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# Arnulfo Árias: A Study in Nationalism

Charles A. Moya

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# ARNULFO ÁRIAS: A STUDY IN NATIONALISM

By

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## INTRODUCTORY

This paper is an endeavor to present a just and impartial narration of the events as well as the interpretation of the facts that in some way conditioned the colorful political career of one of the most controversial and dynamic nationalists of contemporary Latin America.

Arnulfo Árias is a relatively young man, and while presently barred from holding public office, his many followers are confident that his exoneration and political rehabilitation are only a matter of time. If and when his civil rights are restored, it is quite possible that his political tactics will have shown some basic modifications. The experiences of two short administrations have no doubt left their traces of bitterness, but have not shattered the faith in the creed itself. It would be unwise even for the most able political observer to attempt to predict what the future holds for Arnulfo Árias. At present, his popularity is at its lowest ebb, but there are indications that this will change.

It is particularly gratifying to the author to have studied such an interesting personality. Much of the enjoyment and genuine enthusiasm experienced in compiling this work was stimulated by the fact that the author personally witnessed some of the events discussed here as he resided both in the Republic of Panama and in the Canal Zone from

1947 to 1950.

Sincere appreciation is due to Señorita Gloria Graciela Guerra of Panama City, and to Mr. John A. Michaelis of Balboa, Canal Zone, for their exceedingly valuable assistance in obtaining original material, which would have otherwise not been available. Copies of some of this material may be found in the Appendix.

Thanks is also due to the staffs of the Library of Congress, The Columbus Memorial Library, The University of Utah Library, the Public Library of Albuquerque, and particularly to the Library of The University of New Mexico.

The author is fully aware of the controversy that surrounds the subject matter and of the highly emotional appeal it has to many Panamanians of today. The author believes that some degree of success has been obtained in presenting a truthful and unbiased account of the events and their interpretation.

## CHAPTER I

## NATIONALISM

To understand the many manifestations of modern nationalism it is important to first know something of its theory. Nationalism, defined in a broad sense, refers to an attitude or feeling that gives national individuality a place of high importance in the hierarchy of values.[1] Another definition says that nationalism is the tendency to give excessive emphasis on the value of the nation, at the expense of other values. Although these are merely two of the innumerable connotations ascribed to the term they do serve the purpose of establishing the basic attitude that finds various expressions in the different countries. The nature of these expressions is determined by the conditions and circumstances of the time and place in which they occur.

Much has been written on the subject of nationalism through the years, and it would be an audacious undertaking to attempt to present the whole picture in brief form. For the sake of brevity, therefore, only the aspects of nationalism that seem pertinent to the movement in contemporary Panama will be discussed here. With these limitations, nationalism will refer to the feeling of an undeveloped and economically

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[1] Max Hildebert Boehm, "Nationalism," Encyclopedia of the Social Sciences (New York: The Macmillan Company, 1933), XI, 231.

dependent people that strive to give individuality and international prestige to their little nation. Nationalism of this sort, then, assumes somewhat of an emotional character and easily becomes aggressive. The support to such a movement stems largely from the "backward" and illiterate masses. Its program finds appeal to the instincts rather than to the intellect of the people.

This type of nationalism also adheres to the theory of the permanence of the national character, and the importance given to the ethnic ingredients of its population. Any changes in the racial structure of a people, such as the assimilation of "inferior" minorities, would result in the permanent alteration of the national character.

Factors such as territory and language also are of importance in the study of nationalism, and particularly so in the case in question. The idea of territory has often been a unifying element of a nation. Alienating any portion of such territory to another state would provoke the nationalistic feeling and even cause violence and wars. As to the factor of language, some political theorists have gone to the extreme of even considering language as the element of highest significance in nationalism.

Like all historical movements, nationalism has its roots deep in the past.[2] Although it cannot be assumed that

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[2] Hans Kohn, The Idea of Nationalism, the Study of its Origin and Background (New York: The Macmillan Company, 1945), p. 3.

dependent people that strive to take individuality on international problems in basically diffuse patterns. Proponents of this fact, then, assume somewhat of an existential character and easily become [illegible]. The support to such a movement stems primarily from the [illegible] bureaucratic elitism manner. It appears more vested in the [illegible] than to the individual [illegible].

This type of nationalism [illegible] of the economics of the national marketplace [illegible] taxes given to the ethnic [illegible] of the country. Any changes in the social structure [illegible] and the realization of "internal" activities [illegible] result in the permanent alteration of the national structure.

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Like all historical movements, nationalism [illegible] roots deep in the past.[2] Although it cannot be [illegible]

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[2] [illegible], The Idea of Nationalism, [illegible] its Utopia and Background (New York: The Macmillan Company, 1951), p. 2.

the nationalism in ancient and medieval times is to be compared to that of today, there still exist some of the basic characteristics and feelings found in modern-day nationalism. For example, tribalism was a manifestation of early nationalism. If tribalism can be compared to the nationalism of today, the comparison would be based on the fact that both adhere to a community of language, customs and historic tradition. Tribalism, however, existed on a much smaller scale, oftentimes banded together by actual blood relationships. Modern nationalism, quite to the contrary, depends upon relatively large units many times greater.

Modern nationalism emerged not earlier than the Eighteenth Century with the French Revolution and was the product of a series of economic, political and social developments.[3] The industrial revolution in Europe brought increased contact and competition among the nations. Progressive and imperialistic nations came in contact with others more "backward" and poor. Each one strived to maintain its respectability and prestige regardless of its wealth or poverty. This national consciousness grew more in some nations than in others, dependent upon a multiplicity of factors.

Nationalism is now obviously a world-wide movement vitally affecting the material and intellectual development

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[3] Hans Kohn, The Idea of Nationalism, p. 3.

the nationalities in question, modern industry is be com-
pared to that of some, there still exist marked differences
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For example, Tripolis was a centre of nearly 2 of early national-
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others, [illegible] upon a multiplicity of factors.

Nationalism is not only a [illegible] but
vitally affecting the [illegible] and intellectual [illegible]

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[illegible] Hans Kohn, The Idea of Nationalism, p. [illegible]

of modern civilization.[4] The nationalism of Panama resembles somewhat the attitude of the peoples of a colonial status, resenting the supervision, economic dependence and political subservience to another country. Although Panama is not actually politically under the jurisdiction of the United States, it is economically, for all practical purposes.

If a theoretical analysis were to be made of Panamanian politics and its society it probably would be found to have a high degree of pluralism and a very low degree of formalism.[5] The lack of formalism or the failure to adhere to formal rules in almost every aspect of its life has brought widespread corruption and inefficiency. Panama has suffered from corrupt practices and inefficient management in both its government as well as its business. Panama has also lacked industrial development, and business activity within the Republic is reduced to the handling of imported goods rather than the creation of local and foreign markets for national goods. All this has given Panama a static economy. A sound economy is impossible without growing industries, and the lack of industrial development at home may be linked to the absence of any great responsibilities taken in the conduct of foreign affairs.

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[4] Carleton J. H. Hayes, "Historical Development of Nationalism," Encyclopedia of the Social Sciences (New York: The Macmillan Company, 1933), II, 248.

[5] John Biesanz and Luke M. Smith, "Panamanian Politics," The Journal of Politics, XIV:399, August, 1952.

If it is assumed that a movement of nationalism is distinguishable in Panama, the question is raised, what is the basis of the nationalistic feeling?

While it may be true that the Policía Nacional, until recently under the direction of Colonel Remón, may hold the balance of power in elections and during periods of crises, at any other time this power center is in too much competition with others to be the chief source of national solidarity. But even without this competition the armed force of any nation does not produce national unity if not supported by the will and sentiments of the population.

Panama, in contrast to the pattern in Latin America, has neither a strong aristocracy nor a strong Church to perform the function of uniting the country. What solidarity did exist during the supremacy of the white aristocracy of of Spanish origin, carried over from pre-independence and Colombian rule, began to be infiltrated by politically successful people of the middle class, thereby weakening the unity that had thus far been achieved. Not only did these people belong to a different social class but also to a different ethnic mixture.

As early as 1908 a sharp division occurred in Panamanian politics, when two parties, the Conservative and the Liberal were formed. The Conservatives attempted to preserve the white aristocracy and its rule over the new republic, while they were opposed by the Liberals whose ranks included

If it is assumed that a sense of national unity is distinguishable in Peruvian, the question is merely what is the basis of the nationality feeling?

While it may be true that the Indian peasant, social reasonably under the direction of Indian Reform, is [illegible] believes of power in electing the [illegible] of [illegible], that any other true this power-centre [illegible] tion with others [illegible] be the major source of nationality. But even without this competition [illegible] tion does not produce national unity [illegible] the will and sentiments of the population.

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As early as 1908 a sub-division occurred in representational politics, when two parties, the Conservative and the Liberal were formed. The Conservative attempt to preserve the white aristocracy and its rule over the non-[illegible], while they were opposed by the Liberals who [illegible]

members of mixed bloods. From the beginning the Conservatives were greatly outnumbered and at the very first election they suffered defeat. Both parties had been so suspicious of the methods of the other that the United States was requested to intervene to supervise the elections. Initially the two parties had agreed to request such intervention but when the odds against the Conservatives grew, many felt that maybe the presence of the U. S. Marines had some bearing on the results. The Conservatives, at least a large proportion of them, decided on passive resistance refusing to even cast their votes. The Liberal Party won by an overwhelming majority as was expected. The Conservatives almost completely disbanded and new parties were formed. Some of the Conservatives even joined the Liberals. As a result of this much of the racial discrimination between members of the two major parties diminished.

As of 1924, the United States agreed to a policy of non-intervention in the internal affairs of Panama, thus leaving the door wide open for future revolutions and uprisings which the people of Panama could use as a weapon to protest government action.

All during the construction days of the Panama Canal, the Panamanian middle class gained a wider margin of power over the Conservatives mainly due to the prosperity brought about by the new and massive enterpiise. As of the time of

the Revolution of 1931 in which Arnulfo Árias, then a young revolutionist, made his debut in Panamanian politics the movement of the middle class mestizos of the Liberal Party and another revolutionary group called the Acción Comunal had culminated and the Conservative influence hit its lowest ebb.

Although in most Latin American countries there is a separation of Church and State, still the influence of the Church in politics cannot be underestimated. In Panama, the clergy has comparatively low status. It would seem erroneous, therefore, to assume that the source of common moral sentiments of nationalism could be found within the formalism and discipline of the Church. Panamanians, particularly the men, display relatively little interest in religion and their support as well as their contact with Church officials is at a minimum when compared to other predominantly Roman Catholic countries.[6]

For a lack of conclusive evidence to the contrary, it is believed that the nation-wide feeling of solidarity and cooperation in Panama stems from the beliefs and practices of nationalism with an expression and character all its own. This type of nationalism branches out into patriotic nationalism and reform nationalism.[7]

Quite typical of newly-liberated colonies and small,

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[6] Biesanz and Smith, op. cit., XIV, 398-99.

[7] Ibid., 399.

dependent nations the factor of national pride ranks high in the hierarchy of values. The noblest virtue of a Panamanian politician lies in his expression of patriotism, especially in public opposition to the United States. This kind of nationalism received a strong impulse with the Revolution of 1931 and rose to an all-time high during the uncertain years of World War II when Arnulfo Árias was swept into office with a coalition backing.

At a time when the United States was concerned with the affairs of its own defense, Arnulfo Árias thought the time was right for Panama to enhance its strategic importance and demand that the world recognize its individuality as a sovereign nation and not merely a "colony" and puppet state of the "great colossus of the north."[8]

To put into practice all of his nationalistic ideas, he felt that a new set of basic laws was needed. His new constitution was designed to guide and legalize the acts of the new government as it unfolded its Panameñista program.

While patriotic nationalism is strong and potentially aggressive in Panama, there is still an ambivalent attitude

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[8] Arnulfo Árias has been criticized consistently, especially in the U.S., of capitalizing on Panama's importance from a military point of view. An article in P.M. of December 26, 1940, describes an incident related to this. It said in part: ". . . Arnulfo Árias said there was no reason why Panama should not lease military and naval bases to countries other than the United States. He left little doubt that among the other countries that he felt might be entitled to military bases in Panama were Germany and Italy. . . ."

that can be detected particularly among the better educated Panamanians. They realize that their country will be perpetually dependent upon the Panama Canal, and indirectly upon the United States. Some of the more idealistic are extremely disgusted with the corruption and inefficiency that plagues the government, especially when many of them have set their own standards by those of the United States or other nations. From this discontent springs another type of nationalism which may be called reform nationalism.

The fact that corruption in government exists does not mean that Panamanians do not know of the ideals of honesty and efficiency, but rather that Panama is afflicted with something quite commonly found in nations of small population, the kinship-friendship fragmentation of its society. Putting business on a personal and unbusinesslike level it is difficult to find any group whose personal interests coincide with those of the nation.

Students are among those who may be considered the idealist reformers. As is the custom throughout Latin America, students take active part in politics, especially reform politics. They must not be underestimated as a definite force in the promotion or opposition of a government. Students dramatize political issues by staging strikes, rallies, printing and distributing handbills, as well as getting jailed and sometimes seriously injured or killed at the hands of the law. Whether the activities or the issues that motivate the

violence in which they become involved be adjudged good or bad, they reflect the moral ideals of the people as a whole and constitute a potent force in Panamanian politics.

Some people believe reform nationalism is a futile undertaking, and conducive to no permanent reforms that vitally affect the whole nation. If this is true in Panama it would be because of two main reasons. Primarily, because of Panama's relatively static economy, and secondly because of Panama's semi-dependent position as a national state. The more realistic observers know that Panama needs to help herself, particularly in any major improvements. The economy, as is, does not allow for any drastic spending. Unless the middle class can find expanding markets, either within the country or abroad, the little incentive that does exist to promote reform will soon die. Without the essential traits of formalism, discipline and order to lead the way, the existing methods used in government and trade, which have been warped and bent by the kinship-friendship practices, will continue, in spite of nationalism, to be a politically unstable and economically-weak nation.

## CHAPTER II

## BACKGROUND

The historical and political background of Panama as a politically independent and sovereign nation is quite different from that of the other nations in the Caribbean area. Until 1903 it was an outlying province of Colombia. Its present status, under the protection of the United States, was achieved principally as a rasult of the strategic importance of the Isthmus as one of the world's most vital pass routes. Even prior to the construction of the Panama Canal the great maritime powers of the world coveted this little strip of land.[1]

Panama, the present-day state is not only different from other countries geographically but also in that it possesses the unusual feature of not having any concentrated settlement in a central area. The nucleus of the state is the city of Panama; but Panama the city is not the product of Panama the country.[2]

The story of Panama is important, far out of proportion to its size and population.[3] Its early history is

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[1] Preston E. James, Latin America (New York: The Odyssey Press, 1942), p. 719.

[2] Loc. cit.

[3] Charles Edward Chapman, Republican Hispanic America, A History (New York: The Macmillan Company, 1938), p. 277.

related to that of Colombia since it joined that nation (then called Nueva Granada) in 1821 by a declaration of a cabildo abierto and in which the territory of Panama was declared independent of Spain and annexed to Colombia. Panama, however, withdrew from this union and in the next year declared herself independent under the title of the State of the Isthmus, which embraced what are now the provinces of Panama and Veraguas.[4] This new status only lasted until 1842 when Panama was restored to Colombia, thereby losing the little independence it had had a chance to enjoy.

From that point up to the time of its permanent separation from Colombia in 1903, Panama suffered ruthless exploitation despite the theoretical autonomy it was supposed to have.[5]

In 1878 the French were given their first concession to build a Canal across the Isthmus. This largely increased the discontent among the people of the Isthmus, since they did not receive the revenue derived from the concession. Several bloody revolutions resulted, but nothing was solved. By 1902, Colombia's economy hit a critical stage, and the United States, appearing to take advantage of the situation, offered to negotiate a treaty with Colombia for a strip of territory on the Isthmus through which a canal could be built.

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[4] A. Curtis Wilgus, ed., The Development of Hispanic America (New York: Farrar and Rinehart, 1941), p. 572.

[5] Ibid., p. 574.

Under these conditions the Hay-Herrán Treaty was negotiated and signed on January 23, 1903. The United States agreed to pay Colombia a cash sum of $10 million and $250,000 annually in return for a lease and necessary rights to build a trans-isthmian canal. The United States quickly ratified the Treaty but Colombia chose to reconsider and finally repudiated the agreement.

Upon seeing their chances of prosperity drifting away by Colombia's refusal to ratify the treaty and to give the "panamanians" their freedom, a revolution seemed to be the only answer. With the help of the United States, Panama soon became an independent nation.

The first president of Panama was Manuel Amador Guerrero, a conservative backed by a Liberal faction.[6] Less than a month after Guerrero was inaugurated, a constitution was drafted and subsequently adopted on February 13, 1904. The Treaty between Panama and the United States signed about that time specifically provided for the construction of the Panama Canal.

At the expiration of Guerrero's term in 1908, the U.S. was asked to supervise the elections. José Domingo de Obaldía was elected with the same backing as his predecessor. President Obaldía died on March 1, 1910 while still in office and was succeeded by Carlos Antonio Mendoza for a short period

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[6] Loc. cit.

under those conditions was pre-empted (there was negotiated and signed on January 8, 1959). The Dominican Republic agreed to pay Alcoa's costs and a 12% return and 250,000 annually in rent for a 1-year period, thereafter rising to 500,000 a year-indefinitely. The United States Government, at the request and urgently press to recognize and finally ratify the treaty.

Upon seeing Alcoa's chances of success by entering and by Dominicanization that is, giving Dominicans a "permanent" voice in the, a revolution arises to the only company. Thus the Dominican Republic, Alcoa and Dominican Government.

The final arrangement of Alcoa was signed January 1960 a compromise based on a higher tax. Next then a month after Eisenhower in January, a constitution was drafted and subsequently approved on January 21, 1960. The treaty between Panama and the United States signed about two a time specifically provided for the nationalization of the Panama Canal.

At the expiration of Generalissimo Trujillo's term in 1962, he was going to supervise the elections. Juan Bosch de Dominica was elected with the aid of Dominicans, or May 1962. Trujillo's Dominica died on March 1, 1930 multi-sided in office and was succeeded by Joaquin Balaguer, Trujillo's right hand

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6 Loc. cit.

until Pablo Arosemena was appointed president by the Assembly, in September of the same year. In October, 1912, Belisario Porras took office for three years and was replaced by Ramón M. Valdez in 1916. In the period from 1919 to 1928 Belisario Porras, Ernesto LeFevre and Rodolfo Chiari followed each other in office in that order. Early in March, 1925, a few months after Chiari was inaugurated a rebellion of the San Blas Indians took place but was successfully suppressed shortly thereafter.[7]

In October, 1928, Florencio Harmodio Arosemena assumed the Presidency of Panama for the term which ended in 1932, after having won the election by default. The opposition to Arosemena's candidacy refrained from participating, and exercised passive resistance, in complaint of the alleged fraud.

On January 2, 1931 Arosemena was deposed by a coup d'etat staged by the Acción Comunal headed by Arnulfo Arias. Arias made his debut in politics, and initiated the movement of Panameñismo, although the movement did not gain momentum and become recognized as such until a few years later.

Harmodio Arias, Arnulfo's elder brother, won the elections of June, 1932 and became the President until 1936. March 2, 1936 is a memorable date in the political history of Panama in that it marks the signing of the famous Treaty of Friendship, the basic treaty between Panama and the United

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[7] Loc. cit.

States. The treaty, in its substance, was a pledge on the part of both governments for mutual cooperation and responsibility for the defense of the Panama Canal in case of a threat of war.

Juan Demóstenes Arosemena became the government's candidate in 1936 and was also backed by the National Revolutionary Party. Both Arnulfo and Harmodio Árias used every resource available to secure the election of Arosemena, to the point of being accused of terrorist activities and fraudulent handling of the ballots, since Harmodio was still in office and commanding the authority over the public services. Dr. Arosemena, however, died while in office and was succeeded by Augusto S. Boyd, the First Vice-President and also the Ambassador to the United States, for the remainder of the term.

From 1936 to 1939 Arnulfo Árias occupied several ambassadorial positions in Europe, returning home to accept the candidacy of four political parties for the Presidency.

The very day he returned he announced his new ambitious and nationalistic program called by him Panameñismo. The elections of 1940 stirred up considerable bitterness. Árias' major opponent, Ricardo J. Alfaro, withdrew into the Canal Zone shortly before the balloting began, in protest of the fraud and serious threats to his personal safety. Arnulfo Árias, upon winning the elections of 1940, started off the most controversial political career of any man in the history of the country.

## CHAPTER III

## BIOGRAPHY

Before considering and evaluating the political aspects it is fitting to first study the man himself. This brief biographical sketch, then, will serve as a background for the events that follow.

Arnulfo Árias was born on August 15, 1901 in the city of Penonomé, far into the colorful interior of the Republic of Panama. Relatively little has been disclosed about his early life. It is known, however, that his father, Antonio Árias, a cattle rancher, died when Arnulfo was still very young and Señora Carmen Madrid vda. de Árias was left to educate a family of five children, all still of school age.[1] Harmodio, several years older than his brother Arnulfo, felt privileged to attend the University of Cambridge in England where he acquired a fluent knowledge of English as well as a liking for English traditions and customs.

Arnulfo, unlike his brother, decided to seek his college training in the United States. He first attended Hartwick College in Oneonta, New York, later going on to the University of Chicago to earn a Bachelor of Science degree. On June 18, 1925 he was admitted to Harvard University Medical School. While at Harvard, Arnulfo Árias proved to be a fairly competent

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[1] Maxine Block, ed., Current Biography (New York: H. W. Wilson and Company, 1941), p. 604.

student and was able to complete all academic requirements satisfactorily.[2] Before departing from the United States, he decided to serve his internship at Boston City Hospital, where he was a neurological assistant for over a year. Upon returning to Panama he became director of the Clinics of Surgery and Gynecology at Santo Tomás Hospital in Panama City. Aside from his duties at the Clinics, he carried on a large private practice as well.

By this time it was evident that the young doctor was not only a hard worker but also very capable. He was handsome and had a charming and likeable personality. Harmodio, by that time, was a highly respected international lawyer and author, and was instrumental in seeing that his brother was given every opportunity to assure his success.

Arnulfo Árias devoted himself entirely to his medical profession and played no role in Panamanian politics prior to 1931.[3] It seemed, however, that overnight his name became popular and widely publicized. His first political activity began with his membership in the patriotic society of the Acción Comunal.

At dawn on January 2, 1931, the news quickly spread that the Acción Comunal, headed by their new member Arnulfo Árias, had staged an audacious coup d'etat against the

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[2] Letter to author from Reginald Fitz, M.D., Office of the Dean, Harvard Medical School, dated August 29, 1952.

[3] Block, op. cit., p. 604.

Government by dislodging the President from the Palace and forcing him to submit his resignation. The ousted President was Florencio Harmodio Arosemena. One commentator adequately described the situation: "La toma del poder por Acción Comunal el 2 de Enero de 1931, marca el comienzo de una era distinta en nuestra vida política cuyas características vienen acentuándose hondamente en nuestra vida nacional. . . ."[4]

Arnulfo Árias by his action on January 2, had made his own debut in politics and had staged one of Panama's first fullfledged revolutions.

The effects of the sudden coup were electrifying but as First Vice-President Alfaro took office and reassured the people of his intention to restore peace and order, so things returned to normal again. Arnulfo Árias, however, had only begun to feel the after-effects of his revolution. One of these at least was tragic to him.

In the late evening of August 27, 1931, the city of Colón, located on the Atlantic side of Isthmus, was thrown into a commotion when Arnulfo Árias, by then the President of Acción Comunal, was shot twice in the neck by one Ramón Amestica, a municipal judge of the city.

To political observers, the shooting was motivated by political rivalry, and had arisen from the candidacy of Francisco Árias for the Presidency of Panama. Francisco

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[4] Felipe Juan Escobar, Arnulfo Árias, o El Credo Panameñista (Panamá: Imprenta de la Academia, 1946), p. 10.

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[4] Felipe Jaen Sanchez, Arnulfo Arias, p. 33 [illegible] Panameñista Thesis: Instituto de la Juventud, 1954, p. 14.

Árias at that time was serving as Ambassador to Washington.

Neither wound was considered critical at the time, but Arnulfo was, however, rushed to Colón Hospital where he was given emergency treatment.[5]

The shooting had taken place just after a gathering of the Colón branch of the Acción Comunal at which Arnulfo Árias had presided. A meeting of the city council of Colón was scheduled to follow shortly thereafter. Soon after the adjournment members of the Acción Comunal had left the hall, a crowd backed by Governor Afraín Dejada, who was understood to be a supporter of the candidacy of Francisco Árias Paredes, started a boisterous demonstration which climaxed in the shooting.[6] The violence of the mob subsided when the angered judge fled from the scene.

For almost a year Arnulfo Árias remained under medical care, restricted from any excessive exercise or exertions. The wounds inflicted in the shooting were more serious than had been expected after the first treatments, especially because of the constant danger that hemorrhages might recur.

It was not until July, 1932 that Remón Amestica was finally brought to trial. He was found guilty by a jury. The conviction was of an assault with a deadly weapon. It was later affirmed in a higher court when the appeal was

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[5] News item in the New York Times, 7:5, August 27, 1931.

[6] Loc. cit.

Arias at that time was serving as Governor of Panama.

Harbottle was sentenced to six years, but Arnulfo was, however, remanded to civil custody where he was given emergency treatment.[5]

The shooting had taken place just after a gathering of the Dolan group at the Agencia General de Autos Arnulfo Arias had operated. A section of the city bounded by Dolan was saturated with rolling smoke shortly. Soon after the adjournment meeting of the Acción General had left the hall, a crowd headed by Governor Arnulfo Arias, who was understood to be a supporter of the candidacy of Francisco Arias Espinosa, started a boisterous demonstration which alarmed in the shooting.[6] The violence of the mob subsided when the angered judge fled from the scene.

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[6] Loc. cit.

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The long overdue rewards to Arnulfo Árias for his participation in the Revolution of 1931, followed the tragic incident of the shooting. Harmodio Árias, in recognition of his brother's valiant services in the coup as well as his support in helping Harmodio to gain the presidency in the elections of 1932, led to the decision to give Arnulfo a cabinet post. He, therefore, held the post of Secretary of the Department of Health and Charity until 1936. In 1936 he was appointed head of the Department of Agriculture and Public Works.[8] During the period in which he occupied these posts he was credited with numerous and valuable accomplishments which have served in later years for appreciable support from voters. He promoted, for example, sanitary improvements of great value. In many towns of the interior modern sewer and water systems were installed. Hospitals were built in the Provinces of Herrera, Los Antos and Veraguas. A psychiatric hospital and an anti-tuberculosis dispensary were constructed in Panama City.[9]

Arnulfo Árias had been the power behind the revolutionary movement in 1932 and from that time on his professional

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[7] News item in the New York Times, 13:5, July 31, 1932.

[8] E. J. Castillero, "Dr. Arnulfo Árias, President of the Republic of Panama," Bulletin of the Pan-American Union, 74;743-44, November, 1940.

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work, if not completely eclipsed by his political activity, received little attention.[10] Up to 1931 it seemed that his enthusiasm for political affairs had had no outlet. He frequently expressed ideas of patriotic nationalism but lacked the opportunity to put them to a test. Some believed that his enthusiasm, especially that with which he initiated his political career, was really not patriotic in its essence but a personal drive for power.

After serving in several cabinet posts, Arnulfo Árias began an entirely new phase in his career. During the latter part of 1936 he was appointed Envoy Extraordinary and Minister Plenipotentiary to Italy. These positions were part of the reward which his brother Harmodio bestowed upon him for his invaluable participation in the _dos de enero_ revolution.

After serving in Italy, Arnulfo Árias represented Panama in several other European capitals. In each country he displayed genuine interest in learning of the traditions and customs of the people, and obviously enjoyed his job. He also took time to attend the various scientific congresses held in Europe at that time as well as to serve as the Panamanian representative to the League of Nations.

In 1936, Arnulfo Árias married a charming young lady, Señorita Ana Matilde Linares, a member of a prominent Panamanian family. Little has been said of Señora de Árias in

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[10] _Loc. cit._

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10 *Loc. cit.*

connection with her husband's political or professional activities, although in society circles she is distinguished for her culture, her wit and for her charming personality.

When Harmodio Árias finished his term in 1936, Arnulfo returned home from his ambassadorial duties for a short time to help out in the campaign of Juan Demóstenes Arosemena, the government's choice in the election. It is interesting to note that Arosemena had been arrested and jailed during the Revolution of 1931 for his support of President Florencio Arosemena. Arnulfo had returned from Europe at the request of his brother in the belief that electing the government's candidate would necessitate a vigorous campaign. The government utilized every scheme in the book to secure the election of Arosemena. Felipe Juan Escobar said in this connection:[11]

> La elección del Dr. Juan Demóstenes Arosemena fue un despliegue impresionante de todas y cada una de las incidencias electorales, que llevan al observador objetivo de nuestro fenómeno político a la convicción de que nuestros pueblos están muy lejos de la dignidad ciudadana y de la independencia de caracter que requiere la democracia en ejercicio. Todo lo que el poder público en un país presidencial puede hacer para forzar la decisión de una lucha electoral. . . fué ejecutado sin escrúpulos. . . .

The duties of diplomacy did not check Arnulfo Árias' thirst for professional improvement. His visits to the various hospitals made it possible for him to continue studies and keep up to date with new techniques in the medical profession.[12]

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[11] Escobar, op. cit., pp. 22-23.

[12] Castillero, op. cit., pp. 743-44.

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When Ramón Ángel Jiménez died suddenly in 1926, Amanda returned home from his embassorial duties for a short visa to help out in the campaign of Juan Bautista Aguerre, the government's choice in the election. It is interesting to note that Aguerre had been arrested and jailed during the Revolution of 1931 for his support of President Hipólito Irigoyen. Amanda had returned from Europe at the request of his brother in the belief that electing the government's candidate would necessitate a vigorous campaign. The government utilized every scheme in the book to secure the election of Aguerre. Felipe Juan Krooker sets in this connection:

> La elección del Dr. Juan Bautista Aguerre fue un fraude impresionante de lotes y cajas que se las llamaban electorales, que llevan su observador objetivo de nuestro dandoso política a la convicción de que nuestra política está muy lejos de la llamada situación de la independencia de ejercer sus reclamos la decisión en un país presidencial pues hacer para forzar la decisión de una lucha electoral. . . . Fue elegido sin embargo. . . .

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11 Krooker, op. cit., pp. 22-27.

12 Castillero, op. cit., pp. 243-4.

At the beginning of World War II he offered his services to France, despite his diplomatic status. They were promptly and gladly accepted and he worked without compensation in the hospitals of Paris until the end of 1939, when he departed for home.

As Arnulfo returned home that time he faced the greatest test of his career, that of running for President. He had the staunch backing of the Panama American, his brother's newspaper, and the support of several strong political parties.

It was being rumored meanwhile in the more informed political circles that ex-President Harmodio Árias, a shrewd, able and one of the wealthiest men in Panama, was probably trying to establish a political dynasty by putting his brother in office, while he remained the political power behind the gavel.[13]

President Augusto S. Boyd, the First Vice-President under the late Juan Demóstenes Arosemena, was serving out the latter's term of office. Boyd and thousands of admirers were on hand to greet Arnulfo Árias upon his arrival. The famous Discurso de la Estación, delivered by Árias at the Railroad Station in Panama City became a landmark in the history of Panameñismo.

Arnulfo Árias at this time was relatively inexperienced in politics mostly because of his age, and also because of his

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[13] Block, op. cit., p. 30.

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[13] Diaz, op. cit., p. 30.

absence from the country while serving as ambassador in Europe. He was a so-called "small fry" as presidential candidates go, and hardly considered a serious contender in the elections of 1940. As the elections neared, the opposition leveled offensive accusations at him, not for what he had done but what they were afraid he would do, if he were elected. He was charged with Fascist inclinations and totalitarian sympathies, although his public statements had not indicated much. His party supporters, in an effort to put the record straight in plenty of time, declared: "Panama will not commit the folly of experimenting with Fascist, Nazi, or Communist doctrines."[14]

Elections of 1940:

The elections of 1940 were held in October of that year. Arnulfo Árias and Ricardo J. Alfaro competed at the polls for the highest office in the country. Árias was the candidate of the coalition and also of the National Revolutionary Party of which he was founder and president. Alfaro feared that his opponents planned to use much the same strategy which had forged the election of Arosemena in 1936. In that case it seemed worthless to remain in Panama when it was much safer to take refuge in the Canal Zone, as is the common practice during bitter political battles. It seems that Alfaro

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[14] News item in Time Magazine, October 14, 1940, p. 54.

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[14] News item in Time Magazine, October [illegible], 1940, p. 5.

had been subject to several threats to do him bodily harm as well as being accused of smuggling arms into Panama and storing them at his residence for future reference in case he lost the elections. Alfaro departed from Panama several days prior to the elections and as he left he muttered threats to seize power by force if it was found that fraudulent methods had been used to elect his opponent.

After the elections were held, the National Electoral Jury announced after several recounts of the ballots that Arnulfo Árias had received a landslide victory. The figures were given as follows: Arnulfo Árias, 107,759; Ricardo J. Alfaro, 3,022.[15] In the elections of 1940 Arnulfo Árias became South America's youngest president.[16]

Although Arnulfo Árias had given the nation a briefing on what to expect with his New Deal in several of the campaign speeches delivered, little of what he said could be construed to be Fascistic in any sense. Whether or not his methods develop along those lines later is another problem. He intended that his administration should promise "peace and friendship to all nations" and remain absolutely neutral in the European war. He also promised solidarity and unity, but his nearest approach to authoritarian discrimination was his suggestion that a democratic electorate be composed of

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[15] News item in Time Magazine, October 14, 1940, p. 54.

[16] Loc. cit.

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[15] New York Times, October 19, 1952, p. 3.

[16] Loc. cit.

the educated.[17]

Upon taking office, Arnulfo Árias became the tenth incumbent to the Presidency of Panama. His striking personality and suave and vivid manner seemed to conform to the standard of masculine behavior admired in the Latin American caudillo. He soon became known to the masses as El Hombre, the man they hoped would bring about some renovating action and prosperity to the poverty striken nation.

Much of the publicity given him abroad, and a great deal of the popularity he enjoyed at home was attributed to his verbal opposition to the United States. He had said he intended to "end all foreign tutelage." This statement came at a time when hemispheric solidarity and the defense of the Panama Canal were the objects of deep concern.

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[17] Loc. cit.

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Upon taking office, Arnulfo arias became the fourth incumbent to the Presidency of Panama. His spirited personality and suave and vivid manner seemed to conform to the standard of charismatic personage sketched in the latin American caudillo. He soon became known to the masses as El Maestro, the man they hoped would bring about a long-overdue social and prosperity to the poverty stricken nation.

Much of the publicity given his abroad, and a great deal of the popularity he enjoyed at home was attributed to his vehemental opposition to the United States. He had been intended to "end all foreign intrigue." This sentiment came at a time when mutual security and the defense of the Panama Canal were the objects of two nations.

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[17] Loc. cit.

## CHAPTER IV

## ÁRIAS' "NEW DEAL"

At the inaugural ceremonies, Dr. Arnulfo Árias outlined his policy, and hinted as to what could be expected under his "New Deal," which he chose to call Panameñismo. Although his words were of "peace and friendship to all nations" the very sound of the term Panameñismo was indicative of its nationalistic tendencies, and thus meant drastic changes in domestic policies as well as some significant shift in the conduct of foreign affairs, especially toward the United States.

He further urged improved educational facilities and the control of public information. But by far the most important declaration was his call for a revision of the Constitution of 1904. This Constitution had ruled the destinies of the nation since its very independence. He further indicated that such a revision should be along "democratic and unitarian lines."

Barely two weeks after the inauguration did the administration submit a draft of the new constitution it had in mind to replace the "old" one. The National Assembly considered the new document and finally gave it its unanimous approval in the legislature on November 22, 1940 and ratified it by a plebescite on December 15. The plebescite vote

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Barely two weeks after the inauguration did the administration submit a draft of the new constitution to have in mind to replace the "old" one. The National Assembly considered the new document and finally gave it its unanimous approval in the legislature on December 21, 1945 and ratified it by a plebiscite on December 1[illegible]. The plebiscite was

was officially reported as being 144,312 to a weak 1865 votes.[1]

The unanimous vote of the Assembly plus the overwhelming approval of the people in the national plebescite was an important vote of confidence for the administration. It was opportune encouragement as well, since Arnulfo Árias felt that if he could swing his own Constitution into effect the rest would be relatively simple.

As soon as the Constitution was promulgated on December 24, 1940 and duly published on January 2, 1941, a wave of criticism swept the capital. Many Panamanian leaders not affiliated with the government realized that the dictatorial powers granted the president meant trouble.

At the time when the new constitution was "sworn in," the President delivered a speech in which he prefaced the significance of the memorable date. The date, he said, was not only important and memorable because it brought the country a new set of basic laws but also because it coincided with the tenth anniversary of the Revolution of 1931, at which time some of the same basic issues were being brought to light. His exact words to this effect were:[2]

Jornada que marcará epoca brillante en los anales

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[1] Charles Earle Funk, ed., "Panama," The New International Yearbook, Events of 1940 (New York and London: Funk and Wagnalls, 1941), p. 575.

[2] Arnulfo Árias, Discurso de Arnulfo Árias al Jurar la Constitución de 1941 (Panamá: Edición Oficial, 1941), p. 3.

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> de Nuestra Patria, es sin duda, esta del 2 de enero de 1941, que brinda a los Panameños una nueva Ley Fundamental . . . los miembros de los partidos coaligados que me honraron con su apoyo decidido, y, en particular los que, como nosotros mismos somos hijos de la Revolución del 2 de enero de 1931, nos sentimos especialmente satisfechos y hasta orgullosos de que el destino haya hecho coincidir en una misma fecha, dos grandes acontecimientos igualmente memorables.

On several occasions Arnulfo Árias had explained the need for basic modifications to the Constituion, although, he continued, it would have been simple enough to continue along the same lines of any of the preceding administrations, not bothering to effect a remedy for the maladies afflicting the nation. Laws are needed, Arnulfo Árias explained, that would bring about the necessary reforms and at the same time be in harmony with the sociologic, ethnic, economic and political changes that have taken place since the drafting of the Constitution of 1904.

The old constitution did not provide effectively for the needs and conditions of modern day Panama. For example, the liberalism of the economy was incompatible with the scientific reality of the moment. Institutions which were considered indispensable for social progress were outside of the scope of the constitution. Arnulfo Árias felt that the government was particularly handicapped in matters of controlling the public services, due to the <u>laissez faire</u> policies that prevailed under the old constitution. It was further thought that the old constitution made it difficult, if not

On several occasions Arnulfo Arias had explained the need for basic modifications to the Constitution, although, he continued, it would have been simple enough to continue along the same lines of any of the preceding constitutions, but bothering to effect a remedy for the weaknesses afflicting the nation. Ideas are needed, Arnulfo Arias explained, that would bring about the necessary reform so it was made time to be in harmony with the sociology, ethnic, economic and political changes that have taken place since the drafting of the Constitution of 1904.

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impossible, for the State to take any collective or cooperative action to improve conditions. It was feared that such action would be to the detriment of personal liberties.

The inability of the State, the Árias government contended, to intervene in so many aspects of the social and economic life of the republic brought about a kind of anarchism that seemed to defeat the purpose and ends for which the constitution had been originally designed. The final criticism made was that the legal structure was inadequate to meet the conditions of modern living.

With the foregoing criticisms in mind, the nationalistic features of the new constitution came as a reaction to the inadequacies and deficiencies of the old one.

The nationalistic features of the Constitution.

The distinguishing provisions of Árias' Constitution of 1941 are principally those that tend to give excessive emphasis to the improvement of the State, regardless of the effects on the inhabitants, or their opinions in the matter. Further, the 1941 Constitution grants the Executive authoritarian powers which no other President had had before. There can be little question that some of the provisions contained in this Constitution, if used to their fullest extent, give the President virtual dictatorial authority.

The provisions that are outstanding for their content of nationalism or authoritatianism are as follows:

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The Nationalistic Feature of the Constitution.

