

UNITED STATES CONGRESSIONAL OPPOSITION  
TO THE PANAMA CONGRESS OF 1826

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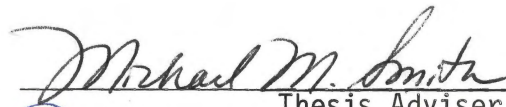
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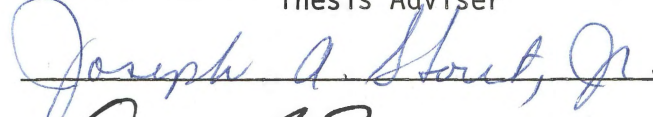
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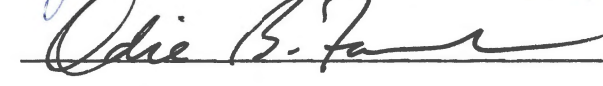
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## PREFACE

This study is concerned with dispelling the contention that the proposed diplomatic mission to the Panama Congress of 1826 was rendered useless because of partisan political battles. The major objective of this work is to show that questions concerning the constitutionality of the proposed mission, the possible effects of the mission on domestic slavery, and the potential damage to American neutrality were the primary cause of that opposition. This study will show that opposition to the Panama Congress was based on these three serious objections, not just on the residual feud arising from the presidential election of 1824. The political feud served only to act as a rallying point for diverse segments of an opposition that would have formed in any case.

The author wishes to express his appreciation to his major adviser, Dr. Michael M. Smith. Dr. Smith's patience and guidance were of inestimable value in aiding the completion of this study. Appreciation is also expressed to the other committee members, Dr. Joseph A. Stout and Dr. Odie B. Faulk, for their invaluable assistance in the preparation of the final manuscript.

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## CHAPTER I

### BACKGROUND AND INTRODUCTION

On June 22, 1826, the long awaited and much heralded Congress of American Plenipotentiaries convened at the City of Panama. The assembly met for ten official sessions spread over twenty-three days and adjourned on July 15 of the same year. Adjournment was to be temporary. While half of the delegates returned to their home countries to promote ratification of the agreements that had been reached at Panama, the rest traveled to Tacubaya, Mexico, where, after ratification of the agreements, the assembly was to reconvene.

The facts that the Panama Congress failed to achieve many of the glorious visions of its originator, Simón Bolívar, or that it failed to reconvene at all, were not matters of importance to this study. What will be examined is the United States' attitude towards the Panama Congress, as reflected in the executive and legislative branches of its government and how each viewed United States participation in the conference.

President John Q. Adams' administration was generally thought to be overshadowed by the 1824 election controversy and the party battles and partisan opposition pointing towards the Presidential Election of 1828.<sup>1</sup> This study will demonstrate that, at least on the Panama Congress question, the opposition was more than merely partisan. Through the use of documents and diaries, this study will display the

opposition to the sending of Ministers Plenipotentiary to the Panama Congress as based on much more substantial ground than political quarrels. There was, of course, the political feuding of the opposing factions. Just as important, however, were the questions raised over slavery, foreign policy considerations, and the constitutionality of the proposed mission to Panama.<sup>2</sup>

Before examining the confrontation between the legislative and executive branches over the Panama Mission, an understanding of the events leading to the conference is necessary. Questions such as why the conference was called, whose idea it was, and what its major objectives were, require examination and resolution. With these preliminary questions answered, it will then be possible to view the opposing factions and their arguments in the proper perspective.

The international situation surrounding the call for the Panama Congress also deserves attention. The early part of the 1800's was a peculiarly chaotic time for the world. The United States, still a fledgling nation seeking to unite its several states, was divided internally over interpretation of its new constitution. With internal political and social problems, the country had little time to devote to foreign affairs. It preferred instead, to adopt a policy of self-interested neutrality, striving to avoid entangling alliances. The United States had participated in one war with Europe during this period, but only as a result of what we determined to be a violation of our neutral rights. For the most part, however, the United States remained aloof from Europe and its alliances, limiting its entry into international relations to tacitly supporting the Latin American revolutions and keeping a wary eye on the ownership of Cuba and Puerto Rico.

The United States made no precipitous move to join or support the infant republics of South America in their war with Spain. The Latin American nations were the first to initiate diplomatic contact between the two continents. During the early stages of the Spanish American wars for independence, the new nations actively sought United States assistance. In 1810, Venezuela, initiated negotiations for a commercial treaty with the United States. In 1811, she sought United States recognition of her independence. Later in the decade La Plata and Gran Colombia made similar overtures.<sup>3</sup> The United States, however, was not anxious to commence formal relations.

In 1815, President James Monroe officially declared the United States neutral in the conflict between the Latin American nations and Spain. Monroe's declaration was consistent with the precedent set by George Washington in 1793. Monroe strengthened his neutrality act in 1816 and again in 1818 by providing for harsher penalties for the violation of United States neutrality and forbade American citizens to participate in a conflict against a power still friendly with the United States.<sup>4</sup> Monroe had made the United States position clear. The United States wanted to investigate further before it committed itself on the question of Latin American independence. While the United States was conducting this investigation, it would remain neutral and avoid any commitment.<sup>5</sup>

Europe, until 1815, was occupied in conquering the Napoleonic menace. Europe spent twenty-five years, from 1790-1815, trying to curb the excesses that sprang from the French Revolution. In that quarter of a century, Europe, convulsed by war and social ferment, witnessed the fall of many of the old regimes. The Napoleonic wind from France



swept away thrones and empires. The church and nobles lost much of their land and commoners rose to the top administrative and military positions. Europe and its old regime had been thrust into international cooperation for survival. To quell Napoleon and his revolution, which spawned the revolts in Spanish America as well as the turmoil in Europe, The Great Powers of Russia, Great Britain, Austria, and Prussia formed the Quadruple Alliance. The allied coalition was continued after Napoleon's final defeat.

After Napoleon's final downfall, the Congress of Vienna marked the return of kings and the restoration of the old regime in Europe. The allies stayed together to maintain the peace and safeguard the restorative Vienna settlement. The Quadruple Alliance was later supplanted by the Holy Alliance, a rather mystical creation of the Czar of Russia. Together the grand schemes formed a reactionary force in Europe. By 1818, France had joined this union, but Great Britain, cautious of permanent alliances, withdrew to a position of diplomatic isolation.<sup>6</sup>

The Holy Alliance became the champion of the status quo and legitimacy. As such it threatened the Spanish American movements for independence which had been spawned by the Napoleonic upheaval in Europe. By 1815 and the end of the Napoleonic reign, the wars in Spanish America were still in progress, though Spain was impotent and retreating from its colonies. The European states of Austria, Russia, and Prussia, acting under the Troppac Protocol of 1820, pledged themselves to armed intervention in any state where rebellion threatened the peace and security of any other states.

In 1823 France restored Ferdinand VII of Spain to full autocratic rule under the Protocol, after crushing a liberal revolt. The revolt

sprang from mutinying Spanish troops destined for Latin America in 1820.<sup>7</sup> Ferdinand then asked the Holy Alliance to help him reestablish control in his Central and South American dominions. The European allies enthusiastically accepted. The unwillingness of Great Britain to cooperate, however, checked their zeal. Britain was alarmed at the reactionary ardor these nations displayed on the continent and protested their excesses. The European states were supreme on the continent and could ignore England and its protests. The thought of sending a sea-borne invasion fleet in direct contradiction of British policy and the English navy, however, was considered infeasible. Britain had developed a profitable trade with the new American republics and was loath to lose it. England would not tolerate the restoration of the Spanish monarchy and its monopolistic system of trade in those areas.<sup>8</sup>

The Spanish Americans, however, were not certain that all threats to their liberty had been permanently alleviated by 1826. There were frequent scares throughout the early 1820's. Bolívar believed that all of Europe, with the exception of Great Britain, opposed Spanish American independence. He believed the only possible allies South America had were Britain and the United States.<sup>9</sup>

On March 11, 1825, Bolívar wrote Francisco de Paula Santander, Vice President of Colombia, about his fear concerning an invasion of Venezuela by a French naval squadron, then in the Caribbean. For this reason, Bolívar wanted to curry favor with both Britain and the United States. Bolívar believed that these nations would protect South American convoys in case of war with France.<sup>10</sup> In the late spring, Bolívar again expressed his fear of European intervention to Santander. He stated that if the Holy Alliance meddled in South American affairs,

the Latin American nations must unite. By cooperating, Latin America could protect all points under or threatened by attack. The need to develop this cooperation made the creation of the Panama Congress an urgent matter.<sup>11</sup>

Thus amid fears for Spanish American survival arising from the threats of reactionary Europe Bolívar conceived the idea of a Panama Congress. Bolívar believed he needed the protection of Britain and her navy even at the ultimate expense of closer ties with the United States. European turmoil and reaction threatened Latin American independence. Bolívar created the Panama Congress to form an international political alliance to preserve that independence.<sup>12</sup>

By 1824 Latin America itself was highly unstable. The years of war and the dearth of political experience were chaotic elements in the confused internal affairs of the independent republics. Military chieftians, known as caudillos emerged to take advantage of the disrupted society and provincialism of the people. Rivalry for control of the new governments threatened anarchy, civil war, and eventual reconquest by some European power. In 1824-1825, a civil war erupted in Venezuela. Bolívar thought this was the harbinger of future disorder and chaos that would eventually destroy Spanish American freedom. He viewed the federation to be formed at Panama as the only means to forestall such an eventuality. Bolívar envisioned the confederation as "A temple of sanctuary from criminal trends".<sup>13</sup> He also was skeptical of the new republics' ability to govern themselves in a stable manner. As a result, he believed that a confederation, possibly acting as a protectorate, was the best solution. Bolívar hoped that the confederation would ensure the new republics time to mature safely until they were able to manage

their own affairs.<sup>14</sup> If the confederation could serve its function for ten to twelve years, Bolívar reasoned, then Spanish American independence would survive.<sup>15</sup>

With the reactionary forces in Europe hungrily eyeing revolutionary America and with chaotic conditions and personal ambitions already inhibiting Spanish American cooperation, the individual republics could do little to help themselves. There was little hope for tangible aid from the United States. The only possible hope for British aid was based on the self interest of England. In 1824, therefore, the future of South American independence looked bleak. The only bright spots were Spain's retreat from the continent and the recently stated Monroe Doctrine. There was also Great Britain's "Oaken Wall" serving to restrain the avaricious attempts of European recolonization. In view of the circumstances, confederation did seem to be the only method to assure survival of the South American Republics.

Simón Bolívar generally has received credit for conceiving the idea of a Congress of American States. Bolívar, however, was not the first to express the desire for a union of the Spanish American nations. The first call was recorded in 1810 with the "Declaration of the Rights of the People of Chile".<sup>16</sup> Also in 1810, Juan Martínez of Chile said that America could not defend itself single-handedly. He continued that the day would come when America must unite in a congress. The first Chilean Constitution called for an alliance of American states. In 1813, C. Antonio Muñoz Tebor, called upon all of Spanish America to unite or confederate under a central government to act as a counter to revolutionary Europe.<sup>17</sup> Though not the first, Bolívar was certainly the most ardent and vocal of the proponents of union. His efforts and

his prestige inspired the individual treaties that preceded the events at Panama. Bolívar conceived, planned, and ensured that his vision of American unity was attempted at the Panama Congress.<sup>18</sup> Bolívar first suggested a Spanish American confederation in his prophetic Jamaican Letter of 1815. In this letter, written at almost the nadir of his career, Bolívar expressed the wish that someday an assembly of American states would meet at the Isthmus of Panama. While there, he hoped these states would deliberate upon the issues of war and peace and American relations with the rest of the world.<sup>19</sup> This wish, coupled with diplomatic prodding, culminated in the Circular Letter of 1824, issued from Lima, Peru. This letter sounded the actual call for the convocation of the conference.

Bolívar first envisioned the Panama Congress as a great "Amphityonic Council" which would settle discord between component nations and avoid war.<sup>20</sup> He also wanted to create an American Confederation of Republics in which all member nations retained their internal sovereignty but surrendered a portion of their external authority to a supreme power, which would be composed of representatives from each nation. This supreme power would guarantee peace, security, and progress to its members through mutual cooperation.<sup>21</sup> Bolívar felt such a supreme power could exist only in an assembly of plenipotentiaries from each country. This body would also have the power to act as a council in times of great danger and as a rallying point in time of conflict. It would also be a faithful interpreter of public treaties and a mediator of all their difficulties.<sup>22</sup>

Bolívar chose the Isthmus of Panama as the site of the proposed conference because it was centrally located, not only for America, but

also for the world. Bolívar believed that the Panama Congress would be remembered centuries later as the agency which created Latin American public law and the compacts that solidified the destiny of America.<sup>23</sup>

One can best understand what Bolívar hoped to achieve by studying the instructions he gave to the Peruvian delegation. In his instructions, Bolívar expressed the desire that the confederation, formed between Peru and Colombia, be extended to include the other nations then individually allied with the two states. He also wanted the delegates to make every effort to secure "the great compact of union league and perpetual confederation," against Spain and all other foreign intervention. He instructed the delegates to convince the assembly to declare Spain the aggressor in the conflict that was then being waged between them and to declare friendship and neutrality with the rest of the world. He further instructed them to have the assembly decide whether or not to invade the Caribbean islands of Cuba and Puerto Rico. If the Conference decided to invade the islands, the delegates were to secure a treaty to this effect, if possible. The treaty would make the invasion a joint effort and would stipulate the amount of money, men, and equipment each nation was to contribute.

Another instruction Bolívar gave the Peruvians was to have the assembly confirm the Monroe Doctrine, thereby making it a multilateral policy of the hemisphere. In addition the assembled states should negotiate treaties of commerce, friendship, and consular operations. Future American relations with Haiti and Santo Domingo would also be topics of discussion. Bolívar believed that the special circumstances arising from the African origin of the people of Haiti and Santo Domingo, as well as the peculiar commercial relations they retained

with France, made this a problem suitable for debate by the American nations.

Another important instruction concerned a mutual offensive and defensive alliance between the members of the confederation. Treaties would assign specific quotas of men, ships, and money that each member was expected to provide the alliance. Members should be urged to help each other stifle internal disorder by mutual cooperation. The Alliance would use force, if necessary, to assist the stricken government. Finally, Bolívar instructed the Peruvians to insure that the conference adopt a plan of operations against Spain and a resolution urging an end to the African slave trade.<sup>24</sup>

Bolívar's wishes were carried out primarily by two individuals, Don Pedro Gual, Colombia's Foreign Minister, and Francisco de Paula Santander, Bolívar's vice-president in Colombia. Within two years these men had negotiated treaties of alliances with Peru, Chile, Buenos Aires, and Mexico. All of the treaties, except that with Buenos Aires, bound each member to work for a pact of "perpetual union, league, and confederation" among the Spanish American nations.<sup>25</sup>

The wording of the treaties provide an insight into what Bolívar and the rest of the member nations wanted from the confederation. Once the treaties creating the confederation were signed and ratified by the member states, the confederation existed. The assembly at Panama would serve as the executive body of that confederation. The treaties bound each participant to a "perpetual union, league, and confederation." All of the treaties were animated by a wish for a speedy termination of the war with Spain and a feeling that Spanish American cooperation would achieve that end.

