

The Secretary of State to the Chargé in Nicaragua (Dennis)

Washington, August 26, 1926—6 p.m.

61. U.S.S. Tulsa has been ordered to Corinto, and U.S.S. Galveston to Bluefields.

Kellogg

The Chargé in Nicaragua (Dennis) to the Secretary of State

Managua, November 14, 1926—6 p.m.

[Received, 9:23 p.m.]

200. Adolfo Diaz took oath of office at 4:30 this afternoon.

Dennis

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, January 13, 1926—10 a.m.

[Received, 11:43 a.m.]

10. Congress yesterday declared the Vice Presidency vacant and sentenced Sacasa to two years' banishment from Nicaragua.

Eberhardt

The Chargé in Nicaragua (Dennis) to the Secretary of State

Corinto, October 25, 1926—10 a.m.

[Received, 6:56 p.m.]

178. Referring to Department's number 95, October 20, 11 a.m.31 Admiral Latimer inquires whether use of the term "belligerents" by the Department indicates recognition of belligerency by the United States. I understand there is no recognition of belligerency but admission of insurgency by the United States Government in respect of contending factions on Atlantic coast of Nicaragua. Please instruct, Repeated to Admiral.

Dennis

Press Release Issued by the Department of State, June 8, 1926

June 8, 1926

Mr. Eberhardt, the American Minister to Nicaragua, having been granted leave of absence, left Managua for the United States on June 7. Mr. Lawrence Dennis, Secretary of the Legation, will remain in Managua as Chargé d'Affaires ad interim.

Mr. Eberhardt's departure has no political significance whatever; he is simply availing himself of the leave of absence to which he is legally entitled during the current year. The attitude of the United States Government towards the Chamorro régime remains unchanged. The American Government continues to be, as it has always been, a warm friend of the Nicaraguan people, but it does not and will not recognize as the Government of Nicaragua the regime now headed by General Chamorro. Needless to say the

American Government sincerely hopes that the Nicaraguan people will by a return to a constitutional form of government make it possible for the United States to extend recognition to such a government and enter into formal diplomatic relations therewith.

The Secretary of State to the Minister in Costa Rica (Davis) 21

Washington, September 16, 1926—1 p.m.

17. In view of the fact that there exist in Nicaragua conditions of domestic violence which might be promoted by the use of arms or munitions of war procured from the United States, the President of the United States, under a Joint Resolution of Congress approved by the President January 31, 1922, 22 has issued a proclamation²³ placing an embargo on the export of arms and munitions of war from the United States to Nicaragua. Please communicate the foregoing to the Government to which you are accredited for its information. You may also in your discretion suggest to the Minister for Foreign [Page 794]Affairs that in the interests of the promotion of peace and order in Nicaragua his Government might consider taking the same action or such other steps as might prevent the exportation of arms or munitions of war from his country to Nicaragua.

Kellogg

The Secretary of State to the Chargé in Nicaragua (Dennis)

[Paraphrase—Extract]

Washington, November 6, 1926—5 p.m.

106. Should a Congress which may be considered as the duly constituted Congress of Nicaragua elect a designado, the Department would give careful consideration to recognizing him as the Constitutional President of Nicaragua. Should Doctor Sacasa subsequently establish a government in Nicaragua, the Department could not consider him other than a revolutionist.

The Government of the United States by withholding objection to a loan by bankers to the Provisional Government has given the only support which it feels it can give to the Provisional Government. The Department does not believe its moral support can go further.

When a constitutional government is set up which the Government of the United States can recognize, the customary support will be lent to it.

In a few days Minister Eberhardt will sail to return to Managua.³⁴ the Department will inform you as to the date of his arrival.

Kellogg

The Minister in Costa Rica (Davis) to the Secretary of State

San José, January 15, 1926—10 a.m.

[Received, 2:15 p.m.]

6. Department's circular telegram dated January 7, 7 p.m. President Jimenez has definitely informed the Nicaraguan Chargé d'Affaires in Costa Rica that the Costa Rican Government will not recognize Chamorro should he assume the Presidency of Nicaragua. This decision has been made public, Repeated to Central American Missions.

Davis

The Chargé in Nicaragua (Dennis) to the Secretary of State

Managua, September 17, 1926—2 p.m.

[Received, 10:23 p.m.]

137. Please advise immediately whether United States will, as requested in writing by Chamorro, have neutral zone around wharf and hotel maintained by marines at Corinto for conference. This is necessary as lodging and meeting facilities of warship not adequate.

Dennis

The Chargé in Nicaragua (Dennis) to the Secretary of State

Managua, October 10, 1926—10 a.m.

[Received, 4:40 p.m.]

162. Captain Wyman, United States Ship Denver, established neutral zone Corinto this morning at 7 o'clock to continue until three days after peace conference. Transfer took place under most favorable conditions. This is the first time neutral zone at Corinto in history.

Dennis

The Secretary of State to the Chargé in Nicaragua (Dennis)

Washington, October 19, 1926—3 p.m.

93. For the Secretaries of the Conservative and Liberal delegations:

"I thank you for your telegram of greeting on the occasion of the inauguration of the conference at Corinto and most earnestly hope that through the patriotic efforts of all parties an amicable agreement will be reached restoring peace and tranquility to your country and thus insuring a return to that economic prosperity and progress so notable in recent years. Frank B. Kellogg."

Kellogg

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua December 16 1926—noon

[Received, 2:45 p.m.]

240. ... Chamorro turned over army yesterday, left Managua this morning at 4 o'clock, arrived at Corinto at 10 whence he is to sail today or tomorrow on a diplomatic mission to principal European countries.³⁹

Eberhardt

The Chargé in Nicaragua (Dennis) to the Secretary of State

Managua, November 11, 1926—6 p.m.

[Received November 12—12:40 a.m.]

196. Diaz was designated this afternoon at 1 by Congress in joint session of both Houses. All 21 unseated members were admitted; 53 members present, of whom 44 voted for Diaz. Liberal members withdrew before vote and stated that they would present memorial tomorrow declaring they considered Sacasa President. Two votes were cast for resolution declaring Solorzano President. Inaugural ceremony to take place Sunday 14th at 4 afternoon which I shall attend.

Diaz and Cuadra Pasos called at Legation immediately afterwards. Diaz stated he would form a new Cabinet. Repeated to Central American Republics

Dennis

The Secretary of State to the Chargé in Nicaragua (Dennis)

[Extract—Paraphrase]

Washington, December 8, 1926—7 p.m.

131. ... The Department of State has perceived with regret that there appears to be a tendency on the part of the Diaz administration to rely upon the Government of the United States to protect it against [Page 811] the activities of the revolutionists by physical means. If President Diaz in his conversations with you should indicate that he expects armed assistance from the Government of the United States you are instructed to state plainly to him that the fact that the Government of the United States has recognized his Government does not imply any such obligation.

This Government is prepared to lend such encouragement and moral support to the Diaz government as it generally accords to constitutional governments with which it maintains friendly relations when they are threatened with revolutionary movements. The Government of the United States is not prepared to go further than this.

Kellogg

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, December 26, 1926—11 a.m.

[Received December 27—11:40 a.m.]

254. President Diaz has ordered army to withdraw from Pearl Lagoon via False Bluff to El Bluff, Bluefields, where soldiers will disarm if required. They will proceed to Managua via San Juan River, Withdrawal not due to defeat but desire to avoid further futile conflict in coast region. Diaz wishes Navy to declare neutral zone at Rama which I strongly recommend on account of American interests there and to avoid futile hostilities. This would complete neutralization of important centers on Atlantic coast and contribute towards early peace. The Government is in full control on the west side.

Eberhardt

Draft Letter From the Secretary of State to the Secretary of the Navy (Wilbur)45

Washington, December 28, 1926.

Sir: I have the honor to acknowledge the receipt of your letter of December 18, 1926, referring to mine of December 17,46 concerning the situation in Nicaragua, in which I stated that the adequate protection of American lives and property on the east coast of Nicaragua required the landing of American armed forces for that purpose, and recommended that Admiral Latimer be instructed to land such forces as might be necessary at Puerto Cabezas, Bragmans Bluff and such other places as he might deem necessary in order to prevent interference by the revolutionists with American citizens and American companies in the lawful discharge of their commercial activities.

I note in your letter above mentioned a paraphrase of a telegram which you have sent to the Commander of the Special Service Squadron [Page 819]stating that the establishment and maintenance of neutral zones by the employment of landing parties, or the taking of such other measures as may be necessary for the protection of American lives and interests, will, it is hoped, control effectively the Liberal bases now present on the east coast of Nicaragua and will cut off the sources of further supplies which are arriving from outside and cannot with propriety be stopped at this time before landing.

Unfortunately your letter did not come to my personal attention until yesterday. I am afraid Admiral Latimer will take this as an instruction. Although I have the utmost confidence in his ability and discretion, I believe it would be wise for you to now instruct him to confine his activities to protecting the lives and property of American and foreign citizens where they are in danger and there is no other assurance of their protection. I assume this is all he has done.

It is not the Government's policy to intervene by armed force in the internal affairs of Nicaragua. This has been made perfectly plain by our action in the past. It is reported in the press this morning, although I do not credit it, that the whole east coast is to be declared a neutral zone. I do not think so-called neutral zones

should be declared except where it is necessary for the protection of American citizens and their properties. While the State Department is loath to see munitions of war landed on the coast of Nicaragua which facilitates the continuation of hostilities between the two contending parties, I do not feel that American armed forces should endeavor to control this traffic providing the arms and munitions are not despatched from this country contrary to the provisions of the embargo on their exportation from the United States. I have been compelled reluctantly to recommend the landing of American armed forces but only for the protection of American and foreign lives and property and I feel that great care should be exercised by the American forces in Nicaragua to preserve the strictest neutrality between the revolutionists and the constitutional authorities.

The Secretary of the Navy (Wilbur) to the Secretary of State

Washington, December 29, 1926.

S.C. 117-24

Sir: The following despatch which has been sent this date to the Commander of the Special Service Squadron in Nicaraguan waters is quoted for your information:

“The following instructions for your guidance; neutral zones should be of local nature only and solely for the protection of lives [Page 820]and property of Americans and foreigners. There should be

nothing in the nature of intervention or interference with the internal affairs of Nicaragua. Arms and ammunition found in the neutral zones at Rio Grande and Puerto Cabezas should be returned to owners. Ammunition held for inspection should be returned unless you know of some reason for holding same not yet disclosed, in which case advise us fully at once and await instructions. But in the future no arms or ammunition or armed forces of either party should be allowed to pass through the neutral zones. Keep the Department fully informed of any action taken by the forces under your command and any recommendations in the premises. Your action up to date is fully approved.”

Respectfully,

Curtis D. Wilbur

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, December 31, 1926—3 p.m.

[Received, 10:20 p.m.]

257. Department's 148, December 30, 4 p.m. President Diaz telegraphed a reply yesterday to President Jimenez's offer of mediation stating that he had received similar [offer] from the Guatemalan Government which he had answered with a proposal to send a diplomat to Guatemala. While these conversations with the Guatemalan Government on mediation were in course, Diaz stated in his telegram he could not discuss a new offer of mediation.

President Diaz expressed surprise at the Department's indorsement of the Costa Rican offer of mediation, pointing out that, of the four Central American Republics, Costa Rica was alone in definitely declining the invitation of the American Government to recognize his government, moreover that President Jimenez had in an official and published statement declared that Sacasa had "title" while Diaz had "control" or "possession" and that the Costa Rican Government could not recognize a government in Nicaragua which did not realize these two conditions of title and possession. President Jimenez had therefore prejudged the political issue in Nicaragua and pronounced publicly a judgment against the constitutionality of the Diaz Government exactly in contradiction of the opinion officially proclaimed by the United States Government. Under these circumstances Diaz did not see how he could be expected to accept as impartial the mediation of President Jimenez and surely the United States could not recommend that he accept mediation by a biased party. Diaz added that he would prefer the mediation of the Guatemalan Government which while unfriendly to him was frank in its hostility and had at least observed in its communications to his government the courtesy of giving him and his Minister of Foreign Affairs the official titles which they claimed, while the President of Costa Rica had addressed President Diaz without using a title.

(Admiral Latimer just telegraphed that main base of supplies for revolutionists are Port Limon, Costa Rica.)

