

The consummation of the attempt which is being made by the conspiracy at Panama would produce these results:— The Colombian territory as it has existed since the formation of the nation would be dismembered; Colombia would irreparably lose, besides her dominion rights on the Isthmus, £2,000,000 in cash and an annuity of £50,000, which was the price offered by the United States Government for the concession, and this would be “monstrously unfair,” as *The Financial News* qualifies the “filching from her not merely territory, but territorial rights of great value.”

On the other hand, the honor of the United States would be tarnished and her reputation blasted. Henceforth it would not appear as the protector, but as the perfidious enemy of the Latin-American States, and its commerce would suffer considerably. Moreover, the American Government would be morally, if not legally, bound to pay the Colombian debts, inasmuch as it would deprive her of her most valuable asset.

Colombia would readily accept a Treaty with the American Government for the construction of the canal on honorable and satisfactory conditions for both countries. Then America could accomplish the great enterprise with a pure conscience and clean hands. The fatherland of Washington would not descend from the lofty plane on which it stood when it faced the Old World as the sincere protector of the Hispano-American States.

We have appealed to the Latin-American States, to the people and Senate of the United States, to England, and to the whole of the civilized world; but as yet Colombia seems powerless and friendless. Our best hope of obtaining redress for the cruel wrong done to her is in the Senate of the United States, who, we trust, will be swayed by the command: “Let judgment run down as waters, and righteousness as a mighty stream.”

Abelardo Aldana,
Consul of Colombia at Cardiff.

LETTER FROM THE COLOMBIAN MINISTER,
DIEGO MENDOZA, TO THE UNITED STATES
SECRETARY OF STATE, ELIHU ROOT,
OCTOBER 21, 1905

Legation of Colombia,
Washington, D. C.,
October 21, 1905.

SIR: The undersigned, representative of the weak Republic of

Source: U.S. Senate Document No. 474, 63rd Congress 2nd Session. Diplomatic History of the Panama Canal Correspondence Relating to the Negotiation and Application of Certain Treaties on the Subject of the Construction of an Inter-oceanic Canal, and Accompanying Papers. Washington, Government Printing Office, 1914.

Colombia, deems this an opportune moment to turn to you, as representative of the most powerful Republic of modern times, with the request for a just, equitable, and complete diplomatic adjustment of the differences which have arisen between the two nations; or, if this should not be practicable, or if, once brought about, it should fail to produce satisfactory results for both or either of the parties, the undersigned would request that a convention be signed which should submit such differences to some form of arbitration honorable for both countries. The undersigned has all the more reason to hope for a favorable response to his proposition because the questions pending between Colombia and the United States are of exactly the same nature as those to which the numerous arbitration treaties relate which have been concluded by your Government with many other nations, both great and small, within less than a year. These said treaties, as you know very well, were submitted by the President to the Senate on December 14, 1904, and, with slight amendments which do not affect in the least the propositions of the undersigned, were all ratified almost unanimously by the Senate of the United States; so that the branches of your Government which have the authority to conclude treaties were in happy accord concerning the suitability of settling by arbitration the controversies mentioned in those treaties. The text of these treaties embraces "the differences of a legal nature which may arise, or which relate to the interpretation of the treaties existing between the contracting parties, and which it has been impossible to settle through diplomacy"; the only exceptions are those which may "affect the vital interests, the independence, or the honor of the nation, or which may compromise the rights of third parties."

The request which the undersigned hereby makes for the conclusion of an arbitration convention between your country and his—in case the proposed diplomatic adjustment should fail—is exactly comprised within the provisions cited. The differences which have arisen, as he will have the honor to explain further on, are of a legal character; refer to the interpretation of a treaty in force between the two contracting parties; do not in anywise affect the vital interests, the independence, or the honor of the United States, and do not compromise the interests of third parties. Inasmuch as all the reclamations against the United States which the Republic of Colombia desires to have submitted to an impartial court of arbitration for settlement are differences of a legal nature between the two countries, involving, on the one hand, the correct meaning of the law of nations, and, on the other, the exact interpretation of the treaty of 1846 existing between the two countries, it can not be claimed on any grounds that they affect the vital interests, or the independence, or the honor of the United States, and much less can it be claimed that they impair the rights of third parties.

The request of the undersigned being clearly and precisely within the very course of the international policy of the United States, both as

regards direct diplomatic adjustments, of which several cases could be cited, and as regards arbitration, which latter is palpably demonstrated in the various treaties presented recently by the President to the Senate (December 14, 1904), and in these respects ratified by that body, the undersigned can not bring himself to believe that it is really necessary to adduce any more arguments in asking you to accede to his proposition. If other reasons were necessary, they could be found in the long and honorable history of the United States, which has so persistently advocated and fostered the peaceful and honorable adjustment of difficulties through direct diplomacy and arbitration as the best means of deciding controversies between nations. The upholding of this great and noble cause originated, in fact, as you know, with the creation of the Government of your country and found its most recent confirmation in the treaty submitted to the Senate last year, and to which reference has already been made. The undersigned takes the liberty, nevertheless, of calling your attention to the following memorable words of President Roosevelt in his inaugural address:

Much has been conceded to us, and much, therefore, is justly expected of us. We have duties to fulfill toward others, as well as toward ourselves, and we can not neglect either. We have come to be a great nation, obliged from the very fact of our greatness to maintain relations with the other nations of the earth, and we must conduct ourselves as becomes a people with such great responsibilities. Toward all other nations, both great and small, our duty must be to cherish cordial and sincere friendship. We must prove, not only by our words but also by our actions, that we are ardently desirous of winning their good will by acting toward them with a spirit of just and generous respect for all their rights. But justice and generosity in nations, just as in individuals, have greater significance when exercised, not by the weak but by the powerful.

