

PANAMA'S VIEWPOINT OF THE REVOLUTION OF 1903

AND

THE INTERRELATION OF THE PANAMA CANAL WITH PANAMA'S DEVELOPMENT

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Bachelor of Arts

Oklahoma A & M College

Stillwater, Oklahoma

1935

Submitted to the Department of History
Oklahoma Agricultural and Mechanical College
In Partial Fulfillment of the Requirements

For the Degree of

MASTER OF ARTS

1946

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PREFACE

The construction of a canal across the Isthmus of Panama has been a subject for conversation for the past four hundred years. It was first known by the prelates of Spain that a canal across the Isthmus of Panama would be like a Debajo de llave to the King of Spain. Bolivar, the great emancipator of Colombia, asserted that a canal would some day be built across the Isthmus of Panama. Several leading nations have considered the possibility of building a canal across the Isthmus: England, France and the United States. England never attempted it; France tried, but finally gave it up as an impossible undertaking.

Historians have written into their histories that the United States, under Theodore Roosevelt, merely took their navy and went down and took Panama away from Colombia. Historians fail to show that according to the Treaty of 1846, between New Granada and the United States, Colombia had given the United States the right to construct, maintain and protect any type of transportation across the Isthmus of Panama. The men of history fail to realize that the Panamanian people were interested in breaking away from Colombia, as shown in the Revolution of 1903. It is not commonly known in histories that the Panamanian people knew that if the Canal failed because of Colombia's stupidity in her diplomatic relations in securing aid in building the Canal that all that Panama ever hoped to be economically, socially and politically would be destroyed.

To compile all the treaties and letters from 1846 to the Panamanian Revolution of 1903 that referred to a canal across the Isthmus of Panama, would be too great for a thesis. The essence of all these treaties and letters was, however, for Colombia to find some nation who was willing to build the Canal and then turn over the management to Colombia.

It is, then, the purpose of this treatise to show that the desire for independence came from within Panama and not from without, and that Colombia failed to accomplish what she started out to do, namely, to build a canal across the Isthmus. Colombia failed because she asked too much. Panama could see the failure. Panama also knew that Colombia had taxed her heavily and had not put anything back into Panama such as roads, schools, or any other type of internal improvement. Panama knew that she was not represented in the government of Colombia sufficiently to overcome this handicap. Panama's only answer was to break with Colombia.

The building of the Panama Canal has saved the world millions of miles of dangerous and unnecessary travel. The Canal has become the crossroad of international commerce.

Panama has gained by leaps and bounds in internal improvement and economic stability as shown in this thesis. The Panama Canal has been an aid to civilization. Because of the nearness of the Canal to Colombia, Colombia has gained much more than she could have ever expected from Panama without the Canal.

The author of this thesis is especially indebted to those who have so ably assisted him in giving helpful criticisms in the preparation of this work.

R. A. B.

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A DIPLOMATIC HISTORY OF THE
ISTHMUS OF PANAMA THROUGH
THE ORGANIZATION OF THE REPUBLIC

Chapter I

On November 6, 1903, late at night, the press received a communication from the White House which justified the recognition of the newly created Republic of Panama. The historic document said:

The proceedings of the President in the Panama matter were not only in accord with the principles of justice and equity, in line with all major precedents of our public policy, but were the only course which could be taken in the fulfillment of our rights and obligations of the treaty with Panama. Through our treaty made with New Granada (Colombia) in the year of 1846, New Granada guaranteed the right of transit across the Isthmus of Panama.

This right, acquired by treaty, was not conceded freely but in exchange for important compensation.

The government of the United States guaranteed positively and efficaciously the stipulation of perfect neutrality of the Isthmus with a view to free transit from one ocean to another, which may not be interrupted or embarrassed at any time while this treaty lasts.¹

In substance, the United States guaranteed to Panama the same rights of sovereignty and propriety which New Granada possessed over the Isthmus territory, and close relations were created between the two governments, relations well established by President Theodore Roosevelt in a message to the Senate, in which he said,

The importance of the concession for the commercial and political interests of the United States could not be appreciated. The Panama route is the shortest between the two oceans. It is a most practicable location for a railroad or canal, and considerable advantage will result for our trade and communications, not only with the West Coast of America, but also with Asia and the Pacific Islands, because such a route saves the United States the long and dangerous navigation of more than 9,000 miles through Cape Horn. By the treaty, we do not propose to guarantee the territory of a foreign nation with which the United States does not have common

¹ Castillero, History of Inter-Oceanic Communications and of its Influence and of the Development of Panama Nationality, pp. 151.

interests; but on the other hand we are more interested in the guarantee of New Granada than of any other nation. These considerations of effective control have come to be more important each year since the time of the treaty. The acquisition of Hawaii and the Philippines has given an even higher value to the control of trade and traffic in all the civilized world and tranquil transit through the Isthmus has become highly important to the United States. The right to this control has never made us lax, nor caused us to lose sight of the re-vindication of our rights or the exercise of our obligation.

Secretary Everest, in 1853, assured the Minister of Peru that, "The Treaty confirms that we shall not vacillate in maintaining the neutrality of the Isthmus in case of war between Peru and Colombia."

In 1866, Colombia, which had always been vigilant in profiting by the privileges granted in the Treaty, expressed its hopes that in case of war between Spain and Peru, the United States would put into effect the guarantee of its neutrality.

In 1871 Fish said that the Department of State had foundations for believing that by advertence the United States had on various occasions avoided an attack on the sovereignty of Colombia through the Isthmus. ²

In 1896 Colombia was menaced by Italy in the outbreak of hostilities caused by the Cerruti Claims. Italy had manifested serious interests, which the United States could not permit, against a sister republic of this hemisphere; and the United States protected Colombia's sovereignty as the government of a port of which the Treaty guarantees freedom. The United States has not only constantly protected Colombia from foreign invasions, in its efforts to carry out the Treaty obligations, but had intervened at other times to avoid obstruction of traffic during the periods of domestic dissension. In these cases we intervened in

²

Ibid., 315

view of the necessities of the moment, but always to the benefit of Colombia as well as international trade. The position of the United States was clearly expressed by Seward in these words:

The United States has not taken, nor will take, any part in the question of internal revolutions in the State of Panama nor in Colombia, but will maintain perfect neutrality in such domestic controversies; moreover, the United States goes on record for protecting trade through the Isthmus against invasions, either domestic or foreign, which would disturb the peace of Panama. There has never existed any doubt that the Treaty of 1846 guarantees free transit either for the citizens or for the government of the United States.

We used the Isthmus for the transit of troops and for apprehension of fugitives of justice; and in the protocol signed in Bogota, February 22, 1879, this right of transit for troops and the extradition of criminals remained, a right which we retained as compensation for guaranteeing the sovereignty and property of the Isthmus. It should not be overlooked that this treaty was not dependent for its efficacy on the individual signatories in the name of the territory affected. The Treaty is a contract, jurists declare, that includes the land itself.³

New Granada continues to exist, its territory divided, but the solemn promise which forced the possessors of the Isthmus to maintain its open transit to the United States remained in full force. That the government of the United States is resolved to exercise this privilege is too clear for discussion.⁴

In a letter to the U. S. Secretary of State from Mariano Ospina, Minister of Foreign Affairs of New Granada, on September 30, 1843,

³ Ibid., 156

⁴ Ibid., 157

he said:

The government of New Granada, desiring to afford to the commerce of nations the advantages which would result from a communication between the Atlantic and Pacific, across the Isthmus of Panama, has resolved to invite the governments of the principal maritime nations to conclude a treaty, with the object of carrying this great undertaking into execution; as well that the governments should take upon themselves the execution of the work, as that they should guarantee the neutrality of the communication between the seas, and the fulfillment of the conditions stipulated for its execution. Full powers have been in consequence, given to Senor Manuel Maria Mosquera, Charge d' Affaires of the republic near the government of her Britannic Majesty, to treat with the plenipotentiaries who may be appointed to that effect.

As the government of the United States is one of those which the government of New Granada desires to see participate in the treaty in question, I have received orders from my government to make you acquainted with the same, in order that, if the government of the United States should judge proper to join its efforts for the consummation of the important work of opening the communication between the two oceans, it may authorize some person to take part in the negotiation proposed.

I shall avail myself of this opportunity to represent to you, sir, the assurances of the high consideration and distinguished respect with which I have the honor to subscribe myself your most obedient and attentive servant, Mariano Ospina.⁵

The Colombian government repeatedly negotiated for a treaty between Panama and the United States, for carrying into effect the plans of a canal through the Isthmus; and ownership and control by the United States was not a new proposition; a plan agreed to by both countries which affirmed this right had long been conceded by Colombia. The universal conviction was that the moment had arrived in which to realize the giant plan. It was too great for individual enterprise and could only be carried out by a great power with vast resources. The only government which could undertake this stupendous labor was the

⁵ Mariano Ospina, "Letter from Minister of Foreign Affairs of New Granada to the U. S. Secretary of State, Volume 7, Senate Documents, 339, 1845-1846, Serial Document 476, Bogota, Colombia, September 30, 1843

United States.

The President, by authorization of Congress, was satisfied to negotiate the Treaty with the government of Bogota for the construction of the Canal through the Isthmus, and the government of the United States offered a number of special considerations to Colombia.