The members pledged themselves to maintain their independence from Spain and to refuse compromising commercial concessions. All agreed to hold an assembly of the confederation at Panama. Each member of the confederation granted citizenship rights and commercial privileges to all citizens of member states. All states joined in a "league of close alliance" for common defense and security and each bound itself to help member nations stifle any internal turmoil or rebellion against legally constituted authority. A member could invade and operate in another member's territory to quell such a rebellion, but only so long as its force respected the invaded nation's law and when time and conditions were such that prior approval was inexpedient.

Each treaty contained a provision for the protection and guarantee of the rights and immunities of the ministers sent to Panama. Each member nation agreed to furnish contingents of armed forces to be placed at the confederation's disposal. The size of the contingent was to be determined by the assembly.<sup>26</sup> There was also a stipulation that each would respect and succor the other nation's privateers.<sup>27</sup>

These treaties were the basis of the confederation, and expressed what the nations hoped to achieve. It is obvious from the treaties and letters of invitation sent by Mexico, Colombia, and Central America to the United States, that an alliance between the American states was the primary concern. The purpose of this alliance was to protect the member nations from Spanish or other foreign intervention. Pablo Obregón, Mexican Minister to the United States, told Secretary of State Henry Clay that one of the areas of general interest to all who would attend the congress was "resistance or opposition to the interfering of any neutral power, in the question, and war of independence,



between the new powers of the continent, and Spain." Mexico also felt, he told Clay, that opposition to colonization of America by European powers was another important question the assembled states must face. According to Mexico, those were the two principle subjects to be discussed.<sup>28</sup>

Señor Jose María de Salazar, the Colombian Minister to the United States, echoed Obregón's sentiments in a letter to Secretary of State Clay. Salazar divided the potential subjects of discussion into two classes. The first class contained topics devoted purely to the prosecution of the war. The second class consisted of items of interest to the Americas in general. Under this second class of topics Salazar included "The manner in which all colonization of European powers on the American Continent shall be resisted and their interference in the present contest between Spain and her former colonies prevented" as points of great interest. He also suggested alliances, possibly secret, to achieve that end. In the same letter, he mentioned the conference as an ideal opportunity for the United States to postulate and promote its principles of international law. He also suggested the abolition of the African slave trade and diplomatic relations with Haiti as possible topics that the Congress would want to discuss.<sup>29</sup> Señor Antonio José Canaz, the Central American Minister to the United States, also wrote a letter of invitation to Secretary of State Clay. In that letter Canaz echoed Obregón and Salazar in their suggestion of an alliance to defend the New World from European aggression. He also felt that since Europe had created a continental alliance and had held a Congress to discuss questions of general interest, America should also call a general meeting.<sup>30</sup>

Salazar's division of subjects into two classes was significant because it marked the first instance or need to do so. Before the invitations were sent to the United States, the Panama Congress was planned as an all Spanish American affair. The only possible exception would be Great Britain. In all of Bolívar's correspondence, before the invitations were extended to the United States, the Panama Congress is referred to as a conference of "American States formerly Spanish colonies," not as a hemispheric conference.<sup>31</sup> Bolívar did not favor United States representation because he felt it would endanger the possibility of confederation with Great Britain.<sup>32</sup> Several times throughout his correspondence, Bolívar stated that the United States should not be allowed to participate. One example of this sentiment is a letter sent to Santander on May 20, 1825. In this letter, Bolívar admonished Santander not to admit either La Plata or the United States to the confederation. He felt the confederation could survive quite well without either extreme of North or South.<sup>33</sup>

In another letter to Santander dated June 7, 1825, Bolívar again objected to making the confederation hemispheric. Bolívar stated that he had not seen the plans for a continental confederation that included the United States and Haiti, but that he considered it ill-advised to offer them membership. He further stated that the Haitians and the North Americans "are foreigners to us," and that he could never consent to either being invited to Panama.<sup>34</sup>

This emphatic refusal to consent to United States representation at Panama was later revoked in a letter to José Rafael Revenga, the Colombian Minister of Foreign Affairs. The letter dated April 8, 1826, stated "I am pleased that the United States is sending an envoy to the

Isthmus; no matter what the terms."<sup>35</sup> This, of course, was long after the United States had been offered and had accepted the invitations to attend the Panama Congress.

The distaste Bolívar felt for foreign members of the confederation did not extend to the British. In several of his letters, he expressed an ardent desire to ally with Great Britain either under the protection of England or with Great Britain as a full partner. In a letter to Antonio José Sucre, dated January 22, 1826, Bolívar said that in a political sense an alliance with Great Britain would be a greater victory than Ayacucho. He continued, that once an alliance with Britain was achieved, Sucre could be assured of America's future "happiness."<sup>36</sup> In a more definite statement on this subject, Bolívar told Santander that the American Confederation could not survive unless Britain took it under its protection.<sup>37</sup> Bolívar considered British protection as fundamental to the whole concept of the Panama Congress and alliance. As such, he was not concerned with the membership of the congress, so long as it received envoys from Great Britain and did not antagonize the British.<sup>38</sup> His desire to avoid conflict with England caused him to fear the presence of the United States at the conference. He felt that the United States would pose complications and problems between the confederation and "Albion", or Great Britain.<sup>39</sup>

Colombia, however, felt differently about the desirability of United States representation. Under the direction of Gaul and Santander, who both were greatly impressed by the recent statement of the Monroe Doctrine, Salazar was instructed to discover the United States' attitude towards an invitation to attend the sessions at Panama. The two Colombian leaders hoped to make the Monroe Doctrine a multilateral

understanding and envisioned the Panama Congress as the vehicle to do so.<sup>40</sup> In Mexico's reply to the Circular Letter of 1824, President Guadalupe Victoria declared that he believed the United States should be invited. In his opinion, the cause of independence and liberty did not belong exclusively to the former Spanish colonies and he for one, intended to invite the North Americans.<sup>41</sup>

From the above it is possible to see that the Panama Congress was definitely the creation of Simón Bolívar and that through his efforts and vision the conference was held. Bolívar wanted to form an international union comparable to the Holy Alliance in Europe, defend Spanish American independence, and promote peace and harmony among its component members. It is equally obvious that Bolívar looked to Great Britain not the United States, as the league's protector and guide. While wanting to maintain close relations with the United States, he was not anxious for the Northern Republic to become a part of the Assembly of American States. With Great Britain a constituent member of the assembly, Bolívar believed his league would be far more powerful than the Holy Alliance.<sup>42</sup>

The Confederation, as viewed by Bolívar, would form a diplomatic council to settle disputes among members and act as a counter to the European alliance. He foresaw the growth of the union to eventually include most, if not all, of the former Spanish colonies. This union was also expected to enable those former colonies to face the world with a single front, while retaining domestic sovereignty within their own territories. The council or congress would concern itself only with matters of general interest to the American states and provide a continental defense force.

Other Spanish American leaders viewed the objectives of the conference in much the same way that Bolívar did. Differences arose, however, concerning United States representation at Panama. There was universal agreement, however, that the conference was to be the assembly called for by the separate treaties of "perpetual union, league, and confederation." This assembly was to produce an offensive and defensive alliance to insure Spanish American independence from either Spanish reconquest or European intervention. It was to be, then, first and foremost, a congress called to assure Spanish American independence. All other concerns were secondary.

The United States was aware of the planned Panama Congress from its beginnings in 1821. It was not until the spring of 1825, however, that the United States was approached regarding attendance at the congress.<sup>43</sup> On April 7, 1825, Henry Clay informed President Adams of a visit to his office by two South American representatives. Pablo Obregón, Minister from Mexico, and Jose María de Salazar, Minister from Colombia, had discussed with Clay the possibility of United States attendance at Panama.<sup>44</sup>

In a letter to Richard C. Anderson, the United States Minister to Colombia, Clay related what had transpired. The two South Americans, he said, realized that the United States could not participate in any discussion or act of the congress that would impair American neutrality. They both hoped, however, that the United States would send representatives to the sessions that involved matters of general interest to the continent. Both men verbally offered to extend an official invitation later, if the United States would accept it.<sup>45</sup>

After receiving instructions from the President, Henry Clay

notified Obregón and Salazar that such an invitation would receive "all friendly consideration" by the United States."<sup>46</sup> In a letter to the two, Clay said that the President believed that it was necessary to settle certain preliminary points before the congress convened. These points included: topics to be discussed, powers given the attending ministers, and the organization and method of action of the congress. If these matters could be satisfactorily settled, continued Clay, the United States would accept an invitation.<sup>47</sup>

Obregón and Salazar submitted written replies in early November, 1825. Both notes were vague and failed to answer the questions that Adams had raised. Adams and Clay, however, decided to accept the invitations anyway. In his notes to Obregón and Salazar Clay waived the answers to the preliminary questions. This was done, he said, to avoid an unnecessary delay in the start of the congress.<sup>48</sup>

Obregón stated, in his official invitations, that matters of general interest to the United States would include the resistance to European intervention and colonization in the Americas. He continued that since his government believed that all nations of the Americas were of one mind on resisting all forms of European intervention, it was necessary to meet and discuss methods to give this resistance "all possible force." Other specific topics, Obregón felt, were impossible to enumerate.

Without elaborating, he stated that Mexico would provide its delegates to Panama with ample powers, and he expected other countries to do the same. Obregón expressed his hope that the United States would be represented at the discussion of these topics and any others that were brought before the assembly. On behalf of Mexico he officially

invited the United States to attend the Panama Congress.<sup>49</sup>

Salazar's letter of invitation also contained only a partial fulfillment of the President's request. Salazar divided the topics of discussion at the congress into two categories, one of interest to the belligerents and the other was of general interest to all the inhabitants of the Americas. In the letter, he confined his remarks to the second category, saying the United States was not expected to engage in any talks as a belligerent. Salazar suggested that at Panama the United States could work to achieve certain principles of international law, which it was then suggesting. He said the South American countries would be happy to look to the United States as a guide in these matters, in deference to its greater experience. He also mentioned resistance to European intervention and colonization in America as possible topics. The threat of this, Salazar believed, was of great interest to the entire hemisphere. He suggested the possibility of a secret alliance uniting all the Americas. Among the other topics Salazar discussed were the abolition of the African slave trade and future relations with Haiti.<sup>50</sup>

Obviously, the inexperienced diplomats of Latin America failed to foresee the difficulties that could arise from such a loose format for the congress. Without an itemized agenda, it would be impossible to give detailed instructions to the envoys. In the United States, where governmental power was limited only to that which enabled a functionary to perform his duties, the vague term "ample powers" proved to be very difficult to accept. The lack of adequate information about all aspects of the Panama Congress proved to be a major obstacle in the congressional debate on this issue. With the acceptance of the invitation, pending

Senate approval, the status of the Panama invitation left the realm of foreign affairs and the Secretary of States Office. It entered into a new arena, the hurly burly arena of domestic politics in the United States.

Most studies concerning the Panama Congress, seem to proceed from the basic premise that the United States should have been represented. This attitude then tends to relegate the opposition to either short sighted politicians or personally motivated radicals. In either case, the opposition is labeled as wrong, regardless of the motive. By viewing the Spanish American antecedents of the assembly, one can see which faction seemed to have the clearer grasp of the situation and could formulate the best policy, at that time, towards the conference and its possible consequences.



## FOOTNOTES

<sup>1</sup>For further research see also: Glyndon G. Van Duesen, The Rise and Decline of Jacksonian Democracy (New York, 1970), pp. 17-24; John Spencer Bassett, The Life of Andrew Jackson (New York, 1916), pp. 375-381; Edward Pressen, Jacksonian American Society, Personality and Politics (Homewood, Ill., 1969), pp. 170-173; Harold U. Faulkner, American Political and Social History (New York, 1973), pp. 187-188; Samuel E. Morison, Henry Steele Commager and W. E. Leuchtenberg, The Growth of the American Republic, Vol. I. (New York, 1969), p. 1977; and Alan Nevins and Henry Steele Commager, America, the Story of a Free People (Boston, 1943), p. 180.

<sup>2</sup>William Spence Robertson, Hispanic American Relations with the United States (New York, 1923), p. 382. For further research see also: John A. Garaty, The American Nation Vol. I. (New York, 1971), pp. 307-308; Robert V. Remini, Martin Van Buren and the Making of the Democratic Party (New York, 1959), p. 105; and Thomas A. Bailey, A Diplomatic History of the American People (Englewood Cliff, New Jersey, 1974), p. 192.

<sup>3</sup>Robertson, William Spence, Hispanic American Relations with the United States, ed. by David Kinly. (New York, 1923), pp. 26-27.

<sup>4</sup>Ibid., p. 28.

<sup>5</sup>Ibid., pp. 31-32.

<sup>6</sup>Geoffrey Brunn and Wallace K. Ferguson, A Survey of European Civilization, Part II Since 1660 (Boston, 1962), pp. 642-648.

<sup>7</sup>Ibid., p. 662.

<sup>8</sup>Ibid., p. 663.

<sup>9</sup>Vincente Lecuna, comp., Selected Writings of Bolívar Ed. by H. A. Bierks Jr., trans. by Lewis Bertrand (New York, 1951), p. 479.

<sup>10</sup>Ibid., pp. 481-482.

<sup>11</sup>Ibid., p. 503.

<sup>12</sup>Ricardo J. Alfaro, "The Pan Americanism of Bolívar and that of Today," Bulletin of the Pan American Union (June, 1926), p. 551.

<sup>13</sup>Lecuna and Bierks, p. 461.

- <sup>14</sup>Gerhard Masur, Simon Bolívar (Albuquerque, 1948), p. 586.
- <sup>15</sup>Lecuna and Bierks, pp. 461-462.
- <sup>16</sup>Gaston Nerval, Autopsy of the Monroe Doctrine (New York, 1934), p. 130.
- <sup>17</sup>Samuel Guy Inman, Inter-American Conference 1826-1954: History and Problems (Washington, D.C., 1965), pp. 1-2.
- <sup>18</sup>Nerval, p. 135.
- <sup>19</sup>David Bushnell, ed., The Liberator, Simon Bolívar: Man and Image (New York, 1970), pp. 18-19.
- <sup>20</sup>Victor Andres Belaunde, Bolívar and the Political Thoughts of the Spanish American Revolution (Baltimore, 1938), p. 259.
- <sup>21</sup>Nerval, p. 135.
- <sup>22</sup>Ibid., p. 135.
- <sup>23</sup>Lecuna and Bierks, p. 458.
- <sup>24</sup>Senate Executive Documents, 51st Congress, 1st Sess. 1889-1890, Vol. 16; Historical Appendix: International American Conferences, Reports of Committees and Discussion thereon: Vol. IV, The Congress of 1826 at Panama (Washington, D.C., 1890), pp. 169-200.
- <sup>25</sup>Nerval, p. 138.
- <sup>26</sup>U. S. Congress, Senate, Executive Proceedings of the Senate of the United States on the Subject of the Mission to the Congress at Panama, Together with the Messages and Documents Relating thereto, S. Doc., 68, 19th Cong., 1st. sess. 1825-1826, pp. 17-30.
- <sup>27</sup>Ibid., pp. 18-19, 26, 29.
- <sup>28</sup>Ibid., p. 7.
- <sup>29</sup>Ibid., p. 9.
- <sup>30</sup>Ibid., p. 13
- <sup>31</sup>Lecuna and Bierks, p. 456.
- <sup>32</sup>Ibid., p. 489. See also p. xxii.
- <sup>33</sup>Ibid., p. 499.
- <sup>34</sup>Ibid., pp. 507-508.
- <sup>35</sup>Ibid., p. 485.

