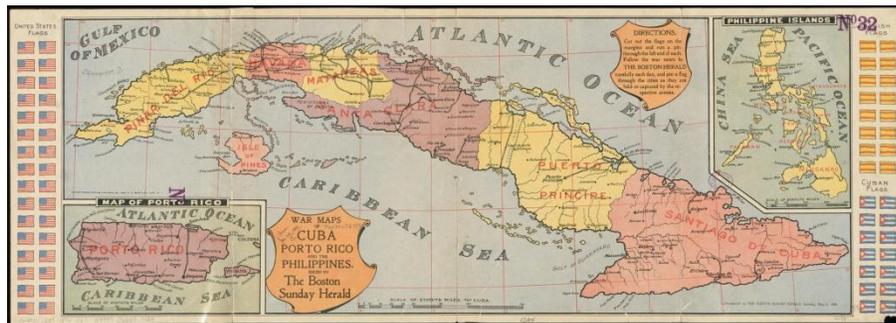
MAIN FORT DOOMED

Sampson Now Has a Harbor and Base
of Supplies and Troops Can
Be Landed at Will.

Copyright, 1898, by The Associated Press.
OFF GUANTANAMO, Cuba, June 10, via
Port Antonio, Jamaica, June 11.—The in-
vasion of Cuba by the American forces be-
gan to-day. Six hundred marines have
pitched their tents about the smoking ruins
of the outer fortifications of Guantano,
and the Stars and Stripes for the first time
float from a Spanish flagstaff in Cuba.

Front-page New York Times article announcing the beginning of US
combat against Spain in Cuba.

He was not far off. In pursuit of a wider dominion over the Caribbean and rising commerce in the Pacific via the still-hypothetical canal, military planners pushed for naval bases and coaling stations in Cuba, “an outer bar of the Mississippi,” in the words of one naval officer. The war was scarcely over when, in August 1898, the Naval War Board inventoried potential U. S. coaling station sites on the island; surveys quickly identified Guantánamo, with its wide channel and proximity to the Windward Passage, as the “best site in the Caribbean,” according to one commander.



“War map” from 1898, featuring Cuba, Puerto Rico, and the Philippines. By the 1890s, US policymakers were seeking strategically-positioned territories for military bases and coaching stations in the Caribbean and Asia.

The United States took possession of Guantánamo Bay through what might be called gunboat tenancy. While Cuba’s constitutional convention gathered in late 1900 and early 1901, Secretary of War Elihu Root listed provisions that “the people of Cuba should desire” for their constitution; these included granting the United States the right to intervene freely in Cuban affairs and to purchase or lease land for naval bases. Such bases would “enable the United States to maintain the independence of Cuba.” These demands went into the Platt Amendment, passed by the U.S. Senate on March 1, 1901, and submitted to the convention for adoption; the United States would withdraw its forces from the island only after the Cuban delegates incorporated it into their constitution.

Cubans exercised their independence by rejecting the Platt Amendment in speech, pamphlet, and mass protest. Juan Gualberto Gómez, a delegate and a former general, charged that it would transform Cubans into a “vassal people”

and stressed Cubans' "unshakeable repugnance at the idea of foreign strongholds installed on our coasts." Nevertheless, under intense pressure, a divided convention adopted it. Leonard Wood, the island's American military governor, wrote to Root with satisfaction that there was "of course, little or no independence left Cuba under the Platt Amendment."

The U.S. Navy moved quickly. Two 1903 agreements gave the United States control of forty-five square miles of land and water—a space about two-thirds the size of Washington, D.C.—for coaling and naval stations "and for no other purpose." Rent was \$2,000 a year, paid in gold; lacking a cutoff date, the lease was "for the time required."

The lease's terms were ambiguous from the start. Cuba retained "ultimate sovereignty," but the United States exercised "complete jurisdiction and control."

The terms were ambiguous from the start. Cuba retained "ultimate sovereignty," for example, but the United States exercised "complete jurisdiction and control." A second lease, signed in 1934, similarly embraced uncertainty. It raised the rent to \$4,085 and clarified the terms under which the agreement could be ended: by American withdrawal or by a bilateral settlement, but not by Cuban action alone. But it provided no

termination date or exact borders. The Navy had sprawled onto a thousand or so additional acres since the original lease, but the new agreement did not say where they were: the base would continue occupying "the territorial area that it now has."