The distinguishing provisions of Arica's Constitution of 1925 are principally those that tend to give excessive emphasis to the improvement of the State, regardless of the effects on the inhabitants, or their opinions in the matter. Further, the 1925 Constitution grants the Executive authoritarian powers which no other President had had before. There can be little question that some of the provisions contained in this Constitution, if used to their fullest extent, give the President virtual dictatorial authority.

The provisions that are outstanding for their content of nationalism or authoritarianism are as follows:

1. Possibly the most widely publicized of the provisions was that which called for the disfranchisement of all non-Spanish speaking aliens of the inmigración prohibida group, which included the negroid whose original and native tongue was not Spanish, the oriental mongoloids or "yellow" races originating from India, Asia Minor and North Africa.

Son Panameños por nacimiento:

(a) Los nacidos bajo la jurisdicción de la República, cualquiera que sea la nacionalidad de los padres, [es Panameño], siempre que ninguno de estos sea de inmigración prohibida;[3]

(b) Los nacidos bajo la jurisdicción de la República, aunque uno de los padres fuere de inmigración prohibida, siempre que el otro sea panameño, por nacimiento. Esta disposición no se aplicará cuando el padre que fuere de inmigración prohibida pertenezca a la raza negra cuyo idioma originario no sea el Castellano.[4]

(c) Los nacidos fuera de la jurisdicción de la República de padre o madre panameños por nacimiento, siempre que no sea de inmigración prohibida.[5]

The following provision, listed as being transitory, complicates matters for the alien resident-applicant in that it authorizes the President to use the provisions of the Article only if the interested party files his application for citizenship within a short period of three months, and beginning as of the date in which the provision was put into effect.

(d) El Presidente de la República podrá reconocer la

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[3] Constitución de la República de Panamá, Panamá, 1941, Título II, Artículo 12 (a), p. 5.

[4] Loc. cit., (b).

[5] Loc. cit., (c).

calidad de panameños por nacimiento a los hijos nacidos bajo jurisdicción de la República, de padre o madre que pertenecen a razas de inmigración prohibida, siempre que acreditan haber pertenecido a hogares establecidos bajo jurisdicción de la República durante toda su minoría de edad o la parte de ella que haya transcurrido, y que su idioma usual es el Castellano. Esta disposición se aplicará también cuando uno de los padres sea de inmigración prohibida y el otro no sea panameño por nacimiento. El Presidente de la República podrá ejercer esta facultad si el interesado presenta su solicitud dentro del termino de tres meses contado desde la fecha en que esta reforma comience a regir.[6]

2. Private property was declared the function of the public welfare and the expropriation of property could be decreed by the President at the time of a national emergency.

> . . . cuando en la aplicación de una ley expedida por motivos de utilidad pública o interés social, resultaren en conflicto los derechos de particulares con la necesidad reconocida por la misma ley, el interés privado deberá ceder al interés público o social. La propiedad privada implica obligaciones por razón de la función social que debe llenar.[7]

> . . . En caso de guerra, grave perturbación del orden público, epidemias, desastres o calamidades y otros casos de emergencia que exijan medidas rápidas, la expropiación u ocupación podrá ser decretada por el Poder Ejecutivo y podrá no ser previa la indemnización. Cuando fuere factible la devolución del objeto ocupado la ocupación será temporal y sólo por el tiempo que existan las circunstancias que la motivaron.[8]

3. The Presidential term was increased from four to six years, retroactive to include Arias' own term. This seems to be in contradiction, however, to Article 103, Section

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[6] Constitución de la República de Panamá, Panamá, 1941, Título II, Artículo 13, p. 5.

[7] Ibid., Título III, Artículo 47, p. 11.

[8] Ibid., Título III, Artículo 48, p. 11.

VII, in which it says: "Las leyes no tendrán efecto retroactivo." If the so-called disposiciones transitorias of Section XVIII have the same effect as other provisions enacted under the Constitution, this seems to be a convenient oversight, on the part of the Árias administration as well as of the Assembly that ratified it.

> El Presidente de la República será elegido por sufragio popular directo para un período de seis años.[9]
>
> El Presidente entrará en el ejercicio de sus funciones constitucionales el día quince de Febrero siguiente al de su elección.[10]
>
> El período presidencial que comenzó el día primero de Octubre de 1940 durará hasta el catorce de Febrero de 1947.[11]
>
> El período de la Asamblea que comenzó el primero de Septiembre de 1940 durará hasta el primero de Enero de 1947.[12]

4. The president was granted the prerogative to declare a state of seige and suspend the effects of Articles 27, 28, 36, 37, 39, 40, 41 and 47 of the Constitution, if the National Assembly should not be in session at the time of war or of internal disturbances that would threaten public peace and order. These are dictatorial powers which the President

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[9] Constitución de la República de Panamá, Panamá, 1941, Título VII, Artículo 104, p. 23.

[10] Ibid., Artículo 105, p. 23.

[11] Ibid., Título XVIII, Artículo 196, p. 41.

[12] Ibid., Artículo 197, p. 41.

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[9] Constitución de la República de Panamá, Panamá, 1941, Título VII, Artículo 108, p. 23.

[10] Ibid., Artículo 108, p. 23.

[11] Ibid., Título XVIII, Artículo 196, p. 62.

[12] Ibid., Artículo 197, p. 61.

use at his sole discretion if the National Assembly was recessed at the time.

> En caso de guerra exterior o de perturbación interna que amenace la paz o el orden públicos, se podrá declarar en estado de sitio toda la República o parte de ella y suspender temporalmente los efectos de los Artículos 27, 28, 36, 37, 39, 40. 41 y 47. El estado de sitio y la suspension temporal seran decretadas por la Asamblea Nacional si estuviere reunida. Si estuviere en receso, por el Poder Ejecutivo, por decreto que llevará las firmas de todos los ministros de estado y en el mismo decreto se convocará a la Asamblea Nacional para que esta se reúna a la mayor brevedad y resuelva lo que estime conveniente. Cesada la causa, la Asamblea Nacional, si estuviere reunida, y si no lo estuviere el Consejo de Gabinete levantará el estado de sitio y la suspensión.[13]

5. Labor was declared a social obligation and placed under the special protection of the state which was authorized to regulate the relations of capital and labor.

> El trabajo es una obligación social y estará bajo la protección especial del Estado.
> El Estado podrá intervenir por ley, para reglamentar las relaciones entre el capital y el trabajo a fin de obtener una major justicia social en forma que, sin inferir agravio injustificado a ninguna de las partes, asegure al trabajador un minimum de condiciones necesarias para la vida, y las garantías y recompensas que se le acuerden por razones de interés público y social, y al capital la compensación justa de su inversión.[14]

6. The right to strike was guaranteed except as to the public services. The power and effectiveness behind this provision hinges on what are to be considered the "public services."

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[13] Constitución, Título III, Artículo 51, p. 12.

[14] Ibid., Título III, Artículo 53, p. 12.

Se garantiza el derecho de huelga, salvo en los servicios públicos y las que tengan fines exclusivos de solidaridad.[15]

7. The government was authorized to operate public utilities, regulate prices and establish monopolies for raising revenues but private monopolies were prohibited.

El Estado prestará los servicios de la Administración y podrá asumir la prestación de servicios de utilidad pública. Podrá igualmente reglamentar las tarifas de las empresas privadas de utilidad pública y los precios de artículos de primera necesidad, cuando así lo exijan los intereses de la comunidad, e intervenir por Ley en la vigilancia y coordinación de industrias y empresas. La Ley definirá las empresas de utilidad pública. No habrá monopolios regidos por intereses particulares.[16]

8. Provisión was made for the reconstitution of the Supreme Court through appointment by the President with the consent of the National Assembly, and composed of five principal magistrates and five alternates, one of each being appointed every two years for a period of ten years.

La Corte Suprema de Justicia se compondrá de cinco Magistrados principales y cinco suplentes, nombrados un principal y un suplente cada dos años por un período de diez años. El nombramiento lo hará el Presidente de la República sujeto a la aprobación de la Asamblea Nacional.[17]

A constitution such as that of 1941 with its custom-made provisions could have been, and was to a certain degree, an instrument of dictatorship and arbitrary rule. Nevertheless,

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[15] Ibid., Título III, Artículo 54, p. 13.

[16] Ibid., Título XII, Artículo 153, p. 33.

[17] Ibid., Título X, Artículo 127, p. 28.

without it the Panameñista program would never have had even a start toward its goals of reform. The author does not believe that Arnulfo Árias really intended to establish a true dictatorship in Panama by designing such a constitution, but rather that he wanted above all to "clean up" and revive the government, and make Panama worthy of the respect and prestige of other nations. Without "streamlining" the laws little could have been accomplished. On the other hand, his idealism got the best of him while he considered such ideas as "racial homogeneity" and the ideal of being able to blanquear la raza. Such a thing will never be possible in Panana, and further any efforts to bring it about will do nothing but cause bitter resentment and chaos.

The nationalism contained in the Constitution as well as in most other aspects of Panameñismo stems from a series of unrelated conditions. Arnulfo Árias had observed these conditions for many years before having an opportunity to present his answers to the problems that afflicted and that continue to afflict the nation. For example, he has seen most of Panama's retail business taken over by the Chinese, East Europeans, and East Indians. He has seen Jamaican negroes, first imported to build the Canal, monopolize jobs on the waterway, that could otherwise have been filled by Panamanians. He has seen the import business utilities and banking establishments run by the Anglo-Saxon Americans, by the British and the Germans. He has heard

English spoken in the streets, as freely as Spanish; he has read street signs, menus and business correspondence in English. Finally, he has found that the wage scale for his countrymen is lower than that for aliens. All of these conditions, and possibly many others have stirred up the nationalistic sentiments of large segments of Panama's population, and a great deal of it may be attributed to Arnulfo Árias. He felt that the Constitution of 1941 was the instrument by means of which he was to better these conditions, restoring opportunities to his countrymen that had been taken away by the alien business enterprises, and in this way making Panama once again for the Panamanians.

The nationalistic provisions of the Constitution of 1941 aroused much criticism and dissension from its very promulgation. One of the first to open public criticism against the New Deal was Harmodio Árias. Although a split between the two brothers had long been rumored, few felt that it would come so soon, at least until the new regime had had a chance to prove itself either favoring or hindering the interests of those to whom Harmodio was professionally or personally attached.

Harmodio's attack was led through the editorials of his newspaper, the Panamá-América and its counterpart the Panama-American. He lost no time in seeing to it that few punches were pulled when it came to discussing politics in terms of Panameñismo. The Panama-American and its rival The

English spoken in the Canals, as freely as Spanish he has read street signs, menus and business correspondence in English. Finally, he has found the wages paid his countrymen is lower than that for aliens. All of these conditions, and possibly many others are assured by the relatively small number of the members of Panama's population, and a great deal of it may be attributed to similar reasons. He felt that the Canal Zone was the instrument by means of which it was to better these conditions, restoring opportunities to his countrymen that had been taken away by the alien business owners, and in this way making Panama once again for the Panamanians.

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Nation are two newspapers that may be classified as sensationalists in the sense that they lose their objectiveness, vigorously and emotionally attacking their political targets and coloring the news to fit the whims of their editors and owners.[18]

Possibly one of the most widely publicized incidents relating to criticism of the government of Arnulfo Árias and Arnulfo's attempts to suppress adverse and outspoken opposition, was that which pertains to the dynamic journalist and one-time editor of the English Section of the Panama-American, Edward William (Ted) Scott.

On January 27, 1941 Arnulfo Árias decreed the deportation of Ted Scott from Panama on the grounds that Scott had interfered with "internal partisan politics" of the country. Scott returned to the United States saying that Árias was a "notorious gringo-hater and anti-American." He also told of a "vicious minority" that controlled Panama, and how Árias had taken a "right-about face on the issues of the election." He went on to say that the inaugural statement which was read by Arnulfo Árias originally contained a comment that was later deleted to the effect that the United States knew how to cooperate with Panama on a basis of good will, but that Panama, although too small to defend herself, could always make concessions to foreign countries who would defend her

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[18] Biesanz and Smith, op. cit., XIV, 388.

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[18] Hispanic and Swiss, op. cit., xiv, 3ff.

against demonstrations of ill will.[19]

Much of the bitterness reflected in the local press circles over the Scott incident is reflected in a letter to The Nation:[20]

> Dear Sirs: President Arnulfo Árias, the "pocket Hitler" of Panama took another defiant step on the road to totalitarian intolerance and despotism when by a decree of January 27, 1941, he ordered the deportation of 36-year old. . . Scott, long time editor of the Panama American (English Section) and a British subject.
>
> Mr. Scott has been a thorn in the flesh of the Panamanian authorities, not because he interfered in internal partisan political questions of the country. . . but because of his undaunted stand for democracy in the face of the government's more and more obvious Nazi-Fascist sympathies.
>
> . . . Scott never meddled in the internal politics of Panama, there is a Spanish section of the same newspaper (El Panama-America) to deal with such questions and for this section Mr. Scott was in no way responsible. . . . Scott in his daily column "Interesting if True" contributed greatly to the Panama-American's popularity and was undoubtedly one of the publisher's greatest assets. . . .
>
> . . . Everybody is wondering how long Panama's pocket Hitler is to be allowed to play with fire under Uncle Sam's nose. (Sgd.) Joaquim Josesten.

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[19] News item in P.M., December 26, 1940, p. 5.

[20] Letter to The Nation, 152:279, March 8, 1941.

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> Dear Sirs: "Pennsylvania Attila Rules, the Scott Miller of Panama took another defiant step on Wednesday to totalitarian intolerance and domination when by a decree of January 22, 1941, he ordered the deportation of 30-year old . . . Scott, long thorn-editor of the Panama American (English section) and a British subject.
>
> Mr. Scott has been a thorn in the flesh of the Panamanian authorities, not because he is affiliated in the political American political questions of the country . . . but because of his unbridled stand for democracy, in the face of the governmental lore and more obvious Nazi-Fascist sympathies.
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[19] News item in N.Y. December 26, 1940, p. 5.

[20] Letter to The Nation, 182:274, March 8, 1941.

## CHAPTER V

## PANAMEÑISMO IN ACTION

On October 1, 1940 Panameñismo swung into action and as one of its first acts it broke an official national tradition when it requested that the site be changed at which the inaugural ceremonies were to be held. Heretofore the President had always been inaugurated at the Teatro Nacional, but due to its reduced seating capacity, it was only able to accommodate about five to six hundred spectators, most of whom were government dignataries or members of Panamanian high society. On the occasion of the inauguration of Arnulfo Árias the site was transferred to the Estadio Olímpico in order to exalt the importance and solemnity of the act by permitting the public to presence the spectacle.[1] In effect, the ceremony of the transmisión del mando was truly a magnificent affair. The masses seemed particularly impressed at having been granted such an unprecedented opportunity to see the President take the oath of office. It was a shrewd move on the part of Árias' aides. A very impressive and favorable psychological effect was produced.

In the presence of the various diplomatic missions representing the nations of the world, the Panamanian people

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[1] In the 1952 inaugural ceremonies President Remón also took the oath of office at the Estadio, in very much the same manner as did Arnulfo Árias almost eleven years before.

## CHAPTER V

### PARAGUAY IN ACTION

On October 1, 1932 Paraguayans swung into action and as one of its first acts it wrote an articulal national tradition when it removed the [illegible] at which the inaugural ceremonies were held. Thus before the Pyrenees had always been the monument at the Palacio Nacional, but due to its reduced artistic quality, it was only able to [illegible] about five [illegible] sculptors, most of whom were government [illegible] or members of Paraguayan [illegible]. On the occasion of the inauguration of Arnulfo Arias the site was transferred to the Palacio Nacional in order to avoid the inconvenience of [illegible] the act by permitting the audience to witness the ceremonies. In effect, the ceremony of the transfer of the monument was truly a magnificent affair. The memory remains particularly impressive. It having been [illegible] such an occasion an opportunity to see the President take the oath of office. It was a strong move on the part of Arias, also, a very impressive and favorable psychological effect was produced.

In the presence of the foreign diplomatic missions representing the nations of the world, the Paraguayan people

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[1] In the 1932 inaugural ceremonies Paraguay's President also took the oath of office after [illegible]. It was done the same manner as the Arnulfo Arias almost eleven years before.

gave a most convincing demonstration in support of democracy as opposed to totalitarianism. Such a demonstration was in the form of a spontaneous and deafening ovation given to the British representative as he entered the Estadio and took his place among the other members of the diplomatic corps. But as soon as the German and Italian envoys appeared they were rudely and insultingly received.

This gesture on the part of the Panamanian people is further evidence that confirms the views of the author to the effect that democracy is a cherished political tradition in Panama.

This attitude was particularly significant on October 1, 1940 since it was precisely at that time that the panzer divisions of the Reich were tramping over Europe and threatening to over-run the rest of the world as well. The tenacity and heroic resistance of the British gave hope to the free world.

The inaugural ceremonies began with the introductory address by José Pezet, the President of the National Assembly. Pezet and Árias were intimate friends. This was politically significant at this time because it meant that the new program that Árias was to introduce would not likely encounter much resistance insofar as the Assembly was concerned. That body of deputies would serve more to orientate than to censor the new administration. The speech by Pezet was both eloquent and emotional.[2] He made it clear that Panameñismo was

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[2] Escobar, op. cit., p. 70.

definitely along democratic lines but as he elaborated on its economic aspects, his words hinted to a mild form of socialism.[3] Part of the Pezet speech is

> ..... Pero para llevar a cabo toda la urgente labor que el pueblo espera de vós,[4] debéis señor, no sólo atender al obrero y al campesino; para procurar la felicidad de la comunidad que de vos, hoy todo lo espera, debéis socializar los servicios públicos, nationalizar el comercio menor, reformar la constitución, y llegar hasta los monopolios del Estado . . . si los explotadores de la vida ciudadana . . . van contra las necesidades apremiantes de vuestras compatriotas. . . .[5]

At the close of the speech by Pezet, President Árias answered him by a long and varied coverage of the new program about to be instituted. Several subjects were dealt with, perhaps too many to give a clear analysis of each. Nevertheless, there seemed to be two topics with which Arnulfo Árias was particularly concerned. In the first place, he stated he was anxious to reshape the constitutional bases of the Republic. Secondly, he wanted to strengthen the authority of the government, particularly the Executive branch, for the sake of expediency and efficiency.

As if doubting the acceptability of his new constitution, Arnulfo Árias proposed only <u>reforma integral</u> of the old one. Later as he became assured of greater support he admitted that the old constitution was not what he had had in mind after

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[3] <u>Ibid</u>., p. 71.

[4] Arnulfo Árias.

[5] Excobar, <u>op</u>. <u>cit</u>., p. 70.

definitely along democratic lines but on the elaborated on its economic aspects, his words hinted to a mild form of socialism.[3] Part of the Peset speech is:

> ..... Pero para llevar a cabo toda la urgente labor que el pueblo espera de vosotros, debe, ante todo, estimular el ahorro y el cooperativismo; para trocarse la faltoneo de la comunidad que de vosotros, por todo lo apera, hacia socializar los servicios públicos, nacionalizar el comercio exterior, reformar la constitución, e llegar hasta los monopolios del estado . . . al lado ciudadano de la vida ciudadana . . . vas ahora las necesidades espectativas de nuestra constitución . . . .[4]

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[3] Ibid., p. 71.

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all, but rather an entirely new one. In order to "legalize" such action certain requisites must be met. Among such requisites was that which required that any constitutional reforms had to be approved by two different bodies[6] of the National Assembly, in other words two different Assemblies.[7]

The formalities and procedural stipulations were finally met and the new Assembly gave the Constitution of 1941 its unanimous approval and ordered that a national plebescite be held for its ratification. The plebescite proved equally successful for the Government and the Constitution was duly promulgated and published.

Among the first serious problems confronting President Arias both as President as well as the Government party leader was the selection of personnel to fill the top policy making jobs. Such officials would have to be properly "indoctrinated" in the means and ends of the program, aside from being trustworthy and loyal supporters of the cause they were to promote.

The most serious of all the problems was what Arnulfo Arias called el problema de los intereses creados, and how to steer his administration away from the influences of this powerful group. The pressure of vested interests in Panamanian politics was as real and as potent as in any other

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[6] This does not mean groups within one Assembly but rather two distinct Assemblies, the term of one expiring and the term of the other beginning.

[7] Loc. cit.

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country, only more so. The influence that group commands is nourished by the connections that are won over to their side by the capital put forth in support of a political party. The money which supports the candidates in the elections is the most direct source of influence of the vested interests. This together with the graft and corruption, the personal relationships among top politicos have all contributed to present conditions. Árias well realized that if he were to successfully carry out his program, the first job was that of "cleaning house," and letting the vested interests know that he was running the show.

The same vested interests, however, that he had so confidently promised to defeat in the struggle for power, finally got the upper hand and succeeded in ousting him during the coup d'etat of October, 1941. The roots of the trouble were right in his own cabinet. The majority of the ministerial appointments were of the kinship ties and connections that he had tried hard to avoid. None of the ministers had any particular expertness in the field which he controlled, and therefore was unable to contribute little expert advice to the President. Bluntly speaking, as individuals, few of them had any outstanding abilities that could benefit the country. Arnulfo Árias, at the same time, was aware of the lack of cohesion in his Cabinet, but did not know quite what to do about it. If firing any or all of them would have helped, he would have done that, but he was afraid that the

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next cabinet would probably be as bad or worse.

Some time before his ill-fated trip to Cuba, rumors had circulated about an imminent crisis of the Cabinet. It does not seem clear why, then, would Arnulfo Árias make such a trip knowing this. By absenting himself from the political picture a crisis was inevitable under those conditions. Arnulfo Árias was the sole factor of unity; once he left, the subversives took over.

The vested interests, such as the large landholders and the newspaper owners, had defeated Arnulfo Árias even before the fight had begun.

Agreement on defense sites:

After what had been said about Árias' totalitarian inclinations, particularly about his anti-Americanism, it seemed to the political observers that any agreement granting the United States the right to establish defense sites within the Republic of Panama was inconsistent with such beliefs. No doubt Arnulfo Árias was well aware of the imminent danger that faced the Isthmus and particularly the Panama Canal in view of the recent developments in Europe. He probably considered that by refusing the insistent requests made by the Government of the United States for the sites, it placed the responsibility for inadequate defenses for the Canal squarely on Panama, and should an air attack destroy the Panama Canal, Panama itself would suffer far more than

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the United States.

Arnulfo Árias, at the time of the issuance of the manifesto of the agreement, explained that arrangements for such negotiations came under the provisions of the Treaty of Friendship and Cooperation of 1936, which stated that the two nations would meet for "consultation, agreement and joint action . . . for defense of the Canal."

The text of the manifesto read as follows:

> The Governments of Panama and the United States recently exchanged ideas on the initiation of the American Government, on the situation created by the European War insofar as it may affect the safety of the Panama Canal.
>
> The conversations were held in an atmosphere of ample and perfect understanding and in the light of the Árias-Roosevelt Treaty of March 2, 1936.
>
> The Panamanian Government desirous of harmonizing the fulfillment of its contractual obligations with its inherent duty of safeguarding its own rights, has given long and careful consideration to the requests of the North American Government.
>
> The Government of the United States requests the use of a number of areas outside the Canal Zone, on Panamanian territory, for the installation of air bases, searchlights and aircraft detectors which the Washington Government considers indispensable for the defense of the Panama Canal. These requests were made under Article 10 of the 1936 treaty.
>
> The Panama Government, after studying the situation at a number of meetings has decided to accede to the United States Government's request in view of the fact that 'an international conflagration' has broken out carrying with it the possibility of a threat to the security of the Panama Canal, which makes it necessary for the United States to adopt measures for defense under the terms of the Treaty.
>
> The desire to defend the legal rights of Panama from the viewpoint of territorial integrity and political independence, taken together with the terms of the 1936

the United States.

Arnulfo Arias, at the time of the signing of the ratifications of the agreement, declared that extraordinary efforts for good negotiations came after the revolutions of the Treaty of Friendship and Cooperation of 1936, which stated that the two nations would meet for "consultation, agreement and joint action . . . for defense of the Canal."

The text of the amendments reads as follows:

The Governments of Panama and the United States recently exchanged views on the interpretation of the American Government, on the attacks over land by the Panamanian Air insofar as it may affect the safety of the Panama Canal.

The conversations were held in an atmosphere of amity and perfect mutual understanding and in the light of the Roosevelt Treaty of March 2, 1936.

The Panamanian Government desirous of reconciling the fulfillment of its constitutional obligations with its inherent duty of safeguarding the own rights, has given long and careful consideration to the requests of the North American Government.

The Government of the United States recognizes the use of a number of areas outside the Canal Zone, on Panamanian territory, for the installation of air bases, searchlights and aircraft detectors which it is maintaining for the Panama Canal. These areas were made under Article IV of the 1936 Treaty.

The Panama Government, after studying the situation at a number of meetings has decided to accede to the United States Government's request in view of the fact that an international conflagration has broken out carrying with it the possibility of a threat to the security of the Panama Canal, which makes it necessary for the United States to adopt measures for defense under the terms of the Treaty.

The desire to defend the legal rights of Panama from the viewpoint of territorial integrity and political independence, turns together with the terms of the 1936

Treaty, has led the Government of the Republic of Panama to grant the use of the aforementioned areas, subject to certain conditions, as follows:

1) The military authorities of the United States will occupy the said territory only for as long as the present European War lasts and will cease occupation as soon as that war ends.

2) The United States Government will give adequate compensation to Panama.

3) The Republic of Panama will retain and exercise jurisdiction over civilians in the occupied areas, in accordance with conditions which, in the opinion of both governments, may be necessary for the defense of the Canal.

4) In view of the urgency shown by the United States Government the Panamanian Government has given the Canal Zone authorities its consent for the initiation of military preparations that may be required.

The Panamanian Government believes the aforementioned conditions and final agreements between the two governments ensure that the future negotiations will be completed without the least difficulty and in accordance with the letter and spirit of the Treaty of 1936.[8]

The following day, March 6, after the manifesto was issued and an agreement was concluded in which the United States was granted the right to establish defense sites on Panamanian territory for the purpose of improving the defenses of the Panama Canal, Secretary of State Cordell Hull issued a formal statement in which he said in part:

I was most gratified. . . to learn from the manifesto issued yesterday . . . that Panama will make available immediately to our military authorities certain sites in the Republic of Panama which are considered essential for the protection and security of the Panama Canal. . . .[9]

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[8] United Press version, New York Times, 4:5, November 23, 1940.

[9] Department of State, Bulletin, IV:265.

Its nationalism gains momentum:

The highly nationalistic program of Panameñismo begun by Arnulfo Árias on October 1, 1940 had as its principal objective to cultivate the interests of the nation as a whole to the possible detriment of some individuals, particularly aliens and some other nations.

To this end, and in connection with the nationalization of commerce, it adopted a policy of restricting retail trade with few exceptions, to the native Panamanians. As was mentioned previously the retail businesses were either owned or managed by aliens.

The National Assembly decided to require all retail merchants, natives and aliens alike, to apply for licenses allowing them to continue their businesses. Most of the licenses issued were to Panamanians, although some foreigners of preferred nationalities were also licensed. The licensing began in July, 1941 and ended late in October.

In connection with the nationalization of commerce, and the increased control of the government in matters of the economy, was the right acquired through the provisions of the new constitution for the government to create monopolies as a means to meet public needs.

Much of the need which arose to motivate such governmental action came as a result of the difficulties in securing normal amounts of merchandise from the United States or the neighboring countries. Some of the scarcity was due to

Its nationalism action measures:

The Italy nationalization measures of [illegible] began by Arnold Atlas on October 1, 1945 had as its primary objective to nationalize the [illegible] of the [illegible] to the possible detriments of the individual, particularly aliens and some owner-[illegible].

To this end, [illegible] nationalization of companies, [illegible] Italy with few exceptions, [illegible] companies. As was mentioned previously the Italian business were either owned or managed by aliens.

The Italian government decided to employ all Italian personnel, natives and naturalized aliens, to manage the industries allowing them to continue their [illegible]. Some of the licenses issued were to [illegible], although some foreignerr of preferred nationalities were also licensed. The liquidation began in July, 1951 and [illegible] in October.

In connection with the nationalization of companies, and the increased control of the government in matters of the economy, was the right accorded through the [illegible] of the new constitution for the government to [illegible] nationalization as a means to meet public needs.

Much of the new [illegible] to [illegible] governmental action came as a result of the [illegible] in [illegible] normal [illegible] of [illegible] from the [illegible] of the neighboring countries. [illegible] the [illegible] to

bad harvests, particularly the rice harvest of the previous season. In May, 1941 the Árias' administration seized the control of rice throughout the country, in an effort to stabilize prices.[10]

Similar action was taken in other cases involving price irregularities, and the speculation of items or artículos de primera necesidad.

Although such intervention did help considerably in stabilizing the rapidly fluctuating economy, it also led to some of the most bitter criticism ever to confront the Árias administration. Much of what was said was related to the arbitrariness of the constitutional provision that granted the government the right to create monopolies while prohibiting private concerns to do so, when, in effect, all it did was to give the administration the power to determine what private individuals were to conduct the said monopolies and "legalize" their activities, by doing it in the name of the administration.

During the early part of 1941, the government also promulgated other acts such as that which gave the right of suffrage to women in provincial council elections and the right of women to run for such offices. The homestead act and the social security act were also instituted. The homestead act was created with the idea of securing the country's population

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[10] Funk, op. cit., p. 575.

bad harvests, particularly the latter because of its growing season. In May, 1941 Roosevelt administration seized the control of rice throughout the country, in an effort to stabilize prices.[10]

Similar action was taken in other commodities involving foreign trade, and the government at first or criticized to private accounts.

Although such interventions did seem successful in stabilizing the rapidly fluctuating economy, it also led to some of the most bitter criticism over the government administration. Much of Roosevelt's policy was related to the arbitrariness of the constitutional provision that gives the government the right to create monopolies while monopolizing private concerns in its own, such effect. It is this was to give the administration the power to determine what private individuals were to control the vital economies and "legalize" their activities, by voting it in the name of the administration.

During the early part of 1941, the government also recognized other evils which it felt were more the result of neglect to women in industrial, social situations and the right of women to run for high offices. The minimum wage and social security act were also instituted. The Department was created with the aims of assuring the country's consumers

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[10] Tank, op. cit., p. 57.

tenure of land, giving special immunities to homesteads that did not exceed certain acreage.[11] Restrictive clauses of the act prohibited the homestead from being sold, mortgaged or taxed. The social security act provided for the retirement of employees by compelling both employee and employer to contribute an equal proportion to a fund that would benefit the employee at the time of his retirement.

The international politics of Panamenismo:

For an anlysis of Panama's foreign relation policies the writer is handicapped at not having some definite source on which to base any assumptions that describe the true picture. Therefore, Árias' major speeches, in particular the Discurso de la Estación of December 21, 1939, have served as a guide in analyzing the policies of the program.

This address was considered the formal enunciation of the credo. Its wording was prudent and it reflected a true understanding of Panama's problems. The question arises, however, how and why did the events that followed differ so much from what was originally expected? Here are some of the concepts expressed by Árias in that speech:

> A los países del mundo les preocupa hondamente la caótica situación internacional actual. En proporción a sus recursos y sin tomar partido en el conflicto armado, todos se sienten animados a aminorar los sufrimientos y las miserias de los pueblos que han sido arrastrados a la carnicería cuya sangre joven y valerosa riega los campos de batalla de Asia y Europa. Franklin Delano

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[11] Ibid., p. 476.

Roosevelt, con visual poco común, se anticipó a los hechos y para unir en un haz espiritual los diferentes países de las Américas, concibió y puso en práctica sin vacilaciones, su política de Buen Vecino, sinónimo ésta, de derecho, justicia, y humanidad. Esta nueva política de la Gran Nación del Norte constituye en estos días de desmanes, atropellos y actos cavernarios un rayo de esperanza. Para nosotros los panameños se cristalizó en el Tratado Árias-Roosevelt que si no llena todas las aspiraciones de los panameños, el menos alivia en mucho la situación que existía cuando regían los onerosos artículos del Tratado de 1903.

En lo que toca a Panamá, ella ha estado dispuesta a armonizar los mutuos intereses y la próxima administración contribuirá a perpetuar la cordialidad y la armonía que últimamente, como he explicado, se ha estrechado entre ese país y el nuestro. Nosotros no desesperamos de que se inicie en un dia nolejano, una era que destruya los prejuicios, la envidia, y la codicia de individuos y de naciones y se establezca una atmósfera permanente de comprensión y de mutuo respeto. Mientras tanto, nuestras simpatías no pueden dejar de estar al lado de aquellos que prefieren luchar por la libertad mas bien que someterse bajo el talon del conquistador.[12]

By the strength of the facts alone, any foreign policy of Panama must be synchronized with the policies of the United States. Arnulfo Árias was well aware of this and implies as much in the foregoing statements. Panama and the United States have interwoven their destinies by means of the cinta de agua that divides the two continents but that also unites the two oceans with the rest of the world. The ties between the two nations is as strong in time of peace as in time of war. It is something that is there the same in moments of tranquility and good will as in times off instability and despair. The fate of the Republic of Panama rests with the fate of the

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[12] Discurso de la Estación, pp. 4-5.

Panama Canal.

No matter what might have been the resentments of the past on the part of the Panameños, or the source of the "snobbishness" of some administrations of the United States, certain things are evident, so more realistic observers feel sure that no other great power, in the same circumstances as the United States, would have permitted Panama to engage in political "experiments" that in any way would threaten the security of the waterway.

Arnulfo Árias, in the foregoing speech of December 21, 1939 made public his recognition of the effective and friendly policy of the Buen Vecino del Norte, as a constructive effort on the part of Roosevelt to promote hemispheric unity and solidarity. Árias further mentioned the Árias-Roosevelt Treaty of 1939, as one of the most notable results of the Good Neighbor Policy. The mere fact that Árias noted the Treaty of 1936 and lauded its significance evidenced his putting the interests of the nation above his personal differences with his brother Harmodio. It should be remembered, however, that the split between the two brothers did not come until a little later, although even now they did not see eye to eye on many basic issues.

Arnulfo, perhaps, suffers from a so-called "kid-brother" complex, or at least did at that time. For years he was the "little" brother to an illustrious international lawyer and newspaper publisher. Much of the initial success Arnulfo had,

Panama Canal.

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could be traced to his brother's influence. While this was true in the late twenties and early thirties it was not the case later. Nevertheless, it is a factor to consider. Arnulfo often reacted impulsively and foolishly when provoked by criticism concerning his brother. Prior to the 1940 elections rumors circulated and reached Arnulfo's ears that his brother Harmodio was planning to get the coalition parties that were pledged to Arnulfo to switch candidates and back him.

To return to Panama's foreign relations, Panama reaffirmed her intentions of remaining neutral toward the European conflict. Neutrality was nothing unusual in the hemisphere at that time, since the United States itself was making desperate efforts to conserve a position of neutrality, as impossible as it turned out to be. Although much criticism accompanied Árias neutrality, no public statement up to that time implied that the international politics of Panameñismo were in any way out of line with American ideology.

Another aspect of Panama's international relations was the boundary dispute with Costa Rica, which was settled by treaty by Arnulfo Árias shortly after taking office. This dispute had long been a thorn in the side of both countries, each stubbornly withholding agreement to a treaty that did not comply in every detail to what each considered fair and equitable to its interests.

Exactly four months after Árias' inauguration, a

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a meeting between the heads of the two states was scheduled. Arnulfo Árias and Rafael Angel Calderón Guardia agreed to negotiate a settlement of the long-standing controversy over borders. The two presidents met at Sixaola River in the disputed area and reached an agreement on May 1, 1941. The Treaty was signed and promptly ratified by the legislatures of both countries.[13]

The Treaty signed at San José was significant in that it legalized the de facto boundary between the two nations, except for a small area adjoining the Yorkin River, where districts, of approximately equal size and territory, were exchanged. The Treaty further called for a mixed commission of two representatives from each country, along with a technical adviser from Chile, to survey and mark the new frontier. Both countries were granted indentical and perpetual rights of free navigation on parts of the Sixaola and Yorkin Rivers.[14]

The successful completion of the Treaty with Costa Rica and the putting an end to the controversy brought divided sentiments in Panama. This did not mean that some Panamanians actually wanted the dispute to go unsettled, but because they felt that the terms under which the agreement was executed were heavily in favor of Costa Rica. The other point of view believed that President Árias had represented well the interests

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[14] Funk, op. cit., p. 476.

of the nation. To illustrate briefly what the opposition to Árias said is quoted from a leaflet that had been circulated:

> Enorme y preciosa parte de la altiva provincia de Chiriquí fué regalada graciosamente por Arnulfo Árias a Costa Rica. Allí han quedado millares de panameños como parías en la tierra que los vió nacer, bajo el yugo Tico. El sol panameño se puso para siempre en esa bella región.

Arming of merchant vessels prohibited:

For some time the merchant fleet of Panama had been a topic of international concern, mainly because its tonnage and actual size was extremely out of proportion to the economic power of the nation. Before 1941, the ships listed under Panamanian maritime registry were approximately 270. Of these, about forty were owned by the United States Government itself, through its agent the United States Maritime Commission. Another eighty-five were owned by American private companies.

Early in September, 1941, two ships flying the Panamanian flag were torpedoed and sunk by German submarines. Panama immediately protested and filed a claim for adequate indemnization.

It was the sinking of these vessels that occasioned the demand for permission to arm craft under Panamanian registry . Most of the pressure was put on from the United States since the United States was one of the owners that would suffer the greatest losses, should more vessels be sunk or damaged. Although such pressure put on Panama was not "official," in the

of the nation. To illustrate briefly what the opposition to Arias said is quoted from a leaflet that had been circulated:

> Entre y precisa parte de la altiva provincia de Chiriquí fue repelida grandiosamente por Arnulfo Arias a Costa Rica. Allí hay cuerpos militares de panameños como parias en la tierra que vió morir, hoy al yugo ajeno. El sol de América es tan pura elemento en sus bellas regiones.

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sense of being handled through regular diplomatic channels, it nevertheless carried considerable weight.

Arnulfo Árias upon receiving the demand, immediately rejected it, apparently trying hard to avoid any further strain in the relations between Panama and Germany.

Although the United States did not officially meddle in the matter by any such step as actually asking Panama to allow its merchant marine to be armed, an appeal was made to the Congress of the United States by President Roosevelt to repeal the Neutrality Act of 1939, and permit United States Merchant Marine vessels to arm. This appeal, extremely well timed, was interpreted as carrying a psychological insinuation.[15] In the address in which President Roosevelt made the appeal, he specifically asked for the repeal of Section 6 of the Act of November 4, 1939, which prohibited the arming of American-flag ships engaged in foreign commerce.[16]

President Árias, however, not taking the hint, made it clear that vessels flying the Panamanian flag which armed against potential aggressive attacks would have their registration cancelled. The resolution, in effect, prohibited the arming of the ships in order to maintain Panama's position of neutrality in the war.

The resolution of the Panamanian Cabinet Council over

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[15] News item in the New York Times, Sec. IV, 5:2, October 12, 1941.

[16] Loc. cit.

which Arnulfo Arias presided, read as follows:

> The Cabinet Council considered today the policy of Panama in respect to Panamanian ships which were torpedoed recently, in particular the I. C. White. The cases of the Pink Star and the White are being studied carefully and Panama will announce a decision upon completion of an investigation now being made.
>
> The Cabinet Council was unanimous in declaring that it cannot authorize the arming of Panamanian ships in any manner, since the position of neutrality maintained up to the present by all American Republics does not actually justify such a procedure.[17]

The impact of Panama's decision in the United States brought editorial attention in major newspapers as well as considerable comment in official circles of the government.

Senator George, ranking member of the Senate Foreign Relations Commmttee at that time, remarked:

> I would not assume that the action of the Panamanian Council was an unfriendly act toward the United States, but merely that Panama wished to act for the protection of its own vessels.[18]

Another reaction, expressed in an editorial of the New York Times, states:

> . . . The decision of the Government of Panama to prohibit the arming of ships which fly that nation's flag ought to make our own choice easier. The use of a Central American flag by ships owned by an agency of the United States Government itself is a subterfuge unworthy of a great power. Surely the same large majority of our own people who favor the President's orders to the Navy to shoot at sight would welcome a clean end to the anomalies of a law which forces us to indignity of hiding behind a little neighbor.[19]

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[17] News item in the New York Times, 3:4, October 7, 1941.