- <sup>36</sup>Ibid., p. 564.
- <sup>37</sup>Ibid., p. 512.
- <sup>38</sup>Belaunde, pp. 261-262.
- <sup>39</sup>Lecuna-Bierks, p. 543.
- <sup>40</sup>Nerval, p. 145.
- <sup>41</sup>Senate Executive Document 51st Cong., 1st sess., International American Conference, p. 164.
- <sup>42</sup>Bushnell, p. 79.
- <sup>43</sup>Charles Wilson Hackett, "The Development of John Quincy Adams Policy with Respect to an American Confederation and the Panama Congress, 1822-1825," Hispanic American Historical Review (November, 1928), p. 497.
- <sup>44</sup>Allan Nevins, The Diary of John Quincy Adams, 1744-1845, American Social and Intellectual Life from Washington to Polk (New York, 1929), p. 345.
- <sup>45</sup>James I. Hopkins, ed., The Papers of Henry Clay, Vol. IV, Secretary of State, 1825 (Lexington, Kentucky, 1972), p. 645.
- <sup>46</sup>Senate Documents, 19th Cong., 1st sess., no. 68, p. 5.
- <sup>47</sup>Ibid., p. 6.
- <sup>48</sup>Ibid., pp. 10-11.
- <sup>49</sup>Ibid., pp. 6-8.
- <sup>50</sup>Ibid., pp. 8-10.

## CHAPTER II

### THE ELEMENTS OF THE DEBATE

During his four years as President of the United States, John Q. Adams was under intense political pressure. Some of this political pressure stemmed from his austere and tactless personality. Some of the opposition resulted from the nationalistic programs he proposed. Adams also faced a growing, vocal political opposition arising from the political controversy of the Presidential Election of 1824. It is impossible to deny the existence of a political feud between the Adams-Clay faction and Jackson-Crawford-Calhoun forces in the Republican party. This highly partisan and bitter election had been waged among Andrew Jackson of Tennessee, Henry Clay from Kentucky, John Q. Adams of Massachusetts, William Crawford of Georgia, and John C. Calhoun of South Carolina. John Calhoun, early in the campaign, decided to withdraw from the presidential race and instead ran successfully for the vice-presidency. Calhoun based his decision on the Pennsylvania nominating convention held in March of 1824. That convention suggested a Jackson-Calhoun ticket. Calhoun accepted the verdict and campaigned for the second office.<sup>1</sup>

William Crawford, the favorite in the race, had received the congressional caucus nomination.<sup>2</sup> Crawford's reputation was sullied, however, after his implication in a Treasury scandal. In addition, at one point in the campaign, Crawford physically attacked President

Monroe with his cane during an angry discussion over patronage.

Crawford angrily declared that the President needed a head cracking, which he promptly attempted to deliver. Monroe successfully defended himself with the aid of some handy fire-place tongs. Although Crawford later apologized, Monroe refused to aid his cause any further.<sup>3</sup>

Crawford's chances of winning the election were totally eliminated, however, when he was struck by a series of near fatal strokes that left him partially paralyzed.<sup>4</sup>

Adams, Jackson, and Clay had all been nominated by state legislatures. Of the four candidates, Jackson received the largest number of popular and electoral votes, followed by Adams, Crawford, and Clay, in that order. Since none of the four candidates received a majority of the electoral votes, the House of Representatives had the task of selecting the new President.<sup>5</sup>

According to the provisions of the Twelfth Amendment, Congress could consider only the top three candidates. Clay, as the fourth, was eliminated from further consideration. Clay was then freed to act independently, in his own best interests, and as Speaker of the House, he controlled a great deal of influence.<sup>6</sup>

Henry Clay was a practical politician. He carefully surveyed the political scene of 1824 to secure his best advantage and he examined the attributes of each of the remaining candidates. He eliminated Crawford at the outset, because of his illness. He then turned his attention to Adams and Jackson. Clay was inclined to throw his support to Adams. John Q. Adams, Clay knew, would never become a permanent party leader. His power was too localized in New England and he was not as personally popular as Clay. Also, Clay could hope to succeed

Adams as President. Finally, Clay believed that Adams was better fit for the job than was Andrew Jackson. Clay could see no advantage to an alliance with Jackson. Jackson was from the West, as was Clay. Cooperation between the two was difficult as neither wished to be subordinate to the other. Finally, Jackson already had an heir apparent in John C. Calhoun, who had formed an early alliance with the General when he left the presidential race for the vice-presidency. Advantages of an alliance with Adams and the disadvantages presented by Jackson convinced Clay to support John Q. Adams in the House election.<sup>7</sup>

The House of Representatives elected John Q. Adams as President. When the decision was announced, Andrew Jackson's supporters cried foul. They believed that Jackson, who had received the most popular votes, had been denied his rightful place as President. They charged that by electing Adams, the Congress had subverted the will of the people. Later, when Adams announced the appointment of Henry Clay as Secretary of State, the already angry Jacksonians were incensed. Jackson's supporters charged that Adams and Clay had made a "corrupt bargain," which kept Jackson out of office and demonstrated the depths to which the "Eastern Establishment" would stoop to maintain itself in power.

The old Jeffersonian Republican Party split as a result of the election controversy of 1824. This division denoted the end of the "Era of Good Feelings". Jackson and his supporters withdrew to plan for the upcoming presidential contest of 1828. Calhoun and his supporters, while allied with the Jacksonians, were distracted by the new development of sectionalism and the resultant changes from a nationalist to a sectionalist viewpoint and policy. Adams, and his ally Clay, were left with roughly one third of the party to pursue their

nationalist objectives.<sup>8</sup> Thomas Hart Benton, a Senator from Missouri, stated in his autobiography, Thirty Years View, that Adams inaugural address "furnished a topic against Mr. Adams, and went to the reconstruction of parties on the old line of strict or latitudinous interpretation of the Constitution."<sup>9</sup> The inaugural address, nationalistic in scope, proposed federally funded internal improvements, a national bank, and protective tariffs. The address was so broad, especially in the realm of internal improvements, that even Clay was startled by it.<sup>10</sup> Benton said,

It was, therefore, clear from the beginning that the new administration was to have a settled and strong opposition, and that founded in principles of government - the same principles under different forms, which had discriminated parties at the commencement of the federal government . . . the Federalists going for Mr. Adams, the Republicans against him, with the mass of the younger generation.<sup>11</sup>

With a divided party and a tarnished minority election victory achieved in the House of Representatives, it was clear from the outset that Adams administration was in trouble.

Jackson, at first, did not believe the charges levied against Adams. He remained solid in his trust of the new President, despite pressure from his supporters. Jackson remained friendly with Adams and was the first to congratulate him after his inaugural. The two men had been friends since Adams had supported Jackson over the Florida border violation controversy of 1818. The friendship that had lasted throughout and after the campaign ended, however, when Adams nominated Clay as Secretary of State. When he heard the news, Jackson became bitter and resentful. He believed that Adams had deceived him and that, indeed, a "corrupt bargain" had been made.<sup>12</sup>

Most historians, however, agree that there never was a bargain,

corrupt or otherwise, between Adams and Clay. Holmes Alexander claims that Martin Van Buren knew that Adams offered De Witt Clinton the post of Secretary of State before he offered it to Clay.<sup>13</sup> In any event, Jackson, Calhoun, and their followers, did believe that a deal of some kind had been made. They believed that they had been cheated of their rightful victory. They were determined to prevent such an occurrence in the future. The controversy over the election of 1824 provided a firm foundation on which to build an opposition to Adams.

The first half of the 1820's was an unstable period in American politics. This lack of stability was partially responsible for Adams' problems as President and for some of the opposition to the Panama Congress. A collapse of old political alliances was underway. This breakdown was caused by internal dissention over internal improvements, tariffs, and other nationalistic programs. While Adams and Clay clung to the nationalism that evolved during and after the War of 1812, the country moved towards sectionalism. Adams outdated philosophy brought him into conflict with the sectionalist interests, and part of the animosity aimed at the Panama Congress was sectional. By persevering in an outdated, unpopular, nationalist philosophy, Adams worked as his own enemy and guaranteed himself opposition.<sup>14</sup>

Slavery, one of the growing sectional issues, was beginning to play a larger role in the everyday political life of the times. The question of slavery colored a variety of issues not immediately connected with it. The Panama Congress proved to be one of those issues. As President, Adams can be viewed as one of the first leaders in the crusade against slavery. The Southern opposition linked Adams, abolition, and the Panama Congress to a broad conspiracy. Opposition to



Adams and his policies helped weld the South into a more cohesive political unit and aided the rise of sectionalism. The roots of Southern antipathy to sending representatives to Panama lay hidden in the Southern slave holders' opposition to Adams and his philosophy.<sup>15</sup>

Slavery and the rise of sectionalism were not the only objections expressed concerning United States participation at Panama. Many opponents were alarmed at the constitutional implications of the entire question. They expressed doubts concerning the wisdom of sending official representatives. Official representatives could involve the United States in a violation of its best interests and traditional foreign policy.<sup>16</sup>

Supporters of the mission were numerous, but not as flamboyant as the opposition. The two greatest proponents, of course, were John Q. Adams and Henry Clay. Clay was known as a champion of the Latin American cause and of Pan Americanism.<sup>17</sup> In a speech to Congress in 1810, he had suggested the formation of an American System, with the United States as its center and Latin America as partners. Clay continued that the United States would become the depository of the world's commerce as a result of this partnership.<sup>18</sup>

Clay was impressed with the concept of the Panama Congress. On November 8, 1825, he confided to Albert Gallatin that the President had agreed to accept the invitation and asked Gallatin to become one of the ministers. Clay declared that the congress would discuss matters of high import to the entire hemisphere.<sup>19</sup> He called the deputation to Panama the most important mission ever sent by the United States, except for the mission which negotiated the United States' independence.<sup>20</sup> Clay believed that the United States could be represented at the Panama

Congress without endangering its neutrality. This consideration was an especially delicate point, since the Latin American republics were still officially at war with Spain, and the Panama Congress would discuss measures concerning the prosecution of that war. Clay made this point in two letters to private individuals. In November of 1825, he wrote to James Brown that the United States was to be represented at Panama. He continued that United States neutrality would not be damaged by our presence there. He also reiterated that matters of great importance would be discussed at Panama.<sup>21</sup> In another letter to Peter B. Porter, Clay restated essentially what he had told Brown.<sup>22</sup>

Adams also favored United States participation at Panama. He believed that the main reason for attending the Panama Congress, was to show United States' sympathy for the Latin American independence movements. In a message to the Senate on December 26, 1825, he called this the "decisive inducement" and said that he intended United States representation "to show by this token of respect ... the interest we take in their welfare and our disposition to comply with their wishes."<sup>23</sup> Adams said basically the same thing in his message to the House. The invitation demonstrated that the Latin American nations wanted our friendship and counsel. To refuse to attend, he told the House, would not be in keeping with our concern for their welfare. President Adams told the House that he would personally dispatch ministers if their only function was to give advice. He believed, however, that the Panama Congress presented an opportunity for the United States to aid in the "dispensing of the blessings of freedom and promote peace and prosperity."<sup>24</sup>

Adams was also concerned over future commercial relations between

the two sections of the hemisphere. He mentioned that, in their lack of experience, some of the Latin American nations were tempted to give favorable trade concessions to Spain as a means of purchasing their independence. Some of the same countries, he continued, contemplated commercial concessions to Europe in return for recognition of their independence. These concessions, claimed Adams, would have had a deleterious effect on United States trade in the area. The United States, Adams said, had persuaded the new nations to drop these obstructions to its commerce. Adams believed, however, that the Panama Congress was a good opportunity to urge full, impartial reciprocity on the new Latin American nations. While at Panama, Adams thought the United States could make reciprocity of commercial relations a permanent part of all commercial agreements among members.<sup>25</sup>

Thus both Adams and Clay, the two leaders of the executive branch, favored United States attendance at Panama: Clay because he hoped to implement his American System and because of his desire to oppose the tyranny of Europe; and Adams because he wanted to protect the United States commercial interests and show friendship to the new nations. The two encountered much difficulty in securing approval of the mission from the Senate. One of the first opponents to appear was Nathaniel Macon.

Nathaniel Macon, Chairman of the Senate Foreign Relations Committee in 1826, was also President Pro Tempore of the Senate during the debates over the Panama mission. Although he was not a supporter of either Jackson or Calhoun, Macon opposed attendance at Panama on several counts.<sup>26</sup> Although the Foreign Relations Committee Report was primarily the work of Littleton W. Tazewell, Senator from Virginia and an

opponent of the proposed mission, the committee report did reflect Macon's feelings.<sup>27</sup> Macon feared an extension of executive power arising from the Panama issue. He believed that John Q. Adams was attempting to usurp all the prerogatives of the federal government.<sup>28</sup> Together with an old friend, John Randolph, another Virginia Senator and opponent of the Panama Congress, Macon represented a solid Southern wall of opposition to everything Northern, commercial, or anti-slavery.<sup>29</sup> Both Macon and Randolph saw the Panama Congress as all three.

The Senate Foreign Relations Committee, chaired by Macon and composed of all Southern senators except for Elijah Mills of Massachusetts, submitted an unfavorable report concerning the United States attendance at the Panama Congress. The report outlined most of the oppositions major objections. The Committee opposed sending delegates primarily because the mission represented a repudiation of traditional United States foreign policy. The report construed the Panama Congress as an "entangling alliance" and a new technique in foreign affairs. Sending envoys to Panama, the Committee claimed, would conflict with the United States policy against entangling alliances. The report continued, that the true interest of the United States lay in avoiding entangling alliances while maintaining an attitude of good will towards all nations. The United States had been among the first nations to recognize the independence of the new republics and had already shown itself to be their friend. The Committee did not believe that any other tokens of friendship were needed, especially if they entailed violating or abandoning the traditional foreign policies of the United States.