If the base's precise outer limits were hazy, so too was the exact moment the United States assumed "complete jurisdiction and control." On November 12, 1903, the *New York Times* announced that "without any formality, the United States has come into formal possession of the coaling station at Guantánamo." Five days later, the cruiser *Baltimore* steamed into the bay, "where she officially assumed sovereignty in the name of the United States." Three weeks after that, at high noon on December 10, 1903, a marine brigade, five naval companies, and a few Cubans looked on as the Stars and Stripes was hoisted above what

was now called McCalla Hill to a twenty-one-gun salute. The U. S. minister to Cuba stayed home, as did high-ranking Cuban officials. The *Atlanta Constitution* noted that most Cubans “were not inclined to sanction by their presence an act which they chose to consider was unjustly imposed on them by a stronger power.”

Dissenting in a 1901 Supreme Court decision, Justice Melville Weston Fuller warned that if the United States acquired territory within sovereignty, Congress would retain the power “to keep it, like a disembodied shade, in an intermediate state of ambiguous existence for an indefinite period.”

Some Americans questioned the United States’ extension of its power beyond its borders. Hadn’t the United States invaded Cuba, Puerto Rico and the Philippines in order to free them? And what would be the legal status of these newly conquered territories? Supreme Court Justice Melville Weston Fuller, dissenting in the 1901 *Downes v. Bidwell* case on the status of Puerto Rico, had warned that “if an organized and settled province of another sovereignty is acquired by the United States,” Congress would retain the power “to keep it,

like a disembodied shade, in an intermediate state of ambiguous existence for an indefinite period.”

Others were more sanguine. As Princeton’s president Woodrow Wilson put it

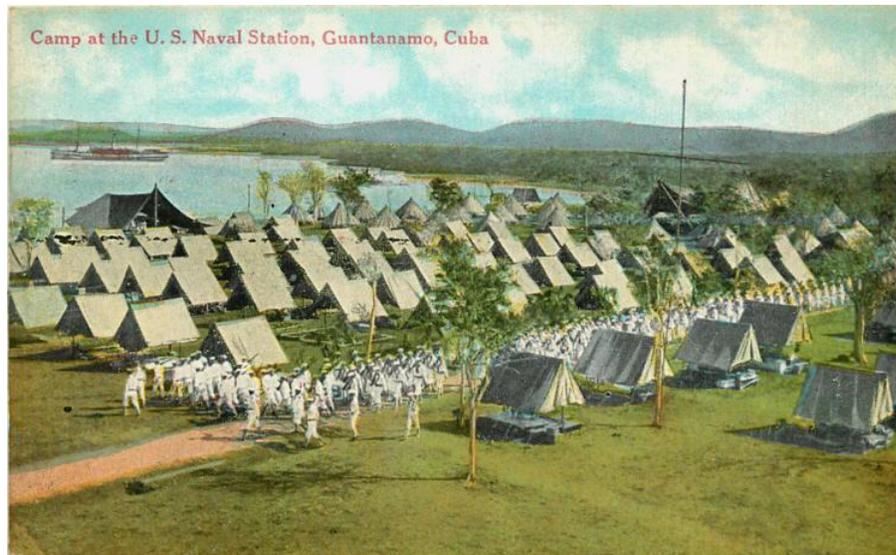
“Colonies must be obtained and planted, in order that no useful corner of the world may be overlooked or left unused.”

- Woodrow Wilson, 1907.

in an April 1907 address, “Colonies must be obtained or planted, in order that no useful corner of the world may be overlooked or left unused.” The corollary to this imperial proposition: once you wrested turf from somebody else—by war, or law, or, as at Guantánamo, both—you found something to do with it.

