

MEDIATION IN MEXICO

A comment on the situation in Mexico at the time of going to press (July 1) must necessarily be fragmentary and unsatisfactory, because of the lack of authentic and official information. It seems unwise, however, not to note the changes in the situation since the last comment, which appeared in the October number of the *JOURNAL* for 1913; but any statements made are subject to correction, and it seems only fair to inform the reader of this fact.

Leaving aside for the moment the mediation of Argentina, Chile, and Brazil, the events of the past few months have not changed materially the attitude of the United States. It has refused, and does still refuse, to recognize General Huerta's government. The General has steadily refused to comply with the suggestions of the United States that elections be held and that he be not a candidate and he still controls the City of Mexico and a large portion of the country. General Carranza, the choice of the Constitutionals for President, exercises the functions of such within the territory opposed to the Huerta régime, and the leader of the constitutionalist army in the field, General Villa, has had many notable successes, including the taking of Zacatecas, claimed to be the key to the City of Mexico.

The United States stands ready to recognize any government which, in its opinion, represents the Mexican people and which in fact exercises authority throughout the country. General Huerta appears steadily to have lost ground. The Constitutionals appear to have gained; but neither party has as yet obtained or exercises that control which, in the opinion of the United States, would justify its recognition as the actual and existing government of Mexico. Such appears to be the situation, irrespective of mediation.

It is therefore necessary to inquire what change has been produced by mediation and the results which have already flowed from it. To understand, however, the task of the mediators it is necessary to consider some events which may be said to have led up to it. President Wilson stated in his address to Congress on August 27, 1913,¹ that he would observe a strict impartiality in his treatment of the contending factions. He said:

I deem it my duty to exercise the authority conferred upon me by the law of March 14, 1912, to see to it that neither side to the struggle now going on in Mexico

¹ *American Journal of International Law*, Supplement, 1913, pp. 279 *et seq.*

receive any assistance from this side of the border. I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency. We can not in the circumstances be the partisans of either party to the contest that now distracts Mexico, or constitute ourselves the virtual umpire between them.

Had President Wilson recognized the government of General Huerta, the forces of Carranza and his followers, so far as the United States is concerned, would have been regarded as rebels in arms against a legitimate government. The situation was anomalous in that neither party having been recognized, there existed, in the view of the United States, no legal government. President Wilson, therefore, considered that the proclamation putting into effect the law of March 14, 1912, operated against the Constitutionalist party and in favor of General Huerta and his partisans, who, recognized as the legitimate government by many nations, were in a position to obtain arms and ammunition. Therefore, on February 3, 1914, he withdrew the embargo on the importation of arms into Mexico, thus placing, as far as he could, the contending factions upon an equality. So matters stood until April 9, 1914, when certain blue-jackets from the United States man-of-war *Dolphin* were arrested at Tampico. The facts surrounding this incident and the conclusions drawn from them are stated in the President's address to Congress of April 20, 1914:

On the 9th of April a paymaster of the U. S. S. *Dolphin* landed at the Iturbide Bridge landing at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship, and while engaged in loading the boat was arrested by an officer and squad of men of the army of Gen. Huerta. Neither the paymaster nor anyone of the boat's crew was armed. Two of the men were in the boat when the arrest took place, and were obliged to leave it and submit to be taken into custody, notwithstanding the fact that the boat carried, both at her bow and at her stern, the flag of the United States. The officer who made the arrest was proceeding up one of the streets of the town with his prisoners when met by an officer of higher authority, who ordered him to return to the landing and await orders; and within an hour and a half from the time of the arrest orders were received from the commander of the Huertista forces at Tampico for the release of the paymaster and his men. The release was followed by apologies from the commander and later by an expression of regret by Gen. Huerta himself. Gen. Huerta urged that martial law obtained at the time at Tampico; that orders had been issued that no one should be allowed to land at the Iturbide Bridge; and that our sailors had no right to land there. Our naval commanders at the port had not been notified of any such prohibition; and, even if they had been, the only justifiable course open to the local authorities would

have been to request the paymaster and his crew to withdraw and to lodge a protest with the commanding officer of the fleet. Admiral Mayo regarded the arrest as so serious an affront that he was not satisfied with the apologies offered, but demanded that the flag of the United States be saluted with special ceremony by the military commander of the port.

It appeared that General Huerta was willing to fire a salute of twenty-one guns, but insisted that the United States should fire a like salute, and that the guns of the respective countries should be fired alternately. This suggestion was unacceptable to the United States, and the President, after setting forth the facts surrounding the incident and calling attention to acts of aggression on the part of General Huerta, thus continued:

I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from Gen. Huerta and his adherents the fullest recognition of the rights and dignity of the United States.