Diaz failed to see how the mediation of Costa Rica, known to be prejudiced against the Conservative Party in Nicaragua, could be expected to succeed in bringing about an agreement where the good offices of the United States, known to be impartial, had been unsuccessful owing to Mexican support of the revolution. The situation with respect of Mexican [influence?] remained unchanged. All Central American countries, in view of recent events in Nicaragua, [Page 822]now naturally in awe of Mexico wherefore a conference held under the auspices of any one of them would necessarily be dominated by the overwhelming Mexican influence over both the Central American Government mediating and the Liberal delegates. The Salvadorean representative in Managua had confidentially indicated to Diaz (he made the same statement to this Legation) that in view of recent unchecked Mexican aid of the revolution his Government regretted its hasty recognition of Diaz at the invitation of the American Government since it was feared that Mexican displeasure thereat might soon result in a decision to support a revolution to overthrow the Salvadorean Government and since it was now generally understood that the United States was not disposed to check Mexican armed expeditions against Central American Republics, thereby leaving Mexico a free hand.

Diaz remarked that no conference held under the auspices of one Central American State had ever settled a conflict similar to that in progress and he referred to the proposal made by Guatemala last September for "fraternal action" to be taken by the Central

American countries to bring about peace in Nicaragua in respect of which the Department had stated that it did not “think any beneficial results would be obtained by such action” (Department’s telegram 71, September 10, 8 p.m.⁴⁷).

Diaz concluded by saying that he is still repeatedly offering to treat with the Liberals for peace on the broadest bases but they so far decline to consider his offers.

The Legation is conferring with some Liberal leaders this afternoon with a view to bringing about conference between them and the Government.

Eberhardt

Doctor Rodolfo Espinosa to the Secretary of State⁴²

[Translation⁴³]

Puerto Cabezas, December 24, 1926.

His Excellency, the Secretary of State: As I had the honor to inform Your Excellency in a wireless message of the 1st of this month,⁴⁴ confirmed by a detailed note of the same date, His Excellency, Dr. Juan B. Sacasa, elected Vice President of Nicaragua for the term beginning on the 1st of January, 1925, and ending on the 1st of January, 1929, assumed in this city the Executive power of the Republic and organized the Government over which he presides in

the name of the Constitution and by the express will of the Nicaraguan people.

Yesterday, at about 11 a.m., the warships Cleveland and Denver, without any forewarning or action of any kind, forcibly landed the regular forces of the United States Navy in the semblance of war and placed this city, the provisional residence of the Executive power, under military occupation. After the landing had taken place, the commander of the Cleveland, Mr. Lewis, and another officer presented themselves at the Executive Mansion and gave His Excellency, President Sacasa, a violent verbal warning, which, at the request of the latter, they afterwards put in writing, as follows:44a [Page 815]

“Puerto Cabezas, Nic., Dec. 23 de 1926.

Memorandum for Dr. Sacasa confirming conversation of this afternoon.

The following territory is hereby declared neutral zone: Puerto Cabezas and Bilwi, including the outskirts for a distance of two miles.

There will be no carrying of arms, ammunitions, knives, etc., in the neutral zone. There must be no recruiting or any other activities

carried on in the neutral zone, which have any bearing on the prosecution of hostilities.

Doctor Sacasa and his forces may leave the neutral zone by 4 p.m. 24th of December, 1926, by water, with their arms if they so desire; otherwise they must disarm and deliver such arms to the Cleveland's Landing Force Commander.

The radio station may send only plain messages and these messages must have no bearing on the prosecution of hostilities.

(fO) Spencer S. Lewis-Lt. Comdr. U. S. N. Commanding U. S. S. Cleveland Landing Forces, Puerto Cabezas, Nicaragua.”

President Sacasa, deeply astounded by this attitude so offensive to the sovereignty of the Nation and so in conflict with the principles which regulate the relations of civilized peoples, orally and energetically protested against the unlawful proceedings in the presence of those who brought the notification.

Later, a commission of the Government consisting of the Minister of Fomento, Dr. Onofre Sandoval, and the undersigned, with Don Luis Mena Solorzano as their interpreter, met by appointment the Captain of the Cleveland, Mr. Wainwright, and in the presence of

the Captain of the Denver, Mr. Wymann, and Commander Lewis of the Cleveland, confirmed the protest of the Government and people of Nicaragua against the unspeakable outrage of which they were the victims and asked for an explanation of what happened. The Captain of the Cleveland stated that he was obeying orders from Rear Admiral Latimer; that it was intended simply to establish a neutral zone; that Doctor Sacasa and the members of his government could use the wireless office to send messages in Spanish or English, but not in code, or relating to military matters; and that we could remove our military equipment without any interference, over a mole of the harbor, and to that end he had already spoken with the Bragmans Bluff [Lumber] Company so as to procure the trucks and other things necessary for the removal.

It is well to note here for a better appreciation of these facts that, while these things were going on, a detachment of marines which altogether numbered about 500, distributed in groups, surrounded the Executive Mansion, protected by a guard of 20 men; and the two war vessels had their guns trained some on the Executive Mansion itself, and others on the barracks in the city in which the small garrison of the place was quartered.

[Page 816]

This morning messages in Spanish relating to the affair addressed to the Director of the Pan American Union at Washington and to the Representative in Costa Rica of the Constitutional Government

were rejected by the wireless office. And a part of the armament which was on the mole for shipment and removal outside of the alleged neutral zone was held by the American forces under a pretext of inquiring whether that material came from the United States and had come after the laying of the embargo by the Department of State. Hours after the declarations of the note verbally signed by Commander Lewis had been put in writing, and also after the promises made to the Government's commission relative to the arms and messages, both were modified, that which was written and promised being ignored in an unusual manner.

At the same time and under the same conditions there were landed at Rio Grande, where the Government had a part of its war implements over which a garrison of 18 men was watching, about 600 American marines; they declared, of their own accord, that place to be a neutral zone, disarmed the soldiers, and took possession by violence of the war material there found. I must place it on record that the time chosen for this was when the main body of our army was far away, engaged in a severe battle at Pearl Lagoon, where the Constitutional armies were assured a practically final victory.

The mere statement of facts will bring to Your Excellency's mind the conviction that the American forces, which without any right are now holding by military force this city and that of Rio Grande, have violated the sovereignty of Nicaragua not only by setting foot on the territory of the Republic, but also by imposing restrictions

on the highest official of the State, on him who represents the dignity of the Nation, because he was solemnly chosen by the free vote of the people in the full exercise of their inalienable rights.

It is pertinent to put it on record here that there was no ground or pretext whatsoever for the establishment of neutral zones. When the legitimate Government was installed, far from being exposed to any menace, American life and property were duly guaranteed, better than at any time, because it has been and is the constant aim of this Government to add prestige to its authority by strictly complying with the law and respecting all private interests in the territory which it controls.

The neutral zones in fact have been established by the American forces without the consent of the respective civil or military authorities, without the pretext of a threat to foreign interests, and only for the evident purpose of hampering the action of the lawful Government, in support, undoubtedly, of the de facto Government presided over by Señor Adolfo Diaz at Managua. That attitude is in [Page 817] open contradiction to the positive statements made on the subject of Nicaragua by the Department of State when it gave assurances of its neutrality in the dispute because of the unquestionable right of the Nicaraguan people to choose their own Government and decide on their own destiny. The undersigned, as a member of the Liberal delegation at the peace conference on board the Denver at Corinto many times heard the American Chargé d'Affaires, the Honorable Lawrence Dennis, declare that the

United States would observe an impartial attitude and would not intervene in favor of any one of the parties that are fighting in Nicaragua, because that was a domestic affair exclusively for the Nicaraguans to decide.

As the facts here related are not new—since in 1912, in order to maintain Adolfo Diaz in the Presidency of Nicaragua against the will of the Nation, a large force of American marines then as now set foot on our territory; and since there has been a repetition of intervention sought by the same Señor Diaz in order to impose him again as President against the Constitution and against public opinion—it is proper once for all to define what is the international statute [status?] of Nicaragua. Is it a free, sovereign, and independent Nation, capable therefore of choosing the Government that it sees fit, or must we arrive at the painful conclusion that it is a colony or a protectorate? Or is it that the United States of America has reached the point of forgetting that small nations have the right-to an independent life in the international concert? Who names the President of Nicaragua: is it the people by their votes at the polls or the Government of the United States of America by its recognition?

The mere fact that Don Adolfo Diaz solicits the aid of foreign forces to maintain himself in power demonstrates that he has no standing with the people of the country, and the moral and physical support given him by your Government is his only title to usurp the office

which under the Constitution belongs to His Excellency, Doctor Sacasa.

Would it not be more worthy of the greatness of your country to let the Nicaraguans determine their own affairs as they have a right to? That is what is demanded by the general rules of international law and the most elemental principles of equity and justice proclaimed by Your Excellency's Government and set forth as law in the Central American treaty of Washington. Thus we could directly arrive at the peace which is so much needed by my country, through the operation of its free institutions, and sincerely strengthen the relations between our peoples.

Because of all these facts, I hereby most energetically protest to Your Excellency in the name of the people and Government of Nicaragua, and I trust that in respect to reason and justice your enlightened [Page 818]Government will be pleased to make the proper corrections, which will redound to the prestige and honor of the great American democracy.

Rodolfo Espinosa

The Chargé in Nicaragua (Dennis) to the Secretary of State

Corinto, October 21, 1926—10 p.m.

[Received October 22—1:10 p.m.]

173. Conservative delegation formally declined to accept proposition of Liberals communicated my telegram October 20, 9

a.m. Conservatives objected only to arbitration by Central American Governments, alleging these Governments would not be impartial. To the surprise of all, Liberals this afternoon presented statement that, in view of refusal of Conservatives to accept their first proposition of Sacasa and their second proposition for the submission of the question as to Sacasa to arbitration by the United States and Central American Governments, they felt obliged to withdraw from conference. I immediately suspended session until tomorrow and had conference with Cuadra Pasos²⁷ and Espinosa.²⁸ The former offered Liberals reinstatement of the 15 Congressmen and the expelled magistrates, also two new members in Cabinet, all former posts held under Solorzano government, free elections in return for resignation of Sacasa, and acceptance of designation by Congress of Adolfo Diaz.

The change in attitude of the Liberals is possibly due to the receipt of news by mail steamer which arrived this afternoon from Salvador. Report from Customs Collector Pietro indicates both sides preparing for resumption of hostilities. Report from Puerto Castillo, Honduras, states filibuster vessel manned by Mexicans passed bay headed for Bluefields. Rumors allege that all arms and ammunition were taken off El Tropical before it left Salvador and since landed at some point on Bay of Fonseca and that a general uprising in Leon is to be [Page 799]expected soon. According to reliable information the Mexican consul in Managua is sending and receiving unusual quantity of codes and has close liaison with Liberal delegates.

The Liberals are on record in conference as having received and as counting on further Mexican aid to carry on revolution. Their sudden determination to break up conferences either is a bluff to secure the utmost in terms from Conservative delegation or has been taken on the receipt of definite assurance of further support from Mexico. The Conservatives in conferences have shown an extremely conciliatory attitude and proposed compromises while the Liberals have held out for Sacasa or nothing, offering as a compromise the preposterous proposition of an international arbitration of an interior Nicaraguan political problem. As to this proposition the Conservative delegation suggested [asking] for an official statement which I had already given privately to both sides in the negative, but Liberals declined this suggestion.

If, as it would appear, should Liberals not modify their attitude tomorrow morning, they are not desirous of peace except on basis of their triumph and if they propose to carry on their fight for constitutionality as they have threatened with Mexican aid, I feel the United States Government must be prepared to take prompt and adequate measures to prevent foreign intervening in Nicaraguan affairs. I have full assurance from Conservatives and Chamorro that in the event of failure of conference he will immediately withdraw and allow a provisional government to be formed which will at once proceed constitutionally to recognize the government. The United States Government should immediately lend its full moral support to the provisional government during the

transition period and extend recognition upon the satisfactory election of the new President. Please instruct immediately.

Dennis

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, December 19, 1926—8 p.m.

[Received 9:43 p.m.]

246. Your 140, December 18, 6 p.m. See Legation's telegram 201, of November 15th, its despatch 301 of November 24th, and Latimer's telegram November 22, 9 p.m.⁴¹ These same peace terms have been made within last 10 days by Diaz through his representative in Salvador and again refused by representatives of Sacasa. Liberals repeatedly and openly state that they will not accept any peace terms so long as there is no prospect of active American intervention and they can continue to count on Mexican aid.

The "general uprising" mentioned in my 237 of December 13th^{41a} referred to such an uprising on both coasts backed by Mexico. Diaz could formally [formerly?] and apparently still count on the support of the majority of Nicaraguans but such support cannot avail against Liberals aided as they seem to be by Mexico. In these conditions it is my opinion that neither Costa Rica nor mediation would serve any useful purpose. On the other hand were Mexico eliminated it is my further opinion that the Liberals would immediately be brought to treat with Diaz.