[18] Loc. cit.

[19] News item in the New York Times, 1:4, October 8, 1941.

Panama's order had far-reaching significance to the war effort of those allies the United States was to join in actual combat just a few months later. American newspaper editorials continued to pound the subject and demand that regardless of what Panama said, the United States companies and the Commission as well, could not permit its vessels to sail unarmed through sub infested waters while carrying valuable cargoes.

## CHAPTER VI

## ÁRIAS OVERTHROWN

On October 7, 1941 at approximately 5:30 A.M. Arnulfo Árias left Panama under an assumed name. He flew first to Barranquilla, Colombia, where he transferred to a Pan-American Airways Clipper for Havana.[1] His absence from the country was not generally known until many hours later, since he had not even informed some of the ministers in his cabinet of his trip.

He had arrived at the airport wearing dark glasses and with his hat pulled down, remaining in his automobile while an aide arranged passage. He left the car at the last warning bell and boarded the plane unaccompanied. He traveled under his maternal surname, A. Madrid, on an ordinary passport with visas for Colombia, Costa Rica and Cuba.[2]

When Árias had made the trip to Costa Rica he had first secured the permission of his government and had appointed as his suplente, his good friend José Pezet. However, on this occasion, it was obvious that he wanted to conceal his identity and leave the country unnoticed.

As soon as he landed at Havana he tried to put through several telephone calls to Panama. He tried to reach Antonio Isaza, his private secretary and also Cristóbal Rodríguez, the

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[1] News item in the New York Times, 1:3, October 10, 1941.

[2] Ibid., 6:3.

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[1] News item in the New York Times, 1:3, October 14, 1951.

[2] Ibid., 6:3.

General Secretary of the Presidency.[3] None of these, however, was able to speak with Árias since the police had been ordered to arrest and jail them, as the first moves in the bloodless coup that was to take place during Árias' absence from the country.

Even as those arrests were being made the country was still unaware of what was going on. The legitimate basis for the coup was Árias' unauthorized departure from the country, in violation of the constitution. He had failed to request the customary leave of absence from the National Assembly or from the Supreme Court, should the Assembly be recessed.[4]

While Árias' departure for Cuba came as a surprise to many people, it actually verified diplomatic reports from Panama, to the effect that there were some definite indications that "disaffection" among certain Panamanian government officials threatened the political stability of the country. This information was revealed later in a statement of Cordell Hull, the United States Secretary of State.

Among those jailed during the mass arrests were: Lieutenant Colonel Nicolás Ardito Barletta, Mayor of the City of

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[3] Loc. cit.

[4] Constitución de la República de Panamá (Panamá, 1941), Article III, Section VII, p. 25. "El Presidente de la República o el ciudadano que lo reemplace podrá separarse del ejercicio de sus funciones con licencia que le será concedida por la Asamblea Nacional y en el receso de ésta, por la Corte Suprema de Justicia. Por motivo de enfermedad bastará el aviso previo a la respectiva corporación."

Panama, and widely known as the strong man of the Árias administration; José Pezet, First Vice-President, and Minister of Education; Manuel V. Patiño, Minister of Public Works; Claudio Harrison, Executive Judge; Colonel Olmedo Alfaro, Aide to the President, and the staff of the Government's newspaper, La Tribuna.[5]

Lieutenant Colonel Fernando Gómez Ayau, the acting Chief of Police, was shocked when he, too, was placed under arrest upon his arrival from the interior. Gómez Ayau was not held long, however, but was permitted to take refuge at the Hotel Tivoli in the Canal Zone.[6] Colonel Rogelio Fábrega, formerly second in command to Gómez finally got the job as Commander-in-Chief of the Policía.

Ernesto Jaén Guardia was the second designate to Arnulfo Árias, and according to Article 114, Section VII of the Constitution he was to assume the Presidency.[7]

After being dully sworn in, President Guardia appointed a Cabinet and immediately submitted his resignation. The Cabinet thereupon elected one of its own members, Ricardo Adolfo de la Guardia to exercise the Presidency in accordance with constitutional procedure.

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[5] News item in the New York Times, 6:3, October 10, 1941.

[6] Loc. cit.

[7] "Por falta temporal o absoluta del Presidente. . . ejercerá sus funciones uno de los Designados en el orden en que hayan sido elegidos. . . ."

Panama, and widely known as the strong man of the Batista administration; José Pedro, [illegible] Minister of Education; Manuel [illegible], [illegible] Diaz; Dionisio Martínez, [illegible]; Rodolfo Díaz, [illegible] Aide-de-Camp to the President, and the staff of the government newspaper, La Tribuna.

Lieutenant Colonel [illegible], the acting Chief of Police, was shot and killed, too, and [illegible] arrest upon his arrival from [illegible]. Arrests did not last long, however, for [illegible] to the [illegible] Hotel Tivoli in the Vedado [illegible]. [illegible] formerly second in command to Colonel Batista [illegible] Commander-in-Chief of the Rural.

Ernesto José Borrero was the second Ambassador to Argentina, and according to Ambassador [illegible] [illegible] situation he was to assume the presidency.

After being fully aware of President Grau's whereabouts a Cabinet and Immediate Staff supported his resignation. The Cabinet temporarily [illegible] the [illegible] Adolfo de la Guardia to examine and formulate, in accordance with constitutional procedure.

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5 Diario Libre in the New York Times, [illegible] October 11, 1951.

6 Loc. cit.

7 "For fully [illegible] a complete [illegible] of Batista's [illegible] and functionaries see the [illegible] que dejan atrás [illegible]."

Things were happening so rapidly during those days of political crises that it was difficult to tell what would happen next. During the sudden change of governments, specifically at the time that Chief Justice Darío Vallarino was administering the oath of office to President Ernesto Guardia, the Chief Justice exclaimed in a mood of obvious happiness, "Al fin hay democracia en Panamá."[8]

The outward aspect of detached interest maintained by the United States State Department toward the Árias ouster only partly disguised what the government had on its mind. There was a general feeling of relief in official circles in the United States. The only concern that the United States had as to Panama was what world opinion would be concerned about how and why Árias left Panama without securing permission. The United States wanted to show the world its determination to conform to the resolution of "non-intervention."[9] The press had circulated the rumor that the United States had put pressure on Árias when his Cabinet Council refused to permit the arming of merchant vessels that flew the Panamanian flag. It was then that Secretary Hull thought it best to "clear the record" of any possible misinformation that might have circulated regarding the change

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[8] News item in the New York Times, 6:3, October 10, 1941.

[9] The resolution of non-intervention was adopted by the Buenos Aires Conference of American States in 1936, and condemned the intervention of one state in the internal affairs of another state.

of government in Panama. Hull's statement was made on October 16, 1941 and was in direct reaction to what Hull himself read in a local paper. The article, entitled "Probes Sought of U. S. Part in Coup That Ousted Árias," stated:

> My attention has been called to an article which appeared in one of the local newspapers this morning regarding recent events in the Republic of Panama. I am profoundly shocked at the glaring inaccuracies and willful misrepresentation set forth in that article. . . . I refer of course to the attempt which is being made to make political capital out of the recent events in Panama. . . . I state clearly and categorically for the record that the United States Government has had no connection, direct or indirect with the recent governmental changes in the Republic of Panama . . . .
>
> . . . On October 9 Ambassador Wilson reported that he had received a call at 8:30 that day from high officials of the Panamanian Government, who informed him that because of the Government of Panama's being without a head. . . the leaders of the Government had decided to take over the power in order to maintain public order. They inquired as to how this movement would be regarded in the U. S. The Ambassador called the attention of these officials to the well-known policy of the United States to refrain from interfering in the internal affairs of other countries. . . .[10]

The Secretary went on to say that the Berlin newspaper Nachrichten Buro printed a report on the incidents in Panama, which said in part: (October 10, 1941)

> It is clear and beyond doubt that the United States used a temporary absence of the President of Panama who was inconvenient to it, to stage a putsch in this small Central American Republic.
>
> No sooner had Arnulfo Árias arrived in Cuba than

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[10] Leland M. Goodrich, ed., Documents on American Foreign Relations, 1941-1942 (Boston: World Peace Foundation, 1942), p. 429.

of government in Panama. Bull's statement was made on October 16, 1941 and was in direct reaction to Ury's Bull's immediately read in a local paper. The article, entitled "Proof Support of U. S. Part in Coup That Ousted Arias," stated:

> My attention has been called to an article which appeared in one of the local newspapers this morning regarding recent events in the Republic of Panama. I am profoundly shocked at the glaring inaccuracies and willful misrepresentation set forth in that article. . . . I refer of course to the attempt which is being made to make political capital out of the recent events in Panama. . . . I state clearly and categorically for the record that the United States government has had no connection, direct or indirect with the recent governmental changes in the Republic of Panama. . . .
>
> . . . On October 2 Ambassador Wilson reported that he had received a call at 8:30 that day from high officials of the Panamanian Government, who informed him that because of the Government of Panama's being without a head. . . the leaders of the Government had decided to take over the power in order to maintain public order. They inquired as to how this movement would be regarded in the U. S. The Ambassador called the attention of these officials to the well-known policy of the United States to refrain from interfering in the internal affairs of other countries. . . .[10]

The Secretary went on to say that the Berlin newspaper Berliner Illustrierte Zeitung carried a report on the incidents in Panama, which said in part: (October 16, 1941)

> It is clear and beyond doubt that the United States used a temporary absence of the President of Panama who was inconvenient to it, to stage a putsch in this small Central American Republic.
>
> No money had Arnulfo Arias arrived in Uncle Sam

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[10] Leland H. Goodrich, et.al., Documents on American Foreign Relations, 1941-1942 (Boston: World Peace Foundation, 1942), p. 427.

considerable excitement was stirred up in the Cuban capital. In the afternoon of the day of his arrival, he agreed to make a statement. He said that his actions as President of Panama had been "for the people and Panamanian sovereignty."[11] He went on to say that "the cabled news from Panama has been a great surprise to me. I came to Havana to consult an eye specialist, which I did this morning, having seen Dr. Cruz Plana. This is easily proved."[12] Arnulfo Árias also stated that he had bought his return trip ticket, and that he awaited only the lifting of the ban on his return by the Ministry of Foreign Relations. The ban, however, never was lifted, but Árias decided to return anyway, hoping to be able to get into the Canal Zone. As he docked at Cristóbal, the immigration authorities informed him that he would not be allowed to enter the territory of the Canal Zone, but that he could be escorted through the Zone to Panamanian territory and turned over to Panamanian authorities. After considerable debate he finally consented to enter Panama and give himself up to the Panamanian officials.

In view of the circumstancial evidence it seemed just for the press and even the political observers to conclude that the United States did have something to do with Árias' sudden withdrawal, for it is not conceivable that he would

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[11] News item in the New York Times, 6:3, October 10, 1941.

[12] Loc. cit.

considerable excitement. Arrived in the Cuban capital, in the afternoon of the day of his arrival, he agreed to make a statement. He said that his mission as President Arias had been "for the peace and representative government."[11] He went on to say that "the only [illegible] mediation has been a great surprise to me. I came to Havana to consult an eye specialist, which I did this morning, having seen Dr. Grau Plana. This is really [illegible]."[12] Arnulfo Arias also stated that he had bought his return trip ticket, and that he awaited only the lifting of the ban on his return by the Ministry of Foreign Relations. The ban, however, never was lifted, but Arias decided to return anyway, hoping to be able to get into the Canal Zone. As he looked so dejected, the immigration authorities informed him that he would not be allowed to enter the territory of the Canal Zone, but that he could be escorted through the Zone to Panamanian territory and turned over to Panamanian authorities. After considerable debate he finally consented to enter Panama and give himself up to the Panamanian officials.

In view of the strong racial overtones it seemed just for the press and even the political opponents to conclude that the United States did have a mandate to do with Arnulfo Arias whatever, for it is not conceivable that he would

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[11] News item in the New York Times, op. cit., October 1, 1941.

[12] Loc. cit.

leave his post at a time of political crisis within his own cabinet. Nor is it possible to believe that Árias was so confident of his position that he did not think it necessary to comply with the constitution which he himself had designed. Much speculation has resulted from this incident, but it is believed that few people, other than Árias' closest friends and family know what really motivated his trip to Cuba. If it was merely what he himself said it was, namely for medical treatment, then he could hardly have expected any other results.

Aside from the issue of forbidding the arming of merchant ships, and the statement of the Government to the effect that it would remain neutral in the war, there was still another issue that seemed almost as important as any of the others. That was the problem of defense agreements.

In the spring of 1941, President Árias had sent his Minister of Foreign Affairs, Raúl de Roux, to the United States to initiate official conversations on all pending matters of concern to the two countries. The result of such talks was the announcement of the government of Panama that an agreement in principle had been reached for development of air fields and other defense facilities. However, that agreement in principle to be effective had to be implemented by more detailed arrangements, which obviously had not been done. The discussions dragged on and on, and nothing definite

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was ever announced later. It seemed obvious, nevertheless, that Raúl de Roux had no intention of ever signing any agreement or treaty of any kind that would further commit Panama to ceding another inch of her territory for temporary use or otherwise. As far as he was concerned, the days of Panamá cede were over; his only concern was how to rescind and undo what had already been committed.

Raúl de Roux, in his book entitled Un Capítulo de Historia Patria, o Arnulfo Árias, El Patriota, published in Panama in 1945, puts forth an extremely unfair and biased version of the various diplomatic negotiations between Panama and the United States that have to do with what he called "tierras y aguas a perpetuidad." He discussed his "successful" mission to the United States in May, 1941, and said:

> En Washington comprendieron, al fin, que nada ni nadie conseguiría modificar la resolución panameña de no entregar 'tierras y aguas adicionales a perpetuidad.' La presión y amenaza velada cedieron entonces el paso a la justa razón y a la equidad. . . .[13]

Whether or not de Roux was specifically instructed by President Árias to procede in such a manner is not known. However, from all logical deductions, he appeared to have had Árias' blessing all the way.

As was said previously, the United States seemed pleased at the change in government as a result of the coup d'etat, although Washington naturally remained silent. The new

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Epilogue:

During the twelve months of the Árias administration which ended in October, 1941, the people of Panama gradually became aware of how the democratic sentiments of the nation had given way to a concept of absolutism. This absolutism imposed by Arnulfo Árias had perceptible traits of socialism as well as of autocracy, none of which seems to fit the traditional way of life of Panama. Any concrete opposition to the regime was practically impossible, due mainly to the unwillingness of the press to serve as a media of rebellion. The publishers no doubt feared that their papers would be confiscated or shut down. The power of public opinion, therefore, had little or no means to carry out any effective opposition to the political current of the time. The only public opposition which seriously confronted Arnulfo Árias were the críticas personalistas of the Panamá-América, operated and edited by Harmodio Árias.

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democratic nation in the very constitution of its ethnic and political life. When the people assented to the overthrow of the Árias regime, by merely not protesting, it was also approving the banishment of the absolutism of the State, which had tried to absorb the priceless individuality of the panameño, presumably to bring about the individuality of the State. In other words, the State was acquiring the individuality it wanted in international relations at the expense of the individuality of the citizen. If Panama were ever to accept such a thing, the time was not right, nor were the circumstances.

Panama is basically a democracy. It is equipped both emotionally and intellectually for the development and progress of democratic methods. In Panama, as in other countries of small populations, the social structure based on kinship and friendship is common, but also often it is against the better interests of the nation as a whole.

Panameñismo had failed, if not completely it at least lost the first round by unanimous decision. If all the changes and reforms were to come it would take more than panameñismo to do it. More than a program or a political creed, the need was for a nucleus of individuals of high mentality, with honest abnegation and will power, all working together toward a common goal: the betterment of Panama.

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Panameñismo propagated:

Panameñismo is the nationalistic political and socio-economic program founded by Arnulfo Árias. It was not a political or doctrinary creed in the true sense, but rather the expression and synthesis of an attitude, in particular of government.

The propaganda campaign for panameñismo was directed by Arnulfo Árias himself, using every occasion to capitalize on the importance of guiding the nation along panameñista lines. Much credit was due to La Voz del Pueblo, a local radio station, which later became an organ of the Panameñista Party, for the propagation of the terminology of the Party to the people of the nation. The wide usage of such words as "panameñismo" and "panameñista," for example was attributed to the efforts of La Voz del Pueblo.

Panameñismo began to take on a more descernible meaning for the average citizen when it became identified with the native folklore, the songs and dances that were truly Panamanian. The tamborito, la cumbia and the mejorana became symbols of panameñista folklore. The wider usage of such native clothing as the famous pollera and the montuno invaded even the more stilted receptions of high society. The words of panameño and panameñista began to appear in advertisements and in the names of commercial establishments. Panameñismo, by these various methods, attained a position of public respect and appreciation. It became known as a

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program that proposed to dignify "lo nacional."

Panameñismo contained a high degree of emotionalism. It aroused pride for the tierruca nacional and made all Panamanians conscious of national individuality, whether they agreed with panameñismo or not. The feeling of nationalism crossed social and economic limits and spread into all levels of Panamanian society.

At the time panameñismo emerged, the world was beginning to observe the frightening threat of totalitarianism. Small nations like Panama, lacking in military might, were disappearing from the international scene, being absorbed by conquest and having to submit to the aggressor, and his merciless persecution. Even though the nations of the Western Hemisphere were not actually having to experience the more direct effects of the war, it was believed that the threat of aggression or attack was as real in Panama as in any other part of the world due to its strategic importance. Under the fear of such a threat it seemed doubly important for the small nations to clearly define themselves as political units. If cooperation and unity were to be achieved in the hemisphere it could best be done among clearly defined states rather than through the false uniformity of subservient states.

Much profound and sincere emotionalism supported panameñismo in the trying days of 1941. Its program, as has been pointed out, was a nationalistic attitude rather than a

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Such profound and sincere emotionalism supported panamanismo in the trying days of 1941. The program, as has been pointed out, was a nationalistic attitude rather than a

political creed. This distinction is made since it had no definable ideology. Certainly a speech or two could not be considered as constituting the framework of a sound and homogeneous program, to say nothing of being the basis of a political creed or doctrine.

Since the speeches of Arnulfo Árias are used as outlines for the panameñista program it is well to keep this in mind in the study of the policies and principles of the movement. It must not be assumed that Árias, in his addresses, particularly the Discurso en la Estación intended to present a complete and definite outline of an ideology, but rather the highlights and vote-catching features. What he gave was a preview of the more concrete plans of reform he had in mind. Knowing this, it is easy to overlook the superficial treatment given to certain vital issues and the lack of precision in others. The speech of la Estación was that of a newly arrived candidate, not the report of an elected president. What he said reveals his attitude toward the problems he expected to face, and whether it be liked or not, the speech marked a definite epoch in the political history of the nation.

When Arnulfo Árias said:

> El panameñismo debe ser el credo único. Aquí en Panamá sólo debe existir, germinar y desarrollarse un sólo credo, una sola doctrina, una sola fuerza motriz: nuestro panameñismo.[14]

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his political opponents criticized the statement deservedly and appropriately called it exclusivismo intransigente, or irreconcilable exclusiveness. By saying that "panameñismo debe ser el credo único," his words carried a taint of the essential characteristics of a partido único of Fascist Italy or of the National-Socialism of Nazi Germany. The mere mention of the requisite únivo implies something that is totally incompatible with democratic principles, in particular with the freedom of thought and the right to have diverse opinions in matters of politics. If Arnulfo Árias actually had any such totalitarian convictions concealed behind the basic concepts of panameñismo he should, at least, be given credit for a successful feat of political tactics, because in Europe there is record of long and bloody revolutions to impose a one-party system. Arnulfo Árias had been able to do it merely by "cloaking" the real issue with the magic word: panameñismo.

The Discurso had another interesting paragraph which said:

> Panameñismo debe basarse en la técnica. Panameñismo sano, sereno, basado en la investigación y en el estudio de nuestra flora, nuestra fauna, nuestra historia y nuestros componentes étnicos. . . .[15]

Árias, being a physician by profession, naturally favored a wide utilization of all available scientific data to guide his program, but unfortunately he was inconsistent with this

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[15] Loc. cit.

aspect of his administration. He did, however, encourage the youth of the nation to take active part in the improvements of their country, and to train themselves in the sciences, the natural sciences, so as to carry out the responsibilities of building the industries, and thus give Panama more economic strength and stability. Further along he said:

> Un gran estadista[16] ha dicho que la política de las naciones la determina su geografía y asi hemos visto formarse civilizaciones alrededor de grandes ríos en lugares estratégicos para el comercio o la guerra.[17]
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> Dejémonos de desperdiciar el precioso tiempo de la nación. Lo que falta de la presente administración y los cortos años de la próxima administración significan un relámpago en el proceso histórico y por lo tanto es nuestro deber approvecharlos usando todo nuestro tiempo, nuestra eficiencia y nuestra voluntad en favor del Estado.[18]

Arnulfo Árias, in the foregoing passage, does not clearly differentiate between the concepts of Nación and Estado. Usually, at least in a democracy, these two words of Nation and State are considered as meaning two different things. Nation and people, however, are often used synonymously. Most governmental programs are devoted, at least in theory, to promoting the happiness and prosperity of the nation and the people, but not toward that legal personality known as the State. Arnulfo Árias, in this instance, introduces the

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[17] Discurso en la Estación, op. cit., p. 4.

[18] Ibid., p. 3.

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concept of subordinating the will of the people to the State. When Arnulfo Árias said these words, "en favor del Estado" was he thinking along democratic lines? Or did he subconsciously want to make the State an omnipotent monster that gradually would take away the sovereignty of the people?

These general characteristics of panameñismo as found in Árias' Discurso en la Estación form the basis for the future establishment of a political ideology. But in order to gain the support it needed from the more democratically-minded middle class, the traits of totalitarianism would have to go. Panama would not tolerate for long the authoritarianism of any caudillo nor the regimented way of life of a drastically nationalistic program.

## CHAPTER VII

## RETURN FROM EXILE

After the coup d'etat of 1941, Arnulfo Árias went into voluntary exile. Although he visited several countries, he spent most of the time in Argentina. During his absence he was bitterly attacked by Ricardo Adolfo de la Guardia and other oppositionists for his alleged pro-Nazi connections during the war and for his obstructionist tactics toward the U. S. in the defense program of the Panama Canal.

On October 14, 1945 Arnulfo Árias returned, and shortly thereafter spoke to a large crowd at Santa Ana Plaza. What he had to say seemed to recall some of his other speeches. He had unkind words for the United States, particularly for the Good Neighbor Policy, which he said "had become a wolf in sheep's clothing."[1] He went on to say that the price of the allied victory had been in part at the expense of the sovereignty of the people of Panama.[2] This was presumed to mean that Panama's cooperation in the war effort in granting bases for protection of the Panama Canal had been an extreme sacrifice.

There was little doubt that Arnulfo Árias was up to an old trick. Just back from exile, he hardly knew how he

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[1] News item in the New York Times, 2:6, October 4, 1945.

[2] Loc. cit.

stood with the people of Panama. This was a good way to find out. In the past he had been able to stir up nationalistic feelings and gain loyal support from the masses by publicly attacking the United States on some issue that seemed to be an encroachment on the sovereignty of Panama.

From all that was said at the Santa Ana meeting, it seemed that Arnulfo Árias was somewhat unfamiliar with the actual situation, and that he had not been informed of the latest developments in Panama's relations with the United States over the question of the bases. Five of the major bases held by the United States during World War II were scheduled to be formally returned to Panama the following day.[3] That brought the number of bases released by the United States to sixty-five of a total of 131 in all. It will be remembered that the outposts being used by the United States were built by the United States Army with Panamanian labor. The sites were being returned to Panama in most cases with valuable buildings and other structures on them. There could be no doubt that Panama could have derived considerable use out of those bases, particularly to establish domestic air service throughout the interior.

On November 5, 1945 a bomb explosion rocked Panama City, the third of such explosions taking place within a week's time.[4] The police had been unsuccessful in their hunt

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[3] News item in the New York Times, 18:2, October 15, 1945.

[4] Ibid., 15:7, November 6, 1945.

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[4] Ibid., 12:2, November 6, 1945.

for those responsible and became desperate at the insistent criticism from the victims. The Chief of Police, Colonel Remón, finally decided at least to arrest somebody, so he chose to arrest Colonel Olmedo Fábrega and Manuel Ordóñez, two of Arnulfo Árias' followers. A writ of habeas corpus was filed with the Supreme Court, but promptly rejected. The High Court, upon rejecting the writ, explained that the Constitutional Congress[5] had received a mandate from the people to reorganize the government, and that until a new constitution was adopted every possible means would be used to maintain public order and to prevent all agitation and subversive activity.[6]

Before the year was over, however, the agitation and subversive activity only got worse. On December 22, at least four persons were killed and several injured when a revolt was staged against the government. The revolt, although unsuccessful, tried to seize the National Police station at Colón. Another attack occurred almost simultaneously at Panama City. This time the police were not to take any more chances, therefore they secured a warrant for the arrest of Arnulfo Árias himself, on the ground of instigating rebellion

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[5] After Arnulfo Árias was ousted in 1941, the Assembly gave itself the powers necessary to appoint the president and make the necessary arrangements for the designing of a new constitution, since the Constitution of 1941 was considered unsuitable for the needs of the country.

[6] News Item in the New York Times, 9:2, November 17, 1945.

for those reasonably and become desperate at the insistent criticism from the victim. The Chief of Police, Colonel Ramón, finally decided it least to arrest somebody, so he chose to arrest Colonel Diaudo Fábrega and Manuel Ordóñez, two of Arnulfo Arias' followers. A writ of habeas corpus was filed with the Supreme Court, but promptly rejected. The High Court, upon rejecting the writ, stipulated that the Constitutional Congress[5] had received a mandate from the people to reorganize the government, and that until a new constitution was adopted every possible means would be used to maintain public order and to prevent all agitation and subversive activity.[6]

Before the year was over, however, the agitation and subversive activity only got worse. On December 22, at least four persons were killed and several injured when a revolt was staged against the government. The revolt, although unsuccessful, tried to seize the National Police station at Colón. Another attack occurred almost simultaneously at Panama City. This time the police were not to take any more chances, therefore they secured a warrant for the arrest of Arnulfo Arias himself, on the ground of instigating rebellion

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to overthrow the government.[7]

Four months after the December revolt, Arnulfo Árias and several top aides of his former administration still had not been tried for the offenses for which they were being held. On the same date, however, the entire group of political prisoners began a hunger strike. The object of the strike was to force the government to try them or order their release. After more than eight days of the hunger strike, Arnulfo Árias became violently ill and was taken to the Panama Hospital. His condition, complicated somewhat by gall-bladder trouble, made it imperative that he get immediate medical attention.

The word soon got around of Árias' illness and of his extremely delicate condition, and a mass demonstration was held by more than seven thousand people at Santa Ana Plaza, in protest against the government's action.

On July 29, 1946 the Supreme Court tried the case and acquitted him. At the same time, however, twenty-two others were indicted for similar offenses.[8]

While this was going on, the time limit of the agreement by which the United States had occupied and used defense sites on Panamanian soil expired on August 31, 1946. Panama considered any further occupation illegal and in

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violation of the sovereignty of Panama.[9] Various factions began to put pressure on the Panamanian Government to enforce the agreement and demand that all American personnel be withdrawn immediately. Although Foreign Minister Alfaro showed no signs of wanting to take more drastic action to see to it that the forces were promptly evacuated, he pointed out to Ambassador Frank Hines that he saw no reason for such sites to exist when the war had terminated and the threat of aggression was over.

The tension grew over the incident. Panama stood stubbornly on its contention that no extension to the time limit should be granted, and further that she would not even negotiate any matters concerning the bases until the bases had been returned to Panama at the earliest possible date.

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## CHAPTER VIII

## CAMPAIGN AND ELECTIONS

In the elections of May 9, 1948 Panamanians went to the polls to select their choice for president, vice-president and deputies. Aside from the candidacy of Arnulfo Árias two other major candidates[1] entered the race: Domingo Díaz Arosemena, the publisher of La Nación, a local afternoon newspaper; and José Isaac Fábrega, a prominent lawyer and newspaper writer. Although the Supreme Court had not yet handed down a verdict as to Árias' elegibility[2] even to be in the contest, most political observers on the scene predicted an Arnulfista victory by a slight majority. This forecast was based mostly on a recent municipal election in which candidates favored by Árias had made an impressive showing, and it was likely that the weaker candidates would cast their support toward the Árias faction thus causing a split in the opposition.

Quite different from the last political campaign,

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[1] Other candidates such as socialist Demetrio A. Porras, and the Popular Union party's candidate, Dr. Sergio González, although admittedly too weak to demand a majority themselves, held the balance of power which, if cast in favor of Arnulfo Árias or another candidate could very well decide the election.

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foreign relations with the United States were not decisive issues. However, some of the candidates felt it wise to refer to the question of the bases and state the part they played in the rejection of the proposed bases agreement by the National Assembly.[3] Of the three major candidates, Arnulfo Árias was, no doubt, the most anti-American, although he changed his position and decided to advocate closer relations with the United States. This drastic about-face in his attitude had several explanations, all quite fitting.

One of the most widely accepted views was that Arnulfo Árias, after having seen his predictions and erroneous assumptions shattered when the Axis was defeated in World War II, felt that continued support of such issues would inevitably cost him popular backing, and if he were to return to the Presidency he would need all the votes he could get. He further realized that Panama's economic dependence upon the victorious Allies had substantially increased since Germany and Italy were no longer strong nor in a position to extend any type of aid to anyone. In brief, Arnulfo Árias became realistic. He knew he had better overhaul his biased and anti-United States attitude.

As the days and weeks went by without any official notice as to the outcome of the Presidential elections, the tension among the leading parties increased, mostly because

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[3] News item in the New York Times, 21:1, May 9, 1948.

foreign relations with Germany which were not de jure issues. However, some of the Republican Party in Congress refer to the question of the Spanish and Italian Civil Wars played in the rejection of the proposed Lease-Lend Bill by the National Assembly.[3] Of the three dictator-operations, Adolf Hitler was, no doubt, the most anti-American, although he changed his position and tried to effectate closer relations with the United States. Thus Hitler's pro-Lease Bill attitude had several explanations, all quite plausible.

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of their convictions and fears that fraudulent handling of the balloting boxes during the recount might decide the election, particularly if the majority of one candidate was weak. On July 4, the tension climaxed in an uprising in which President Enrique Jiménez suspended constitutional guarantees, and declared a "state of seige." Violent political clashes killed three persons and wounded another twenty-five. Meanwhile, Arnulfo Árias, after being threatened by fanatical demonstrators, fled into the Canal Zone.

Sporadic outbreaks of violence occurred between the Liberals who supported Domingo Díaz and the Partido Revolucionario Auténtico that supported Arnulfo Árias. The fatal clash, however, occurred when the police and the supporters of Arnulfo Árias fought a bitter battle on the downtown streets of Panama City. The fanatical followers of Árias, now convinced that the government had used under-hand methods in conducting the elections, accused the Police of starting the attack while the Police in turn insisted that the mob was the aggressor.

By that time it was apparent that the National Elections Jury had detected irregularities or had fraudulently used its powers to swing the tide of the election to favor one candidate. The reason for assuming this was its hesitancy to reveal the outcome, since ample time had elapsed for that body to effect several counts of the votes cast. Although it is unlikely that the truth will ever be revealed about

the Elections of 1948 it seems justified to assume that fraud was committed by one or both parties supporting the two leading candidates. Further, it may be that the National Election Jury under the Jiménez administration did not fulfill its duties honorably, but permitted itself to be influenced and therefore was unfair to the candidates as well as to the people of Panama.

Before proceeding to the home of his nephew, Doctor Yates in Gamboa on July 3, 1948, Arnulfo Árias visited other refugees in the Canal Zone. He said that the fact that he was free and unharmed had strengthened the morale of his followers. The former Minister of Foreign Affairs, Raúl de Roux, the former Minister of Public Works, Manuel V. Patiño, together with Arnulfo's brother-in-law, Enrique Linares, Jr., former Minister of Finance, had gone to the Airport to seek refuge.

Reasserting his claim that he won the election, Árias accused President Jimenez of trying to "cover crimes against my party and country and other crimes he fears the next Assembly will uncover."[4]

Brigadier General Francis K, Newcomer, Governor of the Panama Canal, upon being notified of the presence of Arnulfo Árias in the Canal Zone, agreed to permit him to remain on condition that he not engage in politics.

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[4] News item in the New York Times, 4:3, July 6, 1948.

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[illegible] item in the New York Times of [illegible], July 26, 1956.

Alcibíades Arosemena, candidate on the Arias ticket for First Vice-President had received many anonymous telephone calls at his residence in which the callers threatened to harm his family if he did not give up any ideas of becoming Vice-President. Señor Arosemena, therefore, also sought refuge in the Canal Zone.[5]

On July 13, President Enrique A. Jiménez was removed from office by the National Assembly, which had elected him president. The Comptroller General of the Republic, Enrique Obarrio was named to replace the deposed chief executive. The National Assembly, in order to effect such action, had reconstituted its authority as a Constitutional Congress. The Assembly's vote to oust Jiménez was close--twenty-six in favor and twenty-five against it Before the Assembly had voted a government spokesman warned that the Jiménez regime would not obey the order. The supporters of President Jiménez argued that the National Assembly lacked the legal power to make such a change in government in a constitutional manner. Although the Assembly

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[5] While all news reports speculated as to the whereabouts of the various refugees, the New York Times reported that Alcibíades Arosemena had sought asylum in the Argentine Embassy, and had been received there by Ambassador Pablo Constanzo Escobar. While it was true that Señor Arosemena had intended such a move he actually never went, but rather was a house guest of the author for over a period of a month in the author's apartment at Diablo Heights within the Canal Zone, It is curious to note, however, that the Foreign Minister, Ernesto Jaén Guardia, had been told by the Argentine Ambassador at the 4th of July reception that Senor Arosemena had been granted asylum at the Embassy.

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was elected as a Constitutional Congress and had chosen Señor Jimínez as President the Assembly later divested itself of the character of a Constitutional Congress and continued as an ordinary Assembly.

Upon voting to replace President Jiménez, the Assembly had previously declared that the elections of 1948 had been annulled. It is believed that the decision to annull the May elections was based on a determination to prevent Arnulfo Árias from becoming president.

Despite the Assembly's decision to replace him by Señor Obarrio, Jiménez refused to even hear the demands of the individual deputies who had gone to him and urged him to give up his powers and resign before the National Police was asked to enforce the law. Jiménez, having no other alternative, demanded that the Supreme Court pass on the constitutionality of the Assembly's action. So, even before the case had come before the high court, assemblyman José I. Fábrega, defeated presidential candidate of the National Revolutionary Party, admitted the unconstitutionality of the Assembly's action. Señor Fábrega's statement that the resolution was a revolutionary coup, climaxed six hours of heated discussions on the Assembly floor after the deputies had decided to call in former Foreign Minister Ricardo J. Alfaro, Doctor Eduardo Chiari and Doctor José Moscote to advise on the question.

On May 28, 1948, in reporting the election, it was said that Arnulfo Árias had a lead over Domingo Díaz of 73,459

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Ohiari and Joseph Bazo Guardia in action on the election.

On May 24, 1949, in accepting the election, he was
said that Arnulfo Arias was [illegible] over [illegible] of 32,

to 71,897, but these results were not considered official since the National Election Jury had not yet decided upon Árias' elegibility to occupy the presidency. The stalemate was prolonged for nearly two months and clashes between the two major parties occurred frequently.[6] The National Election Jury finally did render a verdict, but quite the contrary to the unofficial count. According to them Domingo Díaz had won by a majority of 1116 votes. Arnulfo Árias refused to accept the decision of the Jury and departed for Colombia. Díaz took office on October 1.

President Díaz Arosemena was an old man, and in many ways unfit to bear the strain of the position of President for long. By being elected to the highest office in his country he had fulfilled his ultimate ambition in life, and he intended to make the most of it. His policies were very much like those of his predecessor, Enrique Jiménez, in that he advocated continued good relations with the United States and attempted as much as possible to maintain peace and tranquillity but not really solving or even trying to solve the basic problems that afflicted Panama.

Late in June, 1949, Domingo Díaz began to yield to an ailment which had bothered him for some time. On July 11, 1948 he left his post temporarily to the First Vice-President, Doctor Daniel F. Chanis, a prominent urologist of the capital.

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[6] Vizetelly, ed., International Yearbook, 1948, p. 416.

On July 28, Doctor Chanis was officially sworn in as Acting President but before serving a month in that capacity Domingo Díaz died.

Chanis then took over the full responsibility of the office and appointed another cabinet. President Chanis, however, realized that he would have to perform one drastic act if he were to successfully carry out his work. He must secure the resignations of all top police officials. When he took the fatal step of demanding the resignations of the police heads he was ousted by force and the Second Vice-President, Roberto F. Chairi was sworn in as President, for Chanis had resigned after an ultimatum from the National Police. Doctor Chanis' action undoubtedly saved bloodshed that would have followed resistance to the police by the hopelessly outnumbered Presidential Police Guard.

Colonel Remón, the Police Chief, already had a claim to the strong man title for the way he had handled crises in the governments of former presidents Adolfo de la Guardia, Enrique A. Jiménez and Domingo Díaz. There can no longer be any doubt of the loyalty of his well trained and well disciplined National Police to their commander.

President Chiari was sworn in before the Supreme Court that had assembled in the Presidential Palace at 6 A.M. on November 21. Chanis had only lacked a week of serving four months in office since he had succeeded upon the death of President Díaz in August. He had been chosen First Vice-

On July 26, Doctor Manuel Aguilar Vivanco is a resident President but doctor serving a month in Guatemala City, Doctor Díaz died.

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President Chacón was sworn in before the Supreme Court that had assembled in the Presidential Palace at 5 p.m. on November 21. Chamiz had only lasted a week or nearly four months in office since he succeeded upon the death of President Díaz in August. He had been chosen first Vice-

President and Chiari Second Vice-President in the elections of May, 1948.

The opposition press had criticized the Government and President Chanis for not lifting restrictions on the operation of bus lines in Panama City and in regard to the slaughter of cattle for local consumption which the Supreme Court had ruled unconstitutional. The restrictions had actually been decreed by the Díaz regime from which Chanis had inherited them.[6]

The opposition claimed the decision of the Supreme Court allowed unrestricted operation of passenger buses and the slaughter of local beef cattle without interference from the government. There were allegations that the Supreme Court's decisions were being disregarded because of the fact that police officials were interested in both the cattle and the buses.

The situation was brought to a head by statements from members of the Assembly, printed in the Panama American to the effect that unless matters were corrected the country might be caught in a military dictatorship like that of General

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[6] It is widely known in Panama that Police Chief Remón has vast interests tied up in the operation of bus lines, called chivas, and also in the slaughter of cattle. It is obvious that any attempt to restrict the operation of such lucrative businesses would bring about immediate drastic action on the part of Remón. The political corruption in Panama has been cultivated in such conditions as these. By controlling the only armed force of the country Remón is in a position to exploit his country's resources with little or no effective restriction.

President and Chary[illegible] [illegible] - [illegible] as a [illegible] of May, 1942.

The opposition press and [illegible] [illegible] President Duarte for not [illegible] [illegible] tion of bus lines in Panama City [illegible] [illegible] ter of battle for local [illegible] had made unconstitutional [illegible] been decree by the Ular Tribunal [illegible] [illegible] merited them.[6]

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Anastasio Somoza in Nicaragua.

President Chanis called Colonel Remón to the Palace and asked for his resignation as well as that of his highest ranking aides, Lieutenant Colonel Vallarino and Major Flores. Meanwhile, orders for the arrest of Arnulfo Árias and his nephew Harmodio Árias Jr. were issued. They were detained temporarily for questioning, but soon released. It seems that this was merely a precautionary measure during the initial stages of the bloodless revolution.

The following day two cabinet members resigned in protest that despite a presidential order the top police officials still remained in their jobs as if defying the President.

Arnulfo Árias was not involved in this revolution which culminated in Chanis' resignation, but, as always, he was accused of having something to do with it.