A just and generous respect for her right to have the questions pending between Colombia and the United States equitably adjusted by diplomatic means, or, failing the latter, submitted to the decision of an impartial court, is exactly what Colombia, the weak State, demands today of the United States, the powerful nation; and, cherishing the assurance that such a diplomatic arrangement or such arbitration will be granted, the undersigned takes the liberty of setting forth, as clearly and succinctly as possible, the nature of the differences between the two nations. The undersigned feels no need of stating that his words will be guided by a spirit of the greatest moderation.

The general treaty of peace, amity, navigation, and commerce of 1846 between New Granada, now the Republic of Colombia, and the United States established the rights and the obligations of the two contracting parties. The undersigned will not tire you now with an analysis

of the principal stipulations of the treaty, but will confine himself to saying that certain concessions which were then considered of great value to your nation were granted in exchange for what was deemed valuable protection for Colombia. This protection, for the purposes of this note, may be said to be comprised in article 35 of the treaty, and especially in the following clause: "And in order to secure to themselves the tranquil and constant enjoyment of these advantages and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada"—now the Republic of Colombia—"by the present stipulation, the perfect neutrality of the beforementioned isthmus, with a view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada"—now the Republic of Colombia—"has and possesses over said territory."

During the full vigor of this treaty between the United States and Colombia the following facts occurred, as Colombia believes, although you may refute them or view them in a different light:

1. In September and October, 1903, the Government of the United States promised certain interests located on the Isthmus of Panama, as well as persons interested in the French Canal Company, that the United States would prevent the Republic of Colombia from combating any disturbance which might arise on the Isthmus.

2. In fulfillment of these promises, war vessels of the United States were sent both to Panama and to Colon in October and during the first days of November, 1903.

3. On November 2, 1903, the commanders of said war vessels received the following telegrams, sent by the Department of State through the Navy Department, as is believed:

(a) Keep the transit free and uninterrupted. Should there be a threat of interruption by armed force, occupy the railroad line; prevent the landing of any armed force having hostile intentions, whether of the Government or insurgent, at Colon, Portobelo, or any other point. Prevent landing if in your judgment it might precipitate a conflict.

(b) In case of doubt regarding the intentions of any armed force, occupy Ancon Hill and fortify it with artillery.

4. At 3:40 p. m. of November 3, 1903, Mr. Loomis, Assistant Secretary of State, acting, sent the following telegram to the person in charge of the United States consulate in Panama: "We are informed that there has been an uprising on the Isthmus; keep this department informed of everything without delay." The consul of the United States answered on the same day: "The uprising has not occurred yet; it is announced that it will take place this evening. The situation is critical."

5. At 8:45 p. m. of the same day, November 3, 1903, the following telegram, signed "Loomis, Acting," was delivered to the person in charge of the United States consulate in Panama: "The troops which landed from Cartagena must not continue to Panama;" and by virtue of this telegram, the officer commanding the American war ship *Nashville* gave orders to the Panama Railroad Company not to transport troops of the Colombian Government to the city of Panama.

6. At 10:30 p. m. of the same day, November 3, 1903, another telegraphic dispatch from the State Department was sent to the American consul in Panama, reading as follows: "If the cablegram to the *Nashville*" - one of the said war vessels "has not been delivered, inform her captain immediately that he must prevent the Government troops from continuing on to Panama or from assuming an attitude which might result in bloodshed, and that he must make every effort to maintain order on the Isthmus."

7. On the same day, November 3, 1903, the following telegram was transmitted from Colon to the Secretary of the Navy by the commander of one of the aforementioned war vessels stationed there: "I acknowledge the receipt of your telegram of November 2. Before receiving it, there were landed here this morning by the Colombian Government about four hundred men from Cartagena. There is no revolution on the Isthmus, nor any disturbance. The railroad company has refused to transport these troops unless the governor of Panama requires it. The demand has not been made. It is possible that the movement to proclaim independence may take place in Panama this evening. * * *" (Here there is missing a part of the dispatch as printed.)

8. At 9:50 p. m. of the same date, November 3, 1903, the Department of State received from the vice consul of the United States in Panama the following telegram: "The revolt took place this evening at 6; there has been no bloodshed. The officers of the army and navy have been reduced to prison. The government will be organized this evening and will be composed of three consuls and a cabinet. The soldiers have been exchanged. It is believed that a similar movement will take place in Colon. Up to the present order has prevailed. The situation is serious. Four hundred soldiers landed in Colon to-day from Barranquilla."

