

UNITED STATES RELATIONS WITH COLOMBIA

1903 - 1921

By

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A Thesis

Presented to the Faculty of the Graduate School  
of the  
University of Oregon  
in partial fulfillment of the requirements  
for the degree of  
MASTER OF ARTS

August, 1933

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Nov. 33 Univ. of Oregon (1260)



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The necessity for nations to live in friendly relationship has become increasingly evident as the years go by. Nations no longer can live merely within themselves and for themselves. Their interests are scattered over the whole world, with business men of all nations seeking markets in the most out-of-the-way corners of the globe, and demanding protection and encouragement from their own governments. These interests in turn demand that their governments act properly towards weaker nations so that they will not make the work of the business men any more difficult than necessary.

This thesis is the story of a reconciliation between two nations; one a tremendously powerful nation, the other hardly a third rate power, unable to protect herself except through the niceties of diplomacy. It is the story of how the events of a few days changed the relations of two countries from one of friendship to lasting enmity. If there is a moral in the story it is that an ounce of prevention is worth a pound of cure.

## I.

### INTRODUCTION

The Panama Revolution marked the end of an era in American relations with the South American countries. Up to that time the United States had been looked upon as a protector of the interests of the western hemisphere against the encroachments of the powers of Europe. The Hispanic nations looked up to the United States as a friend, which had the same political traditions of freedom and democracy and with much the same national aspirations and ideals. It was more in the spirit of fraternal membership in a great family of nations that the growing power in North America was viewed by her southern Spanish American political counterparts.

This friendly feeling was changed almost overnight by the Panama Revolution. No matter what actually took place in Washington and Panama at that time, the feeling became common that the United States had taken the part of a fomentor of a revolution in Panama, with possibly a callusive connivance in its undertaking, and that with the revolution apparently well in hand by the Panamanians the United States took it upon itself to prevent Colombia from re-conquering the seceded state. As a result of this revolution the United States was henceforth looked upon with distrust and suspi-

cion by Spanish Americans. This unfriendly feeling was intensified by Theodore Roosevelt's enunciation of the Roosevelt corollary to the Monroe Doctrine and his attempt to make the Caribbean an American Sea. South America interpreted this to mean that Washington would, in the future, virtually exercise a protectorate over the weaker countries of the south. The South American countries might object to such actions on the part of the United States, still they had no effective way of protesting except through diplomatic circles. Nevertheless they could express their displeasure by refusing to cooperate with the United States in international affairs, placing obstacles in the path of United States financiers and capitalists, and receiving the diplomatic representatives of the United States government with coolness.

The country primarily concerned with the Panama Revolution was Colombia. She felt that the United States was largely to blame for the spoliation of her territory and for the prevention of the retaking of the Isthmus. Naturally her emotions had been carried to a fever heat because of the incidents on the Isthmus, but at the same time Colombians felt the utter helplessness of their position in regard to any military undertaking against the United States. Realizing that the results of the Panama Revolt could not be

changed in any fashion, many Colombians began to feel that it was to their own interests to have some sort of an understanding with the United States which would settle the questions at issue. In the official circles of Colombia the feeling against the United States began to subside, after a month's reflection, mostly due to the faith they had that some kind of satisfactory agreement could be entered into by the two nations. To the Colombian mind the most important point was that it should be made to appear that she had lost none of her national dignity, and secondly it was hoped that an indemnity would be paid for her material losses.

American public opinion was more divided upon the question of the propriety of the action of the United States Government in regard to the Panama Revolution. One group believed that the United States Government had been too hasty in recognizing Panaman independence and had given passive, if not active, assistance to the revolutionists. Some members of the group went so far as to charge that President Roosevelt had neither obeyed nor respected the law in his dealings with Colombia and the revolution. There was a difference of opinion as to the duties and rights of the United States under the Treaty of 1846, whether that treaty entitled the United States to prevent Colombia from putting down a revolution

1. Congressional Record, Feb. 9, 1904, p.1771

on the Isthmus, or to repossess the land after a revolution had taken place. This opposition group of President Roosevelt's took the position that he had aided and abetted the revolutionists, if not intentionally at least by acts which made it impossible for Colombia to assert her authority over Panama.

On the other hand the Roosevelt administration took the attitude that the action of the American Government was absolutely above reproach in the events leading up to the revolution in Panama and that the United States did nothing during the whole affair which she had not done before or was entitled to do by treaty rights. As President Roosevelt said that he hesitated "to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety..... No one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs". This was the official attitude of the American

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2. Jos. C. Freehoff, America and the Canal Title, New York, 1916, p. 311

Government during the Roosevelt and Taft administrations, and foreshadowed the basis for any settlements which the American Government would be willing to enter into with Colombia.

The attitudes of the governments of Colombia and the United States toward the events in Panama were quite different. Colombia maintained that the United States had given aid, if not openly at least indirectly, in the revolution, while the United States held that no help of any kind was given to Panama. This difference of opinion made a settlement of the issues resulting from that revolution very hard and forecast trouble for any treaty that could be made if the political enemies of the administration in power in either country decided to use the treaty as a political weapon. .

In this paper the history of that effort to bring a settlement satisfactory to both countries is given, with special emphasis on the tripartite treaties and the causes for their defeat in Colombia and later on the Thomson-Urrutia treaty and the reason for delayed action by the United States Senate. The economic motives did not become important until the time of the world war, but at that time they became important reasons for the quick action by the Senate of the Thomson-Urrutia treaty in 1921. But throughout the period one feels that the administrations of the two countries endeavored earnestly to settle the issues in order to cement the economic interests of the two nations more closely to-

gether for their mutual benefit. There was also an undercurrent of feeling in the United States, that it would not be safe to have an unfriendly power too near the Panama Canal. It was felt by many in the United States that it would be good policy to pay a few million dollars to Colombia for her renewed friendship and good will.

## II.

## EARLY ATTEMPTS AT RECONCILIATION

The feelings embittered by the events on the Isthmus of Panama had scarcely had time to cool before the officials in charge of the Colombian Government decided it was better to make some kind of a settlement of the problems resulting from that revolution, and to feel out the attitude of the United States Government towards such a settlement. Colombia sincerely believed that she had suffered a material and moral loss which should be indemnified by the United States. In order to find out the American attitude and also to offer a statement of Colombian claims for damages, General Reyes, former commander of the Colombian army and the military leader who tried to land his forces in Panama to put down the insurrection, was sent, November 28, 1903, as special minister to the United States<sup>1</sup>. Even at this time there was considerable talk in Colombia, about sending an expedition to Panama to re-conquer that state. Colombians felt that they could easily retake the Isthmus if the United States did not interfere. So it was natural that General Reyes should, soon after his arrival, sound out the American Government on its probable attitude should the Colombian Government send a military expedition into the Panama

1. Chas. E. Hill, Leading American Treaties,  
New York, 1922, p. 377



district for the purpose of regaining or defending the sovereignty of Colombia in that province. The United States Government could not see any satisfaction in this proposal of General Reyes, answering, "The Government of the United States would regard with the gravest concern any invasion of the territory of Panama by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader reason that in the opinion of the President, the time has come, in the interests of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panama."<sup>2</sup> With this rebuff General Reyes realized the hopelessness of any military movements against Panama and instead sought a diplomatic solution for the problems growing out of the revolution.

After more than a week's study of the problems and issues General Reyes presented his formal "statement of grievances" to the United States Government.<sup>3</sup> In this statement he set forth the claims of Colombia fully and ably and presented the views held by Colombians since that time. General Reyes stated that Colombians considered themselves aggrieved by the course followed by the United States during the Panama Revolution. In the first place Colombia had the right, as a sovereign nation, to approve or dis-

2. The Panama Canal and Our Relations with Colombia  
p. 32 Senate Doc. 471

3. December 23, 1903

approve the Bay-Herran treaty the same as any other nation had that right. The fault for non-ratification could not be placed upon Colombian shoulders because if proper amendments had been permitted by the United States the treaty would undoubtedly have been passed by the Colombian Congress. But the United States minister at Bogota repeatedly stated that no amendments would be permitted.<sup>4</sup> Also the United States had prevented Colombia from taking any steps to put down the revolution, although Colombia had ten thousand men under arms ready to crush the rebellion and could easily have done so. Within two days after the revolution the United States recognized the Republic of Panama and since that time had made it clear that Colombia would not have the right to attempt to regain her lost province. The strength and power of the United States gave to her an influence upon the Western hemisphere which the other nations could not hope to offset, and whatever was willed from Washington had to be done. On the other hand Colombia was relatively weak and powerless against such a formidable rival, even if she so desired to protest that right. The only remedy Colombia had against the United States was the hope that justice and mercy would be shown to Colombia.<sup>5</sup>

General Reyes continued and pointed out that the Panama

4. Diplomatic History of the Panama Canal, in 63rd Cong. 3rd Sess. Senate Doc. XV. p. 483

5. Ibid, 488

Revolution was not fomented by the majority opinion of the provinces, but rather by a small group of speculators who took advantage of the circumstances to further their own ends. Even if such a revolution took place Colombia could not recognize even a successful revolution, for Colombia had never recognized the right of secession in her territory, and especially in this particular case Colombia could not recognize Panaman independence because of the peculiar conditions under which the revolution was carried on. If Panama had secured her freedom by her own efforts and sacrifices she would be entitled to her freedom, but with the foreign aid given her no such recognition was deserved. Regardless of such beliefs Colombia realized what had actually taken place and was willing to settle on a just basis. As General Reyes stated:

Panama has become independent, has organized a Government, has induced a few powers prematurely to recognize her sovereignty, has usurped rights which do not belong to her in any case, and has ignored the debts, which weigh upon Colombia (debts contracted, many of them, to reestablish order which her sons have often disturbed), because the Government of the United States has desired it; because, with its incomparably superior force, the United States has prevented the landing of Colombian troops destined to reestablish order after our having exhausted every possible means of friendly understanding; because the United States, even before the separatist movement was known in Bogota, had its powerful war battalions; because, without regarding the precedents established by statesmen who have dealt with this matter, the United States has not respected our rights in that strip of land which Colombia considers as a divine bequest for the innocent use of the American family of States; and, finally, because the Government of

the United States, invoking and putting into practice the right of might, has taken from us by bloodless conquest--but by conquest, nevertheless--the most important part of the national territory?

Colombia had always hoped and expected that a canal would some day be built through the Isthmus. That was the reason for her placing so great a value on the province of Panama. Now that some other country had taken over the rights which formerly belonged to Colombia an indemnification for such loss was felt to be due Colombia for the right to build a canal through her former territory. Furthermore, General Reyes pointed out, the Colombian Constitution did not permit the giving of such sovereignty to another nation and such a transfer would be unconstitutional. In view of the facts as above stated, and the interest of the United States in arbitration of disputed points, it would seem but right that the Colombian claims should be submitted to the Arbitration Tribunal of The Hague.<sup>6</sup>

The American Department of State held the matter under consideration for thirteen days before answering. During that time President Roosevelt had given public his statement of American fair dealing and integrity of purpose in the Panama Revolution and had dismissed the idea of American guilt in inflicting any damage to Colombia, except as provided by solemn treaties.<sup>7</sup> Secretary Hay answered Gen-

6. Ibid, 488-490

7. Ibid, 491

8. See Page 4

eral Reyes list of 'grievances' by a long letter in which the official attitude of the United States was given which attitude was adhered to throughout the Roosevelt and Taft administrations. Secretary Hay stated that the United States had to look at matters in the light of accomplished facts. Panama was an independent nation and was so recognized by most of the important nations of the world. This recognition by so many foreign powers carried with it the opinion of the world as to the propriety of the steps taken by the United States. He reiterated the statement of Roosevelt that neither the United States nor any of its responsible members, official or unofficial, had anything to do with the Panama Revolution, nor did anyone aid in any way to help foment that revolution? As for the building of the canal, the United States was the only nation capable of building the Panama Canal. It was because of that fact that the United States took the steps she did. Furthermore Colombia had already agreed that the United States should build the canal and had stated her desire to see the United States build it.<sup>9</sup> When the Hay-Herran treaty was up for ratification before the respective governments, the United States administration cordially supported the treaty and it was quickly passed. The Colombian administration took

9. Ibid, 492

10. Ibid, 493

an altogether different course. Even before the Colombian Congress had met to pass on the treaty, the Colombian Government had violated its agreement to sell and transfer the rights and concessions of the canal and railway companies. Then a month before Congress assembled the Colombian Minister of Finance issued a statement that the Colombian Government did not care whether the treaty passed or not, and that it was for Congress to decide. This lack of good faith on the part of the government was largely responsible for the failure of the treaty.<sup>11</sup> As for the 'unconstitutional' part for the rejection of the treaty it was unimportant inasmuch as that angle was not discovered until the last moment and the fact that the Colombian Senate unanimously rejected the convention proved its fallaciousness.

Secretary Hay further pointed out that under the treaty of 1846 the United States undertook to protect the neutrality of Panama against the encroachments of foreign powers, especially those of Europe. There was nothing in the treaty to indicate that the United States was to protect Colombia against internal insurrection. The primary object of the treaty of 1846 was to make possible free and uninterrupted traffic over the Isthmus, and to make possible the building of the canal. This last purpose had been unfulfilled, at least until the Panama Revolution brought about a new set of conditions. Secretary Hay believed that the Republic

11. Ibid, 496

of Panama stood for the things the treaty of 1948 named, while the Republic of Colombia opposed those very same interests, that is the building of the canal. Naturally the United States would choose the side that represented progress and development and was willing to stand by that decision. And in the recognition of Panama the United States transferred her obligations to Colombia over to Panama.<sup>12</sup>

Nor could Secretary Hay recognize that the complaints set up by Colombia had any valid foundation, but he said that the United States did recognize the fact that Colombia had suffered an appreciable loss, and the United States wished to do everything in her power to ameliorate her lot! As for submitting the questions to The Hague for arbitration the United States could see no justification for such a course because the questions involved were of a political character, and as such not recognized by any civilized nation as a fit subject for arbitration. But there might be some subjects which could be brought before a court of arbitration, such as defining the boundary between Colombia and Panama, establishing diplomatic relations between the two countries and the adjustment of the national debt. As for the claims that Colombia could have put down the revolution in a few hours if not prevented by the United States, Secretary

12. Ibid, 503

Hay stated that Panama had been in revolt for three years preceding the revolution of 1903 without much interference by Colombia. The point brought up by General Reyes about the doubtful constitutional nature of the treaty in giving away Colombian land could be disposed of by referring to the statements of high Colombian Government officials that an increase in the pecuniary consideration would have insured ratification of the treaty.<sup>13</sup> The United States suggested that Panama and Colombia come to some sort of an agreement or settlement of the disputed points between them, such as submitting the question of Panaman independence to a plebiscite of the people of Panama,<sup>14</sup> and to submit to a special court of arbitration the settlement of any financial claims one country might have against the other.<sup>15</sup>

General Reyes had been sent to Washington by his Government to try to settle some of the issues, or at least lay the groundwork for future successful negotiations. By the middle of January, 1904, he came to the conclusion that the negotiations were leading nowhere and that no satisfactory adjustment of Colombian grievances would be made by the United States. Therefore he returned to his own country and thus ended the first mission to the United States to settle the problems arising out of the Panama Revolution.

