Habana, April 16, 1940

AIR MAIL

Personal and Confidential

Dear Larry:

This is just a word to say that we got your telegram asking for any comment which we might have had here on the note which we handed to the Mexican Ambassador in Washington with respect to arbitration on the seizure of the oil properties. We have, of course, been following this very carefully, and I asked Beaulac to draft a despatch (No. 170) to go by air mail today; but all he will be able to say is that there has been no press comment except an article and an editorial in Hoy and an editorial in La Discusion—all of which, of course, are unfavorable. I cannot understand why the rest of the press has, so far, not commented. It may be that it is tied up with the discussions now going on in the Constitutional Assembly on the articles on property, et cetera.

I saw the President, Campa, and López Castro toward the end of last week—as I am sure you know by this time—and I left with them copies in Spanish of the note, saying that I thought they would be interested in it. I also saw that copies got to Grau and Quevo Rubio, and I sent copies to Batista, Martínez Fraga, and Casanova with my personal card. I have not yet had an opportunity to get any reaction from any of them; but, as I see them, I shall try to get some reaction. I doubt, however, whether we shall be able to send you anything from the press within the next few days, as I consider it unlikely that a great part of the press will make any comment, for the present.

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Laurence Duggan, Esquire,
Chief, Division of the
American Republics,
Department of State,
Washington, D. C.
I think the note was excellent, and it will certainly serve a very useful purpose in many ways. It can't help but have a good effect here, and the absence of comment so far does not indicate that it has not had its effect.

Although everything was set for the Constitutional Assembly yesterday to give the remainder of the Congress power to legislate, one of those unexpected things which one must always expect here happened. There were more than enough members of the Assembly present yesterday for a quorum, but most of the opposition members of the Assembly remained in the corridors, and I am told that some of the government members, also, did not go in. There was, therefore, an absence of a quorum. It is very extraordinary, in view of the fact that Batista, Martínez Fraga, and others had assured me in the most definite way that full agreement had been reached between Batista, Menocal, and Grau that this action was to be taken by the end of last week. I was rather surprised when the meeting was put off until yesterday, Monday. The fact that the opposition seems—for the present, at least—to have gone back on its bargain is to me rather inexplicable, and I have not yet been able to get any adequate explanation. The Constitutional Assembly is to meet again today, but there is no indication that the question of the giving of this legislative authority to the remainder of the Congress is to be up during today's session.

The Diario de la Marina spoke of there being a political crisis on the horizon. I doubt whether there is anything in that, but things are certainly not as smooth under the surface as they appear to be on the surface.

I think you know that the committee of four which was to work on a draft of the constitution has been enlarged to seven, and that Casanova is on it. I think you also know by this time that the President and Campa assured me in the most categorical form at
the end of last week that there would be nothing in the new constitution which would destroy confidence. Of course, I am not placing too great weight on what Campa says, even though he means thoroughly well and is doing all he can. I do, however, place considerable weight on what the President says—and he spoke in the most categorical terms. I am confident that we are going to have a good deal of trouble over this question of the constitution before we are through with it, but I need not tell you that we are giving every phase of this matter our constant and careful attention. I think my call on the President last week had a very wholesome effect, and I am sure that Lopez Castro must have seen Batista since I had my talk with him and he told me that he had already told Batista that there wasn't much use in the latter's being President if the members of the Assembly made the kind of constitution that some of them were planning—for, in that event, he would not be President for more than six months.

The question of the obligations, of course, is, for the moment, in abeyance because nothing can be done until the Assembly gives this power to legislate to the remainder of the Congress.

This is just a hurried note which I want to get off to you by this noon air mail. I can quite understand your preoccupation on all these questions, and it is justified; but I want you to know that I am doing everything humanly possible here.

With every good wish to you all,

Cordially and sincerely yours,

(George S. Messersmith)