

REPORT ON CUBA

The Reasons Which Prompted the Senate Foreign Relations Committee to Favor Recognizing Her Independence.

In presenting to the senate the resolution from the committee on foreign relations, favoring the recognition of Cuban independence, Senator Cameron of Pennsylvania submitted a long report in explanation of the committee's action.

"Congress, at its last session, after long and patient consideration, adopted with practical unanimity the view expressed by your committee that the time had come for resuming intervention, and that the right for intervention in the view of her belligerency's government, and whose concurrence in the absence of protest or objection by any other power made Russell's view the accepted practice of Europe."

"Canning's recognition of Greek belligerency in 1823, as the joint action of the Southern Confederacy of America, and which at that time was adopted for the same reason that Spain having declined to listen to any representation founded on an understanding between herself and the insurgents, and congress, having pledged itself to friendly intervention, the only question that remained to be decided is the nature of the next step to be taken, with proper regard to the customs and usages of nations."

"Before deciding this question, your committee has preferred to examine with some care all the instances which have occurred in which a majority of European powers claiming independence by right of revolt. The inquiry has necessarily led somewhat far, especially because the right of revolt or insurrection, if instruction can be properly called a right, seems a very natural step, and one which should be taken with it a corresponding intervention."

"For convenience we have regarded both insurrection and intervention as recognized rights and have attempted to ascertain the limits within which those rights have been exercised, and their form adopted by general consent of nations."

"The long duration of the French revolutionary wars which disturbed the entire world for five and twenty years, and led to a general adoption of the principles fixed the beginning of our modern international systems at the year 1815 in the treaties of Vienna, of Paris, and of the Holy Alliance. The settlement of local disturbances under the influence of the powers parties to these treaties was to be left to the discretion of agreement until 1821, when the Greeks rose in insurrection against the sultan. The modern precedents of European insurrection and intervention where independence was the issue involved began with Greece."

THE GREEK PRECEDENT.

"The recognition of Greece has occurred at the end of March, 1821. Within a month the rebels got possession of all the open country, and all the towns except so far as they were held by Turkish garrisons. The sultan waited at Constantinople; several hundred merchants were massacred; several hundred churches were destroyed, and the Russian ambassador insulted."

"At Tripoli, in November, 1829, the three Powers—Russia, Austria, and Prussia united in signing a protocol expressly intended to assert the right of intervention in all cases where a European power 'should suffer' in its internal regime, an alteration brought about by the action of another power, of which are mentioned for other signs."

"The language of this protocol had much to do with the subsequent course of events: 'Faithful to the principles they have proclaimed and the respect due to the authority of every legitimate government as well as to every act of violence committed by the usurped powers will engage to refuse their recognition to changes consummated by illegal methods.' When states where such changes shall have been effected shall cause their contributions to bear the responsibility of the aggressor, and when the allied powers can exercise in regard to them an effeminate and benevolent action, they will employ, in order to restore them to the bosom of the alliance, at first friendly processes; in the second place, coercive force; if the exercise of that force becomes indispensable."

After reviewing the diplomatic contest this produced, the report proceeds:

"In the whole discussion, from March 1821, until January, 1823, the right of intervention was never disputed except by Turkey, who, in the course of the law was stated in conversation between the ambassador and the Turkish minister. The Turk took the ground that everything had been done by Turkey if she had satisfied her treaty obligations. Everything as against France was agreed to, but not against the British ambassador, but not according to the allies and friends of the Porte."

"According to Turkish law it was not allowed to leave a house in a condition that endangered a neighbor's safety. The Turkish government believed it had removed the old standard of the Porte, and Lord Stratford feared they were mistaken. 'God forbid,' said the Turks, 'but in any case this would be our affair, not yours.' 'God forbid,' repeated Lord Stratford, 'for this is our affair, not yours.'

CANNING'S VIEW OF BELLIGERENCY.

"This was the situation when Lord Castlereagh died and George Canning became prime minister of England. He began by recognizing Greek belligerency. The Greeks issued a proclamation declaring a strict blockade of the ports of Patras and Lepanto, and thereupon the English ambassador, on the 17th of November, 1823, recognized this communication from persons exercising the functions of government in Greece, and ordered 'all ships and boats of whatever description, bearing the Ionian flag to respect the same in the most strict manner.'