The Treaty contained extraordinarily liberal provisions; it declared gratuities for the privilege of constructing a Canal, and a generous annual payment. Added to all this innumerable benefits would be derived by the Colombian people for the construction of this colossus through its territory.

The Treaty was promptly ratified by the United States Senate, but was rejected by Colombia. The insinuations made by Bogota to this government for failure to renew negotiations have been too vague to merit serious consideration by the United States. More important to this study, they were such as to produce suspicion in Panama that there was no reasonable hope for the realization of the object on which the United States had fixed its eyes for years. And the rejection of the Treaty convinced the Panamanians there remained nothing more to be expected from relations with the Colombian government. They dedicated themselves to revolt.

When France abandoned construction of the Panama Canal, and Colombia refused to negotiate further with the United States in the interests of its construction, the people of Panama began to see the unconsulted will of the national representation as the death of progress, particularly so with relation to their loss of the illusion of coming economic prosperity

since the Canal would have been without profit once the works were derelicted.⁶

The Department of Panama, without industry and without riches, found itself in a most lamentable state of decadence and economic prostration. Panama had no other hope of immediate livelihood, without the renewal of work on the Canal, whereas its completion would have encouraged international commerce on a large scale, and was the only hope for economic development. This potential loss, united with the traditional tendency of the Isthmus toward an autonomous life, awakened all the dormant aspirations of independence, and Panamanians concluded that the moment had come to destroy the ties linking it with Colombia for the past century.⁷ Finally, after defeat in the Colombian Senate of the Hay-Herran Treaty, one-hundred or more revolutionaries of the Panama capital decided the hour for revolt had arrived. They assumed direction of the revolutionary movement, and thanks to the efficient and resourceful operation of a Panamanian commission in the United States, received arms and military aid from North America. The independence of Panama was declared, and the conspirators associated themselves in the cause of liberty with all those persons who, through their position, were considered necessary elements for beginning the revolution. Even the Chief of the Colombian battalion sent to quench the revolt was won over to the cause of Panama.

On November 3, 1903, the date of the secessionist revolution, the capital of the Isthmus was instituted. On November 4, the Act of Independence was celebrated and approved by the Municipal Council, the new

⁶ Castillero, op. cit., 117

⁷ Castillero, Loc. cit.

functionaries of the country, and the people, after which a provisional government was named. The cities ratified the emancipation and the continuation of the new government which had been initiated by such a relatively small group of conspirators. A record of the reasons for revolt was drawn up and presented to the country:⁸

Today's important act through which a spontaneous revolt was executed by the people of the Isthmus, was the inevitable consequence of a situation which has been aggravated year after year.

The long period of abuse which our citizens suffered under Colombia is concluded. The evils should have been supported by resignation in altars of concord and by national union. If reparations had been possible, and if we had been able to hold fundamental hopes of betterment and effective progress under a system which had been submitted to us by that Republic, this step perhaps would not have been necessary.

We solemnly declare that we have a sincere, profound conviction that all hope was vain—all sacrifice on our part useless.

The Isthmus of Panama was governed by the Republic of Colombia by the strict criteria which, in epochs already remote, applied to the colonies of European nations; the people and the Isthmian territory were a financial resource and nothing more. The contracts and negotiations on railroads, the Panama Canal and the Isthmus in general have produced great sums. These we have not enumerated in order not to appear in this writing—destined to posterity—as motivated by commercial spirit. Of these great sums the Isthmus has not received the benefits, either for its numerous rivers, or the construction of roads between its populations, of public office or colleges. Nor has there been any interest in encouraging industry, nor has Panama enjoyed in the smallest part a return for our sources of income which might be employed in stimulating prosperity.⁹

A very recent example of what great deeds might have been permitted us is clear in the business of the Panama Canal, as considered by the Colombian Congress. This body declared its adverse opinion, founded on the assumption that only the Isthmus of Panama would be favored by an opening of the passage—by virtue of a treaty with the United States—and that the rest of Colombia would not receive direct benefits of any kind from that work. The Congress even justified

⁸ Ibid., 120

⁹ Castillero, loc. cit.

the irreparable damage which it caused the Isthmus, and in effect closed the door to future negotiations. ¹⁰ *

The Isthmian people, in view of such notorious causes, have decided to recover their sovereignty, entering formally into the society of free and independent nations in order to work for its own fortunes and assure the future in a visible manner, attempting the role of an independent power through the country's immense resources. We aspire to the foundation of a true Republic in which tolerance rules, in which the norms may be invariable for the government and the governed, in which shall exist effective peace, which consists in free and harmonious interplay of interests for all, and in which, in sum, there will be a perpetual base for civilization and progress. ¹¹

In initiating the life of an independent nation, we understand the responsibilities which this state implies, but we have profound faith in the prudence and patriotism of the people of this Isthmus, and we possess sufficient energies for creating a secure future without danger of accident.

We separate ourselves from our sister Colombia without rancor and with happiness, as a son who separates from the paternal hearth. The people of the Isthmus will adopt the life which they have selected; although it has been done in grief, and has been fulfilled by overcoming obstacles and assuming imperious duties, for the sake of its own conservation and well being. ¹²

We are, then, to belong among the free nations of the world, considering Colombia as a sister nation, with whom we will always be such as the circumstances demand, and for whose prosperity we have the most fervent vows. ¹³

The government of the United States was notified through its consular representative in Panama, and through Panama's agent of the Revolution, in Washington, of the creation of the Panama Republic, by whose means the United States saw itself assured the control over the Canal which the Colombian Senate had refused. And the Panamanians, by the

¹⁰ The author of this translation finds that between 1850 and 1880 Colombia collected some \$17,244,000 from the Isthmus without returning any of this sum. * Castillero, op. cit., 122

¹¹ Ibid., 123

¹² Ibid., 124

¹³ Castillero, loc. cit.

happy outcome of the revolution, saw on their part the accomplishment of their desire that the Canal be constructed through their territory by means of a treaty with the nation most interested and able to consummate the task. With considerable vision and intelligence Dr. Carlos Martinez Silva, Minister of Colombia in Washington, and originator of the Hay-Herran Treaty, pointed to its importance two years in advance of the revolt:

In studying the question of the Canal, the government of Bogota should take into account the special interests in Panama. For these the Canal is a matter of life or death, because Panama subsists almost exclusively on the commerce of transit; if the Canal should be opened by the other (Nicaraguan) route, the crisis would be immediate, and would bring almost certain ruin for the trade and even for urban properties. It would mean abandonment of all rural properties in the immediate zone of the city. Even the railroads would lose a great part of their actual importance. The emigration of all commercial houses, and all of those who live by industries related to transportation, would be inevitable. So great a disaster would indicate complete annulment of national income in the Isthmus; administration and government would be a permanent evil and a heavy burden on the treasury of the Republic. I am sure there would not be a single inhabitant of Panama who will not consider a grave misfortune the loss of all hope of what the Canal could be. It is possible that Colombia would look upon this with indifference; but it would be the last degree of cruelty and of unnecessary sacrifice of all the interests of a department. Interests so sacred and valuable, which represent the future of an entire people, cannot be material for political play. ¹⁴

The step taken by Panama, in grief to the secular ties which joined the Isthmus to Colombia, was obedient to an urgent necessity. Affairs had begun to press clearly for a Nicaraguan route, which terminated in a reasonable concession in the Spooner law through which the President obtained the privilege of a Panama Canal, and, according to the terms of the same legal disposition, time was already inclining toward the

¹⁴ Dr. Carlos Martinez Silva, Memorandum (Washington, D. C., 1901), Castillero, op. cit., 126

Central American way. ¹⁵

Fortunately, President Theodore Roosevelt, a decided partisan of the Panama route, resisted adverse pressure and prudently took advantage of the delay for study of the important problems of inter-oceanic communication. Without being certain of what the near future held for satisfying his cherished ideal of completion of the Isthmus Canal, in October 10, 1903, he wrote the following:

Privately, I can say to you that I would be happy if Panama were an independent state, or if at this moment it were independent; but to say this publicly would be as much as instigating a revolution, and the same will happen by not saying it. ¹⁶

To the Panama people, whose vital interests were disdained in the Colombian Senate of 1903, there remained no other road than to assume sovereignty of the territory. The illustrious internationalist, Dr. Justo Aroseman, said:

The use of sovereignty and of the popular will is a natural right, if in using it one secures the well being of the country. Far from committing a crime, it is exercising an act of virtue, the virtue of patriotism because the fatherland is essentially the native land. ¹⁷

Humbolt, the famous German explorer, virtually forecast the revolt a century ago: "I abstain from discussing the possibility that the land of Panama should form a republic apart under the name of 'Junciana' (Union), dependent on the United States." ¹⁸

And Dr. Francisco Soto, Minister of Finance of General Santander, had prophesied:

People can not resist the rule of nature; and we suppose that

¹⁵ Castillero, op. cit., 127

¹⁶ Castillero, loc. cit.

