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Enclosure No. 1 to Despatch No. 219 dated June 24, 1946 from American Embassy, Buenos Aires entitled "Transmitting Memorandum of Conversation with the Foreign Minister on Concrete Aspects of Argentine Compliance with her Inter-American Commitments"

MEMORANDUM OF CONVERSATION WITH THE ARGENTINE FOREIGN MINISTER MR. BRAMUGLIA ON THE AFTERNOON OF JUNE 20, 1946

I arrived in Buenos Aires on the evening of May 22 and presented my Letters the morning of May 23. The then Foreign Minister, Mr. Cooke, remained in office only about a week after my arrival, and during that period I had several conversations with him of a general character in the Ministry, during the course of which I indicated to him that I was giving careful study to all current problems, including the questions at issue with regard to Argentine compliance with her Inter-American commitments. I said that I could not discuss any of these questions concretely for the present as I was giving them careful study and did not wish to touch concrete problems until I had completed that study. I was to have a conversation with the Minister, Mr. Cooke, to touch in a preliminary way on concrete problems when, immediately after the inauguration of President Perón, he was replaced by Mr. Bramuglia.

During the past few weeks I have had a number of conversations with Mr. Bramuglia in the Foreign Office during the course of which we discussed the matter of Argentine compliance in a very general manner, but I repeated to him what I had said to his predecessor, Mr. Cooke, that I preferred to wait concrete discussion until after I had completed the studies which I was making. It may be noted that in these general conversations Mr. Bramuglia assured me of the very sincere desire of the Argentine Government to resolve all pending questions as it was its intention to work in the American picture loyally, to follow "the American line", and to remove as rapidly as possible all obstacles in the way of the most cordial and collaborative relation between the Argentine and the United States.

During the week preceding this, Mr. Mann, who has charge of the Argentine desk in the Department, came to Buenos Aires under instructions of the Department and carried with him a memorandum which had been given the approval of the Department prior to his departure and which was to serve as the basis of discussion with me and the officers of this Embassy. Mr. Mann remained here about ten days, during the course of which we gave the most intense study in the Embassy to the matters covered in the memorandum which he brought with him, and in these discussions Mr. Cabot, the Counselor of the Embassy, Mr. Tewksbury, the Economic Counselor, and the officers who have

been

been working on matters of enemy property, enemy aliens, and undesirable institutions and organizations participated. There was the most full exchange of views which proved to be very useful.

As Mr. Mann has returned to the Department and is making oral report on his visit and conversations and as I have written a long letter to Secretary Byrnes dated June 15 expressing the preliminary observations and conclusions which I am able to make at this time, I will not refer further to this background as it is already available in the Department.

As I felt that I had completed my studies sufficiently to be in a position to talk with the Foreign Minister and with President Perón in a more concrete way and as I knew that they were desirous of such conversation at the earliest possible moment, I made it known to the Foreign Minister and to the President that I was prepared to talk with them. The President indicated a desire to receive me on June 20, but was ill that day and could not receive me and has indicated that he will receive me in the next few days.

The Foreign Minister indicated that he would receive me at 3:00 o'clock on June 20, and we had a two and a half hour conversation that afternoon although it was an Argentine holiday.

I started the conversation by saying to the Minister that it was the sincere desire of my Government, as I was sure it was of all the other American Republics, to arrive at an early solution of pending problems in order that we would be able to proceed with the Rio meeting for the consideration of the defense pact. I said that I had given since my arrival in Buenos Aires the most careful and objective study to pending problems and with particular reference to the degree of Argentine compliance with Inter-American commitments which it had assumed. I said that naturally whatever I was saying in this conversation was still of a preliminary character and subject to the approval of my Government but that I believed that what I was going to say would have the full approval and concurrence of my Government. I did wish to emphasize, however, that I was still speaking in a preliminary way.

I said that the study which I and my associates in the Embassy had given to the problem of Argentine compliance led us to the conclusion that the matter of compliance had now reduced itself to three principal fields; that of property, that of enemy aliens and persons guilty of subversive activities, and third, that of schools and institutions. I said that in all three fields there had been appropriate statutory and administrative acts of the Argentine Government but that there were certain things to be done in all three fields which were necessary before the Argentine Government could feel content that it had taken all proper means to meet its Inter-American commitments and that these further steps were necessary in order that the other Amer-

ican Republics should also feel that there had been adequate and relative performance. I said that this was a matter in which not only the United States and the Argentine were interested, but that it was a matter of interest to the whole hemisphere and to each and every one of the American Republics.