Samuel Lewis Jr., publisher of El País, and Foreign Minister for President Chiari, resigned his post and said in a letter to President Chiari:

> When I accepted the post of Minister of Foreign Relations, I told you the Government of Dr. Daniel Chanis had been overthrown for no reason; I added that the same thing might happen if you did not effect the immediate removal of the Chiefs of the National Police, for under such conditions your administration lacked solidity.[7]

Chanis, still convinced that justice might reign at least in the Judiciary, took his case to the Supreme Court to

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[7] News item in the New York Times, 4:3, November 22, 1948.

Amarbaio Somoza in Managua.

President Guerra called Colonel Marin to the Palace and asked for his resignation. He held on to his job and thanking Somoza, Marenco [illegible] relinquishing his post forever. Meanwhile, orders for the appointment of Armando Lacayo and Manuel Barquero as [illegible] were issued. They were designated temporarily for constitutional [illegible]. It can be [illegible] this was merely a temporary measure during the [illegible] stages of the bloodless revolution.

The following day the national congress convened in protest that despite a provisional order the two rebelling officials still remained in their jobs as [illegible].

Armedo Arias was not involved in this revolution and [illegible] culminated in Guerra's resignation, but, as already [illegible] accused of having connived to [illegible] it.

Manuel Lacayo [illegible], publisher of El Pueblo, was foreign Minister for President Guerra, resigned his post and [illegible] a letter to President Guerra:

> When I accepted the post of Minister of Foreign Relations, I told you the Government of Dr. Manuel Quezada had been overthrown for its reason; I adopt the same thing might happen if you do not effect the immediate removal of the Chiefs of the National Police, for under such conditions that administration lacked authority.
>
> Quezada, still convinced that Justice might reign at least in the Judiciary, took [illegible] to the Supreme Court in

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[7] See Item in the [illegible] Times, [illegible], November 26, 1942.

get a ruling. Within an hour after the Supreme Court had ruled that Doctor Chanis was still the constitutional executive, the National Police, headed by Remón, decided to install Arnulfo Árias as Executive. Arnulfo Árias made it clear upon arrival that he felt that he had had a right to the Presidency all along, and that the National Police were merely doing what should have been done months ago. He based his claim on a charge that Domingo Díaz was elected by fraud.

Colonel Remón accompanied Arnulfo Árias to the Presidential Palace and a huge crowd began to gather and fill the area around the Palace. Arnulfo Árias told the crowd he was confident that relations between Panama and the United States would not suffer as a result of the political crisis. Nevertheless, as it was seen later, the problem of recognition still was important, causing considerable anxiety in the Republic.

Arnulfo Árias worked fast to establish the constitutionality of his government in order to secure the recognition of the United States and of other American states. One of the first significant steps taken in this direction was President Árias' order calling the National Election Jury into extraordinary session to reconsider the results of the last election when Domingo Díaz was declared the winning candidate.

Temístocles Díaz, son of the late President Díaz, was one of the group that supported the new government of

Arnulfo Árias in spite of the bitterness that had surrounded the rivalry of his father with Árias. Temístocles Díaz offered a few observations at the time which served to explain in more detail what occurred behind the scene on or about November 24. He said that when Señor Chiari learned of the ruling of the Supreme Court in favor of Doctor Chanis, he immediately resigned his post and left the Presidential Palace vacant. With the Presidency vacant, Remón decided to intervene and take matters into his own hands. According to Díaz, Remón went to the home of Arnulfo Árias and took him to the Palace arguing that Panama was without a President and that he, Árias, was the only one that could restore peace and order to the country.

While Remón might have been serving the best interests of his country by arbitrarily installing Arnulfo Árias in the Presidency in this moment of confusion and chaos, he could but rightfully expect criticism, being called "president maker." It seemed obvious to observers both at home and abroad that Remón intended to rule Panama from behind the iron doors of his Police Headquarters. Even though Remón controlled the country's sole organ of law enforcement, public opinion still was stronger than all the armed might he could muster together.

A general strike broke out in Panama City in protest against the National Police, and in particular against Colonel Remón and his top aides for having defied the authority of

several presidents, continuing to install and remove them at will. The people feared that a real police state was in the making.

All over the city businesses, restaurants and saloons closed. Public transportation systems joined in the strike, and up and down the main avenue flags of the Partido Revolucionario Auténtico began flying, and the new prospective president was greeted by his supporters who sang and danced native steps in the public plazas. It was on this occasion, as in many others, that the fervent nationalism characteristic of Árias' first term of office was revived.

Arnulfo Árias immediately did what he could to "constitutionalize" his government, in an effort to gain the recognition of the other American States. Along with this he began to retaliate against his opponents who had in some way robbed him of his right to the Presidency. Scores of political refugees rushed into the Canal Zone fleeing from the arrests being made by the police. Some of the most prominent citizens of Panama were among those who sought accommodations in the Hotel Tívoli within the Canal Zone, in order to be out of reach from the Panama police.

The same people that cheered enthusiastically for Árias upon his return to office, and who agreed that he had been fraudulently deprived of it, those same people violently demanded that Remón be ousted at once. Strikers paraded up and

down Fourth of July Avenue[1] and ordered that all shops close their doors or face serious damages to their property.

The question of recognition of the Árias government by American states seemed to overshadow all other matters, especially since Assistant Secretary of State for Latin America Edward G. Miller had stated that United States recognition would not be forthcoming, but awaited further developments.[9]

In spite of the commotion stirred up by the angry population, Remon and his aides still held their jobs. Arnulfo Árias was quick to announce, however, that the resignation of Colonel Remón, Lieutenant Colonel Vallarino, and Major Flores were on his desk, but he explained that immediate acceptance of the same was not expedient.

Although Árias felt that United States recognition was important, he did not think that it was cause for alarm. He rationalized the situation and bluntly pointed out that the United States could not afford to withhold recognition unless the circumstances were overwhelmingly unfavorable. Withholding recognition on purely constitutional and legal grounds might be misinterpreted by the leftist elements in Panama,

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[8] Fourth of July Avenue serves as a rough boundary line between the Canal Zone and Panama City. At Ancon this Avenue in lined with numerous shops of all kinds that conveniently supply Canal Zone residents who do not wish to buy at the United States Commissary stores.

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On the other hand it seemed apparent that if the National Election Jury had declared Arnulfo Árias the winner in 1948, as they finally did more than a year later, the United States would have recognized the government without hesitation.

If ever any of the opposition parties agreed that Árias had a legitimate right to the Presidency they did so at this point. There was little objection to his being President, but there was strong opposition to the methods. He was placed in office by the same police that had once helped to keep him out.

Several of the local newspapers ran statements given them by Doctor Chanis at the Tívoli. During these interviews with the press he reiterated with obvious emotion that the Supreme Court had ruled he was still the constitutional President of Panama. Everyone realized, however, that the Court order was meaningless if not enforced, and the police refused to even listen to such demands.

Arnulfo Árias, meanwhile, appealed to the people for support of his government and for a chance to redeem his pledge to give peace, work and prosperity to the country. In

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an effort to calm the political storm waging with indignant fury throughout the nation, he stated that he would not permit police rule. Even though he said this he did not dare to act on their resignations already submitted. He feared making the same mistake of former President Chanis of openly denouncing the police.

On April 29, 1950 Arnulfo Árias, still in the mood to better relations with the United States, outlawed the Communist Party in Panama by an Executive resolution. He said at the time that Communism was "the absolute negation of all democracy, contrary to Christian civilization and a menace to all democratic regimes."[10]

The resolution provided that all propaganda, activity or agitation of a Communist character is contrary to the democratic regime of the Republic and callled on all Panananians and alien residents alike to "form a solid front against Communist infiltration. . . ."[11]

As the months passed most of the opposition to the National Police subsided and Arnulfo Árias seemed to have a relatively firm grip on the affairs of the nation. On March 8, 1951, however, a general strike broke out against the government. Six former presidents, and eighteen former

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[10] News item in the New York Times, 1:6, April 30, 1950.

[11] Loc. cit.

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[10] News [illegible] 1950.

[11] Ibid., [illegible]

cabinet ministers, as well as other prominent citizens signed a manifesto denouncing the closing of the Panama Trust Company.[12] The government, in an effort to prevent a financial crisis, had announced certain regulations which the Panama Trust Company had not completely observed.

The operations of the Panama Trust were suspended temporarily on the order of Judge Octavio Villalaz, after a request of the bank's board of directors was made to him. The suspension order, it was explained, would enable the bank to collect outstanding accounts to restore its legal reserve, which, a bank attorney said, had been reduced by heavy withdrawals. The withdrawals began after the government demanded the resignation of Señor A. G. Araggo, the bank's president.[13]

In connection with the same incident, the publisher of El País, an opposition newspaper, was taken into custody briefly and his paper banned from the streets.[14] El País had openly blamed President Arias for the closing of the Panama Trust Company.

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[12] Ibid., 7:2, March 9, 1951.

[13] Loc. cit.

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## CHAPTER IX

## CONSTITUTION REPUDDIATED

May 7, 1951 will go down in hiistory as an important date in Panama. It was then that Arrnulfo Árias revoked the Constitution of 1946, which had been installed March 1, 1946 by the Constitutional Congress. At the same time he restored the previous constitution of 1941 whiich he had designed himself. One of the reasons given for such a move was that the 1946 Constitution was ineffective in combatting Communism in government.

The political events that stairted the run on the Government's Savings Bank served to strengthen the ties between Arnulfo Árias and Remón. Ever since Remón had placed Árias back into power (November 24, 11950), many things had happened which could have led to a brreak between the two men but Arnulfo Árias realized that shoulld he accept the resignations filed with him, the police woulld stage a new coup in protest.

While the repudiation of the CConstitution did not come as a complete shock to the peoplle[1] it started a series of violent uprisings and demonstraticons, and eventually led to a general strike, especially at tthe capital. C. H. Calhoun of the New York Times reported that tthe rebellions began

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[1] Many people expected him to take authoritarian measures since his first administration had been much that way.

after a shooting match between the Secret Police[2] and three deputies[3] of the National Assembly. Although the accounts of the incidents are somewhat contradictory, particularly as to who fired the first shots, one of the deputies, Illueca, was wounded in the shoulder, and one of the secret policemen also suffered a bullet wound.

The tension and indignation grew among the masses as a result of the repudiation of the Constitution, and the attempt to reactivate the Constitution of 1941. This political crisis was dropped into the lap of Remón when a large and angry mob estimated at between 8 to 10 thousand clamored for him to support the Constitution of 1946 that had been arbitrarily abrogated by the President.

Remón, not quite knowing what to do, spoke to the crowd and assured them that the situation would be handled and solved at the opportune time. However, the people became impatient with Remón's delay, and were not convinced that such a solution was forthcoming. They told him that if he did not take immediate action that the "seige" would continue and with

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[2] The Panamanian Secret Police should be distinguished from the National Police. The Secret Police, in those days headed by Rolando Linares, is a much smaller organization than the National Police and is responsible to the Executive Branch of the government, whereas the National Police, for a long time headed by Colonel Jose Antonio Remón C. until he became President, is a large body of well-trained men (about 2500 when at full strength) and extremely loyal to their Commander. Often times the two organizations oppose each other to the point of violence as happened in 1951 when Arias was ousted.

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[3] Jorge Iglesias, David Samudio, and Roberto Navarro.

increased violence.

Arnulfo Árias, still not aware of what was happening at police headquarters, prepared to make a speech on the balcony of the Palace to explain further the decree revoking the Constitution. He explained that he had no intention of prolonging his term of office[4] and that the cabinet council would ask for a national plebescite to let the people decide which of the two constitutions was to be used.

The event of the people converging upon the Police Chief for action was significant because it was one of the greatest demonstrations ever to be staged by the Panamanian people.[5]

It is evident that the adverse reaction to the decree suspending the constitution and dissolving the National Assembly did not sustain Árias' contention to the effect that the action was taken in response to "popular clamor."[6] More than six major political parties denounced the government's move and a petition was drawn up to send to the high tribunal for an opinion on the constitutionality of the decree.

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[4] The Constitution of 1941, in one of its transitory provisions, gave the President and the National Assembly an extension to their terms. Árias explained, however, that this particular provision would be modified.

[5] Perhaps equaled only by the demonstration against granting the United States military bases in Panama.

[6] The Decreto de Gabinete del 7 de Mayo de 1951 said in this connection: ". . . Que existe en todos los Distritos de la República un gran clamor popular por la restauración de la Constitución de 1941. . . ."

Although the Court did not immediately say what it thought of the move, it finally declared the decree unconstitutional. Chief Justice Erasmo de la Guardia and four other justices repudiated the decree and declared: "This unprecedented act, which we repudiate, places the country on the road to a dictatorship and seeks to make the republic subject to the whims and will of one man. . . ."[7]

May 8, 9, and 10 were days of bitter rioting and bloodshed, which had followed the derogatoria by Arnulfo Árias' decree of May 8. On May 9, Alcibíades Arosemena, the First Vice-President, was sworn in by the National Assembly, in spite of the fact that Árias was still in the Palace and still backed by the police. Prior to the juramento ceremonies for Arosemena, the Assembly had met in special session and taken action to impeach Arnulfo Árias for extralimitation of his constitutional powers.

Remón had stated officially that he backed Arnulfo Árias as the constitutional president since Árias had promised to revoke the decree of May 7 and thus restore the status quo. Remón termed the Assembly's action illegal saying it had no right to meet on its own accord since it was officially in recess.[8]

By this time the general strike had taken full effect

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[7] News item in the New York Times, 12:4, May 8, 1951.

[8] See text of the Constitución de 1941 in Appendix.

Although the Court did not immediately say what it thought of the work, it finally declared the decree unconstitutional. Chief Justice Fresnos de la Guardia and four other justices recognized the decree and declared: "This unprecedented act, which we repudiate, places the country on the road to a dictatorship and makes the people subject to the whims and will of one man. . . ."[7]

May 8, 9, and 10 were days of Batista rioting and bloodshed, which had followed the decree of Arnulfo Arias' decree of May 2. On May 9, Alcibiades Arosemena, the first Vice-President, was sworn in by the National Assembly, in spite of the fact that Arias was still in the Palace and still backed by the police. Prior to the immediate proclamation for Arosemena, the assembly had met the special session and taken action to impeach Arnulfo Arias for violation of his constitutional powers.

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[7] News item in the New York Times, 12:8, May 8, 1949.

[8] See text of the Constitution of 1941 in Appendix.

and the city shook with the violence of the angry mobs. Several were killed and more than one hundred persons were wounded by gunfire.

Arnulfo Árias was virtually a prisoner at the Palace since the police had begun to station more and more men around the Palace in an effort to prevent any further acts of violence. Several meetings had taken place between the President, his cabinet and the police commission, but failed to bring about any satisfactory solution to the crisis. Remón had been called to the Palace several times during those hours of national emergency, but the Police Chief said he refused to go.[9] A large number of people, most of them women, had shut themselves up in the Palace to help aid the President in his resistence to the police and the mobs that demanded his resignation.

Although Remón had pledged support to Árias at first, the police were obviously on the side of the people. While they did not attack the government forces directly, it was easy to see that they were sympathetic with the opposition.

The police, however, took a more definite stand when the headquarters of the Frente Patriótica at Santa Ana Plaza was attacked by Arnulfistas armed with revolvers.

The general strike spread throughout the city and was also in effect in other parts of the nation. The run

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[9] See the Informe Rendido Por el Comandante de la Policía. Coronel José Antonio Remón Cantera presented to the National Assembly at the Proceso del Dr. Arnulfo Árias M. in the Appendix of this Thesis.

on the Government National Bank and the Savings Bank continued with lines of people two blocks long waiting to withdraw their accounts, but as the tempo of the rioting increased, both banks closed their doors.

Before the fighting began on May 10, the Supreme Court convened in a special session and upheld the National Assembly's decision to impeach Arnulfo Árias. It also agreed that Alcibíades Arosemena was rightfully the new President. It should be noted here that the Supreme Court's verdicts were becoming practically meaningless without the necessary enforcement. When Doctor Chanis had asked an opinion regarding his right to the Presidency, the Supreme Court handed down a unanimous decision in his favor, but it served a useless purpose, because the police had other plans, namely to install Arnulfo Árias.

At 2 P.M. on May 10, Remón gave the order to his men to converge on the Presidential Palace. They were to wait there for further instructions. Meanwhile, a stream of buses carried the fully equipped troops to the vicinity of the Palace. Some of the police mounted loudspeakers on patrol cars and called on the people who had taken the government's side in the issue and who were inside the Palace, to come out before the attack began. At the same time, snipers planted in several of the adjoining buildings shot at the police and at the crowds that swarmed around the Palace.

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The main fight started inside the Palace. Major Lazcano Gómez, Captain of the Police Guard, and Lieutenant Juan Flores of the National Police were shot to death while ascending the stairs to answer a summons of President Árias who was in his offices on the third floor. The accounts of this incident vary, but the other members of the Guard present said that the two officers were murdered in cold blood. They did not say, however, who was responsible.

Rumors circulated later that Árias himself had murdered the two officers, and charges to that effect were filed, but they were soon dropped because of a lack of sufficient conclusive evidence to support the accusation.

The order to attack was given and the first floor of the Palace was soon taken, but other pro-Árias police still held the two other floors. Fighting continued for more than five hours but relatively few were injured considering the amount of gunfire and violence. President Árias was requested several times to surrender, and once he asked for the intervention of the diplomatic corps, but was refused. Remón informed him that only an unconditional surrender would be accepted.

By 6:30 P.M. the shooting had stopped and Árias agreed to surrender. More than 150 of his followers, most of them women, were lined up in the streets and taken to jail in buses.

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the fight to save the Constitution of 1946 as well as to oust Árias, ended on May 11 and the nation gradually returned to normalcy. The only thing that saddened the victory of the people was the death of the two police officers who had died at the Palace. The government saw to it that they received full honors in the state funerals given, and a day of national mourning was declared.

As for Remón, it seemed that public opinion had swung over to his side. He regained at least some of the public confidence and popularity that had been lost as a result of the incidents that had associated him with Arnulfo Árias. The ex-President and his wife and scores of faithful followers were carted off to jail, although the majority were released days later as the investigations continued. Arnulfo Árias, meanwhile, demonstrated angry contempt for the police for their part in staging the coup that had ousted him. He complained that Remón had betrayed him. Árias said Remón had assured him that the police would back him solidly if he (Árias) would withdraw the decree of May 7 which had repudiated the Constitution of 1946.

The National Assembly in the meantime indicated that aside from the impeachment proceedings that Árias would be tried on charges of treason, as well as for the murder of at least one of the two policemen. As soon as the word got around that he would probably be tried on the criminal charge, Harmodio Árias, his brother, made a public statement in his

own newspaper to the effect that if the charge were pressed that he would personally represent the defense. It must be remembered at this point that the two brothers had been bitterly denouncing each other at every opportunity. Nevertheless, Harmodio no doubt felt that this was taking politics too far.

In the midst of the post-revolution investigations by the Assembly came the news from Washington that President Truman had nominated John C. Wiley, a veteran career diplomat, to replace Monnett B. Davis as the Ambassador to Panama. The action implied continued recognition by the United States of the government of Alcibíades Arosemena.[10]

Although the news of continued recognition, and also of a new ambassador came as a welcomed surprise, there still was other news that attracted the attention of curious political observers. Coincidentally with Ambassador Wiley's nomination the White House confirmed the rumors that ex-President Árias had actually sought in vain to talk with President Truman before the revolution of May 10. The White House announcement further explained that the telephone call had come through without any advance arrangement. It said that Árias had not been allowed to speak with Mr. Truman because of a White House rule that the President is not to accept telephone calls from heads of states unless advance

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[10] News item in the New York Times, 4:2, May 12, 1951.

arrangements have been made through normal diplomatic channels.[11]

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[11] *Loc. cit.*

## CHAPTER X

## THE TRIAL

On May 25, 1951 the Panamanian National Assembly, empowered as a tribunal juzgador, tried Arnulfo Árias on charges of having violated the Constitution; specifically, for having abused his constitutional functions as President. Two fundamental facts served as the basis for the charges filed:[1]

1. By means of an Executive decree dated May 7, 1951 Arnulfo Árias announced the formal repudiation of the Constitution of 1946, replacing it by another, namely the Constitution of 1941:

> Pónese en vigor, a partir de la fecha, la Constitución de 1941, y declárese sin efecto la Constitución de 1946. . . .

2. Article 7 of the same decree also dissolved the National Assembly. This provision was probably to impede that body from exercising its legal functions:

> A partid de la fecha de este decreto queda disuelta la actual Asamblea Nacional. . . .

The formal accusations against the ex-President were filed by one Elías Ramos Márquez, during the special session of the Assembly on May 9, 1951. At that session the Assembly declared itself with the judicial powers of a court of law and accepted the accusations presented to it, voting unanimously to suspend

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[1] República de Panamá, Proceso del Dr. Arnulfo Árias, La Asamblea Nacional en Funciones Judiciales (Panamá, 1951), p.1.

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1. By means of an executive decree dated May 7, 1931 Arnulfo Arias announced the formal inauguration of the Constitution of 1904, replacing it by another, namely the Constitution of 1931:

> Pongo en vigor, a partir de la fecha, la Constitución de 1931, y declaro sin efecto la Constitución de 1904. . . .

2. Article 7 of the same decree also dissolved the National Assembly. This provision was supposedly to insure that body from exercising its legal functions:

> A partir de la fecha de esta decreto queda disuelta la actual Asamblea Nacional. . . . .

The formal accusations against the ex-President were filed by one Eliécer Ramos Márquez, during the special session of the Assembly on May 9, 1931. At that session the Assembly declared itself with the judicial powers of a court of law and accepted the accusations presented to it, voting unanimously to proceed

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[1] Arnulfo de Paco, Proceso del Dr. Arnulfo Arias, La Asamblea declarada en convención judicial (Panamá, 1931), p. 1.

Arnulfo Árias from the powers of the Presidency of the Republic.

The resolutions adopted at that special session were the following:

> 1. Constituirse en Tribunal Juzgador, con sujeción a las normas constitucionales y de procedimientos aplicables a esta naturaleza de juicios.
>
> 2. Decretar, como en efecto decreta, la suspensión provisional de Arnulfo Árias Madrid, del cargo de Presidente de la República y ordenar al Comandante Remón, Jefe de la Policía Nacional que le notifique a éste la decisión de la Asamblea.
>
> 3. Llamar al ciudadano Alcibíades Arosemena para que asuma ante esta corporación, la Presidencia de la República, por su condición de Primer Vice-Presidente.[2]

At about 10 A.M. on May 16, 1951 an investigative subcommittee began a routine probe into the charges against Árias. A plan was set up that was to guide the proceedings. Such a plan contained five major points. Of these, two are of special importance to this analysis in that they serve to enlighten the reader with the pertinent testimony of the two most important witnesses: Arnulfo Árias himself, and Colonel José A. Remón.

The defendant was called to testify first, at which time he was duly notified of the charges filed and of his rights in the proceedings. Arnulfo Árias, however, was not placed under oath, nor was he obliged to answer all questions. One of the more interesting questions answered by the accused

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[2] Ibid., p. 20.

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[2] Ibid., p. 20.

was the following:

> Preguntado: diga el declarante si el Decreto que se llamó de Gabinete de 7 de Mayo del corriente año, por el cual se derogaba la Constitución Nacional de 1946 y se pretendía poner en vigor la Constitución de 1941 fué o no expedida a inspiración suya. . .?
>
> Contesto: El Decreto de Gabinete expedido el 7 de Mayo due un Decreto inspirado en los mas altos deseos patrióticos de mejorar la República. . . . ese Decreto . . . trataba de evitar la crisis económica terrible que azotaba al país . . . y ponía . . . Panamá en la línea de las otras naciones del continente y del mundo entero que están luchando contra el comunismo. . . . Es regla humana en el universo entero que en momentos de crisis, en momentos de gran sufrimiento humano de las masas, las medidas salvadoras tienen que tomarse a pesar de las tendencias políticas del momento. . . .[3]

Colonel Remón, upon being summoned to testify at the Committee hearing was requested to submit in writing a report of all the facts, antecedents and results which were connected in some way with the repudiation of the Constitution by the accused. The report which was submitted covered in minute detail the events, as Remón saw them, and the results, as he interpreted them.

After all the testimony was in, the committee presented it to the Assembly together with photostatic copies of the evidence. The Assembly, after considering the committee's findings, sustained by a unanimous vote that Arnulfo Arias had actually violated the Constitution by exceeding his powers

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as President. The penalty imposed for such a grave violation of the Constitution was that Árias was to be barred for life from holding any office or public position within the Republic of Panama.

Arnulfo Árias sat motionless as he listened to the reading of the verdict, but he rose at the final pronouncement and signed his own conviction which, in effect, deprived him of some of the most important rights as a citizen. He remained standing while the crowded galerías sang the National Anthem.

During a recess the crowd pointed to an effigy of Arnulfo Árias hanging from a royal poinciana. The effigy held a money bag in one hand and in the other a copy of the Constitution of 1941.[4]

The sentence imposed said in part:

> Por las consideraciones que preceden, La Asamblea Nacional de Panamá, en ejercicio de sus funciones judiciales, consiente de su responsibilidad histórica y administrando justicia en nombre de la República, y por autoridad de la Ley, DESTITUYE del cargo de Presidente de la República al ciudadano ARNULFO ÁRIAS MADRID . . . y lo condena igualmente a la pena de inhabilitación perpétua para ejercer cargo público por considerarlo culpable del delito de extralimitación de sus funciones constitutionales. . . .[5]

Forty of the forty-two members of the Assembly were present or represented by their substitutes. The vote of only twenty-eight members was necessary for a conviction.

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[4] News item in the New York Times, 5:2, May 26, 1951.

[5] Proceso, p. 141.

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[4] "News Item" in the New York Times, 3:2, May 26, 1951.

[5] Pedrego, p. 141.

The Assembly informed the defendant that the said conviction carried no appeal, and further that Alcibíades Arosemena was authorized to remain in office until October of 1952, when another regular election would be held.

A bitter controversy arose as a result of the Assembly's action of converting itself into a judicial body and thus trying the President on the charges mentioned. It became a question of whether or not the Assembly had the constitutional and legal competence to try the case, and further whether or not the Assembly even had the right to convoke itself to order while not being in its regular period of sessions, without an Executive order.

The National Assembly based its legal competence on Article 119, Section V, of the Constitution of 1946[6] and pointed out that according to Article 1 of Law No. 61 of 1946 that judicial functions, among which figured the National Assembly, are of permanent character.[7]

In a letter to the author, Doctor Alessandro Russo Berguido, former Private Secretary to the Presidency of Panama, presents his views that characterize those of most of

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the Panameñista Party members. The question submitted by the author to Dr. Russo Berguido was the following:

> Question: Indique brevemente su opinión sobre el Proceso del Dr. Árias en la Asamblea Nacional.
>
> Answer: Es de advertir que la cobardía y la deslealtad aunadas violaron la Constitución de 1946 en el tan sonado proceso del Dr. Árias.
>
> Pues bién, la Camara se reunió 'motu propio," sin fundamento constitucional ni legal, para convertirse en juez y parte. El período de las reuniones ordinarias de la Asamblea Nacional había pasado y sólo podía reunirse en forma extraordinaria cuando el Ejecutivo lo tuviere a bien. Mientras todo ello ocurría el Dr. Árias era todavía el Primer Magistrado de la Nación. No se le había notificado que había dejado de serlo. Por consiguiente . . . ese proceso es perfectamente nulo. . . .[8]

Doctor Russo Berguido gives two reasons in the foregoing statement, as to why the verdict of the Assembly is void. One, that Arnulfo Árias had not been duly notified that he had been suspended from his charge as President; and secondly, that the Assembly had no legal right to convoke itself while not in regular sessions without the Executive calling for extraordinary sessions.

In regard to the first point, the National Assembly had resolved on May 9, 1951 to suspend Arnulfo Árias as President and replace him by the First Vice-President, Alcibíades Arosemena. The resolution ordered Colonel Remón to convey that decision to the President. Remón, upon

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testifying later at the hearings, admitted not actually doing so, but he explained that the message had been given to two of Árias' associates, Carlos Icaza and Deputy Norbert Zurita whom were with the President most of the time during the crisis. Remón went on to say that both men consented to tell President Árias of the decision of the Assembly. Remón gave no reason, however, for not calling President Árias himself, although it is believed that Árias had been so insistent that Remón go to the Palace during the days of crises that the Police Chief refused to even receive any calls. Remon no doubt feared that if Árias were to take him prisoner at the Palace, the President would be in a much more favorable position to demand the support of the National Police. Whatever might have motivated Remón's failure to carry out the order given him by the Assembly does not minimize in any way the seriousness of the President's act. Further, the author believes that in spite of the fact that President Árias was confined to the Palace, he knew of the Assembly's decision.

As to the other point taken by Doctor Russo Berguido, the author is of the opinion that Arnulfo Árias knowingly exceeded his powers, but in so doing felt that if his regime was to live up to expectations he would need the proper powers to carry out the necessary measures. If he would utilize normal constitutional methods to get the needed reforms the so-called vested interests would block his efforts as they

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had done with systematic persistence in the past. But the sole fact that he did attempt to repudiate the basic laws of the land by an arbitrary decree, is sufficient motivation for the National Assembly to intervene with every power it could muster to suppress such an attempt.

From the very time of Montesquieu, the traditional basis of any sound republican and representatively democratic form of government has been characterized by the separation of the three powers and the system of checks and balances to govern the relationship of the powers of government. The Executive, as in this case, by repudiating the existing Constitution not only usurped the prerogatives of the other powers in the government, but also seized the sovereignty of the people themselves. The Constitution of 1946 specifically stipulates the procedure to be followed to reform the Constitution.[9]

Before the sentence was read, César A. Guillén, President of the Assembly asked the defendant if he had heard the accusations made against him, and whether or not he had any statement to make in his own behalf. Árias' only reply was:

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[9] Article 256, Section XV, Constitution of 1946. . . "This Constitution may be amended only by a legislative act enacted by the National Assembly in regular session, which must be published and transmitted by the Executive to the Assembly in the first regular session following the elections for the renewal of the Assembly, so that it may be newly debated and approved by an absolute majority of the Deputies who compose it. The Executive may object to an amendment only when he receives it for its promulgation after the debates of the second regular Assembly. . . ." Fitzgibbon, op. cit., p. 649.

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"El pueblo es quien tiene que dar el fallo."

The crowded galleries of the Assembly Hall became increasingly more boisterous. On several occasions during the course of the trial President Guillén threatened to clear out all the spectators if silence could not be maintained otherwise.

Deputy Illueca requested permission from the Chair to take the floor and upon doing so pointed out that the accused should be given another opportunity to defend himself. He explained that that special effort would be ". . . una demostración al mundo americano de que el pueblo panameño no tiene intención de juzgar a un acusado sin ser oído."[10]

The President of the Assembly again asked Arnulfo Árias if he wanted to make a statement. This time Árias replied:

> Vox Populi, Vox Dei. . . En mis veinte años de vida pública me he dedicado a los intereses de la Patria: he buscado la manera de ayudar a la Patria, con patriotismo y con el mismo amor que ustedes le tienen. Pero como bien lo dijo el Fiscal Acusador, ésta es una Asamblea política y me está juzgando políticamente. Yo quiero decir a ustedes que el pueblo no ha dictado su fallo; el lo dictará a su debido tiempo.[11]

As the memorable Proceso became history, it was far from being soon forgotten. The repercussions were to follow sooner or later.

Arnulfo Árias had spent more than three months

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On December 27, 1951, however, the Supreme Court paved the way for his release when it ruled the crimes committed during the disturbances leading to Árias' overthrow were "purely political."[13] Many demonstrations were staged throughout the capital by the faithful followers of Arnulfo Árias in order to secure his release.

The trial itself was not only a victory for the legislators but also for the people themselves, since they had initiated the movement that finally ousted Arnulfo Árias.

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[12] News item in the New York Times, 3:4 December 28, 1951.

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## CHAPTER XI

## SUMMARY AND CONCLUSIONS

While the average political observer may conclude that the relatively short administrations headed by Arnulfo Árias were periods to be remembered for political instability and unrest, a more careful analysis reveals a more favorable version.

The work of the panameñista administration, particularly that of 1940-41, brought about far greater renovating action in domestic affairs than ever had been attempted before. Whether or not the results of such action be considered beneficial or detrimental to the nation still remains a topic of controversy. Although the panameñista program showed itself often times as incoherent and precipitate in its actions, a definite pattern is followed. The pattern has three principal aspects: the internal social action, the economic program and the issues in foreign affairs. These will not be presented in their proper chronological sequence but rather in their order of intent and influence.

As the internal social action unfolded, the administration showed that its efforts were to be directed toward bringing about racial homogenity in Panama, and also toward more discipline and order as well as adherence to the laws.

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As the internal social action unfolded, the administration sought that its efforts were to be directed toward bringing about racial homogeneity in Panama, and also toward more discipline and order as well as adherence to the laws.

All of these are desirable to strengthen any nationality, although racial homogeneity is not an indispensable element for nationality. The ethnic diversities of both Switzerland and the United States bear out this contention. Both have developed into strong and respectable nationalities.

In Panama, it is a most delicate undertaking to attempt to strengthen the nationality on the basis of racial homogeneity. Arnulfo Árias must have completely disregarded the climatical location of Panama in the heart of the tropics. In his drive to blanquear la raza Árias did not take into consideration the overwhelming percentage-ratio of Negroes over whites, and of the virtual impossibility of positive action of enforcement in this direction, especially when the sole organ of law enforcement itself is composed almost entirely of Negroes and mulattoes.

The steps taken to strengthen public authority intended to pave the way for the rest of the program, and assure the administration of ineffective resistance.

The intent to nationalize commerce, industries and the professions caused the most serious resistance from the people. Such resistance was not particularly against the measure itself but against the abuses committed in its name. In this way, panameñismo proved destructive and abusive. It disrupted without apparent reason the harmony and rhythm of the socio-economic life of the nation. The officials

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charged with carrying out government instructions in the provinces acquired an air of absolutism and arrogance. Public authority generally took on an omnipotent character. The police, the mayors and governors, who before were the defenders of the rights and privileges of the people seemed solely interested in pleasing higher authority. Increased regimentation in matters of little importance such as requiring employees in certain jobs to wear uniforms, brought bitter resentment from the people. Panama had always been a country that conformed little to any amount of formality almost to the point of disorganization.

At the very foundation of the internal program of reform was the psychology of fear. By surrounding the authorities with an atmosphere of rigidity and power, the people soon realized that the State intended silencing all resistance and demanding conformity to the will of the Government. While Arnulfo Árias may not have consciously intended his measures to reach such an extreme, his absolutist politics could not have led to any other result.

The control of the press and radio services during 1941 had an apparent excuse. The government of Arnulfo Árias indicated the importance of such a measure to the defense of the Isthmus and particularly to the Panama Canal during the threat of war. While such supervision may have been helpful, it was not essential for defense. The government was mainly

charged with carrying out government instructions in the provinces acquired an air of absolutism and arrogance. Public authority generally took on an omnipotent air. The police, the mayors and governors, who before were the defenders of the rights and privileges of the people became solely interested in placating higher authority. Insurance regimentation in matters of little importance such as requiring employees in certain jobs to wear uniforms, brought bitter resentment from the people. Panama had always been a country that conformed little to any amount of formality almost to the point of disorganization.

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concerned with retaining effective control of its internal affairs and by handling the two main sources of information, public opinion was virtually powerless.

As to the economic program, it was far from being scientifically planned or executed. The measures used to stimulate the economy converged toward one apparent goal: putting trade and businesses into the hands of Panamanians. This was one of the more spectacular manifestations. The Commercial License Law required that all retail merchants be licensed to operate their businesses. The government arbitrarily issued licenses to aliens who were among the preferred groups, while refusing to license others. The most immediate effect was on the Chinese grocery merchants. Aside from refusing them the right to operate their stores they were often times displaced with harsh and violent methods. Many of the disenfranchised aliens were deported *en masse* after having received inadequate compensation for their property. The government contended that the Chinese had virtually monopolized the retail and wholesale grocery business in Panama.

If the methods and procedures used by the *panameñista* government had adhered closer to scientific knowledge and if expert advice had been sought either locally or from abroad, a much better job of reform could have been achieved. For example, national control of commerce could have been handled in a much more satisfactory manner. If the government

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had created a centralized system of control on all imports and supply centers to the merchants in question, through which the government could effectively supervise all imports, there would have been no need to resort to violence nor mass deportation. The system mentioned could have been completely informed with the necessary data of imports by the cooperation of the Panamanian consular service in all foreign countries.

Arnulfo Árias no doubt knew that sounder and more thorough methods of reaching the objectives of the program could have been used, but he felt that they were too slow to suit the urgent needs of the country. He much preferred faster and more drastic procedures.

The results of the handling of commerce, however, were on the whole beneficial to the nation. More Panamanians were given the opportunity to enter the grocery business with some degree of confidence for success, something they had not dared to do before.

During the Árias administration of 1940-41 fiduciary currency was issued in Panama, as yet another manifestation of the nationalistic qualities of Árias' program. Such currency, while not backed by gold reserve, was said to serve a constructive purpose of giving Panama the much needed international prestige it lacked. Árias felt that all respectable nations should at least have the prerogative of issuing its own legal currency. Many people called it

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absurd and extravagant. One thing was certain, Panama was economically dependent upon foreign capital and would continue to be for years to come. The fiduciary currency was merely wishful thinking.

The tolerance of gambling houses and slot machines also is evidence of the arbitrariness of the panameñista government. The proceeds of the gambling houses were being absorbed by private individuals. While it may have been true that it was better to legalize gambling rather than have it go underground, there was no justification for its proceeds to benefit a privileged few. The government could have taken control of gambling through the same nationalization program it used in trade and commerce. It seems that Árias had political debts to pay and such concessions served the purpose well.

In foreign affairs, Panama had relatively few problems. These were reduced to its relationships with Costa Rica, Colombia and the United States. Two objectives are basic in Panama's foreign affairs under Árias. First, reach an acceptable and definitive agreement with Costa Rica over the long-standing conflict over boundaries, and secondly, sustain the interests of Panama while negotiating with the United States. The first objective was fully and honorably concluded, but the second seemed to become more and more complicated as time passed. Above all, Árias wanted to terminate Panama's policy of "giving in" to the United States,

absurd and extravagant. One thing was certain, Panama was economically dependent upon foreign capital and would continue to be for years to come. The fiduciary currency was merely wishful thinking.

The tolerance of gambling houses and slot machines also is evidence of the arbitrariness of the benevolent government. The proceeds of the gambling houses were being absorbed by private individuals. While it may have been true that it was better to legalize gambling rather than have it go underground, there was no justification for its proceeds to benefit a privileged few. The government could have taken control of gambling through the same nationalization process it used in trade and commerce. It seems that Arias had political debts to pay and such concessions served the purpose well.

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which had been characteristic of previous administrations. He felt it was his "mission" to avoid any further commitments on the part of Panama that could be interpreted as encroachments upon the sovereignty of the country. At the beginning, his efforts toward this end sometimes were all out of proportion to the need.

His personal impressions and observations led Árias to make an erroneous calculation during the uncertain days of World War II. The author believes that he predicted Germany would over-run the Western Hemisphere as it had Europe. While he may not have adhered to the ideologies of the aggressive nations he sensed admiration and respect for the power and efficiency they represented. This vital error in judgment sealed his fate in 1941.

As Árias took office a second time, the mistakes of previous years helped to reset the course and reshape the policies. He demonstrated unprecedented willingness to cooperate with the United States. At every occasion he expressed a desire for closer and better ties with the United States. The violent nationalism of 1941 had changed to a milder and less drastic program.

As this author has stated before, there is considerable emotionalism attached to the name of Arnulfo Árias in Panama, and it is difficult to draw sound conclusions about a political figure whose very name commands faithful and

loyal support as well as the hatred of many Panamanians. Nevertheless, several things seem clear about Árias and his panameñismo.

First of all, it is not believed that Arnulfo Árias had any true pro-Axis sentiments as such. The administrations headed by him have been conducted on a basis of extreme Panamanian nationalism rather than on the basis of a European ideology. The period from 1936-1939 which Árias spent as Ambassador Plenipotenciary in Europe was influential in supplying him with new ideas, some of which coincide with those being practiced in totalitarian nations.