The report stated that there was not enough information available

to define adequately the nature of the Panama Congress. There was no explanation of the objectives of the conference, the powers to be given the envoys, or the organization of the Panama Congress. The Committee denounced as neglectful the failure of the executive to obtain this information. The United States, before committing itself to attend the Panama Congress, should know more about it. The Committee believed that the President had erred by not insisting on the fulfillment of his stipulations for accepting the invitation. The Committee found it inexpedient to send envoys with undefined "ample powers" to an undefined international conference, with undefined goals, which would be implemented in undefined ways.<sup>30</sup>

The Committee stated that the mission would violate the United States' neutral position in the war between Spain and her former colonies. This problem was another basis for opposition to the Panama Congress. Opponents believed that the purpose of the invitation was to lure the United States into an anti-Spanish alliance with Latin America. The possibility that entangling alliances might destroy United States' neutrality worried both Macon and the Foreign Relations Committee. The Committee and Macon further agreed that the European threat to hemispheric security no longer existed. United States and British opposition to European intervention in Latin America rendered that threat impotent. There was no reason to try novel designs for protection if there was no threat.<sup>31</sup>

Point by point, the Committee Report discussed the proposed topics of discussion and refuted the reasons proposed for attending the conference. The report based its judgment upon the letters of invitation from Mexico, Colombia, and Central America and Adams' message to

the Senate. The letters of invitation expressed what the Latin Americans expected from the United States; the President's message outlined what he hoped to achieve by attendance. The report also highlighted certain areas of conflict between Latin American expectations and United States' desires. These gaps in understanding, the report stated, would only lead to hostility and dissention between the two areas. The Committee also noted the executive's failure to inform the Senate concerning Latin American expectations in his message to that body.

The report first discussed the Colombian and Mexican proposal to resist interference in the Latin American wars of independence. Colombia suggested the creation of a secret alliance, of the members of the Panama Congress, to resist such interference. The letters of invitation had listed resistance to outside interference in the war as the principal topic to come before the Panama Congress. The President, however, had not mentioned the topic, or the possibility of any such discussion, in any of his correspondence with the Senate. Adams, the Senate was reminded, had said that the United States was not interested in the formation of alliances at Panama. The Senate Foreign Relations Committee believed that these opinions were too widely separated to make cooperation at Panama feasible. The major object of the conference, claimed the Committee, was the creation of an alliance against European interference in the affairs of Latin America. The United States' position on alliances conflicted with the wishes and best interests of Latin America. This could only result in alienation at Panama. By attending the Panama Congress, critics claimed, the United States would only work against its own desires and interests.

The second great objective of the Panama Congress, according to the letters of invitation, was the organization of resistance to any future European attempts to colonize the New World. The United States position was again in conflict with Latin American desires on this issue. The conflict arose over the method, however, not the objective. The goal of the Latin Americans was a mutual defense treaty signed by the nations assembled at Panama. The United States, according to the President's message, believed that each nation should resist all colonization attempts within its own borders. Basically stated, the United States' policy was one of self defense, not mutual defense. The Committee report stated that the right of self defense was obvious and was inherent in sovereignty. The United States did not need to attend an international conference to state it.

The Committee report next disputed the proposed abolition of the African slave trade. Again it was pointed out, there was no mention of this as a possible topic of discussion in the President's official correspondence to the Senate. The report stated that the United States was fighting the slave trade with its moral influence. The Committee did not believe, however, that the United States had the right to ascend a moral pedestal and dictate its morality to other nations. As to future relations with Haiti, another subject left unmentioned by the President, the Committee stated that any nation should remain free to decide who it would recognize or who it would not. The United States should not let its future political connections be determined by a group vote at an assembly of foreign states.

The Committee then examined Adams' stated reasons for seeking United States representation at Panama. The Committee was not sure

that the conference would receive topics of discussion from the floor. The Treaties of League and Confederation between the other assembled states creating the Panama Congress did not indicate such a possibility. The Committee, however, discussed the President's proposed topics as if they were assured of discussion at Panama.

In Latin America, many leaders spoke of purchasing European recognition of independence by granting advantageous commercial concessions. These concessions would necessarily discriminate against the United States commerce. Adams suggested that the Panama Congress was the ideal body for the United States to urge commercial reciprocity on the new Latin American nations. The Committee stated, however, that it could not see how United States interference in the new nation's commerce could be construed as a friendly action. Commerce and trade principles were complex and contingent upon many variables. If the special concessions were extended then it must be assumed that the action was taken in the best interest of the granting nation. Any action by the United States to prevent such concessions could not be considered as being in the best interests of the Latin American republics. Again, the United States would find itself contravening its own desires and interests. The Committee believed, therefore, that the negotiation of principles of commerce and trade was best left to conventional channels of diplomacy.

In his message to the Senate, the President had expressed two other desires. The first was to establish principles of maritime neutrality and navigation in time of war. The Committee noted that since the Latin American nations were at war, any such compacts could be viewed as alliances and seriously damage the United States'



neutrality. The President also desired to help establish religious toleration in Latin America. Adams believed that it was the United States' duty to convince the new republic that liberty extended to religious matters. The Committee said that the United States had no moral or political right to interfere in this matter. Such interference represented an unnecessary and unwarranted intrusion into their domestic affairs. If the United States pressed this issue in Panama, the report continued, it would only create hostility and dissension.

In summary the report stated that there was no agreement between the Latin Americans and the United States. Each envisioned the Panama Congress differently. These differences could only negate any efforts by the United States to build influence in the area by its attendance. The report continued that the United States' neutrality would be lost through association with the belligerent cause. All possible benefits, the report concluded, were either outweighed by probable negative consequences or better achieved through traditional forms of diplomacy. The Committee concluded that the sending of ministers to Panama was not expedient and requested that the Senate so advise the President.<sup>32</sup>

Nathaniel Macon and the Senate Foreign Relations Committee Report definitely opposed the Panama mission. The report was the base upon which subsequent criticism was built. Other speakers elaborated, but the report expressed the core of the opposition's complaints.

Robert Hayne of South Carolina also opposed the proposed mission. A member of the Finance and Naval Affairs Committee, he was also a leader of the developing sectional Southern party. Hayne feared Latin American economic competition with the South. He saw Latin America as a poor customer for Southern goods and a dangerous competitor of the

United States in wheat, tobacco, livestock, and cotton. Hayne led the fight against Latin American competition during the tariff debates of 1824 and continued his opposition to the Panama mission in 1826.<sup>33</sup>

Thomas Hart Benton, Senator from Missouri, was another leading opponent of the Panama Congress. Benton, who described the whole concept as an "abortion", insinuated later that the senators who voted for the measure received large amounts of executive patronage.<sup>34</sup> Benton, as a defender of slavery, strongly opposed the mission and fought John Sargent's nomination as minister to the assembly because of the latter's anti-slavery beliefs. John M. Berrien, a Senator from Georgia, was a solid member of the Southern clique. He, too, opposed the Panama Congress because it threatened slavery. Berrien also believed that the mission would violate the constitution of the United States.

John Randolph of Roanoke, joined the Senate opposition to Adams and to the proposed Panama mission. Randolph firmly believed the "corrupt bargain" charges. One of Randolph's speeches on the floor of the Senate led to a duel, fortunately bloodless, between Henry Clay and himself. Randolph viewed any discussion involving slavery as an attack upon that institution. He spoke violently against the Panama Congress as a conspiracy designed to foment slave rebellion in the South.

Martin Van Buren of New York also spoke against United States' representation at Panama. A staunch supporter of William Crawford, he remained with his chosen candidate until the end. Van Buren made no overtures to the Jackson-Calhoun coalition until the Panama Congress controversy. After deciding the mission was unconstitutional and at variance with American foreign policy, he approached Calhoun to

ascertain his opinion. Van Buren formed his alliance with Jackson and Calhoun after he formed his own opposition to the Panama mission.<sup>35</sup>

Van Buren believed that the Panama Congress was belligerent in nature and that the United States would forfeit its neutrality if it attended.

Andrew Jackson and John C. Calhoun were also noted opponents of the mission. Bitter over the election of 1824, Jackson opposed all of Adams' policies. This bitterness, however, was not all that motivated him in this instance. In a letter to James K. Polk, a friend and fellow member of the opposition, Jackson described the proposed mission as "one of the most dangerous and alarming schemes that ever entered the head of a visionary politician". He told Polk that the mission was a regrettable departure from the traditional lines of United States foreign policy. By pursuing Washington's neutral policy, Jackson wrote, the country had grown prosperous and was at peace with the world. To abandon such a policy "so wise in itself and so beneficial", displayed to Jackson a weakness "not paralleled in the history of our country."<sup>36</sup> John C. Calhoun, Jackson's political ally, was John Q. Adams' vice-president. Calhoun was loyal to Jackson; Jackson's enemies were Calhoun's enemies. Calhoun was also a staunch defender of the South's rights and perogatives.

Martin Van Buren was not the only Northern opponent to the Panama Congress. Levi Woodbury of New Hampshire, Mahlon Dickerson of New Jersey, John Chandler of Maine, William Findlay of Pennsylvania, and Elias K. Kane of Illinois also fought United States attendance at Panama. They represented a sizable portion of the opposition's strength in the Senate. The Panama mission was generally popular in the North, however, and these men often voted against the wishes of

their constituents.

The issue of the United States' representation at the Panama Congress excited great debate in the country. The Senate opposition labored under the handicap of secrecy. Its arguments and logic, expressed on the Senate floor in executive proceedings, did not become public knowledge until after the debate was over and ministers were sent. The mission's proponents, on the other hand, had free access to the nation's press and chided opposition Senators for their obstinance and delay.<sup>37</sup>

Many scholars have labeled the opposition as merely partisan. Partisan politics was an important element in this question. Other issues, however, occupied equally prominent positions. Opponents of the Panama Congress presented three major objections to United States participation. These objections concerned slavery, foreign policy, and constitutionality. Each of these three areas of objection presented serious obstacles to United States participation at the Panama Congress. These areas of objection were philosophical not political. In some cases, the abolition of slavery and the diplomatic recognition of Haiti, they were also sectional. Sectionalism was the wave of the political future in 1824. Debates involving interpretations of the Constitution and philosophies of government were traditional. The question of United States representation at Panama involved both of them. From the time and manner which John Q. Adams introduced the question to the Senate, it was assured a strong opposition. This opposition would have been present regardless of who was President. The entire matter was too much a deviation from traditional policy. It was also too deeply involved in the rising debates over slavery and constitutional interpretation.

## FOOTNOTES

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<sup>2</sup>Thomas Hart Benton, Thirty Years View 1820-1850 (New York, 1893), p. 55.

<sup>3</sup>Homes Alexander, The American Tallyrand: The Career and Contemporaries of Martin Van Buren Eighth President (New York, 1935), pp. 196-197.

<sup>4</sup>John A. Garraty, The Rise of the American Nation A History of the United States to 1877 (New York, 1971), p. 307.

<sup>5</sup>Roland G. Usher, The Rise of the American People (New York, 1914), p. 232.

<sup>6</sup>Thomas A. Bailey, The American Pageant: A History of the Republic (Boston, 1971), p. 258.

<sup>7</sup>Bernard Mayo, Henry Clay: Spokeman of the New West (Boston, 1937), p. 353.

<sup>8</sup>Lloyd C. Gardener and William L. O'Neill, Looking Backward: A Reintroduction to American History Vol. I (New York, 1974), p. 108.

<sup>9</sup>Benton, p. 54.

<sup>10</sup>Garraty, p. 307.

<sup>11</sup>Benton, p. 55.

<sup>12</sup>Mayo, pp. 365-366.

<sup>13</sup>Alexander, p. 234.

<sup>14</sup>Bailey, p. 259.

<sup>15</sup>John Morse, Jr., John Quincy Adams (Boston, 1898), pp. 189-190.

<sup>16</sup>Benton, p. 65.

<sup>17</sup>Bailey, p. 260.

<sup>18</sup>William Spence Robertson, Hispanic American Relations with the United States, ed., David Kinly (New York, 1923), p. 380.

<sup>19</sup>James F. Hopkins, ed., Papers of Henry Clay Vol. IV Secretary of State 1825 (Lexington, 1974), p. 801.

<sup>20</sup>Ibid., p. 814.

<sup>21</sup>Ibid., p. 823.

<sup>22</sup>Ibid., p. 859.

<sup>23</sup>U. S. Congress, Senate, Executive Proceedings of the Senate of the United States on the Subject of the Mission to the Congress at Panama, Together with the Messages and Documents Relating Thereto, S. Doc. 68, 19th Cong., 1st. sess., 1825-1826, p. 4.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

<sup>26</sup>William C. Dodd, The Life of Nathaniel Macon (Raleigh, North Carolina, 1903), p. 339.

<sup>27</sup>Benton, pp. 67-68.

<sup>28</sup>Dodd, pp. 353-354.

<sup>29</sup>Ibid., p. 359.

<sup>30</sup>U. S., Congress, Senate, Journal of the Senate of the United States, 19th Cong., 1st sess., 1825-1826, pp. 15-20.

<sup>31</sup>Dodd, p. 352.

<sup>32</sup>Senate Journal, 19th Cong., 1st sess., pp. 414-439.

<sup>33</sup>Arthur P. Whitaker, The United States and the Independence of Latin America, 1800-1830 (New York, 1964), p. 577.

<sup>34</sup>Benton, p. 66.

<sup>35</sup>Robert V. Remini, Martin Van Buren and the Making of the Democratic Party (New York, 1959), p. 105.

<sup>36</sup>Herbert Weaver, ed., Correspondence of James K. Polk Vol. I, 1817-1836 (Nashville, 1969), pp. 42-43.

<sup>37</sup>Benton, p. 65.

## CHAPTER III

### SECTIONALISM AND THE PANAMA CONGRESS

Growing Southern sectionalism and defensiveness over slavery was a major cause of congressional opposition to the proposed mission to the Panama Congress. The several treaties and letters of invitation extended to the United States by Mexico and Colombia listed the abolition of the African slave trade and the future diplomatic relations with Haiti as possible subjects of discussion at the Panama Congress. Both of these topics aggravated the growing Southern defensiveness concerning the institution of slavery. Haiti was an all black, former slave state that freed itself from French colonial rule. In the bloody slave revolt that freed the island, exslaves butchered their former owners and the white inhabitants of the island. Terror was a common weapon. Women and children of both colors were victims of the slaughter.