I said that if adequate progress was made on the above-mentioned three points and if there was established the conviction among the American Republics of complete good faith on the part of the Argentine Government, I thought we could arrive at the point in the foreseeable future to go ahead with the Rio meeting and the formulation and approval of the defense pact. I called attention, however, to the fact that my Government had as late as April 8, 1946 again made clear through a statement of Secretary Byrnes that we could not sit down to a defense meeting with the Argentine unless we and the other American Republics had the full conviction that there was the relative same measure of compliance with Inter-American commitments as that of the other American countries.

I said that with his indulgence I would first discuss the question of enemy property. I said that I realized fully the difficulties which the Argentine Government had met in carrying through the program for taking full possession of and liquidating rapidly enemy property. I said that I had a better understanding of some of these difficulties since I had arrived in the Argentine than I had before as I had learned that in view of certain constitutional and statutory provisions in the Argentine, the Government had been impeded in its action by decisions of the courts and by failure of the courts to give decisions. I said that probably this aspect of the problem had not been properly understood either in my country or in some other American Republics but that in spite of these difficulties, the progress had been slow and had been generally judged inadequate. I went on further to state that probably one of the difficulties was that the Argentine had not been in the first world war and had not learned any of the lessons or procedures which some of the rest of us had learned through that war. I said further one of the difficulties undoubtedly was that the Argentine had entered the second world war so recently ended only before the end and that that undoubtedly made it more difficult for her to take certain action which would have been easier if taken earlier in the war.

The Minister said that it was true that a bad start had been made by the Argentine; it had entered the war only at the very end, and he was one of those who had been of the opinion that the Argentine should enter earlier; there was no doubt that this late entry and bad start with the handling of the matter of enemy property and aliens had made their problem more difficult; it was, however, the firm intention of the Argentine Government to liquidate these matters quickly; it had no desire to protect either enemy property or enemy aliens, but that it would have to

proceed

proceed on the basis of law and the constitution and that this and the attitude and slowness of the courts made their task a difficult one.

There then followed a rather detailed discussion of the provisions of the Argentine Constitution and law which I will not go into in this memorandum as Mr. Mann in the Department is fully familiar with these situations as the result of his stay here and which situations, I must add here, are very real and must be taken into account by us and the other American Republics, together with all attendant circumstances, for an understanding of the problem.

The Minister then went on to say that he realized the necessity of their proceeding with this matter of enemy property and that he wanted to press the matter as energetically and as rapidly as possible; he had discussed the matter with President Perón and had his approval for a course of action which he proceeded to set forth and which he would discuss in detail with the Committee of the Argentine Government, known as the Junta de Vigilancia, which has charge of enemy property, and that he would do so in the morning of June 21 which he had set aside for a meeting with the Junta and with appropriate officials of the Argentine Government.

He said that the following was the course which he would discuss in detail with the Junta and that we would see each other on Monday, June 24, so that he could inform me of the results of his conversation, study, and action.

He said that his plan was to arrange with the Junta a list of the firms which were to be nationalized and taken over by the Argentine Government at once. This would include the principal firms such as those engaged in the field of chemicals, iron and steel construction--in fact, the most important firms. These would be probably ten or twelve. The Government would take over these firms and would divest the foreign owners, whether they were resident or non-resident, of their property and compensate them in the form and manner and degree that seemed proper and equitable.

He would prepare a list with the Junta of the firms which were to be sold rapidly to Argentine interests, and this would include the more important firms in the above category. The enemy aliens, resident or non-resident, with equities in these firms would be compensated in the manner and degree which seemed equitable and proper, and in this way it was hoped that further court suits would be avoided and those pending could be liquidated.

The Minister said that there was a third category of small firms which had no importance because their capital was around 4,000 or 5,000 pesos and that it was considered that these firms could have no importance in the Argentine economy nor could he see that such small firms could present any danger. He frankly said that so far as

he was concerned, he was not in favor of doing anything about these small firms which were almost entirely owned, and he thought entirely owned, by resident aliens in the Argentine, and certainly their activities could not be any danger either to the Argentine or to the hemisphere. He said to go into these small firms owned by resident aliens could provoke innumerable court cases and it was not of sufficient interest to go to all this trouble when they presented no danger. (In this connection it has been brought to my attention since the conversation under reference that there may be some of these small firms with relatively small capital which nevertheless may be of some importance, and I shall, when discussing this matter with the Minister again, bring to his attention such firms which, though they may be of small capital, may have importance.)

