

IN JUSTICE TO THE UNITED STATES—A SETTLEMENT WITH COLOMBIA

By Earl Harding

As a people we have been so engrossed with interest in the building of the Panama Canal that we have given but little thought either to the means employed in securing the right to build it, or the uses to which it shall be put. The Canal has been our one great national enthusiasm—aside from baseball. We have been fascinated by its bigness and its military glamor. We have accepted indifferently the official diplomatic version of the accomplished fact of the secession of the Department of Panama from the mother country, Colombia, and since the apparent collapse of the senatorial investigation of 1906, most of us have forgotten the preliminaries and have turned our attention to watching "the dirt fly."

One result of our national enthusiasm was to create an atmosphere jealous of investigation and impatient of criticism. Editors learned, or thought they learned, that the very word "Panama" was loaded with danger because the public seemed not to be able to differentiate between exposure and condemnation of the lawless acquisition of the Canal Zone and an attack upon the Canal enterprise itself. Wherefore there was a long period during which intelligent discussion and honest criticism of the Panama affair were so unpopular as to be almost entirely suppressed.

Many a time I have been advised to "forget Panama." Many a time I have been told by men who should know better, that the people of the United States would never look back of their glorified Canal far enough to see its inglorious history. They were unwise prophets. The Canal itself has made the people of the United States think. They are beginning to realize that to "take" the Isthmus and "make the dirt fly" were phases of a national problem quite apart

from the operation of the Canal under conditions of international friendliness. Such conferences as this have been made possible by a new popular interest in the countries to the south of us, and this interest has been created by the Canal. Through such activities as this the vital importance of the Panama question is being brought home to the thoughtful people of the United States.

"In Justice to Colombia," the title given by the editor to an article in October *World's Work* in which I suggested a readjustment of boundaries at Panama as a step toward a settlement with Colombia, failed to reflect the spirit in which I wrote. I am not pleading for justice to Colombia; I hold no brief to present her claims; my major concern and sympathy are for my own country, and I bespeak a settlement of the "Panama question" *in justice to the United States*.

Most, if not all, of us believe in international justice in the abstract; but when it comes to the accomplishment of this ideal, whenever it is proposed in such a case as the affair of Panama to undo, so far as may be possible, an international wrong, we are confronted by the protest of that brand of jingoism that is too narrow ever to acknowledge a national fault. We are told that a consistent and unbroken front must be presented to the exterior world; that a nation's foreign policy, no matter how unrighteous or ill-advised, must be given undivided support, and that to gainsay it is sedition. We are solemnly told that if we really did steal Panama we must not confess it by making reparation; that it is nobler for us and our children and our children's children brazenly to endure the stigma thrust upon us by one overt act than to permit the nation to acknowledge and make amends for the commission of a flagrant international wrong.

He who sets out to tell the truth about the affairs of Panama must, therefore, answer first for himself this ethical question:

Does citizenship impose the moral obligation to uphold your government in an immoral foreign policy, when the life of the nation is not at stake?

For myself, I refuse to subscribe to this dual standard of political morality—one code of ethics for our domestic affairs and another for our foreign relations. I have no patience with the patriotism that holds our public servants to account, by criticism, investigation or impeachment, for what they may or may not do at home, yet absolves them from moral and legal restraint and holds their acts above review or repudiation the moment they cross our international boundary and commit some lawlessness in the name of the people of the United States.

Nor do I believe that the thoughtful men and women of this country imagine that as a nation we would suffer loss of character or caste or self-respect by frank acknowledgment that in a moment of ill-advised haste, in the false light of distorted truth, we committed an act of international injustice for which we desire to make honorable amends.