The South was afraid that the example of Haiti would inspire its own slave population to revolt. Thus for the South, it was impossible to recognize the independence of Haiti. The South believed that diplomatic relations with the island would disasterously jeopardize Southern welfare. John B. Berrien, Senator from Georgia, strongly stated Southern fears in a speech to the Senate. The question at Panama, he declared was not "if" we should recognize Haiti, but the "character" of the diplomatic relations the United States would ultimately have with the island. He believed that the confederated states of Latin America

wanted to perpetrate slave revolts in Cuba, Puerto Rico, and in the other areas of the hemisphere where slavery existed.<sup>1</sup>

Berrien was afraid that if emancipated slaves came into the United States as diplomatic envoys, they would spread rebellion among the slave population in the South. Revolution, he contended, would be spread by example, if by no other means. For this reason, said Berrien, the United States could not tolerate diplomatic relations with Haiti. To surrender the decision, concerning the recognition of Haiti to a body of foreign governments, he thought, was the "most odious" feature of the Panama Congress.<sup>2</sup>

Thomas H. Benton of Missouri also stated Southern fears on this issue. For thirty-three years, he said, the United States had engaged in commerce with Haiti. During that time no black or mulatto consuls were accepted from the island. The peace of eleven states of the Union, he stated, would not permit the exhibition of the fruits of a successful slave rebellion in this country. Benton further stated that the question was not open to debate in any forum in the United States or at an international conference abroad. The discussion of Haitian recognition, because of its potentially inflammatory nature, must remain taboo. Benton believed that the mere discussion of the topic could inspire slave revolts in the South. Benton foresaw no other eventuality if former slaves, freed through rebellion, were allowed to parade through the streets of the United States. Their example to the Southern slave would make the situation in the South extremely dangerous.<sup>3</sup>

John Randolph, the flamboyant and eccentric Senator from Virginia, was also unalterably opposed to the mission to Panama and the recognition of the island republic of Haiti. In Randolph's mind, the entire



question of Spanish American independence and its consequences were to be feared. Randolph was especially worried about the abolitionist nature of the Latin American independence movements.

In Spanish America, Revolutionary political thought was based on the French inspired principles of liberty, equality, and fraternity. These ideals flourished in Latin America during the revolutionary period despite their contradiction of Latin American realities. Many Latin Americans owned slaves and exploited the independence movements to acquire more; yet they continued to espouse these liberal sentiments.<sup>4</sup> Since the American South possessed little first hand knowledge of the Spanish American scene, Southerners had little cause to suspect that Latin Americans followed a double standard when they spoke of liberty and equality. The South saw the first three Chilean constitutions which contained provisions for eventual emancipation of slaves.<sup>5</sup> Many in the South saw the Panama Congress as an attempt to extend the emancipation philosophy throughout the Caribbean. They interpreted this as a direct threat to their own existence.

Randolph feared that the emancipation proclamations coming from the new republics would arouse and inflame the passions of Southern slaves and eventually lead to slave revolts in the United States. Randolph saw Spanish America as an instigator of domestic slave rebellion. Drawing freely on the example of horror that the Haitian independence struggle provided, Randolph declared that recognition of Haitian sovereignty would inflame the domestic slave population and rebellion and terror were the only logical results. He continued that the Latin American policy of emancipation and the recognition of Haiti would invariably lead to killing and bloodshed on both sides of the

color line. He believed that the example presented by Latin America was incompatible with Southern tranquility. Randolph gloomily forecast that the possibility of a slave rebellion in the United States was increasing because of the Spanish American situation. He believed that something had to be done to decrease the threat or catastrophe would result.<sup>6</sup>

In his much lauded speech against the Panama mission, Robert T. Hayne of South Carolina continued to tie the issue of domestic slavery to the discussion of the recognition of Haiti and the Panama Congress. First, said Hayne, the issue of domestic slavery must be considered as a delicate matter of concern only to those states directly involved. The topic should not be considered for discussion by any state of the union or by foreign governments. Under the Constitution the Congress of the United States, he claimed, did not have the perogitive to debate the issue of slavery. It was obvious, then, that such a topic was totally unsuited for discussion by United States envoys at a foreign congress. Where slavery was concerned, Hayne continued, there was nothing the South was prepared to see discussed in any forum, especially an international one. Nor would the South consent to a discussion of Haitian recognition, under the present circumstances, with the revolutionary governments of Latin America. It was his firm belief that any discussion of slavery, or related questions such as the recognition of Haiti, would imperil a large segment of the Union. He also displayed a sensitivity regarding Southern rights. He said, "To call into question our rights is to grievously violate them"<sup>7</sup> This was a clear intimation that the South considered the whole issue as not only a threat to their physical safety but also a possible threat to their political and

institutional well being as well.

The possibility of the United States recognizing Haitian independence and commencing diplomatic relations with the island was considered a serious threat to the security of the South. Slave rebellions incited by the Haitian examples of revolt and emancipation were very real possibilities in the Southern mind. These fears were the primary reasons for the South's opposition to the mission to Panama. The proposed mission was also conceived by the South as a broad but subtle attack on the entire institution of slavery. The Panama Congress represented an opportunity for the Spanish American revolutionaries to carry their doctrine of emancipation to the island of Cuba and Puerto Rico. This eventuality was considered by some in the South as only a preliminary step to the spreading of emancipation to the Southern states themselves.

The South had other fears concerning the Panama Congress. The Latin American states were on record as being in favor of emancipation. Blacks and mulattos held positions of influence and power in many of the governments and armies of the Spanish American nations. The South assumed that emancipation sentiment would be strong at the Panama Congress. To defend its rights against attack the South believed it would need a staunch defender of the institution of slavery and the Southern way of life at the conference.

The man President Adams had nominated did not possess those qualifications. John Sargent of Pennsylvania was the exact opposite of what the South desired. Sargent had been a strong proponent of the Missouri Compromise, and the South believed he was an abolitionist. Richard C. Anderson, from Kentucky, was the second proposed member of the

delegation. While Anderson was acceptable to the South, his presence was not considered sufficient protection for Southern rights. Many agreed with Senator Thomas Hart Benton that Anderson should be given an assistant on the mission, not an opponent.<sup>8</sup> The Southern Congressmen wanted both envoys to be sympathetic to the Southern cause. Anything less, in their opinion, would not sufficiently represent their interests.

Senator Hayne referred to Sargent as an "acknowledged abolitionist". Sargent was a respectable man, the South Carolinian said, but an advocate of the Missouri restriction. Hayne believed that Sargent was not a man to whom the South could trust its interests. He was not a man to plead the South's cause at the Panama Congress.<sup>9</sup> Thomas Hart Benton went even further in his rejection of Sargent. He described Sargent as the head of an abolitionist society whose principles, when carried to their logical extension, justified slave rebellions whether in Haiti or the United States. Benton continued that Sargent was on record as having said on the floor of the Senate, in debate over the Missouri controversy, that slavery "could not exist".<sup>10</sup>

These attacks, though directed at the question of Haitian independence and the lack of a strong Southern voice as a member of the diplomatic mission, manifested Southern fears that the Panama Congress and the United States' representation at it would vitally affect Southern interests and welfare. Southern Congressmen were aware of the prevailing sentiment in Spanish America and knew it ran contrary to their own. The South was also basically afraid of any plan originated by *Simón Bolívar*. Southerners could see the ultimate design of emancipation behind them.<sup>11</sup>

During the debates concerning the proposed delegation to Panama, the development of a Southern sectional party in the United States was then in its early stages. Though just beginning, this largely unknown party made its presence felt. The growing spectre of sectionalism, coupled with Southern antipathy towards John Q. Adams and his administration, was a fundamental reason behind the violent attacks. The South was antagonistic towards Adams and his entire philosophy, which they believed to be anti-slavery. This Southern clique made up of much of the opposition towards Adams and the Panama Congress.<sup>12</sup>

Another issue closely tied to the fundamental and overriding issue of slavery was the abolition of the African slave trade. Southern senators also opposed United States participation in a discussion of this subject. While claiming that they were not opposed to the principle of ending the Slave trade, Southern Senators, however, did not believe that the United States should enter an international conference to state its position. The United States could use and was using its prestige and moral influence to end this traffic. The United States had been the first nation to prohibit the trade from all areas of its jurisdiction. To enter into an international agreement against the slave trade, they argued, was unnecessary. To do so was an unwarranted insertion of United States' morality into the domestic affairs of those countries still engaged in the trade.

John Randolph tied the issue of slavery to the abolition of the slave trade. He said that those attempting to abolish the slave trade were deceiving the people. Randolph claimed that the true purpose of those who sought to end the slave trade was, in reality, the abolition of slavery itself. Randolph further declared that supporters of the

movement were fanatics, who, despite their public speeches, would extend the spectre of slave rebellion and abolition throughout the caribbean.<sup>13</sup>

Hayne also spoke on this issue in a speech on the Senate floor. He pointed out that the United States was the first nation to oppose and end the slave trade within its borders. This was sufficient, he thought. He did not want the United States to consult with foreign governments concerning the slave trade or the recognition of Haiti. These were subjects, he said, which were "not to be discussed anywhere". He continued, that, "there is not a nation on the globe with whom I would consult on that subject, and least of all the new republics."<sup>14</sup> Both Hayne and Randolph considered an attack upon even the periphery of the slave question a potentially deadly thrust against Southern interests.

Hugh L. White of Tennessee also believed that American representation at Panama would be injurious to the best interests of the United States. In a speech before the Senate he declared, that the tranquility of the Southern and Western slave states would be upset if United States envoys discussed any topics concerning slavery at the Panama Congress. He also tied the abolition of the slave trade and the Panama Congress to domestic slavery. They were, he declared, potentially dangerous issues for the entire United States. He envisioned the country being ultimately divided into two camps over the issue of slavery. To avoid this possibility, he stated, all further talks and negotiations concerning any aspect of slavery should be terminated.<sup>15</sup>

The Southern position regarding the Panama Congress was closely related to its defensiveness over the question of slavery. The South

feared that the Panama Congress would ultimately lead to a questioning of Southern rights and institutions involving slavery. The Panama Congress promised to place the questions of slavery, equality, and future relations with black governed countries under intense scrutiny. Southern Senators deemed that this scrutiny would be conducted in an unfavorable atmosphere. The atmosphere would prejudice all decisions and insure unfavorable results for the South. This fear, coupled with the predominant Southern attitude that the less said about slavery the better, naturally led to Southern opposition. The South wanted to ignore the slavery question both at home and in foreign affairs. The Panama Congress, threatened to open the question to public debate on an international level. This debate would take place where the South could neither control the discussion nor the action taken. The South, then, was opposed to the whole mission.

Southern Senators viewed the Panama Congress as a direct attack upon the institution of slavery. This, of course, made the Panama Congress a threat to the South. It was imperative for the South to repel that attack. Southern peace and security depended upon it. The fear of this potential attack by the Panama Congress and the worry that Latin American inspired emancipation sentiments would incite slave rebellion promoted Southern opposition to the Panama Congress.

Neither the Senate debates nor the messages of the President effectively refuted the Southerners' slavery oriented arguments against the Panama mission. Answers were presented for most of the other points presented by the opposition. On the subject of slavery, however, none were offered. It appears that the proponents of the mission realized the threat that the Panama Congress posed to the South. They, too, felt

the issue of slavery was best left ignored, if possible.

To understand properly the antagonism that Southerners had towards the Congress of American States, their reasoning must be placed in the correct context. When viewed from the time period of the early 1820's, Southern objections present a strong argument against United States representation at Panama. The South predicted the disruption of the Union, the formation of pro- and anti-slavery factions in the country, slave rebellions and the disruption of the Union as possible consequences of United States' participation in the Panama Congress. With the advantage of hindsight, it is easy to see that those fears were greatly exaggerated and for the most part unfounded. The Southern opposition, however, did not know that the Panama Congress would fail to achieve the objectives set for it. To base its judgements the Southern opposition had at its disposal only the treaties and letters of invitations sent to the United States. Southern arguments based on that information was, to them, well-reasoned and logical.



## FOOTNOTES

<sup>1</sup>U. S. Congress, Register of Debates in Congress, 19th Cong., 1st sess., Vol. II, part I (1825-1826), pp. 290-291.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., pp. 330-331. See also Thomas Hart Benton Thirty Years View, p. 69.

<sup>4</sup>Jacques Lamber, Latin America - Social Structure and Political Institutions (Berkley, 1969), p. 122.

<sup>5</sup>A. Curtis Wilgus and Raul d' Eca, Latin American History (New York, 1963), pp. 266-267.

<sup>6</sup>Register of Debates, pp. 117-119.

<sup>7</sup>Ibid., pp. 165-166.

<sup>8</sup>Ibid., p. 331.

<sup>9</sup>Ibid., p. 166.

<sup>10</sup>Ibid., pp. 331-332.

<sup>11</sup>N. Andrew N. Cleven, "The First Panama Congress," Journal of Negro History, XIII (1928), p. 233.

<sup>12</sup>John T. Morse, Jr., John Quincy Adams (Boston, 1898), p. 189.

<sup>13</sup>Register of Debates, p. 119.

<sup>14</sup>Ibid., p. 166.

<sup>15</sup>Ibid., p. 207.

## CHAPTER IV

### THE PANAMA CONGRESS AND UNITED STATES

#### FOREIGN POLICY

While the slavery issue was a serious sectional obstacle to United States' participation in the Panama Congress, there were other reasons presented that concerned the nation as a whole. Perhaps the overriding concern, certainly one that affected all sections of the United States equally, concerned foreign policy. Reservations in this realm were as numerous and multifaceted as the issue itself. All were traditional, non-political objections applied to all United States foreign policy changes. United States' participation in the Panama Congress could possibly lead to an undesirable entangling alliance or a serious violation of United States neutrality. The mission to Panama was a complete departure from all the traditional American methods of conducting foreign affairs. Participation in the Panama Congress could restrict the United States diplomatically. The United States would be forced to abide by the dictates of the assembly, and thereby lose its freedom of action in international affairs. All of these factors led opponents to believe that approving the mission to Panama, as it was then defined, was not in the best interests of the United States.

In 1825-1826 the United States' foreign policy was in a state of flux. Two opposing concepts concerning the United States' participation in international affairs were debated. One concept was the traditional

isolationist policy that George Washington has expressed in his Farewell Address. The United States should avoid entangling foreign alliances and remain cordial and neutral towards all nations. Briefly stated, the concept proposed relations with all, alliances with none. This philosophy was popular and was utilized many times by the opposition in Congressional debate. The traditionalists argued that isolationism had been successful in the past. As a result of that policy, the United States was prosperous and at peace. Why then, the opposition asked, should the United States change its basic foreign policies in favor of new untried ones? The opposition could see no reason to do so.

The second concept, concerning the United States' foreign policy was revisionist because it was internationalist in scope. The basic premise of this concept was that the United States should participate fully in international affairs. This view of American foreign policy did not appear in the United States until shortly after the end of the War of 1812, when a spirit of nationalism swept the country. This spirit unified the country somewhat and the United States looked beyond its earlier problems. Looking outward, the United States saw a united Europe, free of many of its former jealousies. A united Europe posed potential threat to United States security. Looking Southward, the United States encountered its sister continent in revolt and turmoil. The turmoil in Latin America had drawn the attention of a unified Europe. This attention and the resultant designs by an avaricious Europe threatened Spanish American and United States' security.

