

The President of Nicaragua to the Secretary of State

MANAGUA, Enero 22 de 1932.

DEAR MR. STIMSON: Before anything else, in answer to your last kind letter, let me say that I regret that I did not speak clearly to Mr. Hanna, or that he did not understand me, when I talked with him about the reform of the Nicaraguan Constitution, and gave him the memorandum you know of.

From boyhood I have always respected the rights of others and since my rise to the Presidency I have affirmed both orally and in writing that the Nicaraguan people gave me their votes for four years, which period ends December 31st of the present year.

All my life I have kept my word and I shall do so in the case of the promise I gave to the Conservative candidate Benard, in the letter which you are kind enough to recall to me,⁴ translated into English. Mr. Hanna himself has heard these words on various occasions; and for that reason, because I had no thought of extending my term, I said nothing of this to you, either in the memorandum referred to or in my letter of October 14, 1931.

But I did indeed say to Mr. Hanna, in taking leave of him, that Nicaragua is a poor country, that cannot afford elections every four years; that a reform of our Constitution to prolong the presidential term to six years or more, if possible, is necessary; but these words did not at all embrace the idea of my own continuation in office; but that my successor should enjoy a longer term in virtue of a reform in the Constitution.

On the other hand, I sent you the arguments in favor of the case. I have always believed that the present Constitution is a dead letter; I do not feel convinced to the contrary by the arguments you present; but I do admit that a discussion of this point is not as essential as other matters of greater importance and gravity for my country.

I come to the point: If you will be kind enough to reread my letter to Mr. Benard and recall some of my statements in Tipitapa, you will remember that I spoke then to you of the necessity of supervision for more than two election periods in order to accustom the people to honest and free elections. I said the same in the last part of the first paragraph of my letter of October last, of which I have made mention.

I did not reckon, and I do not think you did either, on the change of public opinion in the United States; and did not think that, in 1933, we would be forgotten by the hand of God and exposed once more, by the abandonment of this policy, to civil

war, which from the time of our independence to the present, has cost us so many tears, so much loss of life, property and honor. Civil war has created our bandits. They are adventurers from other countries and people accustomed to not working and to living off the property of others.

Furthermore, could you assure me that opinion in the United States will not change again and that, in the case of a civil war, there would not be another intervention?

If the marines go away, why not look for a middle course that would allow us to live in peace and would be a justification, for you and me, of our agreement in Tipitapa, when you solemnly declared that that date—May fourth—marked an era of peace for Nicaragua?

I have always been candid. I have always said that neither Conservatives nor Liberals, by themselves, would give us free elections. If I have gone to war, which I so much detest, for any reason it was to secure liberty of suffrage. It was my one urgent demand at Tipitapa and it came from the bottom of my heart.

When you told me, in one of your letters, that the marines would withdraw in 1933, I thought with sorrow of all the blood that had been shed, from the Rio Grande to Managua, and that, after my administration, would again flow over our fields and cities, because the hatred and passions of our two parties has not disappeared.

For these reasons and fears I conceived the idea of the reform of the Constitution so that the two historic parties could live together in peace on a basis of proportional minority representation, secured by the Statutes of the Liberal Party.

The idea was accepted most willingly by the principal men of the Conservative party on the 17th of the present month, and public opinion continues favorable to it.

We could make arrangements similar to those of the Dawson Agreements of 1910,⁷ which provided for a Constituent Assembly and a Constitution.

But the arrangements should this time, in my opinion, tend towards a constitutional reform so that minority representation in all public offices of popular election be established, as I have said above, in the Fundamental Charter. This is a principle of representative republican government, which would allow the losing party to get along with the winning one and would promote harmony in the Republic.

If the signature of a Delegate from the Department of State be added to the agreements as mediator, it would be the means for the parties of beginning the new era of which you spoke in the present Villa Stimson, because our parties are so weak that they need a prudent hand to help in the development of the Republic, and

because the mediation of the American Legation in each Presidential election would be sufficient to guarantee the observance of these agreements and of the Constitution.

My reasons are fundamental. The United States cannot abandon the Monroe Doctrine. If there is civil war, there will be intervention again and the difficulties and struggles of the United States and Nicaragua with world opinion will reappear.

I trust, my dear friend, that you will never regret having expressed the hope that I would not forget my word. I desire most strongly that the marines supervise the election of representatives of the Constituent Assembly and therefore I received Admiral Woodward with most cordial goodwill and requested his appointment by the Supreme Court, and I am now taking the first steps to further his task.

With nothing more for the present, I beg to remain,

Very truly yours,

J. M. MONCADA

The Secretary of State to the President of Nicaragua (Moncada)

WASHINGTON, April 5, 1932.

MY DEAR MR. PRESIDENT: I duly received your letter of January 22, 1932,²⁰ setting forth your ideas concerning constitutional reform in Nicaragua. As I was advised about the time of receiving your letter that you were sending personal representatives to Washington to discuss this very question with me, I delayed my reply to your letter until after I had had an opportunity of hearing their views. I assumed that they would explain in amplified form the ideas which you had outlined, and this has proved to be the case.

