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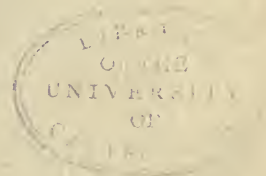
SEPARATION OF PANAMA FROM COLOMBIA

REPLY

TO

AN ARTICLE ENTITLED "THE PANAMA BLACK-
MAIL TREATY," PUBLISHED IN THE
FEBRUARY NUMBER OF "THE
METROPOLITAN," 1915.

WASHINGTON
PRESS OF GIBSON BROS.
1916





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SEPARATION OF PANAMA FROM COLOMBIA

Reply to an Article Entitled "The Panama Blackmail Treaty," published in the February number of "The Metropolitan," 1915.

"The Metropolitan," a leading magazine of New York, published in its February number an article written by ex-President Theodore Roosevelt, entitled, "The Panama Blackmail Treaty," the statements in which we propose to refute in a few lines. In doing so we will compare such statements with the exact chronology of the events in which the Colonel himself played the leading rôle; we will also contrast his rude assertions with the principles of International Law and the Constitutional Law of the United States.

The fundamental rights of a sovereign State—recognized and guaranteed by International Law—are the following:

1. The right of independence and equality.
2. The right of self-preservation.
3. The right to respect for the dignity and honor of the State.
4. The right to protect its territorial ownership.

Under the right of independence exercised in accordance with the principle of equality and reciprocity, no State can, without violating the guaranties of International Law, intervene in the acts pertaining to the internal sovereignty of another State.

Under the right of self-preservation, the State exercises supreme authority to persecute and punish, by the force of arms, any attempt to impair its internal integrity.

Under the right of exclusive jurisdiction over all the inhabitants of its territory, the State has supreme authority to subdue and punish, by force of arms, any seditious movement occurring within its territory.

Under the right of territorial ownership, the State has supreme authority to maintain, by force of arms, its territorial integrity.

On November 2, 1903, President Roosevelt ordered the Commander of the *Nashville* to "prevent the landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello or other port * * *."

This is the act which was responsible for the controversy between the United States and Colombia.

We will omit all antecedents, which are established facts, showing that the Panama Insurrection was engineered with the tacit consent of the then Administration at Washington.

The Roosevelt order referred to was sent to the *Nashville* on November 2, 1903, *i. e.*, TWENTY-FOUR HOURS BEFORE THE OUTBREAK OF THE REVOLUTION AGAINST THE GOVERNMENT OF COLOMBIA, PROCLAIMED AT PANAMA.

On this date, November 2, 1903, the Treaty between Colombia and the United States signed November 12, 1846 (when Colombia was still known as New Granada), was still in legal force and full effect.

Article 35 of the said Treaty provides in part:

"In consequence, the United States also guarantee the rights of SOVEREIGNTY and PROPERTY which New Granada (Colombia) has and possesses over said territory (the Isthmus of Panama) * * *."

On the same date, November 2, 1903, the principle of International Law which forbids a State arbitrarily to intervene in the acts of sovereignty of another State was still in force.

On that date, November 2, 1903, the Republic of Colombia, in exercise of her fundamental rights of sovereignty, sent her military forces of the line to Panama for the purpose of crushing the rumored uprising, which, as a matter of fact, did break out on November 3, 1903.

By the afore-mentioned order of President Roosevelt, the regular naval forces of the United States STOPPED THE FORCES OF THE GOVERNMENT OF COLOMBIA FROM ACTING WITHIN ITS LEGITIMATE TERRITORIAL

JURISDICTION. Therefore, President Roosevelt intervened in the sovereign internal action of Colombia. Such act of intervention is tantamount to a declaration of war, under the provisions of International Law. And a declaration of war being a political act the exercise of which is vested exclusively in Congress and not in the President (Sec. 8, Art. 1, U. S. Constitution), the act of intervention was an arbitrary act, not based on any legal reason, and, therefore, a clear violation of the Constitution of the United States, inasmuch as one of the sections imposes the duty upon the President of seeing that the laws are *faithfully executed*. (Sec. 3, Art. 2, U. S. Constitution.)