The Minister said that the President and he were determined to carry through this program. They could not disregard the law and the constitution which gave such definite rights to residents of the Argentine, whether they were aliens or citizens, and to disregard the constitutional and statutory provisions would have many inconveniences and dangers of a general and broad character which he would bring out later in our conversation. He said he hoped that the Government by taking this drastic action which he thought was possible under existing decrees would be able to eliminate court actions by proceeding with compensation which would be made directly by the Central Bank to the affected residents. So far as property belonging to non-residents were concerned, the money would go into the Government Fund.

The Minister said that some of these German firms which had been intervened were of real importance in the Argentine economy and that in some cases they were being badly managed by the interventors; in some cases there was dishonesty and misuse of the situation of intervention. Some of the best personnel had been lost by these firms and their operation was being interfered with. In general, these firms were decreasing in value through these various unfavorable factors. He went on to say that as Minister of Foreign Relations he did not wish to have the responsibility for this enemy property and that the Government wished to get rid of this responsibility as soon as possible. It was in their interests in every way to liquidate this situation quickly. It was in the interests of the Government, of the hemisphere, and relations with the United States to liquidate this question of enemy property as soon as possible.

I said that I had been prepared to discuss with him the question of vesting the title of enemy property immediately in the Government as we had done at home through a new decree or law. The Minister said that he would be pleased to discuss this possibility with me, but that they had arrived at the conclusion that it would be better to

try the above plan rather than to enact a new law, but that if they found a new law was necessary in addition to the existing decrees, he was sure they could get it from the Congress if and when they found it was needed.

I gathered the distinct impression that the Minister himself is exceedingly desirous of liquidating this matter of enemy property. There is reason to believe that he himself is an honest man and he is, without any question, a very intelligent man. There is no reason to believe that he has any sympathy either with the holders of enemy property or with enemy aliens guilty of improper acts, but as a lawyer, he feels very strongly that any interference with existing legal processes for guaranteeing property and individual rights would have the serious possibilities of repercussions on other foreign-owned property or even native-owned property.

According to the Minister, he is discussing the above-mentioned plan with the Junta de Vigilancia on June 21 and will give the matter further study in the next few days, and we are discussing the matter on June 24.

He then said that he would like to discuss the question of the aliens included on the list which had been submitted by the British and Chinese and ourselves. I showed him a statement which we had prepared in the Embassy showing the number of aliens who have been repatriated or deported by the other American Republics during and since the end of the war. I told him that in this particular field the Argentine had made relatively poor performance as compared with the other American Republics and that this was naturally viewed with great concern, not only in my country, but I knew also in all the other American Republics--particularly of the potential danger to the hemisphere of such individuals.

The Minister said that he had been giving this whole matter of the enemy aliens very real consideration since he became Minister. He said that I must be familiar with the constitutional and statutory provisions in the Argentine regarding "habitantes." He said that he had been a lawyer for twenty years and that the "Ley de Residencia" had been something which had always been of primary interest to him. He said that he was a liberal and a democrat, but that he was not a communist. He said that he had always been a defender of the rights and interests of the common man and that this provision in the constitution with regard to "habitantes" and the "Ley de Residencia" were the safeguards against arbitrary action against the weak and helpless as well as against the strong. He said that there were important psychological reasons why the Government must proceed according to law. He said it was the intention of the new Government to abide by the constitution and that if they started by deviating from the constitution, they would be attacked on all sides.

He said

He said that there were juridical reasons why the law must be observed and said that it would not be in the interests of the Argentine, of the Americans, or of other foreigners here not to follow established law and procedures with regard to the rights of individuals and property for this provided protection for all. Unhappy precedents could easily be set which could be used by arbitrary government against both Argentines and aliens.

He went on to say that there were strong political reasons why the Government must follow the constitution and the laws. He said after three years of government-by-decree, they had returned to a constitutional regime and any deviation from constitutional practice would give the extreme nationalists the opportunity to attack them most violently and the new Government could not take that risk. He further said that for political reasons they could not risk attacks from the workers who had fear of any encroachment on their right of "residentes" as guaranteed in the constitution and provided for in the law.

He went on to say that there were reasons lying in the courts which made it necessary for them to follow these constitutional and statutory procedures. He pointed out the attitude of the courts, which in the last few years had been unfriendly to the Government, and intimated that some of the attitude of the courts had undoubtedly been due to the desire to embarrass the Government in its relations with the United States and with the other American Republics and thus weaken the Government. He said that it was the intention of the constitutional Government not to interfere with the liberty of the courts but to conserve their integrity, but at the same time it would be possible, he hoped, to have the courts take a more understanding attitude with regard to these matters and to proceed more rapidly than they have been doing. He stated that the decisions of the courts up to now had held up action with regard to deportations, but in spite of the inconveniences presented, the Government would have to deal with this situation in a very careful way.

