



THE DOMINICAN REPUBLIC CRISIS, 1965:
THE LEGALITY AND MORALITY OF UNITED STATES' ACTIONS


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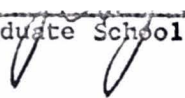
Lynette Bishop Relyea

A THESIS

Approved: 

Committee 

Approved:  /

Dean of the Graduate School 

THE DOMINICAN REPUBLIC CRISIS, 1965:
THE LEGALITY AND MORALITY OF UNITED STATES' ACTIONS

A Thesis
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by
Lynette Bishop Relyea
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ABSTRACT

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Purpose

The purpose of this study was to briefly survey the early history of the Dominican Republic, examine the background causes of the revolution which erupted in April, 1965, determine the events of the first week of the crisis and reasons for sending United States troops, and ascertain the legality and morality of United States' actions.

Methods

The methods used to obtain the data for this study were to read and analyze carefully White House press releases and presidential news conferences concerning the Dominican revolution, publications of the Department of State, statements by individual members of Congress and Congressional committees, and articles in contemporary newspapers and periodicals.

Findings

From the data presented in this study the following conclusions were made:

1. The United States' decision to land troops in the Dominican Republic violated the sovereignty of the people of the Dominican Republic, the charter of the Organization of American States, and the charter of the United Nations; thus the actions of the United States were illegal.

2. The United States attempted to find moral justification for sending troops into the Dominican Republic by stating that the troops were being sent to protect the lives of United States' citizens caught in the revolution; however, later it was revealed that troops were sent to prevent what President Johnson feared would be "another Cuba."

3. The United States' actions in the Dominican Republic prevented a democratic revolution from occurring and alienated many of our allies.

Approved:

Supervising Professor ✓

CHAPTER I

INTRODUCTION AND EARLY HISTORY

President Lyndon B. Johnson's decision to send United States troops into the Dominican Republic when a crisis developed there in April, 1965, raised many questions as to the legality and morality of United States intervention in the affairs of other countries. The purpose of this study is to briefly survey the early history of the Dominican Republic, examine the background causes of the revolution, determine the events of the first week of the crisis and reasons for sending troops, and ascertain the legality and morality of United States actions.

The Dominican Republic occupies the eastern two-thirds of the island, Hispaniola; the western third of Hispaniola is occupied by Haiti. Approximately 3,900,000 people live in the Dominican Republic which covers an area of 18,816 square miles. Of the population approximately fifteen percent are Caucasian; fifteen percent, Negroes; and seventy percent, mixed. The annual population growth rate is three and one-half percent, one of the fastest rates in Latin America. Seventy percent of the population live in the rural areas and are dependent on agriculture for a living. The state religion is Roman Catholic although all religions are tolerated. The illiteracy rate is more than fifty percent.¹

Ever since the Italian explorer Christopher Columbus discovered the Dominican Republic in 1492, the history of this Caribbean island nation has been one of turmoil. The first tragic chapter in its history was written only one year after the discovery of that fertile land. Columbus left behind a small Spanish

colony of thirty-nine men when he returned to Spain to tell Their Catholic Majesties, Ferdinand and Isabella, of his discovery of Hispaniola, present-day Dominican Republic and Haiti. When he returned in 1493, he found that the natives had massacred the Spaniards who had abused Indian women and seized Indian supplies.² The Spanish retaliated, and as the Spanish priest, Bartolome de las Casas, who accompanied Columbus to the New World, reported in his book, Historia de las Indias, "This was the first injustice . . . that was committed in the Indies against the Indians, and the beginning of the shedding of blood, which has since flowed so copiously in this island."³ Subsequent chapters of cruelty and tragedy have been written concerning the Indians and their enslavement; epidemics of strange diseases and yellow fever; Spanish neglect when richer lands in Mexico and Peru were discovered; invasion, domination, terror and misrule from neighboring Haiti; revolution and counter-revolution; political instability characterized by dictators and self-seeking politicians; poverty; corruption; and bankruptcy.⁴