Chamorro's departure will facilitate solution only in giving Diaz a free hand to offer satisfactory peace terms. Chamorro is expected to sail tomorrow for Panama.

Diaz states that he now has some 7,000 men under arms distributed as follows: Jose Solorzano Diaz, nephew of President, general in chief of army, has some 1,500 men in vicinity of Managua, biggest group being 500 under General Viquez who took Rama in May.

General Arguello commands 2,000 troops on the Atlantic, 1,000 with him at Rama and 1,000 with Deldadillo at Perlas. They beat off Moncada in August at Bluff.

Hurtado has 200 men at Rivas. He beat Liberals at Casaguiana in August.

Saenz has 1,000 men at Leon. Vargas leads 800 men at Chinandega. Gomez leads 1,000 men at Quezalguaque. These generals are all seasoned fighters; believed to be loyal to Diaz and any of them better than the best leaders among the Liberals with the possible exception of Moncada. There are reported to be 200 armed Liberals in and about Leon and some thousand unarmed Liberals to have left for the coast of Casaguiana where they await arms to be

brought by Mexican vessel when they will immediately launch the general uprising of Liberals referred to above.

[Page 814]

In order maintain itself against Mexican-aided revolution the Nicaraguan Government must spend more than its revenues allow. The maintenance of the troops now under arms costs \$10,000 per diem. Only [\$?] 20,000 remain of the recent \$300,000 loan and there is no prospect of securing further advances as bankers will not lend money to wage a futile war against a Mexican-aided opponent. When the Government reaches the end of its financial resources its soldiers cannot be expected to continue fighting and its overthrow by Liberal uprising should be comparatively easy. As the country is fairly evenly divided between Conservative and Liberals either party when out of power can raise sufficient men to overthrow a tottering government provided arms and ammunition are supplied in sufficient quantities by an outside government.

Eberhardt

PAPERS RELATING TO THE FOREIGN RELATIONS OF THE UNITED STATES, 1927, VOLUME III

The Minister in Nicaragua (Eberhard) to the Secretary of State

Managua, May 1, 1927—9 p.m.

[Received May 2—10:55 a.m.]

119. [From Stimson:] Held a conference with Sacasa delegates yesterday and today. Our position has been fully stated. In their reply they have expressed acquiescence fundamental propositions but reserved all commitments until they have communicated with Moncada, which Admiral is arranging. General atmosphere friendly and I believe encouraging. Stimson.

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 2, 1927—11 a.m.

[Received, 2:36 p.m.]

120. Following from Stimson:

“Please inform the President. I deeply appreciate discretion granted me and shall not hesitate to use it when necessary. Desire, however, that he should have advance information of crises so far as they can be forecast in order that he may instruct me when he desires. Our negotiations with Sacasa delegates

have been exceptionally frank and cordial and they have recorded themselves as in thorough sympathy with the fundamental elements of settlement stated in my telegram number 107, April 23, 11 a.m., and agreed to by Diaz, excepting of course retention of Diaz as to which they have made no commitment whatever although Cordero Reyes has announced Sacasa's readiness to step aside. While hopeful of settlement I yet deem it quite possible that official and army pressure may force them to make final issue on this point, have sent American officers today to Moncada to arrange conference with me if possible, or at least to bring his views to Sacasa delegates as to this settlement. Whether he comes or refuses, crisis may be precipitated almost [Page 335] immediately and it may become necessary for me to threaten forcible disarmament of insurgents. In view of statement in your number 8057 as to possible elimination Diaz as a last resort, I desire President to clearly understand my views on that subject. In your numbers 7458 and 80 President expresses a hope for settlement to be worked out under Nicaraguan law and constitution with which I emphatically concur. I deem retention of Diaz practically necessary for adoption of such constitutional method. Our settlement plan would make President a mere figurehead so far as Executive power is concerned. This has been and will be explained to Liberals. Diaz will accept this limitation on his powers and cheerfully and loyally cooperate with execution of plan. After careful consideration we know no other Nicaraguan whom we could trust to so cooperate. Furthermore, selection of substitute would probably involve grave party and personal difficulties. In short, after two weeks investigation and most careful reflection I do not believe Diaz could be safely eliminated unless in favor of a provisional American executive which would involve legal and constitutional difficulties. Minister and Admiral emphatically concur and I request you show Eberhardt's telegram number 23, January 23, noon59 the statements in which are amply confirmed by my own investigation, to the President. For these reasons I favor insistence upon retention of Diaz as a necessary element of our plan, although we of course will loyally follow any different instructions should the President from his broader viewpoint, decide to give them to us. Stimson."

The Secretary of State to the Minister in Nicaragua (Eberhardt)

[Paraphrase]

Washington May 3, 1927—1 p.m.

82. For Stimson: Your telegram number 120 dated May 2, 11 a.m. Our attitude on this subject has not changed since conference with you at Washington. Penultimate sentence in Department's telegram number 80, dated April 30, 1927, noon, was intended merely to increase your discretionary authority in case you should determine after an investigation on the ground that the withdrawal of Diaz in favor of another person might be worthy of consideration.

Kellogg

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 3, 1927—2 p.m.

[Received, 5:28 p.m.]

121. Following from Stimson:

“For the President, Moncada is to meet Sacasa delegates, Minister, Admiral and myself at Tipitapa⁶⁰ early tomorrow morning. Truce for 48 hours has been agreed upon for that purpose. Deem it quite possible they will refuse consent to settlement based on retention of Diaz but from the best of our information their subsequent opposition will be largely perfunctory for the purpose of showing their followers and outside supporters that they yielded only to force. Have received no reply to my number 12061 and in the absence of such reply expect to use my discretion to insist on retention of Diaz. Stimson.”

Eberhardt

A small village on the river of the same name connecting Lake Managua with Lake Nicaragua, then one of the outposts of the Conservative forces.↵

Ante, p. 334.↵

The Secretary of State to the Minister in Nicaragua (Eberhardt)

[Paraphrase]

Washington May 4, 1927—2 p.m.

83. For Stimson: Your telegram 121, May 3, 2 p.m. Should the peace proposals of the Constitutional Government be rejected by the revolutionists, the negotiations suspended, and the United States obliged to resort to forcible disarmament, the United States would not stand committed even to supervise the elections of 1928. Such is the understanding here.

[Page 337]

If you concur, this point should possibly be made clear to the representatives of Sacasa since they may think they can count upon obtaining through the Government of the United States the same guarantees after bringing about a forcible disarmament as they might obtain if they made peace now. If these negotiations fail, it is the feeling of the Department that there should be no implied commitments as a result, and that the United States should be absolutely free to determine its policy as if there had been no negotiations.

Kellogg

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 4, 1927—4 p.m.

[Received May 5—12:02 a.m.]

122. Following from Stimson:

“Strictly confidential for the President, Moncada came to Tipitapa last night escorted by naval detail sent out Monday⁶² by Admiral Latimer. His coming to see me was opposed by his generals, and naval detail deserves special credit for persuading him to come. Early this morning with the Minister and Admiral I took Sacasa delegates to Tipitapa and permitted them to confer with Moncada. Afterwards he and I conferred alone. He admitted that neither he nor Government could pacify country without help of the United States, but insisted that in honor of the dead of his army who had fought so long against retention of Diaz he could not consent to a settlement involving such retention. He stated frankly however that he approved all the other terms of proposed settlement. He also frankly told me that he would not oppose the United States troops if we had determined to insist on Diaz issue. I then told him I was authorized by the President to insist on retention of Diaz as essential to the plan for a supervised election and was authorized to state that forcible disarmament would be made of those unwilling to lay down their arms. He agreed to recommend to his troops that they should yield and for this purpose I gave him at his request the following letter addressed to him:

‘Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the elections of 1928; that the retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon; that a general disarmament of the country is also regarded as necessary for the proper and successful [Page 338] conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down including the Government and to disarm forcibly those who will not do so.’

Sacasa delegates were then called into conference and in presence of Minister and Admiral; I made same statement as to Moncada. After private conference

they announced that they would recommend to Sacasa that no resistance be offered to United States forces. Truce has been extended until Saturday noon.⁶³ Orders have been issued to Government troops to withdraw from contact with insurgent forces and retire south of Tipitapa River. American forces will then be interposed along the line of the Tipitapa River in position to receive arms of both sides. Moncada will then make announcement to his troops and endeavor to secure the voluntary disarmament of as many as possible. Am endeavoring to maintain absolute secrecy as to situation in order not to render more difficult Moncada's task

Please make no announcement until further notice. Shall cable preliminary report on my action probably tomorrow to be available for public announcement when desired while there will probably be resistance by small irreconcilable groups and scattered bandits, I believe that there will be no organized resistance to our action. I believe, however, that the Admiral should be at once specifically authorized to take all military steps necessary. Stimson."

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 4, 1927—7 p.m.

[Received, 10:50 pm.]

123. Following from Stimson:

"Your 83 received since my telegram 12264 which will make clear the impossibility of taking a position as you suggest. Supervision of 1928 elections has been throughout my negotiations, as my dispatches must have clearly revealed, the chief constructive proposition about which I have been able to rally the support of all elements and by reason of which Moncada and Sacasa delegates, although they have not formally agreed to settlement, are trying to persuade their followers to a peaceful submission and general peace. To now

repudiate that offer would in my opinion be unthinkable and a moral if not a technical breach of faith on the part' of the United States. Stimson."

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 5, 1927—11 a.m.

[Received, 11:35 p.m.]

124. Following from Stimson:

"Following, preliminary report to be available for use of President in announcing result of my negotiations. To be released for publication tomorrow if desired. Expect to remain here several days watching results and preparing certain necessary papers; then home possibly stopping Puerto Cabezas to see Sacasa. President Diaz has formally requested through me that the United States should supervise the coming Nicaraguan elections of 1928 with the purpose of making them free and fair and entirely beyond the influence or control of the Nicaraguan Government. My investigation has shown that this evil of Government domination of election lies and has always lain at the root of the Nicaraguan problem. Owing to the fact that a government once in power habitually perpetuates itself or its party in such power by controlling the election, revolutions have become inevitable and chronic, for by revolution alone can a party once in control of the Government be dispossessed. All persons of every party with whom I have talked admit the existence of this evil and its inevitable results and all of them have expressed an earnest desire for the supervision of election by the United States in an attempt to get rid of the evil forever.

To make this offer effective President Diaz proposes the creation by Nicaraguan law of an electoral commission to be controlled by Americans nominated by the President of the United States and offers to turn over to this board the entire police power of the State. This is to be accomplished through the organization of a nonpartisan constabulary under the instruction and command of American officers. He further offers to disband his army and to deliver their arms to the custody of the United States. He offers an immediate

general peace in time for planting the new crop in June; a general amnesty to all persons in rebellion or exile and a return of all occupied or confiscated property to the owners thereof. To insure order during the organization of the constabulary he asks for a continuance in Nicaragua of a sufficient portion of the present naval force. Finally, in order to secure to his Liberal opponents a share in the Government during the intervening period before the election, he offers to create a coalition cabinet in which their leaders shall share.

I have consulted men representing all factions of the Liberal Party and they have unanimously and emphatically approved the plan for a supervised election in 1928 as the key to the solution of the present [Page 340] revolution. Dr. Sacasa's representatives however, while enthusiastically indorsing the plan, demanded as a condition to their assent to a settlement that its author Mr. Diaz retire immediately from office and leave to some neutral substitute the control of the Government during the year intervening before the 1928 election. After long and patient negotiations in which all other difficulties were apparently eliminated they still insisted upon this point.

I then sent three American naval officers, Major Humphreys, Lieutenant Commander Moran and Lieutenant Frisbie, accompanied by the American, John Willey as guide and interpreter, into the revolutionary lines to invite General Moncada, the chief leaders of those forces, to confer with me and the Sacasa delegates on this subject. These gentlemen deserve great credit for the success of their difficult mission.

I met Moncada at Tipitapa. His attitude was frank and earnest. Under my questioning he admitted that while he believed he could defeat Government forces, neither he nor any Nicaraguan could, without American help, pacify and render tranquil the country and that with every week that passed the condition of anarchy was growing worse. He admitted that the country was becoming filled with groups of armed men responsible neither to himself nor to the Diaz Government. He warmly approved of the plan for our supervision of the 1928 election as the best method to save the country but, like Sacasa, he urged the immediate substitution of [for] Diaz for [of] some other man,

chiefly as a point of honor to satisfy his army. He frankly told me, however, that if the United States had determined to support Diaz and to undertake this plan for the pacification of the country he would not oppose us and would endeavor to persuade his men to lay down their arms.