As to the entire righteousness of Columbia's claims and the method for adjusting them, public opinion in the United States has crystallized only in part, but there is a consensus approaching unanimity in the view that we cannot *afford* longer to ignore a weaker nation's demand that its case be given a fair hearing. The average citizen has gathered the impression that there was something questionable, at least, in our seizure of the Isthmus, and he wants the mess cleaned up. I am inclined to credit this aroused public opinion more to our awakening commercial consciousness than to a stimulated sense of abstract justice, though both forces have been conspicuously active in the few years that have passed since it was virtually impossible to obtain a hearing on the merit of Colombia's claims. We have waked up to a realization that it isn't good business to have Latin America forever pointing to our treatment of Colombia as justifying its aversion to "the Great Pig of the North." We have been experiencing a changed attitude toward all of Latin America with the approaching opening of new avenues of trade expansion; our commercial interests recognize as they never have before, that they have misunderstood and neglected a great, undeveloped world of opportunity southward, and that self-interest if not national self-respect

demands that the Panama controversy, as an obstacle to cordial relations, should be settled at any reasonable cost—and settled before the opening of the Canal.

Our question is, then, no longer *shall* we settle with Colombia but *how can* we settle?—and by settlement I mean not merely the award and collection of damages, not the enforced payment of a ledger account ten years past due, but such an adjustment as shall satisfy the injured pride of a despoiled and affronted nation, and rehabilitate the United States in the confidence and esteem of our southern neighbors.

How generous, how far-reaching that adjustment should be in order that it may meet the requirements of international justice and at the same time serve effectively to accomplish the essential material results, is a problem that calls for sober thought and helpful, sympathetic counsel both within and without governmental circles. We need a more intelligent and general comprehension, in the United States and in Colombia, of the rights and wrongs of the Panama question, if we are to have a public opinion that will recognize and support a just and effective settlement. And in endeavoring to create an enlightened public opinion we shall be discouraged at times, I fear, by the obstinacy of certain prejudices—particularly the prejudices of those persons who have been content to accept without proof the diplomatic version of the Panama affair.

The situation we must meet is set forth very concisely in a recent editorial in the *Chicago Tribune*, which I will read:

Colombia's grievances against the United States have always found a closed door because of the prevailing American opinion that there could be no equity in the claims of a nation caught so openly in sharp and dishonest practices. The Roosevelt retort, fostering and protecting the Republic of Panama, was accepted generally as a piece of larger justice, and Colombia, raging in its discomfiture, was observed with amusement.

Colombians have never ceased to press their demand for arbitration, and it has been an unusual procedure for the United States to be deaf to such an appeal. The prevailing opinion that a small rascal hurt by his own tricks was the plaintiff explains the indifference and obduracy here.

It is reported now that Secretary Bryan is willing to accept the demand for arbitration. It is altogether better so; better policy and fair justice. The United States should give Colombia a chance to put its loss in figures and present a statement of its damages to an impartial court. If it have in equity a claim for damages the claim should be met. A nice regard for our national honor requires at least a hearing.

This editorial is literally true. Ten years' denial of even a hearing can be attributed to a popular impression that this charge of attempted blackmail against Colombia was just. The accusation was false—so devoid of a basis of real fact that to its denial might be coupled all the qualifying adjectives that we have heard so often with the short and ugly word. The charge was foisted first upon the public through the sinister activities of the Panama Canal Company's lawyer and lobbyist, whose amazing confession that he bent to his employers' selfish ends the Congress, the President and the Secretary of State of the United States, is a document of public record.

I have searched the record of diplomatic correspondence transmitted to the United States senate, the Spanish version of the same records and Colombia's instructions to her diplomatic representatives in the archives of the foreign office at Bogota, the annals of the Colombian congress and the files of the Colombian papers of the period, and I find no vestige of justification, official, semi-official or unofficial, for this accusation of attempted blackmail against the United States. Yet it is upon this charge, iterated by a selfish and corrupt lobby and reiterated as cumulative slander by a man who should be aware of the truth—upon this accusation supported by no more than the assertion of interested persons, has public opinion hostile even to a hearing of the case been maintained in the United States.

A still more humiliating aspect of the truth is that the only suggestion that would warrant the assumption of a contemplated "hold-up" was not directed against the United States, but against the French Panama Canal Company, or the holders of its securities, who in certain proved instances were speculative bankers in Wall Street. Colombia never demanded, nor so much as officially or unofficially

suggested after the ratification in Washington of the Hay-Herran treaty that the \$10,000,000 payment by the United States should be increased. The Panama Canal Company's lobbyist, boasting that he drafted the diplomatic correspondence of our state department relating to this subject, and claiming pay from his employers for this alleged service, pointed out in writing that he foresaw that Colombia contemplated exacting a fee of probably \$10,000,000 for the privilege of transferring the company's non-transferable and nearly lapsed concession. The Canal lobby in Washington then set up the cry that Colombia was attempting to blackmail the United States.