Spain's authority over the Dominican Republic, or Santo Domingo, as the colony came to be known, is divided into three periods, from 1492 to 1795, 1809 to 1822, and 1860 to 1863. There were intermittent periods of Haitian rule and attempts at independence. The initial and longest period of Spanish rule extended from discovery in 1492 to July, 1795, when Spain, in the Treaty of Basel, ceded the eastern two thirds of the island to France who had already colonized the rich, mountainous western third of the island. This first Spanish era was characterized by absolute rule of the

Audiencia, or superior court, and the Inquisition; by disasterous earthquakes and epidemics; by looting and burning of coastal cities by the English "sea dogs;" by sporadic raids by French buccaneers; by attempts at colonization by the English, French, and Haitians; and, until the beginning of the eighteenth century, rigid controls and restrictions on trade.⁵

After the Treaty of Basel, the Spanish colonists, concerned about the massive slave uprisings on the western part of the island led by the brilliant Negro, Toussaint L'Ouverture, appealed to Madrid for help, but the appeals went unheeded. L'Ouverture was virtual dictator over the French colony, Saint-Domingue by 1800; taking over Santo Domingo in 1801, he named himself governor for life and chief of the armies, and then freed all the slaves. The next year Napoleon, then the First Consul of France, sent an army under his brother-in-law, General Charles Leclerc, to the island to establish French control over Santo Domingo, the key to the French plan of expansion in the Americas. L'Ouverture, betrayed by his principal followers, was captured within three months and sent to France in irons. Jean Jacques Dessalines, who replaced L'Ouverture, defeated Leclerc and on January 1, 1804, proclaimed the independence of Haiti, formerly called Saint-Domingue. The French were no longer in control of Haiti but still retained control of Santo Domingo until 1809 when Spanish colonists, aided by England, re-established sovereignty over the eastern part of the island. By the Pact of Bon-dilla, signed December 13, 1808, the Spanish colonists declared their loyalty to the Spanish king, Fernando VII.⁶

The second period of Spanish rule thus began. During the period from 1809 to 1822, the inept Spanish king left a legacy of neglect and misrule. Economic conditions deteriorated and self-seeking politicians, reaping large benefits, took little interest in the welfare of the colonists. Dominican historians refer to this period as the reign of España boba, or "Silly Spain."⁷ In November, 1821, tired of Spanish misrule, Dominican creoles, led by José Nuñez Cáceres, seceded and formed Spanish Haiti. They immediately sent an emisary to Simón Bolívar in Bogota to seek admittance to the newly formed Republic of Gran Colombia. Before the request reached Bolívar, the mulatto President of Haiti, Jean-Pierre Boyer, occupied Santo Domingo.⁸ Cáceres handed the keys of the city to President Boyer, literally on a silver platter on February 9, 1822.⁹

The next chapter which was written in the history of the Dominican Republic was one of deterioration characterized by heavy emigration of white settlers because their land was being confiscated; emancipation of Negro slaves; domination of the government by French-speaking mulattoes; and the closing of businesses, churches, and schools. Sumner Welles in his classic history of the Dominican Republic, Naboth's Vineyard, characterized this period as the "years during which the Dominican colony slept a sleep which was almost that of death."¹⁰ In all this confusion one constructive achievement emerged, the publication of laws based on the Code of Napoleon.¹¹

In this chaos there was no attempt to recover independence until Juan Pablo Duarte returned from Europe in 1838, and with a few Spanish-speaking creoles and mulattoes, organized a secret society,

La Trinitaria, pledged to oust the Haitians. The organization's chance came in 1843 when President Boyer was overthrown by Riviere Hérrard who wanted to arrest members of the society. Fearing they would either be arrested or betrayed, the members quickly carried out the plot against their oppressors who put up little resistance, and on February 27, 1844, declared their independence.¹²

Dominican unity was hard to maintain, and soon General Pedro Santana took over the capital, named himself President, and issued a constitution. He resigned in 1848 but regained power the next year, this time as head of the military. Santana, together with his ally, Buenaventura Baez, led the ruling body of the Dominican Republic. For the next nine years these two men see-sawed back and forth in power.¹³

