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AIR MAIL

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Mexico, D.F., August 9, 1944.

Dear Joe:

As you know, there has been held in Mexico City during the last ten days the Third Meeting of the Inter-American Bar Association. The first meeting was held in Havana while I was stationed there and it was a very successful meeting and conducted on a high plane. The second meeting was held in Rio, I believe last year, and I do not know just how it turned out but I think it was also on a pretty high plane. I was against the holding of the third meeting in Mexico City this year because I felt very definitely that the best representation from the Latin American States could not be secured on account of the war and various other reasons, including travel difficulties. I also felt that we would have so overpowering a delegation from the United States and that there would be so few from the other American Republics that it would not be too good. I also felt that because the representation all around might not be of the highest quality and because of certain strong leftist tendencies in Mexico there was a possibility that all sorts of questions would be raised which would have a political character and which should not be raised in such a meeting of an unofficial character and of a limited scope. Further than this, I had little confidence in some of those who were managing the meeting because they are more interested in holding meetings than in anything else and I am speaking more particularly of a few of the Americans who are interested in the Inter-American Bar Association.

Our worst fears were realized. The American delegation was very large. I don't know how many there were but there were well over 150 and there may have been as many as 200. From the other American Republics the number was very limited - not more than a handful. There were some good people here from Brazil and from Cuba and there was at least one good man from Colombia and from Chile. There were some good people from the United States, among them being men like George Morris of Washington, Frederick Coudert of New York, Hutchinson of Philadelphia, who is the President of the American Bar

Association,

Joseph F. McGurk, Esquire,
Department of State,
Washington, D.C.

Association, and Simmons of Houston, who is the President-elect of the American Bar Association. In fact there were quite a good number of very good and outstanding American lawyers here. A good many of them were women and from Washington from various offices of our Government. I may say parenthetically that one of the things which I think we ought to go into and we may have to go into before we are through with this meeting is to determine how many of these women lawyers from Washington came down here at Government expense when there was not, of course, the slightest reason for their traveling here at Government expense. I say this because some of these women who came here and who I believe came at Government expense, although I am at present not prepared to prove it, were among the trouble makers in the meeting and their attitude was anything but American or helpful. I think many of them were members of the Lawyers Guild, I do not know, but certainly a good many of these women were among the vociferous and boisterous defendants of the Puerto Rican delegation in their efforts to commit the meeting on a political resolution advocating immediately independence for Puerto Rico.

From the very outset the meeting was bad. A man by the name of Perales from Texas, who is utterly unknown in his own state or at least insignificant and who is more Mexican than American, gave an interview to several of the newspapers on discriminations against Mexicans and Latin Americans in Texas which received front page display in at least two of the Mexico City newspapers. In the interview he referred to himself as representing the "Bar Association of Texas" and he had, of course, no authority whatever to speak for that Association. The interview which he gave was vicious but, of course, that sort of thing happens to some of the Mexico City newspapers when they can get anything on discrimination and no matter from whom it comes, they publish it.

The next step was when at a dinner which the Mexican Chairman, Sanchez Mejorada, who is a very good lawyer gave, an Ecuadorian who has been in exile in Mexico for some eight or ten years at least and who has not been able to return to his country insisted on getting up and making a speech in which he said that he was going to propose a resolution putting the meeting on record as favoring the immediate settlement of the Chamizal dispute in favor of Mexico. Of course he got a lot of newspaper space on that. Incidentally this Ecuadorian told a member of the staff of our Embassy that now that he had proposed this resolution on the Chamizal, he would be able to return to Ecuador where he had not been able to go for years. Of course what the Ecuadorian had in mind was not trying to help Mexico but to have this meeting put the Chamizal question on record here and to create a

precedent

precedent for disputes between Peru and Ecuador.

The next incident which developed was that a rather small but vociferous Puerto Rican delegation insisted on raising the question of Puerto Rican independence and putting the meeting on record.

The next step was when a Mexican, Robles, who is a lawyer in the Foreign Office and who made it clear that he was acting on his own, read a paper and discussed a resolution which would have done away with diplomatic protection and which would have put the meeting on record in favor of the Calvo doctrine.