An arbitrary act such as that performed by President Roosevelt is an unjustifiable offense, under the rules of International Law, and President Roosevelt, having acted then in his character of President of the United States of America, through that most illegal act brought upon the United States the following responsibilities:

First.—The responsibility of giving satisfaction to Colombia for the grievous injury to her fundamental rights to respect for dignity and national honor.

Second.—The responsibility to compensate Colombia for the heavy material loss she sustained through the secession of Panama and the latter's independence.

Writing on this subject, Mr. Henry Pensa held that:

“The intervention of the United States in the interior affairs of Colombia did not consist in a moral support alone * * * but in an effective assistance * * * making it impossible for Colombia battalions to reach Panama *on the same day of the insurrection*; and also on the prohibition to Colombia afterward to land her troops on the Isthmus in order to subdue the revolutionists and recover the Province of Panama; while the laws of neutrality imposed upon the United States the duty of non-intervention in the struggle in order to help one of the adversaries, the United States by their intervention paralyzed the action of Colombia and at the same time supported the revolution. Hence it can be affirmed that

the Republic of Panama is the work of the United States (Roosevelt) Government rather than of the insurgents, because if the United States Government had not helped effectually the endeavors of the revolution by impeding the march of the Colombian troops, the revolution would have succumbed the day after it was started and before any Nation would have consented to give its recognition to Panama as a sovereign State."

Such is the real juridical status of the question pending between Colombia and the United States, and which the present Administration considered in making the Treaty which has been submitted to Congress for its approval.

The foregoing documentary refutation clearly proves that in the article, "The Panama Blackmail Treaty," written by Mr. Roosevelt, the chronology of the events is changed and that the intentional confusion of time, documents, and of the persons which figured in the history of Colombia, especially in her relations with the United States, bring imaginary charges against the present American Administration. But all the charges made in said article are shattered when struck by the overwhelming historical truth, as has been shown.

Finally, the argument advanced by Mr. Roosevelt as conclusive for the rejection of the Treaty is its incompatibility with that entered into between the United States and Panama on November 18, 1903, whereby the United States bound themselves to maintain the sovereignty of Panama. For the purpose of showing this alleged incompatibility Mr. Roosevelt says that the United States now grants Colombia the right to use the Canal for the transportation of troops, materials of war, etc., in case of war between Colombia and other Countries, *including Panama*. This is not an argument but merely a false statement, because Mr. Roosevelt allows himself to mutilate the text of the article which contains this concession, and in which we read the following: "*The provisions of this paragraph shall not be applicable in case of war between Colombia and Panama.*" By mutilating texts and perverting the facts in this manner it is

an easy matter to reach conclusions such as those contained in the article published by Mr. Roosevelt in "The Metropolitan."