During this period of upheaval, the revenues of the Dominican Republic dropped to scarcely one million dollars a year. Dominicans were also worried about Haitian invasions and became willing to give up their national government in return for protection of Spain, France, England, or the United States. It was not until 1860 that a foreign power was willing to assume control over the Dominican Republic. Queen Isabella II of Spain, in hopes of regaining a powerful empire, even though her country at home was failing, agreed to reign over the colony. No sooner had the Spanish taken over than the Dominicans began a two-year struggle for independence. Finally, the Spanish, weakened politically and militarily, and suffering from yellow fever, withdrew by July, 1865.¹⁴

For the next seventeen years revolutionary generals vied for power and a total of seven unsuccessful revolutions were fought while

sixteen chief executives held office.¹⁵ Some order was restored in 1879 when General Gregorio Luperón, assisted by his lieutenant Ulises Huereaux, became President. Huereaux followed Luperón in 1882 and controlled the presidency until 1899 when he was assassinated.¹⁶

Another period of political turmoil began. General Carlos F. Morales became President in 1904, and, because of fear of armed intervention by European powers, tried unsuccessfully to secure a treaty by which the Dominican Republic would be under United States protection for fifty years. Morales did reach an agreement with the United States by which income from Dominican custom houses, collected by United States agents, would be used to pay outstanding debts which the Dominicans had incurred. The Dominican Republic was on its way to financial recovery, but Dominicans accused Morales of being too pro-American. In danger of losing power, he failed in his attempts to get rid of his opposition and sought asylum in the United States Legation. One month later Ramon Caceres was inaugurated President. Conditions were stable in the Dominican Republic until Caceres was assassinated in 1911 and civil war broke out, continuing sporadically until 1916.¹⁷

The United States tried to stop the civil war in the Dominican Republic in 1914, and in that year Juan Isidro Jimenez became President. Later a revolt broke out against him, and United States Marines landed at Santo Domingo and occupied other key cities. In its long history of turmoil, the Dominican Republic had a brief eight-year stable period under United States military occupation. The occupational government established the training of a National Constabulary, organized the public treasury, reduced the public debt,

instituted an ambitious road-building and sanitation program, and expanded primary education. There was growing resentment of United States troops, and in July, 1924, after democratic elections were held, the United States troops were withdrawn.¹⁸

However, this period of democratic government was brief, because in 1930, Rafael Leonidas Trujillo Molina seized power and remained a dictator for the next thirty-one years. This era saw many economic accomplishments, but Trujillo's tyranny was well-known. By the mid-1950's opposition to Trujillo began to mount, and there were several unsuccessful attempts to overthrow him. The career of one-man rule ended in May, 1961, when Trujillo's enemies assassinated him.¹⁹

After Trujillo's death, the United States helped establish political democracy in the Dominican Republic. Trujillo's successor to the presidency was Joaquin Balaguer, who remained in office until January, 1962, when he was forced out by a military junta headed by General Pedro Rafael Rodriguez Echevarria. On advice of United States Consul John Calvin and threats of the use of the power of United States warships just beyond the three-mile limit off Santo Domingo, Echevarria resigned and a counter-coup restored power to the Council of State, a seven-man committee formed in opposition to Balaguer. General elections were held on December 20, 1962, and Juan Bosch, identified with the democratic left as the candidate of the Dominican Revolutionary Party, won a clear majority. Opposition soon developed, and the right accused Bosch of being "soft" on Communism while the left accused him of capitulating to the forces of yankee imperialism. Bosch was removed by a military coup d'etat and a three-man civilian junta assumed power and retained it until December, 1963, when Donald

Reid Cabral, who promised new general elections in September, 1965, became President. However, revolution broke out again in April, 1965, and Reid Cabral was removed from office by young military men who opposed him.²⁰ It was in this unstable political situation that the latest chapter in the tragic social and political history of the Dominican Republic began. The eruption was to have hemispheric and world-wide repercussions.