The interesting thing is that Perales on discrimination, the Ecuadorian on the Chamizal, Robles on doing away with diplomatic protection and supporting the Calvo clause, and the Puerto Ricans on independence had the support of the less responsible of the delegates from the Latin American countries and the vociferous and very boisterous support of these American lawyers who were here from the Lawyers Guild, including a lot of women lawyers from Washington who whether they are members of the Lawyers Guild or not, I am not able to say.

In any event, almost immediately there developed a sort of a Latin-American block against the North Americans. It was a very difficult situation. The presiding officer of the meeting, Sanchez Mejorada, and the presiding officers in the committees, could hardly maintain any rules of order and the responsible Americans were hard put to present their point of view but felt they had to do so but these irresponsible elements from home and from some of the other American states created all sorts of incidents. The matter became little less than a public scandal in the press because, of course, all of this was meat and drink to the correspondents and the papers publish the stuff even though the editors and the owners may not have been in accord with these people.

In the final analysis, the situation was smoothed out and all of these resolutions of a political character were voted out. Mr. Frederick Coudert and Colonel Rigby got in touch with me last Sunday and they proposed a resolution in the meeting to the effect that subjects of a political character and those affecting international affairs of countries could not be discussed in the meetings of the Inter-American Bar Association as these fell without the Constitution of the Association. This was adopted. All

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of these objectionable resolutions on discrimination, on the Calvo clause, on doing away with diplomatic protection, on independence for Puerto Rico and others were voted down in the end. If it had not been, however, for the determined attitude and the understanding attitude taken by the responsible Americans, the meeting would have been a complete fracaso, would have passed all sorts of resolutions of an undesirable character and it would have been the end of the Inter-American Bar Association.

I worked with the responsible Americans here behind the scenes on this matter because I told them that if they withdrew from the Bar Association, it would result in a Latin American Bar Association being formed as a rump body and that would be just too bad. Some of the responsible organizations like the American Bar Association, the Texas Bar Association, the Association of International Law, and others, were ready to withdraw from the meeting here. If they had done this, it would have wrecked the whole business for it is these American organizations which pay the quotas which keep the organization going. This, however, would not have prevented the formation of a rump Latin American Bar Association, which you will readily realize could have had all sorts of implications. It would have been a fine instrument for some of the less responsible elements and less friendly elements in the other American Republics to use to get all sorts of things written into the record apparently as representing the best opinion in their countries when, of course, it would not. The fact that the leading lawyers and responsible lawyers in the other American Republics would not belong to such a rump organization would not affect the situation at all for they would be able to make a lot of noise just the same.

I, therefore, brought this point out very strongly to some of our most responsible Americans here and they saw the point immediately. I said that if such a rump Latin American Bar Association was formed, it would be one of the best aids we could give to the Hispanidad idea and that Spain and the Argentine could use such a Latin-American Bar Association for their own purposes and against us.

The way the thing ended up the integrity of the Inter-American Bar Association is maintained and now that they have this resolution clarifying the Constitution to the effect that political matters and subjects affecting the internal affairs of states are excluded, I think the ground is safer for future meetings. I think too that they will

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see that hereafter the meetings are better organized so that there will be no possibility of these irresponsible elements playing the part that they did.

At times it really reached the point of being disgraceful. The Puerto Ricans even threatened physical violence against Sanchez Mejorada, the President of this meeting and one of the most respected members of the Mexican bar. They told me in the Foreign Office last evening that this Puerto Rican group had even threatened to attack the house of Sanchez Mejorada. The most disgraceful part of it to me is that these Puerto Ricans received every aid and comfort from these members of the Lawyers Guild of the United States who were here and from some of these women lawyers from Washington who I suppose are extreme radicals. I repeat again, before this thing is over, I am going to try to find out how many of these lawyers from Washington had their fare paid by our Government. There is certainly no reason for them having been here for our Government at a meeting of this kind.