On the same day, November 3, 1903, General Tovar arrived at Colon with the battalion of sharpshooters of the Colombian army, a force more than sufficient to repress the aforementioned uprising.

9. At 11:18 p. m. of the same day, November 3, 1903, Mr. Loomis, Assistant Secretary of State, acting, telegraphed to the vice consul of the United States in Panama: "The telegraphic dispatch sent to the *Nashville* at Colon may not have been delivered. See, therefore, that the following dispatch is transmitted to the *Nashville* immediately: *Nashville*, Colon: In the interest of peace make every effort in order to

prevent the troops of the Government at Colon from continuing to Panama. Transit on the Isthmus must be kept open and order maintained. Acknowledge receipt. (Signed) Darling, Acting.' Obtain a special train if it should be necessary. Act with speed."

10. On the following day, November 4, 1903, Hubbard, commander of one of the war vessels stationed at the time at Colon, addressed the Secretary of the Navy as follows: "Government troops now at Colon. I have prohibited the movement of troops in either direction. There has been no interruption of transit yet. I shall make every effort to preserve peace and order."

11. On the same day, November 4, 1903, the American consul in Panama received the following communication: "We have the honor to inform you, for your own knowledge and that of the government which you represent, that on this very date there has taken place a movement by which the old Department of Panama has separated from the Republic of Colombia, with the object of constituting a new State by the name of 'Republic of Panama'; and that the undersigned have had the honor of being designated to form the committee of the Provisional Government of the Republic."

12. Two days later—that is, November 6, 1903—the Secretary of State telegraphed to the vice consul in Panama in the following terms: "The people of Panama by an apparently unanimous movement, have severed their political bonds with the Republic of Colombia and have resumed their independence. As soon as you are convinced that a *de facto* government, republican in form and without substantial opposition on the part of its own people, has been established on the Isthmus of Panama, you will enter into relations with it as the responsible government of the territory, and you will address to it a request that it take the measures necessary for the protection of the persons and the property of citizens of the United States, and that it keep open the transit on the Isthmus in accordance with the obligations of the existing treaties which govern the relations of the United States with that territory."

13. On the same date, November 6, 1903, the commander of one of the war vessels communicated as follows to the Secretary of the Navy: "I arrived yesterday afternoon; I landed forces. The situation is as follows: A little before landing, the Colombian troops had departed on the steamer *Orinoco* for Cartagena. The independent party is in possession of Colon, of Panama, and of the railroad line.

The *Nashville* withdrew her forces."

14. On the following day, November 7, 1903, the vice consul of the United States sent the following note to the so-called committee which represented the would-be revolution: "Inasmuch as the people of Panama, by a unanimous movement, have broken their political bonds with the Republic of Colombia and resumed their independence, and as there

is no opposition to the provisional government in the State of Panama, I hereby inform you that the provisional government will be held responsible for the protection of the persons and property of the citizens of the United States, as well as for the maintenance of free transit on the Isthmus, in accordance with the stipulations of the treaties in force regarding the territory of the said Isthmus."

15. On the following day, November 8, 1903, a telegram was sent to the Secretary of the Navy by the commander of one of the American war vessels, as follows: "Everything quiet; traffic uninterrupted; the telegram in which I was ordered to interfere was received." On that same day the vice consul of the United States in Panama stated, in a telegram to the Secretary of State, as follows: "The Colombian troops were reembarked for Cartagena by the *Royal Mail*. It is believed that the *Bogota* is a *Buenaventura*. Peace reigns."

16. Four days later, on November 11, 1903, the minister of the United States in Bogota informed the Colombian Republic that the Government of the United States had entered into relations with the so-called new Republic of Panama.

17. Two days afterwards, on November 13, 1903, the Government of the United States officially received Mr. Bunau-Varilla, a French citizen interested in the French Canal Company, as minister plenipotentiary of Panama.

18. On the following day, November 14, 1903, the minister of the United States in Bogota notified the Colombian Republic as follows: "I have just received instructions from my Government by cable to notify you that it does not deem it suitable to permit Colombian troops to land on the Isthmus, because this would precipitate civil war and would indefinitely interrupt the free transit which my Government is obligated to protect."

19. General Reyes, commander at that time of the Colombian forces sent to repress the so-called rebellion on the Isthmus—which troops were more than sufficient for the purpose—had announced to Vice Admiral Coghlan, commander of one of the United States war vessels, his intention to embark his troops and to proceed to Panama in order to restore order there; and the vice admiral, in reply, notified him that his orders were to prevent the landing of troops with hostile designs within the limits of the State of Panama.

20. On November 18, 1903, the Secretary of State of the United States and the said Bunau-Varilla signed a treaty the purpose of which was to arrange a compact between the United States and the so-called Republic of Panama. By article 1 of this treaty the United States expressly and positively guarantee and obligate themselves to uphold the independence of the so-called Republic of Panama.