CHAPTER II

THE CRISIS

The revolution which began in the Dominican Republic on Saturday, April 24, 1965, was the result of economic and political discontent on the part of several factions within the country. The country had been in a desperate economic state since January, 1965, when the economy reached its lowest point in forty years.¹ The workers on sugar plantations, opposing the lack of wages or very low wages, had gone on strike in April, and the President, Donald Reid Cabral, to impose his program of financial austerity, acted to break the strike. Another malcontent group, the businessmen, were displeased with the junta under Reid Cabral which forced businessmen to deposit forty percent of the cost of the goods they imported with the government.

At the same time, seven high-ranking military officers, holdovers from the Rafael Trujillo era, were fired because Reid Cabral feared they might be plotting to overthrow his government.² Reid Cabral had been serving not only as President, but also as Secretary of the Armed Forces since the former secretary, Victor Elby Vinas Roman, had resigned in January, 1965. Cabral's position was already weak and the removal of seven military men from office in April only hastened his decline.³

Combined with these three disgruntled elements were members of the Dominican Revolutionary Party, the party of former President, Dr. Juan Bosch. The Dominican Revolutionary Party wished to restore power to Bosch who had been living in San Juan, Puerto Rico, since

his overthrow on September 25, 1963. The United States was aware of the conditions in the Dominican Republic and had been giving economic aid and political support to Reid Cabral even though they knew that the Cabral government had little popular Dominican support.⁴ Under these conditions Bosch began to make arrangements to return to the Dominican Republic. His party and another, the Partido Revolucionario Social Cristiano, signed the Pact of Rio Peidras, agreeing to work together to "achieve the re-establishment of the constitutional order in the Dominican Republic."⁵ Unofficially allied with these two political parties were the largest Dominican labor organization, the Confederacion Autonoma de Sindicatos Dominicana, and an anti-Communist student group, Bloque Revolucionario Universitario Cristiano. Many professionals, as well as young people, joined the drive for Bosch's return. Particularly the young people "came to realize that the coup had brought shame and disaster on the country and that the only way out was a return to Bosch's constitutional regime."⁶

The stage for revolution was set. On Saturday morning a group of young military officers, calling themselves Constitutionalists, seized the Government's Santo Domingo radio station, demanded the restoration of constitutional government under Bosch, and declared that the Reid Cabral regime had been overthrown. The officers also announced at this time that two military barracks, the Sixteenth of August Camp and the Twenty-seventh of February Camp, just outside Santo Domingo, were in revolt against the Reid Cabral government and that the rebels, reportedly led by Mario Pena Tavaras, were holding as hostages the Army Chief of Staff, General Marco Rivera Cuesta, and his aide,

Colonel Maximiliano Americao Ruiz Batista. Shortly, however, policemen and troops loyal to Reid Cabral, retook the government station, declared a dusk-to-dawn curfew, and arrested several leaders of the rebellion, including Francisco Pena Gomez, "an idealist and emotional young Negro,"⁷ who had broadcast the announcement of the government's overthrow.⁸

Bosch, in whose name the revolt began, did not hear of the Dominican events until that afternoon. Bosch could not get into his country, because by that time, Reid Cabral had closed the international airport at Punta Caucedá. Bosch tried through his friends and associates, Abe Fortas, Jaime Benites, the Chancellor of the University of Puerto Rico, and Former United States Ambassador to the Dominican Republic, John Bartlow Martin, but was unsuccessful. According to Martin, it was not safe for Bosch to return since he might be killed and then the Dominican Republic would be without leaders.⁹

Later the same day, Reid Cabral, on nationwide television, stated that the situation was under control and then issued an ultimatum to the rebels to either give up the army camps they held or risk attacks.¹⁰ The rebels, calling the ultimatum ridiculous,¹¹ ignored the ultimatum to surrender by 5:00 a.m., and loyalist forces were ordered to attack rebel-held army headquarters buildings; however, the loyalists refused to obey Reid Cabral's orders and he resigned at 10:00 a.m. Colonel Francisco Caamano Deno, a rebel leader, announced the rebels' victory and installed Jose Rafael Molina Urena, former President of the Senate under Bosch, as provisional president. The loyalists, on the

other hand, opposed the rebel leader and sought to re-establish a military junta to run the country.¹²