Objection was made in Congress to the fact that the flag incident, however unpardonable, was not in itself a sufficient justification for the use of the armed forces of the United States, and that instead of confining the use of the armed forces to this incident and to their use against General Huerta and his followers, the resolution should be broadened by such an enumeration of events in Mexico as might in after days justify the United States before the bar of history. This view was especially voiced by Senator Root, who said on this point:

The insult to the flag is but a part—the culmination, if you please—of a long series of violations of American rights, a long series of violations of those rights which it is the duty of our country to protect—violations not, for the most part, of government, but made possible by the weakness of government, because through that country range bands of freebooters and chieftains like the captains of free companies, without control or responsibility. Lying back of this incident is a condition of things in Mexico which absolutely prevents the protection of American life and property except through respect for the American flag, the American uniform, the American Government.

It is that which gives significance to the demand that public respect shall be paid to the flag of the United States. There is our justification. It is a justification lying not in Victoriano Huerta or in his conduct alone, but in the universal condition of affairs in Mexico. The real object to be attained by the course which we are asked to approve is not the gratification of personal pride; it is not the satisfaction of an admiral or a Government. It is the preservation of the power of the United States to protect its citizens under those conditions.

If we omit from the resolution that shall be passed to-night all reference to the

matters that are enumerated in the substitute, we omit the real object which forms the only justification for action. Without that, sir, upon the showing of the resolution reported by the committee we would be everlastingly wrong. With the facts that are enumerated in the substitute the action of the United States will rest with becoming sense of proportion and national dignity upon adequate foundation and cause.

The proposition to amend the resolution proposed by the House in such a way as to include the Mexican situation in its entirety, instead of obtaining reparation for the conduct of General Huerta, referred to in the President's address, was voted down, and on April 22, 1914, the following joint resolution was passed:

In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session on the twentieth day of April, nineteen hundred and fourteen, with regard to certain affronts and indignities committed against the United States in Mexico: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.

Be it further resolved, That the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

In the meantime, Admiral Fletcher, commanding the American navy off Vera Cruz, was directed by the President to land a force of marines at that place and to seize the customs house so as to prevent expected arms and ammunition from Germany from falling into the hands of Huerta and his followers. This was done on April 21, 1914, with a loss on the part of the United States of four killed and twenty wounded. The next day General Huerta handed his passports to Mr. O'Shaughnessy, the chargé d'affaires ad interim of the United States, who had remained in the Mexican capital, and General Carranza declared the seizure of Vera Cruz an act of hostility. President Wilson answered the action of the Mexican aspirant for the presidency by restoring on the 23rd the embargo on arms which he had withdrawn on February 3, 1914.

So matters stood on April 25, 1914; but forces were at work to prevent a continuation of hostilities between the United States and General Huerta. At the banquet of the American Society of International Law on the evening of this day, Secretary of State Bryan announced the offer and acceptance of the good offices of the diplomatic representatives

of Argentina, Brazil and Chile. Mr. Bryan first read the offer and followed it with his reply:

Mr. Secretary of State:

With the purpose of subserving the interests of peace and civilization in our continent, and with the earnest desire to prevent any further blood-shed, to the prejudice of the cordiality and union which have always surrounded the relations of the governments and peoples of America, we, the plenipotentiaries of Brazil, Argentina, and Chile, duly authorized thereto, have the honor to tender to your Excellency's Government our good offices for the peaceful and friendly settlement of the conflict between the United States and Mexico.

This offer puts in due form the suggestions which we had occasion to offer heretofore on the subject to the Secretary, to whom we renew the assurances of our highest and most distinguished consideration.

D. DA GAMA,
R. S. NAON,
EDUARDO SUAREZ MUJICA.

To this important document Mr. Bryan replied as follows:

The Government of the United States is deeply sensible of the friendliness, the good feeling, and the generous concern for the peace and welfare of America manifested in the joint note just received from your Excellencies, tendering the good offices of your Governments to effect, if possible, a settlement of the present difficulties between the Government of the United States and those who now claim to represent our sister Republic of Mexico.

Conscious of the purpose with which the proffer is made, this Government does not feel at liberty to decline it. Its own chief interest is in the peace of America, the cordial intercourse of her republics and their people, and the happiness and prosperity which can spring only out of frank, mutual understandings and the friendship which is created by common purpose.