13. *ibid.* 508

14. This suggestion of a plebiscite came originally from General Reyes.

15. *ibid.* 511



The Reyes mission ended in failure as far as any lasting results were concerned, but it was instrumental in arousing a friendly feeling towards Colombia in a group of Americans. In the United States Senate the faction in favor of doing some kind of justice to Colombia was led by Senators Morgan, Bacon, and Carmack. On January 12, 1904, Senator Bacon introduced a resolution (1) to arrange a Colombian treaty to settle the differences and to pay an indemnity for any loss sustained by Colombia, and (2) to arbitrate the issues before a court.<sup>16</sup> In introducing his resolution he brought out that war could easily be brought about between the two countries because of the bitter feelings existing in Colombia on account of the events on the Isthmus, and how trade reprisals could be made against the United States. Later in the month<sup>17</sup> Senator Bacon advocated the making of a treaty with Colombia and submitting to the permanent court of arbitration at the Hague, or some other suitable court all the questions arising out of the Panama controversy between the United States and Colombia.<sup>18</sup>

More than a year had passed before Minister Russell<sup>19</sup> at Bogota reported that he felt the feeling against the United States had subsided somewhat, now due probably to

16. Cong. Rec. Jan. 12, 1904. p. 614

17. January 29, 1904

18. Cong. Rec. Jan. 11, 1915. p. 1350

19. December 20, 1904

the hope that future negotiations between the two countries would permit the Colombian Government to appear as not having lost any of her national dignity.<sup>20</sup> During the time which had elapsed between the Reyes mission in Washington and the end of the year President Reyes had assumed the leadership of the Colombian Government and he saw the wisdom of reaching some kind of settlement with the United States. Early in 1905 the Colombian Government suggested that (1) the independence of Panama should be submitted to a plebiscite, as had been suggested by Secretary Hay the previous year, (2) a treaty of friendship, commerce, and navigation with Panama be entered into by Colombia, and (3) arbitration of all questions not disposed of in the above treaties.<sup>21</sup> Acting Secretary of State Loomis would not accept the question of submitting the independence of Panama to a plebiscite, even if it had been agreed to by the United States the previous year, because Panama had become by this time a fully established and recognized state and could not submit the question of her independence to a plebiscite. As far as a treaty of friendship, commerce, and navigation was concerned the United States would be glad to enter into such a treaty, and furthermore the United States would be pleased if Colombia could arrange to settle all questions not disposed of in that treaty with Panama by means of ar-

20. Dip. Hist. of the Pan. Canal, 110

21. U. S. State Dept. Foreign Relations, Washington, 1905, p. 239

22  
bitration.

The rejection of the suggestion for submitting the question of a plebiscite was quite unexpected by President Reyes. He had been using this suggestion as an important argument to salve the national feeling of Colombia over the Panama Revolution. Of course he realized, as did all those in high office in Colombia, that the plebiscite would turn out in favor of Panaman independence, but it was a question of honor and prestige more than of loss of property. If the United States could agree to such a plebiscite President Reyes felt that it would be a forward step in promoting a policy of reconciliation and good feeling between the two nations.<sup>23</sup>

President Reyes was anxious for some kind of an agreement with the United States and on March 16, 1905, he urged that a satisfactory treaty with the United States be made. But nothing occurred until the following Fall when the new Colombian minister at Washington, Diego Mendoza, made a formal request for an adjustment of the differences, or arbitration of the disputed points. In this statement<sup>24</sup> he set forth the grievances of Colombia against the United States much along the same lines General Reyes presented them in his first statement of 'grievances'. Again it was stated that the favorable attitude

22. Dip. Hist. of the Pan. Canal. 111

23. ibid. 110

24. October 21, 1905

of the United States was the determining cause of the Panama revolt, that the United States by means of armed forces prevented Colombia from putting down the revolt, that the United States recognized Panama with undue haste, and that the United States guaranteed to maintain by force the separation of Panama from Colombia against the explicit stipulations of the treaty of 1846, as well as in violation of the duties of neutrals under the law of nations.<sup>25</sup>

A new Secretary of State had taken office by this time, Elihu Root, a capable and conciliatory figure who was friendly to South America and a famous exponent of international arbitration of disputes. Naturally it was expected in Colombia that he would be more favorable to arbitration than his predecessor had been. But in this particular case Elihu Root could not see his way clear to submit any of the questions to arbitration which had formerly been denied by Secretary Loomis. In his answer to Minister Mendoza's communication asking for a diplomatic settlement or arbitration, Secretary Root replied that there were no issues which could legitimately be given to such an arbitration court for settlement. In elaborating upon the viewpoint of the United States regarding the Panama revolt the claim was made that the \_\_\_\_\_

<sup>25</sup> Dip. Hist. of the Pan. Canal, 576

United States Government considered Panama independent in origin and by her geographical position a separate political community. She had been confederated with the other states of Colombia upon terms of equal sovereignty, and that in 1885 Colombia had broken and ended that compact and since that time Colombia had tried to hold Panama under an unwelcome foreign domination. Therefore Panama had a perfect legal right to demand her own sovereignty over her own territory and demand independence from a rule which was tyrannical, unlawful, and oppressive. The United States could not consent to arbitrate such a right of Panama. Nor could the United States permit any arbitration to determine the political policy of the United States towards a weak people. As for the point that the United States took a collusive part in the Panama Revolution, the United States could never consent to an arbitration board passing upon such action.<sup>26</sup>

Minister Mendoza gave the Colombian reply to this letter several months later<sup>27</sup> in which he reviewed most of the grievances previously stated by the Colombian Government. Colombia insisted that the United States had acted beyond the powers granted by the treaty of 1846, in putting down the revolution in Panama, and therefore Colombia had a just claim for money damages for the loss.

26. Taft's Message to Congress, in 62d Cong. 3d Sess. Mar. 1, 1913, House Doc. 135, pp. 2-3

27. April 6, 1906

of property and land, as well as that of the Panama Railroad and the contract with the French Company.<sup>28</sup> Besides this indemnity there were seven 'strictly legal' questions which could be settled by arbitration, as follows:

1. Did the treaty of 1846 obligate the United States to maintain Colombian sovereignty over Panama.

2. Did the treaty of 1846 obligate the United States to refrain Colombia from putting down internal disorder.

3. Did the treaty of 1846 grant the United States the right to take those steps which it is admitted were taken by the United States to prevent Colombian soldiers from landing in Panama.

4. Did the treaty of 1846 leave the United States free lawfully to take the steps she did as regards Panama.

5. Did these acts of the United States prevent Colombia from taking the steps necessary to suppress the rebellion and maintain her sovereignty.

6. Were the admitted acts of the United States in violation of principles of international law.

7. What damage, if any, has been occasioned in Colombia by acts of the United States, which may be adjudged in violation of the obligations of the treaty of 1846.<sup>29</sup>

Colombia further denied the 'separate sovereignty' of Panama as being inconsistent with the public statements of the United States. In 1846 the United States bound itself to protect Colombian sovereignty over Panama forever, and in 1869 Colombian sovereignty was acknowledged in making a treaty over Panama, and again in 1903.

28. Dip. Hist. of the Pan. Canal, 592

29. ibid. 593

the United States negotiated for valuable concessions in Panama with the Republic of Colombia. Therefore Colombia expressed surprize at this new attitude of the United States in regard to the sovereignty of Panama.<sup>30</sup> As for the oppressive and tyrannical character of Colombian rule in Panama, as mentioned in Secretary Root's communication, neither the United States nor any other government ever made representations in regard to it since the treaty of 1846 was ratified.<sup>31</sup>

This interchange of diplomatic correspondence between Minister Mendoza and Secretary of State Root seemed to be widening the gap between the countries instead of harmonizing their differences. To add fuel to the fire American newspapers were carrying reports of the evident displeasure of Colombia over the unfriendly answers of the United States Department of State to Mendoza's letters. A great deal of this information was given out by the Colombian embassy in Washington, together with reports given by Minister Mendoza at dinners and social gatherings where he was called upon for speeches. The relations of Mr. Mendoza with the State Department had never been very cordial, and the tone of the diplomatic letters was not such as to bring about better feelings. Finally President Reyes, through the courtesy of John Barrett, American

30. *ibid.* 595

31. *ibid.* 595

minister at Bogota, found out the conditions at Washington and immediately became alarmed at the probable consequences. President Reyes wished to bring about some kind of a settlement between the two countries and was willing to go to great pains to do so. When he found out that his minister at Washington was not acting in a way which would result in better relations being established, he immediately instructed Mendoza not to appear disturbed in any manner by the answers received from the United States Department of State, and that he should continue in a friendly way to promote better relations between the two countries.<sup>32</sup> The feeling was becoming quite common in the official circles of Colombia that Minister Mendoza was not working harmoniously with the American Government and that his efforts in Washington were not for the best interests of the two nations. When President Reyes finally saw that the negotiations were going for naught in Washington, and at the same time realizing that he could not dismiss Mendoza immediately, for reasons of state, he felt that more desirable results could be obtained by transferring the negotiations to Bogota. In so doing we find the real beginnings of the tripartite treaties, initiated by President Reyes, and encouraged by Minister Barrett.

The influences at work under the surface of the diplomatic discussions explain why no great work was accom-

32. *ibid.* 112



plished during the period following the Panama Revolution. President Roosevelt was not in the least sympathetic with the Colombians, having called them such uncomplimentary names as 'bandits' and 'blackmailers', who had tried to use obstructionist tactics to hold up a great world project. Roosevelt considered himself as the appointed agent to carry on the work of civilization and he did not intend to permit 'degoes' <sup>to</sup> stop him from his self-appointed agency. In his letters and directions to the State Department, Roosevelt did not display any great amount of tact or patience with the Colombians, and it was necessary for the State Department to tone down his messages considerably before transmitting them to Bogota. Even at that the diplomatic notes to Colombia were written in such a manner that a reconciliation would be hardly possible, unless Colombia was willing to yield on almost all the points which she felt justified in championing.

The negotiations also illustrated the changed feeling permeating the United States Government in her relations to South American countries. The United States felt that she should lay down the rules of conduct for this hemisphere, and that South American countries should accept the word of the United States as final. There was no note of sincerity for conciliation and harmony by the United States, at least not to the point of making any real concessions.

There was, to be sure, 'lip service' to such statements, but they did not carry conviction with them. The United States felt that she was big and powerful enough not to have to bother about the feelings of the smaller nations to the south. It was all part of Roosevelt's policies of asserting the supremacy of the United States in the Caribbean. He was not willing to brook opposition in his plans in that part of the globe, and his plans were to dominate the field entirely. As a result he made his Department of State work overtime writing diplomatic notes justifying his actions. And they succeeded very well in presenting an argument which sounded plausible on the surface, justifying the actions of the United States in Panama. Some of the arguments were quite novel and took considerable imagination to understand, such as the 'separate sovereignty' idea of Root's, yet it was a well-thought out case. But during this period it is doubtful if President Roosevelt would have permitted any concessions sufficient enough to enable a treaty to be drawn up between the two nations that could have been ratified.

Conditions in Colombia were not much better for the ratification of a treaty. General Reyes had become President Reyes in the interim, and had assumed almost dictatorial powers. Realizing that Panama could never be regained by military conquest, he saw the advantages for Colombia,

and himself, for a settlement of the whole Panamanian controversy. His insistence on arbitration though showed that he did not understand the situation at Washington as well as he should have. In fact throughout this period Bogota was not well-informed on conditions in Washington. Senor Mendoza was not a capable minister and instead of transmitting facts he oftentimes despatched messages to Colombia of opinion only, and as likely as not these opinions had no basis of truth. As a result President Reyes was not well-informed of the attitude of the United States Government. Under these circumstances it would have been difficult for President Reyes to have secured a treaty at this time, much as he desired one between the two nations.

### III

#### THE TRIPARTITE TREATIES

The real bases and origins of the tripartite treaties were found in an anonymous memorandum, written in Spanish by a Colombian. This memorandum was read and acted upon by President Reyes and handed to Minister Barrett, May 23, 1906. It gave the views of a Colombian citizen who hoped that better relations could be brought about between his country and the United States. The memorandum condemned the actions of Minister Mendoza at Washington as being prejudicial to the interests of Colombia and therefore demanded his dismissal. Not only did Minister Mendoza's efforts lead to direct failure to initiate treaty discussions, but his failure led to a formation of a plot of secession in the states of Cauca, Antioquia, and the Atlantic Province, with the City of Panama as the probable capital. Mendoza's irreconcilable attitude towards the United States had brought about further friction between the two nations, so that if any revolution did break out in these three northern provinces, the ensuing war would be long and bloody, because of the intense feelings engendered on both sides. The memorandum pointed out that, to avert such a catastrophe the negotiations ought to be transferred to Bogota where President Reyes and Minister Barrett, old friends in the Pan-American conferences, could work together harmoniously to bring about a satisfactory understanding. As a basis for a future treaty between

the three countries (United States, Colombia, and Panama) the following points could be included:

1. Colombia would recognize the independence of Panama and celebrate a treaty of peace with her, as well as abrogate the treaty of 1846.

2. Colombia could celebrate a simple treaty with the United States.

3. The privileges granted to Colombia under the Hay-Herran treaty would be granted by the United States.

4. Panama should pay a part of the national debt of Colombia.

The memorandum also declared that the United States should take steps to prevent its enemies from making it appear that the United States had anything to do with fomenting a revolution in northern Colombia. This was especially important before the Pan-American Conference was held that summer as there was still a great deal of ill-feeling towards the United States in South America.<sup>2</sup>

President Reyes and Minister Barrett went over this memorandum carefully together<sup>3</sup> and covered all the points mentioned. President Reyes again expressed his friendship towards the United States and gave his hope that a treaty

1-1906.

2. Di. Hist. of the Pan. Canal 117 - 120.

3. May 23, 1906

would be a stepping stone in bettering relations between the United States and Colombia, and would give American investors an opportunity to develop the natural resources of Colombia. At that time Colombia was seeking foreign capital and European capital was coming into the country quite rapidly. President Reyes said that he preferred to see American capital rather than European capital developing the resources of Colombia. If such a treaty could be made it would open up a new era in Colombian-American relations, which had been so strained since the revolution of 1903, and the United States would share greatly in the economic and commercial development of the nation.

President Reyes was intensely interested in the attitude of the United States towards the new revolutionary movements in Panama. As he said to Minister Barrett:

It is true, as the memorandum says, that a movement has been started in Cauca, Antioquia, and the Atlantic Provinces, in harmony with some agencies and influences in Panama, to form a new republic including Panama, and to make Panama City the capital... The failure of Mr. Mendoza to accomplish anything for the benefit of Colombia has given strength to the movement, and the story has been circulated that the United States will not only quietly aid such a plan, but gladly recognize the new republic.... Strong influence has been brought to bear on us from other countries of South America to oppose the United States at the Pan-American Conference and even not to send delegates, but I have refused.<sup>4</sup>

4. Dip. Hist. of the Pan. Canal 113.

President Reyes was very anxious at this time to bring about better relations between the two nations and he strongly urged the initiations of treaty negotiations.