The Minister then went on to say that he had the dossiers of many of these cases at his home and that he was spending every moment he could on their examination as he wished to give them very careful study himself. He said that he hoped to be able to complete his examination of these cases by Monday, June 24, when we would get together and go over these lists name by name. He said that he would do his best to get a rapid liquidation of this matter and that he has no interest whatever in not getting aliens out of the country who have been engaged in improper activity and that he has no interest in not prosecuting Argentine citizens who may have been engaged in activities contrary to the interest of the State or of the hemisphere. He emphasized that after his study he wished to discuss with me these lists, case by case and indicate clearly to me what he believes can be done and when it can be done.

He reiterated

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He reiterated his desire and that of the Government to get as many of these people out of the country as possible.

With regard to enemy aliens, the Minister said that he wished to discuss with me one phase of this matter. I had handed to him recently a note in which I informed the Minister that on or about July 21, 1946 an American ship would call at Buenos Aires, after having called at other South American ports, in order to take on for deportation to Bremerhaven such Germans or other undesirables as the Argentine Government might have ready at that time. He said that he hoped that the Argentine Government would have a good number of such aliens ready to send out by that time, but he emphasized that they would wish to deport them or send them out "by their own means and ships." I asked him if this meant that they would not have any persons to sail on this ship as in that case I would wish to tell my Government that no specific purpose would be served by the vessel coming to Buenos Aires, at least not for the purpose of taking on deportees or repatriates. The Minister said that he thought it would be very bad psychologically in the Argentine and very bad for the program for the Argentine Government to deport or send out any of these aliens on an American ship making a trip for this purpose as had been indicated in the note under reference. He said that he himself thoroughly understood, he believed, the generous impulses of our country and our people. He said, however, that such a program was a difficult one in the Argentine and there was no need to awaken criticism of the Government or making difficulties for the program which were not necessary. He said that Argentine opinion would not look with favor on the Argentine Government using such a ship for this purpose but that it would be much better and much more helpful for their program to send them out with their own means and ships, which he said would be available.

I must say that I was somewhat surprised to have the Minister make this statement, but it did not come to me altogether unexpectedly. We have to deal with the same situation in the Argentine today that we have had to deal with for many years; a high nationalistic spirit. This has been emphasized during the so-called recent "revolution" which finds its present expression in an unhappy exaggeration of sovereignty, and unhappy and unnecessary and rather ridiculous references to sovereignty. It is a situation, however, with which we have to deal and it is nothing new and it is only characteristic of Argentine procedures in the past that they would wish to send out their repatriates at their own expense and in the way they see fit. Perhaps, too, it is due to a considerable extent to the desire to make it apparent that they are doing this on their own initiative and not under our so-called pressures or initiative.

The Minister then went on to say that in view of the free and frank way in which we were able to exchange views, he wanted to say to me entirely informally and unofficially

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that he thought it would be wise for us not to use this ship for repatriation from other countries unless such countries specifically requested our furnishing the facilities. He left the inference with me that some other countries of the Americas have discussed this matter with him and do not particularly like it. He said that he thought the American countries should be left to send out these repatriates themselves or to seek the means to do it and make their own arrangements for doing so. He said that he was sure that our gesture was well meant but that it was not very understanding.

I told the Minister that our action had been merely the outgrowth of our desire to be helpful for we knew that the repatriation of some of these elements was difficult for some of the American countries with the means at their disposition. I said that many of these countries realized that these aliens which they were trying to get out had been plotting against the State in time of war and wanted to get rid of them as soon as possible. Our gesture, it was true, was a generous one and that if we were being over-zealous, which I do not think we are, we were only trying to be helpful.

I told the Minister that in view of his specific statement I would inform my Government that the Argentine Government would wish to repatriate the persons sent out from here "by their own means and ships."

The Minister went on to say that the President and he and associates in the Argentine Government were determined to take all proper measures to facilitate action by the courts in these cases of aliens. I had suggested to him that the Supreme Court decision which was making so much trouble did not indicate what kind of a hearing was necessary, and I pointed out that in the United States, so far as aliens were concerned, all that was necessary for deportation was a hearing through administrative machinery and that a court process was not necessary such as that essential for conviction of a man of treason or acts against the State or to denaturalize him. The Minister said that this had been given very careful consideration and it had been determined that there was no doubt that what the Supreme Court meant was a trial and not an administrative hearing. The idea of using administrative hearings, therefore, to facilitate the matter was out of the question. They would have to follow the court proceedings for the reasons which he had given to me and that what they would have to do was get facilitation of the action by the courts on the cases. I pointed out to him the importance of this as the American countries would follow what was being done in this respect with the greatest interest and it would be considered as one of the evidences of either good faith or lack of good faith on the part of the Argentine Government in dealing with this problem.