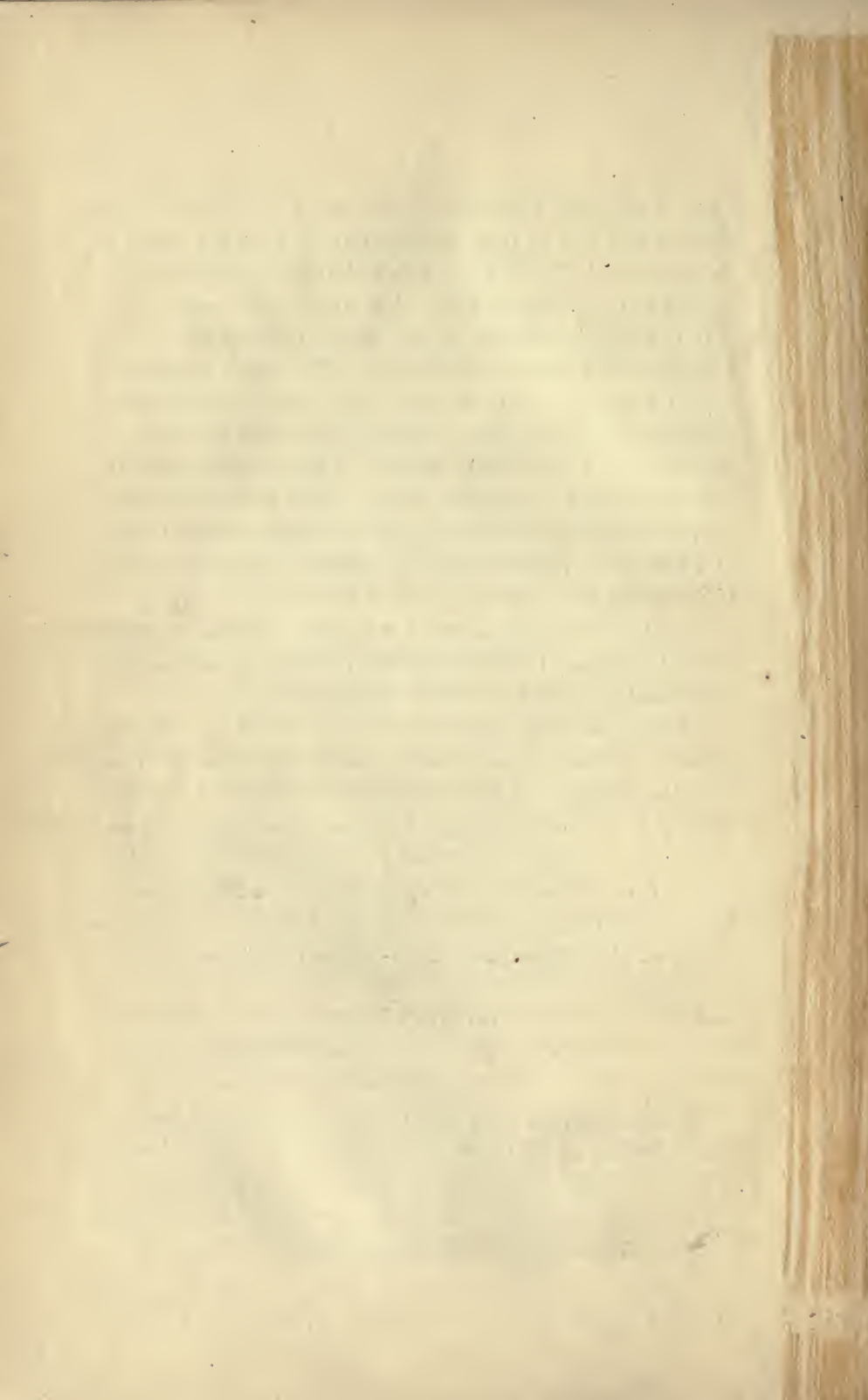
In brief, no relation of continuity can be established between the acts which occurred before November 13, 1903, which was when Mr. Roosevelt as President of the United States recognized the Republic of Panama (the recognition obtained from other Nations being subsequent to November 13, 1903), and the events which occurred after said date. Before November 13, 1903, the solemn agreement of 1846, between New Granada (now Colombia) and the United States, as well as the sovereignty of Colombia over the territory of Panama, were in full force and legally inviolable. Consequently, the acts prior to November 13, 1903, are the only ones which concern the Treaty of April 6, 1914, between Colombia and the United States, which must be so studied, taking into consideration the fundamental principles of International Law.