Minister Barrett gave Colombia assurance that a treaty suitable to both countries was possible, and said that the United States Government favored a settlement which would bring about better relations between the two countries. With this assurance from the United States, President Reyes began the task of re-educating the mass of the Colombian people to his viewpoints. Inasmuch as he had control of the newspapers he was able to carry on his propaganda to a seemingly successful point. At this time the feeling against the United States was still very strong, amounting almost to an intense hatred.<sup>5</sup> Minister Barrett's friendly attitude had helped change this feeling to a more passive stage, but the recent rumors of American help in instigating a revolt in northern Colombia had inflamed some of the agitators, politicians, and priests to bitter attacks on the United States. These conditions made it doubly hard for President Reyes to bring his people over to a friendly attitude towards the United States and a treaty of friendship. Why he ever attempted such a hard job can only be judged by his statements and the conditions in Colombia. As dictator he wanted to develop his country's natural resources, and the United States was the logical

5. *ibid*, 121

country to look to as the source of investments and capital. Furthermore the United States was the best potential market for Colombian products, as the export barometer indicated in the years to come. For the prospects of this future material prosperity, President Reyes was willing to waive arbitration and indemnity, which were so highly treasured in the Colombian mind.

While President Reyes was doing all in his power to bring Colombia to a receptive stage for a treaty with the United States, Minister Barrett was doing the same thing towards the United States Government. Mr. Barrett pointed out to Secretary Root that the deep-seated feeling against the United States could be lifted by an easy method of granting to Colombia a few special concessions of shipping and trade in the Canal and Canal Zone, that the undeveloped resources of Colombia stood ready for easy exploitation by the first foreign power which had the capital to develop them, and unless the United States negotiated a favorable treaty the future development and commerce of Colombia would be sure to go to some other foreign power. Then there was always the ever-present danger of a war between the United States and some foreign power. As Mr. Barrett pointed out it would be dangerous for the United States to have Colombia as an enemy country during wartime, when such good ports as Cartagena and Buenaventura could be used as bases for enemy manoeuvres against the Panama Canal. As for the refusal of Colombia to ratify the Hay-Herran



treaty that should not be held against Colombia too strongly because a large part of Colombia was in favor of that treaty, especially the rich provinces of Cauca, Bolivar, and Antioquia.<sup>6</sup> At this time these states were not demanding a new treaty with the United States to settle the differences so that normal relations could be entered into between the two nations and also with Panama. Minister Barrett further pointed out that the Colombian Government was really in earnest in her efforts to bring about a reconciliation, and to prove that point was recalling Minister Mendoza and was going to send a man to Washington who would be more friendly to the United States.<sup>7</sup>

During the summer of 1906 the Pan-American Conference was held at Rio Janeiro and Secretary of State Root attended. On his way back to the United States he stopped off at Cartagena to discuss the terms of a proposed treaty with Mr. Vasquez Cobo, the Colombian minister of foreign affairs, and Mr. Barrett. At that time Mr. Cobo handed to Secretary Root a tentative draft of a treaty drawn up by Colombia, to be used as a basis for a treaty. It proposed that a treaty of peace, amity, commerce, and navigation, similar to the treaty of 1846, be made with the United

6. *ibid.* 114

7. *Rep. Hist. of the Pan. Canal.* 125

States, and that later a treaty be made between Panama and Colombia. The main provisions of the draft were:

1. The Government of Colombia will have at all times the right to convey through the canal its ships, troops, and materials for war, even in the case of an international war between Colombia and another country, without paying any duty to the United States.

While the interoceanic canal is in construction Colombia will have the right to transport on the railway between Ancon and Cristobal, or any other railway substituting that one, her troops, ammunitions, and materials for war at all times, even in the case of an international war between Colombia and any other country, under the same conditions that this service is rendered to the United States.

The national employees transmitting through the Isthmus will be entitled to a free passage in the railway.

2. Colombian products, such as provisions, cattle, etc., will enter free of any duty (except that paid by U. S. products) to the Canal Zone, where they can be sold, paying only the same duties paid by articles brought from the United States.

3. Correspondence, and parcel mails will have a free passage through the Canal Zone and through the post offices of Ancon and Cristobal, paying only such duties as those paid by the United States mails.

4. Colombian products passing through the Isthmus railway from and to Colombian ports will pay a small duty, inferior or at most equal to the duty that Colombia used to pay before to the railway for the same service.

Sea salt exclusively produced in Colombia will pass through the railway free of charge whenever the Government of Colombia sends it, duly certified, from the Atlantic coasts to any Colombian port on the Pacific coast. Colombia will only pay shipment.

5. There will be a differential tariff favorable to Colombia, similar to that existing with Cuba, for Colombian molasses and sugar entering into the United States.

In general Secretary Root agreed in substance to the

S. 1014. 129 - 130.

articles presented by Colombia, with the exception of the differential tariff on molasses and sugar, which he felt the American Senate would not pass. By including that article in the treaty the possibility of ratification would be slight.<sup>9</sup> After Secretary Root and General Cobo had gone over this rough draft section by section they decided it would be more advantageous to continue the negotiation in Washington. This would give Panama a chance to participate directly in the negotiations with the representatives of Colombia and the United States. By taking the proceedings to Washington the United States would have a better chance to enter directly into correspondence with Great Britain over the special concessions and rights given to Colombia in this treaty, privileges which might be interpreted as violations of the Hay-Pauncefote treaty concerning canal rights.<sup>10</sup>

In Washington negotiations continued although not at a very rapid pace. The boundary line between Panama and Colombia was a vexing one, Colombia contending that the law of June 9, 1855, which fixed the boundary line between the states of Cauca and Panama, should be the line that should be followed at this time.<sup>11</sup> Panama on the other hand would not agree on the Atrato region boundary thus proposed. This region was of no great

9. *ibid.* 132

10. Hill, *Leading American Treaties*. 379

11. *Dip. Hist. of the Pan. Canal*. 135

commercial advantage (although oil was found here a few years later) but it did possess a strategic advantage as a possible future canal site. It was for that reason that Colombia held on to this strip of land so tenaciously. The Panamanians were equally positive in asserting their claims to this district and it appeared as if a deadlock had been reached in the treaty negotiations. At one time <sup>12</sup> Colombia threatened to suspend the negotiations altogether if her proposed boundary line was not incorporated into the treaty. But there were powerful interests supporting the treaty in all countries, and in Colombia especially the Colombian Chamber of Commerce gave its whole-hearted support to the treaty. This sentiment was strong enough to force the Colombian Government into a more conciliatory mood, and on March 31, 1908, Minister Cortes informed Secretary Root that the Colombian Government was quite ready to proceed with the negotiation of the treaties without any mention being made about boundaries in the treaty at all. <sup>13</sup> Panama was equally reticent to commit herself, but about six months later she gave her consent to such a settlement of the boundary dispute. The final draft of the treaty had this boundary question included in it, stating that the nationality of the Jurado district would be settled by an arbitral tribunal. Such

12. January, 1908.

13. Sip. Hist. of the Pan. Canal. 173

an agreement was satisfactory for the negotiators and was a compromise measure, but it furnished a target for the attack on the treaty by the Colombian Senate the next year and undoubtedly it would have been better if a more definite solution had been made at the time the treaty was drawn up.

The question of the amount of money Panama owed Colombia for her share of the internal and external debts was also a mooted problem. Colombia asked for \$6,000,000, which Panama felt was too large an amount. The new Colombian minister to Washington, Enrique Cortes, attempted to place the claims for the seizure and sale of the canal works and the Panama Railway, the claim for expenses in the arbitration for boundaries with Costa Rica, and part of the external and internal debts of Colombia upon Panama.<sup>14</sup> Secretary Root finally secured a reduction in the Colombian claims to one half the amount originally asked, that is at \$3,000,000, the payment of which the United States guaranteed.

Panama also agreed to give up all claim she had to the 50,000 shares of the New Panama Canal Co. which Colombia claimed.<sup>15</sup> These 50,000 shares of the Panama Canal Co. were held by Colombia under an old charter of the French Canal, for expenses, prerogations, concessions, and lands granted

14. *ibid.* 139

15. Chas. E. Hill, Leading American Treaties. 379

to the Panama Canal Company by Colombia. As a result of the 1903 revolution Panama took over all these rights, although Colombia had always claimed the right to these shares. The following spring, Mr. Cromwell informed Secretary of War Taft that the New Panama Canal Company had reached a satisfactory agreement with Colombia in the 50,000 shares of capital stock which had been in dispute between Panama and Colombia, and urged that that clause could be omitted from the treaty. In the final draft of the treaty it was included however, and Panama renounced all claim she had to those shares.

Another disputed point was that concerned with the proposed reciprocal exemption of cattle from import duties. Both Panama and Colombia were important cattle growers and neither wanted to see their animals discriminated against. An agreement was finally reached whereby the reciprocal exemptions applied only to lean cattle, (cattle weighing under 400 kilograms.)

On August 17, 1907, the tripartite protocols, known as the Root-Cortes-Arosemena treaties, were signed in Washington, by the representatives of the United States, Colombia, and Panama. They were then submitted to the respective governments for alterations or suggestions. The issue which held up the final signing of the treaties,

16. March 10, 1908.

17. Dip. Hist. of the Pan. Canal, 148.

was the dispute over the Jurado boundary line, a subject which has already been fully discussed. This discussion over the boundary lasted over a year and it was January 9, 1909 before the signatures to the three treaties were affixed in Washington.<sup>18</sup>

The immediate effect of the signing of the treaties was to bolster Colombian bonds and securities abroad. The press was optimistic of the future economic development of Colombia and foreign investors immediately began to look into Colombian resources. The proposed money payment of \$2,500,000 in gold was no small matter, because Colombian finances had begun to weaken. The previous year, on March 3, 1908, the Colombian Government had been forced to reduce its expenditures two million dollars due to decreased revenues.

At this time the treaty was considered to be a fair and advantageous treaty to all the parties concerned, even more beneficial to Colombia than the Hay-Herran treaty had been. The honor of Colombia was considered to have been upheld and material compensation had been given for her losses. Everything pointed to a speedy ratification of the three treaties by their respective governments.

Panama ratified the two treaties without amendment or much discussion. The treaty with the United States was

ratified on January 27, 1909, and the treaty with Colombia was ratified on January 30, 1909. The United States Senate took little more time to ratify the treaties, the Colombian treaty being ratified on February 24, 1909, and the Panama treaty on March 3, 1909. With ratification by Panama and the United States an accomplished fact, the United States Department of State urged Minister Dawson at Bogota to urge ratification of the treaties by  
 19  
 Colombia.

The tripartite treaties received a very warm reception in Colombia when the news was first spread of the signing of the treaties in Washington. On all sides, official and semi-official, in the press and conversation, everyone seemed to think at first that Colombia had received better terms than given in the Hay-Herran treaty. The special privileges given to Colombia over the Panama Railway and through the canal, the free transportation of salt clause, the \$2,500,000 gold payment guarantee, and the reported boundary line of 1853 between Panama and  
 20  
 Colombia, all seemed to indicate the change that had come over the Great Republic of the North and the sacrifices she had made to give Colombia full satisfaction. There seemed to have been no opposition in Colombia at all as  
 21  
 far as the treaty was concerned. A few Colombians thought that President Reyes should call a new election

19. Hill Leading American Treaties, 380

20. First reports in Colombia were that the Atrato boundary dispute had been settled in favor of Colombia. The arbitration clause was unknown at this time.

21. ibid. 194



for the members of Congress, and for a while President Reyes concurred in that belief. But as he found public opinion so overwhelmingly in favor of the treaties and for their prompt ratification, he determined to summon the old legislature for February 22, 1909 to pass the treaties.<sup>22</sup>

President Reyes was much pleased with the treaties, especially so because the final drafts were so much like the instructions he gave in 1906 when the tripartite treaties were first being proposed. As for ratification by the Colombian Congress, he had no doubt that they would be quickly ratified. In fact by February 17, President Reyes, had already secured the support of 21 of the 48 members of the assembly, and he had no doubt but that the treaties would receive unanimous support when they came time for a vote.<sup>23</sup>

It was not long after the reading of the treaties that the enemies of President Reyes began to attack the treaties. There was no great antagonism towards the treaties at first, but there were points which could be easily attacked, and acts of the President which could be criticized. The President's political enemies first accused him of packing the assembly with his own men in

22. *ibid.* 194

23. *ibid.* 194

order to rush through the treaties, and they demanded an elected congress before continuing further discussion on the treaties. They also demanded that the disputed Jurado clause be changed to meet the original demands of Colombia.<sup>24</sup> Even at this time Minister Dawson cabled Washington that ratification of the treaty was assured unless Reyes weakened in his determination to push through consideration of the treaties.<sup>25</sup> But demonstrations continued against the treaty and on March 10, a large student demonstration was held in Bogota. Civil strife, so typical of the Spanish Americas, began to show itself with the accompanying political instability. Unexpectedly on the 15th of March, Jose Helguin, assumed the presidency of Colombia, but the next day General Reyes resumed his office. Bogota at that time was in a state of seige, with street riots and disorders. The agitation was more anti-Reyes than anti-treaties, although the opposition to the treaties was used as the political weapon against the president. The overwhelming majority in favor of the treaties was fast dwindling down to an unnoticable minority and President Reyes was beginning to doubt the political wisdom of pushing ratification of the treaties at this time. He began to see that he had a choice of side-tracking

24. March 1, 1909.

25. Dip. Hist. of the Pan. Canal, 212

consideration of the treaties or of losing his position as head of the Colombian Government. The reverberations of popular disapproval over the treaties were becoming more and more noisy and ominous of future events, so much so that on March 14, the Colombian Government decided to suspend consideration of the treaties and to call a new election for members of the National Assembly.<sup>26</sup> Favorable action for the treaty was becoming less and less likely and on March 22, the Government decided to postpone consideration of the treaties until the July session of the assembly, at which time the new members to be elected on May 30, could render a better decision of public opinion. President Reyes still thought that a majority in favor of the treaties would be elected in May, and he anticipated a quick ratification of the treaties in case such a majority was elected. But he was not willing to risk his own position in the Government on the outcome of the tripartite treaties.

From this time on it became increasingly apparent that Colombia would not ratify the tripartite treaties. The opposition to the treaties and the revolt against the Colombian Government became alarming, and President Reyes decided it would be better to sacrifice the treaties altogether in the hope of saving the Government at the May

26. *ibid.*, 213

elections. As a result early in May he withdrew the treaties from consideration in the July Congress and stated that they would not be considered again until 1910.<sup>27</sup>

During these trying days in Colombia the United States Government urged ratification of the treaties and kept informed of the developments in Bogota. The situation was not entirely pleasant for the United States, as insinuations and ridicule were being thrown at the Americans by Colombian politicians who were thinking again in terms of 1903. By June the United States Government decided not to press for ratification of the treaties and to permit Colombia to act any way she pleased. The American Government viewed "with relative indifference the question of the ratification of our treaties by Colombia and Panama, whose interests are apparently much more concerned.... In view of the absurd distortion of this situation by public clamor the legation should make the above attitude well known and for the rest should maintain an impassive and dignified attitude"<sup>28</sup>

This about ended consideration of the tripartite treaties. In September the Colombian Government formally announced her intention to abandon them, although in the same breath she asked the United States to enter into a new treaty directly with Colombia. The agitation at this

time was primarily directed against the recognition of Panama and against the indefiniteness of the Atrato district settlement. But the United States Government would not listen to any pleas for a separate treaty with Colombia, inasmuch as the United States had no vital interests at stake and because the tripartite treaties were entered into only to better the conditions between Colombia and Panama. Therefore the very object in making the tripartite treaties would be defeated if Panama was not included in the treaties. Furthermore the United States granted all the special privileges and rights in the canal zone to Colombia to facilitate the negotiations between Panama and Colombia, and a new treaty between Colombia and the United States could not have those favorable clauses.<sup>29</sup>

The new Government of Colombia was not willing to support the tripartite treaties, nor was it willing to enter into negotiations with Panama for the settlement of the problems between the two countries. The feeling against Panama, and the United States to a lesser degree, was very bitter. At the same time the United States would not concede any more advantages to Colombia and was willing to stand by the tripartite treaties or none at all. It appeared that a reconciliation between the three nations would not be brought about for years to come.