Secondly, Arnulfo Árias was not truly anti-American. In fact he was not anti-anything. Much of what Árias did that was interpreted as being anti-United States really amounted to incidental consequences and not really purposes. During World War II Árias made the serious mistake of miscalculating or rather underestimating the United States and possibly overestimating the power of the Axis nations. It did not seem to matter to him who actually won the war as long as he was on the winning side, and as long as Panama would derive some benefits from her strategic position.

Possibly the most serious of the mistakes made by Arnulfo Árias was made on May 7, 1951, when, by executive decree he arbitrarily repudiated the Constitution of 1946, called for the dissolution of the National Assembly and

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Possibly the most serious of the mistakes made by Arnulfo Arias was made on May 7, 1941, when, by executive decree he arbitrarily repudiated the Constitution of 1940, called for the dissolution of the National Assembly and

ordered that the Constitution of 1941 be reactivated. There can be no doubt whatsoever that such an act, if tolerated by the people, would have put Panama in the category of dictatorship. Árias stated that his only reason for doing such a thing was motivated by his desire to promote prosperity, peace and security in Panama, and that the Constitution which he repudiated was inadequate, and ineffective in combating the evils of the State.

Much more could be said and probably will be said about such a colorful personality, but upon effecting such a study as this of a contemporary political figure it is not just to attempt a true evaluation of the virtues and faults of the recent events, nor even to try to place Arnulfo Árias in any particular category of presidents. Only time itself will render the soundest judgment.

# BIBLIOGRAPHY

# BIBLIOGRAPHY

## A. Books


Alfaro, Ricardo J., Los Acuerdos Entre Panamá y Los Estados Unidos. Panamá: Imprenta Nacional, 1943.

Arciniegas, Germán, Caribbean, Sea of a New World. (Trans. by Harriet de Onís). New York: A. A. Knopf Company, 1946.

_____, Este Pueblo de América. México: Fondo de Cultura Económica, 1945.

_____, ed., The Green Continent. (Trans. from the Spanish and Portuguese by Harriet de Onís). New York: A. A. Knopf Company, 1944.

_____, The State of Latin America. (Trans. by Harriet de Onís). New York: A. A. Knopf Company, 1952.

Beals, Carleton, The Coming Struggle for Latin America. Philadelphia and New York: J. B. Lippencott Company, 1938.

Bryce, James B., Modern Democracies. New York: Macmillan and Company, 1921.

Bemis, Samuel Flagg, The Latin American Policy of the United States. New York: Harcourt, Brace and Company, 1943.

Blanshard, Paul, Democracy and Empire in the Caribbean. New York: Macmillan and Company, 1947.

De Roux, Raul, Un Capítulo de Historia Patria, o Arnulfo Arias El Patriota. Panamá: Imprenta Nacional, 1946.

Ealy, Lawrence O., The Republic of Panama in World Affairs, 1903-1950. Philadelphia: University of Pennsylvania Press, 1951.

Fitzgibbon, Russell H., ed., Constitutions of the Americas (as of January 1, 1948). Chicago: University of Chicago Press, 1948.

_____, Latin America, Past and Present. Boston: D. C. Heath and Company, 1946.

Gantenbein, James W., The Evolution of Our Latin American Policy, A Documentary Record. New York: Columbia University Press, 1950.

Gooch, George P., Nationalism. New York: Harcourt, Brace and Company, 1920.

Goodrich, Leland M., ed., Documents on American Foreign Relations. Boston: World Peace Foundation, 1942.

Goytía, Victor F., El Liberalismo y la Constitución. Panamá: Imprenta Nacional, 1945.

Hartz, Friedrich O., Nationality in History and Politics. New York: Oxford University Press, 1944.

Ireland, Gordon, Boundaries, Possessions, and Conflicts in South America. Cambridge: Harvard University Press, 1938.

James, Preston E., Latin America. New York: Odyssey Press, 1950.

Jones, Chester L., The Caribbean Since 1900. New York: Prentice Hall, 1936.

Jorrín, Miguel, Governments of Latin America. New York: D. Van Nostrand, 1953.

Kohn, Hans, The Idea of Nationalism. New York: Macmillan and Company, 1944.

MacDonald, Austin F., Latin American Politics and Government. New York: Thomas Y. Crowell Company, 1942.

McCain, William D., The United States and the Republic of Panama. Durham, N. C.: Duke University Press, 1937.

Moore, David R., A History of Latin America. New York: Prentice Hall, 1942.

Northrop, Filmer S. C., ed., Ideological Differences and World Order. New Haven: Yale University Press, 1949.

Padelford, Norman J., The Panama Canal in Peace and War. New York: Macmillan and Company, 1942.

Perkins, Dexter, The United States and the Caribbean. Cambridge: Harvard University Press, 1947.

Bantenbein, James W., The Evolution of Our Latin American Policy, A Documentary Record. New York: Columbia University Press, 1950.

Cocoh, George F., Nationalism. New York: Harcourt, Brace and Company, 1920.

Goodrich, Leland M., ed., Documents on American Foreign Relations. Boston: World Peace Foundation, 1942.

Goytia, Victor F., El Liberalismo y la Constitución. Panamá: Imprenta Nacional, 1945.

Hertz, Frederick O., Nationality in History and Politics. New York: Oxford University Press, 1944.

Ireland, Gordon, Boundaries, Possessions, and Conflicts in South America. Cambridge: Harvard University Press, 1938.

Jones, Preston E., Latin America. New York: Odyssey Press, 1950.

Jones, Chester L., The Caribbean Since 1900. New York: Prentice Hall, 1936.

Jorrín, Miguel, Governments of Latin America. New York: D. Van Nostrand, 1953.

Kohn, Hans, The Idea of Nationalism. New York: Macmillan and Company, 1944.

McDonald, Austin F., Latin American Politics and Government. New York: Thomas Y. Crowell Company, 1942.

McGuire, William O., The United States and the Republic of Panama. Durham, N. C.: Duke University Press, 1937.

Moore, David R., A History of Latin America. New York: Prentice Hall, 1942.

Northrop, Filmer S. C., ed., Ideological Differences and World Order. New Haven: Yale University Press, 1949.

Padelford, Norman J., The Panama Canal in Peace and War. New York: Macmillan and Company, 1942.

Perkins, Dexter, The United States and the Caribbean. Cambridge: Harvard University Press, 1947.

Quijano, M. J., En la Ruta Liberal y Democrática. Panamá: Imprenta Nacional, 1943.

Rippy, James F., The Caribbean Danger Zone. New York: G. P. Putnam and Sons, 1940.

Wilgus, Alva Curtis., ed., The Caribbean at Mid-Century. Gainesville: University of Florida Press, 1951.

_____, The Development of Hispanic America. New York: Farrar and Rinehard, 1941.

Whitaker, Arthur P., The United States and South America, The Northern Republics. Cambridge: Harvard University Press, 1948.

Wise, George S., Caudillo, a Portrait of Antonio Guzman Blanco. New York: Columbia University Press, 1951.

B. PERIODICAL ARTICLES

Árias, Arnulfo, "Panama's Future in Commerce and Industry," Bulletin of the Pan-American Union, 84-86, February, 1941.

Bertrand, V., "West Must Stand Together," U. N. World, 38-39, May, 1951.

Biesanz, John, "Cultural and Economic Factors in Race Relations in Panama," American Sociological Review, 772-79, December, 1949.

Biesanz, John and Luke M. Smith, "Panamanian Politics," The Journal of Politics, 14:386-402, August, 1952.

Carbonell, Celso A., "Cornerstones of a New Economy," U.N. World, 40-44, May, 1951.

Carleton, William G., "The New Nationalism: the Growth of Nationalistic Trends in Backward Countries," Virginia Quarterly Review, 431-32, Summer, 1950.

Castillero, E. J., "Doctor Arnulfo Árias, President of the Republic of Panama," Bulletin of the Pan-American Union, 743-44, November, 1940.

Corbett, Percy E., "The Future of Nationalism and the Nation State," Annals of the American Academy, 153-161, November, 1941.

Guijano, M. J., En la Ruta Liberal y Democrática. Panamá: Imprenta Nacional, 1943.

Rippy, Jason F., The Caribbean Danger Zone. New York: G. P. Putnam and Sons, 1940.

Villegas, Alva Curtis, ed., The Caribbean at Mid-Century. Gainesville: University of Florida Press, 1951.

_____, The Development of Hispanic America. New York: Farrar and Rinehart, 1941.

Whitaker, Arthur P., The United States and South America, The Northern Republics. Cambridge: Harvard University Press, 1948.

Wise, George S., Caudillo, a Portrait of Antonio Guzman Blanco. New York: Columbia University Press, 1951.

B. PERIODICAL ARTICLES

Arias, Arnulfo, "Panama's Future in Commerce and Industry," Bulletin of the Pan-American Union, 84-86, February, 1941.

Bertrand, T., "West Must Stand Together," U. N. World, 38-39, May, 1951.

Biesanz, John, "Cultural and Economic Factors in Race Relations in Panama," American Sociological Review, 772-79, December, 1949.

Bisseme, John and Luke M. Smith, "Panamanian Politics," The Journal of Politics, 14: 386-402, August, 1952.

Carbonell, Diego A., "Cornerstones of a New Economy," U.N. World, 40-44, May, 1951.

Carleton, William G., "The New Nationalism: the Growth of Nationalistic Trends in Backward Countries," Virginia Quarterly Review, 431-32, Summer, 1950.

Castillero, R. J., "Doctor Arnulfo Arias, President of the Republic of Panama," Bulletin of the Pan-American Union, 743-44, November, 1940.

Corbett, Percy E., "The Future of Nationalism and the Nation State," Annals of the American Academy, 153-161, November, 1941.

Fitzgibbon, Russell H., ed., "Latin America Looks to the Future," The American Political Science Review, 39: 481-547, 1945.

Riggs, A. S., "Understanding Panama," Catholic World, 418-423, September, 1949.

Woolsey, L. H., "Executive Agreements Relating to Panama," American Journal of International Law, 482-489, July, 1943.

C. OTHER PERIODICAL ARTICLES

"Panama: Elections," Time, 54, October 14, 1940.

"Panama: Árias Digs In," Time, 20-21, December 30, 1940.

"Panama: Doctor Takes a Trip," Time, 32, October 20, 1941.

"Panama: Ready for Business," Time, 35, November 24, 1941.

"Panama: Under Control," Time, 30, December 8, 1941.

"Panama: Vote Counting," Newsweek, 44, May 24, 1948.

"Panama: No Emparedados," Time, 37, April 18, 1949.

"Panama: Better Feeling," Newsweek, 47, April 25, 1949.

"Panama: Plotter from Texas," Newsweek, 40, May 2, 1949.

"Panama: Protocol," Time, 35, June 13, 1949.

"Panama: Hail to the Chief," Time, 28, November 28, 1949.

"Panama: Three Presidents," Newsweek, 38-39, December 5, 1949.

"Panama: Arnulfo Again," Time, 38, December 5, 1949.

"Panama: Ousting Árias," Newsweek, 46, May 21, 1951.

"Panama: People Versus President," Time, 43, May 21, 1951.

"Panama: Revolution in Panama," Scholastic, 3, May 23, 1951.

"Panama: Panama Gets Rid of its President," Life, 28-29, May 28, 1951.

"Panama: The Mighty Fallen," Newsweek, 37, June 4, 1951.

Fitzgibbon, Russell H., ed., "Latin America Looks to the Future," The American Political Science Review, 39: 481-497, 1945.

Rigby, A. S., "Understanding Panama," Catholic World, 418-423, September, 1949.

Woolsey, L. H., "Executive Agreements Relating to Panama," American Journal of International Law, 483-489, July, 1947.

## G. OTHER PERIODICAL ARTICLES

"Panama: Elections," Time, 54, October 14, 1949.

"Panama: Arias Digs In," Time, 20-21, December 30, 1940.

"Panama: Doctor Takes a Trip," Time, 32, October 20, 1941.

"Panama: Ready for Business," Time, 35, November 24, 1941.

"Panama: Under Control," Time, 30, December 8, 1941.

"Panama: Vote Counting," Newsweek, 44, May 24, 1948.

"Panama: No Impredecible," Time, 37, April 18, 1949.

"Panama: Better Feeling," Newsweek, 47, April 25, 1949.

"Panama: Plotter from Texas," Newsweek, 40, May 2, 1949.

"Panama: Protocol," Time, 35, June 13, 1949.

"Panama: Hail to the Chief," Time, 28, November 28, 1949.

"Panama: Three Presidents," Newsweek, 38-39, December 5, 1949.

"Panama: Arnulfo Again," Time, 30, December 5, 1949.

"Panama: Quoting Arias," Newsweek, 44, May 21, 1951.

"Panama: Fooled Varona President," Time, 43, May 21, 1951.

"Panama: Revolution in Panama," Hemisferio, 3, May 27, 1951.

"Panama: Panama Gets Rid of its President," Life, 28-29, May 28, 1951.

"Panama: The Mighty Fallen," Newsweek, 37, June 4, 1951.

## D. NEWSPAPERS

Panama Star and Herald, January 15-30, 1942.

Panama Star and Hearld, September 11, 12, 1939.

The Panama American, May 7-11, 1951.

The New York Times of:

August 27-28, 1931.
July 31, 1932.
July 31 to December 17, 1935.
December 1, 1936.
December 22, 1939.
June 1 to December 29, 1940.
January 29 to October 10, 1941.
January 29 to June 9, 1942.
August 31 to September 1, 1943.
November 25, 1944.
October 4 to December 25, 1945.
May 3 to September 13, 1946.
May 16, 1947.
January 6 to November 22, 1948.
April 21 to December 15, 1949.
January 25 to December 10, 1950.
March 2 to December 28, 1951.
February 8 to June 3, 1952.

## E. ESSAYS

Escobar, Felipe Juan, Arnulfo Árias, O El Credo Panameñista. Panama: Imprenta de la Academia, 1946.

Hayes, Carleton J. H., Essays on Nationalism. New York: Macmillan and Company, 1926.

## F. PUBLISHED SPEECHES

Discurso del Excelentísimo Dr. Arnulfo Árias, Presidente de la República, Al Claursurarse la Legislatura de 1940-1941, Julio de 1941. Panamá: Imprenta Nacional, 1941.

Discurso del Excelentísimo Dr. Arnulfo Árias, Presidente de la República, Al Jurar la Nueva Constitución de la República de Panamá, Enero 2 de 1941. Panamá: Imprenta Nacional, 1941.

Discurso en la Estación y En La Tumba del Ex-Presidente Arosemena, Discursos Pronunciados Por el Dr. Arnulfo Árias, Candidato Nacional, 21 de Diciembre de 1939. Panamá: Imprenta Nacional, 1939.

## D. NEWSPAPERS

Panama Star and Herald, January 15-30, 1942.

Panama Star and Herald, September 11, 12, 1939.

The Panama American, May 7-11, 1951.

The New York Times on:

August 27-28, 1931.
July 31, 1932.
July 31 to December 17, 1933.
December 1, 1936.
December 22, 1939.
June 1 to December 29, 1940.
January 29 to October 10, 1941.
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August 31 to September 1, 1943.
November 25, 1944.
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January 6 to November 22, 1948.
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## E. ESSAYS

Escober, Felipe Juan, Arnulfo Arias, O El Grado Panameñista. Panama: Imprenta de la Academia, 1945.

Hayes, Carleton J. H., Essays on Nationalism. New York: Macmillan and Company, 1926.

## F. PUBLISHED SPEECHES

Discurso del Excelentísimo Dr. Arnulfo Arias, Presidente de la República, Al Clausurarse la Legislatura de 1940-1941, Julio de 1941. Panamá: Imprenta Nacional, 1941.

Discurso del Excelentísimo Dr. Arnulfo Arias, Presidente de la República, Al Jurar la Nueva Constitución de la República de Panamá, Octo 2 de 1941. Panamá: Imprenta Nacional, 1941.

Discurso en la Estación y en la Tumba del Ex-Presidente Amuzamena, Discursos Pronunciados Por el Dr. Arnulfo Arias, Ex-Presidente Nacional, El de Octubre de 1939. Panamá: Imprenta Nacional, 1939.

## G. OFFICIAL DOCUMENTA AND PUBLICATIONS

República de Panamá, Constitución de la República de Panamá. Panamá: Imprenta Nacional, 1941.

_____, Proceso del Dr. Arnulfo Arias M., La Asamblea Nacional En Funciones Judiciales. Panamá: Imprenta Nacional, 1951.

## H. ENCYCLOPEDIA ARTICLES

Funk, Charles E., ed., "Panama," The New International Yearbook, Events of 1941, New York, 1942, pp. 493,495.

Vizetelly, H. E., ed., "Panama," The New International Yearbook, Events of 1948, New York, 1949, p. 460.

Block, Maxine, ed., "Arnulfo Arias," Current Biography, 1941, New York, 1941, pp. 28-31.

Boehm, Max Hildebert, "Nationalism," Encyclopedia of the Social Sciences, Vol. XI, pp. 231-240.

Hayes, Carleton J. H., "Historical Development of Nationalism," Encyclopedia of the Social Sciences, Vol. XI, pp. 240-248.

## I. CORRESPONDENCE

Letter to author from Dr. Alessandro Russo Berguido, dated January 15, 1953.

Letter to author from Dr. Reginald Fitz, Harvard Medical School, dated August 29, 1952.

## J. UNPUBLISHED MATERIAL

Nutt, Katherine F., "Nationalism, A Search for Unity." Unpublished Doctor's dissertation, The University of New Mexico, Albuquerque, New Mexico, 1951.

Guerra, Gloria Graciela, "Vida Personal y Política del Dr. Arnulfo Arias Madrid." A collection of miscellaneous items such as photographs, newspaper clippings and leaflets.

## G. OFFICIAL DOCUMENTS AND PUBLICATIONS

República de Panamá, Constitución de la República de Panamá. Panamá: Imprenta Nacional, 1941.

_____. Proceso del Dr. Arnulfo Arias X., la Asamblea Nacional con funciones judiciales. Panamá: Imprenta Nacional, 1951.

## H. ENCYCLOPEDIA ARTICLES

Funk, Charles E., ed., "Panama," The New International Yearbook, Events of 1941. New York, 1942, pp. 493-495.

Vizetelly, H. S., ed., "Panama," The New International Yearbook, Events of 1942. New York, 1943, p. 480.

Block, Maxine, ed., "Arnulfo Arias," Current Biography, 1941. New York, 1941, pp. 28-31.

Boehm, Max Hildebert, "Nationalism," Encyclopedia of the Social Sciences, Vol. XI, pp. 231-240.

Hayes, Carlton J. H., "Historical Development of Nationalism," Encyclopedia of the Social Sciences, Vol. XI, pp. 240-246.

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Letter to author from Dr. Medinia Pitts, Harvard Medical School, dated August 20, 1952.

## J. UNPUBLISHED MATERIAL

Nutt, Katherine E., "Nationalism, A Weapon for Unity," Unpublished Doctor's dissertation, The University of New Mexico, Albuquerque, New Mexico, 1951.

Guerra, Gloria Graciela, "Vida Personal y Política del Dr. Arnulfo Arias Madrid," a collection of miscellaneous items such as photographs, newspaper clippings and leaflets.

# APPENDIX

DECRETO DE GABINETE NÚMERO.....
(de 7 de Mayo de 1951.)

Por el cual se pone en vigor la Constitución de 1941.

EL PRESIDENTE DE LA REPÚBLICA
con la aprobación del Consejo de

GABINETE.

CONSIDERANDO:

Que la Constitución de 1946 contiene normas que imposibilitan la adopción de providencias para conjurar la grave crisis económica y fiscal porque atraviesa el país y para aliviar la precaria situación económica del pueblo panameño; y que ella contiene disposiciones que impiden al Gobierno tomar medidas contra las actividades disolventes de grupos enemigos del orden social y del sistema democrático de Gobierno:

Que la seguridad del Estado se encuentra gravemente amenazada por las actividades disolventes que vienen desplegando conocidos elementos de filiación comunista y de grupos afines a éstos, como lo prueba la crisis provocada contra entidades bancarias nacionales;

Que tales actos forman parte de un amplio plan internacional encaminado a socavar el sistema democrático de gobierno que rige en los países americanos, mediante el debilitamiento de la economía nacional;

Que es obligación del Estado proteger la seguridad de los asociados la estabilidad de las instituciones nacionales;

Que dicho Estatuto no ofrece al Estado los recursos adecuados para que pueda cumplir con rapidez y eficacia sus compromisos internacionales y contribuir a la defensa del Canal de Panamá y del Hemisferio Occidental, frente a la actual crisis mundial;

Que existe en todos los Distritos de la República un gran clamor popular por la restauración de la Constitución de 1941, manifestado insistentemente, desde hace mucho tiempo, en distintas formas.

DECRETO DE GABINETE NUMERO.....
(de 7 de Mayo de 1943.)

Por el cual se pone en vigor la Constitución de 1941.

EL PRESIDENTE DE LA REPUBLICA
con la aprobación del Consejo de

GABINETE.

CONSIDERANDO:

Que la Constitución de 1940 contiene normas que imposibilitan la adopción de providencias para conjurar la grave crisis económica y fiscal porque atraviesa el país y para aliviar la precaria situación económica del pueblo panameño; y que ella contiene disposiciones que impiden al Gobierno tomar medidas contra las actividades disolventes de grupos ajenos del orden social y del sistema democrático de Gobierno;

Que la seguridad del Estado se encuentra gravemente amenazada por las actividades disolventes que vienen desarrollando conocidos elementos de filiación comunista y de grupos afines a éstos, como lo prueba la crisis provocada contra entidades bancarias nacionales;

Que tales actos forman parte de un amplio plan internacional encaminado a socavar el sistema democrático de gobierno que rige en los países americanos, mediante el debilitamiento de la economía nacional;

Que es obligación del Estado proteger la seguridad de los asociados la estabilidad de las instituciones nacionales;

Que dicho Estatuto no ofrece al Estado los resortes adecuados para que pueda cumplir con rapidez y eficacia, sus compromisos internacionales y contribuir a la defensa del Canal de Panamá y del Hemisferio Occidental, frente a la actual crisis mundial;

Que existe en todos los distritos de la República un gran clamor popular por la restauración de la Constitución de 1941, manifestado inequívocamente, desde hace mucho tiempo, en distintas formas.

DECRETA:

ARTÍCULO 1o.--Pónese en vigor, a partir de la fecha, la Constitución de 1941, y declárase sin efecto la Constitución de 1946.

ARTÍCULO 2o.--Declárase sin efecto el Titulo 2o. del Estatuto Constitucional de 1941 que trata sobre nacionalidad y extranjería, y modifícase el aparte 2o. del artículo 142 del mismo Estatuto en lo que se refiere al nombramiento y período del Procurador General y sus suplentes y demás funcionarios del Ministerio Público, asi: "El Procurador General y sus suplentes serán nombrados por el Presidente de la República para un período de seis años; los demás funcionarios del Ministerio Público serán nombrados por el funcionario inmediatamente superior en jerarquía".

ARTÍCULO 3o.--Suspéndese por el tiempo que las circunstancias lo requieran los efectos del artículo 28 de la Constitución de 1941, referente al recurso de Habeas Corpus.

ARTÍCULO 4o.--Continuarán en vigor las disposiciones en materia de nacionalidad y ciudadanía y sobre división territorial dictadas desde 1946, incluso el Título II de la Constitución de 1946, derogada por el presente Decreto le Gabinete.

ARTÍCULO 5o.--Quedan en vigor asimismo los Códigos, Leyes, Decretos-Leyes, Decretos y Resoluciones Ejecutivas que no sean contrarias a la Constitución de 1941. En vigor quedan también todas las leyes por medio de las cuales han sido ratificados Tratados y Convenciones Internacionales.

ARTÍCULO 6o.--El Poder Ejecutivo, mientras se integre el nuevo Poder Legislativo, dictará por medio de decretos de Gabinete las disposiciones legales que sean necesarias para el desarrollo de la Constitución de 1941.

ARTÍCULO 7o.--A partir de la fecha de este Decreto queda disuelta la actual Asamblea Nacional y se declara en interinidad los Magistrados de la Corte Suprema de Justicia, del Tribunal de lo Contencioso Administrativo, el Fiscal del mismo Tribunal, el Procurador General de la Nación y los Magistrados del Tribunal Superior del Trabajo, hasta tanto el Poder Ejecutivo proceda a hacer nuevos nombramientos de acuerdo con la Constitución de 1941 y la Ley.

DECRETA:

ARTICULO 1o.--Desde su vigor, a partir de la fecha, la Constitución de 1941, y declaranse sin efecto la Constitución de 1944.

ARTICULO 2o.--Declaranse sin efecto el Título 2o. del Estatuto Constitucional de 1941 que trata sobre nacionalidad y extranjería, y modifícanse el ordinal 2o. del artículo 142 del mismo Estatuto en lo que se refiere al nombramiento y período del Procurador General y sus suplentes y demás funcionarios del Ministerio Público así: "El Procurador General y sus suplentes serán nombrados por el Presidente de la República para un período de seis años; los demás funcionarios del Ministerio Público serán nombrados por el funcionario inmediatamente superior en jerarquía".

ARTICULO 3o.--Suspéndase por el tiempo que las circunstancias lo requieran los efectos del artículo 38 de la Constitución de 1941, referente al recurso de habeas corpus.

ARTICULO 4o.--Continuarán en vigor las disposiciones en materia de nacionalidad y ciudadanía, sobre división territorial dictadas desde 1944, incluso el Título II de la Constitución de 1944, derogada por el presente Decreto-Ley de Gobierno.

ARTICULO 5o.--Quedan en vigor mientras los Congresos, Asamblea-Leyes, Decretos y Resoluciones Legislativas que no sean contrarias a la Constitución de 1941, en vigor, vuelvan expedir todas las leyes por medio de las cuales han sido reglamentos Tratados y Convenciones Internacionales.

ARTICULO 6o.--El Poder Ejecutivo, mientras no integre el nuevo Poder Legislativo, dictará por medio de Decreto de Gobierno las disposiciones legales que sean necesarias para el desarrollo de la Constitución de 1941.

ARTICULO 7o.--A partir de la fecha de este Decreto queda disuelta la actual Asamblea Nacional y se declaran en interinidad los Magistrados de la Corte Suprema de Justicia, del Tribunal de lo Contencioso Administrativo, al Fiscal del mismo Tribunal, al Procurador General de la Nación y los Magistrados del Tribunal Superior del Trabajo, mientras el Poder Ejecutivo dicte la nueva nominación de acuerdo con la Constitución de 1941 y la ley.

ARTÍCULO 8o.--El Poder Ejecutivo oportunamente convocará a elecciones para elegir diputados a la Asamblea Nacional y Representantes a los Ayuntamientos Provinciales.-- A la próxima Asamblea que se elija le corresponderá ratificar o no las medidas adoptadas en el presente Decreto.

Dado en la ciudad de Panamá a los siete días del mes de Mayo de mil novecientos cincuenta y uno.

ARNULFO ÁRIAS.

JOSÉ CLEMENTE DE OBALDÍA
El Ministro de Gobierno y Justicia.

CARLOS N. BRÍN.
El Ministro de Relaciones Exteriores.

RODOLFO F. HERBRUGER
El Ministro de Hacienda y Tesoro.

CRISTÓBAL ADÁN DE URRIOLA
El Ministro de Educación.

CELSO CARBONELL
El Ministro de Obras Públicas.

NORBERTO ZURITA
El Ministro de Agricultura, Comercio e Industrias.

MARÍA S. DE MIRANDA
El Ministro de Trabajo, Previsión Social y Salud Pública.

JOSÉ E. HERMÁN
El Secretario General de la Presidencia.

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Decreto por el cual se restablece la Constitución de 1946.

DECRETO DE GABINETE NO.
(de 9 de Mayo de 1951)

por el cual se suspenden los efectos del Decreto de Gabinete de 7 de Mayo del presente año.

EL PRESIDENTE DE LA REPÚBLICA
con la aprobación del Consejo de

Gabinete,

CONSIDERANDO:

Que sectores de la opinión pública se han pronunciado contra el Decreto de Gabinete del corriente, por medio del cual se puso en vigencia la Constitución de 1941, con las modificaciones que se consideraron oportunas;

Que al proceder como procedió el Gobierno al poner en vigencia la Constitución de 1941, lo hizo en el firme convencimiento de que ella brinda mayores facilidades para combatir el comunismo que la Constitución de 1946;

Que aunqué la puesta en vigencia de la Constitución de 1941 se hizo considerando que con ella se serviría los altos intereses del país; y

Que al Gobierno sólo le anima el deseo de interpretar las aspiraciones nacionales y servir con eficiencia a la comunidad,

DECRETA:

ARTÍCULO ÚNICO: Derógase en todas sus partes el Decreto de Gabinete de 7 de Mayo de este año por el cual se puso en vigencia la Constitución de 1941 con modificaciones y permanece la vigencia de la Constitución de 1946.

Dado en la ciudad de Panamá a los nueve días del mes de Mayo de mil novecientos cincuenta y uno.

COMUNÍQUESE Y PUBLÍQUESE,

ARNULFO ARIAS.

JOSÉ C. DE OBALDÍA
El Ministro de Gobierno y Justicia.

CARLOS N. BRÍN
El Ministro de Relaciones Exteriores.

RODOLFO F. HERBRUGER
El Ministro de Hacienda y Tesoro.

EL PRESIDENTE DE LA REPÚBLICA
con la aprobación del Consejo de

Gabinete,

CONSIDERANDO:

Que nuestras de la opinión pública se han pronunciado contra el Decreto de Gabinete del corriente, por medio del cual se puso en vigencia la Constitución de 1941, con las modificaciones que se consideraron oportunas;

Que al proceder como procedió el Gobierno al poner en vigencia la Constitución de 1941, lo hizo en el fiel convencimiento de que ella brinda mayores facilidades para conducir al conglomerado que la Constitución de 1940;

Que aunque la puesta en vigencia de la Constitución de 1941 se hizo considerando que con ella se servirán los altos intereses del país; y

Que el Gobierno sólo ha querido el deseo de interpretar las aspiraciones nacionales y servir con eficiencia a la comunidad,

DECRETA:

ARTÍCULO ÚNICO: Derógase en todas sus partes el Decreto de Gabinete de 7 de Mayo de este año por el cual se puso en vigencia la Constitución de 1941 con modificaciones y permanece la vigencia de la Constitución de 1940.

Dado en la ciudad de Panamá a los nueve días del mes de Mayo de mil novecientos cincuenta y uno.

GERARDO ESTEVEZ Y PUIGDEVAL.

JAIME ZELAS.

JOSÉ C. DE GRACIA
El Ministro de Gobierno y Justicia.

CARLOS H. SEEK
El Ministro de Relaciones Exteriores.

RODOLFO K. HERMOSILLA
El Ministro de Hacienda y Tesoro.

CRISTÓBAL ADÁN DE URRIOLA
El Ministro de Educación Nacional.

CELSO CARBONELL
El Ministro de Obras Públicas.

NORBERTO ZURITA
El Ministro de Agricultura, Comercio e Industrias.

MARÍA S. DE MIRANDA
El Ministro de Trabajo, Previsión Social y Salud Pública.

JOSÉ E. EHRMAN
El Secretario General de la Presidencia.

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El Jurado Nacional de Elecciones
declara electo Presidente al
Dr. Arnulfo Árias M.

REPÚBLICA DE PANAMÁ

JURADO NACIONAL DE ELECCIONES

Panamá, R. de Panamá.

Noviembre 24, de 1949.

Señor Don
Aquilino Boyd,
Presidente de la Asamblea Nacional.
Presente.
Señor:

Comunicó a Ud., que en mi carácter de Presidente del Jurado Nacional de Elecciones, en sesión celebrada en la fecha por esta corporación fué declarado electo Presidente Constitucional de la República el Dr. Arnulfo Árias Madrid en virtud de haber tenido el mencionado ciudadano mayoría de votos en las elecciones populares celebrada el día 9 de Mayo de 1948.

Soy de Ud. muy atto. servidor, (Fdo.) Juan N. Villaláz

Es fiel copia de su original. Sebastián Ríos,
Srio. General de la
Asamblea Nacional.

CRISTÓBAL ADAM DE UNRIOLA
El Ministro de Educación Nacional.

CELSO CARBONELL
El Ministro de Obras Públicas.

HONORATO ORTEGA
El Ministro de Agricultura, Comercio e Industrias.

MARÍA E. DE ALFARO
El Ministro de Trabajo, Previsión Social y Salud Pública.

JOSÉ E. ALEMÁN
El Secretario General de la Presidencia.

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El Jurado Nacional de Elecciones
declara electo Presidente al
Dr. ARNULFO ARIAS M.

REPÚBLICA DE PANAMÁ

JURADO NACIONAL DE ELECCIONES

Panamá, R. de Panamá.

Noviembre 24, de 1940.

Señor Don
Aquilino Boyd,
Presidente de la Asamblea Nacional.
Presente.
Señor:

Comunico a Ud., que en mi carácter de Presidente del Jurado Nacional de Elecciones, en sesión celebrada en la fecha por esta corporación fué declarado electo Presidente Constitucional de la República el Dr. Arnulfo Arias Madrid en virtud de haber tenido el mayoría absoluta de votos en las elecciones populares celebradas el día 5 de Mayo de 1940.

Soy de Ud. muy atto. servidor, (fdo.) Juan E. Villalaz

Es fiel copia de su original. Sebastián Alba,
Srio. General de la
Asamblea Nacional.

Acta de la sesión, de la Honorable Asamblea Nacional: por la cual se da posesión de la Presidencia de la República al Dr. Arnulfo Árias M.

ACTA

de la sesión trigésima primera (EXTRAORDINARIA) celebrada por la Asamblea Nacional el 25 de Noviembre de 1949.

(Presidencia de los HH. Méndez Mier y Aizpurúa.)

A la una de la mañana del 25 de Noviembre de este año se reunió la Asamblea Nacional en el salón de sesiones con asistencia de los Honorables Aizpurúa, Alemán Jr., Álvarez, Aragón, Arosemena, Barés, de Anguizola, Fábrega, Fernández, Guillén, Henríquez Bernal, Méndez Mérida, Méndez Moisés, Morales, Navarro, Navas, Ordóñez, Pérez, Pinzón, Quintero Celerín, Sáenz, Sagel, Varela y Zurita. Dejaron de asistir los Honorables Anguizola, Árias, Arrocha, Barletta, Barrera, Barraza, Boyd, Chang Ortiz, Decerega, De los Ríos, Della Togna, González Revilla, Harris, Illueca, Jaén, Jurado, Robles y Vargas.

Habiendo el quorum reglamentario el Presidente informó que de acuerdo con el artículo 294 del Reglamento se permitió convocar a reunión extraordinaria. Expuso su objeto y consultó si la Cámara esta de acuerdo con celebrar esta sesión.

La Asamblea manifestó su conformidad en votación verificada,por 22 votos afirmativos.

El Presidente declaró abierta la sesión.

El Sub-Secretario General encargado de la Secretaria, dió cuenta del Orden del Día:

1o.--Lectura de la credencial expedida por el Presidente del Jurado Nacional de Elecciones en la que se declara electo Presidente Constitucional de la República al Dr. Arnulfo Árias M.

2o.--Lo que propongan los Honorables Diputados.

3o.--Toma de posesión del Presidente de la República.

Acta de la sesión, de la Honorable Asamblea Nacional: por la cual se da posesión de la Presidencia de la República al Dr. Arnulfo Arias M.

ACTA

de la sesión trigésima primera (EXTRAORDINARIA) celebrada por la Asamblea Nacional el 25 de Noviembre de 1949.

(Presidencia de los HH. Méndez Mier y Alzpurúa.)

A la una de la mañana del 25 de Noviembre de este año se reunió la Asamblea Nacional en el salón de sesiones con asistencia de los Honorables Alzpurúa, Alemán Jr., Alvarez, Arango, Arosemena, Barba, de Angulcia, Bolívar, Fernández, Guillén, Henríquez Bernal, Méndez Mier, Méndez Kolade, Notaris, Navarro, Nava, Ordóñez, Pérez, Pinzón, Quintero Delgado, Sáenz, Sagel, Varela y Zurita. Dejaron de asistir los Honorables Aguilar, Arias, Arroyo, Ballesta, Barrera, Barraza, Boyd, Chang Curtis, Decerega, De los Ríos, Della Tocca, González Revilla, Herrera, Lidoce, Lión, Jurado, Robles y Vergara.

Habiendo el quórum reglamentario el Presidente informó que de acuerdo con el artículo 22º del Reglamento se permitió convocar a reunión extraordinaria. Expuso su objeto y consultó si la Cámara está de acuerdo con celebrar esta sesión.

La Asamblea manifestó su conformidad en votación verificada, por 22 votos afirmativos.

El Presidente declaró abierta la sesión.

El Sub-Secretario General encargado de la Secretaría dió cuenta del Orden del Día:

1o.--Lectura de la credencial expedida por el respectivo Jurado Nacional de Elecciones en la que se declara electo Presidente Constitucional de la República al Dr. Arnulfo Arias M.

2o.--Lo que propongan los Honorables Diputados.

3o.--Toma de posesión del Presidente de la República.

Hízo uso de la palabra el Homorable Ordóñez y expuso los motivos que habían impulsado a los Diputados a tomar la determinación de constituir sesión extraordinaria. Hizo alusión a los movimientos políticos del momento; al desorden imperante en el país, a la país, a la inquietud nacional y al clamor general porque se restableciese el orden constitucional de la República.

Por Secretaría se leyó la nota del Presidente del Jurado Nacional de Elecciones por medio de la cual comunica al Presidente de la Asamblea Nacional que el Doctor Arnulfo Árias Madrid había sido declarado electo Presidente Constitucional de la República por el Jurado Nacional de Elecciones.

Acto seguido el Honorable Ordóñez propuso lo siguiente:

LA ASAMBLEA NACIONAL DE PANAMÁ

CONSIDERANDO:

1o.--Que de acuerdo con la Ley de Elecciones no ha sido clausurado oficialmente el proceso electoral.

2o.--Que el Jurado Nacional de Elecciones ha rectificado los escrutinios de votos emitidos para Presidente de la República en las elecciones del 9 de Mayo de 1948 y ha resultado triunfante el Dr. Arnulfo Árias M.

RESUELVE:

Dar posesión como Presidente de la República al Dr. Arnulfo Árias M. de acuerdo con los resultados verídicos de las votaciones que fueron efectuadas en los sufragios del 9 de Mayo de 1948.

Puesta en discusión, el Honorable Ordóñez su autor manifestó, que la lectura del documento leído por Secretaría lo relevaba de sustentarlo y expuso que la sesión actual tenía un carácter histórico, por su contenido patriótico de proclamar oficialmente al Dr. Arnulfo Árias Madrid Presidente de la República, por su extensa significación de reconocimiento a la verdad en el imperio de la justicia. Terminó pidiendo el voto afirmativo para que así pudiera ser realidad el que se posesione al Dr. Árias y que jure cumplir la Constitución y las leyes en aras de los principios por los cuales se ha luchado.

Hizo uso de la palabra el Honorable Ordóñez y expuso los motivos que habían impulsado a los diputados a tomar la determinación de constituir asamblea extraordinaria. Hizo alusión a los movimientos políticos del momento; si deberían imperante en el país, ello pela, a la impulsad nacional y al clamor general porque se restablezcan el orden constitucional de la República.

Por Secretaría se leyó la nota del Presidente del Jurado Nacional de Elecciones por medio de la cual comunica al Presidente de la Asamblea Nacional que el Doctor Arnulfo Arias Madrid había sido declarado electo Presidente Constitucional de la República por el Jurado Nacional de Elecciones.

Acto seguido el Honorable Ordóñez propuso lo siguiente:

LA ASAMBLEA NACIONAL DE PANAMA

CONSIDERANDO:

1o.--Que de acuerdo con la Ley de Elecciones no ha sido declarado oficialmente el proceso electoral.

2o.--Que el Jurado Nacional de Elecciones ha rectificado los escrutinios de votos emitidos para Presidente de la República en las elecciones del 9 de Mayo de 1968 y ha resultado triunfante el Dr. Arnulfo Arias M.