¹⁷ Ibid., 128

¹⁸ Ibid., 128

by nature the Isthmus of Panama is called upon to be independent, and that this independence will already be gained, later or earlier, a century from now or ten years from now. ¹⁹

The most ponderous and necessary task was to lay the foundation for the new government in whose labors all participants were inexpert. The revolutionary junta, doubtless conscious of their grave responsibility, approved without reservation, and without consulting public opinion, by means of executive decree No. 24 of December 2, 1903, a hasty document, Treaty of the Canal, and permitted it to be signed by the United States negotiator during the process of forming the new government. ²⁰

In order to give the organization a stable democratic character, the provisional government called a popular election for a constitutional convention composed of 32 deputies, four for each of the six provinces and eight for Panama district, as the latter and an even greater population than the national capital. ²¹

Deputies were selected from each of the historic parties: liberal and conservative.

The convention met on January 15, 1904 and the junta resigned its powers to the new government. It was composed of outstanding figures of the Isthmus, many of whom were personalities whose patriotic services in Panama public life contributed meritoriously to the nation and had been driving forces in its progress. ²²

The national assembly delayed consideration and discussion of the

¹⁹ Ibid., 128

²⁰ Ibid., 168

²¹ Ibid., 168

²² Ibid., 169

"Great Charter of the Nation" until February 13, at which time the fundamental law was definitely approved and signed by the legislators. The government and its cabinet sanctioned it two days later. The convention then proceeded to elect the first constitutional President of the country, a designation which fell, as a tribute for his efforts toward the creation of a republic, to Manuel Amador Guerrero. On February 20, 1904, in a solemn ceremony, the national executive swore to uphold the new government. Thus ended the revolutionary government initiated November 3, 1903, and Panama entered upon a road to legal form.

The public powers were divided into three clearly defined branches, whose functions were limited, much as in the United States, to the legislative, executive and judicial departments.

The national assembly, elected by the people every four years, meets annually in ordinary sessions beginning September 1, in order to levy taxes, approve treaties and legislate on all national problems. The President is assisted by six Secretaries, freely named and removed, who are chiefs of the six branches into which public administration is divided: State, Justice, Foreign Relations, Treasury, Health and Public Works, Agriculture, and Commerce. All personal national administration, with the exception of the assembly, was reserved for the President or the chiefs of dependent offices. The President is also in charge of national policy. ²³

The judiciary is exercised by a Supreme Court of Justice, Superior Tribunals of Judicial Districts, of which there are two, and Judges of circuits and municipalities. ²⁴

²³ Ibid., 171

²⁴ Ibid., 171

The Supreme Court is composed of five magistrates named by the President for a term of ten years, each President naming two magistrates. The magistrates of the Superior Court hold office six years, the municipal and circuit court judges each for four years. In special cases the national assembly exercises the functions of a judicial tribunal. ²⁵

²⁵ Castillero, loc. cit.

PANAMA'S RECEPTION
INTO THE
WORLD OF NATIONS

Chapter II

The news of the birth of a new nation caused an international reaction. The action was a significant step, and its announcement came as no secret to voices of the French and American press and to diplomats who had followed the internal affairs of Colombia. In the dailies of Paris, New York, Panama, and some points of Colombia, the declaration was announced to partisans of the Canal. Apparently the only ones to whom the news came as a surprise were the Colombian authorities of Bogota.¹

The first nation to extend the hand of friendship was the United States. On November 5, the American Consul sent to the Secretary of State the following information:

An official circular was received from the Provisional Government in which it was stated that an independence movement occurred on the fourth and that the Department of Panama was separated from Colombia and the Republic of Panama was formed. I was asked to advise receipt of the circular.²

To the foregoing notice to Washington, the Secretary of State replied on the sixth, with authorization to enter into relations with the new government of Panama:

You will enter into relations with Panama as a responsible territory, and will solicit from it all necessary aid for protecting the persons and property of the United States and for maintaining open transit of the Isthmus in accord with the obligations which treaties with the United States impose upon it within its territory.³

¹ Castillero, History of Inter-Oceanic Communications and of its Influence and of the Development of Panama Nationality, p. 151

² Ibid., p. 152

³ Ibid., p. 152

A clear duty was imposed upon the President of the United States. In the interests of the Isthmus, the people of Colombia, the United States, and the trade of the world, and in order to conserve for all free transit through the Isthmus, a power was needed to establish permanent peace. ⁴

As legal justification for recognition of the new republic, and contrary, consequently, to the friendliness of Colombia, President Roosevelt explained his conduct in a message to Congress:

In the opinion of eminent authorities on treaties the Isthmus was dedicated for the purpose of an inter-oceanic canal under the Treaty of 1846. Colombia could not, under existing conditions, decline to enter with the United States in adequate arrangements for this end, without violating the spirit and the obligations of the treaty whose benefits she had enjoyed for more than 100 years. My intention was to consult Congress if in such circumstances it would be appropriate to announce that the Canal would be opened immediately. We ourselves authorized the conditions offered; and if such conditions were not agreed to, we would have entered directly, or taken any means necessary to begin the enterprise. ⁵

As soon as a diplomatic agent was selected, Panama was recognized by the United States, and the first powers of Europe and Asia hastened to manifest friendship for Panama.

From South America the first nation to offer friendship was Peru. The Foreign Minister of Chile gave Colombia a significant statement of its attitude toward Panama: "Although I lament the separation of Panama, I am happy this question is terminated peacefully and honorably."

Chile did not enter into relations with Panama until March, 1904, primarily because Chile was leagued with Colombia by a moral debt contracted in the Pan-American Conference of Mexico. ⁶

⁴ Ibid., 159

⁵ Ibid., 160

⁶ Ibid., 161

Argentina and Ecuador gave Panama immediate recognition. Ecuador capitalized on Colombian sentiments of nationality in a letter from Governor Garcia wishing Panama to assume international relations. President Castro of Venezuela was friendly toward Panama:

The Congress of Venezuela salutes the banner of the new Republic, constituted through the will of the sons of the Isthmus. Panama is a legal personality, recognized by almost all of the Cabinets of Europe and America; it is natural that Venezuela equally recognize Panama's independence as an accomplished fact and rejoice that it may take its proper place in the political history of Hispanic-America. ⁷

The offer of recognition by England presented an odd condition. The British representative in Washington obligated Panama to pay part of the debt contracted by Colombia because of funds loaned to that Confederation in the epoch of independence and to which the Minister of Panama, Bunau-Varilla, in Washington was pledged on November 25, 1903. On November 26, the British Minister in Washington made recognition of Panama.

Six months after British recognition of Panama the bond holders gathered in London to make the following resolution:

Resolved: that the General Reunion of bondholders, in concern over the foreign debt of the Republic of Colombia, state their right to expect Panama to assume a just and equitable part of the sum, which this government will receive from the United States through a concession at the opening of the Canal. ⁸

President Roosevelt, without consulting Panama, said that Panama would pay part of the debt. Panama rejected such an understanding until Colombia could be considered, as well as Panama's income and related factors beginning with independence. The British debt dated back to 1821-1822.

⁷ Ibid., 164

⁸ Ibid., 165

General Uribe published a pamphlet in Buenos Aires criticizing United States intervention in Panama in 1903. The Colombian delegates at the Pan-American Conference at Buenos Aires in 1906, asserted that the presence of the delegates from Panama did not signify that Colombia could or would recognize Panama as an independent nation; notwithstanding conventions and treaties participated in by Panama.⁹

Panama's independence had been inspired probably above all by the glories of Bolivar, who contributed to strengthening the freedom and development of America. Bolivar had predicted almost 100 years ago that Panama would become independent, and had stated his hope in a prophetic reaction:

It is not possible to express the enjoyment and admiration I have experienced in knowing that Panama, the center of the universe, was regenerated by itself and freed by its own virtue. The act of independence of Panama is the most glorious monument which can be offered to the history of any province of America. All is there: justice, generosity, policy and national interests. ¹⁰

⁹ Ibid., 166

¹⁰ Ibid., 19

AN INTERPRETATION OF UNITED STATES
INTERVENTION IN THE REVOLT,
AND THE VALUES DERIVED THEREBY

Chapter III

Would the Washington government have intervened in the Isthmus had there not been an acquiescence on the part of Panama? Autonomous people must consent. Here we shall try to prove that the small republic did require the power of the United States to aid in its secession, but that there is no implication that Panama was subjugated to the more powerful northern nation, and existed as an entity through both its fortunate geographic composition and a spirit of unalloyed nationalism.

Dr. Jose D. Moscote says:

Panama, as the most youthful of the republics, is noted for having followed a single constitution during its 36 years of independence. Modeled after that of the United States, the constitution, as well as the declaration of independence, was probably drafted in the New York office of William Nelson Cromwell, an astute lawyer of the French Company of the Panama Canal and was taken by Dr. Manuel Amador Guerrero when he left New York on October 20, 1903 for Colon, in order to aid the spontaneous uprising of the people of the Isthmus on November 3, 1903.¹

Dr. Testa says that the above is erroneous, that the plan was arranged in the offices of "Doctors Villalaz Samuel Lewis, Carlos A. Mendoza and Dr. Nicanor Villalaz, in Panama. Neither is the Panama Constitution modeled after that of the United States, but after the Colombian Constitution of 1836."²

¹ The manner in which the government of the United States, under President Theodore Roosevelt, hindered the oppression of the State of Colombia, and immediately recognized the new republic, might appear as an indication of imperialism. However, from an international viewpoint, it is gratifying to know that a partial recognition of the injury done Colombia was finally realized by the ratification of a treaty on April 20, 1921, by the Senate of the United States, granting payment of \$25,000,000 to Colombia.