29. *ibid*, 241

In perspective it can be seen that a successful conclusion of the negotiations and ratification of the tripartite treaties hung on a narrow thread. A treaty which would be agreeable to both governments would have to be a compromise treaty and fair to all the parties concerned. From the standpoint of the United States these tripartite treaties were quite satisfactory. There was no reference to any wrong-doing during the Panama Revolution; no money payment which would indicate an indemnity for lost lands; and no great economic concessions which would impose any hardships upon the United States. The treaties had the whole-hearted support of Secretary Root, and President Roosevelt gave them his sanction. The United States Senate saw the benefits which would accrue to the United States upon the ratification of the treaties and quickly ratified them. It was at this time that the business interests of the country were becoming interested in foreign markets and many inquiries were being made about Colombia as a land for investments.

The treaties were not so favorable for Colombia. Arbitration and indemnity were not mentioned--the two points which were nearest to the heart of the Colombian man of the street. The treaty meant the renunciation of Panama forever, without any real compensation on the part of the United States. Even the matter of a plebiscite had been

refused by the United States Government. The provision in the treaty with Panama that the Atrato boundary should be settled by an arbitration board sounded like another humiliation for Colombian honor and prestige. And to make the treaties further odious to Colombians there was no clause containing an admission of wrong-doing by the United States, with proper amends for that wrong-doing during the revolution. In no sense of the word could the treaties be considered as favorable to Colombia, unless the economic clauses giving Colombia certain privileges and rights in the Canal and Canal Zone could be so considered. The reason there was no opposition to the treaties before being presented to the Colombian Congress was due to the fact that the exact terms were unknown in Colombia. Great expectations were held for the treaties in that country, and when it was found that the favorable terms which they had been led to believe were incorporated into the treaties were not there at all the people turned against the treaties. With the emotions of the Colombian people aroused against the treaties there was no hope for ratification of the tripartite treaties, and the Colombian Government took the only stand it could, and the treaties were permanently shelved.

## IV

## THE PERIOD OF INACTIVITY

The period covered by the Taft administration was one of relative calm as far as relations with Colombia were concerned. After the defeat of the tripartite treaties by Colombia the Taft Administration took the viewpoint that Colombia was entirely at fault in not ratifying the treaties, and inasmuch as the treaties were of much greater significance to Colombia than to the United States, the initiative for any future developments should come from Bogota. It was during the early days of the Taft administration that the treaties were up for discussion by the Colombian Congress, and during that period the new American Secretary of State, Philander C. Knox, did not show the forbearance, nor tact that was shown by his predecessor, Elihu Root. Neither did the American ministers to Bogota, Dawson and Northcott, inspire the confidence in the Colombian hearts that Minister Barrett did during his stay in Colombia. These later ministers to Colombia did not seem to understand nor sympathize with Colombian ideals and aspirations as did Mr. Barrett. Whether this slightly cooler feeling towards Colombia had any appreciable effect upon the non-ratification of the treaties can never be definitely known, but it is known that Colombian sentiment was in favor of the treaty at the beginning of the consideration



of the treaties by the Colombian Congress, and if circumstances had been more favorable the treaties undoubtedly would have passed without the political turmoil that was permitted to show itself during the later consideration of the treaties. This coolness, as expressed in the United States Department of State, continued throughout most of the Taft administration, without any very serious steps being taken by the administration to make any new treaties or settle any of the issues in other ways.

The Colombian Government did not permit the tripartite treaties to come up for a vote before the Assembly during the year 1909, in fact the treaties never were voted upon by that body. The main objections were against the Panama sections, in which recognition was asked and the boundary lines were stated so indefinitely, with the final decision resting upon the decision of an arbitration board. Colombia had asserted her authority over this area, in a most positive fashion, by sending troops into the disputed area and retaining possession of it by force. The other point of honor and pride to the Colombians was the matter of a plebiscite for the people of Panama to decide whether they wanted to remain independent or preferred Colombian jurisdiction. Although almost everyone

realized in Panama, the United States, and Colombia that such a plebiscite would be a matter of form only, yet the Colombians had been led to believe that such a vote would be taken, and they felt that after such a plebiscite was taken the Colombian people would be more reconciled to the secession of Panama. Furthermore this action by Panama would be a good stepping stone for ratification of some future satisfactory treaties.<sup>1</sup>

In January, 1910, the Colombian Minister for Foreign Affairs, at Bogota, asked Minister Northcott, whether the United States would permit such a plebiscite. The United States refused to permit a vote to be taken on such a subject, giving as the reason that in 1903 the several municipalities of Panama unanimously ratified the treaties and that such ratification expressed their desire to be independent. Afterwards the people of Panama elected by an almost unanimous vote representatives to a Panama Congress. These two acts the United States took to mean complete ratification of the separation of Panama from Columbia.<sup>2</sup> This ended the question of a plebiscite for Panama.

About this time Theodore Roosevelt was visiting on the Pacific coast of the United States.<sup>3</sup> While at Berkeley, California, he gave some utterances which had an important

1. Dip. Hist. of the Pan. Canal, 247
2. Ibid, 247, footnote.
3. March, 1910.

bearing on future relations between Colombia and the United States. While talking about the acquisition of Panama and the building of the canal he said that he "took the Canal Zone"<sup>4</sup>. This happened to be one of the main points presented by the Colombian Government ever since 1903, and was one of the stumbling blocks in the ratification of the tripartite treaties by Colombia. The Colombian people believed sincerely that the independence of Panama was secured only through the intervention of the United States, and because of that loss of property, Colombia felt that she should be indemnified not only for the land but for the valuable canal rights which went with the land.

This statement of Theodore Roosevelt might have resulted in a diplomatic discussion between the two countries, as was expected by the United States Department of State, but instead the Colombian minister, Senor Borda, interpreted Roosevelt's statement to mean that Colombia had been "gratuitously, profoundly, and unexpectedly offended and injured" and demanded that the dignity and honor of Colombia should receive satisfaction.<sup>5</sup> With this statement Colombia let the incident be closed.

About a year later Theodore Roosevelt again stated his viewpoints on the Panama Revolution and its results:

4. Taft's Message to Congress, in 62d Cong. 3d Sess. Mar. 1, 1913, House Doc. 133, p. 8.

5. *ibid.* 7

Not only was the course followed as regards Panama right in every detail and at every point, but there could have been no variation from this course except for the worse. We not only did what was technically justifiable, but we did what was demanded by every ethical consideration, national and international. We did our duty by the world, we did our duty by the people of Panama, we did our duty by ourselves. We did harm to no one save as harm is done to a bandit by a policeman who deprives him of his chance for blackmail. The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which our right to dig the Panama Canal was secured.<sup>6</sup>

The Colombian Government continued to work for a solution that would bring cordial relations between the two nations. She still clung to the principle of arbitration of the Panama question, although arbitration had been denied by the United Government twice, once under Secretary Hay in 1904 and later by Secretary Root in 1906. The opinion of the United States had always been that there was no issue suitable for arbitration which had been presented by Colombia. Secretary Knox insisted that political acts could not be judged by an arbitration board, and those were the only questions brought forward by Colombia for settlement. President Taft put a definite end to such requests during his administration when he said in his message to Congress that "Colombia has never presented anything even approaching a question justiciable

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6. "How the United States Acquired the Right to Dig The Panama Canal", in The Outlook, IC, Oct. 7, 1911, p.318

by arbitration, it being a universally recognized principle that neither indefinite nor purely political matters are of a nature to be arbitrated.<sup>7</sup> The Colombian minister, General Ospina, came to the conclusion that it was very unlikely that any settlement would ever be made. The United States Government was not inclined to initiate negotiations nor to compromise on the issues arising out of the Panama revolution, and the Colombians still believed arbitration to be the only possible solution for a satisfactory settlement.<sup>8</sup>

Minister Ospina caused a little disturbance at the end of 1911, at the time when Secretary Knox was planning on making a visit to the Caribbean countries. The United States Department of State let out the information that Secretary Knox was planning on making the trip and intimated that it would be glad to receive invitations to visit the different countries, and especially to have a friendly word from the Colombian embassy of the welcome he would receive in that country. Minister Ospina answered that it would be very "inopportune" to make such a visit at that time. But the Colombian Government saw the consequences of such a statement and Minister Ospina was recalled.<sup>9</sup>

7. Taft's Mess. to Cong. Mar. 1, 1913, p. 5.

8. *Ibid.*, 7.

9. *Ibid.*, 7.

It was not until late in the Taft administration that any real overtures were made to settle the differences with Colombia. Mr. James T. Du Bois had been sent to Bogota as the American minister and he immediately began to befriend and study Colombia. His instructions from the American State Department were to wait for Colombia to initiate any negotiations for a settlement, as Colombia had twice failed to ratify treaties which were essentially for Colombia's own good. At the same time the United States wished to end the ill-feeling existing between the two nations and would be willing to make concessions for that purpose. Minister Du Bois was anxious to bring about an understanding between the two countries and was willing to go a little ways beyond his literal instructions. So indirectly he laid before the Colombian Government a proposition that if Colombia would ratify the tripartite treaties the United States would pay \$10,000,000 for the canal rights through Colombian territory (that is, the Atrato route) and for the perpetual lease of the islands of Old Providence and St. Andrews. He also intimated that the United States would use its good offices to help settle the Panama-Colombia boundary dispute and might be willing to arbitrate the reversionary rights in the Panama Railway. These rights

were estimated by the United States Government to be worth over \$16,000,000.<sup>10</sup> In case Colombia would not consent to ratify the Cortes-Arosemena treaty then the United States might consider the separate ratification of the Root-Cortes treaty, with several amendments, especially the one concerning the payment of \$2,500,000 to Colombia by Panama, which the United States had guaranteed at the time of the signing of the tripartite treaties.<sup>11</sup>

In January, 1913, after Minister DuBois had returned from the United States he presented these suggestions to President Calderon in an informal fashion. The President immediately informed him that he could not and would not recommend the passage of the Cortes-Arosemena treaty to the Colombian Congress. It appeared from this that the Colombian Government did not care to enter into negotiations with the Taft administration and was willing to wait for the new incoming Democratic administration, from whom it was anticipated better terms would be received by Colombia. When this attitude of the Colombian Government became known at Washington Minister Du Bois<sup>12</sup> was instructed to drop the whole matter.

During his last month at Bogota Minister Du Bois

10. John H. Latane, A History of American Foreign Policy, New York, 1927, p. 540.
11. Taft's Mess. to Cong. Mar. 1, 1913, PP 9-10.
12. Ibid, 11.

carried on independently and aside from his official position, informal conferences with the Colombian Government to find out what settlement would be satisfactory to them. When he asked whether an offer of \$10,000,000 without the considerations given above would be acceptable,<sup>13</sup> he was informed that it would not. When he asked the terms Colombia would accept the reply was "the arbitration of the whole Panama question or a direct proposition from the United States to compensate Colombia for all the moral, physical, and financial losses sustained by it because of the separation of Panama."<sup>14</sup> As a final gesture Minister Du Bois asked whether Colombia would accept \$25,000,000, without the options or privileges of any kind, but with the good offices of the United States in settling any questions with Panama, the arbitration of the reversionary rights in the Panama Railway, and preferential rights in the canal. Colombia gave a blanket refusal of such a proposition. It was more than evident by now that Colombia was waiting for the incoming Democratic Administration.

The period covered by the Taft administration was one of inactivity as far as any concrete results were concerned. Neither the United States nor Colombia was willing to make any real concessions which would bring

13. *ibid.*, 12

14. *ibid.*, 13



about a settlement of the Panama issues. The attitude of the United States was that everything that could be done by a self-respecting nation to bring about amicable relations between the two countries had been done already. On the other hand Colombia felt that she was the victim of unfortunate circumstances, an innocent party who had a right at court to plead her cause for physical and moral damages and wrongs. She still insisted upon arbitration between the two nations, a point the United States would never concede. Feeling that the attitude of the Taft administration was not friendly nor conciliatory, it was natural that Colombia should look forward with hope and encouragement to the incoming Democratic administration for a more satisfactory settlement. Colombia cherished the hope that the United States would arbitrate the entire Panama question, or at least compensate Colombia for the Panama territory, the Panama Railroad annuities, and a settlement of the contract with the French Canal Company.

## THE THOMSON-URRUTIA TREATY

The Wilson administration inaugurated a new era of friendly and sympathetic relations with South America. Instead of the United States being looked upon as the 'Octopus of the North', the goal of Bryan and Wilson was to have the United States the big brother and friend of all South America, a friend capable of returning favors in the same spirit they were given. Rather than take the course of isolation, or at least of a far-off overseer of South American events, the United States was to enter into a period of closer relations with Latin America, a close cooperation which would result in better conditions in the western hemisphere and more cordial relations between the nations. President Wilson stated early in his administration<sup>1</sup> that:

One of the chief objects of my administration will be to cultivate the friendship and deserve the confidence of our sister republics of Central and South America, and to promote in every proper and honorable way the interests which are common to the peoples and the leaders of America.... Cooperation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force....The United States has nothing to seek in Central and South America except the lasting interests of the peoples of the two continents which shall redound to the profit and advantage of both and interfere with the rights and liberties of neither.<sup>2</sup>

This statement of foreign policy was adhered to by Wilson

1. March 11, 1913.
2. Robinson and West, The Foreign Policy of Woodrow Wilson, 1913-1917, New York, 1917, pp. 179 - 180.

throughout his dealings with Central and South America, even during the period of the Mexican crises when the Spanish American feeling was so bitter towards the United States and later during the stress of the World War. When it appeared to President Wilson that the friendship of South America could be much improved upon he sent his Secretary of State, Colby, on an official mission to South America to bring about better relations between the nations of the South and the United States.

A principal part of this program to bring about better relations between the United States and Spanish America was the relegating of material considerations a secondary place to spiritual considerations. No longer was 'dollar diplomacy' to regulate our relations with other nations. The United States would act not only as a friend and champion of her sister American republics, but would place herself upon absolutely equal terms with the weaker nations of the South. President Wilson gave the pledge that "the United States will never again seek one additional foot of territory by conquest" and that a duty of this new friendship would be to see "that from no

3. Graham H. Stuart, "Latin America and the United States, New York, 1928, p. 5.

quarter are material interests made superior to human liberty and national opportunity<sup>4</sup>. This lofty idealism could be appreciated by South Americans, who in their turn as well looked upon material things, especially the desire to accumulate wealth by any and all means, as unworthy of higher types of human beings. Unfortunately for fulfillment of this lofty idealism, there was a tremendous expansion of American wealth and economic influence throughout the Wilson administration, which fact seemed to belie the lofty assertions of the American president, and in turn made his task of reconciliation so much harder to fulfill. But throughout his term of office President Wilson looked upon the personal side of human affairs more than upon the material side, and in so doing he ran against many strong currents in American political life which were extremely influential. His enemies were able to attack his idealism as showing him to be an impracticable theorist. But looking back on American relations with Spanish America it can be seen that American material advancement in that region has not been accompanied by any great increase in personal love towards the United States.