RESUELVE:

Dar posesión como Presidente de la República al Dr. Arnulfo Arias M. de acuerdo con los resultados verificados de las votaciones que tuvieron efectuadas en los centros del 9 de Mayo de 1968.

Puesta en discusión, el Honorable Ordóñez en su turno manifestó, que la lectura del documento leído por Secretaría le relevaba de sustentarlo y expuso que la sesión actual tenía un carácter histórico, por su contenido patriótico de proclamar oficialmente al Dr. Arnulfo Arias Madrid Presidente de la República, por su extensa significación de reconocimiento a la verdad en el imperio de la justicia. Terminó pidiendo el voto afirmativo para que así quede por realidad el que se posesione al Dr. Arias, que para cumplir la Constitución y las leyes en aras de los principios por los cuales se ha luchado.

El Honorable Guillén explicó la razón patriótica que lo había determinado a asistir a la sesión, y la razón por la cual iba a dar su voto favorable a la resolución presentada por el Honorable Ordóñez.

Sometida a votación esta Resolución, resultó aprobada en verificación por 22 votos afirmativos.

Hizo uso de la palabra el Honorable Alemán Jr., y pidió a la Presidencia que nombrara la Comisión reglamentaria para que avisase al Presidente electo Dr. Arnulfo Arias Madrid, la resolución de la Cámara.

El Presidente nombró la Comisión que quedó integrada así: Pérez Felipe, Zurita Norberto, Navas Víctor, Arango Raúl, Fábrega Olmedo.

Se declaró un receso para esperar el resultado de la Comisión.

De regreso los comisionados, que venían acompañados del Dr. Arnulfo Arias Madrid, se reanudó la sesión.

Colocado el Presidente de la República Dr. Arnulfo Arias Madrid, a la derecha del Presidente de la Asamblea, Ésta le tomó juramento de acuerdo con el artículo 141 de la Constitución Nacional, y le colocó la banda Presidencial.

El Presidente de la República hizo uso de la palabra y ofreció cumplir fielmente con la Constitución y con las leyes de la República y prometió restablecer en el país, el orden, la economía, la justicia, el derecho y la libertad en beneficio de la Patria.

Por haberse agotado el Orden del Dia, se suspenció la sesión a las 2 y 15 de la mañana.

El Presidente,

(Fdo.) M. Méndez Mier.

El Sub-Secretario encargado.

(Fdo.) Justo P. Espino Jr.

Es fiel copia de su original.

(Fdo.) Sebastián Ríos.
Secretario General de
la Asamblea Nacional.

. . . . . .

El Honorable Consejo aceptó la renuncia presentada por lo había determinado a solicitar a la asamblea, y la hacía por la cual iba a dar un voto favorable a la resolución presentada por el Honorable Consejo.

Realizada a votación esta legislación, resultó aprobada en verificación por 22 votos afirmativos.

Hizo uso de la palabra el Honorable Alemán ver., y pidió a la Presidencia que nombrara la Comisión respectiva para que evaluara al Presidente electo Dr. Arturo Arias Madrid, la resolución de la Cámara.

El Presidente nombró la Comisión que quedó integrada así: Señor Soliz, Muñiz Norberto, Nava Víctor, Amado Madi, Ribera Olmedo.

Se declaró un receso para esperar el resultado de la Comisión.

De regreso los comisionados, dos venían acompañados del Dr. Arturo Arias Madrid, se reanudó la sesión.

Colocado al Presidente de la República Dr. Arturo Arias Madrid, a la derecha del Presidente de la Asamblea, éste le tomó juramento de acuerdo con el artículo 141 de la Constitución Nacional, y le colocó la banda Presidencial.

El Presidente de la República hizo uso de la palabra y ofreció cumplir fielmente con la Constitución y con las leyes de la República y prometió restablecer en el país, el orden, la economía, la justicia, el derecho y la libertad en beneficio de la Patria.

Por haberse agotado el orden del día, se suspendió la sesión a las 4 y 15 de la mañana.

El Presidente,

(Fdo.) R. Méndez Pérez.

El Sub-secretario encargado,

(Fdo.) Jorge F. Espino Gr.

Es fiel copia de su original.

(Fdo.) Isabelino Ulloa,
Secretario General de
la Asamblea Nacional.

. . . . . .

Indagatoria del Dr. Arnulfo Árias

En la ciudad de Panamá, siendo las doce y quince minutos de hoy dieciseis de Mayo de mil novecientos cincuenta y uno, se trasladó al Cuartel Central de Policía la Comisión Especial de Acusación designada por la Asamblea Nacional en sesión de fecha quince de los corrientes, integrada por los Honorables Diputados Marco A. Robles, Heraclio Barletta y Lorenzo Barraza y por el Fiscal de la misma Honorable Diputado Guillermo Jurado Selles, actuando como Secretario de dicha Comisión el Licenciado Luis Carlos Abrahams, designado en esta misma fecha para ese cargo, con el fin de recibirle declaración indagatoria al Doctor Arnulfo Árias Madrid, actualmente detenido en ese Cuartel de Policía. Presente ante la Comisión el citado Doctor Árias, fué interrogado sobre su nombre y generales y expuso: Mi nombre es ARNULFO ÁRIAS MADRID, casado, médico-cirujano, mayor de edad, no porto la cédula, ni recuerdo su número en estos momentos, vecino de esta ciudad. En este estado el Comisionado Honorable Diputado Lorenzo Barraza interrogó al indagado en la siguiente forma: Preguntado: diga el declarante si el 25 de noviembre de 1949 ante la Asamblea Nacional, tomó posesión del cargo de Presidente de la República y juró cumplir y hacer cumplir la Constitución Nacional de 1946? Contestó: contesto afirmativamente que si. Preguntado: diga el declarante si el Decreto que se llamó de Gabinete de 7 de Mayo del corriente año, por el cual se derogaba la Constitución Nacional de 1946 y se pretendía poner en vigor la Constitución de 1941, fué o no expedido a inspiración suya y firmado por el declarante en su carácter de Jefe del Organo Ejecutivo de la República? Contestó: El Decreto de Gabinete expedido el 7 de Mayo fué un Decreto inspirado en los más altos deseos patrióticos de mejorar la República. Y digo así porque ese Decreto trataba de evitar la crisis económica terrible que azotaba la país y que ponía a la República de Panamá en la línea de las otras naciones del Continente y del mundo entero que están luchando contra el comunismo ya que en épocas anteriores tratamos de que se establecieran reglamentos y leyes para combátir el comunismo que se ha extendido en la República como lo demuestran los últimos acontecimientos que ha habido actualmente en Panamá. En 1944 ó 1945 hubo un Decreto de Gabinete similar inspirado por Ricardo Adolfo de la Guardia y por su Gabinete echando abajo exactamenta la misma Constitución de 1941, Constitución que se estableció por un plebiscito y que ninguno, según el criterio actual, tenía derecho a echar abajo. Es lógico suponer que si no

## Indagatoria del Dr. Arnulfo Arias

En la ciudad de Panamá, siendo las doce y quince minutos de hoy diecinueve de Mayo de mil novecientos cincuenta y uno, se traslada al Cuartel Central de Policía la Comisión Especial de Asamblea designada por la Asamblea Nacional en sesión de tres quinos de los corrientes, integrada por los Honorables Diputados Marco A. Robles, Heraclio Barletta y Lorenzo Herrera y por el Fiscal de la misma Honorable Diputado Guillermo Jurado Sallas, actuando como Secretario de dicha Comisión el Licenciado Luis Carlos Abrahams, designado en esta misma fecha para ese cargo, con el fin de recibirle declaración indagatoria al Doctor Arnulfo Arias Madrid, actualmente detenido en el Cuartel de Policía. Presente ante la Comisión el citado Doctor Arias, fue interrogado sobre su nombre y generales y expuso: Mi nombre es ARNULFO ARIAS MADRID, casado, médico-cirujano, mayor de edad, no porto la cédula, al momento en ahora no estoy armado, vecino de esta ciudad. En este estado el Comisionado Honorable Diputado Lorenzo Herrera interrogó al indagado en la siguiente forma: Preguntado: diga si declarante si el 25 de noviembre de 1949 ante la Asamblea Nacional, tomó posesión del cargo de Presidente de la República y juró cumplir y hacer cumplir la Constitución Nacional de 1946? Contestó: contesto afirmativamente que sí. Preguntado: diga si declarante si el Decreto que ordenó disolver la Constituyente Nacional de 1946 y se convocó para la Constitución Nacional de 1949 y se pretendía puesto en vigor la Constitución de 1941, fue no expedido a instigación suya y firmado por el declarante en su carácter de Jefe del Órgano Ejecutivo de la República? Contestó: El Decreto de Gabinete expedido el 7 de junio fué un Decreto inspirado en los más altos deseos patrióticos de mejorar la República. Y dicho así porque ese Decreto trataba de evitar la crisis económica terrible que azotaba la país y que ponía a la República de Panamá en la línea de las otras naciones del Continente y del mundo entero que estaba luchando contra el comunismo ya que se ejecutaban actos tres tratamos de que se establecieran reglas justas y leyes para combatir el comunismo que se ha extendido en la República como lo demuestran los últimos acontecimientos que ha habido actualmente en Panamá. En Junio 6 1945 hubo un Decreto de Gabinete similar inspirado por Ricardo Adolfo de la Guardia y por un Gabinete semejante exactamente a la misma Constitución de 1941, Constitución que se estableció por un plebiscito y que ninguno, según el criterio actual, tenía derecho a sobre abajo. Es lógico suponer que el no

hubo Plebiscito para echar abajo la Constitución del 41, ni hubo Plebiscito para sostener la Constitución de 1946, es la ciudadanía la que debe determinar cuál es la Constitución que quiere: o sea la de 1946, 1941, 1904, o cualquiera otra Constitución. Es regla humana en el universo entero que en momentos de crisis, en momentos de gran sufrimiento humano de las masas, las medidas salvadoras tienen que tomarse a pesar de las tendencias políticas de partidos al momento. No soy abogado pero he oído a abogados célebres en mi presencia decir que primero es el pueblo y después la política; en este caso no sólo se trata del pueblo panameño sino del continente entero cuando está amenazado por tendencias comunistas y comunistoides que están tratando de socavar nuestra democracia. Y siendo nosotros signatarios de pactos internacionales y habiendo asistido hace poco a la Cuarta Convención de Cancilleres en Washington, donde suscribimos nuestra obligación de defender el Continente contra el comunismo. Considerando también que estamos al margen del Canal de Panamá y todos nuestros esfuerzos deben llevarnos a la defensa del Canal, que es la defensa de nuestro propio territorio. En el manifiesto que leí al país entero están claras y nítidas las razones que expusimos para dar el paso de la firma del Decreto de Gabinete de 7 de Mayo. Preguntado: Entonces acepta usted como correctas las publicaciones tanto del Decreto como de su discurso que hizo La Estrella de Panamá el 8 de Mayo? Contestó: Exactamente. Preguntado: Es fiel reflejo tanto del Decreto original como de su discurso? Contestó: Exactamente. Preguntado: diga el declarante quién era la persona que desempeñaba el cargo de Ministro de Agricultura, Comercio e Industrias, con anterioridad a la firma del Decreto del 7 de Mayo y quién desempeñó dicho cargo con posterioridad a esa firma? Contestó: El caballero don Ricardo Árias Espinosa y el Honorable Diputado Norberto Zurita. Preguntado: por qué razón fué sustituído el Ministro Ricardo Árias Espinosa en el cargo que desempeñaba? Contestó: Don Ricardo Árias Espinosa fué sustituído porque renunció el cargo. Preguntado: firmó el señor Ricardo Árias Espinosa el Decreto del 7 de Mayo de 1951, derogatorio de la Constitución de 1946, o quién lo firmó como Ministro de Agricultura, Comercio e Industrias? Contestó: Lo firmó el Honorable Diputado Norberto Zurita, ya que había renunciado el caballero don Ricardo Árias Espinosa. Preguntado: diga el declarante si es o no cierto que la renuncia del Ministro Ricardo Árias Espinosa se debió precisamente al hecho de no estar de acuerdo con el Decreto del 7 de Mayo y así se lo hizo constar en su carta renuncia? Contestó: no

puedo determinar si lo hizo constar en la carta renuncia puesto que al entregarme la carta en ese momento deciéndome que renunciaba no tuve tiempo de leerla, ni supe qué se hizo. Preguntado: diga el declarante si la carta renuncia publicada en La Estrella de Panamá del 8 de Mayo, por don Ricardo Árias Espinosa, es la misma que le entregó a usted personalmente y la que se le muestra en estos momentos? Contestó: no puedo decirlo porque me la entregó en un sobre y se la pasé a la Secretaría General. Preguntado: diga el declarante si contaba con el apoyo de todos los miembros del Gabinete para dictar el Decreto del 7 de Mayo de 1951, derogatorio de la Constitución de 1946? Contestó: Don Ricardo Árias Espinosa no estuvo de acuerdo con el Decreto; los otros si estuvieron de acuerdo. Preguntado: y el Honorable Norberto Zurita que reemplazó al señor Ricardo Árias Espinosa, si estuvo de acuerdo? Contestó: El Honorable Diputado Zurita sí estuvo de acuerdo y firmó el Decreto junto con todos los miembros del Gabinete. Preguntado: diga el declarante los nombres de los miembros del Gabinete que firmaron el Decreto del 7 de Mayo de 1951, derogatorio de la Constitución de 1946? Contestó: Su Excelencia José C. de Obladía, Su Excelencia Carlos N. Brín, Su Excelencia Cristóbal Adán Urriola, Su Excelencia Rodolfo F. Herburger, Au Excelencia Celso Carbonell, Su Excelencia doña María Santodomingo de Miranda y el Honorable Diputado Su Excelencia Norberto Zurita. Preguntado: diga el declarante si el referido Decreto fué firmado por el Secretario General y por el Secretario Privado de la Presidencia? Contestó: las Actas y Decretos de Gabinete son firmados en orden de protocolo y al último que le llega es al Secretario General y no sé si él lo firmó. El Secretario Privado no tiene por qué firmar Actas. Preguntado: diga el declarante si el Decreto del 7 de Mayo de 1951, derogatorio de la Constitución Nacional de 1946, fué redactado por el Ministerio de Gobierno y Justicia o por la Secretaria General de la Presidencia o por cualquiera otra persona y diga el nombre de esa persona? Contestó: los decretos o cualquier proposición se hacen por medio de la Secretaría al menos que algún Ministro tenga algo especial que hacer. Según yo recuerdo fué leído por Secretaría y discutido protocolarmente en su orden por los Ministros. Preguntado: Podría el declarante nombrar específicamente la persona o personas que redactaron el mencionado decreto y quiénes colaboraron en su redacción ya como asesores, ya como co-autores del Mismo? Contestó: no podría. Preguntado: diga el declarante si el Acta de la sesión del Consejo de Gabinete en donde se discutió y aprobó el mencionado Decreto está inscrita

en el Libro de Actas de las sesiones del Consejo de Gabinete? Contestó: no puedo decirlo. Preguntado: diga el declarante si al resolverse a dictar el Decreto de Gabinete a que nos venimos refiriendo el declarante contaba con algún apoyo específico, ésto es, si las representaciones de partidos políticos inscritos o en formación, o autoridades de distinto orden habían sido consultadas para conocer su opinión y saber si se contaba o no con su apoyo? Contestó: en la primera pregunta mencioné varias razones por las cuales se firmó el Decreto de Gabinete aludido y dejé especialmente las razones que voy a dar para explicarles a los Honorables Diputados que una de las grandes aspiraciones de la ciudadanía era el retorno a la Constitución del 41 y eso se ha evidenciado desde el mes de Octubre de 1944 en publicaciones, periódicos, en telegramas de mis archivos y últimamente se encuentran miles de miles de firmas pidiendo la Constitución del 41 en la Presidencia de la República, si no los destruyó la metralla, como también existen en la jefatura de mi partido y en las redacciones de los periódicos. Así, pues, hay respaldo en el retorno a la Constitución del 41 en la ciudadanía entera, ya que afortunadamente el partido que dirigimos nosotros es el mayoritario del país: Partido Revolucionario Auténtico. Dadle, pues, Honorables Diputados, oportunidad a la ciudadanía para que exprese qué es lo que desea. El Presidente de la Comisión exigió al indagado que se concretara a contestar la pregunta, que en su concepto no ha sido contestada aún y el indagado manifestó: hago constar como acusado que tengo derecho a contestar las preguntas según mi himilde criterio. El Presidente de la Comisión expuso: no trato de coartarle el derecho y la libertad que tiene de declarar o de no declarar. Ya le dije al principio de este interrogatorio que usted era libre de declarar o de no declarar, pero en caso de no declarar que quede constancia de cuáles eran los puntos que evadía contestar. El indagado expuso: insisto en declarar lo que he declarado y que se extablezca en el Acta. Preguntado: diga el declarante si al darse cuenta el declarante de la reacción desfavorable de la ciudadanía al ser promulgado el Decreto del 7 de Mayo de 1951, el declarante tomó la resolución de imponerlo por la fuerza? Contestó: No es verdad que tomara la resolución de imponerlo por la fuerza. Preguntado: diga el declarante si es o no cierto que el declarante u otra persona por su orden, solicitó la intervención de los Estados Unidos en el conflicto que ya se había desatado entre el Organo Ejecutivo y la ciudadanía a causa del mencionado Decreto de 7 de Mayo de 1951, llamando en su favor, primero, a las fuerzas militares de la Zona del Canal y al fracasar en este intento, tratar de hablar

telefónicamente con el mismo Presidente Truman? Contestó: es falso que se Habia pedido intervención ninguna en los asuntos internos del país: pero sí es verdad que debido a Tratados, a Convenios con respecto a la defensa del Canal de Panamá y del Continente Americano, nuestro deber como gobernantes de Panamá, era informar a nuestros aliados la situación caótica que existía debido a un grupito pequeño que quería imponerse en la República y que se componía de grupos comunistas y comunistoides que querían derrocar al Gobierno, usando exactamente los mismos métodos que han usado en otras Repúblicas y en otros países que no son Repúblicas, Preguntado: en el punto que usted acaba de absolver, Doctor Árias, confiesa usted que como gobernante dió cuenta a las autoridades del Gobierno de los Estados Unidos, acantonadas en la Zona del Canal, del estado de cosas caótico que se vivía en Panamá: es así o no? Contestó: se le informó a las autoridades. Preguntado: es decir, Doctor Árias, que usted como gobernante informó de ese estado de cosas? Contestó: como gobernantes informamos. Preguntado: qué fin perseguían usted y su gobierno al informar a las autoridades americanas sobre la situación que se viviá en Panamá en esos momentos? Contestó; con el fin exclusivo de que en caso de caos termendo como podría haberse avencinado y como el hecho de que nuestros Convenios Y Tratados nos obligan a defender nuestra República y el Canal de Panamá contra influencias comunistas, se dieran ellas cuenta cabal del peligro que aún existe en Panamá con este movimiento. Se le informó también a la Organización de Estados Americanos cuya sede es en Washington, como también a todas las Cancillerías de la América para que supieran exactamente lo que estaba pasando en Panamá, de acuerdo con la Cláusula octava del Convenio de Cancilleres celebrado últimamente en la Capital Norteamericana, a donde asistieron nuestro Canciller, Su Excelencia Carlos N. Brín y todos los Cancilleres de la América. Preguntado: diga el declarante si el Decreto fechado el 9 de Mayo del corriente año, por el que se derogaba el Decreto del 7 del mismo mes y año, fué inspirado y ordenado redactar y firmado por el declarante considerándose todavia Presidente de la República? Contestó: exactamente. Preguntado: diga el declarante, si al dictar este nuevo decreto del 9 de Mayo que deshacia lo hecho por el anterior, consultó con alguna autoridad, con representaciones políticas o jefes de partidos que le ofrecieron alguna fórmula de transacción en el conflicto surgido entre el Organo Ejecutivo y la ciudadanía? Contestó: si se consultó. Preguntado: diga el declarante con quién o quiénes fué consultado el Decreto del 9 de Mayo y qué resultó de esa consulta? Contestó:

me reservo la contestación. Preguntado: diga el declarante por qué se decidió a oponerse violentamente a lo resuelto por la Asamblea Nacional y por la Corte Suprema de Justicia, quienes habían declarado en forma categórica que el declarante se había extralimitado en el ejercicio de sus poderes constitucionales, y consecuencialmente lo habían suspendido del cargo de Presidente? Contestó: mal me podía oponer violentamente a nada cuando nada se me habia notificado Preguntado: conoce el declarante la resolución dictada por la Asmablea Nacional en la noche del 9 de Mayo de 1951 y por la que se disponía "decretar la suspensión provisional del Doctor Arnulfo Árias del cargo de Presidente de la República y ordenar al Comandante Primer Jefe de la Policía Nacional que le notifique a éste la decisión de la Asamblea? Contestó: la primera noticia que tengo de esa resolución es en este momento, las dos de la tarde del día de hoy... La Presidencia ordena a la Secretaría dar lectura a la resolución en referencia para un exacto conocimiento del declarante y para su notificación, lo que así se hace..... Preguntado: cómo explica el declarante que contando, como dice contar, con el inmenso respaldo de la mayoría del país, la ciudadanía se rebeló ante el Decreto del 7 de Mayo y el Organo Ejecutivo careció de total respaldo en esta emergencia? Contestó: yo quisiera preguntar eso a los mismos diputados. La historia determinará si hubo o no hubo respaldo. Preguntado: diga el indagado si en alguna época, durante la vigencia de la Constitución de 1946, se consideró elegido para ejercer las funciones de Presidente de la República? Contestó: sí me consideré dentro del actual período. Preguntado: diga el indagado si en su condición de político o de estadista se ha dado cuenta de que la Constitución de 1946 dentro de la cual se consideró elegido para Presidente de la República, tal como lo acaba de afirmar, establece que esa Constitución sólo podía ser reformada por medio de un acto legislativo expedido por la Asamblea Nacional, de acuerdo con el procedimiento que la misma Constitucion señala? Contestó: sí lo sé; pero advierto de nuevo que cuando en momentos criticos de un país la masa pide y quiere que se le ayude y no hay maneras que determinen ésto en la Constitución y las Leyes, el gobernante debe buscar la manera de ayudar a sacar a la masa de la miseria. Preguntado: diga el indagado si sabe que el mandamiento de Habeas Corpus es una de las mayores conquistas de la humanidad contra los abusos del poder, y si lo sabe, por qué al poner en vigor la Constitución de 1941, derogó el artículo 28 de ese instrumento, que lo consagra? Contestó: hemos sentido en carne viva mis

copartidarios y yo el hecho de que no se obedecían en tiempos atrás los Habeas-Corpus puestos en nuestro favor, cuando no habíamos cometido ninguna falta y se nos tenía en las cárceles sin recursos de ninguna especie. Una vez por quince días por Ricardo Adolfo de la Guardia; otra vez por siete meses y medio por el Presidente Enrique Jiménez; la siguiente vez por tres meses durante la Presidencia de don Domingo Díaz Arosemena (q.e.p.d.); así es que yo sé perfecamene bien lo que significa el Habeas-Corpus, pero también conozco que un Estado para salvarse del caos y de la subversión tiene que poner un coto para hacer las investigaciones necesarias, como exactamente las están haciendo ustedes hoy, para determinar, corrijo, asegurar la convivencia de paz y tranquilidad que debe existir en la República. Preguntado: diga el indagado si es o no cierto que desde la iniciación de su Gobierno se estableció una fuerte pugna entre el Organo Judicial y el Organo Ejecutivo, debido a que el primero de éstos acogía y tramitaba los recursos de Habeas-Corpus, como consta en la prensa local, y cuando sus Ministros clamaban por la supresión de Magistrados y Jueces? Contestó: el Diputado creo que está confundiendo el gobierno nuestro con el gobierno de Enrique Jiménez y el del finado caballero don Domingo Díaz. El Comisionado Robles hizo la siguiente explicación; esa contestación suya no responde a mi pregunta. Yo estoy concretándome a su gobierno, no he mencionado otras Administraciones; yo le suplico que conteste mi pregunta porque esa contestación suya es una apreciación personal acerca de otras Administraciones que en nada resuelve lo interrogado por mí. Contestó: me afirmo en lo dicho. Preguntado: diga el indagado si es o no cierto que la interinidad de los miembros del Organo Judicial y del Ministerio Público decretada por él y sus Ministros el 7 de Mayo, bajo el pretexto de que eran comunistas, obedecía en realidad a su deseo de reintegrar los Tribunales con elementos dóciles a su voluntad? Contestó: no es verdad. Preguntado: diga el indagado si se ha dado cuenta de que la Carta otorgada por él en 1941 no contiene ningún precepto que impida la militancia política del comunismo, que tanto recrimina ahora y el cual parece haber sido la obsesión de su gobierno, mientras que la de 1946 sí prohibe en su artículo 103 la organización de partidos comunistas? Contestó: La Constitución de 1941 nos daba, oportunidad, como he dicho anteriormente, de mejorar la situación económica del pueblo y de defender de mejor manera contra los avances comunistas. Me reafirmo en esta declaración. Preguntado: se recuerda usted haber

firmado el Decreto número 782 del 9 de Mayo de 1951, por el cual se dictan medidas de orden público? Contestó: no recuerdo. Preguntado: podría usted reconocer la firma que le presento puesta al pié del Decreto original que le muestro, o sea el número 782 de 9 de Mayo de 1951,por el cual se dictan medidas de orden público? Contestó: después de haberme sido mostrado el Decreto en referencia y de haber examinado la firma que allí aparece: efectivamente, esa es mi firma. Preguntado: diga el declarante dónde se encontraba los días 7, 8, 9 y 10 de Mayo del corriente año? Contestó: en la ciudad de Panamá. Preguntado: se encontraba usted en esas fechas en el Palacio Presidencial? Contestó: me encontraba en el Palacio Presidencial, con excepción de una vez que salí a comer a mi casa. Preguntado: presenció usted en cualquiera de esas fechas tiroteos que se cruzaban entre personas dentro de la Presidencia y personas fuera de la Presidencia? Contestó: sí los presencié. Preguntado: sabe usted qué fué lo que motivó este tiroteo? Contestó: desde el día ocho estaban amenazando a la Presidencia de la República por las radios y la Guardia Presidencial estaba preparada para cualquier ataque a la Presidencia. Preguntado: sabe usted por orden de quién las personas que se encontraban en la Presidencia de la República dispararon contra las que estaban afuera? Contestó: no sé quién dió la orden inicial pero tanto la Guardia Presidencial como mis copartidarios se defendieron. Preguntado: tuvo usted conocimiento de las personas que murieron en el Palacio Presidencial y las que resultaron heridas a consecuencia de los tiroteos que se suscitaron? Contestó: tuve conocimiento de heridos pero no ví mientras estaba allí ningún muerto. Posteriormente es que he venido a saber que hubo muertos; de los heridos conozco muy pocos hombres. Preguntado: cuándo tuvo conocimiento el indagado de esos muertos que hubo en la Presidencia? Contestó: lo supe en la Cárcel. Preguntado: no se encontraba el indagado debidamente incomunicado desde cuando fué apresado? Contestó: exactamente. Preguntado: cómo explica el indagado que encontrándose incomunicado recibiera informes de lo que sucedia o había sucedido en la ciudad? Contestó: estoy en la cárcel y hay policías que hablan alto y sus conversaciones llegan hasta mi celda. Preguntado: sabe el indagado si en la Presidencia de la República durante los días 8, 9 y 10 de Mayo del año en curso, había aparatos de radio que captaban las estaciones de la ciudad de Panamá, principalmente la red de emisoras de Radio Programas Continental? Contestó: no tengo idea de que nadie oyera radio allí: yo no lo oí. Me llamaban de boca.

Preguntado: diga el declarante si durante el tiempo en que se encontraba en la Presidencia, los días 7, 8, 9 y 10 de Mayo, tuvo conocimiento de tiros que eran disparados desde varios edificos de la ciudad contra el pueblo panameño, por personas pertencientes a, o simpatizadores del Partido Revolucionario Auténtico? Contestó: no tuve conocimiento, sino que atacaban a los miembros de mi Partido; que tumbaban autobuses y que saqueaban y robaban establecimientos de diferentes comerciantes, entre ellos miembros prominentes del Partido Revolucionario Auténcio. Preguntado: diga el indagado qué Constitución considera él que está en vigencia al momento de rendir esta declaración? Contestó: está en vigencia la Constitución de 1946, pero no quiere decir ésto que no hay en el ambiente ciudadano el deseo de que se llame al pueblo a una nueva elección para una constitución que garantice la vida y hacienda ciudadanas y que proteja la República contra los embates del comunismo. Preguntado: considera usted que la Constitución del 46 no garantiza la vida y la hacienda de los ciudadanos? Contestó: es una Constitución que tiene muchas lagunas y que debe consultarse al pueblo para que determine qué Constitución debe tener en el futuro. Preguntado: la pregunta concreta es si usted considera que esa Constitución del 46 no protege la vida y hacienda de los ciudadanos? Contestó: no protege ni la vida ni la hacienda, ni protege las instituciones democráticas contra el comunismo, como debe protegerlas.

En este estado, no habiendo más preguntas que hacer por ahora al indagado se suspende esta diligencia haciendo constar que la indagatoria ha sido tomada sin juramento ni apremio alguno y hallándose el indagado en completa libertad para responder o no a las preguntas que se le hicieran. Se deja constancia así mismo de que las respuestas dadas por el indagado y que aparecen en esta deligencia fueron tomadas taquigráficamente y corresponden a sus palabras textuales.

Para constancia se firma esta indagatoria, después de haber sido leída por el indagado, quien la encontró conforme.

El Presidente de la Comisión,
(Fdo.) Lorenzo Barraza V.

Los Comisionados:
(Fdo.) Heraclio Barletta B.
(Fdo.) Marco A. Robles.

El Indagado, (Fdo.) Arnulfo Árias Madrid.

El Secretario (Fdo.) Luis C. Abrahams V.

DOCUMENTO - A

COPIA DEL CABLE ENVIADO EN CLAVE A LA LEGACIÓN DE PANAMÁ EN GUATEMALA:

MAYO 9 DE 1951.

PANALEGA
GUATEMALA

RUEGO A VUECENCIA COMUNICAR CONCILLERÍA GUATEMALA INMEDIATAMENTE QUE GOBIERNO PANAMEÑO CONSIDERA MINISTRO GUATEMALA EN PANAMÁ "PERSONA NON GRATA" SOLICITA SU RETIRO INMEDIATO PUNTO MINISTRO SE DEDICA A ACTIVIDADES POLÍTICAS Y NO CUMPLE NORMAS QUE OTORGAR ASILO LE IMPONE PUNTO.

(FDO.)CARLOS N. BRÍN

MINISTRO DE RELACIONES EXTERIORES

Es fiel copia de su original.

Ignacio Molino.

DOCUMENTO - B
D.P. No. 712.

Panamá, Mayo 9 de 1951.

Señor Embajador:

Para el conocimiento de Vuestra Excelencia y de vuestro Ilustrado Gobierno, tengo el agrado de remitiros, adjunta a la presente, una copia del Decreto de Gabinete de fecha 7 del corriente, por el cual se deroga la Constitución de 1946 y se pone en vigor la Carta Magna promulgada el día 2 de Enero de 1941, con modificaciones.

Es con la mayor complacencia que informo a Vuestra Excelencia que reina completo orden dentro de las fronteras del país, siendo la situación de completa calma y bajo el control de las autoridades respectivas.

Mi Gobierno, respetuoso de sus deberes y derechos internacionales continuará, tal como siempre lo ha hecho, reconociendo sus compromisos internacionales adquiridos.

Hago propicia la ocasión para reiterar a Vuestra Excelencia las segunridades de mi más alta y distinguida consideración.

El Ministro de Relaciones Exteriores,

(FDO.) CARLOS N BRÍN.

A cada uno de los Jefes de Misión acreditados ante nuestro Gobierno se le hizo una nota exacta a esta pero no llegaron a enviarse.

DOCUMENTO - C

COPIA AUTÉNTICA DEL CABLE CIRCULAR ENVIADO A TODAS LAS CANCILLERÍAS DE AMERICA:

Panamá, 10 de Mayo de 1951.

CABLE CIRCULAR.

MINISTROS DE RELACIONES EXTERIORES DE: ARGENTINA, BOLIVIA, BRASIL, COLOMBIA, CUBA, CANADA, CHILE, ECUADOR, EL SALVADOR, ESTADOS UNIDOS, HAITÍ, GUATEMALA, HONDURAS, MEXICO, NICARAGUA, PARAGUAY, PERÚ, REPÚBLICA DOMINICANA, URUGUAY, VENEZUELA.

EL GOBIERNO DE PANAMÁ EN ATENCIÓN A LOS CONSIDERANDOS DE LA RESOLUCIÓN OCTAVA ADOPTADA EN LA CUARTA REUNIÓN DE CANCILLERES AMERICANOS CELEBRADA RECIENTEMENTE EN WASHINGTON HACE UN LLAMADO AL GOBIERNO DE VUENENCIA CONFIADO DE QUE MERECERÁ SU RESPALDO EN ESTOS MOMENTOS EN QUE EL COMUNISMO INTERNACIONAL SE AGITA EN FORMA NOTORIA Y EMPLEANDO LOS MÉTODOS HABILIDOSOS QUE LE SON CONOCIDOS PARA SEMBRAR EL CAOS Y DESASOSIEGO EN TIERRAS PANAMEÑAS PONIENDO EN PELIGRO LA SEGURIDAD CONTINENTAL PUNTO ESTIMA MI GOBIERNO QUE ES EL MOMENTO DE ADOPTAR MEDIDAS DE COOPERACIÓN MÚTUA QUE ASEGUREN LA DEFENSA COLECTIVA PARA CONTRARRESTAR LA ACCIÓN SUBVERSIVA NO RECONOCE FRONTERAS Y EXIJE UN ALTO GRADO DE COOPERACIÓN INTERNACIONAL ENTRE LAS REPÚBLICAS DE AMÉRICA CON MIRAS A ELIMINAR LA AMENAZA QUE HOY EN DÍA PONE EN PELIGRO LA LIBRE FORMA DE VIDA DE LA REPÚBLICA DE PANAMÁ PUNTO MI GOBIERNO TIENE URGENCIA EN CONOCER LA FORMA EN QUE LA AYUDA DEL GOBIERNO DE VUENENCIA SE HARA EFECTIVA EN ESTE MOMENTO DE PRUEBA.

Ministro de Relaciones Exteriores

(Fdo.) Carlos N. Brín.

Ampliación de la Indagatoria del
Dr. Arnulfo Árias M.

En la ciudad de Panamá, siendo las once y cuarenta minutos de la mañana de hoy diez y ocho de mayo de mil novecientos cincuenta y uno, se trasladó al Cuartel Central de Policía la Comisión Especial de Acusación designada por la Asamblea Nacional, el Fiscal y el Secretario de la misma, con el fin de recibirle ampliación de su indagatoria al Doctor Arnulfo Árias Madrid, actulamente detenido en este Cuartel. Sin juramento ni apremio alguno y en completa libertad para responder a no a las preguntas que se le hagan y presente el Doctor Árias ante la Comisión, fué interrogado de la siguiente manera, por el Presidente de la misma, Honorable Diputado Lorenzo Barraza V. Preguntado: cuando el declarante manifestó en su indagatoria anterior que el gobierno de Panamá había informado del estado de emergencia existente a todas las naciones americanas se estaba refiriendo el declarante específicamente al cable circular enviado por la Cancillería panameña el 10 de Mayo de 1951 a los Ministros de Relaciones Exteriores de esas naciones? Contestó: Antes de iniciar mi indagatoria quiero insistir en que se presenten mis abogados aquí para asesorarme; ya he sido suficientemente generoso y abierto deseoso de cooperar en ésto sin abogados. Ya han pasado varios días que estoy incomunicado. Ustedes mismos had dicho que hay que respetar los derechos humanos y por lo tanto insisto en tener mis abogados presentes. Honorable Diputado Barraza: Doctor Árias, la vez anterior se le manifeató a usted que en su indagatoria no podía tener abogados que lo vinieran a asesorar, porque en ese caso se perdería todo el mérito de las indagatorias ya que no se estaría indagando a usted, sino indagando a sus abogados y asesores. En lo que se refiere a su incomunicación, precisamente hemos venido a terminar esta indagatoria para inmediatamente levantarla. Por eso esperamos que usted, compenetrado de la importancia que para usted y para este país tienen las investigaciones que se están realizando, se preste a contestar las preguntas que se le hacen, si usted cree que no lo perjudican y si cree que le prejudican, no las conteste, amparado en preceptos constitucionales. Pero nosotros insistimos en nuestro punto de vista que no puede traer abogado ni consultar ninguno mientras está rindiendo indagatoria. Doctor Árias: insisto en la protesta de que necesito abogados para asesorarme. El señor Fiscal es abogado y sabe perfectamente que en la primera indagatoria es perfectamente lógico; pero que en la segunda indagatoria lo lógico y natural es que yo tenga abogado. Usted es son representantes de la Asamblea Nacional

Ampliación de la indagatoria del
Dr. Arnulfo Arias E.