² Benito Reyes, Testa Combatiendo la Fabula Remembranzas del 3 de Noviembre, Panama R. de P., (1943) p. 16

This divergence is explicable; the idiosyncrasies of the people of Panama, marked by the "principles and customs of the other people of America, which were both Spanish and North American, required a constitution in consonance with such customs and principles." ³

Statements published on the Panamanian revolt frequently err, in the author's opinion, on the subject of the United States' intervention. A characteristic sample is offered by Ramon Sopena, who states in the following paragraph alluding to the Republic of Panama:

Panama, as was often the case with the other republics of Spanish America, after various vicissitudes and upheavals, finally separated from Colombia, with the aid of North America, in 1903. ⁴

The preceding note is inspired by malice, as the reader will easily understand. It tends to disregard the work of the revolutionaries entirely. Had the Isthmus been separated from Colombia by North America, as is here asserted, what then, would have been the indispensable action of the Panama patriots?

Accordingly what must be believed of the act of secession, is that the manifesto of the provisional junto of the government, the "data of history" gathered by don Jose Augustin Arango, and all other texts of the country, illustrate that the chiefs of the movement agreed to separation after having carried out reflective deliberations, planned for means of a happy termination, and decided to execute the operation, believing that it was the wish of Panama in taking up arms for the realization of their goal. ⁵

³ Reyes, loc. cit.

⁴ Ramon Sopena, Geografia Pintoresca (1930), 404

⁵ Reyes, op. cit., 5

Is it hardly imaginable that if the people of Panama had not desired that separation, they would have been able to carry out the latter in conformity with what history details in official correspondence and annotated documents? Would the government of Theodore Roosevelt have been able to venture the execution of the spoliation—as there is no other thing which would have been equivalent to this act? It is doubtful. Further, would the other countries of the globe have been indifferent to the event had it been a purely imperialist act?

The following is to be found in the New Standard Encyclopædia:⁶

"Panama has neither army nor navy. It is under the protection of the United States. Its policy is headed by American officials."⁷

In this respect, the following clarification is necessary:

According to the first treaty of the Canal, the Canal remained protected through contract with the United States government, by which the United States will impede any attempt to disturb the free functioning of the new republic. It is therefore unnecessary for Panama to be armed, even foolish, in this day. But when it is stated that Panama policy is headed by American officials a lamentable error has been incurred. A Mr. Lamb was secured from the United States to study engineering, mining, and customs laws, but this in no way impaired the sovereignty of Panama. Mr. Lamb's duties were those of a consultant and were carried out with dignity and prudence.⁸

Further documentation reveals an illuminating question and answer:

"Was the United States responsible for the separation of Panama

⁶ Edited in Chicago (1936), Vol. 7

⁷ Reyes, op. cit., 7

⁸ Ibid., 7-8

from Colombia?"

This matter has been discussed very much. It is certain the United States did nothing to prevent it. President Roosevelt is quoted as replying as follows:

I took the Zone of the Canal, is perhaps the best reply. Panama was converted into a protectorate. The strip of land ten miles wide, called the Zone of the Canal, has come under the custody of the Marines and the Yankee Army.⁹

In order to avoid any misconstruction on the part of the reader it is necessary to make it clear how international law regards territory submitted to the condition of a protectorate, and what the system of government is which governs it.

A protectorate in general consists in a "country submitting to the protection of another." The sovereignty a state exercises in the territory of another--that has not been fully incorporated into the nation--is equal with the authority of the autonomous people. The protectorate is territory in which is exercised that shared authority.¹⁰

From these definitions and the foregoing arguments and documentation it should be clear that the revolt in Panama was not so much an imperialist gesture on the part of the United States as it was an incident forming fortunate by-products for both Panama and its protector. Whatever interest and aid the United States displayed in the Panamanian revolt was amply repaid in due course.

Assured of the rights considered necessary for commencing work on the Canal, together with the buildings, materials, and French plans and

⁹ Faulkner, Kepner, and Bartlett, "Life of the People of North America," p. 322

¹⁰ Reyes, *op. cit.*, 10

studies, the United States immediately took possession of the canal construction and in May, 1904, initiated work toward completing the task. 59,747,493 cubic meters had been removed by the French at a cost of \$25,000,000. This excavation was utilized by the Americans in hopes of more rapidly terminating this gigantic work. More modern machinery was employed, along with some 45,000 laborers. ¹¹

The efforts of the Americans, and especially those of the engineer, Colonel George Washington Goethals, completed the Canal by September, 1913, at a cost of \$937,000,000. ¹² During the construction of the Canal 22,000 died during the French period of construction and 6,283 more during the American operation, a great human as well as financial cost.

The great merchants of both the United States and of the world received major benefits from this route. It shortened the road to Europe, Asia, and the Orient. Australia today is closer to the old world via the Panama route than by the Suez Canal. ¹³

A ship sailing from New York to any Pacific port, through the Straits of Magellan, only entered the waters of the Pacific after running 6890 miles; today, by taking the Panama route, the run to the Pacific is scarcely 1930 miles. Sydney, Australia, a distance of 11,200 miles from Plymouth via Suez, by Panama is closer by almost 2000 miles; and Wellington, in New Zealand, through Panama, is 2000 miles nearer New York than by any other route. The Canal has also placed the countries of Meridional America considerably closer to the great American centers of production

¹¹ Castillero, The Panama Canal, Key of the Pacific—Its Political and Commercial Importance, pp. 173-175.

¹² Ibid., 180

¹³ Ibid., 181

in the East as well as to the western markets of California, Oregon and Alaska. ¹⁴

Professor Kaufmann says:

Given the nature and situation of the Panama Isthmus, the interests of world commerce and of international relations of all peoples are now so much more intimately linked that whatever may be the changes in Panama's political sovereignty the conviction will remain secure."¹⁵

Above all, North American trade makes the Canal a source of economic value. Basterra said:

The United States gains much. That powerful nation, with its immense production, is placed in a position to inundate the markets of the world. Its minerals and technological supremacy produce cheaper products than those of Europe. Iron, oil, and the many elements of prime necessity, with the great fall in prices which will follow the opening of the Canal, can be placed to an advantage in the markets of South America, Australia, China, etc. Above all, the advantages the United States will find in Latin America are abundant. Filled with agriculture and mineral resources as yet unexploited because of poor internal communications and railroads, the South American market is ripe to receive through the new Canal at relatively low prices locomotives, wagons, and vital machinery which North American factories turn out in abundance. ¹⁵

From the opening of the Canal in 1914 up to 1935 the Canal produced \$449,000,000 in income for Panama and made it more possible to secure the protection of the United States by union of the Atlantic and Pacific fleets. ¹⁶

George Dern rendered to President Roosevelt a significant statement:

Among the most salient events of the last fiscal year is figured the rapid transit through the Canal by the fleet of the United States. During the first hours of the morning of April 23, 1934, 110 ships of the fleet undertook the transit of the Canal from the Pacific to the Atlantic. Continuous operation, day and night, with flood gates at full capacity, reduced the operation to approximately 48 hours and demonstrates the potential value of the Canal to our national

¹⁴ Ibid., 182

¹⁵ Ibid., 184

¹⁶ Ibid., 184

defense. The return voyage, of about 90 ships, through the Canal, from the Atlantic to the Pacific made on the 24th and 25th of October, required 41 hours, indicating a high degree of efficiency, not only of the personnel but of the fleet as well. ¹⁷

The Isthmus ~~likewise~~ benefitted immediately when the Canal went into construction. The social situation of the Isthmus, in the epoch of the secession, had amply justified the decision of the inhabitants. The picture which Panama presented could not have been more disconsolate.

~~Dr. Ricardo Alfaro~~ said:

Poverty, in truth, was our perspective when we came into the international world at the beginning of this century.

A scarce population, scattered communications lacking ease and rapidity; illiteracy, an impoverished people, stagnant commerce, destroyed industries, uncultivated fields, languishing primary and secondary education and squalor honeycombed the country. The professions were non-existent; without bridges, roads, schools, public buildings, or urban facilities, with norms of life far under what was desired—the Isthmus was a disconsolate state in 1903. * * *

For the Isthmus, undoubtedly, ~~independence~~ was imposed by necessity, and without the determination to revolt would have been no Canal, upon which hinges the economic life of the Nation. ¹⁸

The income of the Republic in 1903 was \$1,107,000. Today it passes two billions. The volume of commerce multiplied; consequently a general well-being is enjoyed. Of the millions of dollars expended on labor, a great part remained in Panama increasing private fortunes and swelling the income of the nation, which was greater, thanks to the development of commerce, than ever before, with the possible exception of the time of the Fairs of Portobelo in the 17th Century, and the construction of the railroad during the nineteenth century. The Canal, through the Treaty of 1903, paid the Republic of Panama \$430,000,000 annually and the Panama

¹⁷ Ibid., 184

¹⁸ Ibid., 185

Government received \$10,000,000 as the base of financial organization. ¹⁹

The rapid progress of the Isthmus, after its emancipation, in increased riches and development of finance, land value, popular culture, diffusion of health, expanded communications, increased industry—all of which is the result of the change in regime—was made possible by the construction of the Canal, and justified the pitiful but necessary step taken by Panama on November 3, 1903. ²⁰

The world is obligated to Panama for making possible the termination— which appeared definitely suspended by Colombia's negative decision— of that still stupendous construction which is a monument to human intelligence. The same Colombia which put obstacles in the way of the work is now in a condition to enjoy major benefits from it. A noted historian, Dr. Eduardo Posada has stated:

The Canal is, far from an evil, a great benefit to Colombia. It is not a debt for which we should collect indemnity for damages and injuries. It is an instrument which will bring Colombia a current of gold which in return will bring immense prosperity. ²¹

Under the influence of the Panama route, the ports of both Colombian coasts have unfolded a considerable prosperity in an active and intense trade. At the same time it increases the production of Panama, bringing foreign capital with which to develop its internal resources. It was an evil of excessive patriotism to deprive the world of the benefits of an international canal. ²²

General Rafall Reyes, a Colombian statesman, and ex-President of

¹⁹ Ibid., 185

²⁰ Ibid., 186

²¹ Ibid., 186

²² Ibid., 186

Colombia, upon visiting the Isthmus and admiring the prodigious work, foresaw with singular clarity the continental influence which Panama was called upon to exercise in this hemisphere.