Woodrow Wilson had as his goal the restoring of that friendly and cordial relationship existing between the Spanish Americas and the United States before the

4. Woodrow Wilson, The New Democracy, New York, 1926, p. 67. Address at Mobile, Alabama, October 27, 1913

Panama Revolution, and even at the price of sacrificing American material advancement in the South. At the same time President Wilson was not opposed to economic development abroad, but he felt that it could most easily be encouraged by establishing most cordial relations and bonds of sympathy and friendship between nations.

The new Democratic administration was primarily concerned with meeting the internal problems of the United States, and hoped that the foreign problems would wait until a more complete study could be made of them. But foreign affairs could not be waited upon for long, as there was considerable political disturbance at this time in South America, with indications of revolutions about to take place and a probable overthrow of constitutional authority. During the first few cabinet meetings<sup>5</sup> these matters were brought up before the members and at that time President Wilson made it quite clear that he was going to put into practise many of the theories he had advanced in his writings and speeches, and that as President he would conduct his own foreign affairs instead of giving his Secretary of State too great authority. The policy of the present American Government, he made it known to his cabinet, would not be to encourage or aid revolutionists.<sup>6</sup> This announcement of American

5. March 7th and 11th

6. David F. Houston, Eight Years with Wilson's Cabinet  
New York, 1926, p. 43

foreign policy was received with various degrees of satisfaction in the different capitals of the world, but all foresaw that the new President would exercise a strong hand in foreign affairs. In South America some people felt it showed the determination of the new Democratic administration to control politics in Spanish America, while others expressed satisfaction with the new sentiments of the President.

A settlement of the long-standing Colombian question was one to which both Bryan and Wilson subscribed. It had brought bitter feelings between the countries, in fact not only between Colombia and the United States, but between all Spanish America and the United States. The dispute had not continued to the benefit of the United States, either in terms of friendship or economics. Colombia had been casting eyes on foreign capital to develop her natural resources, and with this ill-feeling existing towards the United States, it was natural that she should look with more favor upon European capital. England had especially benefitted by this feeling and had started heavy investments in northern South America. The United States at the same time could not look with favor upon this economic penetration of Europe in the Western hemisphere, but the Wilson administration realized that

the United States would have to do her share to prevent that condition from continuing.

From a standpoint of dollars and cents it was to the interest of the United States to enter into some kind of a satisfactory treaty, even if the price was rather high. The United States needed many of the exports of Colombia, such as coffee, bananas, rubber, tropical fruits, sugar, cocoa, and minerals. Many of these products were exploited by American financial interests in Colombia, which meant that the money found its way back to the United States in a few months. At the same time American exports to Colombia were mounting each year, especially the manufactured goods. There was a natural trade relationship existing between Colombia and the United States which might in the future be increased to large proportions. At the beginning of the Wilson administration oil was being found in Colombia and the United States needed the good will of Colombia in order to secure equal rights with other foreign powers.

The Colombian Government also saw the economic possibilities following a friendly treaty with the United States, and that was one of the reasons why she pressed ratification of some suitable treaty. The natural resources of Colombia needed large sums of capital to

release them for the world markets. Colombia had no capital of her own to speak of, and so she had to have foreign capital. The United States was the logical nation to look to for that purpose. With large investment houses, huge industries, and astute business men, the United States could give Colombia what she most needed.

The Colombian Government, through its minister at Washington, Dr. Betancourt, presented the problem to the new Democratic administration early in May, 1913. Again Colombia suggested that the whole matter be settled by arbitration. Secretary Bryan felt that he knew too little to enter into a discussion on the matter at that time and requested a delay be granted to consider the matter? After consulting with President Wilson, Secretary Bryan stated it would be better to settle the problem by "direct negotiation"<sup>7</sup> Secretary Bryan felt that the honor of the United States was at stake as much as that of Colombia, and so he felt that it would be for America's benefit as much as anyone else's that a fair and just settlement should be made. In fact, he thought that the United States could well afford to be lenient in securing a good friend.

7. Foreign Relations of the U. S., 1913, p. 309

8. Ray Stannard Baker, Woodrow Wilson, Life and Letters 1913-1914, London, 1931, p. 426



In September the Colombian requests were forwarded to Washington. To settle the damage done to the national dignity of Colombia caused by American help during the Panama Revolution, Colombia proposed the formula, "The Government and the people of the United States sincerely regret that anything should have ever occurred to mar, in any way whatsoever, the close and traditional friendship...."<sup>9</sup> between the two nations. Secondly, the United States should pay an indemnity of \$50,000,000. Thirdly, the United States should concede to Colombia all the rights granted by Root in his conferences with Cobo in 1906.<sup>10</sup> Fourthly, Colombia should have the free use of the canal for war vessels, troops, and munitions, and for coastwise trade. Fifthly, the Panama boundary should be fixed at the 77th longitude and the United States should use its good offices to establish diplomatic relations between Panama and Colombia and to adjust all differences between the two countries.<sup>11</sup>

The above outline of the treaty was proposed originally by Dr. Francisco Urrutia and served as the basis for the Thomson-Urrutia treaty between the two countries. As for the expression of regret Secretary Bryan was not sure it was exactly satisfactory and so he asked Presi-

9. ibid, 427

10. See Page 34

11. Hill, Leading American Treaties, 391

dent Wilson to read it. He changed the wording a little so that it read "The Government and people of the United States sincerely desire that everything that may have marred or seemed to interrupt the close and long established friendship between the United States and the Republic of Colombia should be cleared away and forgotten"<sup>12</sup> This was not the exact form it took in the treaty<sup>13</sup> but the word 'regret' remained as a stumbling block for ratification.

The United States Government offered to pay an indemnity of \$20,000,000 in full settlement of Colombia's claims against the United States and Panama,<sup>14</sup> which amount Colombia felt to be much less than she deserved. The negotiations over the money payment continued for several months, the United States insisting on the \$20,000,000 payment while Colombia reduced her claims to \$30,000,000.<sup>15</sup> By December<sup>16</sup> the United States had laid down the main clauses she would consent to in the treaty as:

1. An expression of regret by the United States and the acceptance by Colombia of that expression.
2. Concessions to Colombia of:
  - a. Troops, materials, and war vessels to be transported free of charge across the canal.

12. Foreign Relations of the U. S., 1913, 428

13. See appendix

14. Hill, Leading American Treaties, 381

15. Cong. Rec., Dec. 18, 1914, Appendix, 17

16. 1914

- b. Colombian products and manufactures to be treated the same as United States goods in Canal Zone.
  - c. Colombian citizens could pass through the canal on the same terms as the United States citizens.
  - d. Coal and sea salt of Colombia to be transported over the Panama railway at actual cost of transportation.
3. United States to pay \$20,000,000.
  4. Panaman independence to be recognized as an accomplished fact.<sup>17</sup>

At this time the only serious point of difference was the amount of indemnity, and after several more months of diplomatic correspondence Colombia realized that the United States would not pay more than \$25,000,000. On April 6, 1914 the treaty was signed at Bogota. The final draft of the treaty had only a few changes from that given above. The Panama boundary was left as it was in the tripartite treaties with the stipulation that the disputed Jurado region should be given to Colombia and the expression of regret was somewhat moderated.<sup>18</sup>

The Thomson-Urrutia treaty received a warm welcome in Colombia. The Colombian House Committee gave a very favorable report, stating that the treaty fulfilled all

17. Cong. Rec., Dec. 18, 1914, Appendix, 17

18. Hill, Leading American Treaties, 381

the chief aspirations Colombia had been striving for years to attain. The expression of regret gave Colombia a moral satisfaction which was even of more importance than money payment. Then the treaty gave an adequate indemnity for the injuries suffered as a consequence of the separation of Panama, and the preferential terms on the inter-oceanic routes of Panama were of great material advantage to Colombia.<sup>19</sup> The Colombian Senate Committee gave as favorable a report, and added that this treaty would dispel any illusions Colombia might have had to join in an alliance with Japan as an aid to make the United States give more justice to Colombia's case.<sup>20</sup>

The prospect of receiving \$25,000,000 was of no small concern to Colombia at this time. The governmental revenues had dwindled the past few years and the money could be used for many good purposes. During the negotiations Colombia had proposed at one time that the United States pay \$5,000,000<sup>21</sup> for internal improvements, but this had been turned down by the United States. Railroads, public utilities, canals, municipalities and private companies needed financial aid to help initiate a period of prosperity in the country. Money was required to begin any kind of national prosperity and a large lump sum payment

19. Cong. Rec. Dec. 16, 1914, Appendix, 18

20. *Ibid*

21. *Ibid*, 17.

of \$25,000,000 carried the Colombian hopes high for internal improvements.

Probably the primary reason for the quick ratification of the Thomson-Urrutia treaty by the Colombian Congress was the belief at Bogota that the United States Senate then in session was favorably disposed towards the treaty and would probably pass it without a great deal of discussion. A Senate following this one might not be so inclined to ratify the treaty.

In Colombia it was realized that Panama could never be recovered, especially as long as she was under the nominal protection of the United States, and that this treaty was probably the most satisfactory one that would ever be offered to Colombia. Without a great deal of debate the Thomson-Urrutia treaty was ratified by the Colombian Congress June 9, 1914. In passing the treaty, the American Department of State gave assurances that the treaty would be acted upon soon by the United States Senate and ratification could be expected.

The favorable action anticipated by the United States Senate did not take place until seven years later, and then only after Theodore Roosevelt had been dead for several years and a Republican administration had come into power and urged ratification of the treaty, with a few amendments.

22. C. L. Jones Caribbean Interests of the United States, New York, 1916. p 234.

President Wilson was rather disappointed that no great enthusiasm was manifested in the United States in favor of immediate ratification of the treaty. The American people had no particular interests at stake that they were concerned about, while they had been led to believe that Colombia had no real grievances against the United States which needed such bounteous treatments such as this treaty proposed. It appeared to them that the Thomson-Urrutia treaty granted great privileges to Colombia without any corresponding privileges being given to the United States.<sup>25</sup> The President was not able to bear down upon the Senate for ratification of this treaty as he was wont to do in his domestic legislation program. Even Bryan felt that some sort of appeal to the American peoples should be given, but that appeal carried little influence with them. In his statement he said that "Colombia feels that she has been aggrieved; and whatever may be said as to whether or not this feeling is justified, no one will deny that she has sustained great financial loss in the separation of Panama from her" and again "It is not necessary to discuss the events which gave rise to this estrangement because it

25. Round Table Conferences of the Institute of Politics, 285, by Yale Univ. Press.

does not matter which party was at fault. The estrangement exists, and this is the fact that must be dealt with.<sup>24</sup> Of course, there were many people in the United States who concurred in the opinions expressed by Secretary Bryan, but they were not as vociferous nor energetic in expressing themselves as the opponents of the Colombian treaty were.

When Theodore Roosevelt saw the proposed treaty his reactions were far from mild. He felt that the phrase in the treaty which said that the United States "expresses in its own name and in the name of the people of the United States sincere regret that anything should have occurred to interrupt or to mar the relations of cordial friendship that had so long subsisted between the two nations" was a direct imputation against his actions in the Panama revolution and he came out in violent language to denounce anyone who tried to question his policies in connection with these events on the Isthmus. Roosevelt denounced the Thomson-Urrutia treaty as the "Colombian blackmail treaty", calling it "an attack upon the honor of the United States, which, if justified, would convict the United States of infamy."<sup>25</sup> As for the \$25,000,000 clause such "payment can only be justified upon the ground that this nation has played the part of a thief, or of a receiver of stolen goods."<sup>26</sup> He called upon all true Americans to stand to-

25. S. H. Graham, Latin America and the United States, 105

26. Theodore Roosevelt, Fear God and Take Your Own Part  
New York, 1916, p. 340

gether to prevent such a dastardly treaty to pass with the approval of the United States stamped upon it.

Theodore Roosevelt felt the weight of the indictment keenly for two reasons. First, the very fact that it was a Wilson and Bryan treaty would have been sufficient in itself to cause his unfriendliness to it. More especially he had always considered the Panama Canal as his special contribution to American and world civilization, and to have any one question his methods in scouring the canal strip was more than he would tolerate as long as he was able to fight back. He had repeatedly stated that his conduct in regard to Colombia had always been of the highest order, and that what had been done had been for the well-being of the whole world. He had always insisted that there had been no collusion between the Panama revolutionists and the United States Government, nor had any help been given to the revolution that was not in accord with the highest principles of international conduct. As far as any official of the American Government having any connection with the "preparing, inciting, or encouraging" of the revolution on the Isthmus, he denied it in no uncertain terms. As for the allegation that he had conferred and possibly given information to Mr. Bunau-Varilla, he stated that that gentleman "did not ask



me to take sides one way or the other"<sup>27</sup> In the whole matter he felt his actions to have been above criticism and this new treaty he felt was a direct thrust at his proceedings in the Panama matter.

As the leader of the Progressive Party, Theodore Roosevelt had a large political following, both in and out of Congress. Such leaders as Norris, La Follette, Lodge, Johnson, and McCumber could be expected to fight his battles for him in the United States Senate and prevent any adverse action by that body. Even if these men did not have the intense personal feeling on the subject that characterized Theodore Roosevelt, nevertheless their love for Roosevelt's leadership and friendship was sufficient to keep them in line. As a result of this unfriendly feeling towards the treaty manifested by this Roosevelt group, favorable action on the treaty was not likely. In fact the treaty was never reported out of the Foreign Relations Committee until 1916, and then it was recalled from the floor almost immediately.

This opposition to the Colombian treaty might have been averted if more care had been taken to phrase the first clause to meet the approval of the Progressives. Roosevelt was not so opposed to a treaty with Colombia, in fact it was during his administration that the first

27. Roosevelt, Fear God and Take Your Own Part, 329

treaty was drawn up with Colombia, and furthermore that treaty was passed by the United States Senate. The treaty now under consideration was not so much different from the tripartite treaties as far as the sections on the material compensations were concerned and privileges granted to Colombia, except for the money clause. The "regret" phrase was the controversial point upon which hinged the fate of the Thomson-Urrutia treaty. If Bryan or Wilson had been far-sighted in this matter and earnestly desired the passage of the treaty (and they did state in emphatic terms their desire to see the treaty passed) they could easily have reworded the treaty to meet the objections of the Progressives. For this error in judgment the treaty was pigeonholed in the desk of the foreign relations committee for several years to come.

The beginning of the World War at this time had something to do with the tabling of the treaty. Many other important matters were constantly being brought up before Congress and many bills which ordinarily would have been given serious consideration were not even brought up for a vote. On the face of matters it would be thought that the beginning of a great European, and possibly World War, would have been a stimulus to pass the Colombian treaty. The Panama naval defenses were adequate against most nations, but hardly so against Colombia. If Colombia

made an alliance with the enemies of the United States, as certain Colombians intimated might occur if the treaty was not ratified, and especially an alliance with Japan,<sup>28</sup> the position of the United States would be really precarious on the Panama Canal Zone. But no such thoughts seemingly entered the heads of the members of the foreign relations committee and the treaty was permitted to slumber on. Under the stress of impending war the Colombian treaty was permitted to be sidetracked for European problems.