Proof of these assertions has been a public record for nearly two years, and still a few editorial pages that are supposed to represent the enlightened public opinion of the United States occasionally reiterate this charge that Colombia was caught red-handed trying to blackmail the United States, and that therefore this great nation can afford to ignore the little nation's demand for justice.

To case-hardened materialists who can see nothing in international righteousness there is another way to appeal—through the wiles of that comely handmaiden of Justice—Expediency. We can "match them one better," I believe, on their argument that it isn't good business to pay for a thing twice. We may win them to an interest in the truth if we can show them that, having paid Panama \$10,000,000 for the canal rights, we can also pay Colombia, make a new arrangement that will do justice all around, and benefit ourselves in the bargain.

Taking stock first of our own necessities: *We need a wider Canal Zone.* Our ten-mile strip across the Isthmus, with the cities of Panama and Colon excluded from our jurisdiction, was planned when we were negotiating with Colombia and knew that it was futile to ask for more. After creating the Panama Republic we might have asked for and received as much additional territory as expediency seemed to require, since it was the original purpose of the handful of American and Panamanian conspirators to declare the independence of only the Canal Zone itself, which

they were to "bring under the protection of the United States."

Our territorial arrangement, with the dual government at the termini of the Canal, has proved to be so unsatisfactory that the advisability of annexing the whole Republic has been contemplated seriously by those burdened with the responsibility of providing for the Canal's protection. For obvious diplomatic reasons this could not be admitted officially; nevertheless, the inconvenience and the inadequacy of our arrangements at Panama must be apparent to anyone giving serious consideration to the military and commercial problems and possibilities of the Canal. If our ultimate necessities are not obvious now, project yourselves twenty-five or fifty years into the future, and visualize the municipal hodge-podge that must result from the up-coming—I will not say growth or development—of the commercial centers at the termini of the Canal with the separate governments and cross-purposes that must obtain so long as Panama and Colon are excluded from Canal Zone jurisdiction. Contrast this with the metropoli that should be developed in time at this American-made Bosphorus, this new cross-roads to the commerce of the world, if we but apply world-sense and foresight to bringing these cities under single-purposed administration, and planning and developing them as the great free port of the Western hemisphere.

For working out our military problem we need to bring under our control the entire watershed of the Canal, going back to the headwaters of the Chagres River to the South, and north to the limits of the basin of Gatun Lake—in all a Canal Zone 50 to 60 miles wide, instead of 10. With the possible addition of the Pearl Islands, this enlarged zone should provide all of our ultimate necessities for controlling the military approaches to the Canal and developing its greatest possibilities as a commercial center. Mr. Lindon W. Bates, on whose world-wide experience I have been privileged to draw, and whose engineering studies of the Panama problem are familiar probably to most of us, believes that ultimately the crossing at the Isthmus

should sustain a population of 1,000,000, and that adequate preparations in the way of city planning should not be deferred.

It seems too patent for argument that a shifting of arrangements at the Isthmus is inevitable; the only question is when should it be accomplished.

To acquire at *any* convenient time the territory that we ultimately shall need for Canal purposes could not reasonably be regarded as aggression, but if it could be obtained now in conjunction with a readjustment of boundaries that would work a measure of justice and satisfaction to Colombia, would it not appeal to the Panamanians as a less ruthless procedure than the taking of this needed territory twenty-five or fifty years later, when the next generation of Panamanians might have come actually to believe in the fiction that they established their own independence?

Until within the last three or four years Colombia has cherished the vision of a decree of international justice that should restore to her all of her plundered territory; but nearly every Colombian concedes by now that such a dream cannot come true.

"Then let Colombia set down her claim for damages in dollars and cents, and let us pay it," is the next suggestion.