"The Panama Canal," said he, "apparently was finally constructed in order to bring all the peoples of the New World together, that in this manner it might form and strengthen the soul of America." ²³

The Canal undoubtedly aided in bringing about the Bolivarian ideal, and Panama has been the center of the spiritual junction which makes "the sons of all of the Americas simply citizens of America." ²⁴

²³ Ibid., 187

²⁴ Ibid., 186

THE TREATY OF 1903

Chapter IV

The Panama people saw a threat in the acceptance of the Treaty of 1903 in all of its parts, although this aspiration to freedom led them to have faith in their fastidious negotiator, Bunau-Varilla, and in the treaty signed by John Hay.¹

Some public discontent was caused in Panama by the delegates who were negotiating this contract in the United States. But Dr. Manuel Amador Guerrero and don Federico Boyd made it known that it was impossible for the United States to do anything further than promise to convene other discussions which might diminish the drastic terms and the newly born nation decided to contract itself with its powerful friend and guarantor.²

The idea, then, of having in the Treaty the reforms necessary to embody a spirit of equity for the Republic of Panama, was born in the same moment in which that important document was introduced to the Panamanians.

Immediately Panama's diplomats began to seek a new meeting for the revision of what had been signed.

Don Federico Boyd said:

The unauthorized signature of Bunau-Varilla, in the representation of Panama was hardly signed on the Treaty of slavery before he pretended to open new negotiations over certain points with the Department of State. These points were of such slight nature as this: "The Island of Manzanillo will continue to belong to the railroad company."³

¹ The Triumph of Panama Diplomacy (Review of the Treaty of 1903), 189; also Monthly Bulletin, Vol. XIV, American Republics Bureau, pp. 356-368, 513-526.

² The Triumph of Panama Diplomacy, 189.

³ Don Federico Boyd, Libro Panama.

Dr. Manuel Amador Guerrero indicated to Mr. Hay, U. S. Secretary of State, the necessity of making an immediate revision of the Treaty. He presented as one of the questions to be discussed, an indemnification to the railroad of 250,000 Bolivars, which should be paid independent of the annual compensation which the Treaty of 1903 contained.

Mr. Hay made dubious promises which aided in postponing action on Panama's aspirations for more than thirty years, as will be seen in the course of this relationship.⁴

The first formal affirmation which was made before the Department of State in Washington in correspondence sent by don Jose Domingo de Obaldia on August 11, 1904.⁵

This notice, in which were analyzed the unjust principles contained in the Hay-Bunau-Varilla Treaty, served as a base for diplomatic action by Panama in obtaining a fair revision of the Treaty of 1903.

On hearing the reasonable claims of the Isthmus, President T. Roosevelt commissioned his Secretary of War, William Howard Taft, in a letter of October 18, 1904, to go to the Isthmus and confer with President Amador. His instructions were:

that it is not the purpose of the United States to extract advantages from the terms of the treaty which concede for intervention in the State of Panama.⁶

Apparently, it was feared that there would be established an independent community and a competitor which would injure Panama's commerce, reduce its income and diminish its prestige as a nation.⁷

We affirm emphatically that we do not have the least intention of establishing an independent colony in the center of the Republic of Panama, nor of exercising major functions of government which may not be necessary for permitting us conveniently and with security

⁴ The Triumph of Panama Diplomacy, 190

⁵ Ibid., 190

⁶ Ibid., 190

⁷ Ibid., 191

to construct, maintain and exploit the Canal in accord with the rights which the Treaty concedes us, and much less do we desire to interfere with the commerce and prosperity of the people of Panama.⁸

As a result of the foregoing recommendations of the President of the North American nation, Secretary Taft, after conferring at length with Panama authorities, made an executive order dated in Panama through December 3rd to 6th of 1904. Those provisions which were deplored by President Amador were qualified by the Taft Convention. This convention was followed by other executive orders expedited in Washington on December 28, 1904 and January 7, 1905.⁹

The policy of the Theodore Roosevelt administration with relation to Panama was faithfully translated for the Panama nation in the declaration Secretary Taft made at a reception in his honor in Panama:

The government of the United States here states it has no intention of forcing itself on the Isthmus, of doing anything except constructing the Canal which unites the two oceans and thus brings great benefits not only to this country, but the United States and humanity. The United States has no desire to exercise more power than is necessary in accord with the Treaty, for securing the construction, maintenance and protection of the Canal.¹⁰

The American historian, Willis Fletcher Johnson, who had a part in the Taft Convention, referred to the discussions at the reception and received a considerable ovation when at the very beginning of his discourse he said: "There had been no justice to the people and to the country of Panama in the earlier treaty," and further stated he believed "The negotiations had arrived at a point where all had reason to expect a solution of the difficulties honorable to both countries."¹¹

⁸ Ibid., 191

⁹ Ibid., 192

¹⁰ Ibid., 192

¹¹ Ibid., 193

The duration of the *modus vivendi* established in the Taft Convention, which notably accelerated the economy of the Panama Republic through the guarantees authorized for the exercise of commerce, was for only 20 years. The end of this period was July 1, 1924; at this time, unfortunately, a new modus operandi highly damaging to Panama's interests was initiated.

On January 4, 1924, Panama's Minister in the United States, Dr. Ricardo J. Alfaro, presented the American Secretary of State an extensive aide-memoire in which he explained the more difficult terms of the Treaty of 1903. The document expressed hope for a plan for greater cordiality, and justice, between the two countries, based on three fundamental provisions for future negotiations. These were:

1. That the Canal Zone be occupied and controlled exclusively for the purpose of maintaining its own security, and that the Zone be opened to the commerce of the world as an independent colony.
2. That the Republic of Panama remain in a position to secure the proper development of the commercial advantages inherent in the geographic situation of its territory without disturbing in any manner either the functioning and exploitation of the Canal Zone by the United States or its complete jurisdiction, policies and administration over the Zone.
3. That the stipulations of the new pact be inspired in such a manner as neither to injure the prosperity of Panama by reducing the income of the government; nor to diminish its prestige as a nation.

For the ensuing diplomatic maneuvers the two countries named respective plenipotentiaries to discuss the problem. Ricardo J. Alfaro, Ensetio a Morales and Eduardo Chiari represented Panama and Charles E. Hughes, the United States.

The first session was called on March 17, 1924, and the discussions ended July 27, 1926, at which time definite terms were agreed upon for a new treaty.

However, the people of Panama, upon presentation of the proposed revisions to the National Assembly for approval, rebelled and pressed

the legislature to deny acceptance.

Under this formidable sanction of the citizens, the Panama Assembly repudiated the pact in January, 1927, employing in its refusal quite courteous arguments, but definitely declaring its suspension. The resolution was approved unanimously.¹²

Panama believed that since it had not been permitted regulation of its trade, there should be a revision of the Treaty of 1903 which it was felt, violated the principles of mutual advantage. Panama also believed, from declarations of United States statesmen, that the latter country was interested only in protecting the Canal and did not care to interfere in the business life of Panama. The chiefs of the two nations later agreed to the above general principles.¹³ President Arias presented that view at the Montevideo Conference of 1933. Dr. Arosemena argues that Articles 1 and 7 of the Treaty of 1903, which authorized United States intervention in Isthmus affairs, were considered as a deprivation of national dignity and were offensive to the people of Panama.¹⁴

More satisfactory arrangements discussed between Cordell Hull and Sumner Welles and the Panama foreign relations secretaries were subsequently written into the Treaty of 1936, which deleted the obnoxious provisions. This treaty marked a milestone for Panama's development, as it delineated the end of a unilateral interpretation of the Treaty of 1903.

Three facts were outstanding in the new treaty:

1. A basis for understanding again was reached between the two

¹² The Triumph of Panama Diplomacy, 196

¹³ Ibid., 198-9

¹⁴ Ibid., 199

nations.

2. The Republic of Panama became an absolutely independent republic, with the United States no longer able to intervene in the internal or external affairs of the Republic, as had been authorized by Article 7 of the Treaty of 1903.
3. Panama's concept of the area of the Canal Zone as territory of the Republic of Panama, under the jurisdiction of the United States, was confirmed.