"This seems to have been the step leading to Canning's somewhat famous definition of the nature of belligerency. In 1825 the Turkish government, we are told, complained that the British government allowed to the Greeks a belligerency which did not exist, and that it appeared to forget that subjects in rebellion no national character could properly belong."

"To this remonstrance Canning replied, through the British resident at Constantinople, that 'the belligerency was not so much a principle as a fact; that a certain degree of force and consistency acquired by any mass of population engaged in war entitled that population to be treated as a belligerent, and even if their title were questionable, rendering the interest, well understood, of all civilized nations so to treat them.'

"This pronostication must have seemed somewhat broad, even to Canning, for applying it to the special case in question, he added that 'the community, all of which you will, which was at war with another, and which covered the sea with its cruisers, must either be acknowledged as a belligerent or dealt with as a pirate.'

"At that time no other power made any demand of this alternative, since the war had then lasted four years without producing it; but what no other power was ready to admit in 1825 became the accepted law of all Europe in 1859 in a form much more compact."

"Although this dictum of Canning's was never, so far as we know, officially published, it was quoted by Lord John Russell, then her majesty's principal secretary of state for foreign affairs, in his speech which he made in the house of commons, May 6, 1861, as his single and sufficient authority to

justify the step upon which he and his colleagues in the government had decided, of recognizing the belligerency which he locally called the 'Southern Confederacy of America,' and which at that time was known as the 'Confederacy of the South.'

"The six precedents therefore, constituting the basis of the American system, in the affairs of foreign states who saw their situation should 'tend to endanger its own safety or the political equilibrium on its frontier.' As far as is known, other governments in Europe, with the exception of Russia, have not adopted this principle in the establishment of this precedent.

"If any government recorded a protest it was that of the United States, but even the United States protested only by interference from the acts and language of the Spanish government, and the opinion of private persons, whether jurists or politicians, being without sanction could not be accepted as law.

"From this body of precedent it is clear that Spain has invariably asserted and practiced the right to intervene, amicably and forcibly, in every instance except that of Poland, where a European people has resorted to insurrection to obtain independence.

"The Spanish government, however, has not been able to claim any success in its efforts to recognize the independence of any of the three powers on July 6, 1823, United in a formal alliance, the United Kingdom, France and Russia, which committed them to armed intervention in case the sultan should prove to be firm and stable her independence would be speedily recognized by that enlightened body."

"The Russian intervention brought the Hungarian revolution to an end in October all resistance was over, and when congress met early in December, 1849, President Taylor's amendment was adopted, whatever that in his new government should prove to be firm and stable her independence would have been American policy.

"To some expressions in the instructions of the American government referred to take execution. He protested accordingly. Daniel Webster had then become secretary of state and replied to the protest in a paper known as the Hulme letter, in which he declared that he believed it to be the American policy and the law in regard to new nationalities claiming recognition.

RIGHTS REGARDING INTERVENTION.

"Of course, however, of prudence naturally arises in reference to new states brought by successful revolution into the family of nations; but it is not required of neutral powers that they should await the recognition of the new government by the parent state.

"No principle of law or law of nations can reasonably be based upon the last thirty years by the great powers of the world than this. Within that period of time all resistance has been overcome by the great powers of Spain, Russia, France, and England, and the United States, in the name of the colonial dominions of Spain on this continent, and in Europe, the same has been done, done in the same way, and Greece. The existence of all these governments was recognized by some of the leading powers of Europe as well as by the United States before it was acknowledged by the parent state.

"The report then turns to the experience of Asia. In regard to Asia, the report concludes that the Spanish government, and all authorities agree that the entire fabric of the European supremacy, whether in Asiatic Turkey, Persia, Afghanistan, India, and China, rests on the right of intervention.

PRECEDENTS IN AMERICA.

"The American precedents are divided into two classes. The first class consists of the Spanish government, and the second in its legislative character.

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