En la ciudad de Panamá, siendo las once y cuarenta minutos de la mañana de hoy diez y ocho de mayo de mil novecientos cincuenta y uno, se trasladó el Juzgado Central de Policía la Comisión especial de Asamblea designada por la Asamblea Nacional, el Fiscal y el Secretario de la misma, con el fin de practicar ampliación de su indagatoria al Doctor Arnulfo Arias Madrid, actualmente detenido en este Cuartel. Sin juramento al apremio alguno y en completa libertad para responder o no a las preguntas que se le hagan y presente el Doctor Arias ante la Comisión, fue interrogado de la siguiente manera, por el Presidente de la misma, Honorable Diputado Lorenzo Marques T.: Pregunta: Cuando el declarante manifestó en su indagatoria anterior que al gobierno de Panamá había informado del ataque de emergencia aéreamente a todas las naciones americanas se estaba refiriendo al departamento especificamente al cable circular enviado por la Cancillería panameña el 10 de mayo de 1951 a los Ministros de Relaciones Exteriores de esas naciones? Contestó: Antes de iniciar mi indagatoria quiero insistir en que se presentan mis abogados aquí para asesorarme; ya me oyó suficientemente ayer y quiero dejarlo de cooperar en todo sin abogados. Ya han pasado varios días que estoy incomunicado. Después mismo he dicho que hay que respetar los derechos humanos y por lo tanto insisto en tener mis abogados presentes. Honorable Diputado Marques: Doctor Arias, la vez anterior se le manifestó a usted que en su indagatoria no podía tener abogados que le ayudaran a declarar, porque en ese caso se perdería todo el mérito de las indagatorias ya que no es materia indagada a usted, sino indagada a sus abogados y asesores. Si lo que se refiere a la incomunicación, precisamente hemos venido a tratarlo esta indagatoria para inmediatamente levantarla. Por eso esperamos que usted comprendido de la importancia que para usted y para este país tienen las indagaciones que se están realizando, se preste a contestar las preguntas que se le hacen, si usted cree que no lo perjudican y si cree que la perjudican, no las conteste, amparado en protección constitucional. Este Secretario indagatorio un momento punto de vista que no puede tener ahora de comunicar alguno electrico está violando indagatoria. Doctor Arias: Insisto en la protesta de que nuestros abogados deben asesorarme. El señor Fiscal se adelanta y sube perfectamente que en la primera indagatoria es perfectamente lógico; pero que en la segunda indagatoria lo lógico y natural es que ya tenga abogado. Interrumpe nuevamente de la Asamblea Nacional

y consulten a sus colegas si tengo derecho o no. Honorable Diputado Barraza: todo está debidamente consultado y le estamos brindando el máximo de garantías constitucionales; no tenemos el menor deseo de atropellarlo y es deseo de la Comisión darle todas las facilidades que podamos para su defensa. Doctor Árias: sin embargo anoche me tapearon las ventanas de mi celda en tal forma que me entraba muy poco aire y me dejaron sin respiración toda la noche. Quien ordenó eso? Honorable Barraza: a usted le es fácil comprender que nosotros no damos órdenes en la Policía que se refieran a su régimen interno. Se hace constar que la Comisión ha tomado debida nota de lo manifestado por el doctor Árias y que hará las averiguaciones pertinentes. Doctor Árias: por deferencia especial a los Honorables Diputados, para aliviar el problema que es lo que ustedes quieren y yo también, me abstendré de contestar aquellas preguntas que considero que no debo contestar y contestar aquellas que crea que debo contestar. Está correcto? Honorable Barraza: no lo podemos obligar a contestar lo que no desee. En este estado el Doctor Árias dió respuesta a la pregunta formulada, así: me estaba refiriendo expecíficamente a eso y al hecho de que aquí en la Zona habian preguntado cómo estaba la situatión aquí durante la refriega, el ataque que hubo en la Presidencia de la República. Siendo yo Presidente de la República me llamaron supongo que sea de la Zona del Canal para informarse en qué estado estaba la Presidencia y yo tuvo que contestar que estaban atacando a la Presidencia de la República y que quería que si era posible los Diplomáticos hicieran el servicio de mandar ambulancias para sacar a los heridos y que se declarara una tregua para que salieran todas las personas que habían sido heridas, todas las mujeres y cualquiera otra persona que quisiera salir de la Presidencia. Preguntado por el Honorable Diputado Barletta: si en el momento en que se pidió la ambulancia para recoger heridos, tenía el declarante conocimiento de que habia muertos? Contestó: esa pregunta está contestada en una contestación de la indagatoria anterior. Preguntado por el Honorable Diputado Robles: en su contestación anterior manifiesta usted, doctor Árias, que de la Zona del Canal lo llamaron para preguntarle sobre el estado de cosas que se sucedía en la Presidencia de la República durante los días de emergencia. Podría usted decir qué persona o personas llamaron para hacerle tal averiguación? Contestó: no puedo decirlo porque no sé. Preguntado por el Honorable Diputado Barraza: el cable circular de 10 de los corrientes, enviado a los Ministros de Relaciones Exteriores de las naciones americanas fué redactado por usted o conocido por

usted en su carácter de Presidente de la República. Contestó: los cables que se envían a los países extranjeros por el gobierno suelen ser enviados por el Ministro de Relaciones Exteriores. El cable en referencia me fué leído por teléfono. Preguntado por el Fiscal, Honorable Diputado Jurado Selles: sírvase dar el nombre de la persona que le leyó el cable por teléfono? Contestó: no lo recuerdo. Preguntado por el Honorable Diputado Barraza: el cable circular que se le leyó a usted por teléfono es el siguiente: (se hace constar que en este momento por Secretaría fué leido el cable de fecha 10 de los corrientes, que en copia auténtica figura en el expediente y se le mostró el mismo al Doctor Arias). Contestó: creo que éste es el mismo cable que se me leyó por teléfono. Preguntado por el Honorable Diputado Barraza: qué razón especial existió para que dicho cable circular no fuera enviado al Ministro de Relcaiones Exteriores de Costa Rica? Contestó: cuando se envió el cable se dijo que había sido enviado a todas las Camco;;eróas de América y a la Organización de Estados Americanos; no hay razón por la cual no se haya enviado a Costa Rica. Preguntado por el Honorable Diputado Barraza: en qué forma esperaba el declarante que la República Argentina podría ayudar al Ejecutivo Panameño en la emergencia en que se encontraba? Contestó: no se esperó que ninguna República individualmente ayudara. Estos asuntos de comunísmo internacional, según entiendo yo, se resuelven por medio de consultas en la Organización de Estados Americanos. Preguntado por el Honorable Diputado Barraza: la ayuda solicitada al Gobierno de los Estados Unidos de Norteamérica se referia exclusivamente a gestiones frente a la Organización de las Naciones Americanas, con sede en Washington, o frente a la misma Cancillería de Estados Unidos? Contestó: a la Organización de Estados Americanos. Preguntado por el H. D. Barraza: con qué objeto informó el declarante del estado de emergencia panameña a las autoridades militares de la Zona del Canal? Contestó: es costumbre entre los dos Gobiernos informar de estados que puedan alterar la vida armónica y de paz que existe entre la Zona del Canal y las ciudades terminales y también en casos de que pueda existir peligro para la defensa del Canal de Panamá y su seguridad, de acuerdo con los Convenios y Tratados con la Nación del Norte. Preguntado por el H.D. Barraza: cuando el Ejecutivo Nacional solicitaba a las naciones americanas que le manifestaran en qué forma consistiría la ayuda efectiva que le prestarían: qué consideraba usted como ayuda efectiva? Contestó: como les dije anteriormente, la Organización de Estados Americanos resuelve sus asuntos por consultas y era esta Organización la que debería determinar en qué forma se podría ayudar al

pueblo panameño en este momento de crisis y de revuelta inspirado por comunistas y comunistoides y grupos afines. Preguntado por el H.D. Barraza: si correspondía a la Organización de Naciones Americanas el resolver la forma de ayuda que se prestaría al Ejecutivo panameño, cómo explica el declarante la siguiente frase del cable circular de 10 de Mayo de 1951: "mi Gobierno tiene urgencia en conocer la forma en que la ayuda del Gobierno de Vuecencia se hará efectiva en este momento de prueba"? Contestó: la frase se explica por sí sola; después de consultas en la Organización de Estados Americanos podrían ellos informar. Preguntado por el H.D. Robles: en el curso de los dos interrogatorios que se le han hecho usted, doctor Árias, acarrea la responsabilidad del movimiento - que yo considero cívico - que dió al traste con su Gobierno, a los elementos comunistas, comunistoides y afines. Pero es de anotar que durante todo ese movimiento las únicas personas salientes dentro de ese mismo movimiento arrestadas fueron los señores José Isaac Fábrega, Roberto F. Chiari, David Samudio, Marco A. Robles, César A. Quintero, Heliodoro Patiño, Ricardo Adolfo de la Guardia, Manuel Solís Palma, Lorenzo Barraza y otros que se me escapan a la mente. Son éstos los elementos comunistas a que ustede se refiere a lo largo de sus contestaciones? Contestó: asunto de apreciación personal. Los hilos comunistas son sutiles y se aprovechan de los políticos nácionales para llevar a cabo sus nefastos tejidos. No hay más que observar el modus-operandi de cómo empezó el desorden en Panamá y compararlo con lo que ha sucedido en otras naciones. Preguntado por el H.D. Barletta: doctor Árias, habiendo usted aceptado en su interrogatorio anterior que está en vigencia la Constitución del 46 y también aceptado que fué promulgado un Decreto derogando la del 46 y poniendo en vigencia la del 41, con modificaciones y luego otro Decreto poniendo en vigencia nuevamente la Constitución del 46, considera usted que violó la Constitución de 1946? Contestó: me abstengo de contestar la pregunta. Preguntado por el Fiscal de la Comisión, H. D. Jurado Selles: diga el indagado si su Gobierno estaba dispuesto a aceptar ayuda extranjera de cualquier naturaleza con motivo de los sucesos ocurridos en los días 7, 8, 9 y 10 de los corrientes? Contestó: no de cualquier naturaleza; dependía de la Organización de Estados Americanos, de la cual Panamá es parte integrante. Preguntado por el Fiscal de la Comisión, H.D. Jurado Selles: diga el indagado si de conformidad con la Convención invocada por su Gobierno para solicitar ayuda de los paises americanos y la Organización de Estados Americanos, podían dichos países

u Organización de Estados Americanos intervenir con fuerzas armadas en el conflicto? Contestó: éste es un asunto de la Organización de Estados Americanos y de lo que decidía el Gobierno de Panamá. Preguntado por el Fiscal de la Comisión H.D. Jurado Selles: diga el indagado si el 9 de los corrientes su Gobierno dictó un Decreto derogando el Decreto de 7 de Mayo del año en curso, mediante el cual fué derogada la Constitución de 1946? Contestó: fué cierto. Preguntado: diga el indagado si el referido Decreto de 9 de los corrientes fue aprobado por todos los Ministros de Estado? Contestó: sí fué aprobado por los Ministros de Estado. Preguntado: diga el indagado si el Honorable Diputado Norberto Zurita firmó dicho Decreto, en su carácter de Ministro de Agricultura, Comercio e Industrias? Contestó: creo que sí, no lo puedo asegurar.

En este estado; no habiendo mas preguntas que hacer al indagado, se dió por terminada la presente diligencia. Se hace constar que antes de cerrarse la misma se advirtió al indagado, conforme ya le fué notificado el diez y seis de los corrientes al terminarse la primera indagatoria, que podía nombrar un defensor o defensores y comunicarlo así a la Comisión Especial de Acusación. Se hace constar igualmente que por Secretaria se leyó al indagado en este momento el artículo 2320 del Código Judicial, que dice textualmente así: "el día señalado para la celebración del juicio, deberán comparecer ante la Asamblea Nacional el acusado y los acusadores; pero si no compareciere no se suspenderá por ésto el acto". La presente diligencia, lo mismo que la anterior, se practicó con la asistencia de estenógrafas de la Asamblea Nacional y las respuestas que aquí aparecen fueron tomadas taquigráficamente y corresponden a las palabras textuales del indagado.

Para constancia se firma la presente diligencia después de haber sido leída al indagado, quien la encontró conforme.

El Presidente de la Comisión,

(Fdo). Lorenzo Barraza V.

Los Comisionados

(fdo.) Heraclio Barletta B. (fdo.) Marco A. Robles

El Fiscal

(fdo.) Guillermo Jurados Selles

El Indagado:
(fdo.) Arnulfo Árias M.

El Secretario,

(fdo.) Luis C. Abrahams V.

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REPÚBLICA DE PANAMÁ
POLICÍA NACIONAL
COMANDANCIA

Panamá, 21 de Mayo de 1951

Honorable Diputado Lorenzo Barraza,
Presidente de la Comisión Especial de Acusación
contra el ex-Presidente de la República,
Dr. Arnulfo Árias Madrid.

HONORABLE DIPUTADO:

De acuerdo con su nota sin número de fecha 16 de los corrientes, en la que me solicita "remitir a esa Comisión un relato pormenorizado de todos los hechos que me constan, antecedentes, concomitantes y consiguientes a la derogatoria de la Constitución del año 1946 decretada por el ex-Presidente Árias y su Consejo de Ministros", cumplo con hacerle una detallada exposición de lo ocurrido:

Domingo 6

El domingo 6 de Mayo en curso, a eso de las once de la mañana, me encontraba en mi residencia en compañía del Honorable Diputado Heraclio Barletta, el Mayor Alfredo Alemán, el Contralor General de la República, señor Henrique Obarrio, y el Dr. J. A. Denis, con quienes conversaba, cuando recibí una llamada telefónica de la Presidencia de parte del Dr. Arnulfo Árias, quien me pedía que fuera allá para tratar algo urgente. Inmediatamente me dí cuenta de que se trataba de algo anormal y así lo entendieron conmigo los caballeros que se encontraban en mi residencia: Me vestí para dirigirme a la Presidencia, pero antes pasé por la residencia del Teniente Coronel Bolívar E. Vallarino, Segundo Comandante de la Policía Nacional, y le manifesté que algo serio iba a ocurrir, por lo que creía conveniente que se dirigiera al Cuartel Central mientras yo iba a la Presidencia. Cuando llegué al Palacio Presidencial fuí recibido por el Mayor Alfredo Lezcano Gómez (q.e.p.d.) y juntos subimos al despacho del Secretario Privado. Allí encontramos solamente a la Ministro de Trabajo, Previsión Social y Salud Pública, doña María Santodomingo de Miranda y a don José Ehrman, Secretario General del Presidente de la República. Después de los saludos de rigor y conversar en términos generales, el señor Ehrman le dijo al Mayor Gómez

(q.e.p.d.) que la señora Ministro quería hablar conmigo. Gómez y Ehrman se retiraron al despacho del Edecán, contiguo al del Secretario Privado del Presidente. La señora Ministro comenzó diciéndome que se tenía que hacer algo porque no se podía seguir gobernando así: me reiteraba que tenía que hacerse algo pero sin decirme exactamente lo que constituía ese algo. Yo le respondí a ese respecto que podía hacerse algo, siempre que lo que se fuera a hacer estuviese ajustado a la norma jurídica; que tuvieran en cuenta no sólo la repercusión nacional que podía tener lo que se hiciera sino la internacional y sobre todo el prestigio de la República de Panamá, advirtiéndole de inmediato que no estaba de acuerdo con medidas ilegales. La conversación ésta fué oída por el señor José Ehrman, Secretario General del Presidente y por el Mayor Alfredo Lezcano Gómez (q.e.p.d.), quienes estaban tabique de por medio de donde hablábamos; pues el Mayor Gómez al salir yo de la Presidencia me dijo que él había oído todo, lo mismo que Pepe Ehrman, y que Ehrman le había manifestado que yo tenía razón. Como unos veinte minutos más o menos después de esta conversación con la señora Ministro Miranda, apareció el Dr. Arnulfo Árias, y juntos entramos al Despacho del Presidente, la señora Ministro Miranda, el señor José Clemente de Obaldía, Ministro de Gobierno y Justicia, y yo. Habló entonces el Ministro de Obaldía y también se expresó en la forma que lo había hecho la señora Ministro y casi en los mismos términos. Enseguida hablé yo para manifestar que lo que iban a hacer yo aconsejaba que fuera correcto, bien pensado y consultado; que no fuera a levantar los ánimos más de lo que se encontraban; que tuvieran en cuenta que cualquier medida drástica podía reflejar contra la Caja de Ahorros cuyos fondos estaban decreciendo de mamera alarmante por razón de los retiros masivos de sus depósitos que venían haciendo sus clientes, en virtud de un pánico que había cundido en la ciudad, pues la gente podia pensar que la medida drástica que se tomara obedecía a que la Caja de Ahorros no se encontraba en condición de enfrentarse a las exigencias de sus depositantes y de hecho la reacción consiguiente sería peor. El. Dr. Árias se manifestó de acuerdo conmigo y dijo que no se haría nada, retirándome yo de la Presidencia de la República bajo esa impresion.

Por la noche salía del Teatro Cecilia, cuando pasó el Comandante Vallarino y me communicó que en la Estación del Ferrocarril, frente al cabaret "Happy Land", había ocurrido un tiroteo entre miembros de la Policía Secreta Nacional y los Honorables Diputados David Samudio, Norberto Navarro y Jorge Illueca. Inmediatamente nos dirigimos al lugar de los hechos y en esos momentos sólo logramos constatar como consecuencia del tiroteo las perforaciones de bala que aparecían en un automóvil sin encontrar los heridos, víctimas de esa refriega. Nos trasladamos a la Comandacia de Policía, y

después de un rato de estar allí, llamó por teléfono el señor Carlos Isaza, Secretario de Agricultura, y me informó que el Dr. Arnulfo Árias se encontraba en la Policía Secreta y que deseaba hablar con nosotros. Nos dirigimos allá, y pudimos apreciar que el edificio donde funciona esta Institución se hallaba completamente a oscuras, y con mucha gente adentro, armados en su mayoría. Lo primero que me dijo el Dr. Árias al verme fué: "Ya vió usted que hay que hacer algo; ésto no puede seguir así", y volviéndose hacia don José Clemente de Obaldía, Ministro de Gobierno y Justicia le comunicó que convocara para Consejo de Gabinete para el día siguiente, a las 8 de la mañana, y me pidió que yo fuera para intervenir y asesorarlo. Al preguntarle si había ocurrido algún arresto nos contestó al Teniente Coronel Bolívar E. Vallarino y a mí, que solamente el de Homero Velásquez, por haberle faltado el respeto en el Hospital Santo Tomás, retirándonos enseguida el Comandante Vallarino y yo. Le manifesté entonces al Comandante Vallarino que no iba a asistir al Consejo de Gabinete porque nada tenía que hacer allí, aparte de que no me iba a solidarizar con medidas que se alejaran de los mandatos de la Constitución. Le recomendé así mismo que si lo invitaban a él no fuera tampoco al Consejo de Gabinete.

Lunes 7

Al día siguiente temprano me estuvieron llamando por teléfono, pero no les fué posible localizarme, y como a las 3:30 a.m., el Mayor Gómez me informó que el Consejo de Gabinete había sido pospuesto para las tres de la tarde, en vista de que el Dr. Carlos N. Brin, Ministro de Relaciones Exteriores, se encontraba fuera de la ciudad y no podía estar presente sino a esa hora. Me comunicó el Mayor Gómez que había gran agitación en la Presidencia y mucha exaltación y que él creía iba a ocurrir algo grave. Como a eso de la una de la tarde el Mayor Gómez, quien me tenía informado de todo lo que ocurría en el Palacio, del cual él era el Jefe de su Guardia, me dijo que se trataba de la firma de un Decreto porque en un momento en que él estuvo en la Oficina del Secretario General se dió cuenta de que habia un Decreto redactado, el cual firmarían todos los Ministros. A eso de la una y media de la tarde, me llamó el Dr. Árias para que fuera a la Presidencia porque quería hablar conmigo y le contesté que no podía ir en esos momentos porque estaba sumamente ocupado y que no sería hasta la hora que iba él almorzar cuando podríamos verlo el Comandante Vallarino y yo, pues queríamos hablar con él a solas. Nos dijo que estaba bien, y como a eso de las dos de la tarde llegamos a su residencia particular donde hablamos largo. Le

dijimos en esa conversación, en la que interveníamos tanto el Comandante Vallarino como yo, que meditara bien lo que iba a hacer; que pesara las consecuencias que tal cosa podría traer; que eso no se lo decía en un plan de discusión sino como amigo; que consultara a los elementos políticos; que escuchara a sus amigos serios que no tuvieran intereses determinados en una u otra cosa, en fin, que no tomara una decisión drástica. Entonces contestó que él no tenía intereses de ninguna clase; que él iba a llamar a los Partidos para que discutieran ampliamente la situación y que en el Consejo de Gabinete también daría todas las facilidades para que los Ministros hicieran lo que a bien tuvieran. Esta fué le última vez en ese día que nos vimos personalmente el Dr. Árias y nosotros.

Como a las cinco de la tarde más o menos, el Mayor Gómez me informó que el Consejo de Gabinete había terminado y que habían firmado un Decreto el Presidente y todos los Ministros, con excepción del señor Ricardo Árias Espinosa, Ministro de Agricultura, Comercio e Industrias. Minutos más tarde el señor Árias Espinosa vino a mi casa, donde se encontraba un gran número de amigos y nos informó de lo acontecido, agregándonos que todos los Ministros habían estado de acuerdo, menos él, que había manifestado que no podía firmar sin consultarlo con el Comité Político de su Partido; y el señor Contralor, don Henrique Obarrio, quien habiéndose encontrado en el Consejo de Gabinete, manifestó su opinión en contra del Decreto. Aquí fué cuando supe por primera vez que de lo que se trataba en realidad, era de derogar la Constitución del 46 para sustituírla por la del 41. En la noche se congregó dentro y fuera de la Presidencia una cantidad de público, que había sido llamada para oír discursos y conocer públicamente lo que se proyectaba. Insistentemente se me estuvo localizando por todas partes para que fuera a la Presidencia, lo mismo que al Comandante Vallarino y a nuestras señoras. Yo muy temprano le había indicado a Vallarino que no fueran ni él ni su señora, pues mi señora y yo tampoco iríamos, de ninguna manera, a sancionar con nuestra presencia un acto con el cual no estábamos de acuerdo. Desde la Presidencia se me hicieron llamadas insistentes, pero yo me negué por bastante tiempo a contestar el teléfono y el Comandante Florez, quien lo contestaba, manifestaba siempre que yo no estaba en la Comandancia; pero en vista de la insistencia, y como ya de la Presidencia habían manifestado al Mayor Florez que ellos sabían que yo sí estaba en la Comandancia, en la última ocasión que me llamó el Dr. Árias le contesté personalmente, diciéndole que yo no podia ir a la Presidencia, por no estar de acuerdo con lo que se había dispuesto. Llamo la atención al hecho de que los discursos

que estaban anunciados para las 7:30 de la noche no comenzaron a pronunciarse sino casi a las 10:00 p.m., cuando el Dr. Árias y su Gabinete se convencieron de que nosotros no asistiríamos a la Presidencia de la República.

Antes de que comenzaran los discursos fué a mi despacho en la Comandancia el Lic. Juan de D. Poveda a decirme de parte del Dr. Árias que éste le ofrecía el Ministerio de Agricultura, Comercio e Industrias a mi hermano Alejandro Remón Cantera; y como él se encontraba presente, se lo comunicó Poveda personalmente a mi hermano, contestándole "Toto", como le decimos familiarmente, que él tenía que consultar con su Partido, como efectivamente lo hizo. Mi hermano llamó más tarde a la Presidencia, comunicándole a Poveda que no aceptaba dicho cargo por no estar de acuerdo su Partido con el acto que se iba a consumar. Minutos más tarde, llamó el Mayor Gómez para informar que había sido nombrado en el puesto de Ministro de Agricultura y Comercio el H.D. Norberto Zurita. Después de ésto se escucharon por la radio los discursos del Ministro de Gobierno, José C. de Obaldía, y del Presidente Árias, los cuales conoce el país entero por haber sido radiodifundidos por una cadena de Emisoras que cubría toda la Nación.

Martes 8.

Desde tempranas horas comenzaron a llegar a mi residencia varios amigos, entre ellos varios Diputados, en quienes se notaba gran excitación por el hecho de haberse derogado la Constitución de 1946, y tras varios comentarios y conversaciones, cuando a las doce (12) me disponía a salir, pues tenía que dirigirme a la Comandancia, el Dr. Árias me llamó y me dijo que fuera a su residencia particular, pues pensaba hacer cambios en el Gabinete y quería consultar conmigo. Tampoco atendí a su llamada, y como cerca de las doce y treinta, cuando iba a dirigirme para mi Oficina, llegó a mi residencia el Gabinete, con excepción de la Ministro Miranda y el Ministro Urriola, acompañados por el Secretario General don José Ehrman y el Edecán del Presidente Árias, teniente Coronel Roberto Anguizola Jr. Después de hablar en términos generales, abordaron el tema de la derogatoria de la Constitución de 1946, actuando de vocero el Ministro de Gobierno, don José C. de Obaldía, a quien le observé, aún cuando yo no soy versado en Derecho, que cómo creía que el País iba a tolerar un Decreto en el cual no se fijaban términos ni se señalaba fecha para elecciones, sino que se hablaba de "cuando lo estimara oportuno"; ni tampoco se hacía mención del término

presidencial, aparte de que observaba ya enorme inquietud entre los comerciantes y el pueblo, además de que podía asegurarle que el resto de la Oficialidad ni la tropa del Cuerpo de Policía, podían apoyar, ni apoyarían ese acto insólito después de que yo, como vocero del Cuerpo de Policía Nacional en innumerables ocasiones, había manifestado al país que dicho Cuerpo defendería la Constitución y las Leyes de la República.

En este Debate intervinieron varios de los Diputados que se encontraban presentes, entre los cuales recuerdo a los Honorables Diputados Azael Vargas, Heraclio Barletta, Juan Manuel Méndez Mérida, Alfredo Alemán Jr. y los señores Mayor Alfredo Alemán y Joaquín F. Franco Jr., manifestando todos estos caballeros contrariedad por la actitud asumida por el señor Presidente y su Gabinete. El Ministro Obaldía nos manifestó que iba a hablar con el Presidente Árias al respecto para ver cómo se podía solucionar el asunto, y yo, después de consultar con el Comandante Vallarino y algunos de los presentes, les dije que se me ocurría que la mejor manera era que se volviera a la Constitución de 1946, o sea que se anulara el Decreto por el cual se había derogado dicha Constitución. Me dijeron los Ministros que hablarían con el Dr. Árias y que oportunamente tendríamos una entrevista con el Presidente en su residencia. Efectivamente, como a las tres de la tarde, fuímos llamados deciéndonos que nos esperaban el Presidente y su Gabinete en la casa del Dr. Árias. Allá nos dirigimos y el Presidente que fué primero en hablar dijo que él por su prestigio y por el prestigio internacional le era imposible acceder a derogar el Decreto, pero que estaba dispuesto a entrar en conversaciones con los Partidos Políticos para llegar a un acuerdo aceptable y decoroso para todos, nombrando una comisión que la formaron el Ministro de Hacienda, Rodolfo F. Herburger, el Ministro de Agricultura y Comercio, Norberto Zurita, y el Gobernador de la Provincia, José Domingo Soto, quienes se encontraban presentes en la reunión, para que se entendieran con los Partidos Políticos, retirándonos nosotros para la Comandancia.

Por la tarde a las cinco, apareció frente al Cuartel Central de Policía una monstruosa manifestación de hombres y mujeres, de todas las clases sociales, solicitando a la Policía que se obligara a volver a la Constitución de 1946. Tomé la palabra, le recomendé calma al pueblo y le prometí que este asunto tendría una solución satisfactoria y patriótica que consultara los intereses nacionales y que la Policía siempre estaría con el pueblo. Al preguntar un orador que si podían ir al Parque de Santa Ana, les dije que la Policía los

protegería para que celebraran un mitin allí: les recomendé mucho que evitaran choques y que tuvieran cuidado de no dirigirse a la Presidencia de la República, pues ya teníamos conocimiento de que se encontraba allí gente armada, tanto en la Presidencia como en sus alrededares, dispuestos a repeler violentamente cualquier intento de acercarse al Palacio Presidencial.

A eso de las diez de la noche llegaron a la Comandancia algunos Jefes de Partidos Políticos, entre los cuales recuerdo a Ricardo Árias Espinosa, Ernesto de la Guardia Jr., Temístocles Díaz Q., José D. Crespo, Ignacio Molino Jr., Juan de Arco Galindo, y Alejandro Remón Cantera, manifestándome los mencionados caballeros que habían tenido una conferencia con los emisarios del Gobierno, señores Norberto Zurita, Ministro de Agricultura y Comercio, don Rodolfo F. Herburger, Ministro de Hacienda y Tesoro, y don José D. Soto, Gobernador de la Provincia de Panamá, a quienes les habían manifestado categóricamente que la única condición de arreglo era que se regresara a la Constitución de 1946, pues no quierían participación alguna en el nuevo Gabinete y que si había que hacerle alguna enmienda a la Constitución de 1946, ésto se discutiría y se haría de conformidad con el procedimiento que señala la propia Constitución, para lo cual colaborarían gestionando ante los Diputados, para que tales reformas fuesen propuestas por la Asamblea Nacional en la Próxima Legislatura.

Antes de la manifestación y durante ella, las Estaciones de Radio llamaron a la Policía Nacional pidiendo protección, porque la Policía Secreta intentaba no sólo cerrarlas sino destruírlas y en vista de ésto, se ordenó que se destacaran pelotones de la Policía en cada Estación de Radio, a fin de permitir la libre expresión del pensamiento y para que el público, como le consta a nuestro pueblo, pudiera seguir informándose de todos-los acontecimientos.

También manifestaron los señores anteriormente mencionados al llegar a la Comandancia que aunque los Emisarios del Gobierno no lo habían anunciado, no les habían visto inclinación a aceptar las demandas de ellos de volver a la Constitución de 1946. Dándose cuenta de ésto y para buscar una solucón rápida, y darle más fuerza a las demandas del pueblo, reuní a los Jefes y Oficiales y explicándoles la situación, se acordó como algo conveniente, enviar una delegación de Oficiales ante el Dr. Árias, a fin de solicitarle, en nombre del Cuerpo de Policía Nacional, que se volviera a la Constitución de 1946 y se evitaran así choques y derramamientos de sangre entre la familia panameña. Es del dominio público, por haberlo publícado

la prensa local, que el Dr. Árias le contestó a dicha delegación: "que él no podía acceder a eso; que la cuestión del Decreto era un acto político del Gobierno, en el cual no podía participar la Policía Nacional". Y como esta delegación le había manifestado que frente a la Comandacia del Cuerpo de Policía Nacional estaba el pueblo que clamaba por la derogatoria del Decreto que sustituía la Constitución del 46 por la del 41, contestó que allí en la Presidencia también estaba el pueblo que le pedía lo contrario. Quiero manifestar a los Honorables Diputados que me abstuve de que la Policía tomara acción inmediata en este asunto y paso a explicarles las razones que tuve para asumir esa actitud:

1o.- En la Presidencia de la República se encontraba un público numeroso, en mayor número que el del día anterior, o sea Lunes, cuando se derogó la Constitución, por lo que era de deducir que un choque habría dejado un saldo bastante apreciable de muertos y heridos de ambos bandos y la Policía Nacional carecía de autorización legal que hasta ese momento justificara su intervención.

2o.- No quería por ningún motivo que la Policía tomara la iniciativa en este asunto, para evitar una flagrante violación de los principios constitucionales por los cuales ha abogado siempre el pueblo panameño, y porque quería de una vez por todas extinguir la errónea impresión, tanto en Panamá como en el exterior, de que la Policía Nacional "quita y pone Presidentes". Sostuve mi opinión y la del resto de los Oficiales de que la solución del problema ya se vislumbraba; que el tiempo era el peor enemigo que tenía el Gobierno si éste no buscaba rápidamente una solución aceptable, y que la Policía no debía proceder si no contaba con un medio legal que la autorizara.

Debo insistir en destacar el hecho de que la situación planteada entonces era la siguiente: Un Gobierno que por sí y ante sí derogaba la Constitución vigente e implantaba la de 1941 y un enorme sector del pueblo que se oponía a la insólita medida, demonstrando su inconformidad por todos los medios a su alcance, y su deseo de que siguiera rigiendo la Constitución de 1946. Por su parte los Directorios de los Partidos Políticos me entregaron las Resoluciones que acompaño en copias fotostáticas, en que se ve que tan caracterizados personeros de la opinión nacional también demandaban hasta ese momento únicamente el imperio de la Constitución de 1946.

Por las Emisoras también se leían con insistencia manifestacones inspiradas en igual principio, emanadas de organizaciones

obreras, profesionales, del personal docente, estudiantiles, etc., en que tal cosa demandaban. La Prensa escrita también insistía en demandar el imperio irrestricto de la Constitución de 1946.

Miércoles 9.-

Por la mañana continuó el paro; la propaganda del movimiento por la radio y las protestas del público. En esa mañana volvieron a mi residencia los señores Herburger, Soto y Zurita a discutir sobre qué solución se le podría dar al estado de cosas.- Allí se encontraba presente el Teniente Coronel Vallarino, manifestándole nosotros que la única solución era que el Organo Ejecutivo regresara a la Constitución del 46 y que el tiempo apremiaba, porque si hasta ese momento podíamos nosotros garantizar las vidas y haciendas de ellos, o sea del Presidente y los Ministros de su Gabinete, más tarde la excitación popular que crecía por momentos lo haría imposible y no podríamos responder por lo que sucediera, ya que la situación era gravísima y el desagrado del pueblo se acrecentaba cada vez más. Se fué la Comisión prometiéndonos pronta respuesta. A las cuatro de la tarde me llamó el Dr. Arnulfo Árias, requiriéndome para que fuera a la Presidencia y diciéndome que había recibido informes de dicha Comisión y que quería consultar conmigo cómo se podría arreglar el asunto, a lo que yo le contesté que no podia ir allá porque estaba muy ocupado y en la Comandancia había muchísima gente, contestándome él que no podía salir tampoco, pero que sin embargo, en la residencia del Dr. Brín me vería un poco más tarde con la Comisión que integraban los ya mencionados Dr. Carlos N. Brin, Ministro de Relaciones Exteriores, Norberto Zurita, Ministro de Agricultura y Comercio, y Rodolfo F. Herbruger, Ministro de Hacienda y Tesoro. Acepté la invitación y le dije que apenas llegara a casa del Dr. Brín la Comisión me llamaran, como efectivamente lo hicieron y por eso nos trasladamos allá, el Comandante Vallarion y el suscrito. Allí volvimos a discutir el asunto y aceptaron los comisionados derogar el Decreto y volver a la Constitución de 1946, accediendo a instancias de nosotros. El. Dr. Brín fué a comunicarle por teléfono el resultado de la discusion al Dr. Árias y después de demorarse poco más o menos de veinte a treinta minutos, regresó diciendo que el Decreto se le agregaría un Parágrafo en que se diría "posteriormente se llamaría a un Plebiscito para que el pais escogiera qué Constitución quería, si la de 1904, la de 1941 o la de 1946". Le observé al Ministro Zurita que eso no se podía poner en el Decreto y él me contestó que la Constitución preveía eso, además de que ese Parágrafo era más o menos una frase intrascendente para

obreros, profesionales, [illegible] etc., en que [illegible] [illegible] de 1964.

salvarle la "cara" al Gobierno. Enseguida nos retiramos. Al llegar a la Comandacia, en donde se encontraban varios Jefes Políticos y amigos personales y decirles el resultado, todos objetaron el Parágrafo, y con un ejemplar de la Constitución se constató que en ninguna parte se preveía ésto en nuestra Carta Magna. Después el señor Juan de Arco Galindo y mi hermano Alejandro Remón Cantera se vieron con la Comisión y al proponerles ésta el asunto del Plebiscito también lo rechazaron de plano.

A eso de las nueve y media de la noche, me llamó el Dr. Árias y me dijo que ya se estaba haciendo el Decreto y que por qué no iba a la Presidencia para darle un corte final a este asunto. Yo le dije que no iba porque allá había mucha gente y que ya él conocía mi determinación. Me dijo que eso de la gente no importaba; que entraramos por la puerta de la Calle Quinta sin que nos vieran. Quiero confesar que casi voy, y que si no lo hice fué, porque mi cuñado, el Contralor General de la República, don Henrique Obarrio, el Dr. J. J. Vallarino, el Diputado Heraclio Barletta, y otros amigos y el propio Comandante Vallarino y el resto de la Oficialidad que estaba presente, me convencieron de que no lo hiciera por lo peligroso de la empresa, sobre todo conociéndose mi desacuerdo con lo que se había hecho. Llamé al Dr. Árias y le dije que yo no iría a la Presidencia, insistiéndome él y negándome yo, hasta que aceptó el que nos viéramos en la Casa del Dr. Brín con la Comisión que ya se ha mencionado tantas veces, o sean el Dr. Brín, Zurita y Herbruger. Antes de salir para allá se me hizo conocer que la Asamblea estaba reunida en el Edificio del periódico, "La Nacion". En la casa del Dr. Brín aceptaron definitivamente los comisionados que el Decreto se derogaría, insistiéndose entonces en que con la entrega del Decreto la Policía haría una declaración de que todo había vuelto, a su estado normal, es decir, que el país vivía nuevamente dentro del régimen Constitucional de 1946 y que el Presidente de la República lo era el Dr. Arnulfo Árias. Tal condición la aceptamos nosotros a fin de que se apresurara la firma del Decreto de derogatoria que volvía al país a la Constitución de 1946. Como a las once de la noche, volvió el Dr. Árias a llamarme e insistió en que fuera a la Presidencia para entregarme el Decreto y para que yo le entregara la declaración de la Policía. Al negarme yo reiteradamente a ir a la Presidencia, me dijo que el Secretario General de él iría a llevarlo con Zurita y que yo a mi vez le entregara a éstos la declaración de la Policía. Efectivamente, pocos minutos después, llegaron a la Comandancia de la Policía los señores José E. Ehrman, Secretario General de la Presidencia, y Norberto Zurita, Ministro de Agricultura, Comercio e Industrias, acompañados del Mayor Alfredo Lezcano

Gómez (q.e.p.d.) y del Teniente Juan Eugenio Flores (q.e.p.d.), requiriendo el Ministro Aurita insistentemente que se llamara a los periodistas y que se les entregara la declaración que debía hacer la Policía Nacional. Comisioné para que hiciera la declaración al Dr. Florencio Arosemena Forte, Asesor Legal de la Policía, a quien acompaño un amigo que se encontraba en la Comandancia.

Después de ésto, recibí la comunicación del Honorable Diputado César A. Guillén, Presidente de la Asamblea Nacional, en la cual me informaba lo siguiente:

"Señor Comandante: Tengo el agrado de comunicarle que en virtud de proposiciones aprobadas esta noche en el seno de la Corporación que presido, se ha dispuesto:

1o.- Acoger una denuncia presentada contra el Dr. Arnulfo Árias M., Presidente de la República, por violaciones de disposiciones contenidas en el Art. 148 de la Constitución Nacional, y luego de declarar que hay lugar a proceder contra el sindicado, se le declaró suspendido de su cargo en virtud del articulo 2309 del Código Judicial; y,

2o.- Que, de conformidad con la disposición últimamente citada, ha llamado para que reemplace en su cargo de Presidente de la República, que actualmente desempeña el Dr. Arnulfo Árias, al Primer Vice-Presidente, don Alcibíades Arosemena.

Le comunico todo lo anterior, señor Comandante, con el objeto de que Ud. se digne derle cumplimiento a las disposiciones que en observancia de claras disposiciones Constitucionales y legales, ha tomado la Corporación que tengo el honor de presidir.

Soy del Comandante, con toda consideración, muy atento servidor, (fdo.) César A. Guillén, Presidente de la Asamblea Nacional".--

Al consultar ésto con el abogado de la Policía, Dr. Arosemena Forte, y otros abogados que se encontraban presentes, todos estuvieron de acuerdo en que para que este acto de la Asamblea tuviera más fuerza, debía ser ratificado por la Honorable Corte Suprema de Justicia y que, seguramente como pensamos nosotros que resultaría-el pueblo al día siguiente demostraría cuál era su voluntad al respecto.

Jueves 10.--

En efecto, a tempranas horas de la mañana, aumentó la

tensión y el malestar general. Entonces al pueblo ya no le satisfacía unicamente que se hubiera vuelto a la Constitución de 1946 sino que demandaba que el Dr. Arnulfo Árais dejara de regir los destinos del país.

El Honorable Diputado Heraclio Barletta vino a mi residencia y me hizo saber que los Diputados se iban a dirigir a la Corte Suprema de Justicia, y que era casi seguro que la decisión fuera favorable al acto llevado a cabo la noche anterior por la Asamblea Nacional. Más tarde me llamó el Mayor Gómez (q.e.p.d.) pidiéndome instrucciones porque tenía noticias de que iba una manifestación hacia la Presidencia y le respondí que estuviera tranquilo porque esa manifestación no iba sino al lugar donde funciona la Corte Suprema de Justicia, en la Plaza de Francia.

En la misma mañana y en conversación con don Ricardo Árias Espinosa, mi sobrino, decidimos y a ésto él se prestó voluntariamente- que él, Árias Espinosa, iría a la Presidencia a solicitarle al Dr. Arnulfo Árias, en vista de la situación y para evitar derramamiento de sangre, que renunciara; que si mediaba algún obstáculo por algún asunto personal de él para entregar el mando, antepusiera la salud de la patria a todo; que así se podría arreglar el asunto. Un poco más tarde el señor Árias Espinosa regresó a mi residencia y me manifestó -dentro de la confusión que imperaba en mi casa donde estaban numerosas damas, que pedían que la Policía sacara al Dr. Árias a la fuerza -que el Dr. Árias había rechazado de plano la sugestión que por su conducto le hice y que le había manifestado que él todavía tenía varias cartas que jugar. Obsérvese que yo le había sugerido al Dr. Árias que se retirara del Poder, en acatamiento a la decisión de la Asamblea Nacional, antes de que la Honorable Corte Suprema de Justicia ratificara lo actuado por esta Corporación y antes también de la manifestación de damas en mi residencia, en que pidieron la deposición del Doctor Árias de la Presidencia de la República.

Nos dirigimos a la Comandancia y poco después se nos hizo conocer que la Corte Suprema de Justicía había declarado inobjetable el acto de la Asamblea Nacional de la noche anterior, por el cual se suspendió al Dr. Arnulfo Árias, como Presidente de la República, y se llamó al Primer Vice-Presidente, don Alcibíades Arosemena, a ejercer ese elevado cargo. Al informárseme este hecho, inmediatamente hice público que la Policía acataba la decisión de la Asamblea Nacional, ratificada por la Corte Suprema de Justicia.