In 1939 the United States Senate signed the Treaty according to which Panama acquired and exercised integral independence without limitations nor fear of restrictions of its sovereignty and liberty. A complete national personality had finally developed.¹⁵

¹⁵ Ibid., 217

PANAMA IN WORLD WAR II

Chapter V

The national assembly, in a petition to the executive power as an interpretation of the sentiment of the people of Panama, took an important step in Panama's history, placing the Republic in a post of honor during World War II on the side of the United Nations in defense of the survival of liberty, dignity and justice, against violent force.¹

Panama entered the war without clamor, without loss of a sense of proportion and with comprehension from the beginning of the limitations of material contribution in which it could add to this vital enterprise.

Panama's contribution to the Allied cause has, first, the significance of securing active cooperation and the highest efficacy of this nation in whose territory lies the key to the inter-oceanic route which has proved to be a major segment of the defense of the American continent.²

The importance of position, as in the often belligerent game of chess, is illustrated by the Panama Canal. Just as North Africa was a base for supplies to the Allied Armies in Europe, the Panama Canal was of value in defense as well as a boon to international trade.

This maritime artery was protected by admirable wartime defenses which were without doubt of the first order. It is well known that a highly complicated net of defensive anti-aircraft batteries, emergency airports, detectors and alarm stations could not, in a war such as the last one, be circumscribed by the small area which the Canal Zone occupies.

¹ Panama Secretary of Propaganda, Accion Democratica Internacional Tres Fechas (Panama R. de P., 1943), p. 38.

² Ibid., 38.

The defense airdromes guaranteed the entrance of the canal, the alert stations and alarm stations and the distant batteries could have repelled attacks before they could have acquired a fatal proximity to the Canal. All this was envisioned and aided in a territory under the full jurisdiction of the Republic of Panama, which facilitated the establishment of defenses so vital for the security of the continent.³

And it must be remembered that not only cannons, ships and air ships are means of repulsing an enemy attack. The powerful aid which an alliance of good faith and collaboration without reserve can render are not insignificant in a war so full of unsuspected dangers as was World War II.

The war of today, through its vast potential of destructive means, permits even the smallest digit to convert itself into a great menace. A spy uncontrolled, a saboteur, unwatched through any negligence or stumbling on the part of the repressive authorities, is perhaps himself as dangerous as an explosive mine of tremendous devastation. Legend tells that the Battle of Waterloo was decided by an humble pastor, who indicated a secret route to the English army at a decisive moment, and, whether the legend is authentic or not, it is obvious that if such could happen in those times, today the potentialities of small nations have been multiplied one-hundred fold when destiny places them in the strategic focus of great actions.

It is clear that Panama decided with fervor to place its destiny on the side of the democratic alliance. It could not have existed had it not been for the government's faith in the principles of democracy and for the Panamanians' profound respect for the nations to whom they

³ Ibid., 39

offered their unqualified aid.

These purposes, defined in the Atlantic Charter and guaranteed by a line of conduct which gives faith to the postulates of the charter, indicated to Panama that the side of the United Nations was sincere in assuring civilized man a free and worthy life, inasmuch as on the adverse side there was extreme violence, intransigence, oppression and the attempt to force independent people into the chains of slavery.⁴

Panama's faith also had root in the honest conviction that once the United Nations subjugated the international danger the fruits of victory would not end with a triumphant war bulletin as a reward of sacrifice, but that they would aid in the ordering of a better world, where the just distribution of basic essentials are guaranteed for all men, where the abolition of all imperialistic norms, economic or political, lay the foundation for a lasting, universal and firm peace.

Panama could find no better proof of that faith in justice which the United States represents than the proclamation and practice of the Good Neighbor policy, whose optimistic fruits in most of Latin America are today the best proof of American solidarity.⁵

That policy, whose author and most authoritative standard bearer marched at the head of the forces of war, aided in freeing the seas and the continents of the universe when the fortunes of contemporary civilization were at stake.⁶

⁴ Ibid., 40.

⁵ Ibid., 42.

⁶ Ibid., 41.

An authoritative summary of Panama's part in the war and the inequalities suffered before the war is revealed in an answer to Drew Pearson's wartime charge that the United States was trying to buy the good will of Latin America by Dr. Ricardo J. Alfaro:

In my customary reading this morning of your interesting column, "Washington Merry-Go-Round", I noticed reference you made to the diplomatic agreements between Panama and the United States, pending consideration in the United States Senate.

You appear to be under the impression, transmitted without doubt to the great majority of your numerous readers, that by virtue of these agreements the United States is filling the purse of the Republic of Panama with millions of dollars for some reason. Such an impression can have been due to a lack of information, and recognizing a sense of equity, I esteem it opportune to present you with some of the facts and considerations.

At the end of your commentary you said: "-----and while these understandings defend themselves behind the Good Neighbor policy, the senators doubt if a good neighbor can be bought for \$50,000,000."

I should observe in the first place that by reason of recent agreements, money did not pass between the United States and Panama; and in the second place the United States had no intention of buying, nor had Panama any intention of selling good will, and good neighborliness for pecuniary compensations. The two nations have never discussed the monetary basis of the Good Neighbor policy, a policy bilaterally developed, manifest in the relations with Panama with the United States for 8 years, when the present administration in a spirit of justice and real comprehension, arrived at the conclusion that Panama had received offense, and that the United States had committed errors that should be rectified. The fruit of that conclusion was the pact signed March 2, 1936. Thirty-three years of friction, rancor and controversy had passed before the annulment of the treaty. An intelligent, real friendship followed, not because of any money passed from hand to hand, but because Panama was no longer treated without regard for its sovereignty and began to be respected as one of "the two nations which made the construction of the inter-oceanic Canal possible."

In order to form a conscientious opinion of the equity of the recent understandings, it is necessary to examine some antecedents. Doubtless, I could not, in the space of a letter, enumerate the multiple and varied aspects of the complex relations created by the construction of the Panama Canal.

I shall be concrete on three points explained by you, as the principles of the agreement which are the object of consideration:

1. You said: "The treaty stipulated that Panama was given all

of the system of sewers, aqueducts, and sanitary plant constructed by the United States in the cities of Panama and Colon in order to eliminate the fear of Yellow Fever and malaria."

This sounds like pure charity, but it is no such thing. The sanitation systems of the cities of Panama and Colon were constructed by the United States because the health of North Americans who were forced to labor on the Isthmus was a pre-requisite to bringing to completion the great maritime highway in Panama. In Panama there were sewers, antiquated, certainly; but they existed. Yellow Fever was not a menace to the people of Panama because we were immune. Consequently, the Panamanians were not preoccupied with their own well-being but that of the North Americans who crossed the Isthmus. The country certainly benefited by the construction of modern drains and of aqueducts; but it is obvious that the resultant benefits of these works were much greater for the United States than for Panama. This notwithstanding, the Treaty of 1903 stipulated that such works would be paid for by the people of Panama in the form of contribution of water collected by the United States during a period of 50 years. Since 1905 the Panama Republic has been paying that contribution in conformity with a tariff three or four times higher than is generally the rule in the United States. Panama on repeated occasions has affirmed its belief that the Panama people have already paid a contribution of water in excess of the cost of the aqueduct and dams. The accounts are controlled by the administration of the Canal, and Panama has made claims against certain parties who have charge of them, but even now an examination has not been made and a system of joint accounts not been undertaken, in spite of repeated demands by Panama. It can be reasonably supposed that Panama has already paid for the Canal and dams, or at least that if there exists any balance in anyone's favor, it is more than compensated for by the benefits which the United States received from those works in the construction and functioning of the Canal.

2. You said also that the treaty "gives to Panama all of lands which are owned by the United States in the city of Colon, evaluated at \$25,000,000."

The United States are not owners of the lands in the city of Colon. The lands which the United States retained by lease are not evaluated at \$25,000,000. These have never been on the market. A discretionary value was given to them based on the lands which the United States purchased by virtue of the contracts of arrangement, but this value is less than half of the sum expressed above.

The lands of the city of Colon were originally uncultivated, belonging to the government of Colombia and their dominion passed to the Republic of Panama through the secession. By contrast, it was agreed between the Colombian government and the Panama Railroad Company to cede to the company the lease of these lands for a period of 99 years, to expire in 1966, the lands would turn to the full dominion of the government together with all of the goods of the railroad. Panama consequently was potentially proprietor of the

of the lands, but by the Hay-Bunau-Varilla Treaty, Panama renounced and handed to the United States its rights in conformity with the contract with the railroad company. As a consequence the United States would come to be proprietors of the lands in 1966, but they do not yet have title of dominion and really are passing back the reversionary rights which they obtained from Panama in 1903.

In accord with the concession, the Republic has the right to receive from the company an annual amount of \$250,000 in compensation for privileges and exemptions which had been authorized. Very well, then, this right passed to the United States and as a consequence, the annuity of \$250,000 stipulated in the Treaty of 1903 as part compensation for the concession made for the construction of the Canal was entirely fictitious. The United States did not assume in reality a new charge. They have paid Panama exactly the same Panama had the right to receive from the Railroad Company, a sum that the company in 1904 handed to the Federal Treasury. Naturally, as the government is the absolute owner of the railroad, this payment is reduced to an operation of accountability.