I had already come to the very clear decision that to yield on the question of Diaz would be wrong and foolish and likely to wreck the only practicable plan upon which can be based a prompt peace and the early reconstruction of the country. There is in Nicaragua today no division of parties based upon principles or party policies but the whole country is seething with bitter sectional and personal antagonism and suspicion. Behind every name which has been suggested to me as a possible substitution for Diaz, I believe, lie elements of opposition and discord. I am quite clear that in the present crisis no neutral or impartial Nicaraguan exists. In November 1926 after a careful examination of the facts, President Coolidge recognized Diaz as the Constitutional President of his country.⁶⁵ During the 6 months which have intervened Diaz has shown exceptional intelligence [Page 341] in his conduct of government and great magnanimity to his foes. His present plan offers continued proof of both these characteristics. Cooperation by the Nicaraguan Government with our representatives in carrying out such a plan for a supervised election is vital. We are sure of it under Diaz; we should not be sure of it under any substitute whose name has been suggested to me. Moreover any attempt by the Nicaraguan Congress to elect a substitute for Diaz under the forms of Nicaraguan law would almost certainly in the present situation become the occasion of further bitter factional strife. Although Diaz has been subjected to a bitter press campaign of slander both in Central America and the United States, he is personally popular with the Liberal leaders and many of these have frankly stated to me that he was the most acceptable Conservative for the Liberal Party to have in the Presidency. We have formally announced our recognition of his Presidency to the world and have been followed by other nations both in Central America and Europe. In January, we formally notified Sacasa that even if he were successful in this war, being a revolutionary government, we could not recognize him and should continue

to recognize the Diaz Government until the close of its term. To change now this position taken deliberately and in good faith and continued for so long, would inevitably so impair our reputation for consistency and fidelity as to greatly weaken our power to carry out the present plan to give Nicaragua fair elections and to stabilize her government. In all these conclusions Minister Eberhardt and Admiral Latimer, the American civil and naval representatives on the spot, emphatically concur. I told Moncada that I was authorized to say that the President intended to accept the request of the Nicaraguan Government to supervise the election of 1928; that the retention of President Diaz during the remainder of his term was regarded as essential to that plan and would be insisted upon; that a general disarmament was also necessary for the proper conduct of such election and that our forces would be authorized to accept the custody of the arms of the Government and those others willing to lay them down and to disarm the others. He at once yielded to that statement as did the Sacasa delegates when called in. I gave Moncada a letter to that effect⁶⁶ to use in persuading his troops to disarm and steps are now being taken to draw the combatant forces apart and to place the American troops between them in order to receive the arms of both. A truce until Saturday⁶⁷ has been declared for that purpose. This morning after further conference with Moncada I now believe it probable that he and most of the insurgent leaders will actively [Page 342] cooperate in the pacification and government of the country. I am thus hopeful that except for the action of small groups of irreconcilables and bandits, this horrible and bitter war is over and will be followed by an intelligent and constructive plan for the political and economic reconstruction of the country. Each of the foregoing steps has been taken with the help and approval of Minister Eberhardt and Admiral Latimer without whose devoted cooperation the result would have been impossible. Stimson.”

The Secretary of State to the Minister in Nicaragua (Eberhardt) Washington , May 5, 1927—noon . 84. For Stimson: Your 122, May 4, 4 p.m. and 123, May

4, 7 p.m. have been received and shown to the President. The Navy is transmitting necessary instructions to Admiral Latimer.

Kellogg

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 6, 1927—1 p.m.

Received, 9:55 p.m.

125. Following from Stimson:

“Yesterday Diaz proclaimed immediate general amnesty to all political prisoners and exiles, also proclaimed freedom of the press to become effective when disarmament proceeds. Moncada has suggested and Diaz agreed to appointment of Liberal jefes politicos in six Liberal departments. Other conciliatory steps under consideration Believe eventual result will be a de facto though not a formal settlement between Diaz and his opponents. Moncada returns to his army this afternoon. Nearly all Government troops are now south of Tipitapa River which is being held by Americans, insurgents remaining in former position to the north.”

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 7, 1927—10 a.m.

[Received, 5:35 p.m.]

126. Following from Stimson:

“President Diaz yesterday afternoon took steps looking towards the restoration of the legal constitution of the Supreme Court⁶⁸ as it stood [Page 343] prior to the illegal changes by Chamorro. Political situation remains

tranquil and it is improving and there has been no change in military situation. Moncada has returned to his army and I expect to hear soon satisfactory report as to their coming disarmament. The only discordant voices are those of the small number of members of revolutionary government who have lost their jobs and who through their well-organized press are seeking to give an entirely false impression that peace effort had failed. May I respectfully suggest that Department should act promptly in strong public presentment of the true situation and should thus take the leadership of American public opinion unless it has already done so. I am refraining from public statement until I receive some word of Department's or President's approval of my action."

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 8, 1927—5 p.m.

[Received, 10:30 p.m.]

129. Following from Stimson:

"On May 5th Moncada and Admiral made written memorandum as to arrangements agreed upon with Eberhardt and myself for disarmament which contained the following provisions:

'General Moncada returns to his army to undertake to disarm his troops and will so disarm all his men insofar as it may be in his power. When ready to turn over arms he will notify Admiral Latimer who will send a commission to take custody of such arms and ammunition. This Moncada will try to do within 8 days.'

Moncada also undertook to keep me informed as to progress he was making with his army. Today I have received a telegram from Moncada which leads me to believe that he has the situation well in hand but will probably require the full 8 days for disarmament. Under same agreement he is to be given by the Nicaraguan Government through us certain supplies, clothing and \$10 for each rifle turned over. Arrangements have been completed for such delivery

when time expires. As Moncada army is isolated by at least 20 miles from Tipitapa River which is being held by Americans with all Government forces on this side of that river the situation seems secure against accidental clashes or bloodshed except such as may arise from marauding bands in other portions of the country. Moncada informed us today he has all his troops with him.

Yesterday and today I had long conferences with Sacasa delegates. While maintaining position that Liberals will not accept office under [Page 344] Diaz and therefore will not join Cabinet Ministers, they have assured me that Liberals will cooperate in Congressional by-elections in certain districts this year and will also accept positions necessary for holding 1928 elections or necessary for future reconstruction of country. Stimson.”

General Sandino to General Moncada 69

[Translation]

El Cacao de Los Chavarias, May 9, 1927.

Esteemed General: I take pleasure in informing you that having arrived at this place I have found myself in a difficult position due to the fact that all of my followers have not joined me, since I have found but a few chiefs, the rest of my troops having gone to Jinotega, the place from whence they came. For this reason I feel that my remaining at this place will avail me nothing, all of my followers having disbanded.

I have decided to go to Jinotega again to assemble my men, in order to collect all the arms. In this case I shall remain there awaiting your orders.

I likewise delegate my rights in order that you may arrange the matter as may suit you best, informing me of the results at Jinotega, which I shall occupy with my troops.

The disbanding of my men is due to their not finding anything to eat and for this reason they have left. However, I assure you that as soon as I arrive they must all come where I am and then I shall collect all the arms.

Your affectionate coreligionist and friend,

A.C. Sandino

Notice Issued by the Commander of the Special Service Squadron (Latimer) 70

The Government of the United States, having accepted the request of the Government of Nicaragua to supervise the election in the latter country in 1928, believes a general disarmament of the country necessary for the proper and successful conduct of such election and has directed me to accept the custody of the arms and ammunition of [Page 345]those willing to place them in my custody, including the arms and ammunition of the forces of the Government, and to disarm forcibly those who do not peaceably deliver their arms.

The Government of Nicaragua has expressed its willingness to deliver the arms under its control and I have directed that such arms of the Government be accepted for custody in the same proportion that arms are delivered by the forces opposing the Government.

The Nicaraguan Government has granted general amnesty to all political and armed opponents. To facilitate the return to peaceful occupations of those who have heretofore opposed it that Government will pay 10 cordobas to each and every individual delivering a serviceable rifle or machine gun to the custody of the United States forces. Amnesty and protection are assured to such individuals by the Nicaraguan Government and by the forces under my command.

To avoid the regrettable and useless shedding of blood all individuals and leaders of groups, now having in their possession or in hiding serviceable rifles, machine guns or ammunition or who know of the location of such munitions

as may be hidden, should immediately deliver them to the custody of the nearest detachment of the American forces. Upon such delivery payment of 10 Cordoba's will be made, in the presence of Commission of United States officers, for each serviceable rifle or machine gun so delivered.

Managua, May 10, 1927.

J. L. Latimer

The Personal Representative of the President of the United States in Nicaragua (Stimson) to General Moncada 71

Tipitapa , May 11, 1927 .

Dear General Moncada: I am glad to learn of the authority that has been placed in you by your army to arrange for a general disarmament. I am also glad to make clear to you and to your army the attitude of the President of the United States as to this matter. In seeking to terminate this war, President Coolidge is actuated only by a desire to benefit the people of Nicaragua and to secure for them a free, fair and impartial election. He believes that only by such free and fair elections can permanent peace be secured for Nicaragua. To insure this in 1928 he has consented to the request that American representatives selected by him shall supervise the election. He has also consented to assign American officers to train and command a non-partisan national constabulary for Nicaragua which will have the duty of securing such a fair election and of [Page 346]preventing any fraud or intimidation of voters. He is willing also to leave in Nicaragua until after the election a sufficient force of marines to support the work of the constabulary and insure peace and freedom at the election.

As further evidence of the good faith of the American Government and of the present Nicaraguan Government in this matter, I am glad to tell you what has already been done. It will answer the questions contained in the letter of your soldiers which you have shown me. General amnesty has already been granted by the President of Nicaragua. I have recommended to President Diaz that the

Supreme Court be reconstituted by the elimination of the illegal judges placed in that court under Sr. Chamorro. President Diaz has already called upon these judges for their resignations and I believe that these resignations will be obtained. I have already advised that the Congress be reconstituted by holding of special elections in these Liberal districts where elections were not held in 1926 under conditions which will insure that the Liberal voters will be amply protected in their rights. I have also recommended that members of Congress illegally expelled by Sr. Chamorro whose terms have not yet expired be reinstated. I have been assured that this will be done.

I have recommended that Liberal Jefes Politicos be appointed in the six Liberal districts of Bluefields, Jinotega, Nueva Segovia, Esteli, Chinandega, and Leon. I have been assured that this will be done.

In short, I have recommended that steps be taken so far as possible to restore the political condition as it existed in Nicaragua before the Chamorro coup d'état and I believe that so far as possible it will be done.

I hope that these steps will assure you and your army of the fairness of the United States Government and its desire to see peace, justice and freedom re-established in Nicaragua without any unfairness or favoritism towards any party but being regardful of the rights of Liberals and Conservatives alike.

Very respectfully yours,

Henry L. Stimson

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 11, 1927—9 p.m.

[Received May 12—1:03 a.m.]

131. Following from Stimson:

“With Minister Eberhardt, Admiral Latimer and General Feland, have had a second conference today with Moncada and one of his generals [Page 347] at Tipitapa. I believe we have concluded satisfactorily the final details for the disarmament of the insurgent army which is expected to be completed in two days after which I am invited to meet personally and address it at Las Banderas on Saturday.”⁷²

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 12, 1927—9 p.m.

[Received May 13—9:40 a.m.]

133. Following from Stimson:

“At 4:30 this afternoon I received the following telegram from Boaco:

‘The military chiefs of the Constitutionalist Army assembled in session today have agreed to accept the terms of the declaration made by General Henry L. Stimson, personal representative of President Coolidge of the United States and consequently have resolved to lay down their arms. They hope that there will be immediately sent to receive these arms sufficient forces to guarantee order, liberty and property.’

Signed by Moncada and 11 generals including all his prominent chiefs except Sandino I am informed that latter agreed to sign but broke his word and with small band of men left Moncada. I believe this marks definitely the end of the insurrection. Trucks with escort of marines left this morning to receive the arms.

Colonel Robert Rhea of Marine Corps was appointed today Chief of the Constabulary and has begun work of organization. After visiting Moncada’s army Saturday⁷³ and arranging as far as possible with Diaz Government the

immediate program of conciliation and reconstruction I hope to sail for home Monday via Key West.”

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 15, 1927—9 p.m.

[Received May 16—11:52 a.m.]

134. Following from Stimson:

“The civil war in Nicaragua is now definitely ended. Nearly all the Government troops and practically the entire insurgent army of Moncada have been disbanded and substantially all of their arms have been turned over to our custody. We have received thus far 6,200 rifles, 272 machine guns and 5,000,000 rounds of ammunition. There has been very little disorder and not a single American shot [Page 348] has been fired against the organized forces of either side. Among the Nicaraguans themselves bloodshed has substantially ceased since our actions of May 4th.