The foregoing recital, taken principally from the official records as they were transmitted by the President to the Senate when the treaty

between the United States and the so-called Republic of Panama was being discussed in that body, amply justifies, in the opinion of the undersigned, the following conclusions, in which you may not perhaps agree with him.

(a) The well-known favorable attitude of the United States toward a rebellious uprising in the Department of Panama was the determining cause of the revolt, and to this extent it was a violation of the express stipulations of the treaty of 1846.

(b) The United States, by means of their armed forces, prevented the Republic of Colombia from repressing the aforesaid rebellion and so preserving the integrity of her national territory, this being also in violation of the positive stipulations of the treaty.

(c) The United States recognized with undue haste the so-called Republic of Panama, to the detriment of the rights and interests of the Republic of Colombia, and this recognition annulled the express stipulations of the treaty of 1846 and disregarded the principles established by the law of nations.

(d) The United States guaranteed to maintain by force the separation of Panama from the Republic of Colombia, not only against the explicit stipulations of the treaty of 1846, but also, and in view of the time at which this obligation was contracted, in violation of the duties of neutrals under the law of nations.

I therefore take the liberty of again calling your attention to the fact that each of these injuries which Colombia maintains was inflicted on her by the United States assumes the character of a controversy of a legal nature, or of a difference regarding the correct interpretation of the treaty existing between the two contracting parties. In the opinion of the Government of the undersigned, these acts of the United States were the sole and only cause of the dismemberment of the Republic of Colombia, of the loss to her of the valuable and important Department of Panama, and of the loss of her rights in contracts, one referring to the Isthmian Canal, in course of construction, and the other to the Panama Railroad, already constructed across that Department.

The undersigned does not flatter himself that you will be disposed to admit the justice of these reclamations. On the contrary, he supposes that they will be denied by you. If this should be the case, it appears to be clear that the only practicable means of adjustment, honorable for both countries, would be to submit them to the decision of an impartial court of arbitration. On the other hand, if your Government were disposed to admit the justice of Colombia's reclamations (complaints), a path would be happily opened toward a prompt and satisfactory adjustment by direct diplomacy.

The undersigned is aware that it is not his place to point out the manner in which this court should be constituted before knowing your views on the matter; however, as a mere hint at the facility with which

it might be formed, he ventures to respectfully suggest that each country should without delay appoint a distinguished jurist of its own nationality to represent it, and that the selection of the umpire be made by the chief magistrate of an absolutely disinterested nation.

It does not appear necessary to remind you that if such a court is constituted and the United States have committed no injury against the Republic of Colombia, their conduct will be fully vindicated. At all events, the worst that could happen to the United States would be a decision that they had inflicted an injury on a weak sister Republic while seeking what they thought to be of universal benefit and the exaction from the United States of the appropriate indemnity. In either case the result would be a settlement of all controversies between the two Republics and a resumption of the cordial and friendly relations which always existed between them before the occurrences on the Isthmus above enumerated.

To conclude, the refusal of so great and powerful a nation as the United States to consent to enter into negotiations, of one nature or another, with a weak nation unable to obtain reparation by arms would, as its only result, convince the weaker nation that the United States do not wish to give her the justice due her or to submit their conduct to a judicial investigation and to arbitration. This refusal would certainly have only the most unfortunate influence on the citizens of the weak nation, denied justice because too weak to have any hope of sustaining its claim by force; and, inversely, if your Government maintains its uninterrupted tradition of doing justice to others, regardless of their lack of strength, as your Chief Magistrate so emphatically expressed it recently in the following terms: "We must be scrupulous in our respect for the rights of the weak," then the consequences will undoubtedly be highly salutary, not only as an efficacious means of allaying all resentment in the Colombian mind, but of removing all apprehension in the minds of the weak peoples who inhabit the Western Hemisphere.

For all of the reasons hereinbefore set forth, the undersigned earnestly entreats you to consider favorably the petition he makes to you for a direct adjustment or for the constitution of a court of arbitration to decide the differences between the two countries, and in either manner you will add one more to the illustrious cases in which your great Nation has favored the cause of justice and of international arbitration.

The undersigned embraces this opportunity to express to the honorable Mr. Elihu Root, Secretary of State, the assurances of his highest consideration.

Diego Mendoza.

THEODORE ROOSEVELT AND THE "MANDATE FROM CIVILIZATION"

A natural reaction to the Hay-Bunau-Varilla was that of criticism from Latin-America. Just as natural was the defensive position taken by some in the United States. Supporters of the policy of Teddy Roosevelt all joined in justifying what had been done. Soon, as is often the case, these protagonists moved away from their position of defending what had been done and, leaning heavily on the legal arguments of treaties and agreements, swung to an offensive position.

These voices were raised to answer all critics. They presented the argument that the United States had bravely gone ahead, on its own and despite many obstacles placed in its path, and answered an important and long unfilled need. A positive good had been accomplished—a good that would benefit all concerned in many ways.