The generous offer of your Governments is therefore accepted. This Government hopes most earnestly that you may find those who speak for the several elements of the Mexican people willing and ready to discuss terms of satisfactory, and therefore permanent, settlement. If you should find them willing, this Government will be glad to take up with you for discussion in the frankest and most conciliatory spirit any proposals that may be authoritatively formulated, and will hope that they may prove feasible and prophetic of a new day of mutual co-operation and confidence in America.

This Government feels bound in candor to say that its diplomatic relations with Mexico being for the present severed, it is not possible for it to make sure of an uninterrupted opportunity to carry out the plan of intermediation which you propose. It is, of course, possible that some act of aggression on the part of those who control the military forces of Mexico might oblige the United States to act, to the upsetting of hopes of immediate peace; but this does not justify us in hesitating to accept your generous suggestion.

We shall hope for the best results within a time brief enough to relieve our anxiety

lest ill-considered hostile demonstrations should interrupt negotiations and disappoint our hopes of peace.

On April 26th General Huerta accepted mediation and appointed delegates. The mediators, with representatives of General Huerta and of the United States, met at Niagara in Canada on May 20th. The mediators invited General Carranza to participate in the proceedings by appointing and sending delegates, and asked both parties to proclaim an armistice. The Huertista delegates appeared and General Huerta declared an armistice in accordance with the request of the mediators. General Carranza did not send delegates nor did he consent to an armistice. Notwithstanding this fact, the representatives of the three powers, of General Huerta and of the United States met in conference. The incident of the flag seems to have been brushed aside, and larger measures of a kind to restore order were considered. General Huerta agreed to withdraw as President and thus open the way for settlement. General Carranza, however, was unwilling and continues so at the present writing to send delegates or to participate in a conference which would discuss the internal conditions of Mexico, as he regards such questions as matters solely for the people of Mexico to determine. He has been, however, willing to discuss the flag incident and to make adequate reparation, as the constitutional President of Mexico.

It cannot be said, however, that the labors of the mediators have been in vain, for a continuation of hostilities between the United States, on the one hand, and General Huerta and his supporters, on the other, has been prevented, and a protocol, agreed to by the representatives of the United States and of General Huerta, was drawn up and signed by the mediators and the delegates on June 24, 1914. This protocol is as follows:

Article 1.—The provisional government referred to in the protocol No. 3 shall be constituted by agreement of the delegates representing the parties between which the internal struggle in Mexico is taking place.

Article 2.—(a) Upon the constitution of the provisional government in the City of Mexico the Government of the United States of America will recognize it immediately, and thereupon diplomatic relations between the two countries will be restored.

(b) The Government of the United States of America will not in any form whatsoever claim a war indemnity or other international satisfaction.

(c) The provisional government will proclaim an absolute amnesty to all foreigners for any and all close political offenses committed during the period of civil war in Mexico.

(d) The provisional government will negotiate for the constitution of international

commissions for the settlement of the claims of foreigners on account of damages sustained during the period of civil war, as a consequence of military acts or the acts of national authorities.

Article 3.—The three mediating governments agree on their part to recognize the provisional government organized as provided by section 1 of this protocol.

As far as the United States and General Huerta's government are concerned, the differences between them appear to be adjusted. The internal questions are relegated to the Mexicans for such decision as they may deem proper to take. The mediators therefore adjourned on June 30th, in order to allow the representatives of the contending Mexican factions to come together and agree upon terms acceptable to them, with the understanding that the mediators will reassemble in order to put the agreements into formal and final shape. Whether the adjournment is temporary or *sine die*, it is impossible to say at present. In any event there appears to be no immediate prospect of a resumption of hostilities against General Huerta's government, and representatives of Latin America have been called into conference to settle American controversies.

THE ORIGIN AND PURPOSE OF THE PLATT AMENDMENT

From time to time the Platt Amendment is referred to as indicating the policy which the United States should adopt toward the Latin American states in and bordering on the Caribbean Sea and to the north of the Panama Canal. In view of this fact, it seems proper to state the origin and nature of the amendment, the purposes for which it was devised, and the interpretation put upon it by the United States and accepted by Cuba, so as to see whether the amendment is capable of a larger usefulness in the field of international relations.

It frequently happens that persons in public life are credited with projects which they did not originate, and naturally so, as the superior must needs accept responsibility for a line of conduct which he carries out, even although it may have been proposed in the first instance by a subordinate. The authorship is merged in the result. This is necessarily so in questions of administration. It should not be so in questions of policy outlined by the head of a department, either as regards the President, whose approval is necessary, or as regards Congress, whose action is required for legislation.

The so-called Platt Amendment is a striking example of this. It was thought out by Mr. Root as Secretary of War. It was contained