Another reason for the delay of the treaty was the question of the money payment. Although the United States "was so rich and powerful that we can not afford to rest under the least suspicion of wrong-doing"<sup>29</sup> yet many people, Senators included, thought \$25,000,000 an excessive amount to pay for the good will of another nation. Even when it was known that Colombia had cut down her claims one half,<sup>30</sup> still the indemnity seemed much larger than it ought to have been. At least the payment of such a large sum gave a good point for attacking the treaty. But it would appear that this line of opposition was largely superficial because in 1921 when the treaty was again under discussion no grave objections

28. Cong. Rec., 1914, Appendix, 18

29. Cong. Rec. Jan. 11, 1915, 1350. Speech by Senator Randall

30. See p. 92 Lodge's speech 1921, 1921

were made against the money payment of \$25,000,000.

With action on the treaty indefinitely suspended in Washington the Colombians felt that they had again been tricked by the United States. This feeling was embittered by the realization that the American Government had urged quick ratification of the treaty by Colombia and had insisted that no amendments would be acceptable to the United States. This seemed like railroading to many Colombians and now when no action was being taken on the treaty by the American Senate it was natural that the old resentment should show itself again. As an illustration of this growing feeling against the United States the Colombian minister announced that in case the United States Senate did not ratify the treaty, Colombia would be obliged to withdraw from the Pan American Union.<sup>31</sup> Nothing came of this threat but it did show the temper of the Colombians. The growing resentment and impatience of the Colombian people continued until finally<sup>32</sup> the Colombian Government protested the Senate's delay.<sup>33</sup>

Still there was no real feeling in the United States Senate, nor in the country at large, in support of the treaty. The events happening in Europe overshadowed affairs in the western hemisphere, and without any great enthusiasm being shown to push the treaty through not

31. Foreign Relations, 1914, p. 263

32. January 25, 1916

33. Foreign Relations, 1916, pp. 211-216

much could be expected. In fact during this period it was undoubtedly due to President Wilson's insistence that the treaty be considered and reparation made to Colombia that prevented the treaty from being forgotten altogether. He still believed a better understanding with all the South American countries was necessary for economic and political relations between the nations, and of the various problems to be solved the Colombian dispute was one of the most important.

Colombian public sentiment was growing more restless at the delay of the United States Senate in considering the treaty. Probably due to this feeling the United States Senate Foreign Relations Committee at last acted upon the treaty and reported the treaty out of committee by the close vote of 3-7. Knowing that the treaty as it was originally written and ratified by Colombia could not be passed by the United States Senate, the committee made a few amendments, one reducing the indemnity from \$25,000,000 to \$15,000,000 and another changing the 'regret' clause to an expression of 'mutual regret'.<sup>34</sup> When the Colombian Government heard of these proposed amendments and changes it filed a vigorous protest with the American Government,<sup>35</sup> which action stopped further consideration of the treaty by the United States Senate.

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34. Foreign Relations, 1916, pp. 211-216

35. February 4, 1916

With the treaty sidetracked again public opinion in Colombia became even more outspoken in condemnation of the United States actions. The Colombian press expressed itself in clear-cut terms<sup>36</sup> With feelings running so high in South America Secretary Lansing and President Wilson felt that something had to be done to satisfy Colombian public opinion, especially with the European situation becoming more critical hour by hour. President Wilson asked Senator Stone,<sup>37</sup> Chairman of the Foreign Relations Committee to press the Colombian treaty for ratification urging "We seek to do justice and to settle a long-standing controversy which has sadly interfered with the cordial relations between the two Republics", and furthermore "We need now and it is possible shall need very much more in the immediate future all the friends we can attach to us in Central America, where so many of our most critical interests center"<sup>38</sup>

When President Wilson called a special session of the Senate to consider various matters of international importance, he included the consideration of the treaty pending between the United States and Colombia as one of the matters to be taken up, and it was made known the administration would urge its acceptance strongly<sup>39</sup> The treaty was presented to

36. Foreign Relations, 1916, pp. 292-298

37. February 17, 1917

38. Baker, Woodrow Wilson: Life and Letters, 430

39. Foreign Relations, 1917, pp. 292-298

the Senate on March 14, 1917, but the opposition was too strong and well organized, and to add to the troubles of the treaty exponents, the United States entered the World War on the side of the Allies which prevented any further discussion at this time.

In the majority report of the foreign relations committee the reasons for passing the treaty were much like those given by President Wilson and Secretary Bryan before quoted. Senator Stone, under pressure from President Wilson, wanted the treaty acted upon as it was originally written, no matter whether it passed or failed.

On the other hand the minority report was of much more interest, especially in the light of the vote of 1921, on the same treaty. This minority report was signed by Senators Lodge, McCumber, Borah, Brandegee, and Fall. It objected to the proposed treaty on the ground that "it contained an apology for past conduct on the part of the United States, which, however veiled by redrafting, was still an apology". Also, that "it made too liberal an exception in regard to the rights of transit," that "it had been accompanied by threats of hostility"<sup>40</sup> and that "the size of the payment involved an admission of injury to Colombia to which we could not assent".<sup>41</sup>

At this time Senator Lodge felt quite keenly the

40. Referring to the threats made in Colombian newspapers of reprisals and hostile acts against the U. S. in case the treaties were not passed by the U. S. Senate.

41. Cong. Rec. Apr. 12, 1921, p. 159

money payment was not ethical. "What are we paying \$25,000,000 for except in settlement of old issues?... This payment, then can only be predicated on the assumption that we are indebted to Colombia either morally or legally, and no combination of words, no niceties of diplomatic language, can hide the naked truth that this treaty is an admission that the conduct of this country in acquiring the right to construct a canal across the Isthmus of Panama was a wrong committed against Colombia."<sup>42</sup> Senator Lodge insisted that the treaty could not be passed without certain important amendments, which were suggested and discussed with Secretary of State Lansing, and as he understood it were handed to the Colombian Government and met with her approval.<sup>43</sup> But these amendments were never offered to the Senate at this time, and under the pressure of war-time business the whole treaty was forgotten for the time being.

The treaty was not brought up in the Foreign Relations Committee again until the spring of 1919. The treaty had been amended to meet the approval of Senators Lodge and Knox.<sup>44</sup> and the treaty was reported favorably out of the committee with an almost unanimous report, Senator Borah reserving the right to oppose it on the floor. At this time Senator Harding, a member of the committee, and two

42. *Ibid.*, 195

43. *Ibid.*, 159

44. S. F. Bemis. American Secretaries of State and Their Diplomacy, New York, 1928, 115



years before his election to the Presidency, voted for a favorable report on the treaty. No sooner had the treaty been presented to the Senate when information came from Colombia that she was reviving an earlier oil bill which would seriously affect American oil interests and concessions in that country, especially the rights and titles to oil land. As a result Senator Lodge requested that the Colombian treaty be re-submitted to the Foreign Relations Committee for further consideration.<sup>45</sup>

At the end of the year<sup>46</sup> the Colombian Supreme Court upheld the constitutionality of the foreign oil concessions and property rights. This cleared the way for consideration of the treaty before the United States Senate and during the following summer<sup>47</sup> the treaty was again favorably reported by the Foreign Relations Committee. This was a special session of Congress and the time was too short to take up serious consideration of the treaty.<sup>48</sup> The 'lame duck' session at the end of Wilson's administration was too crowded with other business for the Senate to take any action on the treaty. Several Senators urged immediate consideration of the treaty but Senator Fall, who was in charge of the sub-committee in charge of the Colombian treaty thought there would be considerable debate on the treaty and that it could not possibly be

45. Cong. Rec. April 12, 1921, p. 159

46. 1919

47. June 3, 1920

48. Cong. Rec., April 12, 1921, 159

pushed through during the short session. As a consequence  
nothing was done with the treaty at that time.<sup>49</sup>

Looking back over the Wilson administration the fact seems to be quite clear that the foreign policy was guided by a high idealism which was hard to put into practice. In the case of Colombia the United States Government was willing to sacrifice a great deal to bring about that 'Utopian' state on the western hemisphere. But the handling of the whole treaty was one blunder after another. In the first place the Democratic administration gave Colombia the understanding that she would be favorably disposed towards a very liberal treaty. Colombia, naturally, took this at face value and tried to get a \$50,000,000 money payment and a clear expression of regret from the United States, besides most of the other concessions given in the tripartite treaties. This made a compromise necessary, and even by cutting down her demands one-half and modifying the regret clause, still Colombia could point to a treaty very favorable for herself. This part of the negotiations showed the lack of understanding on the part of the Wilson Government in initiating treaty proceedings. When Woodrow Wilson announced his foreign policies to a waiting world, expressing his hope that spiritual considerations would be of greater importance in the future than material matters, he got one of his first reactions

from Colombia in her demands for an indemnity of \$50,000,000. It looked like an amateur was walking in the international labyrinths.

If Wilson had been a good student of human nature he would have known that Theodore Roosevelt would explode the minute he saw the treaty given to the Senate. And furthermore he should have known that the treaty could never get the two-thirds majority without Roosevelt's consent. This treaty was altogether too near the heart of Roosevelt to ever think he would not become interested in it. And it was from this time on that Roosevelt felt that bitter enmity towards Wilson which developed into an intense hatred during the next few years. Wilson's advocacy and commendation of the Colombian Treaty was largely the root of that ill-feeling.

Woodrow Wilson again showed his lack of understanding of the Senate when he insisted that Senator Stone present the Colombian Treaty to the floor of the Senate in 1910 and 1917. There was no hope of the treaty being ratified at that time and to present it to the floor could bring no good results. Without other determining factors the treaty as it then stood was bound to fail. But other factors were soon to enter the picture which changed the complexion of the Senate.

## RATIFICATION OF THE COLOMBIAN TREATY

President Harding called a special session of Congress early in his administration to consider some pressing problems. He included in his message to Congress consideration of the Colombian treaty. He urged<sup>1</sup> "the early and favorable consideration of this treaty" as helpful at the present time "in promoting our friendly relationships. There have been many and long delays in dealing with this treaty until we have been made to seem unmindful, when in truth we have had no thought but to deal with this sister Republic in a most cordial consideration".<sup>2</sup> The Foreign Relations Committee reported the treaty out to the floor with a favorable report and the debate in the Senate began. Many Senators who had previously been opposed to the treaty had come to the conclusion it would be for the best interests of the United States to have the treaty ratified, possibly in a somewhat changed form, but following in general the outline of the treaty ratified by Colombia. The unsatisfactory relations with Colombia could in this way be straightened out.

The important changes in the treaty as it was passed on by the foreign relations committee were:

1. The 'regret' clause was changed to read "The United States of America and the Republic of Colombia,\_\_\_\_\_

1. March 9, 1921

2. Cong. Rec. April 12, 1921. p 157, Pres. Harding's Message to Congress.

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<sup>3</sup>.

2. The \$25,000,000 was to be paid in five annual installments, instead of one lump sum.<sup>4</sup>

This amended treaty was ratified by the United States Senate April 20, 1921, by a vote of 69 Yeas to 18 Nays.<sup>5</sup>

3. Treaties, Conventions, International Acts, Protocols, Etc. 1910-1923, in Sen. Doc. VIII
4. Latane, American Foreign Policies, 541-542.
5. Cong. Rec. April 20, 1921, p 497. Vote on the Colombia Treaty.

|              |                |            |              |
|--------------|----------------|------------|--------------|
| Ashurst      | Gerry          | Yeas 69    |              |
| Ball         | Glass          | McKellar   | Smoot        |
| Brandeggee   | Gooding        | McKinley   | Spencer      |
| Broussard    | Gooding        | McLean     | Stanfield    |
| Bursum       | Hale           | Noses      | Stanley      |
| Calder       | Harrell        | Myers      | Sterling     |
| Cameron      | Harris         | New        | Sutherland   |
| Caraway      | Harrison       | Nicholson  | Swanson      |
| Colt         | Heflin         | Odde       | Underwood    |
| Culbarson    | Hitchcock      | Overman    | Walsh, Mass. |
| Curtis       | Jones, N. Mex. | Penrose    | Warren       |
| Dillingham   | Kendrick       | Phipps     | Watson, Ind. |
| Edge         | Keyes          | Pittman    | Weller       |
| Ernst        | King           | Pomerene   | Williams     |
| Fernald      | Knox           | Ransdell   | Willis       |
| Fletcher     | Ladd           | Robinson   | Wolcott      |
| France       | Lodge          | Sheppard   |              |
| Frelinghusen | McCormick      | Shortridge |              |
|              | McCumber       | Smith      |              |



7  
 Senator Pomerene stated this viewpoint in saying "the more I have studied this question the more convinced I am that the United States was wrong, in part, and the Colombian Government right, in part."<sup>8</sup> The Senator pointed out the collusive aid given by the United States navy in preventing Colombian troops from landing in Panama to put down the revolution, even before the revolt. He charged that the United States "would have pursued a different course if Colombia had been even a third-rate power."<sup>9</sup> As for the money payment \$25,000,000 was not too much to pay, inasmuch as the United States agreed to pay Panama \$10,000,000 for the canal concession and if this alone was transferred to Colombia, that Government would still have a claim for the loss of the whole Department of Panama, which would make \$25,000,000 a small sum to pay for the loss of such valuable property. Furthermore, "whether rightly or wrongly, she has lost this valuable territory and 300,000 of her people, with her reversionary interests in the canal and the railroad. And now this can be settled for \$25,000,000, and giving Colombia the right to use the canal. More than all this, we will have proved to the world that we can be just, even to the least of the nations of the world."<sup>10</sup>

7. April 14, 1921

8. Cong. Rec. April 14, 1921. p 226

9. Cong. Rec. April 14, 1921. p 233

10. Ibid., 235.

Senator Williams gave further reasons why Colombia had a just claim against the United States. Talking about Roosevelt's stand, he said he "never denied that he took a high-handed way of arriving at an international result. Did he not say (at Berkeley) 'while Congress was debating I took the canal'". He further charged that Roosevelt and Hay dared not arbitrate the Panama matter because any fair set of arbiters would have given the award to Colombia. The main reason for ratifying the treaty, as Senator Williams saw it, was to right a wrong which had been left unrighted far too long already.

Senator Bland of Louisiana felt that this treaty was not liberal enough with Colombia, considering the wrong that had been done that country. Inasmuch as Theodore Roosevelt had sought some kind of reconciliation with Colombia, as illustrated in the tripartite treaties, and had favored a money payment, that fact alone showed he felt Colombia had been injured and should be recompensed for her loss. The amount of payment had been increased from year to year, as shown in Taft's offer to pay \$10,000,000 and even to arbitrate some of the questions, such as the reversionary rights in the Panama Railway. Because of this tacit admission of wrong-doing the United States could well afford to act liberally with Colombia.



and so he proposed five amendments that would make the treaty more just for Colombia and honorable for the United States:

1. To amplify and liberalize the preamble.
2. A definite alliance with Colombia for the defense of the Panama Canal.
3. An agreement that no canal shall be constructed through Colombian territory without the assent and cooperation of the United States.
4. Cession to the United States of the Providence and St. Andrew Islands in the Caribbean Sea.
5. Payment to Colombia of \$30,000,000 and a promise to lend her not more than \$25,000,000 for rail and waterway improvements.