The violence which had erupted on Saturday continued through Sunday. Air force planes from the San Isidro Air Base under the command of Brigadier General Elias Wessin y Wessin, who opposed the return of Bosch, strafed the Presidential Palace where Molina Urena and his staff were established. The destruction was considered as part of the air force's demand for a military junta. Rebel installations and other key points of the capital were bombed throughout the day.¹³

In the afternoon the Constitutionalist began arming civilians with weapons ranging from pistols to sub-machine guns. Thousands of incendiary bombs were being made by civilians who favored the army and provisional government and opposed the air force. There are many questions as to whom was behind the order to issue guns and start preparations of bombs.¹⁴ Possibly these devices were to be used to stop attacks by the Wessin y Wessin forces. Later in the crisis the United States claimed the order to arm civilians was part of a Communist plot to capitalize on the revolution. Meanwhile, the United States Department of State officials reported that they were "shocked" at the fighting, but it was too early to make a policy statement.¹⁵ However, according to Bosch, the United States had immediately started making plans to land troops in the Dominican Republic ever since the first news of the revolt was heard in Washington, even though the White House did not have all the information concerning "what kind of revolution was developing or was going to develop in the Dominican Republic."¹⁶

Fighting continued through Sunday night and Monday and reports indicated that the army and civilians were in control of Santo Domingo. Conditions became so critical by Monday night that the United States Navy was ordered to begin evacuation of United States citizens from the Dominican Republic the next day. The Navy was to be used because the international air port had been closed to commercial flights and United States citizens had no other way to leave the island.¹⁷ By Tuesday law and order had almost completely broken down. While United States citizens were waiting in the lobby of Santo Domingo's Hotel Embajador for evacuation, a group of soldiers in uniform burst into the lobby looking for "counter-revolutionaries." The soldiers forced some of the citizens to line up against the wall, but no one was injured in the incident.¹⁸ President Johnson later pictured the incident as near mass slaughter.¹⁹

About 4:00 Tuesday afternoon a group of rebels, led by leading figures of the uprising, Colonel Caamano and the Defense Minister of the Provisional Government, Colonel Miguel Angel Hernando Ramirez, who believed there had already been too much bloodshed, went to the United States Embassy where they were received by Ambassador William Tapley Bennett, Jr. They asked the embassy staff, according to Bennett's account, to persuade their acting president, Molina Urena, to resign. An embassy aide discussed the matter with Molina Urena, and later in the afternoon it was reported that the acting president had "tacitly accepted the formation of a military junta" and approved the calling of elections in September.²⁰ The United States had been watching the events in the Dominican Republic, and according to John W. Finney writing in the New York Times, "Administration officials

were expressing relief over the apparent collapse of the insurrection led by young army officers supporting the return of former President Bosch."²¹ By Tuesday night Molina Urena had received political asylum in the Colombian Embassy in Santo Domingo, and an unknown air force officer, Colonel Pedro Bartolome Benoit, had been named to head a new military junta.²² Other members of the junta were Colonel Enrique Apolinario Casado, representing the army, and Captain Santana Carasco representing the navy. Not only was the country experiencing armed violence and confusion, but now it was also without an effective government. The junta which had been formed was on paper only, and it functioned only at the San Isidro Air Base.²³

The rebels were still fighting on Wednesday, April 28, although it appeared for a time that their revolt had failed the day before. Later it would be claimed that the Communists may have helped the rebels re-group and re-arm over night, thus enabling them to resume fighting. There was no proof of this and at the time the State Department could not document the presence of Communists.²⁴