There also seems less danger of banditry and guerilla warfare than I at first feared. Even Cabulla, the guerilla chief of Chinandega, has notified us that he would follow the lead of Moncada and turn over his arms. The troops of both sides after giving up their arms are hastening to their homes so as to be in time for the planting of this year’s crops and the resumption of their peace time occupations. This result has been accomplished by the faith of both sides in our promise to supervise the elections of 1928 and to give both sides a free and fair election. This was well expressed by Moncada in his final conference with me on May 11th when he formally made the following statement:

‘The Liberals cannot believe that the Government of the United States through the personal representative of President Coolidge will give a promise which it will not fulfill. Once again the Liberals place their confidence in the United

States. The leaders of the army will try to convince their men that this promise of fair elections will be fulfilled. The central point which the army wishes to be assured of is that the United States will do its best to give Nicaragua a fair election in 1928.'

I believe that our action meets general approval among the thinking men and women of Nicaragua irrespective of party. Evidence of this is apparent on every side. Almost the only malcontents are the extremely small group of personal associates of Sacasa, who, through their well-organized press bureaus in Mexico, Costa Rica, Guatemala and the United States, have sought to convey an entirely false impression of the situation. The views of these men who have done no fighting for their cause carry little weight in Nicaragua. The fighting men of the insurgent army have taken a truer and more generous view of our action and are preparing to cooperate in the future work. In this work of conciliation and reconstruction the Diaz Government has taken an encouraging lead. Amnesty was declared even before the troops were disarmed and pledges have been given to restore the courts and the Congress to the status existing before the Chamorro coup d'état. There has also been promised the appointment of Liberal local officials in the Liberal provinces. I am bringing with me the formal request of the Government for American supervision at the 1928 election.⁷⁴ I believe that the way is now open for the development of Nicaragua along the lines of peace, order and ultimate self-government."

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 16, 1927—11 a.m.

[Received, 1 p.m.]

135. Mr. and Mrs. Stimson and Dawson left here for Corinto this morning. Will sail this afternoon U. S. S. Trenton for Hampton Roads

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 21, 1927—11 a.m.

[Received, 2:04 p.m.]

139. Sacasa with 26 followers left last night for Puerto Limon on steamship Wawa. They may be expected to be joined by Nicaraguan Liberals there and to combine in efforts to embarrass the Diaz Government.⁷⁵

Repeated to Costa Rica

Eberhardt

By a decree issued at Puerto Cabezas, May 20, 1927, Dr. Sacasa announced the termination of his regime, organized in that neighborhood Dec. 1, 1926 (file No. 817.00/4918).↵

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, May 26, 1927—3 p.m.

[Received, 9:40 p.m.]

141. Admiral Latimer, General Feland and the American forces in Nicaragua deserve highest praise for having effected a wonderful disarmament with minimum of friction or bloodshed. To date American forces have received 11,600 rifles, 303 machine guns and five and a half million cartridges, of which the Liberals turned in over 3,000 rifles, 26 machine guns and one and a half million cartridges.

June 6th will probably be set as the last date upon which payment will be accepted for delivery of arms, after which any person found with them in their possession will be punished by Nicaraguan law.

General Sandino is the only remaining revolutionary leader of consequence who has refused to lay down his arms. He is headed [Page 350] for the Honduran boundary with about 200 followers including 60 Honduraneans. He left San Rafael May 24 for Yali headed probably for Dipilto and Danli.⁷⁶ Besides arms he has several hundred mules.

Repeated to Tegucigalpa

Eberhardt

President Diaz to President Coolidge 78

Managua, May 15, 1927.

Excellency: In order that the elections which under the constitution of Nicaragua are to be held in October, 1928, for the purpose of electing a President of the Republic and members of its National Congress shall be free, fair, and impartial and not open to fraud or intimidation practiced by any of the parties contending at such election upon each other, the Government of Nicaragua requests the President of the United States to lend to it its assistance and good offices in insuring such an election. To this end, the Government of Nicaragua requests the friendly assistance of the President of the United States in preparing a proper election law in Nicaragua, in securing supervision by impartial Americans over the actual conduct of the elections, in securing American assistance to train and direct an impartial and non-partisan force of constabulary to secure law and order and prevent intimidation of voters and to in other ways secure American assistance in tranquillizing the sorely disturbed condition of the country so that such election can be fairly held.

I have the honor to submit a memorandum showing the steps which my Government suggests may be desirable or appropriate to be taken in order that the President of the United States may be able adequately to perform this great service to the Republic of Nicaragua, should he be willing to do so. The

Government of Nicaragua will gladly consider the taking of any other steps on its part which may be suggested by the President of the United States as essential or desirable for the accomplishment of that purpose.

Believe me [etc.]

Adolfo Diaz

[Page 351]

[Enclosure]

Memorandum as to Suggested Steps To Be Taken Looking Towards the Holding of a Free, Fair, and Impartial Election in Nicaragua in October 1928, With the Assistance of the President of the United States and Under the Supervision of American Officials Suggested by Him

Enactment of an Adequate Election Law

(1).

The President of the United States may select an expert in matters of election law to advise him as well as the Nicaraguan Congress as to a proper electoral law to be enacted by said Congress in order to provide the means and method by which the assistance of impartial American advice and supervision can be rendered for holding Nicaraguan elections. The salary and expenses of this expert shall be borne by the Nicaraguan Government.

(2).

While reserving to the President of the United States, through this expert or otherwise, to suggest modifications and changes in the electoral plan to be prescribed by this law, the following outline of the electoral system is suggested as appropriate:—

(A).

Under the electoral law there shall be created a National Electoral Commission which shall have full and general power to supervise the election and to

prescribe regulations having the force of law for the registration of voters, the casting of their ballots, and all other matters pertaining to the election that are not covered by the electoral law. Among other powers, the National Electoral Commission shall have the exclusive right to canvass the number of votes cast at the election and to determine all questions and contests as to the regularity and legality of such votes, and their determination as to the number and legality of the votes cast shall be final and shall be reported directly to Congress for its certification and declaration of the result of the election.

(B).

This Commission shall consist of three members to be suggested by the President of the United States, one such member being a Conservative, one a Liberal, recommended by the respective party organizations to which they belong, and the third, the Chairman, being an American. A majority of the Commission shall be (sufficient) to constitute a quorum and to take action on any matter but no such action or resolution of the Commission shall be valid or effective unless concurred in by the American Chairman.

(C).

There shall be in each Department a Departmental Election Commission composed of three members, one Conservative, one Liberal, and the Chairman, the latter being an American. These members shall [Page 352]be appointed by the National Electoral Commission, the Liberal and Conservative members being appointed after consultation with the local organizations of the respective parties.

(D).

In each polling place, there shall be a Local Election Board composed of three members, one Conservative, one Liberal, and the Chairman, the latter being an American. These members shall be appointed by the National Electoral Commission, the Liberal and Conservative members being appointed after consultation with the local organizations of the respective parties.

(E).

In the Departmental Commissions and Local Boards, a majority of the members shall be sufficient to constitute a quorum and to take action by resolution or otherwise but no such action or resolution shall be valid or effective unless concurred in by the American Chairman.

II

Preservation of Law and Order for the Purpose of the Conduct of the Election

(1).

The National Army shall be disbanded and mustered out of service contemporaneously with the disbandment of the opposing forces and the function of preserving law and order throughout the country shall be assumed by a National Constabulary to be organized under the instruction and, so far as possible, the direction and command of American officers now in active service and detailed to this duty by the President of the United States.⁷⁹

(2).

The National Electoral Commission, through its Chairman, shall have the right to command the services of the National Constabulary and to issue orders thereto for the purpose of preventing intimidation and fraud in the election and of preserving law and order during the various acts of registration and voting. It shall also have the right by regulation to prescribe the method under which the Departmental Election Commissions and the Local Election Boards shall each have the right to command the services of members of the National Constabulary located within their jurisdiction for the similar purpose of preventing intimidation and fraud and preserving law and order for the election.

(3).

In view of the disturbed condition of the country after the recent civil war and of the fact that a very considerable time will be required for the organization,

instruction, and discipline of the National Constabulary, the Government of Nicaragua requests that the President of the United States will permit a sufficient force of American marines to remain in the country pending the organization and instruction of the Constabulary and during the election to reinforce the [Page 353]work of the Constabulary in securing an absolutely impartial election between both parties.

Adolfo Diaz

This letter was brought to the United States by Col. Henry L. Stimson, personal representative of President Coolidge in Nicaragua, and was received in the Division of Latin American Affairs, June 4, 1927.↵

The Secretary of State to the Minister in Nicaragua (Eberhardt)

Washington, June 11, 1927.

No. 234

Sir: The Department transmits herewith a letter from the President of the United States to the President of Nicaragua which you will deliver personally to the latter. A copy of this letter and a copy of President Diaz' communication⁸⁰ to which it replies are enclosed for your information and the files of the Legation.

The Department desires you to consult with President Diaz with regard to the manner in which the aid of the United States may be best rendered for the supervision of the elections and the maintenance of peace and order in

Nicaragua until that time, and report in full to the Department, together with your personal recommendations

I am [etc.]

Frank B. Kellogg

[Enclosure]

President Coolidge to President Diaz

Washington, June 10, 1927.

Excellency: I have received Your Excellency's letter dated May 15, 1927, requesting the friendly assistance of the President of the United States in preparing a proper election law in Nicaragua, in securing supervision by impartial Americans of the actual conduct of the elections, in securing American assistance to train and direct an impartial and non-partisan force of constabulary to secure law and order and prevent intimidation of voters, and in other ways to secure American assistance in tranquillizing the sorely disturbed condition of the country so that elections can be fairly held. Your Excellency submitted with this letter a memorandum showing the steps which your Government suggests may be desirable or appropriate to be taken in order that the President of the United States may be able adequately to perform this great service to the Republic of Nicaragua. Your Excellency adds that the Government of Nicaragua will gladly consider the taking of any other steps on its part which may be suggested by the President of the United States as essential or desirable for the accomplishment of that purpose.

In reply I am pleased to inform Your Excellency that I shall welcome the opportunity to assist the Government of Nicaragua to hold free and fair elections at the time appointed by the Constitution. I have been much gratified at the recent settlement of the difficulties [Page 354]in Nicaragua brought about through the good offices of my personal representative, Colonel Stimson, and the wisdom and patriotism shown by the Nicaraguan Government and the Nicaraguan people of all factions. It is my earnest desire that the peace which has now been arranged may be a permanent one, and to this end it is my desire to be of all possible assistance in the future. I am instructing the American Minister at Managua to discuss with Your Excellency the manner in which the aid and assistance of the United States can be best extended both for supervising the elections in Nicaragua and for maintaining order in the country until that time. Mr. Eberhardt has my entire confidence

and will, I know, welcome this opportunity to be of service to the Nicaraguan people.

Accept [etc.]

Calvin Coolidge

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, July 7, 1927.

[Received, August 9.]

No. 437

Sir: I have the honor to transcribe herewith for the information of the Department, the Decree No. 49 of President Diaz calling elections in the Departments and Districts where no such elections were held in 1926 on account of revolution:

(From La Gaceta, Diario Oficial, Managua, June 18, 1927)

A translation of this Decree follows:

No. 49

The President of the Republic in the use of his powers and in accord with Article 81 of the Constitution,

Decrees:

Article 1st: Call elections of Senators and Deputies in those departments and districts where on account of war such elections were not held or remain incomplete.

Article 2nd: This Decree also affects the districts and cantons of the Atlantic Coast where there was no voting because those places were occupied by the rebel forces.

Article 3rd: Sunday, the Fourth of September of the current year, is set for the day to carry into effect this voting.

Article 4th: This Decree will commence to be in force from the date of its insertion in the Gazette, and in the Departments of Leon, Chinandega, Estelí and Bluefields from its proclamation by Band in the capitals of such departments.

Make public. Presidency Managua, June 17, 1927. Adolfo Diaz. Minister of the Interior, Ricardo Lopez C

I have [etc.]

Charles C. Eberhardt

The Secretary of State to the Minister in Nicaragua (Eberhardt)

Washington, August 2, 1927—8 p.m.

118. Your 186, August 1, 3 p.m.⁸¹ the following statement was made public at the Executive Offices at Rapid City on July 2nd:

“In order to carry out the promise made to the Nicaraguan Government and to the Liberal Party in Nicaragua that the United States would supervise the Nicaraguan Presidential elections in 1928, to insure that all Nicaraguans may freely express their preference at the polls, it will be necessary to establish a commission to supervise the elections. It has been agreed that the Chairman of this Commission should be an American nominated by the President of the United States and appointed by the President of Nicaragua. The President will nominate for this position General Frank R. McCoy.