The new international situation tended to create sympathy for the Latin American revolutions and dictated a rethinking of United States' foreign policy. At least that is what the adherents of the

internationalist concept of American foreign policy claimed. Many Americans believed that the United States had a vital interest in the success of the Latin American revolutions. After all, united Europe was a common threat. The belief that a common threat needed a common front won support in the United States.<sup>1</sup>

The concept that the United States was vitally affected by the Latin American struggles for independence was strengthened when the extent of Europe's involvement in the region was realized. Europe was deeply embroiled in the commercial affairs of the new republics. This was not a happy circumstance for the United States, which had its own designs on the new nations commerce. Confrontations with European powers concerning Latin America were, for the next decade, a major theme of public discussion in the United States.<sup>2</sup>

President John Q. Adams and Secretary of State, Henry Clay, both supported the Latin American independence movements. With these two men dominating the direction of American foreign policy, the United States could be expected to show a lively interest in the affairs of Latin America. Together, these two men assured a friendly interest and reception for the Panama Congress in the executive branch of the United States' government. Henry Clay saw the Panama Congress as a chance to form his "American system," a union of the American nations, with the United States at its head. This union would be an example of the benefits of liberty and democracy, as compared with the despotism of autocratic Europe. Clay envisioned the American union as the commercial warehouse and trading center of the world. Adams, of course, was one of the forces behind the issuance of the Monroe Doctrine and he closely cooperated with his Secretary of State in matters concerning

Latin America.<sup>3</sup>

In the Congress of the United States, however, the Panama Congress was by no means assured of a friendly reception. Traditionalists in the Senate such as Martin Van Buren of New York, Hugh L. White of Tennessee, Robert Hayne of South Carolina, Levi Woodbury of New Hampshire and Mahlon Dickerson of New Jersey opposed the Panama mission.<sup>4</sup> The Senate Foreign Relations Committee report stated that the proposed mission was inexpedient and recommended that the United States not send representatives to the Panama Conference.<sup>5</sup> Ordinarily the Senate would not have been able to rule on the expediency of such a mission. In his December 26, 1826, message to the Senate, however, the President requested that the Senate do so.<sup>6</sup>

First the opposition had to define the character of the assembly and show it to be harmful to United States' interests. Congressional opposition furthermore needed to establish the conference as a belligerent assembly. Opponents had to show that the primary reason for calling the meeting in the first place was the war with Spain. Opposition arguments were hard to refute. The lack of an adequate definition concerning the character of the Congress and the failure of the Latin American diplomats to answer the President's questions concerning format and objectives of the Congress made it difficult for its proponents to depict the conference as a peaceful body. The task was made more difficult by the language of the individual treaties of confederation, which created the Panama Congress and the letters of invitation extended to the United States. All of these documents, opponents claimed, clearly demonstrated the belligerent character of the assembly. The

opposition claimed that attendance would ally the United States with Latin America against Spain. This event would destroy the United States neutral position.

Robert Hayne, Senator from South Carolina and leader of the growing Southern sectionalist clique in the Senate, told that body that it must determine the nature of the Panama Congress before it could establish the expediency of sending envoys to that assembly. The Senate could not establish the expediency of the mission without knowing how United States' attendance at Panama would affect the nation's interests and neutrality. The mere presence of United States' representatives at Panama would not change the nature of the meeting from belligerent to benevolent. Regardless of the instructions to the United States' envoy, if the assembly was essentially belligerent, it would remain so. To avoid quilt by association with a belligerent assembly, the United States had to determine if the meeting in Panama was to be peaceful or war like. Hayne said that to make this determination, the Senate had to rely on Latin American sources of information. These were the same sources, he claimed, that the rest of the world would use to judge the intent of the Panama Congress.<sup>7</sup>

Hayne drew his conclusions concerning the assembly from public Latin American sources, Bolivar's Circular Letter and the individual treaties of confederation.<sup>8</sup> He concluded that the Panama Congress would be held to discuss prosecution of the war with Spain. He stated that unification and cooperation among the assembled states in raising armies and fleets would be a natural result of the international gathering. The original purpose of the Panama Congress, Hayne said, was the creation of mutual offensive and defensive alliances against

Spain. These alliances were to be negotiated among the parties at Panama and were designed to preserve Latin American independence.

Hayne believed that the separate treaties had already formed a confederation of Latin American states. The Panama Congress would be the assembly of that confederation. This confederation, in Hayne's opinion, was clearly an offensive and defensive alliance among the members. The Panama Congress, declared Hayne, was clearly an outgrowth of those bellicose alliances against Spain. The only reason for holding the conference was to force a speedy and successful conclusion of the war. Unity would achieve that goal.<sup>9</sup> Hayne said his study of the information concerning the Panama Congress forced him to conclude that it was belligerent in nature. As such, American participation at the assembly threatened the United States' neutrality.<sup>10</sup>

Levi Woodbury, a New Hampshire Senator and a leading opponent of the mission to Panama, also thought it important to determine the character of the Panama Congress. Woodbury's views are interesting because he was a Northern senator. His position helps dispel the contention that opposition to the Panama Congress was strictly sectional and Southern. Woodbury believed that the title of congress, as applied to the assembly at Panama, was too equivocal. An easy definition of the assembly's nature was impossible. He also believed that the treaties creating the Panama Congress required further study before deciding the true nature of the meeting.<sup>11</sup>

Woodbury stated, however, that the Panama Congress could not be described as non-belligerent. The treaties, he claimed, could leave no other conclusion. The Spanish Americans, he said, tried to devise the Panama Congress to fulfill two separate functions--one peaceful and

one bellicose. As a result, he said, there was too much confusion. While it was easy to see the peaceful functions of the conference, its belligerent nature was equally clear.<sup>12</sup>

Martin Van Buren also fought the proposed mission in the Senate. His speech represented an eloquent plea for isolationism.<sup>13</sup> Van Buren did not oppose sending representatives to the meeting, but he did oppose official representation. The Panama Congress, he said, was formed by the individual treaties of confederation among the several Latin American states. Van Buren argued that since the United States was not an official party to those agreements, it did not have to be officially represented at Panama. The United States could attend unofficially either by sending an executive agent or one of the United States' ministers already in the area.

Unofficial attendance, Van Buren asserted, would allow the United States the advantages of being represented, yet would avoid the pitfalls of an official presence. Van Buren believed that the existing organization of the Panama Congress and the proposed form of United States' representation there was a dangerous mixture. As the two were then formulated, Van Buren could not consider the mission as expedient or in the best interests of the United States.<sup>14</sup>

Van Buren believed the Senate had insufficient information at its disposal to approve the United States' representation at the congress. This lack of information was the fault of Mr. Adams, who had waived his own stipulations for accepting the invitation.<sup>15</sup> Van Buren said that he opposed all armed alliances, all armed confederacies, or confederations of any sort.<sup>16</sup> He opposed the United States participation at Panama because he thought the United States would be expected to join



an alliance.<sup>17</sup>

The opposition continually stressed that the United States was being asked to send ministers to Panama, but as yet no one knew what was to be done there. The Congressional opposition argued that without knowing what would be done at Panama or what our ministers were expected to do there, the Senate could not determine the expediency of the mission. Nor could the Senate assume, asserted the opposition, that all the aspects of the conference would be to the best interest of the United States.

The Panama Congress, said the opponents of the mission, was an organization of states involved in a war with Spain. The treaties and letters of invitation to the United States, expressed a desire for mutual alliances to resist European intervention. Indeed, the separate treaties of confederation between the several Latin American nations were defensive alliances. In his "Circular Letter," Bolívar had called for an alliance. Other Latin American literature on the congress did the same thing. The Panama Congress was conceived by wartime tensions, convened by a wartime alliance and intended to serve as a council of war. It was impossible, therefore, to view the Panama Congress as anything but belligerent.

After labeling the Panama Congress as a bellicose assembly of wartime allies, the opposition moved to attack the proposed United States attendance at the conference. According to Congressional opponents, attending the conference and associating intimately with belligerent nations would violate the precepts of Washington's Farewell Address. Participation at Panama would also violate United States neutrality and deviate from the traditional foreign policy of the United

States. Association with belligerents at Panama would be tantamount to alliance with them. Whether the United States signed an agreement or not, in the eyes of the world, the nation would have placed itself on the side of the embattled republics. This association would most definitely constitute an entangling alliance, committing the United States to the existing conflict as well as any future European intervention. The destruction of United States neutrality was something that not even proponents of the mission wanted. Attendance at Panama was also a deviation from past policy. Congressional opponents declared that the United States had never been a member of an international congress. This country had preferred to negotiate all treaties and agreements on a one to one basis and Congressional opponents sought to maintain that practice.

In the early 1800's, the United States was not prepared to become embroiled in the conflicts with Europe. Neutrality not only formed an essential part of national policy but also insured national survival. Washington had realized this when he advised neutrality in 1793. The United States was not yet ready to challenge the military might of Europe.

The opponents to the United States' representation at Panama reasoned that if the conference was belligerent, the United States could not join the assembly without destroying its own neutrality.<sup>18</sup> Woodbury of New Hampshire suggested that the United States wait until peace was established and then engage in discussions of a peaceful nature.<sup>19</sup> Hayne told the Senate that the treaties plainly called for a confederation and mutual offensive and defensive alliances. He called the Panama Congress a body of wartime allies, convened for the purpose

of bringing the conflict to a quick and successful termination. Supporting his contention, Hayne noted that Chile and Colombia had bound themselves in an alliance to preserve Spanish American independence. All the other individual treaties of confederation said basically the same thing, he said.<sup>20</sup>

Hayne claimed that international law made no distinction between supporting a belligerent in council or aiding it in action. Either of these actions forfeited a nation's neutrality. The Panama Congress was a belligerent council; its purpose was to discuss matters pertaining to the war. To attend the Panama Congress and to discuss matters connected with the war in progress, would leave other nations no choice but to consider the United States an ally of the Latin American republics. In Hayne's opinion, the claim that our delegates would not discuss belligerent matters was not sufficient protection for our neutrality. The United States could not excuse itself, Hayne continued, simply by saying that its intentions were purely peaceful.<sup>21</sup>

Hayne pointed out that the United States had been told that it would not jeopardize its neutral position by participating in the conference. The same communication, however, listed topics of discussion that would force the United States to do just that. Hayne drew the Senate's attention to the Canaz Letter, which called for the information of an American union to counter the Holy Alliance. That was the kind of alliance Latin Americans expected the United States to join at Panama. Mere participation in discussions of this nature would destroy the United States' neutral position.<sup>22</sup>

Congressional opponents claimed that United States participation at Panama would jeopardize its position as an impartial arbitrator.

Various nations had sought and respected the United States' advice concerning the issue of war and peace. Being neutral left all diplomatic avenues open and allowed the United States to work with all nations for the cause of peace. The United States would lose its position as an arbitrator if it became allied with Latin America or even presented that image to the international community by participating in the Panama Congress.

Many members of the opposition questioned the wisdom of such a radical departure from traditional United States' policy. Levi Woodbury claimed that it was not possible for the United States to send official representative to an organization or state before it existed.<sup>23</sup> John Holmes, a senator from Maine, viewed participation in an international treaty-making body as a novel and dangerous step.<sup>24</sup> Berrien from Georgia told the Senate that attendance at the Panama Congress would injure the best interests of the United States. By associating itself with this foreign body, Berrien stated, the United States tied its destiny to that of the confederation. He firmly opposed deviation from past policies which had served the United States so well.<sup>25</sup>

A major fear of Congressional opponents was that the United States would lose its freedom of action in international affairs by participating in the Panama Congress. A good example of this potential restriction, they insisted, was the matter of Haitian recognition. The Panama Congress was expected to make a decision concerning the future relations between the assembled nations and the island republic. The opposition insisted that United States' diplomatic relations with other countries would be decided by majority vote in this foreign assembly. Congressional opponents also contended that a member of the Panama

Congress, the United States would be committed to abide by the rulings of that assembly, whether or not the results were in the best interests of the country.

In one respect, the opposition's position was correct. Bolívar's original concept of the Panama Congress was that of a confederation of nations which would surrender their authority in foreign affairs, while maintaining internal autonomy. This would provide a united front in international affairs, yet leave each nation sovereign in local matters. Full participation in the assembly would have deprived the United States of its freedom of action in foreign relations. The opponents point that participation in the Panama Congress would have impaired United States' neutrality is also well taken. The treaties of confederation did create a wartime alliance against Spain. The Panama Congress was created to serve as the ruling and policy making assembly of that wartime confederation. Intimate association with such a belligerent partnership would surely have cast serious doubt upon the sincerity of a United States' neutrality.

## FOOTNOTES

<sup>1</sup>Arthur Preston Whitaker, The United States and the Independence of Latin America: 1800-1830 (New York, 1964), p. 109.

<sup>2</sup>Ibid., p. 100.

<sup>3</sup>Randolph Greenfield Adams, A History of the Foreign Policy of the United States (New York, 1924), pp. 181-182.

<sup>4</sup>Nathaniel Sargent, Public Men and Events, Vol. I (New York, 1875), p. 115.

<sup>5</sup>Journal of the Senate of the United States, 19th Cong., 1st sess. (Washington, 1825) p. 420.

<sup>6</sup>Ibid., p. 411.

<sup>7</sup>Register of Debate in Congress, 1st Sess., 19th Cong., Vol. II, pt. 1 (Washington, D.C., 1826), p. 154.

<sup>8</sup>Ibid., p. 154.

<sup>9</sup>Ibid., pp. 154-155.

<sup>10</sup>Ibid., p. 156.

<sup>11</sup>Ibid., p. 185.

<sup>12</sup>Ibid., pp. 186-187.

<sup>13</sup>Robert V. Remini, Martin Van Buren and the Making of the Democratic Party (New York, 1959), p. 109.

<sup>14</sup>Register of Debates, pp. 136-137.

<sup>15</sup>Ibid., p. 236.

<sup>16</sup>Ibid., p. 262.

<sup>17</sup>Ibid., p. 263.

<sup>18</sup>Ibid., p. 187.

<sup>19</sup>Ibid., p. 189.

<sup>20</sup>Ibid., p.154-155.

<sup>21</sup>Ibid., p. 156.

<sup>22</sup>Ibid., p. 160.

<sup>23</sup>Register of Debates, p. 197.

<sup>24</sup>Ibid., p. 267.

<sup>25</sup>Ibid., p. 277.

## CHAPTER V

### THE LEGAL QUESTION.

The last major congressional objection to United States participation at the Panama Congress concerned the legality of the proposed mission. This was another objection devoid of political controversy. Basing their arguments on the Constitution and international law opponents sought to convince the Senate that the proposed delegation was illegal. Discussions involving the legality of the proposed mission were divided into two major arguments. One argument declared that the mission itself was unconstitutional. The second argument concerned procedure. The entire matter, however, involved legislative and executive rights and privileges, especially those concerning federal appointments and the creation of federal positions.

On December 26, 1825, President John Q. Adams officially placed the question of United States' representation at the Panama Congress before the Senate. In the presidential message that accompanied his request for Senate action, Adams made several controversial assertions. The President claimed, as his right under the Constitution, the power to accept the invitations and promise United States' attendance at the Panama Congress without consulting with the Senate. In the same message Adams also nominated two men for the position of Minister Plenipotentiary to the Panama Congress. The Senate judged these statements and actions as unconstitutional. In addition, many senators believed that Adams was



attempting to usurp Congressional rights and privileges.