These amendments were rejected by the Senate and several of them, such as Number 4, would have been unacceptable to Colombia. They are interesting nevertheless in reflecting the views of a number of Senators that the proposed treaty was not over-liberal to Colombia.

Senator Wolcott summarized the reasons for supporting the treaty as "I conceive that Colombia has a just grievance against us. Our conduct toward her was such as to give a claim for compensation against us founded, if not in technical right, yet unquestionably in good morals."

This claim has a twofold source. It arises under the treaty of 1846, and it also arises because of our precipitate recognition of the new Republic of Panama.<sup>13</sup> This view was that held by the majority of Democratic Senators and was the reason given by President Wilson for his support of the treaty.

Another group of Senators who favored ratification of the treaty, but for different reasons, were the Republicans, mostly of the conservative, regular line type, who changed from a position of opposition in 1917 to one of acquiescence in 1921. The leaders of this group were Senators Lodge, Knox, McCumber, New, and Secretary Fall, formerly Senator who had charge of the Colombia treaty during the last part of the Wilson administration. In explaining their reasons for changing their votes on the treaty they went into great detail in the Senate debates, and incidentally came in for a great deal of ridicule by both Democratic advocates of the treaty and Republican opponents of the same treaty. But they steadfastly insisted their conduct was above reproach and were only thinking of the general good of their country.

Senator Lodge, in announcing why he could support the treaty of 1921 gave an exhaustive account of the whole Panama question and tried to prove to the satisfaction of the

Senate that his stand in now voting for the treaty was entirely consistent with his previous actions and statements. In 1903, he pointed out, he voted for the Hay-Herran treaty and criticized Colombia severely for rejecting that treaty as "entirely indefensible, and the motives and purposes which caused the defeat of the treaty were even worse."<sup>14</sup> Senator Lodge felt that President Roosevelt had been perfectly right in his actions and attitude towards Panama. During the Roosevelt administration every effort had been made to conciliate and gain the friendship of Colombia by granting the most liberal terms in a treaty, by securing the recognition of Panama by Colombia for their mutual good, and the settlement of Panama's share of the public debt of Colombia. That was the purpose in the offer of the payment of \$2,500,000 and the \$250,000 annual payments for ten years. Later during the Taft administration that policy was adhered to, without success. The Wilson administration took up the matter and made a treaty which in amended form was then being considered. As the treaty originally stood Senator Lodge would never have consented to vote for it, because of Article I, which held the 'apology' clause and cast aspersions on the good character of Theodore Roosevelt and his actions in the Panama Revolution. There had been other concessions

14. Cong. Rec. April 12, 1921, p 157

to Colombia in regards to free transit on the canal and the size of the money payments which were too large.

The reason that Senator Lodge could now support the treaty was because he felt that treaty had been vitally changed. Article I, containing the apology, had been struck out. Then there had been an amendment added which gave the United States the right to decide whether Colombia had the right to pass troops, materials of war, and ships of war through the canal during a period of war. The clause regarding the transportation of certain materials, as coal, petroleum, and sea salt free over the Panama railway applied only to that used for home consumption under this new treaty. And the method of paying the \$25,000,000 had been changed to payments in five equal installments of \$5,000,000 each, which gave the United States more control over the methods of using those payments.<sup>15</sup>

As for the amount of the indemnity Senator Lodge admitted changing his mind as to the reason the money was being paid. He became convinced that it "carried with it no admission as to the past of any kind but was simply a question of money and of the amount to be paid in consideration of the recognition by Colombia of the independence of Panama and of the boundaries and for the extinction of

15. *ibid*, 160.

certain money claims resting upon treaties made long prior to 1903.<sup>16</sup> Furthermore the payment of \$25,000,000 could not be considered as a purchase price of the Department of Panama for that land was worth many times that amount. The real reason for the money payment was in consideration of the recognition of the independence of Panama by Colombia, and of the boundaries between the two nations, and for the extinction of some money claims resting upon treaties made prior to 1903. The basis for those money claims were:<sup>17</sup>

|                                       |                   |
|---------------------------------------|-------------------|
| Value of railroad                     | \$16,446,942.75   |
| Panama Canal Rights (Wyse concession) | 17,500,000.00     |
| Panama Railroad annuities             | 16,000,000.00     |
| Cost of Loubet arbitration            | <u>200,000.00</u> |
| Total as shown by the Du Bois report  | 50,146,942.75     |

Senator Lodge still considered the amount of money to be paid as too large, but the amount was not an important item in the consideration of the treaty in the light of the above figures.

As for the attitude of Theodore Roosevelt, Senator Lodge pointed out, it was one of friendliness towards Colombia. During his administration and afterwards he favored a treaty with Colombia which would bring better relations between the two countries. But Roosevelt would not subscribe to any statements that he in any way acted otherwise.

16. *Ibid*, 160

17. Cong. Rec. April 12, 1921, p. 160. Du Bois' Report, made in 1906 to Secretary of War Taft.

than in the highest good faith towards Colombia in 1903. That was the reason he objected to the Thomson-Urrutia treaty the way he did--he felt that his actions were being condemned and that the apology was directed at him. That was why he still opposed the treaty as it was presented by Senator Stone, even with his amendments, in 1917. But at that time Senators Fall, Lodge, and Root suggested certain amendments to Secretary of State Lansing which were much like the amendments in the present treaty, said Senator Lodge. These did meet with Roosevelt's approval as being a fair way to settle the Colombian controversy.<sup>18</sup> At this same time Senator Fall was in constant touch with Theodore Roosevelt and he went over the Colombian treaty with him with the proposed amendments, which were much like the ones found in the final draft. In a letter to Fall, Roosevelt wrote <sup>19</sup> "I, of course, most earnestly hope that your negotiations for a new and proper treaty will be successful... I feel exactly as you do about the type of treaty we should have with these Latin American countries".<sup>20</sup> Roosevelt further hoped that a treaty of commerce and amity would follow a general treaty with that country. Senator Fall at that time had assured Roosevelt that he had secured, through certain personal representatives of his own in

18. *Ibid*, 159

19. March 21, 1917

20. April 12, 1921, *Cong. Rec.*, p. 159

connection with his Senate duties, information that such a treaty would be ratified embracing all those points which Roosevelt had thought so necessary.<sup>21</sup> It was Senator Lodge's belief that Roosevelt had given his consent to this new amended treaty and would desire his friends to support it.

Another reason Senator Lodge now supported the treaty was because of the strategic importance of the canal to the United States and the position of Colombia in regard to it. Roosevelt placed great stress on the military value of the canal, and he felt that was one of the reasons for the rejection of the Hay-Herran treaty by the Colombian Congress.<sup>22</sup> It would now be worth-while for the United States to make some sacrifice to secure a friend so near the Canal Zone.

The foreign trade of the United States was a very important item at this time, and Senator Lodge felt that the Government should aid business in expanding to American markets. This could be done by bringing about better feelings between the United States and foreign governments, such as Colombia. This proposed Colombian treaty would have to be passed if a future treaty of commerce and amity was to be secured with Colombia. Furthermore the United States Government should give "to American investors in foreign countries the protection which American citizens

21. 1816, 162

22. H. C. Hill, Roosevelt and the Caribbean, Chicago, 1927, p. 205

in other countries are entitled," but he added "I am entirely against having the United States invest money in any enterprise or enter into business of any kind." But other nations are not only supporting their business men in foreign markets but are actually cooperating in that business expansion. The most notable case, as Lodge explained, was oil. The English Government supported her business men in foreign markets in every way possible. Not only that but the English Government had actual control over the Royal Dutch-Shell Combine, a tremendous organization stretching into every corner of the world. If the United States Government did not begin to aid her own investors, American business would be forced to look to the British Government for protection. England had already secured control of the Venezuelan oil fields and unless aid was given to the American investors in Colombia that fertile oil district would also come under the control of British interests. Lodge thought it was absolutely necessary for the American Government to give aid to American oil interests, or Britain and other countries would. For this reason it was necessary to ratify the Colombian treaty before any new treaties of commerce and amity could be entered into. But as to the insinuations, made in the Senate and press, that



oil interests were bringing pressure to bear upon the Senate for ratification of the treaty, Senator Lodge entered a vigorous protest that no oil interests had ever approached him directly. Secretary Fall had written to him (Senator Lodge): "thus far it is undoubtedly true that American oil interests are much interested in the friendly settlement of all outstanding difficulties with Colombia and in drawing more closely the commercial relations of the two countries through political friendship... We are more justified now than we were, even in 1917, therefore, in going to any extreme which our self-respect and our great respect and love and honor for the great American, Roosevelt, will justify in carrying out that great American policy which he so clearly understood, even if some person not understanding conditions and misunderstanding his attitude, may criticize us as having changed our own opinions at the dictation of some greasy oil corporation." Secretary Fall thought that conditions had changed materially the past two years and that a change in opinion would be justified on account of the new conditions.

Senator McCumber was another Republican who had signed the minority report on the Colombian treaty in 1917, but who saw fit to change his mind in voting for the treaty in 1921.

In justifying his change in voting he did not attempt to prove the new treaty to be much better or much different from that of 1917. The objectionable Article I of course was gone. As for the payment of \$25,000,000 this treaty did not say for what purpose it was being paid. Therefore one could come to his own conclusions on that point. But he was not willing to pay such a large sum merely for goodwill. Senator McCumber said that from what he had heard in the Senate, and what he could read in the treaty, the money was being paid by the United States for a promise by Colombia of a future treaty of peace and amity, which in turn would give the United States good returns on her investment. These expectations of the good that was to come after this treaty had been signed were summed up by Secretary Fall as:

25

1. The United States should obtain the title to any islands or lands near either entrance to the Canal Zone, should such islands or possessions be claimed by Colombia.
2. The United States should acquire from Colombia the right to construct a canal by way of the Atrato River and an option upon any other canal routes whatsoever which Colombia may own.
3. A new agreement should be reached as to peace between the two countries and providing for the absolute neutrality of both, and that neither in event of war or trouble between the other and any foreign country should allow its ports, coast, or territory to be used by the forces, naval or otherwise, of the country or countries with which either might be at war.
4. An agreement for the defense of the Panama Canal, each country allowing the full use of its waters and shores to the other for such purposes, under conditions

25. *ibid.* April 19, 1921 p 442. Sec. Fall's letter to Lodge.

to be agreed upon between the two countries at the time and from time to time, if and when occasion may render such use necessary for defense.

5. The recognition by Colombia of the independence of Panama.

Senator McCumber took the word of Secretary Fall that these benefits would come to the United States in due course of time. As he said "In voting for the treaty, I am taking much on faith. I am influenced" by economic motives for "American capital and to American commerce" and the "development of the vast oil fields of Colombia."<sup>26</sup>

Senator Knox, who had been Secretary of State under Taft and was thoroughly familiar with all the phases of American relations with Colombia, also changed his vote during the years 1917 to 1921. After giving a comprehensive<sup>27</sup> and very complete description of the Panama revolution, he justified the stand of the United States in the events on the canal zone stating: "We took no part whatsoever either for or against either party involved in the revolution... Colombia was entirely to blame for losing Panama, and the United States, as a matter of law, was under no obligations of any kind to make amends to Colombia...If through her own acts she deprived herself of something which she would have obtained had her course been different, the resulting loss<sup>28</sup> must as a matter of law lie where it falls". But, he

26. *ibid.* 441

27. *ibid.*, April 14, 1921 pp 235 - 243

28. *ibid.* April 14, 1921 p 242

reasoned, the United States, for reasons of state, should not permit the loss to fall where it did, and in fact ought to make some "suitable compensation" for the "self-inflicted" loss which Colombia sustained. As for the "mere amount of money to be paid, so long as the sum is not really exorbitant, would seem to be of minor interest and importance."<sup>29</sup> He favored ratification because the United States was under moral obligation to Colombia for what she had lost.

A large number of Republican Senators who voted for the treaty did so for matters of state, and in answer to President Harding's plea for better relations and understanding with our neighbors. As Senator New said that there "never was a time when it so behooved us to make friends, to establish and to maintain amicable relations with the other nations of the world, as the present".<sup>30</sup> Colombia had a wonderful market for American products and in order to secure that market friendly relations would first have to be established, which could only be brought about by first ratifying a suitable treaty between the two countries.

Senator Shortridge also expressed this hope for reconciliation and peace and concurred with President Harding's views of establishing friendly relations. He thought this treaty would "restore friendly, helpful relations between us and Colombia, and contribute mightily toward

29. *ibid*, April 14, 1921, p. 242

30. *ibid*, April 18, 1921, p. 391

strengthening the bonds which unite us, and all the American Republics in a new world brotherhood".<sup>31</sup>

Many reasons were advanced for voting for the Colombian treaty by the United States Senators. Especially so among the Republican Senators who took the privilege of changing their minds between 1917 and 1921. The reasons for Democratic support have already been given. The reasons for Republican support to the amended treaty could be summarized as follows:

1. For reasons of state (as advanced by Senator Knox).
2. To give some suitable compensation for the self-inflicted loss (Senator Knox).
3. The United States needs the cooperation of Colombia to protect the canal (Senator Lodge).
4. To protect American business interests, especially oil. (Senator Lodge)
5. To regain the lost good will and friendship of Colombia.
6. To secure Colombian recognition of Panama
7. President Harding urged its ratification.

The Democratic stand was that Colombia had a just grievance against the United States and deserved indemnification for her loss.

The opposition to the treaty, although not large in numbers, was vociferous and distinct. It was composed mostly

31. *ibid*, April 19, 1921, p. 426

of the Progressive wing of the Republican party who came forward to support Roosevelt's policies in Panama and who claimed that the United States owed no debt, material or moral, to Colombia and therefore there was no reason for ratifying a treaty which carried with the intimation of bad faith on the part of the United States. The views of this group can best be seen by analyzing and summarizing the individual views of the leaders.

Senator Kellogg opposed the treaty primarily because it wrote the word "shame" across the pages of American history.<sup>32</sup> If the United States promised to pay Colombia \$25,000,000 it must have been for some purpose. No matter how much the reasons may be disguised, history will give its verdict of the reasons for the payment, and that verdict must be that it is paid to compensate Colombia for the loss of Panama, with the implied belief that the United States must have encouraged the revolution, besides violating the treaty rights under the treaty of 1846, and helping to break up Colombian sovereignty. As for the present treaty, Senator Kellogg could not see that it was much different from its original form drawn up during the Wilson administration. If it could be a good treaty in 1921 it must have been a good treaty in 1914. As for the pecuniary loss suffered by the United States in the treaty, that was not so important in Kellogg's mind. But to place a stain upon the fair

32. Cong. Rec., April 13, 1921, p. 191

name of one of America's greatest Presidents was an extremely important item. He charged that this treaty, even with the amendments which were submitted to the Senate, did not contain the clauses which Theodore Roosevelt favored. Kellogg said that Roosevelt had been slumbering in his grave eighteen months before the treaty with the amendments had ever been submitted to the Senate. "He never saw it and, I believe, he never approved it and never would have approved it, as he valued his reputation and the honor of his country."<sup>33</sup> The amendments which Theodore Roosevelt did approve were:

1. The United States was to get title to the islands or lands near the entrance of the Canal Zone.
2. The United States was to get the right to build a canal by the Atrato route.
3. There should be a new treaty of peace between Colombia and the United States.
4. There would be an agreement for the defense of the Panama Canal.