Tratamos de consiguir la Radio-Continental para que así se lo informara al pueblo. Como el teléfono de esa Emisora

estaba ocupado, y el tiempo apremiaba, le ordené al Comandante Bolívar E. Vallarino, que fuera personalmente a la Radio Programas Continental y que le manifestara al pueblo panameño la decisión de la Policía Nacional. Le solicité también al señor Ricardo Árias Espinosa, al Contralor Henrique Obarrio y a otros amigos, que fueran al Parque de Santa Ana y le comunicaran a don Alcibíades Arosemena que podía venir a la Comandancia de la Policía para ser reconocido como Presidente de la República. Efectivamente, pasados varios minutos, llegó a la cabeza de una gran manifestación, el Sr. Alcibíades Arosemena y momentos después, ante ésta misma muchedumbre, manifesté que la Asamblea Nacional lo había llamado para ocupar la Presidencia, y como esa actuación había sido ratificada por la Corte Suprema de Justicia, la Policía Nacional, acatando ambas decisiones, reconocía, al señor don Alcibíades Arosemena, como Presidente de la República y así se lo hacía saber. Después que habló el señor Alcibíades Arosemena y teniendo conocimiento ya de que la Guardia de la Presidencia había sido acatada por los que se encontraban en los pisos superiores del Palacio Presidencial, y como teníamos listo ya un fuerte destacamento para ir a salvar las vidas de los miembros de la Guardia Presidencial que se encontraban en peligro, le solicité al H.D. Ingeniero David Samudio que le pidiera al pueblo que se retirara hacia sus hogares, a fin de evitar derramamiento innecesario de sangre, porque el problema estaba muy lejos de estar resuelto, toda vez que el resto le tocaba al Cuerpo de Policía Nacional. Las últimas noticias obtenidas de la Guardia de la Presidencia por teléfono, porque las líneas telefónicas de la Presidencia, tanto internas como externas, con excepción de la que la conecta con la Telegrafía, habían sido cortadas, fueron las de la desaparición del Mayor Alfredo Lezcano Gómez (q.e.p.d.), Jefe de la Guardia Presidencial, y del Teniente Juan E. Flórez (q.e.p.d.), miembro de la misma, Oficiales dignos y meritorios, cuya lealtad a toda prueba les permitió resistir todas las tentaciones y los halagos; que había sido llamado arriba por el Dr. Árias del Mayor Gómez y que acompañado del Teniente Flórez, el Dr. Árias y el Edecán Anguizola habían subido, y después de algún tiroteo no se sabía de ellos y que se temia por sus vidas. Este informe telefónico se recibió un poco antes de presentar -a la multitud que rodeaba el Cuartel- a don Alcibíades Arosemena, que se encontraba presente; hecho que le consta a todos los que se encontraban cerca, y porque vieron que ya el Destacamento de Policía que iba hacia la Presidencia a rescatar a sus compañeros se encontraba en los autobuses listo para salir, en espera de la orden. Dicha orden se retardó unos minutos para reconocer a don Alcibíades Arosemena como Presidente de la República y para solicitarle al numeroso público que se retirara a sus residencias, a fin

de evitar mayores desgracias, como lo he dicho anteriormente, ya que el problema correspondía en adelante a la Policía.

Enviado el Destacamento de Policía hacia la Presidencia, al mando inmediato del Mayor Timoteo Meléndez, con las instrucciones que consideré oportunas, se inició el ataque al Palacio Presidencial.

Serian más o menos las tres y cuarto de la tarde cuando llamo´ el Dr. Árias por el teléfono directo de la Telegrafía que hay en la Comandancia y me dijo que sólo deseaba una tregua de diez o quince minutos para aprovechar ese lapso y sacar los heridos del Palacío. Le pregunté entonces por el Mayor Gómez y el Teniente Flórez y me contestó que el Mayor Gómez había tratado de asesinarlo y que él no sabía donde estaba, pues tampoco sabía si estaba herido o muerto. Al escuchar esas palabras le respondí que mientras el Mayor Gómez y el Teniente Flórez no aparecieran abajo en la Guardia vivos o muertos no habría tregua.

Mi impresión desde ese momento fué la de que ambos estaban muertos y que habían sido asesinados. Así se lo informé inmediatamente a los Comandantes Vallarino y Flórez y a las personas que estaban en la Oficina, rogándoles que no hicieran comentarios de esa información para evitar que la Policía fuera a tomar represalias contra los que se encontraban en los altos de la Presidencia prestando resistencia, al momento que éstos se rindieran.

Un poco más tarde, a una hora que no puedo precisar, se presentaron a la Comandancia el Embajador del Perú, el Embajador de Venezuela, el Embajador de Chile, el de Costa Rica y el Ministro de Haiti, ofreciendo sus buenos oficios para evitar derramamiento de sangre. Se les explicó la situación y se les recalcó el caso del Mayor Gómez y del Teniente Flórez y la contestación que al respecto había dado el Dr. Árias.

Hicieron contacto con la Presidencia por el teléfono de la Telegrafía instalado en la Oficina, y primero hablo el señor Embajador don Emilio Ortíz de Zeballos y después el Embajador de Venezuela, don Enrique Castro Gómez. Ambos dijeron después de sus conversaciones telefónicas que el Dr. Árias les había contestado lo mismo respecto al Mayor Gómez o sea que había tratado de asesinarlo y se encontraba herido o muerto, informando también los mediadores que el Dr. Árias les había manifestado que él (Dr. Árias) no estaba allí para rendirse, manifestándole asímismo a los diplomáticos que solicítaran una ambulancia de la Zona del Canal para que recogieran los heridos. Enseguida

manifestaron los Embajadores de Zeballos y Castro, en vista de la contestación del Dr. Árias, que daban por terminada su misión. En estas condiciones se retiraron los diplomáticos de la Comandancia.

A los pocos minutos del incidente anterior avisaron del Hospital Santo Tomás que el Teniente Flórez acababa de llegar a esa casa de salud y que había fallecido momentos después de haber llegado.

Más tarde anunciaron que habían sacado herido al Mayor Gómez de la Presidencia y que lo conducían rápidamente al Hospital Santo Tomás en uno de los carros Radio-Patrulla de la Policía que se encontraba en servicio por esos alrededores. Esperábamos ansiosamente conocer la suerte del compañero cuando recibimos llamada telefónica del Mayor Denis, Medico de la Institución, en la que informaba que este pundonoroso Oficial y gran amigo mío había llegado muerto y que en opinión de él y de varios médicos, entre los cuales me mencionó a los Drs. Mario Rognoni, Bernardino González Ruíz, Rolando de la Guardia y Victor M. Pareja, tenía aproximadamente cuatro horas de haber fallecido a consecuencia de las heridas recibidas, porque el cuerpo del Mayor Gómez presentaba señales de rigidez cadavérica cuando llegó al Dispensario del Hospital Santo Tomás.

Miré el reloj y eran las 4.40 de la tarde.

Se ordenó entonces al Mayor Timoteo Meléndez, quien comandaba la tropa que fué a la Presidencia, que instalara un alto-parlante que se le envió y que le anunciara a los que estaban arriba de la Presidencia que se rindieran; que se les garantizaba sus vidas y que se les daba un plazo de diez minutos, para capitular; que de lo contrario la Policía se tomaría el Palacio a la fuerza.

Así lo hizo dicho Oficial y faltando solo siete minutos del plazo, comenzaron a bajar las personas que se encontraban en los altos del Palacio. Todos fueron conducidos en calidad de detenidos a órdenes de la autoridad competente a la Cárcel Modelo, transportados en autobuses, carros y camiones.

Los últimos en salir fueron el Dr. Árias, su señora y sus cuñados, así como los Ministros de Obaldía y Zurita, el Lic. Juan de Dios Poveda y otros que pueden ser reconocidos en la fotografía que se publicó en la Prensa.

Al llegar este grupo al Cuartel Central y descender de los autos, hubo que usar la fuerza, pues los civiles que se

encontraban afuera de curiosos y dentro de la cerca metálica del Cuartel trataron de abalanzarse contra ellos. El único que fué golpeado por esa masa enfurecida fué el Ministro de Obaldía, a quien los Drs. Ignacio Fábrega y Luis Vallarino brindaron asistencia médica inmediata y recomendaron su hospitalización.

LO OCURRIDO EN LA POLICÍA SECRETA

A todo ésto, como a las 3.30 de la tarde, llamé telefónicamente a la Policía Secreta Nacional y pregunté por el Jefe, señor Rolando Linares. Este tomó el teléfono y le dije que evitara derramamiento inútil de sangre y que se rindiera, entregando la Secreta con el personal y el armamento que tenía y que, SOBRE TODO, lo hacía responsable a él por la vida de los presos políticos que se encontraban allí detenidos. El Inspector Linares me contestó que garantizaba todo lo solicitado por mí y se rendiría inmediatamente.

El Alcalde Vega Méndez, quien se encontraba en la Policía Secreta, llamó al Comandante Flórez, después de mi conversación con el Inspector General, Sr. Linares, y le manifestó que ellos aceptaban rendirse pero con la condición de que se le permitiera a todo el personal ser trasladado a la Zona del Canal, contestándole el Comandante Flórez negativamente.

Se mandó un destacamento a la Secreta al mando del Capitán Bolívar Urrutia P., y esa entidad, que ya se hallaba rodeada por fuerzas de policía de caballería y de infantería, se rindió. Pocos minutos antes de la rendición hubo disparos en los alrededores, pero no se registraron ni muertos ni heridos.

El Jefe, Sr. Linares, así como todo el personal fué llevado a la Cárcel Modelo en calidad de detenidos, a órdenes de la autoridad competente.

En la Secreta fué ocupada por la Policía gran cantidad de armamentos, como se detalla en el inventario que también se acompaña como anexo.

Inmediatamente se ordenó poner en libertad a los presos políticos que se encontraban detenidos en la Cárcel Modelo y la Policía Secreta Nacional, quedando toda la investigación de estos sucesos, desde ese momento, a cargo del Fiscal segundo del Primer Distrito Judicial, Lic. Carlos A. López G. y los otros tres fiscales que actualmente adelantan las sumarias en relación con la dolorosa tragedia que extinguió

la vida de dos meritorias unidades del Cuerpo de Policía y dejó un saldo considerable de heridos y muertos como secuela de esa jornada cívica, valientemente iniciada por el pueblo, al cual no podía negar su apoyo decidido la Policía Nacional.

(fd.) Coronel J. A. Remón C.
Comandante 1er. Jefe de la Policía Nacional.

Nos adherimos en todas sus partes a la anterior relación de hechos.

(fdo.) Teniente Coronel Volívar E. Vallarino,
Comandante 2o. Jefé de la Policía Nacional.

(fdo.) Mayor Saturnino Flórez
Comandante 3er. Jefe de la Policía Nacional.

Recibido en la fecha, lo agrego a sus antecedentes.

Panamá, Mayo 22, 1951.

Secretario
(fdo.) Luis C. Abrahams V.,

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Declaraciones del Comandante Primer Jefe del Cuerpo de la Policía Nacional, señor José Antonio Remón Cantera.

En la ciudad de Panamá, siendo las seis y diez minutos de la tarde, de hoy veintidós de Mayo de mil novecientos cincuenta y uno, constituída la Comisión Especial de Acusación desgnada por la Asamblea Naconal en la residencia del señor José Antonio Remón Cantera y presente dicho señor ante la Comisión, se procedio a recibirle declaración en este asunto. Juramentado el declarante en la forma legal, ofreció decir verdad en todo cuanto sepa y se le pregunte y para identificar su persona dijo llamarse como queda escrito, panameño, mayor de edad, casado, Comandante Primer Jefe del Cuerpo de la Policía Nacional, vecino de esta ciudad y portador de la Cédula de identidad personal número 47-9071. En este estado el Presidente de la Comisión, Honorable Diputado Lorenzo Barraza V., puso de manifiesto al declarante el informe suscrito por él y dirigido a la Comisión, el cual forma parte de este expediente y le

interrogó si se ratifica en dicho informe y si el contenido del mismo es correcto, así como si reconoce la firma puesta al pie de dicho documento y que dice "J. A. Remón C." y el declarante contestó: el informe que se pone de presente y que en esta misma fecha entregué a la Comisión Especial de Acusación de la Asamblea Nacional, es correcto en todas sus partes y la firma que al final de dicho informe aparece es la mía auténtica y la que acostumbro usar en todos los actos de mi vida tanto públicos, como privados. En consecuencia me ratifico en dicho informe. Interrogado: es o no cierto que el declarante, en su carácter de Comandante Primer Jefe de la Policía Nacional, notificó, telefónicamente, al doctor Arnulfo Árias, quien se encontraba en la Presidencia de la República en la mañana del diez de los corrientes, que la Asamblea Nacional había decretado su suspensión del cargo de Presidente, que la Corte Suprema de Justicia se había pronunciado en el sentido de que lo actuado por la Asamblea Nacional era constitucional e inobjetable y que, en consecuencia, debía desalojar el Palacio presidencial? Contestó: voy a extenderme un poquito en contestar esta pregunta a fin de darle todos los detalles. Por la mañana, no puedo precisar la hora, pero sería entre las once y las doce, me llamó a la Comandancia el señor Carlos Isaza preguntándome cómo estaban las cosas y que qué se podía hacer. Le contesté que no se podía hacer nada; que la Asamblea Nacional había suspendido al doctor Árias del cargo de Presidente y llamado a don Alcibíades Arosemena a ocupar la Presidencia de la República; que la Corte Suprema había legalizado el acto de la Asamblea Nacional y que por lo tanto asonsejaba que al doctor Árias no le quedaba otro camino que abandonar el Palacio. Isaza me contestó que si se lo hacía conocer al doctor Árias y le contesté afirmativamente, que se lo hiciera conocer. Pocos minutos después me llamó el Diputado Norberto Zurita, preguntándome qué pasaba y le contesté lo mismo que a Isaza, agregando a éste lo mismo que le había dicho a Isaza, que el Teniente Coronel Vallarino había salido a la emisora Radio Programa Continental a notificar al pueblo que la Policía Nacional ante los dos actos que se habían verficado, o sea el de la Asamblea y el de la Corte, reconocían a don Alcibíades Arosemena como Presidente de la República. Poco después llamó el doctor Árias y le dije lo mismo y me contestó que él todavía tenía varias cartas que jugar. Quiero agregar a ésto que mi conversación con Isaza y con Zurita se la comuniqué al Mayor Gómez, quien me dijo que si yo quería que él subiera a notificar personalmente al doctor Árias y le contesté que no lo hiciera: que cerrara las puertas de hierro que hay dentro de la Guardia y que no saliera ni él, ni ninguno del personal y que si los atacaban que se defendieran. Le dí esta orden y no retiré el personal

que se encontraba en la Guardia Presidencial, con todo y que sabia que corrian peligro porque allí en la armería se encuentra una cantidad bastante apreciable de armas y municiones que si caía en poder de los que se encontraban en la parte alta, hubieran ocurrido grandes desgracias de ambos lados,lo que yo deseaba evitar. Así es que tenía que permanecer ese personal allí para que defendiera la armería de la Guardia Presidencial, a toda costa. Preguntado: diga el declarante si es o no cierto y a él le consta que desde las azoteas de los edificios cercanos al Cuartel Central de Policía, franco tiradores, especialmente apostados para ello, se dedicaron entre una a dos p.m. del día 10 de mayo en curso, a disparar a mansalva no sólo contra los guardianes del Cuartel Central, sino criminalmente, contra los tanques de gas colocados en la parte trasera de las dependencias del Cuartel Central de Policía y si la Policía no se vió obligada a repeler a mano armada, esos ataques? Contestó: si es cierto lo que se me pregunta. Apenas salió el destacamento de policías hacia la Presidencia, comenzaron a disparar desde varios edificios y desde el cementerio, no sé exactamente contra qué o contra quiénes disparaban, pero la Policía del Cuartel Central y de la Cárcel Modelo se vió obligada a repeler el ataque haciendo uso de las armas y se practicaron varios arrestos. Preguntado: diga el declarante si es o no cierto que franco tiradores previamente apostados en los edificios del Seguro Social, del Banco de Urbanización, de la Lotería de la Administración de Correos, de la casa de la marina frente a la Presidencia, de la azotea del edificio donde está la oficina de Gilberto Brid, frente también a la Presidencia y de una lancha que pasaba por la bahía, se dedicaron durante los días nueve y diez de los corrientes a disparar, no sólo contra manifestantes, sino contra transeúntes, provocando así el caos en la parte central de la ciudad de Panamá? Contestó: sí es cierto lo que se me pregunta. El día nueve por la noche un grupo bastante numeroso que se encontraba en Santa Ana, a pesar de todas las advertencias que se le hicieron, decidió ir hacia la Presidencia de la República; cuando la manifestación llegaba al Parque de Catedral, le abrieron fuego desde casi todos los edificios que se encontraban alrededor del parque, especialmente del edificio donde está Correos y Telégrafos. Para evitar mayores desgracias, se envió un destacamento de policías y a éstos también les dispararon y la Policía tuvo que irse tomando los edificios y practicó también varios arrestos, lo mismo que el día siguiente, o sea el dia diez, cuando fué el destacamento a rescatar a los miembros de la Guardia Presidencial, que habian sido atacados por los que se encontraban en la planta alta del edificio de la Presidencia. La Policía tuvo el mismo problema, o sea el de ir venciendo los obstáculos de los franco tiradores

que se encontraban en todos los alrededores de la Presidencia de la República y del parque de Catedral y en otros edificios y también de la marina. Después de que se habían rendido totalmente las personas que se encontraban en la planta alta de la Presidencia, paso una lancha y abrió fuego, resultando los dos últimos policías que fueron heridos. Quiero aclarar que en la acción de armas que se llevó a efecto en la Presidencia de la República, el dia 10 de mayo, resultaron dos oficiales muertos: el Mayor Gómez y el Teniente Flórez y doce policías heridos. De estos doce policías, siete de los miembros de la Guardia Presidencial; quiere decir que salieron dos oficiales de la Guardia Presidencial muertos y siete miembros de la Guardia Presidencial heridos y cinco de los del destacamento que fué a rescatarlos. Preguntado: diga el declarante si no está debidamente comprobado que los civiles que se encontraban en los pisos altos de la Casa Presidencial hicieron frente, con sus armas, a los miembros de la Policía Nacional y sostuvieron con ellos una verdadera batalla campal, aún después de que la Policía cesó los fuegos? Contestó: si es cierto que hicieron fuerte resistencia;ellos atacaron primero a los de la Guardia Presidencial que se encontraban abajo, ya lo dije en mi informe anterior. Después hicieron fuerte resistencia a la policía que fué al rescate de los miembros de esa Guardia. Los que hayan tenido oportunidad de haber visitado la Presidencia y sus alrededores después del día diez, se han podido formar una idea de lo que allí sucedió. Una vez que se instaló el alto parlante y se les dieron diez minutos para que se rindieran y se iban contando los minutos, en orden descendente, o sea, faltan nueve, faltan ocho, fué cesando el fuego y cuando faltaban siete minutos, como lo dije a esta Honorable Comisión, comenzaron a bajar los primeros que se rindieron y después siguió bajando el resto y el fuego cesó por completo. La Policía cesó el fuego desde cuando colocaron el alto parlante. La Policía entró a la planta baja rápido, pero no podían subir porque les siguieron disparando desde los alrededores y desde la parte alta de la Presidencia. Tanto las dotaciones de las ametralladoras que tenían Gómez y Flórez, como las de las pistolas, o sea un total de doscientos noventa y cuatro tiros, se las quitaron y usaron totalmente los civiles que se encontraban en los altos de la casa presidencial, como se pudo comprobar al ser recuperadas estas armas después de la rendición. Preguntado: en el diario La Nación de esta fecha se ponen en boca del declarante las siguientes manifestaciones: "Arnulfo Árias contó con el apoyo de la Policía mientras estuvo gobernando con la Constitución que juró cumplir ante el altar de la Patria y mientras tuvo el apoyo del pueblo soberano." Puede decir el declarante si estas manifestaciones son realmente suyas y a qué causa se debe el que las haya exteriorizado?

Contestó: sí son mías las declaraciones que aparecieron en el periódico La Nación y se deben a pregunta que me hizo un reportero de ese diario respecto a noticia aparecida en el periódico La Hora, en que se afirmaba que el doctor Arnulfo Árias contaba con el respaldo de la Policía Nacional. En este estado, no habiendo más preguntas que hacer al declarante, se dió por terminada la presente diligencia, que se firma para constancia y luego de haber sido leída y encontrada conforme por el declarante. Se deja constancia de que las respuestas dadas por el declarante han sido tomadas taquigráficamente y que corresponden a sus palabras textuales.

(fdo.) Lorenzo Barraza V.
El Presidente.

(fdo.) Heraclio Barletta B. (fdo.) Marco A. Robles
Los Comisionados,

(fdo.) José Antonio Remón C.
El Declarante.

(fdo.) Guillermo Jurado Selles,
El Fiscal,

(fdo.) Luis C. Abrahams V.
El Secretario.

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El Dr. Arnulfo Árias se
abstiene de presentar defensa.

Honorable señor Presidente de la Asamblea Nacional.

E. S. D.

Ayer otorgué al doctor J. N. Lasso de la Vega poder para que actuara como mi defensor en el juicio que ante la Asamblea Nacional se me sigue por el supuesto delito de extralimitación de funciones constitucionales.

Después de meditar sobre la conveniencia de plantear una defensa ante esa Corporación, he llegado a la convicción de que la Asamblea Nacional no actuará en mi caso con criterio jurídico y justiciero, sino meramente como un Tribunal políticos a merced de mis enemigos políticos y personales.

en consecuencia, he decidido abstenerme de presentar defensa alguna y esperar serenamente el fallo justiciero del Pueblo, de la Historia.

Revoco, por las expresadas razones, el poder que conferí al doctor José N. Lasso de la Vega.

Panamá, 22 de mayo de 1941.

(fdo.) Arnulfo Árias.

CERTIFICO: Que el anterior memorial fué entregado al Presidente de la Comisión Especial de Acusación por el Presidente de la Asamblea Naciona, hoy 23 de Mayo de 1951, manifestándole que lo había traído a la Asamblea el señor Alberto Vallarino Jr.

Por orden del Señor Presidente de la Comisión, lo agrego al expediente.

(fdo.) Luis C. Abrahams V.
Secretario.

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HONORABLE DIPUTADO PRESIDENTE DE LA ASAMBLEA NACIONAL.

Presente. --

Por este medio vengo a manifestar a usted que, en vista de que mi presencia no es necesaria, de acuerdo con el Artículo 2320 del Código Judicial, en la audiencia de la causa que esa corporación adelante contra mí por el supuesto delíto de extralimitación de funciones constitucionales, me abstendré de concurrir a ella.

Panamá, 24 de Mayo 1951.

(fdo.) Arnulfo Árias

Presentado personalmente por el Dr. Arnulfo Árias M. al suscrito Secretario de la Comisión Especial de Acusación, hoy 24 de Mayo de 1951. A las 10:45 a.m.

(fdo.) Luis C. Abrahams V.
Secretario.

El Miércoles 9 de Mayo de 1951, en las horas de la noche, esta Asamblea Nacional de Panamá,por derecho propio y en ejercicio. de. funciones judiciales, que indispensablemente debe cumplir tan pronto como se produzcan las infracciones de la Constitución o de la Ley cuyo conocimiento le compete (artículos 119 y 149 de la Constitución y artículos 61 y 63 del código Judicial, Ley 61 de 1946), acogió denuncia presentada por el ciudadano Elías Ramos Márquez, en contra del señor Arnulfo Árias Madrid, por haber decretado la derogatoria de la Constitución de 1946. Y esta Asamblea ordenó la suspensión provisional de Arnulfo Árias Madrid en el ejercicio de su cargo de Presidente de la República y llamó al ciudadano Alcibíades Arosemena, Primer Vice-Presidente, para que asumiera la Presidencia de la República de Panamá. Tales proveídos de esta Asamblea Nacional tuvieron cumplimiento en la realidad de los hechos.

Algunas horas después, por virtud de un nuevo Decreto de Gabinete el señor Arnulfo Árias Madrid y los miembros de su Gabinete, pese a que ya la Asamblea Nacional había suspendido, a Arnulfo Árias Madrid de su cargo de Presidente de la República, decidieron derogar el anterior Decreto de Gabinete, suscrito el 7 de Mayo de 1951, y restablecer la vigencia de la Constitución de 1946. La tarde del mismo día 10 de Mayo, después de una resistencia armada hecha a la Policía Nacional en acto de rebeldía a la suspensión en el cargo impartida por esta Asamblea, Arnulfo Árias Madrid, la mayoría de los miembros de su Gabinete y numerosos simpatizantes suyos se entregaron a la Policía Nacional y fueron conducidos a los Cuarteles de ésta.

Era necesario que el juicio contra Arnulfo Árias Madrid, iniciado por la Asamblea Nacional, continuara su trámite, de conformdad con el Libro III, Título V, Capítulo III del Código Judicial,y previas las diligencias procedentes, se señaló el día viernes 25 de Mayo de 1951, a las ocho de la mañana, para que tuviera lugar la vista oral de la causa, y como dicha audiencia se ha cumplido en los términos de la Ley, debe la Asamblea Nacional pronunciar sentencia.

Es innegable que a compete a esta Corporación conocer, exclusivamente, de la denuncia presentada por el ciudadano Elías Ramos Márquez en contra del ciudadano Arnulfo Árias Madrid, pues así lo establece el artículo 119, numeral 10., de la Constitución, y lo repite el artículo 61, numeral 10., des Libro I del Código Judicial (Ley 61 de 1946).

Se ha comprobado que el ciudadano Arnulfo Árias Madrid, en ejercicio, de su cargo de Presidente de la República, y en

el carácter de tal, suscribió un Decreto de Gabinete derogatorio de la Constitución de 1946. Numerosos testimonios que constan en los autos así lo acreditan; las publicaciones de la prensa nacional, traídas al expediente, así lo confirman, y media también, fundamentalmente, la propia confesión del acusado, Árias Madrid, elementos probatorios que comprueban de modo definitivo y contundente que el acusado atentó contra la Constitución Nacional. Porque desde el punto de vista jurídico, la Carta Magna, la Constitución, es una Super-Ley, es el Estatuto de absoluta preeminencia jurídica en una República democrática, que ni el Organo Ejecutivo ni el Organo Judicial, de Estado, pueden derogar o sustituír por otra Constitución. Únicamente el Organo Legislativo, siguiendo estrictamente los procedimientos que la propia Carta Magna establece, puede reformarla. Esta doctrina jurídica, de universal aceptación, se concreta en el artículo 256 de la Constitución Panameña, principalmente, y en algunas otras disposiciones de la misma.

En efecto, el artículo 121, ordinal 1o., de la Constitución estatuye que "es prohibido a la Asamblea Nacional expedir leyes que contraríen la letra o el espíritu de esta Constitución"; su artículo 167 confíla la guarda de la integridad constitucional a la Corte Suprema de Justicia; y su artículo 19 obliga a las autoridades de la República" (entre las cuales es encuentra el Presidente del Estado) a "cumplir y hacer cumplir la Constitución y la ley". Por otra parte, y especialmente, es atribución del Presidente de la República, (artículo 143, ordinal 2o. de la Constitución), "velar por el funcionalmiento regular de la administración y POR LA CONSERVACIÓN DEL ORDEN PÚBLICO".

En forma genérica y en forma directa, concreta, la propia Constitución obliga, pues, al Presidente de la República, a mantener su vigencia, señalándole el alto deber de cumplirla y hacerla cumplir.

Y en el artículo 148, ordinal 1o, le hace responsable "por extralimitación de funciones constitucionales", sancionándolo con "la pena de destitución y de inhabilitación para ejercer cargo público por el término que fije la Ley".

Si el Presidente Arnulfo Árias Madrid profirió un Decreto derogatorio de la Constitución vigente, aprobada en 1946, incurrió en las más abierta y flagrante extralimitación de sus funciones constitucionales, al valerse indebida y antijuridicamente de sus facultades y poderes de Presidente Constitucional de la República, para decretar la derogatoria de la Constitución de 1946 y su sustitución por la de 1941. Cuando un Presidente de la República a quien la Carta Magna

le impone el sagrado deber de acatar y hacer cumplir su letra y su espíritu, se rebela contra la misma Constitución y dispone derogarla ocurre un atentado insólito en el que dicho Presidente transgrede todos los límites de sus funciones constitucionales, haciéndose reo del delito de extralimitación de dichas funciones, previsto por el articulo 148, ordinal lo, de la Constitución Nacional.

No puede arguirse, para negar este acto atentatorio de la Constitución Nacional perpetrado por el ciudadano Arnulfo Árias Madrid, que el aludido Decreto de Gabinete no fué publícado en la Gaceta Oficial; que dicho acto no tuvo vigencia efectiva, o que fué derogado por otro Decreto de Gabinete. Hay una antítesis insoluble, cuando se contrasta el argumento de que el primer Decreto de Gabinete no estuvo en vigencia porque no fué publicado en la Gaceta Oficial, con el de que esa vigencia no se produjo porque otro Decreto de Gabinete derogó el primero, pues el último tampoco ha sido publicado en dicha Gaceta, y si el Decreto de 7 de Mayo no se estima existente o digente porque no fué promulgado, no hay lógica en alegar que, además, tampoco tuvo existencia o vigencia debido a su derogatoria posterior, el 9 de Mayo, ya que este último no recibió promulgación. Pero esta Asamblea es del criterio de que el aspecto de la publicación en la Gaceta Oficial, de los Decretos de Gabinete mencionados, es algo adjetivo en la presente causa penal, que versa sobre actos atentatorios realizados en contra de la Constitución. Lo que, en rigor jurídico, corresponde determinar es si hubo o no algún acto derogatorio de la Constitución de 1946, cumplido por el ciudadano Arnulfo Árias Madrid, mientras ejercía el cargo de Presidente de la República. Y efectivamente lo hubo como se ha acreditado hasta por la propia confesión del acusado Árias Madrid. Del mismo modo, no puede esta Asamblea perderse en elucubraciones sobre si tal acto tuvo o no vigencia, desde el punto de vista de la técnica jurídica, por la sencilla razón de que la figura delictiva prevista en el artículo 148 de la Constitución Nacional, ordinal lo., no exige, como uno de los elementos de la conducta típica que sanciona, la circustancia de que el acto extraconstitucional se hubiese perfeccionado.

Sin embargo, en el caso en estudio, de autos constan evidencias escritas de que el Decreto por medio del cual se derogó la Constitución de 1946 y se puso en vigencia la de 1941, cumplió sus efectos, con agravio a la norma. Tal ocurrió con la expedición a posteriori del Decreto No. 782 de Mayo 9 de 1951 por medio del cual se violó el derecho constitucional a la libre expresión del pensamiento, colocando las empresas periodísticas y de radio-difusión bajo la censura previa del

Organo Ejecutivo y ordenando la clausura de la Radio Continental. De igual manera, en la Provincia de Coclé el Gobernador destituyó Alcaldes elegidos por el pueblo y procedió a nombrar, escogidos por sí mismo, fundado en la Constitución de 1941, los que debían reemplazarlos.

Ante tales hechos, es evidente que el acto dictatorial por medio del cual se derogó la Constitución de 1946, configura flagrante violación de la norma institucional de la República.

Ahora bien, tampoco es aceptable pensar que el llamado Decreto de Gabinete, proferido el 9 de Mayo de 1951, modifique en modo alguno la situación jurídica del acusado, como si con tal acto se hubiera ejecutado, un desistimiento o un arrepentimiento voluntario. No debe olvidarse que desde las últimas horas del 9 de Mayo de 1951, al posesionarse de la Presidencia de la República el Primer Vice-Presidente, señor Alcibíades Arosemena, ante la Asamblea Nacional, ya el señor Arnulfo Árias Madrid había dejado de ser Presidente de la República en ejercicio activo de su alto cargo, en virtud de la suspensión provisional que del ejercicio de sus funciones de Presidente, decretó esta Corporación, en uso de legitimas facultades judiciales. Careciendo de la investidura de Presidente, que le fué retirada en las últimas horas del 9 de Mayo, Arnulfo Árias Madrid carecía de potestad constitucional y legal de toda clase, y ni siquiera formalmente podía dictar Decreto de Gabinete alguno, como erróneamente lo hicieron él y las personas que integraban su Gabinete. El supuesto Decreto de 9 de Mayo es lo que la doctrina jurídica denomina un acto legalmente inexistente, porque quien lo profirió diciéndose Presidente de la República carecía de ésta y de toda otra investidura legal, en la fecha indicada.

De ahí que la situación jurídica que se le presenta a la Asamblea Nacional sea bien precisa y clara; un Presidente que ha pretendido subvertir el orden público decretando la derogatoria de la Constitución, cuando ésta le obligaba a acatarla, a cumplirla y hacerla cumplir. No puede haber duda de que tal Presidente se extralimitó en sus funciones constitucionales incurriendo en la máxima extralimitación, consistente en decrotar la derogación de la Carta Magna.

No le es posible a esta Asamblea dejar inadvertida la actitud de repudio asumida por todos los sectores populares en contra de la arbitraria y autocrática determinación de Arnulfo Árias Madrid que ha originado el presente juicio. La indignación general ante el criminoso empecinamiento del acusado llevó al pueblo panameño hasta el secrifico heróico,

que culminó con el derramamiento de sangre y la muerte de numerosos ciudadanos.

La Asamblea Nacional, como representante genuina de ese pueblo que exponiendo su vida hizo prevalecer el orden constitucional, no podría, sin faltar a su deber, contrariar la soberana voluntad popular que está en armonía con los mandatos de la Constitución y de la Ley.

Debe indagarse, ahora, la pena o penas aplicables al delito consumado por Arnulfo Árias Madrid. A tal respecto, la misma Constitución, en su artículo 148, última parte, dispone que para el caso de extralimitación de funciones constitucionales, por parte del Presidente de la República, "la pena será de destitución y de inhabilitación para ejercer cargo público por el término que fije la Ley". Siendo ésto así no ofrece dificultad de ningún género arribar a la conclusión de que debe imponérsele a Arnulfo Árias Madrid la pena definitiva de destitución del cargo de Presidente de la República, que ejercía hasta el 9 de Mayo de 1951.

En cuanto a la inhabilitación para ejercer cargo público, la misma Constitución establece que ésta será por el término que fije la Ley. Y la Ley que señala penas principales y penas accesorias es la denominada Código Penal (Ley 6a. de 1922 y demás Leyes que la modifican), al que necesariamente ha de acudirse, para fijar el término de interdicción de funciones públicas que corresponde al Presidente de la República que se hace culpable y punible de extralimitación de sus funciones constitucionales. Al efecto, al artículo 25 del citado Código gradúa la pena de interdicción o inhabilitación en perpetua y temporal, y esta Asamblea es del criterio, que juzga razonable, justo y jurídico, de que la gravedad del delito perpetrado por el ciudadano Arnulfo Árias Madrid, le hace acreedor a la perpetua inhabilitación para ejercer cargo público.

Por las consideraciones que preceden, LA ASAMBLEA NACIONAL DE PANAMÁ, en ejercicio de sus funciones judiciales, consciente de su responsabilidad histórica, y administrando justicia en nombre de la República y por autoridad de la Ley, DESTITUYE del cargo de Presidente de la República al ciudadano ARNULFO ÁRIAS MADRID, varón, mayor de edad, casado, panameño, y lo condena igualmente a la pena de inhabilitación perpetua para ejercer cargo público, por considerarlo CULPABLE del delito de extralimitación de sus funciones constitucionales.

LA ASAMBLEA NACIONAL declara que el ciudadano ALCIBÍADES AROSEMENA continúa en el cargo de Presidente de la República

de Panamá, en su carácter de Primer Vice-Presidente debidamente posesionado ante esta Asamblea, hasta el fin del presente período constitucional, que termina el 1o. de Octubre de 1952.

Se advierte que esta decisión no afecta, en ningún sentido, cualesquiera otros procesos que se sigan o puedan seguirse contra el acusado Arnulfo Arias Madrid ante los Tribunales Ordinarios de Justicia.

Notifíquese y comuníquese al Organo Ejecutivo, para su publicación en la Gaceta Oficial.

El Presidente,
(fdo.) César A. Guillén

(fdo.) Arcadio Aguilera
(fdo.) Alfredo Alemán Jr.
(fdo.) Álvaro Abel Álvarez
(fdo.) Juan B. Arias
(fdo.) Gustavo A. Arosemena B.
(fdo.) Bernardino González Ruíz
(fdo.) Carlos H. Haris G.
(fdo.) Pantaleón Henríquez Bernal
(fdo.) Demetrio Decerega
(fdo.) José de la C. Melo
(fdo.) Guillermo Jurados Selles (Salvo voto).
(fdo.) Joel Benjamín
(fdo.) Reginaldo Macías
(fdo.) Jorge E. Illueca
(fdo.) Octavio R. Durán
(fdo.) Felipe O. Pérez
(fdo.) Luis Quintero Celerín
(fdo.) Carlos Raúl Morales
(fdo.) Azael Vargas
(fdo.) Jerónimo Almillátegui.
(fdo.) Agustín Jaén.
(fdo.) Heraclio Barletta.
(fdo.) Israel D. Barrera.
(fdo.) Lorenzo Barraza V.
(fdo.) Olmedo Fábrega
(fdo.) César Arrocha Graell
(fdo.) Pablo Barés
(fdo.) Aquilino E. Boyd
(fdo.) Juan Manuel Méndez Mérida.
(fdo.) Gregorio de Los Ríos
(fdo.) José Della Togna
(fdo.) Alejandro González Revilla
(fdo.) Moisés Méndez Mier
(fdo.) Efraín Miró G.
(fdo.) Mario Porras
(fdo.) Absalón Pinzón Carrizo
(fdo.) Federico G. Sagel
(fdo.) Marco A. Robles
(fdo.) Plinio Varela.

. . . . . .

Acusaciones del Doctor Felipe Juan Escobar

PRESIDENTE GUILLÉN: Doctor Arias, ha oído usted las acusaciones que en este acto le han hecho tanto el Fiscal de la Comisión Especial de Acusación de la Asamblea Nacional, Honorable Jurado Selles, como el acusador, Doctor Felipe Juan Escobar. Usted como acusado tiene derecho a defenderse y a replicar a los cargos que se le han formulado en esta

audiencia. Desea usted, Doctor Árias, hacer uso de la palabra para defenderse?

DOCTOR ARNULFO ÁRIAS MADRID: El pueblo es quien tiene que dar el fallo.

PRESIDENTE GUILLÉN: Pedimos silencio para poder continuar el proceso. Pueblo, mantente a la altura de la admiración mundial en que te has colocado.

Tanto el Fiscal como el Acusador han terminado sus alegatos y como el Doctor Árias, acusado, ha rehusado defenderse, se declara un receso de treinta minutos para redactar el proyecto de sentencia.

HM. ILLUECA: Magistrado Presidente, solicito que dé una nueva oportunidad al Doctor Arnulfo Árias a que se defienda, como una demostración al mundo americano de que el pueblo panameño no tiene intención de juzgar a un acusado sin ser oído.

PRESIDENTE GUILLÉN: Con la venia de la Cámara se reanuda la sesión. Vamos nosotros a dar un ejemplo de civismo y permitir, a petición del Honorable Magistrado Illueca, que el Doctor Arnulfo Árias haga uso de la palabra.

Tiene la palabra el acusado.

DOCTOR ARNULFO ÁRIAS MADRID: "Vox populi, Vox dei". .. En mis veinte años de vida pública, me he dedicado a los intereses de la Patría; he buscado la manera de ayudar a la Patria, con patriotismo y con el mismo amor que ustedes le tienen. Pero, como bien lo dijo el Fiscal Acusador, ésta es una Asamblea política y me está juzgando políticamente. Yo quiero decir a ustedes que el pueblo no ha dictado su fallo; él lo dictará a su debido tiempo.

PRESIDENTE GUILLÉN: Pueblo panameño, pórtate altivo y digno. Se decreta un receso de treinta minutos y se pide a todos los que están en el recinto que se retiren porque los Magistrados vamos a deliberar. (6:05 p.m.)

Los Diputados Magistrados salieron del recinto para reunirse en sala de deliberación.

PRESIDENTE GUILLÉN: Tiene la palabra el Honorable Magistrado Lorenzo Barraza.

H.M. BARRAZA: Para presentar a la consideración del Tribunal el proyecto de sentencia.

PRESIDENTE GUILLÉN: Sírvase darle lectura, señor Secretario.

SUB-SECRETARIO ESPINO: De lectura al proyecto de sentencia, que dice así.

## IMPORTANT!

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