But having trumpeted Guantánamo bay’s strategic necessity and extracted leasing rights from Cuba at the bargaining table, U.S. officials failed to make

the base as useful as they had hoped. Congressmen wanted to spend naval funds on bases near their constituents. Skeptics wondered if it was defensible, since the lease did not encompass the hills that rose above the facility. Fresh water had to be brought from Guantánamo City, hauled in railroad tanks to Navy barges, then pumped into storage tanks, which was awkward and costly. Some found the neglect scandalous. “Here we are ensconced in Guantánamo Bay for ten years,” the American journalist Stephen Bonsal complained in 1912, “and we have not raised a finger to fortify what the Russians or the Japanese, or any other predatory people, would immediately convert into a great naval station and citadel and proudly christen ‘Mistress of the Caribbean.’ ”



1908 postcard of a US naval encampment at Guantánamo Bay. The failure of the United States to build up the base raised questions about whether it was worth possessing it at all.

It was not that the base went unused. It hosted naval exercises and drills, and it resupplied U.S. vessels transiting the Caribbean. It served as the coiled fist of the Platt Amendment, its Marines deployed elsewhere in Cuba to suppress insurgencies and prop up leaders aligned with American goals. And it delivered the shock troops of American intervention nearby: the roughly twenty-year U.S. occupations of both Haiti and the Dominican Republic commenced with invasions that set out from the base. The installation also proved useful to thousands of Cuban laborers who earned their livelihood on its wharfs and in its

machine shops and warehouses, without whom the Americans could not have held at Guantánamo in the first place.

While the boundaries of the base were indefinite, it was, in the twenties and early thirties, clearly outside the precincts of Prohibition. Water was not the only liquid that flowed from Cuban towns to the U. S. base. Officers stocked their cabinets with alcohol from Cuban suppliers. Sailors crammed bars in Caimanera and Guantánamo City, seeking rum and economically vulnerable women; this was called “liberty.” For many, the base was a weird cocktail of dull heat, lassitude, and excess. Morally and geographically, it was, one visitor wrote, “on the fringes of things.”



The U.S.S. Little Rock CL 92 with the 8th Fleet at Guantánamo Bay, early May 1946. During World War II, the US built Gitmo into a major naval training center, convoy hub, and the second-busiest port in the Western Hemisphere, after New York.

Endangered by budget battles, topography and the water table, the Guantánamo base was rescued by World War II. Worried about possible German incursions into the Caribbean, the Roosevelt administration and U. S. Navy fortified the base, issuing a \$37 million contract to the Frederick Snare Company to construct a marine base, new airstrips, ammunition magazines and civilian amenities. During the war, the facility grew into a major training ground, while

The base acquired the nickname Gitmo, from the Navy call signal GTMO. Sailors boasting of their access to economically vulnerable Cuban women jested that it was not called “git’ mo” for nothing.

...serving as a hub in the United States’ Caribbean convoy system. By the mid-1940s, it was the second-busiest port in the Western Hemisphere, after New York. Franklin D. Roosevelt himself visited the base twice in two years. (Harry Truman also stopped by, seasick, in 1948.) Along the way, the base acquired the nickname Gitmo, from the Navy call signal GTMO; sailors boasting of their access to Cuban women jested that it was not called “git’ mo’ ” for nothing.

But the buildup only sharpened the question of where Gitmo actually was. Did Cuban or U.S. law apply? The lease covered the mutual return of fugitives, but who would prosecute Cuban pilferers on base or brawling American sailors in Caimanera? Customarily, each state tried its own citizens, but when the U. S. Navy found Cuban courts insufficiently punitive, it could take matters into its own hands. When, for example, in September, 1954, a twenty-four-year old Cuban worker named Lorenzo Salomón Deer was accused of stealing \$1,543.26 in cigarettes from the Navy exchange, he was imprisoned on the base by naval authorities and given no access to his family or a lawyer. It was, one Cuban union leader said, “as if he had been swallowed by the earth.” Deer was released, two weeks later, and charged his captors with beatings and other abuses. (The Navy’s Office of Industrial Relations conceded that Deer’s detention had been “excessive.”) Cuban unionists objected to base authorities’ aggression and arbitrariness. “We could not conceive that in a naval establishment of the most powerful nation in the world, champion of democracy, things like this could happen,” read an editorial in a union bulletin, “and much less [that it would] use methods and systems of terror.”

The postwar years would be remembered by many of its more élite American residents as the base’s golden age: robust funding, ice-cream shops, bowling alleys, affordable servants. For many, Gitmo was Mayberry with iguanas.



American families set up a backyard picnic at Guantánamo Bay. By the 1950s, American residents on the base enjoyed many of the consumer amenities that characterized suburban life in the mainland US.