Senator Kellogg pointed out that these amendments were not included in the present treaty and so that treaty could never be said to have the approval of Roosevelt. As for the disputed Article I of the treaty it had never been changed materially, as the word "misunderstanding" in the new treaty covered the "regret" clause in the old Article. This treaty

33. *ibid.*, 193

also discriminated against other South American countries, in that it permitted Colombian ships to have special rights through the canal, a point which was objected to so much by Senator Fall in 1913. This part of the treaty also violated the Hay-Pauncefote treaty which guaranteed equal treatment of the ships of all nations on terms of equality.<sup>34</sup> As for the argument presented by the proponents of the treaty, that the payment of the money in five annual installments instead of one lump sum, Senator Kellogg pointed out that it made no difference how the money was paid as the United States was bound to pay the full amount within five years. Furthermore this treaty gave Colombia very valuable concessions, such as the right to pass troops, materials of war, and ships of war, and the present treaty was changed to read that it includes times of peace as well as war. Because of these reasons Senator Kellogg was not willing "to barter the Nation's honor for the good will of Colombia or any other country."<sup>35</sup>

Senator Borah never changed his mind concerning the propriety of America's actions in Panama, nor would he change his vote on the Colombian Treaty. He charged the Republicans who were now voting for the treaty, as changing their opinions to meet the changing ambitions of America. While the Republicans, who were in favor of the

34. *ibid.*, 195

35. *ibid.*, 202



treaty, were divided as to why the treaty should be ratified, he pointed out how the Democrats were unanimous in their opinions that a wrong had been committed by the United States towards Colombia and now they wanted to see that wrong righted. Borah claimed that Lodge's contention was that the United States should buy the friendship of Colombia. As for Senator Knox's new viewpoint he stated that the United States was "compensating Colombia for her self-inflicted injury to the extent at least which we have advantaged by her self-inflicted injury". Borah could not assent to such statements as these. He opposed the treaty because "it means the admission of a false charge of dishonor"<sup>36</sup>

Senator Johnson was another Senator who thought this treaty would never have passed during the lifetime of Theodore Roosevelt. It had always been opposed by Roosevelt, Johnson said, in the form in which it was now presented to the Senate, and those who had any respect for his memory should not desert him now. He charged that the previous year<sup>37</sup> "a poll was taken of Republican Senators which showed an overwhelming majority against the treaty".<sup>38</sup> As far as Theodore Roosevelt's attitude and actions towards Colombia and Panama were concerned they were absolutely above reproach. But that question of national

36. *ibid*, 193

37. 1920

38. *Cong. Rec.*, April 15, 1921, p. 304

honor, he thought, was being relegated to a minor position in favor of economic influences which were supporting the treaty. "If we are paying, as is whispered about here, \$25,000,000 for the protection of oil interests that are owned by Americans in Colombia then not a single Senator should vote for this treaty"<sup>39</sup> But the main reason for his opposition to the treaty was that the United States had committed no wrong and had no damages to pay Colombia.

Senator Lenroot likewise opposed ratification of the Colombian treaty on much the same grounds. Roosevelt had acted in an honorable fashion in Panama. As for the \$25,000,000 indemnity he challenged "any Senator to show where Roosevelt even advocated paying Colombia one penny except in consideration of some rights granted to us".<sup>40</sup> He agreed with the minority opinion of 1917 but could not accept Lodge's new viewpoints of 1921. He wanted to see America's relations with other countries based on justice and right, and this treaty he believed if ratified "will be but the beginning of unjust demands from others, with the threat of exclusion of American participation in the development of their resources unless granted, and because I want the honor of our country to go down through the ages without a single stain"<sup>41</sup> For this reason he could

39. *ibid*, 311

40. *ibid*, 311

41. *ibid*, 313

not support the Colombian treaty.

Senator Norris opposed the treaty because the special privileges and rights given to Colombia in this treaty would have to be extended to all the other South American countries under the provisions of the Hay-Pauncefote treaty.<sup>42</sup>

Senator Poindexter said the United States was paying \$25,000,000 for nothing which she did not have at the present time.<sup>43</sup> Senator Townsend added that he thought this treaty would not pacify South America, nor bring about better relations. As long as the United States had not done any dishonorable thing there was no necessity for any treaty like this anyway.<sup>44</sup> Senator Wadsworth added that to pay this money would be to add one more mistake to the long list already made.<sup>45</sup>

Besides the Republicans who voted against the treaty there were several Democrats who were not in favor of the treaty. Senator Watson of Georgia was one who thought that the United States did not steal anything and therefore did not owe anything. During the debate he inquired whether the United States Senate was "the agent for the Standard Oil Company".<sup>46</sup> He also doubted the wisdom of making treaties with special privileges such as this one as it would set precedents for future treaties of like kind.

42. *Ibid.*, April 19, 1921, p. 465

43. *Ibid.*, April 18, 1921, p. 397

44. *Ibid.*, 395

45. *Ibid.*, April 19, 1921, p. 469

46. *Ibid.*, April 15, 1921, p. 314

Senator Reed did not think the motives for urging ratification of this treaty altogether of the highest type. He charged that "recently attorneys for these oil companies, and parties in interest, came to Washington and stated that if the treaty was not ratified, it would involve the entire oil situation; that the present administration of Colombia might be overthrown and the oil interests of these people lost. The substance of the talk was that the treaty must be ratified in order to protect the oil interests".<sup>47</sup> The Senator criticized anyone who would be influenced by such a line of reason and stated that the government was to serve the people and not special interests.

A summary of the reasons why the nineteen United States Senators voted against the treaty is:

1. This treaty placed a stain upon the name and fame of Theodore Roosevelt.
2. The \$25,000,000 payment was made as compensation to Colombia for the loss of Panama.
3. The treaty would never have met with Theodore Roosevelt's consent.
4. Special privileges and concessions given to Colombia discriminated against other South American countries.

47. *ibid*, April 19, 1921, p. 447

5. The special privileges given Colombia were in violation of the Hay-Pauncefote treaty.

6. The oil interests were lobbying for the ratification of the treaty.

7. The United States did no dishonorable thing for which to make amends.

On April 20, 1921 the United States Senate passed the Colombian Treaty, and in so doing ended a disagreeable chapter in American relations with Colombia and South America.

## VII

### SUMMARY AND CONCLUSIONS

The results of the Panama Revolution had a far-reaching effect upon American-Colombian diplomatic relations, bringing in its wake not only ill-feeling towards the United States by Colombians, but a feeling of distrust by most Spanish Americans. Realizing that her military strength was not sufficient to even begin to cope with such a formidable rival as the United States, Colombia resorted to her only remaining weapon--diplomacy--to bring about some sort of settlement for the grievances and loss of prestige and power which she had suffered. Accepting the Panama secession as an accomplished fact, she sent a mission to Washington, headed by General Reyes, to seek some kind of adjustment for matters as they then stood, or at least to lay the groundwork for future negotiations. This mission was not very satisfactory, as the arbitration proposed by the Colombians was not acceptable to the American Government. A little later Colombia again sent a special minister to Washington, Senor Mendoza, to begin negotiations for a settlement of the differences existing between the two countries. But Senor Mendoza was ill-fitted for the task set out for him. He was quite bitter in his feelings

towards the United States and uncompromising in his statements to the press and the American Secretary of State. The negotiations were coming to naught when President Reyes stepped in to save what he could of the proposed reconciliation. President Reyes thought it wise to move the negotiations to Bogota, where he and Minister Barrett could work together more harmoniously. Thus in 1906 we find the origins of the tripartite treaties, which were first worked out in Bogota, re-written and changed in a conference at Cartagena between Secretary Root and Foreign Minister Cobo, after which the negotiations were again moved back to Washington where they were finally worked out and signed. The Roosevelt administration and the Senate gave the treaty their approval, thus showing the desire of Roosevelt to settle the differences which had arisen between the two countries, and the conditions of the treaty were deemed very fair to the Colombian Government which had negotiated the tripartite treaties.

It appeared at first that the treaty would be ratified quickly by the Colombian Congress, and possibly unanimously. The first news of the signing of the treaties found public opinion in Colombia quite receptive to them. But that element of the Spanish-American life which must always be reckoned with--the individualism which leads to political revolutions with little provocation--appeared and

the momentum of opposition towards President Reyes ruined all hope of ratification of the treaty. This particular treaty had been President Reyes favorite project and it was the easiest method for the political opponents of the President to attack this treaty, thereby ruining President Reyes politically. No matter how many good points the treaty had, enough flaws could always be found to use it as a political weapon. As a consequence the treaty, the President, and his secretary of foreign affairs were all disposed of at one time.

This piece of work about ended any serious consideration of the treaty for the next four years. President Taft took the stand that Colombia was entirely at fault in rejecting a treaty which was worded to be of great benefit to Colombia, and if she expected any new treaty the initiative would have to come from Colombia. The Taft administration made it very plain that the tripartite treaties were very favorable to Colombia and that a new treaty would probably not be as generous. On the other hand Colombia pressed for arbitration of the questions in dispute arising from the Panama Revolution, a point to which Secretary Knox could not grant any consideration, as Secretaries Hay and Root had done before him. Towards the end



of the Taft administration the American Government sounded out Colombian sentiment for a new treaty but without any success. Colombia preferred to wait for the incoming Democratic administration, from whom it was felt much better terms could be obtained.

The Wilson administration had, as its primary purpose in foreign affairs, the bringing about of better feelings of friendship and comradeship between nations. Other nations, no matter how small or how great, were to be treated as equals. Right was to replace might in dealing with other peoples. As applied to Colombia this meant the signing of a generous treaty which would allay all suspicions of the "octopus of the North" and bring back that friendship which had existed during the nineteenth century. To show her greatest good faith, the United States Government permitted Colombia to write the first draft of the treaty, and further permitted most of the original articles to stand in the final draft as they were first written. One of the most insistent demands of Colombia had always been that some kind of a clause inferring 'guilt' on the part of the United States in her relations with the Panama Revolution be written into the treaty. It was natural that Colombia should therefore include such a clause in the treaty. Wilson did not oppose

such a clause, although in his re-phrasing of that particular article he changed the wording slightly. And so this phrase was permitted to remain in the treaty, with the word "regret" included. This was a serious error in judgment on the part of the Wilson Administration because it was well known what the attitude of Theodore Roosevelt was on the Panama Canal, and it was also well known that he controlled enough votes in the Senate to make ratification impossible on any treaty which had any amount of opposition to begin with. It turned out that way, in fact after he stated his position on the proposed treaty in his usual emphatic tone, further consideration of the treaty was deferred until a future date. If Article I had been changed materially before presenting the treaty to the Senate the result might have been much different. For this reason the defeat of the treaty at this time must be partly attributed to the carelessness of Bryan and Wilson for the manner in which it was written.

The World War prevented further consideration of the treaty, although President Wilson urged its passage throughout his administration. But the opposition was too strong for ratification to take place, and it was probably wise that the treaty never was brought up before the Senate for a vote at this time. Towards the end of Wilson's administration the treaty was again being considered, but it

was decided to sidetrack consideration of it in favor of the Versailles treaty. The Republican committee in charge of the treaty preferred to wait until the incoming Harding administration came into power before pressing the treaty for a vote.

President Harding urged the ratification of the Colombian treaty early in the special session which he called soon after his inauguration. He sought better relations with our southern neighbors so that peace and goodwill could reign on the western hemisphere. When better relations were established he felt that trade and commerce would improve greatly, to the benefit of all concerned. The foreign relations committee responded by giving a favorable report and presenting the treaty to the floor immediately. There ensued a two weeks heated debate during which the whole Panama dispute was gone over thoroughly. The Democratic members as a group sat back in their Senate chairs, enjoying the verbal battles and accusations that were thrown back and forth by the Republican members. As a whole the Democrats believed an injustice had been inflicted upon Colombia and that the United States should right the wrong, if need be by a very generous treaty.

On the other hand the Republican members were divided into two ranks, those who had opposed the treaty as it was presented to the Senate by the Wilson administration,

but now were in favor of the treaty with the amendments proposed by the foreign relations committee, and secondly those who had been opposed to the Wilson treaty and were still opposed to the treaty of 1921. In general the first group was made up principally of the Progressives. Those Senators who changed their minds during the period 1917-1921 tried valiantly to justify their new stands, but their arguments did not seem to carry the conviction that the arguments of the Democrats and Progressives carried. There was an undercurrent of feeling throughout their speeches that they had changed their opinions largely because of economic influences, especially because of the oil scare which England gave to the world at that time. Unfortunately there was no way of ascertaining the effect of the oil lobby upon the passage of the treaty, but rumors of such influence were quite common in the Senate. This was the beginning of a period in which the United States Government fostered and protected big business interests in foreign markets and the passage of the Colombian treaty was properly a part of that larger program. The Republican Senators who voted for this treaty were in large part the rank and file who encouraged favorable legislation for business in the years to come, and that fact would seem to indicate the reason for their supporting this treaty.

As for the opposition vote, it was composed principally of former Progressive colleagues of Theodore Roosevelt who could not place the promotion of business interests above their conception of right and wrong. To them the treaty was an insult to the memory of Roosevelt and a condemnation of his actions on the Isthmus. As for the \$25,000,000 payment, this group felt that it was paying money which rightfully belonged to the American people for the promotion of a few business interests in Colombia. At least the stand of this opposition group carried conviction and courage, just as their actions were straightforward and honorable.

When the last vote was cast for the treaty a period of American history passed which had been spent in bitter wrangling over the propriety of America's action on the Isthmus, a period during which hard feelings were aroused between the United States and Spanish America, and a period which saw American moral influence waning on this hemisphere. It was hoped by all that the ratification of the Colombian treaty would bring a new era of better feelings and understanding between the Anglo-Saxons of the north and the Spaniards of the south.

## APPENDIX A.

## Colombian Treaty\*

Signed at Bogota 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 Bogota March 1, 1922; proclaimed March 30, 1922.

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 Jose Urrutia, Minister for Foreign Affairs; Marco Fidel Suarez, First Designate to exercise the Executive Power; Nicolas Esaguerra, 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

\*Treaties, Conventions, International Acts, Protocols, Etc. 1910-1923 in 67th Cong. 4th Sess. 1922-23, p. 2538  
Sen. Doc. VIII.

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 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 Chugargun 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 Bogota 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 Bogota, the sixth day of April in the year of our Lord nineteen hundred and fourteen.

(Signed)

Thaddeus Austin Thomson  
Francisco Jose Urrutia  
Marco Fidel Suarez  
Nicolas Esguerra  
Jose M. Gonzalez Valencia  
Rafael Uribe Uribe  
Antonio Jose Uribe

In the Protocol of Exchange the following statements were made in regard to the above treaty.

1. In case of war between Colombia and any other country the 'free passage' clause in Article I, part 1 shall not apply.

2. Colombia interpreted this to mean that she would be placed on the same footing as all other nations in case of war, as stipulated in the Hay-Pauncefote treaty.



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