Prominent in this school was the driving force behind the successful completion of the Panama Canal, Theodore Roosevelt. He relished the controversy and waded into the kind of battle he loved best. Answering all arguments against his methods and deeds, the President epitomized the image of the "red-blooded American." He had done what had to be done. He had pushed to successful completion a project, hopelessly bogged down in diplomatic and parliamentary wrangling, with a few well-timed and bold strokes. Rather than defend his policy, Teddy Roosevelt went on the attack and told all that he had succeeded where others had failed and fully expected deserved appreciation and respect for his achievement in their behalf.

Theodore Roosevelt and action taken in the "interest and well-being of the civilized countries of the world." In support of the actions of the United States during the Panamanian Revolution.

REVOLUTION IN PANAMA COURSE OF UNITED STATES.

Immediately after the adjournment of the Congress a revolution broke out in Panama. The people of Panama had long been discontented with the Republic of Colombia, and they had been kept quiet only by the prospect of the conclusion of the treaty, which was to them a matter of vital concern. When it became evident that the treaty was hopelessly lost, the people of Panama rose literally as one man. Not a shot was fired by a single man on the Isthmus in the interest of the Colombian Government. Not a life was lost in the accomplishment of the revolution. The Colombian troops stationed on the Isthmus, who had long been unpaid, made common cause with the people of Panama, and with astonishing unanimity the new Republic was started. The duty of the United States in the premises was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward in the official documents above quoted, the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interruption of transit as an inevitable consequence. The *de facto* Government of Panama was recognized in the following telegram to Mr. Ehrman:

The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a *de facto* government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit, in accordance with the obligations of existing treaties governing the relations of the United States to that territory.

Source: 63rd Congress, 2nd Session Senate Document No. 471. The Panama Canal and Our Relations With Colombia—Papers—Presented by Mr. Lodge, April 23, 1914. Ordered to be printed, Washington, Government Printing Office, 1914.

The Government of Colombia was notified of our action by the following telegram to Mr. Beaupre:

The people of Panama having, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a Government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Government of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations, but by the interests of civilization, to see that the peaceful traffic of the world across the Isthmus of Panama shall no longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

DISTURBANCES ON ISTHMUS SINCE 1846.

When these events happened 57 years had elapsed since the United States had entered into its treaty with New Granada. During that time the Governments of New Granada and of its successor, Colombia, have been in a constant state of flux. The following is a partial list of the disturbances on the Isthmus of Panama during the period in question as reported to us by our consuls. It is not possible to give the complete list, and some of the reports that speak of "revolutions" must mean unsuccessful revolutions:

May 22, 1850.—Outbreak; two Americans killed. War vessel demanded to quell outbreak.

October, 1850.—Revolutionary plot to bring about independence on the Isthmus.

July 22, 1851.—Revolution in four southern provinces.

November 14, 1851.—Outbreak at Chagres. Man-of-war requested for Chagres.

June 27, 1853.—Insurrection at Bogotá and consequent disturbance on Isthmus. War vessel demanded.

May 23, 1854.—Political disturbances; war vessel requested.

June 28, 1854.—Attempted revolution.

October 24, 1854.—Independence of Isthmus demanded by provincial legislature.

April, 1856.—Riot, and massacre of Americans.

May 4, 1856.—Riot.

May 18, 1856.—Riot.

June 3, 1856.—Riot.

October 2, 1856.—Conflict between two native parties. United States forces landed.

- December 18, 1858.—Attempted secession of Panama.
 April, 1859.—Riots.
 September, 1860.—Outbreak.
 October 4, 1860.—Landing of United States forces in consequence.
 May 23, 1861.—Intervention of the United States forces required by intendente.
 October 2, 1861.—Insurrection and civil war.
 April 4, 1862.—Measures to prevent rebels crossing Isthmus.
 June 13, 1862.—Mosquera's troops refused admittance to Panama.
 March, 1865.—Revolution, and United States troops landed.
 August, 1865.—Riots; unsuccessful attempt to invade Panama.
 March, 1866.—Unsuccessful revolution.
 April, 1867.—Attempt to overthrow Government.
 August, 1867.—Attempt at revolution.
 July 5, 1868.—Revolution; provisional government inaugurated.
 August 29, 1868.—Revolution; provisional government overthrown.
 April, 1871.—Revolution; followed apparently by counter revolution.
 April, 1873.—Revolution and civil war which lasted to October, 1875.
 August, 1876.—Civil war which lasted until April, 1877.
 July, 1878.—Rebellion.
 December, 1878.—Revolt.
 April, 1879.—Revolution.
 June, 1879.—Revolution.
 March, 1883.—Riot.
 May, 1883.—Riot.
 June, 1884.—Revolutionary attempt.
 December, 1884.—Revolutionary attempt.
 January, 1885.—Revolutionary disturbances.
 March, 1885.—Revolution.
 April, 1887.—Disturbance on Panama Railroad.
 November, 1887.—Disturbance on line of canal.
 January, 1889.—Riot.
 January, 1895.—Revolution which lasted until April.
 March, 1895.—Incendiary attempt.
 October, 1899.—Revolution.
 February, 1900, to July, 1900.—Revolution.
 January, 1901.—Revolution.
 July, 1901.—Revolutionary disturbances.
 September, 1901.—City of Colon taken by rebels.
 March, 1902.—Revolutionary disturbances.
 July, 1902.—Revolution.