It will be necessary for General McCoy to visit Nicaragua before the Presidential elections in order to study conditions and to make recommendations, and he will probably leave for Nicaragua in August as the President’s representative for this preliminary work.”

You may inform President Diaz of the above, and also say that General McCoy sails August 10th and will arrive at Corinto about August 22, the exact day being communicated to you later. You will request for him the usual courtesies of the port and arrange for him to have an interview with President Diaz immediately upon his arrival in Managua. General McCoy is anxious to observe the elections of September 4 in order to familiarize himself with the manner in which elections are conducted in Nicaragua. Please see that the necessary facilities are accorded to him. Munro⁸² accompanies McCoy who is also bringing his aide and a private secretary.

Kellogg

The Secretary of State to the Personal Representative of the President of the United States in Nicaragua (McCoy)

Washington, August 9, 1927.

My Dear General McCoy: I take pleasure in transmitting herewith your commission as the Personal Representative of the President of the United States in Nicaragua, with the rank of Envoy Extraordinary and Minister Plenipotentiary. In handing you this commission I am authorized by the President to inform you that your mission in Nicaragua will be to carry out the promise made to the Nicaraguan Government and to the Liberal party in Nicaragua by Colonel Henry L. Stimson, [Page 356]acting as the Personal Representative of the President, that the United States would supervise the Nicaraguan presidential elections in 1928. It is the intention of the President to nominate you as the Chairman of a Commission to be established to supervise these elections, your appointment to be made by the President of Nicaragua.

It is also the President's desire that you should during your entire stay in Nicaragua study conditions, both political and military, and make recommendations to the President and to me, and do everything possible to assist the Nicaraguan Government in electoral and military matters.

I am [etc.]

Frank B. Kellogg

President Diaz to the American Minister (Eberhardt)83

[Translation84]

Managua, August 18, 1927.

Mr. Minister: I have read with satisfaction the letter of the President of the United States, Calvin Coolidge, which was delivered to me by Your Excellency a few days ago in reply to the one which I addressed to him about matters of great interest to Nicaragua.⁸⁵ I wish to refer to that part of this important document where President Coolidge tells me to make to you any pertinent suggestions regarding the best way of supervising the election of high officials which shall take place in this Republic in October 1928, and which forms an essential part of the plan adopted for the pacification and political reconstruction of Nicaragua.

Since General McCoy, the expert selected by President Coolidge to plan, direct and carry out the work of supervision, will arrive shortly it seems to me advisable to defer until he has formed his impressions in the country the discussion of the most important points and the outlining of plans to be followed to obtain greater efficiency in the work and to satisfy better the two political parties directly interested.

For the present I wish especially to call your attention to the desirability of effecting all necessary acts and measures in order that upon this act of supervision, that is, upon a free and fair election, there may be built up tomorrow on a permanent basis the general policy of the Government which formerly produced such happy results for Nicaragua when it was carried out with the friendly cooperation of [Page 357]the Government of the United States; that is to say, matters must be arranged in such a manner that whatever the result of the election may be, the man or party that wins must

be bound by solemn pledges to follow a social and economic policy along the lines indicated by this cooperation of the Government of the United States which is regarded as a guarantee for the future of the people of Nicaragua. Without this, this very act, so helpful to the development of democracy, might endanger the maintenance of peace, because the new Government, with an inclination to destroy what has been done up to now and to separate itself from the influence of the United States, might seek the cooperation of other foreign elements which would be a menace for the future and a source of uneasiness.

With this accomplished, it is easy to discover ways by which General McCoy may obtain complete success in his work of supervision with which President Coolidge has entrusted him, and I assure you that from now on he will have at all times the willing and determined cooperation of the Government over which I preside.

Among those measures designated to maintain the system of cooperation which has been adopted in agreement with the American Government, is the continuance of the Guardia Nacional in the form in which it is now functioning under the direction and command of American officers under the supreme command of a high officer of the American Army, Gen. Elias E. Beadle. This guardia in time will become a disciplined and intelligent body, adapted to all military duties and supporting the Constitution and the national institutions; but until it reaches a state of complete efficiency the peace of the Republic must be assured against any subversive attempts or other resistance. In my opinion, this should be attained by leaving a small body of American marines during the next Presidential term as a Legation guard as was done formerly. The happy results which we might obtain by the presence in the Capital of a small body of marines are indicated by the results already obtained in the 13 years of peace which Nicaragua enjoyed and which arose from the respect derived by the constitutional governments from the indirect assistance of this body of marines.

We have also seen how upon the withdrawal of these marines peace came to an end and the Republic was thrown into a state of terrible agitation and became involved in one of our most bloody and destructive civil wars.

I have set forth briefly these suggestions regarding the three points which I consider essential for the strengthening of the peace and a political regeneration, because I know that Your Excellency with your knowledge of the country, of its men, of its resources and of its difficulties, will be able to understand the question clearly and to explain [Page 358]it in a more detailed manner to President Coolidge and to the Department of State when you undertake your projected journey.

I extend my thanks at this time to Your Excellency for your efforts along the lines indicated, and I avail myself [etc.]

Adolfo Diaz

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, August 20, 1927—9 a.m.

[Received, 1:50 p.m.]

205. Most Conservatives, including Chamorro followers, are urging Diaz to advise Chamorro⁸⁶ by cable to renounce publicly any intention to be Presidential candidate 1928 and to declare publicly that he will return and actively support any regularly nominated candidate. They do not ask that the Department openly commit itself, but believe Chamorro will comply if Diaz may add in the communication that both the Department of State and this Legation have knowledge of the message. Does the Department perceive any objection to such cable?

Eberhardt

The Secretary of State to the Minister in Nicaragua (Eberhardt)

Washington, August 22, 1927—noon

127. Diaz may state to Chamorro that he has notified the Department of State and the Legation of his message as you suggest in your 205, August 20, 9 a.m. In my opinion, he is not eligible under Article 104 of the Constitution of Nicaragua⁸⁷ because he was de facto president and held the office during a part of the term preceding the next election. Unless the Constitution means this, it would have little effect because if one could hold the office during a part of the term, then resign and become a candidate, it would entirely nullify the intent of this provision. We refused to recognize him because he obtained the office in violation of the treaty. I think as a last resort I should be willing to notify Chamorro that the Department does not consider him eligible under the Constitution and, therefore, could not recognize him as president, should he be elected. For the present, however, it is probably sufficient for you to authorize Diaz to make the statement he requested.

Kellogg

Translation of article 104 of the Nicaraguan Constitution reads: “No citizen who holds the office of President, either as the duly elected incumbent or accidentally, shall be eligible to the office of President or Vice President for the next term.” — Foreign Relations, 1912, pp. 997, 1005.↵

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, August 24, 1927—6 p.m.

[Received, 10 p.m.]

209. McCoy and party arrived today; Munro is expected to arrive 27th.

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, August 29, 1927—2 p.m.

[Received, 8:40 p.m.]

215. Arrangements have been made for marines to be present solely as observers and if necessary to back up the local police in maintaining order in the departments where elections will be held next Sunday.⁸⁸ As previously agreed the Conservatives will not contest the elections in Leon, Chinandega and Esteli. There will be a contest in Bluefields. At the request of Moncada and with the consent of the President, marines will be sent to the important points in that department where they are not already stationed to remain only over Election Day.

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, August 31, 1927—3 p.m.

[Received, 8 p.m.]

220. Cable referred to in my 205, August 20, 9 a.m., and Department's 127, August 22, noon, was sent by Diaz on the 29th, supported by a cable signed by most of the prominent Conservatives of Granada who also joined in a letter to Chamorro explaining in detail their attitude. Copies and translations follow in next mail.⁸⁹

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, September 1, 1927—4 p.m.

[Received September 2—12:17 a.m.]

222. President Diaz has just shown me a curt telegram of resignation from Chamorro, presumably called forth by the telegrams referred [Page 360]to in my telegram of August 31, 3 p.m. It is not known how this will affect Chamorro's declared intention of leaving Europe for Nicaragua via the United States about September 14th.

Diaz has replied requesting explanation of the ex-President's reasons for resignation.

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, September 2, 1927.

[Received September 19]

No. 467

Sir: I have the honor to transmit herewith, for the Department's information, a copy of a note which I addressed to the Foreign Office on August 25, 1927, informing the Nicaraguan Government of the nomination of General McCoy to be Chairman of the Commission to supervise the elections of 1928, and that General McCoy had come to Nicaragua as the personal representative of the President of the United States with the rank of Envoy Extraordinary and Minister Plenipotentiary; and also a copy and translation of the reply received from the Minister for Foreign Affairs under date of August 26, 1927. It will be noted that Dr. Cuadra Pasos states that President Diaz has instructed him to say that the President accepts with pleasure the suggestion of the President of the United States, that General McCoy will be duly appointed as chairman of the commission to supervise the elections, and that the Government will endeavor to give him every assistance in carrying out his mission.

I have [etc.]

Charles C. Eberhardt

[Enclosure 1]

The American Minister (Eberhardt) to the Nicaraguan Minister for Foreign Affairs (Cuadra Pasos)

Managua, August 25, 1927.

No. 130

Excellency: I have the honor to advise Your Excellency that acting upon the request of Your Excellency's Government,⁹⁰ His Excellency, Calvin Coolidge, President of the United States of America, has nominated as Chairman of the Commission to be formed to supervise the elections of 1928, Brigadier General Frank Ross McCoy, United States Army. It is understood that at an opportune date, acting upon this nomination by the President of the United States of America, the appointment of General McCoy to this position will be made by His Excellency, the President of Nicaragua.

[Page 361]

General McCoy has come to Nicaragua as the personal representative of the President of the United States of America in Nicaragua with the rank of Envoy Extraordinary and Minister Plenipotentiary, authorized and empowered to execute and fulfill the duties of this commission with all the powers and privileges thereunto of right appertaining.

General McCoy will rank with and immediately after His Excellency, Charles C. Eberhardt, and the regularly accredited Minister of the United States of America in Nicaragua.

Be pleased [etc.]

Charles C. Eberhardt

[Enclosure 2—Translation⁹¹]

The Nicaraguan Minister for Foreign Affairs (Cuadra Pasos) to the American Minister (Eberhardt)

Managua, August 26, 1927.

No. 435

Excellency: I have the honor to acknowledge the receipt of Your Excellency's note in which you state that in accordance with my Government's previous request, His Excellency Calvin Coolidge, President of the United States of America, has nominated Brigadier General Frank Ross McCoy, United States Army, as Chairman of the Commission to be formed to supervise the elections of 1928, in order that at an opportune date he may be appointed to this position by the President of Nicaragua.

Your Excellency also states that General McCoy has come to Nicaragua as the personal representative of the President of the United States with the rank of Envoy Extraordinary and Minister Plenipotentiary.

I have informed President Adolfo Diaz of the contents of your note and in reply he has instructed me to tell you that he accepts the wise selection of the President of the United States with the greatest pleasure, and that he will proceed to carry out all the necessary formalities respecting the appointment of General McCoy as Chairman of the Commission to supervise the general elections of 1928, thereby placing at the disposition of General McCoy all the means necessary toward an efficient supervision of the election which the country so eagerly awaits.

This Chancery has taken due note of the wishes of Your Excellency's Government that General McCoy be ranked as Envoy Extraordinary and Minister Plenipotentiary and to this end my Government will extend to General McCoy all the privileges and immunities to which, according to international practice and the laws of Nicaragua, such officials are entitled.

[Page 362]

From this moment my Government will consider Brigadier General Frank Ross McCoy as second in rank to Your Excellency in Nicaragua.

On my part, I wish success and a satisfactory visit to General McCoy in my country, and I am grateful for the opportunity to express once more to Your Excellency my highest consideration.

Carlos Cuadra Pasos

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, September 8, 1927—9 a.m.

[Received September 9—1:10 a.m.]

230. Department's September 7, noon.⁹² Full reports regarding elections are not yet available. Two Senators and two Deputies were elected in the Department of Leon, two Deputies in the Department of Chinandega and one Senator and one Deputy in the Department of Esteli. In each of the above cases the Liberals won, as practically no Conservatives voted. There were no real complaints in these departments although the Conservatives pretended in some instances that they were not voting because they feared mistreatment. The [voting] was somewhat delayed in several places by the failure of Conservative members of the electoral boards to report for duty. The marines maintained order.

In Rama, in the Department of Bluefields, one Deputy was elected. The Conservatives claim to have won. The American consul at Bluefields reports that the Liberals accuse the Conservatives of unfair tactics in designating polling places and distributing ballots and the marine's report that the

Liberals protested in two precincts. No details have been received here by the Central Electoral Board.

Eberhardt

The Minister in Nicaragua (Eberhardt) to the Secretary of State

Managua, September 11, 1927—4 p.m.