The next meeting is to be held in Santiago, Chile, next year. My own belief is that by that time the Department can take a benevolent interest in this matter even though it is not an official organization. I believe that the Inter-American Bar Association can be a very useful unofficial organization and I think it is desirable that our American Bar Associations and their related organizations participate therein and take a real interest therein. I think it is absolutely essential that we do so for if we do not do so there will still be an Inter-American Bar Association and it could be used against us.

Because of the disgraceful incidents which took place here there may be a feeling in the Department that we should refuse all countenance of this organization. I believe that that would be a mistake and I would like to go on record definitely in that respect. As a matter of fact, next year conditions will be such that even though it is an unofficial organization we can give it certain countenance and support. I am saying this because I believe it is in our interest and I think the worst thing we could have happen would be to have this organization fall into bad hands or to have a rump Latin American Bar Association which would be the inevitable consequence if our people do not take an interest.

One of the most helpful people here during the meeting was Mr. Frederick Coudert who is, of course, a man wise in experience and of considered speech. A good many of the Americans were helpful. A good many of the Cubans were helpful. So were some of the Brazilians and a Chilean who I believe is a member of the Chilean Supreme Court. There was also a Colombian who was most helpful. The Cuban delegation was particularly good.

Of course a part of the difficulty was that this meeting was held in Mexico City where some of these left elements could become very vociferous and where undoubtedly some of the extreme left elements in Mexico City brought pressures to bear on some of these Latin participants and on our own Lawyers Guild people. I have definite information through telephone conversation intercepts that Lombardo Toledano was in touch with some of these Lawyers Guild people here and I am sure that Lombardo from behind the scenes was stirring up most of these matters which were directed, of course, against us. Lombardo, however, was not alone in this for the ambiente in Mexico City at present is propitious towards bringing up anything critical of the United States and it was too good an opportunity for some of the extreme left elements here to miss and they did not fail to use it.

So far as the meeting is concerned, it is over. None of the bad resolutions was passed. I think most of the bad feeling generated during the meeting will be forgotten and so far as the meeting itself is concerned, I don't think anything too bad came out of it. On the other hand, the newspaper publicity which came out of the meeting is bad and while it will not have much effect in Mexico, it will have its repercussions in some of the other American states for several years. Our people were pictured in the news as using high pressure methods to kill these resolutions which, of course, were completely out of order in any event. Our people were accused of using roughshod and discourteous methods. There were veiled indications that we were supposed to be anti-Democratic, imperialistic and what not. This, of course, was the result of irresponsible reporting by undoubtedly leftist reporters who covered the meetings and who like nothing better than a row and one created by leftist elements. The editorial comment on the other hand has been uniformly good and condemning all the practices which these Latins and Lawyers Guild people tried to carry through. As I told some of the leading Americans, the inevitable result is that some of the small newspapers in Latin America are going to carry some of this stuff for the next two or three years even though it will have been forgotten in Mexico.

I have written you at this length although we shall be making a full report on the meeting but, of course, will not go into as intimate detail. I think you will wish to bring this letter to the confidential attention of some of the people in the Legal Division and in other divisions of the Department which may be interested. I do want to make it clear that I think we must not let this meeting in Mexico City sour us on the Inter-American Bar Association, which I think has weathered a bad storm and come through it all right. I think it would be a mistake for us to decrease our interest or for our Bar Associations at home to decrease their interest. I think on the other hand the developments have shown how important it is for us to participate and through the best people we can get to these meetings from home. I have particularly wanted to get this confidential background to the Department as I fear that some very bad reports will reach home. There is no doubt that things were bad but we came out all right and the important thing is that we cannot let what happened here influence us in our attitude with respect to the Inter-American Bar Association in the future. Perhaps in one way it was good to go through some of these disgusting procedures here because I think it clarified the atmosphere and made it certain that future meetings will be held on the same dignified plane as the Havana meeting, which was the initial meeting.

It is my intention to get a list of the American delegates and particularly those from Washington and to send it to the Department. I think it will be advisable for the Department to determine or for the Budget Bureau to determine how many of these people who came from Washington came at Government expense. There was not the slightest reason for any Government agency being represented by a lawyer here who traveled at Government expense and as these Washington people in so many cases behaved so badly here and made their own country look ridiculous and really worked against their own country, I think it is very necessary to determine how many of these people actually came here at Government expense. This is a separate matter and I will go into it later.