Will you please remind our friends who believe that this is the way to clear our Canal title and save our self-respect, that gold is not a universal ointment. We might pay ten million dollars, twenty, fifty, yes, a hundred millions as indemnity; we might say in effect, "We don't think we owe you this money, but take it and stop making all this fuss;" and if we waited long enough Colombia, despairing, might take the money—but this would not stop the fuss. We might think we had removed the weapon and healed the wound, but the infected barb would still lie buried deep and we would hear from it year after year.

We might, as another alternative, after ten years of denying the facts and attempting to placate our accuser, let ourselves be dragged as a culprit before the bar of international justice, and if an arbitral court gave judgment against us, pay it with the protest that such procedure implies.

Suppose your brother—let us be idealists, concede a brotherhood of nations, and apply the measure of brotherhood here—suppose your blood-brother should inflict an irreparable injury, shoot off your leg or arm, say, and then deny his responsibility and say never a word of regret or sympathy; then at the end of ten or fifteen years you should drag him into court and make him pay—and he should send you a check, nothing more, no regrets, no apology, no “I am sorry, Brother, it was unfortunate and was wrong, you were at fault as well as I, but let us be freinds.” Suppose!

Now this, it seems to me, is the essence of our Panama problem: Unless we can resolve this quarrel so as to remove the causes of bitterness and leave no rancor of justice denied, we would better save our money and keep the question an open one until history shall give us a fairer perspective. Paying an indemnity unaccompanied by an acknowledgment that would satisfy the pride of the Colombian people, could serve no more practical purpose than throwing away our money. He who imagines that a sop of money alone would accomplish a real settlement of this grievance shows only his ignorance of the people with whom we have to reckon. That money will buy anything in Latin America, may find credence among those who form their judgments from such language as the following, applied to Colombia by a former President of the United States: “Government by a succession of banditti,” an “archaic despotism, inefficient, bloody and corrupt;” or this defense of the “taking” of Panama: “We did our duty by the world, we did our duty by the people of Panama, we did our duty by ourselves. We did harm to no one save as harm is done to a bandit by a policeman who deprives him of his chance for blackmail. The United States has many honorable chapters in its history but no more honorable chapter than that which tells of the way in which our right to dig the Panama Canal was secured and of the manner in which the work itself has been carried out.”

We have been given the impression that the Colombians are a lot of lazy, blackmailing savages; few of us have had the opportunity to see with our own eyes the culture of their

unique civilization, to know them face to face as an industrious, resourceful, and law-abiding people. I wonder how many of us who have judged Colombia by the measure of ex-official denunciation have heard that Simon Bolivar modeled his constitution after ours, and that until November, 1903, our Declaration of Independence and the portraits of our Presidents had honored places on the walls of the House of Representatives at Bogota, and that after the affair of Panama they were torn down and thrown into the street?

Money will not bridge such a gap in international relations. Colombia made this clear by rejecting in 1909 the hated tripartite treaty proposing that Panama receive recognition of its independence and contribute \$2,500,000 as its share of the Colombian foreign debt. Colombia exiled General Rafael Reyes, president, and Enrique Cortes, his minister to Washington who negotiated this treaty. She rejected President Taft's tentative offer of \$10,000,000, ostensibly for coaling station privileges and an option on the interoceanic canal route *via* the Atrato River. She has pressed for arbitration as the only self-respecting course she could follow, until recent developments transferred the negotiations to Bogota, where a committee of various political parties representing the foreign office is now dealing directly with the American minister.

For ten years the Panama question has taken precedence over every other issue in the Colombian press. The trend of discussion within the last month is indicated in an illuminating though possibly premature item in one of the latest Bogota papers, from which I read, in translation:

Insistent rumor points to the very strong probability that there have been signed in Washington, approved and signed here by the ministry and ratified by the commission of foreign relations, an understanding with the United States consummated on the following bases:

1. The government of the United States shall declare before the diplomatic corps in Washington that it owes reparation to Colombia, for having trampled upon her rights during a former administration.