[Received, 9 p.m.]

238. My September 1, 4 p.m. Chamorro's resignation as Minister to France has not been accepted.

Eberhardt

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 4, 1927—3 p.m.

[Received October 5—12:07 p.m.]

261. Moncada sailed for the United States yesterday on the steamer Colombia due at New York about October 17th.

At present Moncada apparently enjoys the enthusiastic support of the great majority of the Liberal Party which seems for the time being to have discarded its old leaders and to have adopted a new point of view and especially a friendlier attitude toward the United States.

Munro

The Chargé in Nicaragua (Munro) to the Secretary of State Managua , October 12, 1927—9 a.m.

[Received, 2:55 p.m.]

277. Elections were not held on September 4th in many precincts where they should have been held. In the Department of Esteli where many districts were still disturbed by bandit operations, the precincts where no votes were cast are so numerous that the Congress will apparently be justified in rejecting the

Liberal Senators and Deputies unless supplementary elections are held. On the east coast there was apparently no effort to hold an election for a Deputy from the District of Prinzapolca. A Senator for the Department of Bluefields should also have been elected as the senatorial election last year was held only in the city of Bluefields and not in the rest of the Department.

At the request of the Liberals therefore I have pointed out to the President the necessity for holding supplementary elections at the earliest possible date in order that there may be a full representation especially from the Liberal departments in the next Congress. He has promised to call such elections after consultation with the National Electoral Board.

There was also no voting in a few cantons in the Departments of Leon and Chinandega but I do not think that it will be necessary to complete the elections there if the administration can give assurances that there will be no question of the legality of the elections already held.

Munro

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 18, 1927—11 a.m.

[Received, 5:24 p.m.]

282. Municipal elections will be held throughout Nicaragua on November 6th and there will be close contests in several places including especially Managua. The marines will assist the local [Page 365] police in maintaining order in the towns where they are stationed and particularly in certain places where the Liberals have informed me that they expect trouble.

At the request of the Liberals I have arranged with the President to suspend for a week before and a week after the elections the operation of laws requiring citizens to carry cards showing the payment of road taxes, anti-

grasshopper taxes, et cetera, in order to prevent the police from molesting Liberal voters by demanding such cards.

At the request of the marines another decree has been issued prohibiting political demonstrations in the Managua streets on Sundays when there is special danger of drunken riots. I discussed this matter fully with Doctor Morales, Moncada's representative, and obtained his consent before the decree was issued.

Munro

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 18, 1927—12 noon.

[Received, 7:45 p.m.]

283. Moncada will probably take up with the Department the necessity for taking away from the Government the control of the police, of the internal revenues and of the communications system in order to guarantee electoral freedom. The Legation has already made recommendations regarding the first two points⁹³ With respect to the third; I consider it highly desirable that at least the telegraph should be in neutral hands for some months before the elections. Experience has shown that the Government can do much to embarrass its opponents and interfere with their propaganda by withholding delivery or altering the text of telegraph messages.

I have, therefore, suggested to Colonel Beadle that he investigate the practicability of the guardian's assuming control of the telegraph as a matter of military necessity in view of the inconvenience now caused to the marines and the guardia by bad service. Would such an arrangement meet with the approval of the Department if it could be affected?

Munro

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 19, 1927—10 a.m.

[Received, 5:32 p.m.]

285. My October 12, 9 a.m. A decree was issued yesterday ordering supplementary elections on December 18th in those precincts [Page 366] in the Departments of Leon, Esteli, and Bluefields where no voting occurred on September 4th.

While I could find nothing definite in the electoral law requiring 60 days' notice, the President and his advisers said that the law always had been so interpreted and that Congress might take occasion to declare the new elections invalid if furnished with any excuse to do so. As Doctor Morales, Moncada's representative, concurred in this opinion when I originally discussed the matter with him I consented to the calling of the elections for December 18th, the first possible Sunday, although this will mean that the Senators and Deputies then elected will not be able to take their seats until a few days after Congress meets. Yesterday after the decree had been drafted and was about to be issued Doctor Aguado, the Liberal member of the National Board of Elections, questioned the necessity for 60 days' notice. I felt it inadvisable to recommend a change in the date because I considered it important not to give the Conservative majority in Congress, over whom Diaz may not have very much control, any excuse for excluding the Liberal members. If the Liberals had not delayed more than a month in furnishing me the information needed for taking up this matter the elections could have been held before the opening of Congress.

Some question existed regarding the necessity for holding supplementary elections in certain precincts of Leon. Both the President and Doctor Aguado felt it advisable to include these and I therefore raised no objection although this may mean that the two Senators from the department will not be able to take their seats until after the election has been held. Doctor Morales, I believe, felt that new elections should not be held in this department but I was

unable to get in touch with him yesterday when a final decision had to be reached.

Munro

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 21, 1927—3 p.m.

[Received, 6:05p.m.]

287. After the publication of the decree referred to in my telegram of October 19, 10 a.m., the Liberals brought me data which they had not hitherto presented showing clearly that it has not been the practice to give 60 days' notice before holding elections. I therefore discussed the matter again with the President and he has promised to issue a new decree calling the supplementary elections for November 20th, which will permit the Liberal Senators and Deputies to be present at the opening of Congress.

Munro

Memorandum by the Assistant Secretary of State (White)

[Washington,] October 22, 1927.

General Chamorro called on me to-day and stated that he would like to know how the Department felt towards him since the happenings of October 25, 1925. He said that he had always been very friendly to the United States and was sorry if the Department had changed its feeling in any way toward him on account of what had taken place in Nicaragua. He stated that had he been told definitely at the outset that he would not be recognized, he would not have assumed the presidency. When he and General Estrada were taking the Loma, General Estrada had said to him that as soon as the Loma was taken, he should immediately return to his house and remain there quietly, but that he, General

Chamorro, had replied that he did not care about the presidency, but merely wanted to be sure that everything went off peacefully and without causing trouble and uprisings in Nicaragua. He felt sure that as soon as it was known that he was in charge of the Loma, there would be no uprisings throughout the country. After the seizure of the Loma, he had seen Mr. Eberhardt very little, and he complained that he had not been definitely told that he would not be recognized, or he would not have taken the final steps.

I told General Chamorro that I understood that he had been so informed, and then read him cable No. 150 of October 25, 3 P.M. from Mr. Eberhardt, 94 in which he had reported the seizure of the Loma and had added that he had been in communication with General Chamorro and advised him that the Legation had no other course to pursue than to support the Constitutional Government, and that any government assuming power by force would not be recognized by the Government of the United States. I added that the Department had immediately replied, approving Mr. Eberhardt's action. Chamorro also stated that later on in December Mr. Eberhardt had read him a telegram from the Department, but this did not seem to state categorically that he would not be recognized, so I read to him the Department's No. 114 of December 9, 7 P.M.⁹⁵ and told him that I thought it could not have been stated more clearly. I added that this was all past history now, however, and we were now concerned with the rehabilitation of the country and the mending of damage that had been done. General Chamorro stated that he would like the Department in some way to indicate that it was not unfriendly to him, and as he put it "restore his civil rights". He added that he wanted to return to Nicaragua and that he would not launch his candidacy when he got down there as he did not think any candidacy should be proclaimed until the Conservative [Page 368] Party Convention meets next May. There are several candidates for the nomination and should any candidacy be launched now it would divide the party, and he thought it better to wait, but he said that he would guarantee to confer with our Minister or Chargé in Managua next May regarding the Party's

candidate, and he would undertake that only one acceptable to this Government would be nominated.

I told General Chamorro that this was not what we wanted. It is not the Department's policy, I said, to pick out candidates for President in a foreign country. That is an internal matter for the members of the party to determine for themselves, and whoever they may select who is not debarred by the Constitution or the Treaty of February 7, 1923, 96 is, of course, acceptable to the Department. Each party must pick out its own candidate, and the Nicaraguan people must pick out from them their own President. The only thing the Department is called upon to say is whether it can recognize as Constitutional President a given individual. Anybody who can be elected in accordance with the Constitution and not in violation of Article II of the General Treaty of Peace and Amity would, of course, be recognized by the Department. I told General Chamorro that unfortunately in his case we could not give him recognition as President any time during the term beginning January 1, 1929, and then I handed him the following statement:—

“On January 1, 1929, the Government of the United States will be confronted by the necessity of deciding whether it can consistently recognize the incoming administration in Nicaragua as the constitutional government of that country. While the United States is not supporting or opposing any political candidate it is most desirous that there should be no question at that time as to the eligibility under the constitution of the person who may have prevailed at the presidential elections, since it wishes to extend the fullest and most sympathetic cooperation to the new government.

“In these circumstances and in view of the reports that General Chamorro contemplates becoming a candidate for the presidency of Nicaragua in the 1928 elections, the Government of the United States has no choice but to point

out that it regards General Chamorro as ineligible under the provisions of the Nicaraguan constitution to the office of President of Nicaragua during any part of the term commencing January 1, 1929.

“Article 104 of the Nicaraguan constitution provides that

‘No citizen who holds the office of President, either as the duly elected incumbent or accidentally, shall be eligible to the office of President or Vice President for the next term.’

General Chamorro unquestionably held the office of President de facto from January 17 to October 30, 1926, thus bringing himself within the prohibition of Article 104 of the Constitution and Article [Page 369]II of the General Treaty of Peace and Amity of February 7, 1923, thus making it impossible for the Government of the United States to regard him as eligible to the office of President of Nicaragua for the term beginning January 1, 1929, or to recognize him as the Constitutional President of Nicaragua if he should claim or attempt to occupy the office during any part of said term.”

General Chamorro read over the statement and said that he would like to come in later to confer with me and perhaps see the Secretary. I told him that I would, of course, be glad to receive him any time he cared to come in.

Francis White

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 24, 1927—3 p.m.

[Received, 9:20 p.m.]

289. Under the existing electoral law the Supreme Court must elect the president of the National Electoral Board before December 1st. The Minister of Foreign Affairs has inquired informally whether they would prefer that the Supreme Court elect General McCoy now or that another person should be elected who would later give place to General McCoy. In either case the appointment would presumably become ineffective when the law is amended as it is understood that General McCoy will receive his final appointment from the President of Nicaragua. The Minister for Foreign Affairs thinks that other steps which the law requires to be taken before the time when Congress will have been able to amend the law can be neglected for the present by mutual consent, but he does not think that it would be proper to ask the Supreme Court to disobey or to disregard a law even when it knows that the law is to be changed. If the Supreme Court takes action he and I both feel that it would be better for it to elect General McCoy to prevent any misunderstanding. Please instruct.

Munro

The Secretary of State to the Chargé in Nicaragua (Munro)

Washington, October 27, 1927—1 p.m.

163. In answer to inquiries by press correspondents the Secretary on October 26 made the following statement:

“As I have said before, the United States is not going to select any candidate for President of Nicaragua either Conservative or Liberal. Neither is the United States going to back or use its influence [Page 370] for the election of any particular person. The United States is going to do its best to see that there is

a fair, open and free election where everybody who is entitled to vote has an opportunity to do so. This has been made perfectly plain. Of course following the Constitution of Nicaragua and the Treaty⁹⁷ the United States cannot recognize anybody who is not qualified under the Constitution to hold the office.”

General Moncada was presented to the Secretary this morning by Nicaraguan Minister. The Secretary repeated this statement to him.

Kellogg

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, October 28, 1927—2 p.m.

[Received, 7:45 p.m.]

301. President Diaz has asked the information, if possible by December 1st, regarding the chief points in the new electoral law to be proposed by General McCoy in order that he may discuss the matter in his message at the opening of Congress.

Munro

The Acting Secretary of State to the Chargé in Nicaragua (Munro)

Washington, October 29, 1927—6 p.m.

174. Your 283, October 18, 12 noon. Department perceives no objection to the guardia assuming control of the telegraph for a reasonable time prior to and during elections, provided this is done under instructions from the President and is not objected to by the Liberals. Cable date you think control should be assumed.

Olds

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, November 2, 1927—2 p.m.

[Received 9:10p.m.]

314. Moncada's representatives state that they consider a new census necessary for the proper conduct of next year's elections. They assert that the preparations for distribution of Deputies in Congress, is inequitable and that the distribution has not even been revised in accordance with the last census which was taken in 1920. They request therefore that the Congress at its approaching session should be asked to enact a law authorizing a census and instructing the Executive to establish new congressional districts on the basis thereof. If the holding of a new census proves impracticable they ask that the congressional districts be at least revised in accordance with the census of 1920.