But this is not all. At that time the income from the lands of Colon and Panama produced a sum that exceeded four million dollars annually, so that the United States, as owner of the railroad, would not only receive figuratively the \$250,000 due to Panama in conformity with the terms of the concession, but even took from the arrangement sufficient money to pay the annuity of the Canal. Moreover, the wealth of the railroad, that in conformity with the contract would revert to Panama in 1966, will remain the property of the United States.

And even this is not all. Joined with its rights in conformity with the railroad concessions, Panama renounced and handed back also to the United States its Canal concession to the French Co., in conformity to which it should receive a participation in the entry fee of the Canal, which amounts to 8%. If such a method of compensation had been maintained—similar to that which exists in respect to Suez Canal—Panama, would have received, from what the Canal traffic advanced, a normal figure, annually, of more than a million dollars. These facts tend to demonstrate that in treaties between Panama and the United States, the latter will never lose financially if the arrangements over the last 39 years are considered. Perhaps the best appreciation of the Treaty of 1903 can be found in the words of the celebrated negotiator, Mr. John Hay, in a letter he sent to Senator Spooner in January, 1904: "You and I well know how many points there are in this treaty to which any patriotic Panamanian can object."

3. "The treaty cancels the debt of \$2,500,000 which Panama received in a loan from the Export-Import Bank."

This is as an act of grace, but there is a justified motive for the cancellation. The loan of \$2,500,000 was invested by Panama in improvement and enlargement of the road which led to the Zone of the Canal from Rio Halo where the United States has an aerial encampment of vital strategic importance. The military necessities of the

United States Army demanded this work and this roadbed became in fact a military highway. We think that it is unjust to haggle over the \$2,500,000 employed in a strategic road on the Isthmus, in the presence of the millions spent in all parts of the world to defend the cause of liberty.

There is another observation in the article that cannot be passed by lightly:

"The Senators who studied these agreements—," you said,"—observe that the treaty negotiated by Secretary of State John Hay, permits the United States to use the territory of Panama at any time for the defense of the Canal."

Panama has always rejected such interpretation and sustains that Article 23 of the Treaty of 1903, relating to the use of United States force for the defense of the Canal. It is our opinion that though it authorized the establishment of fortifications, no mention of the territory of Panama is made, and it obviously refers to the Zone of the Canal. Already this opinion has won out, in the light of Article 2 of the Treaty of 1936. On the other hand, the questions of defense which affect the territory of Panama will be governed by Article 10 of the pact last named. That stipulation has a base of cooperation and has in view precisely such accords as those recently effected. I affirm with all sincerity that Panama is cooperating decidedly in the hemispherical global defense, not only for reasons of contractual obligations, but primarily because the Panama people are absolutely identified with the United States in the struggle for the survival of democracy. Permit me to close with the observation that the United States has a history of very generous treaties with other nations. After the Boxer Rebellion, China recognized an indemnity of \$25,000,000 and the United States renounced it and consecrated it to the education of Chinese students. Nothing was repaid to the United States in compensation for the blood and money contributed to winning the independence of a sister republic. Victorious in the War with Spain and in a position to take all the spoils of war, the United States, by the treaty of Paris, compromised by paying Spain \$20,000,000 for the territories ceded her. In 1917 the United States paid Denmark \$25,000,000 for the small Virgin Isles. Panama received \$10,000,000 for the immensely valuable concession of the Canal and was forced to suffer an interpretation completely unilateral in application of the Treaty of 1903, and was deprived of a considerable portion of the benefits which it should have received by a more liberal interpretation or by more liberal terms.

If the United States can be generous for those nations, they can very well now be just in their treaties with the nation which opened the road for establishing on its soil one of the major instruments of the United States' force as a great nation.

Times have changed. They have also changed the norms of international conduct. They changed equally the relations between Panama and the United States. Yesterday there were small nations who lived

at the mercy of a powerful neighbor. Today they are based on the conception of President Franklin D. Roosevelt of the two countries as being jointly concerned in the work of the Canal, both having the right to enjoy proportionately its benefits.

This policy has made that magnanimity possible and illustrates the liberalism of that incomparable trinity of statesmen--Roosevelt, Hull, and Welles--it has borne its fruits. In the Republic of Panama the result of that policy is that the security created by the opening of the Panama Canal through the entrails of our country, has removed the Canal as a source of fear and lack of confidence and converted it into a source of friendship, confidence and collaboration for victory.⁷

⁷ Dr. Ricardo J. Alfaro, ex-President of the Republic of Panama, "The Agreements Between Panama and the United States", La Estrella de Panama (Dec. 10, 1942); taken from Biblioteca Nacional de Panama, 5-12.

In referring to the effects of the Second World War on Latin America and Panama Mr. Edwin C. Wilson, the United States Ambassador to Panama, said in a lecture there:

Without a doubt many factors can intervene. In the United States and England there is being formed a new social and industrial policy, a policy which more adequately recognizes the relation of consumption to production. It is very possible that investments of a social character as in highways and heavy industry, associated with a high standard of life, can be the base for the industrial expansion of the post-War era.

Certain organizations, such as the Brookings Institute and the Temporary National Economy Committee of the United States, not mentioning more, have gathered data on the character of the depression, its cause, and its remedies. If the information gained can be used for the general benefit, there will be less danger of a future depression.

One prediction we can make with certainty is that the industrial map of the world has suffered a profound change. Probably the European continent will be of least importance in the future world scene. There have been formed two new and vast industrial empires; one is Australia and the other is Brazil. If the war lasts long and is difficult to gain, the American hemisphere, as a principal provider of war material and of foods, will advance to certain pre-eminence, and if industrial development becomes general through all of the hemisphere, as can well happen, the rhythm of the changes made in America and Australia will serve greatly to maintain the prosperity occasioned by the War. If Latin America has a sustained industrial civilization, it will considerably elevate the standard of life of the great masses of the people, making for greater purchasing power and for the habits of consumption necessary to the maintenance of the new industrial life. The process of credits has once more commenced and opportunities for investment will be offered to capital to provide the articles of consumption.

What will be the basis for the new development? It will be founded on recognized resources and predominant technical machinery and all of the industrial metals. Petroleum and aluminum for aeronautic industries can be as important as coal and iron in the new industrial map of the world. Can Latin America profit most by limiting herself to being simply a provider of raw materials for other industrial systems? The producers of primary materials must sell in a world market of free competition, where uncontrolled production maintains prices at a small margin of profit, and they frequently are forced to sell at a loss. Industrial products can frequently be produced where the reduced number of producers makes possible competition and high prices can be maintained. The industrialization of Latin America does not constitute any danger for the United States, because foreign commerce is based upon the acquisitive power of the consumer in the same way as is interior commerce. The elevation of

living standards must be attended by industrialization of the Latin American countries which will be their own best clients.

And what will all of this bring to Panama? Already ^{the canal} it has brought a flow of credits for agricultural development and the construction of highways as economic necessities of the present. We are witnessing in Panama a profound economic revolution in the construction of a great highway and the encouragement to agriculture carried out by means of instruction and by extension of agricultural credits. The industrialization signifies a superior standard of production, a greater volume of consumption and a higher degree of specialization. Furthermore, all of this signifies a greater traffic through the Canal. Panama finds herself at the cross-roads of the world, in the geographical center of this hemisphere, a hemisphere stimulated by the forces of War, infinitively richer, more productive, more interdependent, under the impulse of a new standard of life which has come with industrialization. ⁸ ✱

This almost prophetic speech is now being tested and to some extent brought into reality at the present writing, as is shown by the stirrings of local industrialization through nearly all of South America. As we shall soon show, a rapid upsurge in commerce is already evident throughout Panama, whose income is almost an index of the state of hemisphere prosperity.

As a result of the Second World War, the Republic of Panama, the most youthful and the least populous of the twenty Republics of South America, experienced an economic activity without precedent. For the United Nations the Canal acquired a unique strategic importance which required, during the first days of the War, construction within the zone of the Panama Canal, and in the adjacent areas, of engineering works of defense evaluated in millions of Balboas. As an immediate consequence the income of the people of the area near the Canal increased considerably. The terminal cities of Panama and Colon experienced conditions similar to those in cities in the United States dedicated to war

⁸ Dr. Eastin Nelson, Professor of Economics, The Second World War and the Economy of Latin America (National University of Panama, 1942).

industries: opportunities for employment, a corresponding advance in prices and wages, demand for enormous amounts of consumptive goods, and a critical housing situation. The already exorbitant civil population of these cities was swelled by even more thousands of the military, transported to the Isthmus for the defense of the International Highway. *omit*

The Panama Canal was opened to world traffic August 15, 1914. The economic activity of the Republic was brought into conformity, in great part, in the supply of articles and services to personnel demands, for the operation and defense of the Canal, and for the ships and individuals in transit. Said articles and services took many and varied forms, which cannot be totally measured in statistics. Such are: work of Panamanians on projects of the Canal Zone; sale of articles and services to civilians, soldiers and marines stationed on the Isthmus; and sale of articles to ships in transit and to the United States establishments within the Zone. The volume of these activities can be appreciated indirectly by statistical data in which forty percent of the population of the Isthmus has been concentrated in the area about the Canal in Panama and Colon and are employed in the Canal Zone. ¹⁰ It can be estimated that between 1941 and 1942 the payroll of the civil population of the Canal Zone rose to 5,000,000 Balboas monthly.