2. At the opening of the Canal, the first American ships to pass through shall display the Colombian flag.

3. Colombian ships shall be guaranteed in perpetuity free passage through the Canal.

4. The boundary of Colombia shall be extended to the Canal Zone.

5. The United States shall pay to Colombia as indemnity \$20,000,000.

6. Matters in dispute relating to the Panama Railroad shall be submitted to arbitration.

I have a strong conviction that the Panama question should be kept out of a court of arbitration, excepting as it may be agreed possibly to submit collateral subjects: for a general arbitration, bringing solely a judgment for pecuniary damages, could not result happily. It would cause inevitable delay and tremendous expense, and would profit mainly the lawyers and press-agents who have attempted with scandalous effrontery to sell political influence, or pretended influence, to Colombia's representatives. It is to avoid such attempts at bartering international justice, and not for what might be unearthed at The Hague, that I have urged that the campaign to force the question to general arbitration should not be approved.

Colombia feels the injury to her pride more than the loss to her purse. She has held, and will continue to hold, the question of indemnity secondary to recognition that her national honor was violated.

I have been reminded that not many persons in the United States are inclined to take seriously the idea of national honor in one of the southern republics, and particularly not in Colombia. All the more then should we regret our ignorance! A people who fight three years, losing 80,000 men out of their total population of 4,000,000, piling on one battlefield, where 15,000 perished a huge monument of sun-bleached skulls that stands to this day a grim reminder of their last civil war—a people who can fight like this over the issue of a usurper, a free press and religious liberty—do you think it becomes us to sneer at their ideals and, speaking with no knowledge of the facts jump to the conclusion that they have no national honor?

To make amends that will meet Colombia's requirements and not meet the antagonism of the prejudiced and ill-informed of our own country—how can we accomplish that?

The most acceptable reparation for theft is return of the stolen property; if not intact, then so much as can be recovered, with some equivalent for the remainder.

Panama entire we cannot restore; Colombia does not expect it; but what is there to prevent handing back to her in frank recognition of her violated sovereignty, that part of Panama south of the Zone? The Canal would then become the geographical as well as actual dividing line between the continents. Colombia would be restored to the prestige of contiguity to the waterway. If the Zone were widened to the headwater of the Chagres the possibility of administrative friction would be very remote.

There is a very practical advantage both to Panama and to the United States in restoring the southern end of the Isthmus to the mother country. Its inhabitants, the San Blas Indians, defy the authority of the Republic of Panama and still maintain their loyalty to Colombia. Would our jingoes rather have the San Blas Indians friendly Colombians or hostile Panamanians, neighbors to the Gatun locks by one night's journey?

The most likely objector to the restoration of southern Panama to Colombia is an American who was given a few hundred thousand acres of this land as a reward for his generalship in that revolution of bloody memories—total killed and wounded, one jackass, one Chinaman! I know something of this territory whereof I speak. Cruising down the coast thirty or forty miles, thence up the broad miasmatic Bayano River, I found the alligator preserves of this Pan-American patriot. I had to go to see him there because on the day we arrived in Panama with an order of court to take testimony as to the real history of the secession, J. Domingo Obaldia, then president of the Republic, had written his faithful servitor this note:

My dear General; You will please make it convenient to visit your hacienda in Chepo and remain until further orders.

The General was not expecting "further orders" until the bothersome inquisitors should be well on their way back to New York; much less did he expect me.

Admitting that this territory is inconsequential to Panama and of no great intrinsic value to Colombia, it would become in its restoration to the mother country an instrument of tremendous importance. Its restoration would appeal to every son of Colombia who resents the epithets "black-mailer" and "bandit," and to whom the humiliation of national dismemberment means a personal affront; it would be to the Colombian tangible proof that the justice of his country's claims had been at last recognized before the world. Restitution of so much territory would open the way for a frank and friendly discussion of the ledger account of damages for property that cannot be returned; it would be a step toward a genuine settlement.

"But what about the Panamanians and their rights?" we are asked. "Are you going to rob the Panamanian Peter to pay the Colombian Paul?"