The above is only a partial list of the revolutions, rebellions, insurrections, riots, and other outbreaks that have occurred during the

period in question, yet they number 53 for the 57 years. It will be noted that one of them lasted for nearly three years before it was quelled; another for nearly a year. In short, the experience of over half a century has shown Colombia to be utterly incapable of keeping order on the Isthmus. Only the active interference of the United States has enabled her to preserve so much as a semblance of sovereignty. Had it not been for the exercise by the United States of the police power in her interest, her connection with the Isthmus would have been sundered long ago. In 1856, in 1860, in 1873, in 1885, in 1901, and again in 1902, sailors and marines from United States warships were forced to land in order to patrol the Isthmus, to protect life and property, and to see that the transit across the Isthmus was kept open. In 1861, in 1862, in 1885, and in 1900 the Colombian Government asked that the United States Government would land troops to protect its interests and maintain order on the Isthmus. Perhaps the most extraordinary request is that which has just been received and which runs as follows:

LATEST PROPOSITION OF COLOMBIAN GOVERNMENT

Knowing that revolution has already commenced in Panama (an eminent Colombian) says that if the Government of the United States will land troops to preserve Colombian sovereignty, and the transit, if requested by Colombian charge d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, will approve by decree the ratification of the canal treaty as signed, or, if the Government of the United States prefers, will call extra session of the Congress—with new and friendly members—next May to approve the treaty. (An eminent Colombian) has the perfect confidence of Vice President, he says, and if it became necessary will go to the Isthmus or send representative there to adjust matters along above lines to the satisfaction of the people there.

This dispatch is noteworthy from two standpoints. Its offer of immediately guaranteeing the treaty to us is in sharp contrast with the positive and contemptuous refusal of the Congress which has just closed its sessions to consider favorably such a treaty; it shows that the Government which made the treaty really had absolute control over the situation, but did not choose to exercise this control. The dispatch further calls on us to restore order and secure Colombian supremacy in the Isthmus from which the Colombian Government has just by its action decided to bar us by preventing the construction of the canal.

IMPORTANCE TO UNITED STATES OF CONTROL OF MEANS OF UNDISTURBED TRANSIT ACROSS ISTHMUS.

The control, in the interest of the commerce and traffic of the whole civilized world, of the means of undisturbed transit across the Isthmus of Panama has become of transcendent importance to the United States. We have repeatedly exercised this control by intervening in the course of domestic dissension, and by protecting the territory from foreign invasion. In 1853 Mr. Everett assured the Peruvian minister that we should not hesitate to maintain the neutrality of the Isthmus in the case of war between Peru and Colombia. In 1864 Colombia, which has always been vigilant to avail itself of its privileges conferred by the treaty, expressed its expectation that in the event of war between Peru and Spain the United States would carry into effect the guaranty of neutrality. There have been few administrations of the State Department in which this treaty has not, either by the one side or the other, been used as a basis of more or less important demands. It was said by Mr. Fish in 1871 that the Department of State had reason to believe that an attack upon Colombian sovereignty on the Isthmus had, on several occasions, been averted by warning from this Government. In 1886, when Colombia was under the menace of hostilities from Italy in the Cerruti case, Mr. Bayard expressed the serious concern that the United States could not but feel that a European power should resort to force against a sister republic of this hemisphere, as to the sovereign and uninterrupted use of a part of whose territory we are guarantors under the solemn faith of a treaty.

The above recital of facts establishes beyond question: First, that the United States has for over half a century patiently and in good faith carried out its obligations under the treaty of 1846; second, that when for the first time it became possible for Colombia to do anything in requital of the services thus repeatedly rendered to it for 57 years by the United States, the Colombian Government peremptorily and offensively refused thus to do its part, even though to do so would have been to its advantage and immeasurably to the advantage of the State of Panama, at that time under its jurisdiction; third, that throughout this period revolutions, riots, and factional disturbances of every kind have occurred one after the other in almost uninterrupted succession, some of them lasting for months and even for years, while the central government was unable to put them down or to make peace with the rebels; fourth, that these disturbances instead of showing any sign of abating have tended to grow more numerous and more serious in the immediate past; fifth, that the control of Colombia over the Isthmus of Panama could not be maintained without the armed intervention and assistance of the United States. In other words, the Government of Colombia, though wholly unable to maintain order on the Isthmus, has nevertheless declined to

ratify a treaty the conclusion of which opened the only chance to secure its own stability and to guarantee permanent peace on, and the construction of a canal across, the Isthmus.

Under such circumstances the Government of the United States would have been guilty of folly and weakness, amounting in their sum to a crime against the Nation, had it acted otherwise than it did when the revolution of November 3 last took place in Panama. This great enterprise of building the interoceanic canal can not be held up to gratify the whims, or out of respect to the governmental impotence, or to the even more sinister and evil political peculiarities, of people who, though they dwell afar off, yet, against the wish of the actual dwellers on the Isthmus, assert an unreal supremacy over the territory. The possession of a territory fraught with such peculiar capacities as the Isthmus in question carries with its obligations to mankind. The course of events has shown that this canal can not be built by private enterprise, or by any other nation than our own; therefore it must be built by the United States.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essentially not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor, and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which has become intolerable.