“Guantanamo Bay is in effect a bit of American territory, and so will probably remain as long as we have a Navy.”

- Rear Admiral Marion E. Murphy, 1953.

The base’s permanence seemed assured. “Guantánamo Bay is in effect a bit of American territory, and so it will probably remain as long as we have a Navy,” Rear Admiral Marion E. Murphy wrote in a celebratory 1953 history. It was “inconceivable that we would abandon it.” Some were less enthusiastic. “So, hurray for old Gitmo on Cuba’s fair shore,” rang a

contemporary sailor’s song:

The home of the cockroach, the flea and the whore
We’ll sing of her praises and pray for the day
We’ll get the hell out of Guantánamo Bay.

These were also the years when American officials bolstered the dictatorship of Fulgencio Batista, a stalwart supporter of the U. S. military presence in Eastern Cuba. When, after July 1953, Batista confronted a popular revolution in the region, the base came to his aid at least once, delivering three hundred operational small rockets to Cuban transports, despite a declared arms embargo.

Both during the Cuban revolution and after its triumph, the base would prove useful to Fidel Castro in ways that irked the American tenants, if that's what they were. The revolution's official position was that the lease was invalid by virtue of its coercive origin and would, in any case, be nullified by a change of regime. But the revolution made use of the base, too. It was the source of American hostages that revolutionaries seized on several occasions in retaliation against Gitmo's real and imagined support for Batista. Base workers who sympathized with the revolt smuggled out bullets, spare parts, clothing, and gas.



US guards examining Cuban base workers, 1960. Gitmo depended heavily on Cuban workers, and suspected them of stealing base supplies and aiding the Cuban revolution.

Once in power, Castro harvested rich rhetorical resources from the base: a vast compound of festering Americanism and counter-revolutionary plotting imposed on a weakened Cuba decades earlier, it was “a dagger plunged into the heart of Cuban soil.” What more concrete evidence did Cubans need of the

Once in power, Castro harvested rich rhetorical resources from the base, which he called “a dagger plunged into the heart of Cuban soil.”

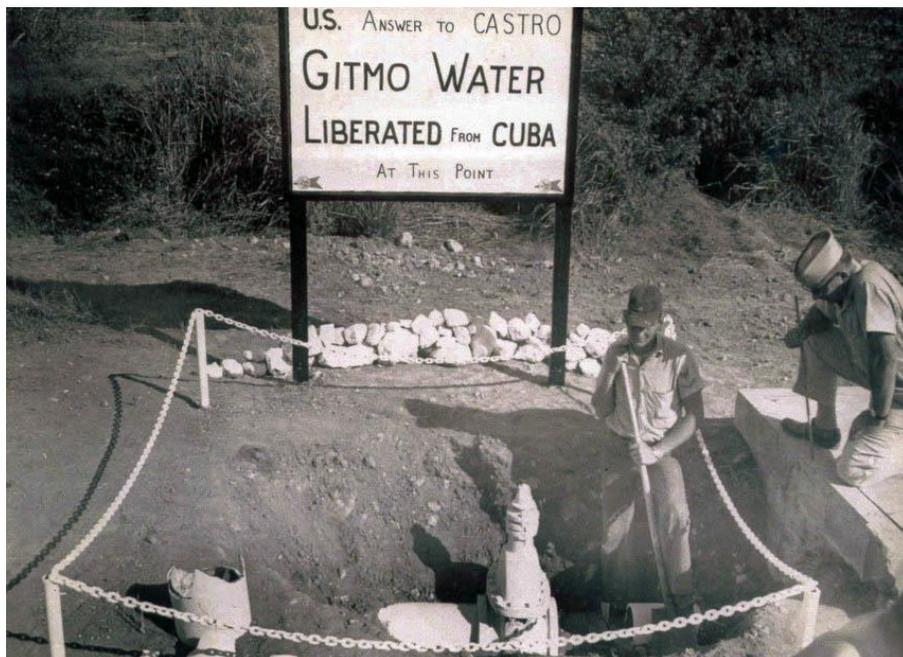
United States’ designs on Cuban sovereignty? The base was also financially helpful. While revolutionary authorities would eventually denounce Cuban base workers as traitors, it did not ban them from working on the base, but mandated that they convert their dollars into pesos just outside its gates. In at least one respect, Castro refused to profit from the base, proudly

announcing his refusal to cash the United States’ annual rent checks. (One check, it was conceded, had been cashed in an early lapse.) The enemy remained stubbornly—and conveniently—within.