Doctors Morales and Arguello have been, as you know, in contact with us since I first had the pleasure of receiving them on February 25. My assistants in the Department and I personally have examined with the greatest care the proposal which they explained to us. My interest in Nicaragua, as you know, is so intimate and enduring that whenever problems affecting your country arise I feel impelled to give them my most sympathetic and friendly consideration. I have always tried to approach these problems primarily from the point of view of what is in the best interests of Nicaragua. Therefore, and for the reasons set out at some length in the memorandum of March 23, 1932, which was handed to Doctors Morales and Arguello, I became confirmed of the unwisdom of considering the election of a Constituent Assembly at this time. As I pointed out in that memorandum, I cannot escape the conviction that a situation might be created through the election of a Constituent Assembly which would jeopardize the induction into office on January 1, 1933, as well as the constitutional authority of the President elected at the same time. Messrs. Morales and Arguello did not indicate, either in their conversations with Assistant Secretary of State White or in their memoranda, how this difficulty—which frankly appears insurmountable—might be overcome. Indeed, the views they expressed in conversation were to the effect that the Constituent Assembly would embody the sovereign authority of Nicaragua and would in itself constitute the executive, legislative and judicial organs of the Government. Moreover, it appears to be somewhat doubtful whether, in view of the pertinent provisions of the Nicaraguan Constitution, a Constituent Assembly could legally be chosen during the present year. I therefore replied to Messrs. Morales and Arguello as follows:

- “(a) The United States is prepared, upon the issuance of the decrees deemed necessary to insure a fair election, to supervise the normal and regular elections for supreme authorities in November, 1932, namely, elections for President, Vice-President, one-half of the membership of the Chamber of Deputies, and one-third of the Senate of the regular Congress;

- “(b) The United States cannot consent, for the reasons given, to lend its assistance in supervising elections of any other nature than those set forth above;
- “(c) The question of whether or not Nicaragua should amend its Constitution is one for Nicaragua alone to determine. Article 160 of the present Constitution provides a method for accomplishing a partial amendment. If Nicaragua desires a complete amendment of the Constitution through the convocation of a Constituent Assembly, this could be accomplished after 1932, through appropriate action in accordance with the Constitution. If, however, Nicaragua should decide to elect a Constituent Assembly in the present year the United States would be unable to continue with its plans to supervise the November elections”.

In my memorandum I called attention to the admirable progress which Nicaragua has made through the holding of free and fair elections in 1928 and 1930. The course of wisdom, I should think, would be to consolidate this progress and to add another step to it through holding the 1932 elections in the form and manner scheduled and thus continuing on the pathway of regular and orderly procedure under the Constitution. To do anything else would seem to prejudice the progress heretofore realized, and certainly I, as a sincere and genuine friend of Nicaragua could not lend my support to that end.

Please let me take this opportunity of expressing my appreciation and thanks for your kindness in sending me an autographed copy of your brochure “La Reforma se Impone”. I have been much interested in your argument set forth therein relative to the validity of the Canal Treaty of 1914. I have been gratified to read your statement that: “Acting as sovereign, the National Congress of Nicaragua gave its consent and ratification to the Bryan-Chamorro Treaty and we Nicaraguans cannot allege that it was this or that political party which formed the Legislative Chambers. It was the National Congress of Nicaragua, legally constituted, and it is our duty, consequently, to consider the question as one of national honor,” and further; “In résumé, therefore, the Bryan-Chamorro Treaty cannot now be submitted to new decisions of Constituent Assemblies or National Congresses, or of Arbitration Congresses or the League of Nations. It is valid for Nicaragua and the United States.” However, and to speak frankly, I am not in agreement with you when you go on to state that the existence of this Treaty provides a reason for completely reforming the Nicaraguan Constitution. My views on this matter were set out by Mr. White in the conference he held on March 7 with Messrs. Morales and Arguello. Mr. White pointed out that Article 162 of the Nicaraguan Constitution provides that the treaties or compacts referred to in the last part of Article 2 of the Constitution (with the exception of those treaties looking toward union with one or more republics of Central America) shall be ratified by a two-thirds vote of each House, and by this act the Constitution shall be considered as amended, notwithstanding the other provisions of Title XXIII of the Constitution.

In other words, the Canal Treaty having been ratified by the Senate of Nicaragua unanimously and by the Chamber of Deputies by 28 votes in favor and 7 against, it was therefore ratified in accordance with Article 162 of the Constitution and by that act the Constitution was amended. Mr. White pointed out that there was, therefore, no occasion to make any further amendments to the Constitution on this score. Messrs. Morales and Arguello in their memorandum of March 10, 1932, made the following statement:

“We believe it proper to declare, that we hold the considerations which we offered incidentally in our Memorandum of the 2nd of the current month of March on the approval of the Canal Treaty of 1914 to be eliminated from the discussion on the problem now before us, since we frankly acknowledge that Mr. White’s reply on that point is technically and legally correct and the Treaty has all its constitutional effectiveness.”

It was gratifying to me to take note that Messrs. Morales and Arguello agreed with the point of view expressed by Mr. White.

Mr. President, I feel that you are in a unique position to contribute permanently to the well-being of Nicaragua and to leave to posterity a record of your administration of which your fellow countrymen may always be justifiably proud. If the regular and normal elections of November next take place under conditions of complete freedom and fairness, as I am certain they will, this will add one more step towards the goal of peace, order and stability in Nicaragua. As of assistance to that end we are now engaged in studying, in the light of past experience, the measures required to strengthen the electoral law. But the progress achieved in this field of free and fair elections will undoubtedly be in large measure due to your own wise leadership and patriotic devotion. No one desires more than I that your name may go down in history indissolubly linked to such an admirable record of achievement.

Cordially yours,

HENRY L. STIMSON