SUBMISSION OF TREATY WITH NEW REPUBLIC OF PANAMA.

The new Republic of Panama immediately offered to negotiate a treaty with us. This treaty I herewith submit. By it our interests are better safeguarded than in the treaty with Colombia which was ratified by the Senate at its last session. It is better in its terms than the treaties offered to us by the Republics of Nicaragua and Costa Rica. At last the right to begin this great undertaking is made available. Panama has done her part. All that remains is for the American Congress to do its part and forthwith this Republic will enter upon the execution of a project colossal in its size and of well-nigh incalculable possibilities for the good of this country and the nations of mankind.

THE TREATY WITH COLOMBIA

April 20, 1921

The ratification of the Hay-Bunau-Varilla treaty marked the end of Colombia's stake in the financial dealings concerning the building and operating of the Panama Canal by the United States. Far from surrendering, however, the government at Bogota tried to present their case for reconsideration. Repeated proposals were made to place the issue before a board of arbitration. Holding that acceptance of these proposals by the United States would be tantamount to an admission of guilt in the face of Colombian charges of interference in their internal affairs and violation of their sovereignty, Theodore Roosevelt refused all such overtures. Roosevelt's successor, William Howard Taft, attempted, several times, to soothe the wounds, but was unsuccessful.

When the Democrats won the 1912 election, Woodrow Wilson put his moral approach to diplomacy to work and did sign a treaty with Colombia in which the United States assumed an apologetic position and offered to pay \$25,000,000 as an indemnity for the loss of Panama. Led by Senator Henry Cabot Lodge, the Republicans in the Senate defeated the agreement arguing that it would put Roosevelt's administration in a bad light.

In 1921, another gesture was made during Harding's stay in the White House. The Wilson treaty was rewritten to exclude anything that seemed like an apology. This new draft, now supported by Lodge and his Republican colleagues, was approved on April 20, 1921 by a vote of 69 to 19 and Colombia belatedly received \$25,000,000 for the canal site.

COLOMBIA

1914.

TREATY FOR THE SETTLEMENT OF DIFFERENCES ARISING OUT OF THE EVENTS WHICH TOOK PLACE ON THE ISTHMIUS OF PANAMA IN NOVEMBER, 1903.

Signed at Bogotá April 6, 1914; ratification advised by the Senate with amendments April 20, 1921; ratified by the President, January 11, 1922; ratified by Colombia March 1, 1922; ratifications exchanged at Bogotá March 1, 1922; proclaimed March 30, 1922.

(Treaty Series, No. 661.)

ARTICLES.

- I. Rights of Colombia in respect to the interoceanic canal and Panama Railway.
- II. United States to pay Colombia \$25,000,000.
- III. Colombia recognizes independence of Panama; United States to take steps to establish relations between Colombia and Panama.
- IV. Ratification.

The United States of America and the Republic of Colombia, being desirous to remove all the misunderstandings growing out of the political events in Panama in November 1903; to restore the cordial friendship that formerly characterized the relations between the two countries, and also to define and regulate their rights and interests in respect of the interoceanic canal which the Government of the United States has constructed across the Isthmus of Panama, have resolved for this purpose to conclude a Treaty and have accordingly appointed as their Plenipotentiaries:

His Excellency the President of the United States of America, Thaddeus Austin Thomson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Government of the Republic of Colombia; and

His Excellency the President of the Republic of Colombia, Francisco

Source: 67th Congress U.S. Senate Document No. 348 4th Session, Treaties, Conventions, International Acts, Protocols and Agreements between The United States of America and Other Powers, 1910-1923 Volume III. Washington, Government Printing Office, 1923.

Jose Urrutia, Minister for Foreign Affairs; Marco Fidel Suarez, First Designate to exercise the Executive Power; Nicolas Esguerra, Ex-Minister of State; Jose Maria Gonzalez Valencia, Senator; Rafael Uribe Uribe, Senator; and Antonio Jose Uribe, President of the House of Representatives;

Who after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following:

Article I.

The Republic of Colombia shall enjoy the following rights in respect to the interoceanic Canal and the Panama Railway, the title to which is now vested entirely and absolutely in the United States of America, without any incumbrances or indemnities whatever.

1.—The Republic of Colombia shall be at liberty at all times to transport through the interoceanic Canal its troops, materials of war and ships of war, without paying any charges to the United States.

2.—The products of the soil and industry of Colombia passing through the Canal, as well as the Colombian mails, shall be exempt from any charge or duty other than those to which the products and mails of the United States may be subject. The products of the soil and industry of Colombia, such as cattle, salt and provisions, shall be admitted to entry in the Canal Zone, and likewise in the islands and mainland occupied or which may be occupied by the United States as auxiliary and accessory thereto, without paying other duties or charges than those payable by similar products of the United States.