The Minister then said that specifically in this connection he would have to bring to my attention a matter which

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was of some importance and which he wished to explain to me fully so that there would be no misunderstanding. He said that there had been some forty of the alleged more dangerous enemy aliens and agents whose cases were in the courts and in whose cases the courts had not yet reached a decision. Irrespective of the rights of habeas corpus, etc. these persons had been held in prison. This was completely contrary to the Argentine law and the deportation orders also had been issued without proper basis because deportation orders could not be issued until the court cases were completed. He said he had no interest in the aliens in particular but that the Argentine Government had interest in the carrying through of the law and of the constitution and the guarantees which they gave. He said that immediately after President Perón was inaugurated and the constitutional Government became effective and he became Minister the situation of these aliens was brought to his attention. He said that the Government had reached the opinion that, desirable as it was to conclude the action against these people, it could not act contrary to the courts and the issuance of the deportation orders and the holding of these people in custody in the meantime, while their cases were pending in the court, was not in accord with the constitution and the law. The courts were a separate branch of the Government under the constitution and administrative measures must not be taken by the Executive which were contrary to the procedures and decisions of the court and of the law. The Government had, therefore, given instructions that these men whose cases were pending in the court were to be released under surveillance. He said that the Argentine Government was paying over 200 people to watch these forty people so that they would not be able to escape the courts and justice. He said that he hoped that this action of the Argentine Government would not be misunderstood because it was taken in all good faith and was action which it had to take. He said that these men were under the close surveillance so that they could be brought before the courts as soon as the courts would begin action on their cases again and that he intended that that would be done as soon as possible but that the Government would not take any action to interfere with the integrity of the courts or take any arbitrary action.

In this connection I believe that we must understand that the action of the Argentine Government in keeping these men in jail under deportation orders was arbitrary and undoubtedly unconstitutional and not in accord with the law. Much as it may have suited our convenience and desires to have these men kept in jail pending the decision of the courts, and under the pretext of deportations orders which under existing law are not valid, I believe myself that the attitude of the Argentine Government in releasing them under surveillance is absolutely correct and is the same sort of procedure that we would follow under similar law in the United States. I do not think that we can ~~discover~~, or take as evidence of lack of good faith, any action of the Argentine Government which is in accord with the constitutional

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and statutory guarantees given to "residentes" even if, so far as enemy aliens are concerned, it offers delays and inconveniences in handling these cases. I am personally convinced, and I think we must take it for granted, that there was no lack of good faith of the Argentine Government in this matter. We must also keep in account the fact that the President in his inaugural address on June 4 stated that the Argentine that day was returning to constitutional government, and there is no doubt that the Government is leaning over backwards to prevent criticism in any field to the effect that it is not following meticulously constitutional practices.

We then turned to the discussion of the third point which has reference to schools and organizations. In this field I find, and my associates are in agreement with me, that the Argentine Government has done a quite good job, and I believe in many respects, relatively a better job than has been done in most of the American countries. For this the Argentine has received no credit whatever, either from us or in the press. I will not go into detail, and Mr. Mann who was here last week can give oral information on this point.

I said to the Minister that so far as schools and institutions were concerned, the record of the Argentine Government was really very good and that I thought there remained very little to be done, but that what had to be done still was important. The Minister said that he was ready to go ahead in this field immediately with anything which should be done. He was of the impression that most that should be done had been done. He was in agreement that if there were any vestiges of Nazi teaching or influence in schools, it should be eliminated; if there were any institutions left, he would see that they were dissolved. I told him that there were really only two things of adequate importance for me to bring them to his attention. One was the Association of Professionals which was in process of dissolution but in which action had not been carried through. I said the other was an association of ex-service Germans which appeared not to have been completely dissolved. He said he wanted action taken. I asked him if he would indicate someone in the Ministry who would occupy himself with this. He said he would name someone immediately and have him come to see me and that it would be a person with whom I could talk in the same way that we talked and that he would see that the necessary action was taken. He asked me to give this man whom he would send all the information we had available.

As a matter of fact in the field of schools and institutions there is very little to be done in the Argentine and it is my considered opinion, even if she did nothing more, she would have given us full compliance of her Inter-American agreements in this field as any of the other American Republics whose action in this field I am familiar with. I think in due course we have to give her credit in the press for what she has done in this field, and I will keep the Department informed.

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After the above discussion of matters affecting compliance by the Argentine, we turned to the discussion of other matters which will be covered separately to the Department as they have no relation to the subjects discussed in this memorandum.

George S. Messersmith

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