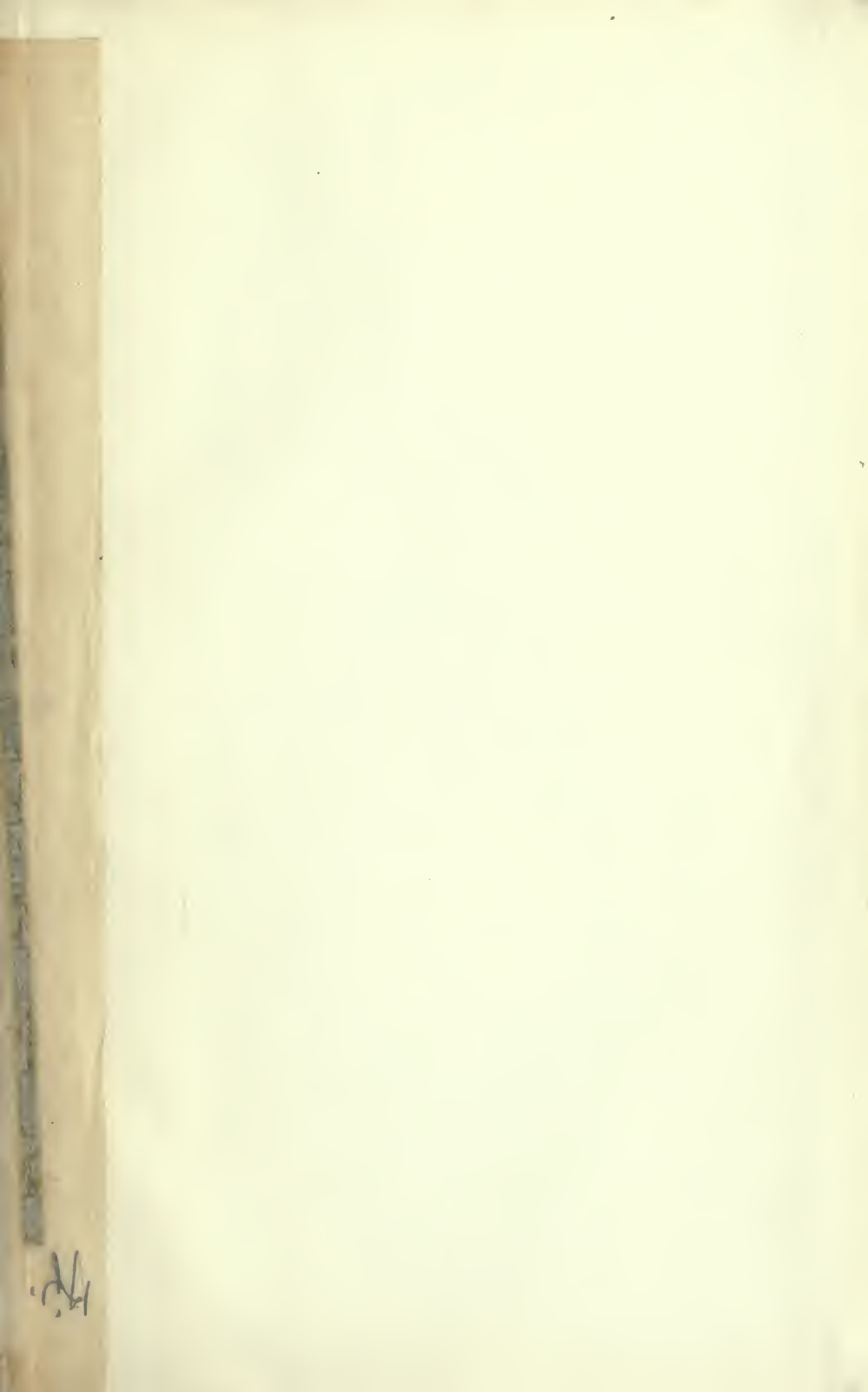
In conclusion, it will not be amiss, even though such be not the object of these lines, to comment on two fixed themes of Roosevelt.

1. That the entire matter was from the beginning, and has continued to be, a blackmail. If this were truth, how could Mr. Roosevelt justify himself for having sought to satisfy Colombia by offering her the Root-Cortes Treaty, wherein he recognizes her right to an indemnity? Public treaties are not made with blackmailers.
2. That the pending Treaty benefits not only Colombia but her associates in the United States and elsewhere.

Associates? Yes, Colombia does have them, and they form an enormous legion—all men in the United States who love right, who love justice, and who desire sincere harmony with Latin America; and similar associates exist in all the political parties of this great Nation.

In truth, there is no matter which, for the statesman, has greater present and future importance than the settlement of the differences with Colombia.





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