Just to show you that the editorial comment in Mexico City was sound, I send you herewith a translation of an editorial which appeared in UNIVERSAL GRAFICO, a leading Mexico City afternoon newspaper in the issue of August 7.

With all good wishes,

Cordially and sincerely yours,

In triplicate

G. S. MESSERSMITH

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P.S. After reading this letter before signature I find that I did not emphasize or perhaps bring out as I should that as soon as this Chamizal question was raised by the Ecuadorian, I happened to have a talk with Padilla and simply mentioned the extraordinary action of this man and Padilla said that he had already taken note and had given instructions to have Tello, the Under Secretary, get in touch with Sanchez Mejorada, the head of the meeting here, to say to him that while it was the understanding of the Foreign Office that such a subject fell without the limits of those which could properly be discussed by the meeting according to its own statutes and rules, the Foreign Office would appreciate Sanchez Mejorada seeing that the Chamizal matter was not discussed in the meeting as it was a matter to be discussed between Governments and could best be discussed that way. It appears that at one of the meetings Sanchez Mejorada as the presiding officer clearly stated that the Mexican Government desired that this subject not be treated in the meeting but that in spite of this the Ecuadorian and some of these other Latins, as well as some of our own Lawyers Guild people, insisted on keeping the question before the meetings. I only mention this to indicate that in connection with this Chamizal resolution the attitude of the Mexican Government and of the Mexican presiding officer of the meetings was entirely correct.

I should also add that some of the unpleasantness in connection with this meeting arose primarily through lack of proper organization and proper preliminary measures being taken by some of those running the meeting. A part also was due to the fact that Mexican rules of procedure in meetings of this kind are somewhat different, in fact a good deal different, from our own and the Mexican rules give much greater latitude to bringing up questions and there is not sufficient authority in presiding officers to throw things out. Perhaps too there was a certain lack of firmness or adequate firmness on the part of those presiding over the meetings and over the committee meetings.

On the other hand, it must be borne in mind that men like this Ecuadorian exile in Mexico who raised the question of Chamizal, Perales this lawyer from Texas without prestige in his own state, and these Puerto Ricans who came here with the idea of making a noise, and some of our own Lawyers Guild people at home would not be restrained by any of the ordinary rules of procedure or by any rules of decorum. They were determined to use this meeting as a forum in order to advance their personal ambitions in one form or another.

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My own feeling is, as expressed in this letter, that bad as some of the things were that happened during this meeting, they have served as an excellent lesson and I think we have much more assurance that any future meeting of the Inter-American Bar Association will be conducted with decorum and that they will not be permitted to be a forum for some of these irresponsible people, whether they be from home or from the other American Republics.

It is also interesting to note that during the course of the meeting the chairman, Sanchez Mejorada, received a telegram from Puerto Rico - I have not yet had time to determine definitely from whom it came, which telegram informed Sanchez Mejorada, as chairman of the meeting, that the Puerto Ricans who were making all this noise in the meeting about immediate independence, etc. were without prestige or authority in Puerto Rico and were endeavoring to use this meeting only to advance their own political ambitions in Puerto Rico and that Puerto Rico itself had nothing but appreciation towards the United States for the manner in which Puerto Rico had been treated by the United States.

I also have information to the effect that on their arrival here these Puerto Ricans approached some of the Mexican newspapers with offers of money if they would make violent attacks on the United States on this question of the Puerto Rican independence. The newspapers approached would have nothing to do with it but it is not impossible that these same Puerto Ricans were able to suborn some of the correspondents of the newspapers who covered the meetings and who did not handle some of these matters with the objective and correctness that they should have. Where the Puerto Ricans got the money which they were prepared to pay newspapers here, I do not know but I think it is a pretty safe guess that it didn't come from Puerto Rico and that it didn't come from Mexico but that it came from certain elements in the United States.

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