The Senate was especially offended by Adams' attempt to nominate and send ministers to the Panama Congress without first consulting with the Senate. The opposition stated that Adams had a constitutional duty to seek Senate advice and consent concerning Presidential appointments. To do otherwise was a blatant attempt to extend executive authority illegally.

Senate opponents further claimed that the presidential appointment of ministers to the Panama Congress actually constituted the creation of new federal positions. The opposition declared that the President did not have the power to create new posts. The constitution provided only two ways to establish new offices. First, the Constitution itself provided for several posts. Secondly, a new job could be created by a law which had been passed by both houses of Congress and signed by the President.

The argument as to whether the Panama appointments constituted the creation of new jobs was significant. If the appointments had been made to fill legitimate vacancies, then the President had the power, during the Senate recess, to appoint temporary replacements. If, however, the appointments were being made to a nonexistent office, as the opposition claimed, then the Congress had to create those positions before they could be filled. Otherwise the appointments were unconstitutional. Concerning the Panama mission, Senate opponents held the position that there were no existing posts to be filled. The Senate could not approve the nominations until it first created the offices. It would not approve officials to fill offices created by the President. Opponents asserted that Adams was attempting to establish a precedent

that would allow the President to create new posts and nominate men to fill them without consulting the Senate. The whole matter of sending delegates to Panama, then, was nothing less than an attempt by Adams to monopolize the government.

The second argument concerning procedure was employed as a delaying tactic. The President had claimed the power to bypass the Senate in the the appointment of ministers to Panama. Adams declared that he had submitted the question to the Congress only because he felt such an important matter should have Congressional concurrence. According to Adams, he was placing the issue before the Congress out of personal choice, not constitutional obligation.<sup>2</sup>

The Senate would not accept this affront. The Senate had to challenge Adams' assertion of executive perogitive to preserve, for the future, its rights and perogitives. The right to create Federal positions, appoint officers, and committ foreign policy was highly important. It would be dangerous and unacceptable to the Senate to allow this power to be concentrated soley in the executive.

In his message to the Senate, Adams had declared that the invitation had been offered and that he had already accepted. He, therefore, asked the Senate to rule on the expediency of the proposed mission.<sup>3</sup> According to opponents of the mission, he had presented the Senate with the choice of surrendering Congressional perogatives by approving the delegation or embarassing the President by refusing to do so. This placed the Senate in a delicate position. In its report, the Senate Foreign Relations Committee noted its sense of embarassment. At first glance, the President's message had left the members with the impression that there was nothing left to which it could advice or consent.

Adams' message clearly stated that he had accepted the invitations. Adams' referral of the question to the Senate appeared to be a mere concession to Senate vanity. After reading the correspondence concerning the invitation, however, the committee determined that Adams intended no final action until the Senate had approved the mission. The committee decided, therefore, to give the entire matter its fullest consideration.<sup>4</sup>

Many Senators criticized Adams' encroachments on Senate prerogatives and challenged the legality of sending ministers to Panama. This suspected usurpation of Senate rights created further animosity between the President and the Congress. Littleton Tazewell staunchly supported the Senate's prerogatives. Tazewell argued that the President must obtain Senate advice and consent for appointments to diplomatic posts. Tazewell declared that the President was trying to arrogate to the executive branch exclusive power to make appointments to the foreign service. Adams, indeed, was attempting to circumvent constitutional or Congressional limitations on the actions of the executive.<sup>5</sup> Tazewell asserted that if the President received the authority to create new positions, then the total power of the federal government would reside in the executive branch.<sup>6</sup>

Tazewell agreed that the President had the constitutional authority to fill existing vacancies, after consulting with the Senate. Adams did not, however, have the power to create a new office. New positions were not created by Presidential appointment. Nothing in the constitution, noted Tazewell, gave the President any power to do so. No position could exist until the Congress created it. The President could not appoint a minister to a nonexistent office. The right of

the Senate to give advice and consent to the President concerning appointments to diplomatic posts was a check on executive power. The President could make temporary appointments to fill an existing vacancy without the Senate's consent only if Congress was in recess. No new positions could be created, however, if the Congress was not in session. Tazewell conceded that Congress sometimes created federal jobs at the request of the President. But he insisted that Congress created the position and Congress drafted the job description.<sup>7</sup>

The Senate Foreign Relations Committee Report also discussed executive encroachment upon Senate prerogatives. Usually, the report stated, the Senate did not have the right to examine the ultimate purpose of a proposed office. In most instances, the objects to be achieved were already stated such as in the case in filling an existing vacancy or consenting to send ministers to new sovereign nations. Since the objectives were established by preexisting laws or job descriptions, the Senate merely concerned itself with the fitness of the nominee. The proposed mission to Panama was an entirely different situation. The Senate had been asked to approve the unorthodox creation of a new diplomatic post.

In addition, Congressional opponents claimed that the President erred in his timing. Before Adams sent his nominations to the Senate for approval, he should have asked the Senate to create the post. The Senate could legally receive nominations to nonexistent offices. Until the positions were created by Congressional statute, the United States could not legally send ministers to the Panama Congress.

The opposition resorted to this discussion of procedure because it needed an excuse to examine and rule on the expediency of the

proposed mission. Without justifying its investigations, the opposition could not legitimately defend their actions. In usual practice, the Senate seldom considered the expediency of a proposed diplomatic mission, it merely concerned itself with the fitness of the nominee. In the case of the Panama Congress, however, the opposition exploited procedural irregularities to present its objections and block the proposed mission.

The opposition raised several constitutional objections to United States participation at the Panama Congress. Levi Woodbury, of New Hampshire noted that the Latin American treaties of "perpetual union, league, and confederation" had created the Panama Congress. As a result, he continued, the United States was being asked to send ministers to a permanent organization.<sup>8</sup> He stated, however, that the United States could not legally join a permanent body. Attendance at and membership in any permanent assembly, except the Union of the United States itself, was unconstitutional. The Panama Congress, he added, was both perpetual and judicial in nature. The conference was intended to mediate difficulties and interpret treaties. American membership would thus subject the United States to the jurisdiction of a power other than its own constitution. This of course, was also unconstitutional.<sup>9</sup>

An examination of the United States Constitution reveals that Woodbury was correct. Article VI, section 2 of the Constitution establishes that document as the supreme law of the land. Woodbury contended that neither the Constitution nor any existing laws or treaties authorized the United States to mingle its destiny with that of other nations. If the United States joined the Panama Congress, it

would violate the supremacy of the constitution, since joining the Panama Congress would place the Constitution in a secondary position. This was because dictates of the conference would take precedence over the domestic provisions of the Constitution of the United States.<sup>10</sup>

Thomas Hart Benton of Missouri agreed with Woodbury that the proposed mission was unconstitutional. Benton based his beliefs, however, on international law and the issue of national sovereignty. Benton informed the Senate that diplomatic missions were ranked in international law. Each class of mission had particular objectives and responsibilities. One stipulation was that official national representatives could be exchanged only between sovereign entities.<sup>11</sup> The Panama Congress, Benton claimed, was not a sovereign assembly. The sovereignty of the individual assembled nations was not vested in the Panama Congress. The constitution according to Benton, did not permit official United States representation in non-sovereign organizations. The fact that the Panama Congress was a non-sovereign assembly made official United States representation at the conference unconstitutional.

The opposition further charged that the Panama Congress was not a legally constituted assembly. Under international law, an assembly or nation had to be sovereign to legally exist. Since no sovereignty was placed in the Panama Congress, it did not legally exist under international law. Thus, the opposition claimed, the Panama Congress was an outlaw body. Its existence was not recognized by international law or by any nation in the world except the Latin American participants. The United States could not send official representatives to a conference that did not legally exist. Opponents argued, therefore, that

not only would attendance violate the tenets of the constitution, but it would also violate international law.<sup>12</sup>

Martin Van Buren doubted that the Panama Congress was solely a diplomatic conference. Despite what the Senate had been told, Van Buren believed that the conference would also assume legislative and judicial functions. If the true character of the conference was legislative and judicial, Van Buren asserted, then United States' attendance was again unconstitutional. To support his contention, Van Buren noted the special immunities granted envoys to the conference. Van Buren claimed that if the Panama Congress was truly diplomatic, the envoys did not need special grants of immunities. Immunity was a matter of course if the nature of the conference was purely diplomatic.<sup>13</sup>

Thomas H. Benton agreed with Van Buren on this point. He was convinced that the Panama Congress was more than a diplomatic assembly. He denounced as a sham the title of "minister" when applied to the envoys to Panama. The proper title for the delegates, he said, was Deputy. Deputy was a proper choice because that was the title given to legislative representatives to foreign congresses.<sup>14</sup>

Benton told the Senate that the type of representation Adams contemplated failed all known tests of international law. The commissioners would not carry letters of credence. Delegates were not being sent to a sovereign assembly. The envoys would not possess any form of diplomatic protection, nor was the United States a party to any of the treaties that promised protection for the delegates.<sup>16</sup>

Benton believed that the Panama Congress was a legislative body. He declared that the purpose of the assembly was to guide and govern the Latin American confederation. His contention was correct. The treaties

of confederation, stated as much. Because the Panama Congress was legislative as well as diplomatic, Benton noted that the representatives would need special grants of immunity, diplomats would not.<sup>16</sup>

In the debates, the Congressional opposition did not limit itself to negative arguments. Opponents made counter proposals that were intended to avoid the difficulties presented by the type of envoys Adams had suggested. Some Senators suggested the use of special government agents as representatives to Panama. Other Senators suggested that one of the United States ministers to Latin America could attend the conference in an informal capacity. Unofficial representation would neither jeopardize United States neutrality nor violate the Constitution. Informal representation would also free the United States from any agreements to recognize Haiti or abolish slavery. To the opposition, therefore, the presence of unofficial American envoys at Panama did not present the frightening aspect that official representation did.

Martin Van Buren stressed that he did not oppose American presence at Panama. He did oppose, however, official representation. He favored either the utilization of executive agents or United States ministers already in Latin America. He preferred either of these two options because they were constitutional and they did not violate the United States neutral stance.<sup>17</sup>

Precedents existed for the employment of unofficial representatives in the conduct of American diplomacy. George Washington had used private agents to handle special or confidential matters. John Jay mentioned the possible utilization of special agents in the Federalists Papers.<sup>18</sup> The United States had sent executive agents to Latin America



in 1810. President James Madison had dispatched William Shaler to Vera Cruz, Mexico, to observe the developing Mexican Revolutionary situation.<sup>19</sup> Executive agents had been frequently sent to new states before the United States granted official recognition. The use of private agents also removed the need for official diplomatic recognition. Agents could serve as listening posts and maintain the needed relations as well as an ambassador or minister. But, while the latter two officials required full diplomatic recognition, the agent did not. To many Senators, unofficial agents were the ideal instrument to conduct friendly, but informal diplomatic relations.<sup>20</sup>

The United States had also dispatched executive agents to international conferences. James Monroe, while President, had initiated this practice, by sending Alexander McRae to Europe to attend any international conference arising from European interest in Latin America. McRae's example, however, offered no real precedent for the Panama Congress. McRae had been employed as a spy and had kept his governmental connections secret.<sup>21</sup>

The use of executive agents, as suggested by Van Buren, would certainly have facilitated the United States's representation at Panama. At the least, Adams could have saved a great deal of time and trouble. Unofficial executive agents would not have required Senate approval.<sup>22</sup> This procedure would have eliminated the entire debate. Since it fell within the authority of the President to name informal agents without congressional approval, all objections against the United States' attendance would have been demolished. And the expected benefits of the mission could have been gained.

FOOTNOTES

<sup>1</sup>U. S., Congress, Senate, Journal of the Senate of the United States, 19th Cong., 1st sess., 1825-1826. p. 411.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., 102.

<sup>5</sup>U. S., Congress, Senate, Register of the Debates in Congress, 19th Cong., 1st sess. (Washington, D.C., 1825), p. 598.

<sup>6</sup>Ibid., p. 604.

<sup>7</sup>Ibid., p. 606.

<sup>8</sup>Ibid., p. 195.

<sup>9</sup>Ibid., p. 196.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid., pp. 312-313.

<sup>12</sup>Ibid., p. 314.

<sup>13</sup>Ibid., p. 239.

<sup>14</sup>Ibid., p. 314.

<sup>15</sup>Ibid., p. 313.

<sup>16</sup>Ibid., p. 311.

<sup>17</sup>Ibid., p. 235.

<sup>18</sup>Henry Merritt Wriston, Executive Agents in American Foreign Relations (Baltimore, 1929), p. 104.

<sup>19</sup>Ibid., p. 409.

<sup>20</sup>Ibid., p. 525.

<sup>21</sup>Ibid., pp. 572-573.

<sup>22</sup>Arthur Preston Whitaker, The United States and the Independence of Latin America 1800-1830 (New York, 1964), p. 579.

## CHAPTER VI

### CONCLUSION

The United States' Congress debated the question of American attendance at the Panama Congress for four months. When the debate finally ended, the Senate authorized two ministers to go to Panama. The Senate Foreign Relations Committee Report, which had labeled the mission as inexpedient and had recommended that the United States not attend the conference, was rejected by a vote of 24-19.<sup>1</sup> Richard C. Anderson, United States minister of Colombia, was confirmed as one of the delegates by a vote of 27-17. John Sargent, although highly unpopular with the South, was approved 26-18 on April 12, 1826.<sup>2</sup> The House of Representatives approved the funding of \$40,000 for the mission on April 22, 1826, by a vote of 134-60.<sup>3</sup> On May 2, 1826, the Senate concurred 23-19.<sup>4</sup> With this final vote, by the Senate, on the appropriations for the mission, the United States Congress' role in the affair terminated.

On June 12, 1826, Richard C. Anderson departed for Panama from his post in Bogota, Colombia, but enroute to the conference, he contracted a fever and died.<sup>5</sup> There is a minor controversy as to whether John Sargent left the United States before or after the Panama Congress adjourned. All sources agree, however, that Sargent never arrived at the Isthmus. He did go to Tacubaya, Mexico, however, where he joined the delegates awaiting the reconvening of the conference.

The Panama Congress did not reconvene. After several months, Sargent asked to be relieved of his commission. He was replaced by Joel R. Poinsett, who was already serving in Mexico as the United States minister to that country. In short, the United States mission to Panama was a disappointment.

The conference, however, was an even greater disappointment. Delegates at Panama wrangled through twenty-three days and ten sessions. The conference adjourned on July 15, 1826, and never reassembled. Except for Colombia, none of the nations ever ratified any of the tentative agreements reached at Panama. By the time the conference actually opened on June 22, 1826, the threats and pressures that had led to its creation had subsided. With outside pressures diminishing, the countries quickly fell to bickering and fighting among themselves. Even Simón Bolívar, originator of the conference, was disappointed at its miniscule results.<sup>6</sup>

In the United States Congress, neither the proponents nor the opponents of the mission emerged victorious. The opposition had certainly lost. Ministers had been approved and the United States had intended to be officially represented at the conference. Yet Adams, Clay, and their supporters had not won either. The four-month congressional battle had only served to antagonize the legislative branch of the government, and opposition to Adams' administration intensified. He emerged from the battle with virtually nothing to show for his staunch support of the mission. Since the United States envoys did not attend the conference, America's voice was not heard.

