

# Cuba Hopes To Get United States Out of Guantanamo By Legal Means

Editor's note: For more than half a century U.S. warships have swept proudly in and out of Guantanamo bay, helping to guarantee the freedom of both Cuba and the United States. Now Fidel Castro has vowed a legal battle to throw this country off the base. The following dispatch tells why U.S. officials are confident he will fail.

By NORMAN RUNNION  
Washington (AP)—Once again, Cuba has staked out a claim for the big U.S. naval base at Guantanamo bay.

And once again, the Cubans have said they will get the United States out by legal means.

It has happened before and undoubtedly will happen again. Whenever U.S.-Cuban relations heat up towards the boiling point, as they have in recent weeks, Guantanamo invariably comes to the fore.

The latest demand for "Gito" was made in a communique issued last Wednesday after the Havana visit of Algerian Premier Ahmed Ben Bella. It said both he and Fidel Castro had agreed on "the immediate need for the evacuation of troops and the dismantling of foreign military bases in other countries, including the naval base at Guantanamo."

Earlier in the month, on Oct. 8, Cuban President Osvaldo Dorticos presented a claim to the United Nations general assembly.

"We have stated more than once and we repeat our right to recover that territory," he said. "That region was torn from us following an American incursion."

"In Due Time"  
Cuba, he said, would exercise its right in due time, but "shall not do so by means of armed force. We shall exercise that right when we deem it appropriate, through the procedural channels of international law and before the international bodies competent to deal with such a claim."

In the past, Premier Fidel Castro has said these "procedural channels" would be the International Court at The Hague. The strategy would be to try to overthrow the treaties under which Cuba originally granted the base to the United States.

Guantanamo bay, a 28,000-acre enclave on the southeastern tip of Cuba, has been U.S. property since 1903. On three sides it is surrounded by Cuban territory. In the distance loom the Sierra Maestra mountains where Castro launched his career as a guerrilla fighter.

The south side is the water, a fine natural harbor.

In the words of the Defense department, this oldest of all U.S. overseas naval bases



**CASTRO VOWS LEGAL BATTLE**—For more than half a century U.S. warships have swept proudly in and out of Guantanamo Bay. Now Fidel Castro has vowed a legal

battle to throw this country off the base. An accompanying dispatch by UPI's Norman Runnion tells why U.S. officials are confident Castro will fail. (UPI)

"provides an excellent base in support of essential fleet operational training."

**Best Training Area**  
Excellent year-round climate, unobstructed sea and air space and close proximity to the United States all combine to provide a training area which has no equal in the Atlantic. For this reason the majority of the Atlantic fleet ships visit Guantanamo annually for shakedown or refresher training.

The United States has no intention of surrendering Guantanamo. It has given the base enough firepower to ward off any military threat. Reinforcements are being landed in support of President Kennedy's blockade of Cuba, ordered Monday.

Furthermore, it is confident Castro has no legal case.

The "incursion" cited by Dorticos was the Spanish-American war, fought on Cuban soil. American public opinion, aroused by the sinking of the battleship Maine in Havana harbor ("Remember the Maine") demanded the campaign which liberated the island.

The Spaniards, under the treaty of Paris signed on Dec. 10, 1898, relinquished Cuba to U.S. control.

But there was no desire to make the island part of the

United States. The so-called Teller Amendment, passed by Congress on April 19, 1898, promised to leave the government in the hands of the Cuban people.

**Interim Occupation**  
There was an interim American occupation, however. The military governor was Gen. Leonard Wood, who had fought in the war. He was authorized to have the Cubans meet in convention and draw up a constitution.

The assembly opened Nov. 5, 1900. Ultimately it adopted a constitution patterned after this country's. But the stickler, from the U.S. viewpoint, was that it contained no provision for continuing future relations with the United States.

Wood was authorized to tell the convention that America's withdrawal of control in the island was conditional on the adoption of such a provision.

The end result was the

"Platt Amendment." Added to the Army money bill of March 2, 1901, the amendment was named for Connecticut Sen. Orville H. Platt. Actually the author was Elihu Root, the secretary of war.

Viewed from today's vantage point, when "colonialism" is a nasty word, the amendment contained some bald provisions. One section gave the United States authority to intervene in Cuba to preserve the country's in-

dependence and maintain law and order.

The "Guantanamo" section said: "To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States."

**Familiar Territory**  
Guantanamo already was a familiar territory. During the Spanish-American War, the bay was seized by 100 Marines to provide a base for the U.S. Navy, which was blocking the Spanish Fleet in Santiago Harbor 40 miles away. The Marines established a camp there — Camp McCalla — and engaged in the first U.S. fighting on Cuban soil to ward off attacking Spanish troops.

The Platt Amendment was duly incorporated in the Cuban constitution. On May 20, 1902, the United States turned over control of the island to the Cubans. Tomas Estrada Palma became the first president of the new republic.

A year later, the Platt Amendment was incorporated in a U.S. Cuban treaty of relations, signed on May 22, 1903. A month earlier, a lease agreement had been signed providing U.S. right to use Guantanamo Harbor for a naval base.

This agreement recognized that Cuba retained ultimate sovereignty over the area. But Cuba granted the United States complete jurisdiction and control during the time it used the base.

In 1934, the Platt Amendment was abrogated by the United States and Cuba. This was at the start of Franklin D. Roosevelt's "Good Neighbor" policy. The objective

was to remove the language giving the United States the right to intervene.

**Retain 'Gito' Section**  
But the section affecting Guantanamo Bay was retained in a new treaty. It said "the stipulations of that agreement with regard to the naval station at Guantanamo shall continue in effect" unless revised or abrogated by the United States and Cuba.

Furthermore, it said: "So long as the United States of America shall not abandon the said naval station at Guantanamo or the two governments shall not agree to a modification of its present limits, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present treaty."

This, in the U.S. view, is the key language involved when the Castro regime threatens to take its case to the world court.

The 1903 lease agreements were signed by the presidents of the two countries — Theodore Roosevelt for the United States — without being submitted to the U.S. or Cuban congress.

But the 1934 treaty was ratified in accordance with the constitutional provisions of both countries, the Defense Department says. It adds: "Since this treaty reaffirmed the provisions of the original two lease agreements, the question as to whether these agreements were legal and binding prior to 1934 is purely academic."

**Red Fishing Port**  
The Castro regime, while trying to get out from under its Guantanamo treaty obligations has just signed a treaty with the Soviet Union to build a "fishing port" in Havana Bay.

The agreement, according to the Soviet Tass news agency, provides "Soviet technical assistance to Cuba in the construction of a port, including the building of wharves, freezers, storage warehouses, repair shops with a floating dock, oil storage facilities, a radio station and other auxiliary installations."

Both the Cubans and the Russians claim the port will be headquarters for a joint Atlantic fishing fleet. The idea would be that Soviet trawlers, operating in northern waters off the United States, could go to Cuba rather than return across the Atlantic to their home ports.

But concern has been expressed here that the facilities may be used to support Soviet submarines or trawlers observing U.S. military and missile operations in the Caribbean.

Because of Guantanamo's position, however, the Cubans — and the Russians — can

now watch U.S. naval maneuvers without even bothering to go to sea.

When the USS Enterprise, the great nuclear — powered aircraft carrier — conducted its shakedown operations last spring it cruised off the Cuban coast. It could easily be seen from land; and one day it was observed by a Russian freighter.

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