With tensions rising between the United States and the new Cuban government, Gitmo moved to the center of American policymakers’ plans for confronting Castro. Some wanted the base to serve as the staging ground for the Bay of Pigs invasion, but the idea was rejected by military officials who, in Dean Rusk’s words, “didn’t want to spoil the virginity of Guantánamo.” During the Cuban missile crisis—when the Soviets aimed three cruise-missile launchers at the base from fifteen miles away—some suggested the United States use the base as a bargaining chip: were the USSR to withdraw from Cuba, the U. S. would end its control within a “specified limited time,” while also pulling back its missiles from Turkey and Italy. President Kennedy reportedly discarded this plan which, he thought, would “convey to the world that we had been frightened into abandoning our position.”

One novel use was discussed repeatedly: to fake an attack against Gitmo as the pretext for U.S. military intervention into Cuba. One plan, Operation Northwoods, included orchestrated riots outside the main gate and the sabotage of a ship in the harbor. In a July 1962, meeting, Attorney General Robert Kennedy asked about “the feasibility of provoking an action against Guantánamo which would permit us to retaliate,” and in October, asked, “whether there is some ship that, you know, sink the *Maine* again or something.” None of these schemes went forward, but they made clear that Gitmo was no longer on the fringes of things.

It was also, after 1964, not entirely a part of Cuba. That February, the U.S. Coast Guard intercepted four Cuban fishing boats in American territorial waters in the Florida Keys. The authorities locked thirty-six crewmen in eight-by-ten-foot cells in a Florida jail, while two received asylum. Cuba's Foreign Minister, Raúl Roa, declared this an "act of piracy" and announced that Cuba was cutting off the base's water to protest the Americans' "insolent, arbitrary and illegal act." By February 6th, the water had stopped. Gitmo's commander, Admiral John D. Bulkeley, activated an emergency ration plan that stretched the base's ten-to-twelve day water reserve. Lyndon Johnson, in his third month as President, suspected that Castro had sent the ships as a provocation, taking advantage of anti-U. S. protests in Panama, and pushed back. The majority of Cuban base workers were fired, denying Cuba their income, and the base's water was supplied by ship. Construction of a desalination plant began within two months; by July, the swimming pools were full. The Navy erected a sign above the dry pipeline: "GITMO WATER LIBERATED FROM CUBA AT THIS POINT."



American base personnel mark the dry pipeline they have disconnected from Cuban water supplies, following Castro's cutting off of the base's water in 1964.

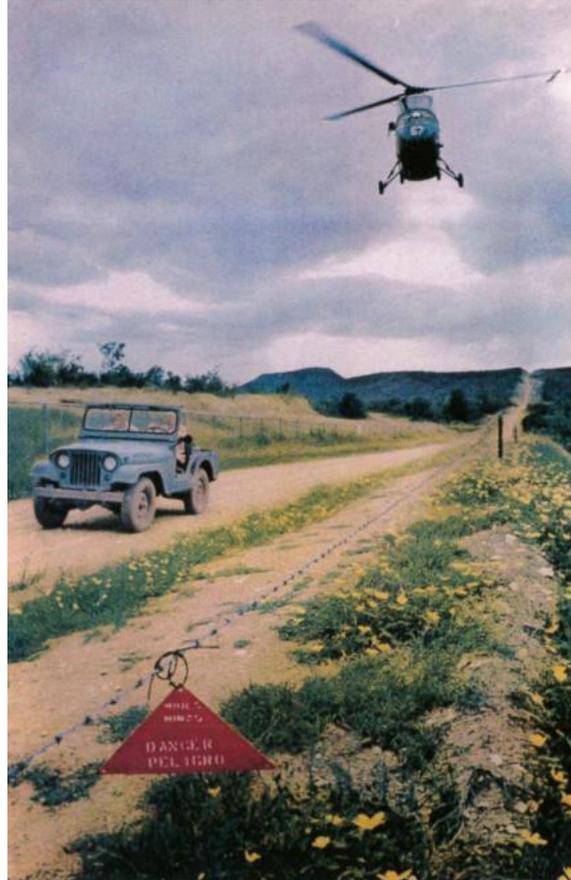
It was the decisive, almost-final round in the base's separation from the rest of the island. In late 1958, the U.S. Navy enclosed Gitmo with a tall wire perimeter fence. By late 1960, it had set a minefield that would soon contain