Viewed from the vantage of hindsight, many of the opposition's arguments do seem extreme. The fact that the Panama Congress was such

a fiasco makes it difficult to sympathize with the opposition's position. Congressional opponents, however, could not foresee the events in Panama as they prepared their arguments against the mission. They could only utilize existing documents, pronouncements of the Latin Americans, and statements of the Executive branch to formulate their position. These statements and pronouncements, until proven false, had to be taken at face value. One could not safely assume that the Panama Conference would not live up to expectations. The opponents of the mission were forced to base their conclusions on what they expected from the conference, not on what it actually became.

To understand the opponents, one must view their arguments in the proper context. What was true in the first quarter of 1826 was not true later. Once the Panama Congress had adjourned, it was easy to see the useless extremity of the opposition's arguments. But in early 1826, the opponents and the proponents were working on mere conjecture.

The initial endeavor of this study was to divorce the controversy surrounding the Presidential election of 1824 from the Panama Congress. This goal proved to be impossible. The political animosity arising from the feuds of the day affected all political issues. The major purpose of this study, however, was to demonstrate that the political feud of 1824 was not the only, or even the primary, reason for the opposition to American representation at the Panama Conference. It is the contention of this study that opposition would have arisen with or without the residual political feud of the 1824 election.

Neutrality and the security of the United States were essential for the continued prosperity of the country. American neutrality and prosperity would have been threatened if for any reason the European

powers believed that the United States was aligned with the Latin American nations. The Congressional opposition considered the Panama Congress an assembly of belligerents which had convened to perform bellicose functions. A secret alliance had been proposed to ally North and South America in common cause against Europe. The Congressional opposition interpreted this proposed alliance as a necessary function of the conference, and the formation of such an alliance had been listed as a provision in all the treaties that created the Panama Congress. The peace and tranquility of the United States would have been jeopardized by such an alliance. If the United States had joined with the Latin American states, it would have surrendered its destiny to the whims of Europe. Any European invasion of Latin America would have committed the United States, as a member of the alliance, to go to war.

The South would have opposed United States' representation at Panama, regardless of who was President at the time. The South was just beginning to form its own sectional party. This same party would have opposed any President on any issue it construed as prejudicial to Southern interests.

The South also feared the possible consequences of any discussion of slavery at Panama. Southern opposition viewed with alarm the possibility of an international discussion of slavery and the rights of slave owners. The proposed talks concerning the abolition of the African slave trade threatened to evolve into such a discussion. The Southern opponents of the Panama mission stated that no representative to a domestic assembly could question Southern rights in regards to slavery. They asserted, therefore, that there was no justification,

legal or otherwise, to send representatives to discuss slavery at a foreign congress.

The question of diplomatic recognition for the island of Haiti, another proposed topic at Panama, also raised Southern fears. Examples of successful slave rebellions had to be hidden from the slave populations of the United States. Such examples, southern congressmen feared, would prompt slave revolts in the South. Southerners, then, could not allow diplomatic recognition of Haiti. The South feared recognition would be forced on the United States at Panama.

Congressional opponents also presented constitutional objections to United States attendance at Panama. The Constitution made no provision for the United States to become a member of any other assembly or union or to place itself under the jurisdiction of that body. The Constitution was clearly the supreme law of the United States. Placing the United States under any other authority was a violation of the Constitution. Thus, the United States could not attend the Panama conference without violating its own charter.

Regardless of the political feud of 1824, constitutional opposition would have arisen over Adams manner of presenting the issue. Adams blatantly claimed the power to appoint diplomats without consulting the Senate. This assured anger and resentment in the Senate. It was also a sure method to elicit charges that the President was attempting to circumvent the Constitution.

The question of whether there was in fact a position for the Senate to fill and who could create posts in the federal government probably would have been debated in any case. The Senate was too jealous of its prerogatives to allow such executive actions to go



unchallenged.

The Panama Congress, therefore, was the type of issue that would have aroused opposition no matter who was President. The proposal to send ministers plenipotentiary to an international conference was a drastic departure from the traditional foreign policy of the United States. The proposed change in this instance, threatened the much valued neutrality of the country.

Any one of the above factors should have been serious enough to force the cancellation of the mission. The United States, however, was enthralled by the romance and nobility of the Latin American cause. The Latin Americans were, in the eyes of many people in the United States, recreating the American Revolution of 1776 against the tyranny and despotism of Europe. The United States also envisioned itself at the head of a glorious "American System," through which the "United Americas" would reap the benefits of world peace and commerce. The fulfillment of this vision demanded that the United States attend the conference. Perhaps it is fortunate for the United States that the Panama Congress was a failure. Many of the fears expressed by the Congressional opponents to the United States' representation at Panama were realized in the final decisions of the conference. Just because these decisions were never implemented does not alter the fact. It is possible that the dire predictions of the opposition could have come true. The consequences of that occurrence would have been lamentable. It should have been enough to keep the United States at home.

## FOOTNOTES

<sup>1</sup>U. S. Congress, Senate, Executive Proceedings of the Senate of the United States on the Subject of the Mission to the Congress at Panama, Together with the Messages and Documents Relating thereto, S. Doc., 68, 19th Cong., 1st. sess., 1825-1826, p. 101.

<sup>2</sup>Ibid.

<sup>3</sup>U. S. Congress, House, Journal of the House of Representatives of the United States, 19th Cong., 1st sess., 1825-1826, p. 462.

<sup>4</sup>U. S. Congress, Senate, Journal of the Senate of the United States, 19th Cong., 1st sess., 1825-1826, p. 291.

<sup>5</sup>Richard Clough Anderson, The Diary and Journal of Richard Clough Anderson, 1814-1826, Alfred Tischendorf and E. Taylor Parks, eds. (Durham, North Carolina, 1964), p. 271.

<sup>6</sup>David Bushnell, ed., Simón Bolívar: Man and Image (New York, 1970), p. 201.

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APPENDIX

TREATY OF CONFEDERATION BETWEEN  
COLOMBIA AND CHILI.<sup>1</sup>

Translation.

Francisco de Paula Santander, of the Liberators of Venezuela and Cundinamarca, decorated with the cross of Boyaca, General of Division of the Armies of Colombia, Vice President of the Republic, charged with the Executive power, &c. &c. &c.

To all who shall see these presents, greeting:

Whereas there has been concluded and signed, in the City of Santiago de Chile, on the twenty-first day of October, in the year of Grace one thousand eight hundred and twenty-two, between the Republic of Colombia and the State of Chile, by means of Plenipotentiaries sufficiently authorized by both parties, a treaty of perpetual union, league, and confederation, the tenor whereof is, word for word, as follows:

In the name of God, the Author and Legislator of the Universe: The Government of the Republic of Colombia, on the one part, and on the other that of the State of Chile, animated with the most sincere desire of putting a speedy termination to the calamities of the present war, to which they have been incited by the Government of His Catholic Majesty, the King of Spain, by effectually co-operating, for so important an object, with all their influence, resources, and forces, by sea and land, to secure forever to their respective people, subjects, and citizens, the previous enjoyments of their internal tranquility, of their liberty and national independence: and his excellency the Liberator, President of Colombia, having, for that purpose, conferred full powers upon the honorable Joaquín Mosquera and Arbolida, member of the Senate of the Republic of the same name; and his excellency the Supreme director of the State of Chile, upon his Ministers of State in the Departments of Government and Foreign Relations, D. Joaquín de

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<sup>1</sup>U. S. Congress, Senate, Executive Proceedings of the Senate of the United States on the Subject of the Mission to the Congress at Panama, Together with the Messages and Documents Relating thereto, S. Doc., 68, 19th Cong., 1st, sess., 1825-1826, pp.17-20.

Echeverría, and in those of Finance and War, D. José Antonio Rodríguez; they after having exchanged, in good and due form the said powers, have agreed on the following articles:

ARTICLE 1. The Republics of Colombia and the State of Chile are united, bound, and confederated, in peace and war, to maintain with their influences and forces, by sea and land, as far as circumstances permit, their independence of the Spanish nation, and of any other foreign domination whatsoever, and to secure, after that is recognized, their mutual prosperity, the greatest harmony and good understanding, as well between their people, subjects, and citizens, as with other Powers with which they may enter into relations.

ARTICLE 2. The Republic of Colombia and the State of Chile, therefore, voluntarily promise and contract a league of close alliance and firm and constant friendship, for the common defense, for the security of their independence and liberty, for their reciprocal and general good, for their internal tranquility, obliging themselves to succor each other, and to repel, in common, every attack or invasion which may, in any manner, threaten their political existence.

ARTICLE 3. In order to contribute to the objects pointed out in the foregoing articles, the Republic of Colombia binds itself to assist, with the disposable sea and land forces, of which the number, or its equivalent, shall be fixed at a meeting of Plenipotentiaries.

ARTICLE 4. The State of Chile shall also contribute, with the disposable sea and land forces, of which the number, or its equivalent, shall be likewise fixed at the said meeting.

ARTICLE 5. In cases of sudden invasion, both parties shall be empowered to act in a hostile manner in the territories of the dependence of either, whenever circumstances of moment prevent their acting in concert with the Government to which the sovereignty of the invaded territory belongs. But the party so acting shall fulfill, and cause to be fulfilled, the statutes, ordinances, and laws, of the respective States, so far as circumstances permit, and cause its Government to be respected and obeyed. The expenses which shall be incurred in these operations and others which may be incurred in consequence of the third and fourth articles, shall be liquidated by separate Conventions, and shall be made good one year after the conclusion of the present war.

ARTICLE 6. To secure and perpetuate, in the best mode possible, the good friendship and correspondence between both states, they shall have free entrance and departure in their ports and territories, and shall enjoy there all the civil rights and privileges of trade and commerce, being subjected only to the duties, imposts, and restrictions, to which the subjects and citizens of each of the contracting parties shall be subject.

ARTICLE 7. In virtue hereof, the vessels and territorial productions of each of the contracting parties shall pay no higher duties of importation, exportation, anchorage, and tonnage, than those established, or to be established, for those of the Nation in the ports of each State, according to the existing laws; that is to say, that the vessels and productions of Colombia shall pay the duties of entering and departure in the ports of the State of Chile as Chileans, and those of the state of the state of Chile as Colombians in those of Colombia.

ARTICLE 8. Both contracting parties oblige themselves to furnish what assistance may be in their power to the ships of war and merchant



vessels that may come to the ports belonging to them on account of damage or for any other cause and as such they shall be empowered to careen, repair, provision, arm, augment their armament and their crews, so as to enable them to continue their voyages or cruises at the expense of the state or individual to whom they belong.

ARTICLE 9. In order to avoid the scandalous abuses which may be caused by privateers armed on account of individuals to the injury of the national commerce, and neutrals, both parties agree in extending the jurisdiction of their maritime courts to the privateers which sail under the flags of either, and their prizes indiscriminately, whenever they are unable to sail easily to the ports of their destination, or when there are appearances of their having committed excesses against the commerce of neutral nations, with whom both sides are desirous of cultivating the greatest harmony and good understanding.

ARTICLE 10. If by misfortune the internal tranquility be disturbed in any part of the states mentioned, by men turbulent, seditious, and enemies of the governments lawfully constituted by the voice of the people, freely, quietly, and peaceably expressed in virtue of their laws, both parties solemnly and formally bind themselves to make common cause against them, assisting each other with whatever means are in their power, till they obtain the re-establishment of order and the empire of their laws.

ARTICLE 11. If any person guilty, or accused of treason, sedition, or other grievous crimes, flee from justice and be found in the territory of any of the states mentioned, he shall be delivered up and sent back at the disposal of the government which has cognizance of the crime, and in whose jurisdiction he ought to be tried, as soon as the offended party has made his claim in form. Deserters from the national armies and marine of either party are also comprehended in this article.

ARTICLE 12. To draw more closely the bonds which ought in future to unite both states, and to remove any difficulty which may present itself, or interrupt in any manner their good correspondence and harmony, an assembly shall be formed composed of two plenipotentiaries for each party, in the same terms, and with the same formalities, which, in conformity to establish usages, ought to be observed, for the appointment of ministers of equal class near the governments of foreign nations.

ARTICLE 13. Both parties oblige themselves to interpose their good offices with the governments of the other states of America, formerly Spanish, to enter into this compact of union, league, and confederation.

ARTICLE 14. As soon as this great and important object has been attained, a general assembly of the American states shall be convened, composed of their plenipotentiaries, with the charge of cementing, in the most solid and stable manner the intimate relations which ought to exist between all and everyone of them, and who may serve as a council in the great conflicts, as a rallying point in the common dangers, as a faithful interpreter of their public treaties when difficulties occur, and as an umpire and conciliator in their disputes and differences.

ARTICLE 15. The republic of Colombia and the state of Chile bind themselves cheerfully to afford to the plenipotentiaries who may compose the assembly of the American states, all the aids which hospitality among brotherly people, and the sacred and inviolable character of

their persons demand, whenever the plenipotentiaries shall choose their place of meeting in any part of the territory of Colombia or that of Chile.

ARTICLE 16. The compact of union, league, and confederation, shall in no wise interrupt the exercise of the national sovereignty of each of the contracting parties, as well as to what regards their laws and the establishment and form of their respective governments, as to what regards their relationship with other foreign nations. But they expressly and irrevocably bind themselves not to yield to the demands of indemnifications, tributes, or exactions, which the Spanish government may bring for the loss of her ancient supremacy over these countries, or any other nation whatever in her name and stead, nor enter into any treaty with Spain, or any other nation, to the prejudice and diminution of this independence, maintaining on all occasions and in all places, their reciprocal interests, with the dignity and energy of nations free, independent, friendly, brotherly, and confederated.

ARTICLE 17. This treaty, or convention of amity, league, and confederation shall be ratified within the third day by the government of the state of Chile, with the advice of the honorable National Convention, in conformity to article 4th, chapter sd, title sd, of the provisional Constitution, and by that of the republic of Colombia as soon as it can obtain the approbation of the Senate, in virtue of the resolution by the law of Congress, of 18th October, 1821; and in case, by any accident, it cannot assemble, it shall be ratified in the next Congress, agreeably to the provision of the Constitution of the republic, in article 55, section 18. The ratifications shall be exchanged without delay, and in the period which the distance that separates both governments permits.

In faith whereof, the respective plenipotentiaries have signed these presents, and sealed them with the seals of the states which they represent.

Done in the City of Santiago de Chile, on the twenty-first day of the month of October, in the year of Grace one thousand eight hundred and twenty-two, twelfth of the independence of Colombia, thirteenth of the liberty of Chile, and fifth of its independence.

Joaquin Mosquera  
Joaquin De Echeverria  
Jose Antonia Rodriguez

VITA

Gene Michael Kelly

Candidate for the Degree of

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