At the beginning of 1943, however, defense work on the Canal ended; the opportunities for employment in the Canal Zone commenced to decline. This fact was reflected immediately in the volume of sales of articles and services by citizens of Panama and Colon. Notwithstanding, the general

⁹ Contraloria General de la Republica Dirreccion General de Estadistica (Republica de Panama), p. 5.

¹⁰ Ibid., 5.

economic activity continued on a satisfactory level during all of the year as pictured by the most important economic indices, to wit: Importations, bank deposits in private banks, private construction, and consumption of electric energy rose even higher above the high level of 1942. ¹¹ *turn over continued on page 48*

The foreign commerce of Panama has been characterized for sometime by a strong volume of imports while exports have been relatively small.

However, the importance of Panama as an import country has not received due attention. In 1943, for example, according to commerce reports of the United States, Panama absorbed more exports from the United States than all of the other Central American Republics combined. ¹²

In spite of the critical situation of maritime navigation, the high cost of transportation, and the reduced volume of obtainable articles for export to the United States, principal supplier of Panama, the imports of the Republic amounted to 40,267,592 Bolivars.

The strategic importance of Panama in the war effort of the Continent is, without a doubt, the cause of the preferred treatment it enjoyed in obtaining articles from the United States. However, the program of exports from the United States, with its diminishing quota of merchandise, forced Panama to increase its sales in Latin America. Thus as imports proceeding from the United States totalled 81% in 1941, in 1942 they had gone down to 76% and in 1943 only represented 64%. Argentina, which in 1942 had accounted for only 2% of the imports, contributed 8% in 1943. Mexico, Colombia, Peru and Guatemala, in their part, also showed a substantial increase in exports to Panama. Of the countries of

¹¹ Ibid., 5.

¹² Ibid., 8 (also Department of Commerce, July 1, 1944).

Europe only Great Britain and Switzerland exported products in significant volume. Great Britain's exports increased 433,400 Bolivars over the¹³ figure for 1942.

The imports of 1942 and 1943 showed only very light changes in the general character of imported merchandise. Imports of live animals increased from 359,132 Bolivars in 1942 to 676,192 Bolivars in 1943 or perhaps an 83%.¹⁴ Food supplies also rose from 7,493,247 Bolivars in 1942 to 7,769,847 Bolivars, perhaps a 3.7% increase. Alcoholic beverages and gases went down from 2,415,605 Bolivars in 1942 to 2,040,603 Bolivars in 1943; this is a descent of 15%, a decrease in consumption due to limitations of quotas. On the other hand, very small change was registered during that period in the imports of the crude materials, semi-manufactured and manufactured products, which have always constituted the nucleus of the imports of Panama. Whatever dollar increase there was was chiefly due to higher prices rather than greater quantities of imports. Imports of wood, cement and other construction materials descended to a very low level in 1942, while articles of consumption, especially textile products, showed a substantial increase. The importation of restricted products----critical production, in the language of war economy----such as automobiles and accessories, electrical equipment, iron and steel articles, machinery, etc., all of which had a strong importation in previous years, continued subject to an assigned program during 1943.¹⁵

¹³ Ibid., 8. A silver coin and monetary unit of Venezuela, equivalent at par to \$0.193 U. S. money.

¹⁴ Ibid., 9.

¹⁵ Ibid., 11.

The exports of Panama, on the other hand, continued to decrease in 1943; in normal years they arrived at 4,000,000 Bolivars; in 1943 it was less than half of that figure.

Cotton was more important than bananas; for example, representing exports valued at 754,793 Bolivars, that is to say, a fifth of the normal turnover. This descent reflects a suspension of various ships on the high border of the "banana route". The exports of cacao was evaluated at 402,460 Bolivars in 1943, which signifies an increase of 146,122 Bolivars over the normal figure registered in 1942. Rubber and fibers of abaca, both war materials, were exported in significant volume in 1943. The cultivation of the first of these products registered such a notable increase, through the efforts of the program which the Rubber Reserve Co., acting for the United States government, that in 1943 Panama exported 310 metric tons of this product. The establishment in Changuinola, Bocas del Toro, of a new plantation for extracting fiber of abaca similarly stimulated production of this important fiber. The export of cacao was prohibited in 1943 as a consequence of protection conceded to local industries of derived products.

As in previous years, almost all (91%) Panamanian exports are destined for the United States. ¹⁶

The industry and commerce of Panama have dedicated the major part of the articles of supply to consumption by the residents of Panama. The volume of foreign trade above is the best index to the conditions of local business. The places of entertainment and recreation, for example, which have been prorated for employment of a considerable number of persons in the terminal cities, reported a reduced volume of sales

¹⁶ Ibid., 12.

in the last months of 1943. Some of these establishments were closed in 1944.

The articles of consumption, substantial food supplies, beer, liquors, shoes, clothing, soap are the most important products of small local industries. These industries enjoyed a demand without precedent during 1942 and 1943, their major difficulty being encountered in obtaining indispensable primary materials for manufacture. The production of alcohol went up to 1,324,000 litres in 1943, an increase of 253,000 litres over the production of 1942. In 1943, the production of sugar was 97,300 quintales,¹⁷ considerably over normal production of this industry. The production of vegetable oils, products derived principally from copra and the cocos of San Blas, was estimated at 700,000 kilos. 60,400 head of cattle were butchered, a figure affected by quotas fixed in August 1943.

The consumption of electrical energy of Panama and Colon continued above the level established in 1942. The city of Panama consumed 28,950,000 kilowatt hours, 13% above the figure for 1942.¹⁸

Efforts have also been made to increase the number and quality of livestock. Stock raising in Panama has for some years been the base for agricultural wealth.....but in spite of efforts made, many food supplies have to be imported.

Since Panama depends so much on imports, it has automatically reflected the advance in world prices. Since Pearl Harbor the cost of living has increased notably....three principal factors of expenditure

¹⁷ A hundredweight. A metric quintal is 100 kilograms.

¹⁸ Contraloria General de la Republica Dirreccion General de Estadistica (Republica de Panama), p. 13.

are: foods, wages, clothing. All have advanced to inflationary levels, although the government has attempted to maintain stationary prices, by reducing imports on some basic articles.

The defense and maintenance of the Panama Canal are basic policies of the United States and the activity of the Canal fluctuates as new sources are opened in other geographic theatres. Millions of dollars have been brought to Panama for wages on the Isthmus and have maintained a high level of economic activity in Panama for several years. It is expected that 200,000,000 Bolivars will be spent annually in Panama. Yet a general reduction of economic activity ^{has occurred} is ~~expected~~. With defense construction completed there ^{has been} ~~will be~~ a general decrease in trade and industry and a return to more normal conditions. Unemployment ^{has} ~~will~~ constitute a problem. ✱

Panama looks hopefully to the future. Free ports will be opened to fleets where the trade of the Orient and Europe can be re-exported to other countries of the hemisphere. Panama hopes that the Panama highway will bring tourists. The country, meanwhile, develops its agriculture and small industries, realizing that a higher standard of life is the best guarantee for the future. 20

The ^{present} financial situation of the Republic during ~~1943-45~~ has been the best in Panama's history, ~~bearing out Professor Nelson's prediction~~. In a similar manner, the obligations of the state have expanded in contributions to human well-being and in finding more ~~efficacious~~ means of elevating the standard of life of the community.

¹⁹ Ibid. (August, 1944), 13.

²⁰ Ibid., 19.

It now appears opportune to promote private enterprise in commerce and industry and to attempt to open new horizons for the investment of capital, national as well as foreign, as is being done in the other Latin American countries. Panama probably should take into account its incipient economy, re-enforce itself by bringing capital from the outside and not follow a policy of severe restrictions which would undoubtedly be inconvenient in a country so lacking in population and limited in resources. ²¹

Permission for the investment of foreign capital in private enterprises could perhaps be legislated, since local capital would be assured adequate participation not only in the formation of such enterprises but in its direction. Private capital is routinist in its election of investments, and contributes little to the progress of national economy. If this continues, there probably will be a radical tendency in the near future, perhaps with the state initiating some enterprises. In the creation of the Banco de Urbanizacion y Rehabilitacion an important step has been taken in opportune intervention of the state when private activity shows itself reserved and apathetic. The present administration, however, has made efforts in favor of private initiative and by that we observe that in the organization of the Bank it has foreseen the possibility that it can sell its properties. The receipts of the Bank today indicate, incidentally, that private investments would do well. ²²

Thus we have shown the development of Panama, taking into consideration the ~~social~~, economic, and political aspects. ¹¹ We have given both ^{these aspects} ~~sides of a controversy~~ which has existed concretely since ~~1846~~, and ^{the construction of} ~~the canal~~.

²¹ Informe del Contralor General de la Republica Vigencia Economica 1943-44 (Republica de Panama), p. 1.

²² Ibid., 1.

possibly since the discovery of the Isthmus of Panama. We then come to the conclusion that Panama belongs to the world, that is, as long as the world is at peace, and to the nation that built it when she is at war. /

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