By the mid-1960s, the base was not entirely a part of Cuba. The US Navy had surrounded it with a minefield that would soon contain over 50,000 mines spread over 700 acres: the largest minefield in the world.

over 50,000 mines, spread over more than 700 acres: the largest minefield in the world. Following the botched invasion of the island by C.I.A.-trained

forces at the Bay of Pigs, in April 1961, the Cuban government rimmed the base with its own wide

trench of uncrossable maya cactus, a barrier quickly dubbed the Cactus Curtain. After the water crisis, the few remaining Cuban base workers crossed a mile-long "cattle chute" between the outside and the base each day, frisked and screened intensively by American and Cuban authorities. Pulling its water from the sea, jetting in its food, transporting most of its laborers in from Jamaica, and later the Philippines—here, at last, was the Guantánamo base as citadel, at once insular and global.



A danger sign alerts passersby of US-planted mines outside Gitmo. By the mid-1960s, the minefield rimming the base was the largest in the world.



Gitmo's dual Northeast gate, 1969. Cold War antagonism between the US and Cuba led American authorities to fortify the base and close it off from the rest of the island.

Physical isolation defined the daily reality of naval officers, sailors, base workers, and their families. They nicknamed Gitmo “The Rock.” A base is usually a place of supply; Gitmo utterly depended on the outside world. Auto parts could take three months to arrive, so base personnel jerry-rigged “Gitmo specials” from scavenged parts. No longer able to buy from Cuban suppliers, the base imported most of its food and all its supplies through containerized cargo ships after 1972. Fresh vegetables, nearly impossible to grow in Guantánamo’s parched soil, were flown in from Norfolk, Virginia, the far end of the base’s logistical lifeline. After efforts to secure fresh milk collapsed, the base settled on “filled milk,” an amalgam of milk powder and vegetable fat generated in a plant that Cubans mocked as a “mechanical cow.” By the mid-1980s, the base could generate three million gallons of desalinated water each day, but the plant ran on high-priced fuel. The United States had secured its independence from Cuba’s infrastructure, but Gitmo residents drank the most expensive water on earth. As for “liberty,” it now meant a short flight to the brothels of Kingston and Port-au-Prince.

Having secured the base through its physical severing from Cuba, U.S. officials began realizing that Gitmo had outlived its strategic usefulness. Guantánamo's incomparable harbor—broad enough to anchor the entire Atlantic Fleet—and the base's capacity as a training facility still garnered praise. But by 1977, top-ranking diplomats and Navy commanders were telling the *New York Times* they regarded the base as a “declining asset,” rendered anachronistic by nuclear submarines and missiles and redundant by the Roosevelt Roads anchorage in Puerto Rico, built during World War II. The promised handover of the Panama Canal had also placed the base “more sharply in focus as a piece of territory acquired in an age of expansionism and now anachronistic, in an age of national independence and sovereignty.”

Top-ranking diplomats and Navy commanders told the *New York Times* they regarded the base as a “declining asset.” One high-ranking official in the Reagan administration called it “an obsolete military facility.”

For some, the base was becoming a political liability. There was always some strain, for example, in Americans' insistence that a possible Soviet base on the island would imperil Cuban sovereignty, and in American lectures to Cuba about why deploying its forces in other peoples' countries was wrong. Some hoped that, in its dealings with Castro, the United States might trade Guantánamo for something it actually needed. In July 1981, for example, a report surfaced that the Reagan Administration might hand over the base—“an obsolete military

facility,” in the words of one high-ranking official—if Cuba took back unwanted refugees.

But the United States hung on. The reason was the renewed Cold War: if the base had been strengthened by World War II, it was sustained by the United States' struggles against Castro and the Soviets. Officials admitted that the United States “would have been prepared to phase out its Guantánamo Bay operations 10 years ago if it had not been for the antagonism” between the United States and Cuba. As Cuba drew closer to the USSR, clinging to the base was the only way to ensure that the Russians did not simply take up occupancy.