As to the moral rights of the Panamanians how extensive are they, in view of the deceit by which the congress and people of the United States were led to recognize their make-believe Republic on the assurance that they "rose literally as one man?" In truth, a handful of conspirators, nearly everyone an employee of the Canal Company, and the real leaders being American citizens, were all who knew about a revolutionary movement until the "blow" was struck. The Panamanians, through their self-appointed leaders, knowingly surrendered themselves hostages to exigency, to serve the purposes of the United States. Have they then moral grounds for expecting more than scrupulous fairness and sure protection from the vengeance of the mother country?

And if we seek to shroud the infant Republic in an aura of sentiment, can we find any inspiration in the sordid story of purchased treason—so much per general, so much per colonel, so much per soldier, with later a riotous distribution of easily-acquired American gold among the patriots of this soul-stirring war for liberty? If we hesitate to suggest infringing the area of Panama's sovereignty out of respect for sentiments of nationalism, should we not recall that Panama's span of pseudo-independence is but a decade,

while Colombia recently celebrated her centennial of constitutional self-government?

The Panamanian Peter would be divested of the form but not the substance of the material benefits for which he consented to make a perfectly safe revolution, under the pre-arranged protection of the United States. American administration and development of the terminal cities would be to his advantage. He would still have to the north of the Canal Zone the richest part—more than half—of his present domain, where he could exercise his genius for self-government with much more freedom than Uncle Sam can ever allow him in the midst of the Canal Zone.

So far as it affects the terminal cities and watershed, or any other portion of the Panama Republic which the United States may require, such a programme of readjustment is easy to arrange under the following clause of the Hay-Bunau-Varilla Treaty:

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

In substance we agreed to maintain Panama's independence, but not necessarily the integrity of her then, and still, undefined territory, the boundary at each end of the Republic being in question.

Ten years of administrative experience, fraught with friction and petty annoyances, show not only the convenience but the ultimate necessity for a single administration to insure the most advantageous development of the canal as a commercial enterprise; the military reasons for controlling the watershed are also obvious.

Whether legally we could impose upon Panama the alternative of restoring the San Blas region to Colombia or incurring the displeasure of the United States, I leave to the Internationalists as a question not likely to call for their answer, since a suggestion from Washington would doubtless be sufficient to secure Panama's cheerful acquiescence.

The editorials that followed the publication of this sug-

gested plan of settlement must have been a revelation to those who have no faith in the ultimate awakening of public opinion in this country. Only two papers out of some thirty or more whose editorial comment has been called to my attention, presumed to deny contemptuously that Colombia has a just claim.

One of them is the *Kansas City Star*, the organ of the Progressive party in that part of the country. The *Star* repeats the charge of blackmail as the final answer to Colombia, and declares that the taking of Panama under the circumstances "is held by the American people as one of the most noteworthy achievements of a noteworthy career."

The other publication that does not concede that we have anything to settle with Colombia is the *Outlook* which in its issue of October 11 says in part:

The people of Panama were unanimous in their revolt against Colombia, and the authority of Colombia collapsed in a night because she had neither moral nor physical power to enforce her authority. The people of this country will never concede that Colombia has a shadow of a claim against the United States for its prompt recognition of an oppressed people struggling for their rights. A queer idea of justice to Colombia is this proposal to attempt to satisfy her national pride and reconcile her warring factions with one another and with the United States by a Poland-like division of the territory of a people who have shown their right to liberty by daring to fight for it.

I wonder how the editor of *The Outlook* could write such a statement, with the picture before him of that bloody revolution in which the total casualties—and those accidental—were one jackass and one Chinaman!

The speaker preceding me has urged us to remember that the Canal cannot be a blessing to us while its title is clouded by an unrighteous act. I believe we must go farther, and realize that its *material advantages* cannot be ours until we shall have made a just settlement with the nation from whom we took the right to build it. Recent editorial expressions indicate that a considerable number of people are more impressed with the idea of providing for our own ultimate necessities at Panama than with the doing of abstract justice to Colombia for Justice's sake. If we can get their

support in no other way, then let us reconcile Justice with Expediency, and while doing no injustice to Panama, re-adjust our relations in a way to do full justice to Colombia, and to secure to the people of the United States the full benefits of the Canal.