3.—Colombian citizens crossing the Canal Zone shall, upon production of proper proof of their nationality, be exempt from every toll, tax or duty to which citizens of the United States are not subject.

4. Whenever traffic by the Canal is interrupted or whenever it shall be necessary for any other reason to use the railway, the troops, materials of war, products and mails of the Republic of Colombia, as above mentioned, shall, be transported on the Railway between Ancon and Cristobal or on any other Railway substituted therefor, paying only the same charges and duties as are imposed upon the troops, materials of war, products and mails of the United States. The officers, agents and employees of the Government of Colombia shall, upon production of proper proof of their official character or their employment, also be entitled to passage on the said Railway on the same terms as officers, agents, and employees of the Government of the United States.

5.—Coal, petroleum and sea salt, being the products of Colombia, for Colombian consumption passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast, and vice-versa, shall, whenever the traffic by the canal is interrupted, be transported over the aforesaid Railway free of any charge except the actual cost of handling

and transportation, which shall not in any case exceed one half of the ordinary freight charges levied upon similar products of the United States passing over the Railway and in transit from one port to another of the United States.

Article II.

The Government of the United States of America agrees to pay at the City of Washington to the Republic of Colombia the sum of twenty-five million dollars, gold, United States money, as follows: The sum of five million dollars shall be paid within six months after the exchange of ratifications of the present treaty, and reckoning from the date of that payment, the remaining twenty million dollars shall be paid in four annual installments of five million dollars each.

Article III.

The Republic of Colombia recognizes Panama as an independent nation and taking as a basis the Colombian Law of June 9, 1855, agrees that the boundary shall be the following: From Cape Tiburon to the headwaters of the Rio de la Miel and following the mountain chain by the ridge of Gandi to the Sierra de Chugargua and that of Mali going down by the ridges of Nigue to the heights of Aspave and from thence to a point on the Pacific half way between Cocalito and La Ardita.

In consideration of this recognition, the Government of the United States will, immediately after the exchange of the ratifications of the present Treaty, take the necessary steps in order to obtain from the Government of Panama the despatch of a duly accredited agent to negotiate and conclude with the Government of Colombia a Treaty of Peace and Friendship, with a view to bring about both the establishment of regular diplomatic relations between Colombia and Panama and the adjustment of all questions of pecuniary liability as between the two countries, in accordance with recognized principles of law and precedents.

Article IV.

The present Treaty shall be approved and ratified by the High Contracting Parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the city of Bogotá, as soon as may be possible.

In faith whereof, the said Plenipotentiaries have signed the present Treaty in duplicate and have hereunto affixed their respective seals.

Done at the city of Bogotá, the sixth day of April in the year of our Lord nineteen hundred and fourteen.

(Seal.) *Thaddeus Austin Thomson*

(Seal.) *Francisco Jose Urrutia*

(Seal.) *Marco Fidel Suarez*

(Seal.) *Nicolas Esguerra*

(Seal.) *Jose M. Gonzalez Valencia*

(Seal.) *Rafael Uribe Uribe*

(Seal.) *Antonio Jose Uribe*

PROTOCOL OF EXCHANGE.

(Treaty Series, No. 661.)

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Treaty signed at Bogotá, on April 6, 1914, between the United States of America and Colombia, providing for the settlement of differences arising out of the events which took place on the Isthmus of Panama in November, 1903, and the ratifications of the treaty aforesaid having been carefully compared and found exactly conformable to each other, the exchange took place this day in the usual form.

With reference to this exchange the following statement is incorporated in the present Protocol in accordance with instructions received:

1. In conformity with the final Resolution of the Senate of the United States in giving its consent to the ratification of the Treaty in question, the stipulation contained in the first clause of Article one by which there is ceded to the Republic of Colombia free passage of its troops, materials of war and ships of war through the Panama Canal, shall not be applicable in case of a state of war between the Republic of Colombia and any other country.

2. The said final Resolution of the Senate of the United States signifies, as the Secretary of State in effect stated in the note which he addressed to the Colombian Legation in Washington on the 3rd day of October, 1921, that the Republic of Colombia will not have the right of passage, free of tolls, for its troops, materials of war and ships of war, in case of war between Colombia and some other country, and consequently, the Republic of Colombia will be placed, when at war with another country, on the same footing as any other nation under similar conditions, as provided in the Hay-Pauncefote Treaty concluded in 1901; and that, therefore, the Republic of Colombia will not by operation of the declaration of the Senate of the United States above mentioned, be placed under any disadvantage as compared with the other belligerent or belligerents, in the Panama Canal, in case of war between Colombia and some other nation or nations. With this understanding the said Resolution has been accepted by the Colombian Congress in accordance with the disposition contained in Article two of Law fifty-six of 1921, "by which is modified Law number fourteen of 1914" approving the Treaty.

IN WITNESS WHEREOF, they have signed the present Protocol of Exchange and have affixed their seals thereto.

DONE at Bogotá, this first day of March, one thousand nine hundred and twenty-two.

(Seal.) *Hoffman Philip*

(Seal.) *Antonio Jose Uribe*

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