While I have been very reluctant to take up this matter because of the expense and difficulty of the undertaking I have little doubt that the Liberals' objections to the present apportionment are well founded and that a new census would be of great value in connection with the election. The marines and the guardia could help conduct one in the districts where they are stationed and it might be possible to utilize any Americans who may be employed in connection with the supervision of the elections. I have therefore promised the Liberals to place the matter before the Department for its consideration and to recommend [Page 372] that General McCoy and Dr. Dodds⁹⁸ be consulted. The latter I believe has already looked into the matter of reapportionment somewhat.

Munro

The Nicaraguan Minister (César) to the Secretary of State

[Translation⁹⁹]

Washington, November 8, 1927.

Excellency: I have the honor to enclose with this note a press report which appeared in the New York Times of October 26, 1927,¹ concerning which I take the liberty to invite Your Excellency's attention.

Although I am certain that Your Excellency's Government in no wise authorized those reports or assumed any responsibility for them, I trust that Your Excellency will appreciate the deep concern with which my Government has viewed the appearance in the serious press of the United States of communications emanating from Washington which might be interpreted as the official expression of the attitude of the American Government and which would indicate a tendency to favor one of the political parties in Nicaragua against the other. Your Excellency can easily realize that the voters of Nicaragua are more likely to be impressed by information in the responsible press of the United States regarding the attitude of Your Excellency's Government than by any information they could receive from other sources.

I should deeply regret to increase by petty criticisms the difficulty of the task, already difficult enough, which Your Excellency's Government consented to assume when it promised the people of Nicaragua free elections in 1925 [1928].² However, I should fail in my duty if I did not make known to the American Government the significance and possible effects of certain manifestations of sympathy which the press of this country has ascribed to certain prominent Americans in favor of the probable Liberal candidate, General Moncada.

A gesture, which perhaps was nothing but a message of greeting or friendship from one high political American person to one of my fellow-countrymen might perhaps have an influence in the elections in favor of one party and

against the other. Sometime ago Colonel Stimson thought it opportune to send a telegram to General Moncada, which perhaps was nothing more than an expression of cordial sympathy, but which was worded in such a way that it did not fail to create in Nicaragua the impression that the Government of the United States favors General Moncada as a candidate.

On several occasions high officers of the American Navy in Nicaragua have praised General Moncada in public speeches. Such manifestations of sympathy might perhaps have been appropriate in any situation other than the present one, in view of the character of supervisor [Page 374]of the elections which Your Excellency's enlightened Government has agreed to assume. In the present situation in Nicaragua there is no doubt that the slightest evidence of cordiality beyond the point of mere forms of courtesy would be able to create among the people of Nicaragua the impression that the American official who is uttering the praise, in a manner, expresses the sentiment of his Government.

Your Excellency is well aware of the political meaning attached in the United States to the manifestations of sympathy expressed by the Chief Magistrate of the Nation in favor of a candidate, and the phrase "official candidate" is well understood.

I am convinced that Your Excellency is fully aware of the demands of perfect neutrality in supervising the elections, demands which will perhaps suggest the advisability of dispelling the erroneous impression that there may be in Nicaragua an official candidate for the forthcoming elections.

I beg to repeat that I have fully understood that Your Excellency's Government is in no wise responsible for the manifestations of personal sympathy that Colonel Stimson or several other high American officials may have seen fit to

express to General Moncada, but nevertheless it is evident that a person who has represented the American Government at such a recent date on a high official mission in Nicaragua must be considered there, in all that relates to the politics of Nicaragua, as the spokesman of the Government of the United States.

I indulge the hope that Your Excellency will regard with leniency my earnestness, which may appear to be excessive, realizing the importance, in the acute crisis through which my country is now passing, of appearing “neutral in words as well as in deeds”,³ according to the eloquent phrase of your illustrious President Wilson.⁴

Accept [etc.]

Alejandro César

The Chargé in Nicaragua (Munro) to the Secretary of State

Managua, November 9, 1927—noon.

[Received 5:20 p.m.]

324. My November 7, 2 p.m.⁵ Further reports indicate that the elections were conducted almost everywhere in an extremely orderly manner and that there was surprisingly little fraud and relatively few disputes. There has been much favorable comment regarding [Page 375]the assistance rendered by the marines and guardia in maintaining order. While the Liberals claim that there were abuses in many small places, where no marines could be stationed no serious disorders have been reported. From 30 to 60 percent of those registered appear to have voted.

An analysis of the vote cast by the two parties confirms the impression that the country is very evenly divided between them but that the Liberals have a slight majority. It is impossible however to estimate how far purely local questions influenced the vote. In Managua for example many Conservatives openly opposed the party candidate. In some other places abuse of authority by local officials undoubtedly reduced the Liberal vote. The Liberals won in Managua, Leon, Chinandega, Diriamba and apparently also in Jinotepe and Rivas, and the Conservatives in Granada, Matagalpa and apparently in Esteli and Masaya. In the latter city the vote was extremely close. There are conflicting reports from Bluefields.

There may be some difficulty in connection with the canvass of the vote, as the Conservative authorities will be tempted to alter the results fraudulently in cities where the vote was nearly even.

In such cases the losing party will have an appeal to the Supreme Court.

As there were alarming rumors that the municipal authorities might resort to fraud in Managua which is by far the most important city where there was a serious contest, I have endeavored very informally to make sure that there would be no attempt to prevent the Liberal candidate from assuming office.

Munro

The Secretary of State to the Chargé in Nicaragua (Beaulac)

No. 333

Washington, March 23, 1932.

Sir: There is enclosed herewith a copy of the memorandum of the Secretary of State in reply to the memoranda of Doctors Morales and Arguello dated March 2 and March 10, 1932,16 which was handed [Page 776]to the latter today. You may give such publicity as you think desirable to this document.

There is also transmitted for your information copies of the memoranda of Messrs. Morales and Arguello of March 2 and March 10, 1932.

Very truly yours,

For the Secretary of State:

Francis White

The Secretary of State to Doctors Morales and Arguello

Memorandum

The Secretary of State has given careful and sympathetic consideration to the two memoranda dated March 2 and March 10, 1932, presented by Doctor Carlos A. Morales and Doctor Horacio Arguello Bolaños, regarding the desire of the political entities which they represent to revise the Constitution of Nicaragua.

The Secretary of State has been very gratified to receive the statements of Messrs. Morales and Arguello that their parties deem that peace is the highest consideration in the welfare of Nicaragua, and that the Tipitapa Agreement closed the chapter of Nicaragua's civil discord and opened a new era for the Republic by means of the free election of supreme authorities, and the

establishment of a National Guard as a foundation of peace and a guarantee of public liberties.

Mr. Stimson desires in the first place to state that the question of amending the Nicaraguan Constitution is, of course, one for decision by Nicaragua itself. It is understood that the Department of State is being consulted because of the fact that the United States has consented, at the request of Nicaragua, to supervise the elections for supreme authorities in November, 1932, and that it is now desired to ascertain the views of the Department of State as to the extension of this electoral supervision to comprise elections for representatives to a Constituent Assembly for the purpose of effecting a total revision of the Constitution. This plan, it may be noted, would eliminate the scheduled elections for the regular Congress.

The memoranda of Messrs. Morales and Arguello set out four reasons for desiring a total amendment of the Constitution:

(1)

The situation created by the ratification of the Canal Treaty of August 5, 1914;17

(2)

The establishment of the National Guard on a firm basis;

(3)

The establishment of proportional representation in certain branches of the Government; and

(4)

The extension of the term of office of certain Government officials.

With regard to the Canal Treaty Mr. Stimson is gratified to note the following statement from the memorandum of March 10, 1932, presented by Messrs. Morales and Arguello:

“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.”

Mr. White, in the conference of March 7, 1932, in which he set forth the views alluded to by Messrs. Morales and Arguello, referred to the letter of the Secretary of State to President Moncada dated December 9, 1931,¹⁸ in which it was pointed out that it was self-evident that the provisions of the Canal Treaty were not regarded by the Nicaraguan Government which negotiated it as being in conflict with the Constitution. Mr. White then went on to say that since this matter was brought up again now, it would be well to dispose of it by pointing 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 provision 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. The Secretary of State is gratified to take note that Messrs. Morales and Arguello agree with this point of view.

With regard to the question of the National Guard the Secretary of State desires to refer to the letter which he wrote on December 9, 1931, to President Moncada, in which he stated:

“I have asked my legal advisers to examine the various points raised in your letter and in your memorandum of September 10 respecting [Page 778]the constitutionality of the Guardia and the regulations issued for its governance. Without entering upon a lengthy discussion of the matter, I may say that their advice confirms what has always been my understanding since the question of the formation of a single, non-partisan military force was discussed at Tipitapa, where it became one of the bases of the settlement reached, namely, that under the Constitution of Nicaragua the President enjoys sufficient authority to establish the Guardia as the sole military force of the Republic for the assurance of the rights of the nation, the enforcement of law and the maintenance of public order, and to issue the necessary regulations to govern the Guardia.”

Should the Congress of Nicaragua feel that there are amendments to the Constitution which would be desirable in order to give the National Guard greater prestige through provisions therefor in the Constitution, Article 160 of Constitution would seem to provide means by which this may be done. It should not appear to be necessary to reform completely the Constitution for this object.

As respects the questions of minority representation and the extension of the term of office of Government officials, it would also seem that the method of partial amendment in Article 160 of the Constitution provides a means for accomplishing desired reforms without resorting to the extraordinary procedure of completely revising the Constitution.

In the first section of the March 10 memorandum, Messrs. Morales and Arguello set forth a résumé of their understanding of the views expressed by Mr. White in the conference of March 7. It might be pointed out that this résumé does not in all points represent exactly what was said by Mr. White. For instance, under a sub-paragraph (f) the résumé states that Mr. White said that:

“in order to ascertain whether the country desires absolute amendment of the Constitution, a referendum must first be taken, in the November elections, by providing a special square in the ballot for this purpose,...; that in case of securing favorable public opinion, the Constituent Assembly would be convoked the following year.”

Mr. White, of course, did not say that in his view this procedure “must” be followed. He merely suggested that if it were desired to consult popular opinion in Nicaragua as to the advisability of a complete reform of the Constitution, this could perhaps take the form of a popular expression of opinion at the time of the regular elections in November 1932 and if an affirmative opinion was expressed the regular Congress in 1933 could then take appropriate action in accordance with the Constitution. This suggestion was made, moreover, in view of the fact that the State Department’s information [Page 779] seems to indicate that the desire for a complete reform of the Constitution is by no means general in Nicaragua.

In considering the supervision of Nicaraguan elections by the United States it would seem well to bear in mind the antecedents of the matter. One of the bases of the Tipitapa agreement of 1927¹⁹ was that the presidential elections of 1928 should be held under the supervision of the United States in order to assure free and fair elections. Prior to holding the 1928 elections, the candidates of the two parties, General Moncada and Señor Benard, agreed by an exchange of letters that the one who was successful would request the supervision of the next elections for supreme authorities in 1932 by the United States. President Moncada, shortly after his inauguration in 1929 and in pursuance of this agreement, formally requested the United States to supervise the 1932 elections. The United States Government has consented to this and is now making appropriate arrangements to that end. The elections which the United States Government has consented to supervise, however, are for “supreme authorities”, namely, for President, Vice President, one-half of the membership of the Chamber of Deputies and one-third of the Senate. What is now proposed by Messrs. Morales and Arguello is a very different election, namely, an election for President and for a Constituent Assembly, thus eliminating the elections for the regular Congress.

The Secretary of State has given most careful consideration to this proposal. He 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 have not indicated, either in their conversations with Mr. White or in their memorandum of the 10th instant, 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. The Secretary of State is, therefore, confirmed in his view of the unwisdom of considering such action at this time. Nicaragua has made admirable progress through the holding of free and fair [Page 780]elections in 1928 and 1930. The course of wisdom would seem to 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 no friend of Nicaragua would wish to lend support to that end.

In view of the foregoing, therefore, the Secretary of State desires to reply 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 terminating, the Secretary of State desires again to express his pleasure at the assurances given in the two memoranda under acknowledgment of the desire for peace and the aspiration for constitutional life in Nicaragua. These are sentiments which the Secretary of State heartily reciprocates and in which he extends his best wishes to Nicaraguans of all Parties. Mr. Stimson's associations in Nicaragua have been so intimate in the past, and his interest is so enduring, that he sincerely hopes that the regular elections in November, if held as scheduled, will advance the Republic one more step toward the goal which all Nicaraguans and all friends of Nicaragua desire, namely, towards peace, order and stability; the development of a tradition of holding free and fair elections; and the maintenance of order through the existence of a non-partisan constabulary. Nicaragua is well embarked on this program and carries the sincere and cordial good wishes of the Secretary of State for its complete realization.

March 23, 1932.

Henry L. Stimson