Some officials also feared that relinquishing the base might send shockwaves across the United States' global archipelago of military bases, demonstrating that pressure might dislodge American power.

Gitmo's main purpose in the late 1970s and 1980s was ostentatious, technological muscle-flexing: showing Cuba and the Soviets that the United States still held sway in the Caribbean, in what one captain called a "visible manifestation of interest." The Carter administration did consider moving fleet training out of the bay as a first step towards handing over the base. But when, in August 1979, American policymakers received reports (later proved inaccurate) of a newly arrived Soviet combat brigade in Cuba, they sent 1,800 marines in on three ships, simulating an assault on Gitmo using "inert ordinance." The goal was to communicate America's grit. "It's crazy," a young sergeant observed. "We're invading ourselves."

For the base's advocates, a less dramatic and more consistent menace was a growing sense of Gitmo's irrelevance. Celebrities had long swung a spotlight there—Perry Como performed for returning evacuees after the missile crisis, and Ed Sullivan and Bob Hope both filmed Christmas specials—but it seemed that the base was sliding into the backdrop. "If there is a subversive force here," wrote T. D. Allman in the *Chicago Tribune* in 1978, "it is a nagging suspicion that not just Fidel Castro but the folks back home hardly give a damn about the place."

Then a new use for the base was discovered: the storage of people. By July 1992, nearly 37,000 Haitian and Cuban refugees were confined in makeshift tent cities ringed with barbed wire.

Then a new use for the base was discovered: the storage of people. In September, 1991, a brutal coup overthrew the first democratically elected President of Haiti, Jean-Bertrand Aristide, and hundreds of thousands fled the new regime on the open sea. The George H. W. Bush Administration, fearing what an incoming wave of Haitians might do to Bush's reelection chances, sought a way to prevent Haitians from drowning and also from exercising their full

rights to asylum hearings, a place under U.S. control but far from legal aid, where deportations to Haiti would be speedy.

The answer was Gitmo. By November, 1991, the U.S. Coast Guard was shipping Haitians to the base. By the following July, nearly 37,000 people were confined in makeshift tent cities ringed with barbed wire.



Refugee tent-city at Gitmo. By 1994, the base held nearly 37,000 Haitian and Cuban refugees who had been intercepted by the US Coast Guard as they escaped oppressive conditions.

Cuban officials' objections to the base soon included its "concentration camp" on Cuban territory. Prisoners claimed that they were treated like animals, given rotting food, subjected to forced medical treatment, denied counsel. For the more than 26,000 people found by the I.N.S not to be migrating for "political" reasons, Gitmo was a ticket back to danger and, in some cases, death. For 267 Haitians granted asylum on political grounds but denied entry under a 1987 law that blocked them from immigrating because they were H.I.V.-positive, it was purgatory. "They were even harsher with us than with the others," Yolande Jean, a democracy activist, recalled. The refugees at Camp Bulkeley—reserved exclusively for H.I.V.-positive refugees—burned their tents and hurled rocks at their captors. Many joined in a hunger strike.



Haitian refugees imprisoned at Gitmo. Concerned with the political implications of large-scale Haitian immigration for his re-election, the George H. W. Bush administration directed escapees to Gitmo, where they protested harsh conditions and slow asylum processing.

Activists in the United States protested the denial of the detainees' rights. A team of students and professors at Yale Law School took their case, *Haitian Centers Council, Inc. v. Sale*, to the U.S. District Court for New York's Eastern District, where it was heard by Judge Sterling Johnson, Jr. They argued that the repatriation of Haitians violated the principle of *non-refoulement*—of not returning refugees into danger—and that constitutional protections applied to the base as an area under the “complete jurisdiction and control of the United States.” Lawyers for the government defended the interdiction as a “humanitarian” operation, and asserted that Gitmo was simply “a military base in a foreign country” and “not United States territory.” Detainees there were “outside the United States and therefore they have no judicially cognizable rights in United States courts.” Judge Johnson was incredulous:

You're saying, if I hear you correctly, that [government officials], assuming that they are arbitrary and capricious and even cruel, that the courts would have no jurisdiction because the conduct did not occur on U.S. soil? That's what you're saying?

The government's lawyers concurred.

If the US Constitution did not extend to the base, Judge Sterling Johnson cautioned, the US government would possess unchecked authority “to take, kidnap, or abscond” with a group of people and “keep them there indefinitely while there has been no charge leveled against them and there is no light at the end of the tunnel.”

On June 8, 1993, Judge Johnson decided the case in the Haitians’ favor, condemning conditions at the refugee camp at Gitmo and ordering it closed. He insisted that due-process guarantees under the U.S. Constitution extended to the base: these included the right to a lawyer, to proper medical care, and to not be held indefinitely without charge. Otherwise, he told an I.N.S. attorney, the state possessed unchecked authority “to take, kidnap, or abscond, whatever

you want to call it, take a group and put them into a compound, whether you call it a humanitarian camp or a prison, keep them there indefinitely while there has been no charge leveled against them and there is no light at the end of the tunnel.”

The camp was shut down, and the remaining detainees admitted to the United States. But the Clinton Justice Department found Johnson’s decision troubling, and pursued a deal with the Haitians’ legal team: the Administration would comply with Johnson’s orders and drop an appeal; in return, Johnson’s decision would be vacated from the record. The advocates agreed, fearing that an appeal would prolong their clients’ detention and might, ultimately, succeed. According to one official, the Clinton Administration was “confident that they would do the right thing,” but wanted to preserve “maximum flexibility.”

A year later, the camps were back. A crackdown by Haiti’s dictators and Castro’s sudden granting of permission to depart Cuba encouraged tens of thousands of rafters to take to the water. The Clinton Administration took full advantage of Gitmo’s “flexibility.” New, enlarged refugee camps were built. At the peak of the exodus, in the summer of 1994, roughly 16,800 Haitians and 22,000 Cubans were held at the base, in separate, adjoining tent cities on the abandoned McCalla runway. There were more protests, hunger strikes, repressions. Gitmo was becoming a rights-less island within an island. For those

who refused to cooperate, there was an exposed, open-air prison, consisting of forty small, chain-link cells.

Haitian and Cuban plaintiffs sued. The January, 1995, decision, in *Cuban American Bar v. Christopher*, by the Eleventh U. S. Circuit Court of Appeals, rejected the logic of Johnson's orders, and firmly situated Gitmo outside the United States and constitutional limits on state power. The court dismissed arguments that leased military bases abroad "which continue under the sovereignty of foreign nations" were functionally equivalent to land borders or ports of entry. Laws mandating asylum hearings, for example, "bind the government only when the refugees are at or within the borders of the United States." Apparently, Gitmo was not at or within these borders.

The refugees were released the following year. The Cubans were permitted entry into the United States. The Haitians were involuntarily returned to Haiti, which U.S. military forces had, once again, invaded, reinstating the deposed and weakened Aristide. "The camps of Guantánamo are closing, but... Guantánamo Bay is a painful story that's not over yet," the Cuban refugee journalist Mario Pedro Graveran wrote in January of 1996. The tent cities were dismantled. The prison was left standing.

It was 1996, and Guantánamo was still, somehow, American ground. The United States' possession of the enclave had survived apathy and revolution. It had been, indisputably, a useful corner of the world. Each time its hold had been shaken—by Cuban opponents, Americans worried by the base's diminishing returns, the trouble of running it, the toll it took on global good will—new purposes had been found with unflinching ingenuity. As station and school, leverage and message, weapon and prison, Gitmo had been cast—intermittently, at least—as essential to the United States' position in the world. After nearly a century of ambiguity, it was, for the time being, anyway, a space of American power that was juridically no man's land. Who knew? Maybe there would be a use for that.

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For more information on the history of the Guantánamo base, see [the Guantánamo Public Memory Project](#); [Caribbean Sea Migration Collection](#); “[Guantánamo: A Working-Class History Between Empire and Revolution](#),” by Jana Lipman (University of California Press, 2008); “[Guantánamo: An American History](#),” by Jonathan M. Hansen (Macmillan, 2011); “[Guantánamo, USA: The Untold History of America’s Cuban Outpost](#),” by Stephen Irving Max Schwab (University Press of Kansas, 2009).