On this day Benoit's junta requested United States assistance. Finney, writing in the New York Times, predicted that this request "may provide the public rationale for the next American step, for the Administration could then argue that the United States had moved in to help restore law and order at the request of Dominican authorities."²⁵ On Wednesday Washington announced a very important decision to land 400 Marines on Dominican soil. President Johnson announced:

The United States Government has been informed by military authorities in the Dominican Republic that American lives are in danger. These authorities are no longer able to guarantee their safety, and they

have reported that the assistance of military personnel is now needed for that purpose.²⁶

He further added that troops had been ordered to the Dominican Republic to "give protection to hundreds of Americans who are still in the Dominican Republic and to escort them safely back to this country."²⁷ He also offered the same assistance to other nations. With Johnson when he made his decision were Secretary of Defense Robert McNamara, Secretary of State Dean Rusk, Special Presidential Assistant for National Security Affairs McGeorge Bundy, Special Assistant Bill Moyers, Undersecretary of State George W. Ball, and newly-sworn in director of the Central Intelligence Agency William F. Raborn. Johnson's decision to land troops was based on 237 individual conversations and about thirty-five meetings with various people since the crisis developed. Finally, after a unanimous plea from the Ambassador, CIA director, United States Information Agency, the army, navy, and air force, Johnson made his decision.²⁸ The request for assistance has been very controversial, and it has been asserted that the United States solicited the request from the junta.²⁹

United States officials said that the United States was not taking sides in the conflict. Sources said some Communists had been identified in the country but did not suggest they controlled the rebellion.³⁰ The decision to land troops, the first landing of United States troops in the Caribbean in nearly forty years, was made between five and six o'clock Wednesday afternoon. Congressional leaders were called to a 7:15 p.m. meeting at the White House, "apparently only to ratify a decision irreversibly under way,"³¹ and it was announced to the country at 8:51. Johnson had been watching the situation since

Saturday. United States warships, including the carrier, Boxer, on a "training cruise" with 1,500 Marines aboard, had been off the Dominican coast since Sunday. The weekend movement of ships was classified as "precautionary."³²

On Wednesday night the Organization of American States hastily convened, and it was at this meeting that the other Latin American governments were informed of United States intervention.³³ The United States had violated the charter of the O.A.S. which prevents unilateral intervention, and immediately critics began to denounce United States actions.

Marines began landing by helicopter on Thursday, April 29. The announced purpose was to protect United States citizens' lives and to help with the evacuation of foreigners. The press said that troops would "support the forces of the Dominican military junta in their attempts to smash a Communist-infiltrated revolt that had already brought heavy casualties."³⁴ Heavy fighting continued through Thursday, and the embassies of the United States, Mexico, El Salvador, Guatemala, Peru and Ecuador were reportedly fired on by the rebels.³⁵ Fighting continued in the city of Santo Domingo, but the countryside was relatively quiet.

On Thursday the United States Embassy released a list of fifty-three Communists and their associates believed to be involved in the conflict. This list was later used by the United States to substantiate its claim that the pro-Bosch revolution was controlled by the Communists. People on the list were identified as members of the parties associated with Russia, Communist China, and Cuba.³⁶

Late Thursday night the O.A.S. adopted by unanimous vote a United States resolution calling for a cease-fire "in order to prevent any further loss of life or injury as well as material damages in the sister Dominican Republic."³⁷ The resolution also called for the establishment of an international zone of refuge in Santo Domingo. The zone included the area where most embassies were located. United States Ambassador to the Council of the O.A.S., Ellsworth Bunker, said that if the cease-fire were not heeded, "the United States must reserve its right to take the necessary measures to protect its own citizens and officials from violence in a situation of anarchy." He also stated, "We are not now talking about intruding into the domestic affairs of other countries," but "we are talking about the elementary duty to save lives in a situation where there is no authority able to accept responsibility for primary law and order."³⁸ Ambassador Bunker's speech foreshadowed the next step in the United States military buildup in Santo Domingo.

It was on Friday, April 30, that United States troops first entered into direct contact with the forces of Colonel Caamano. United States paratroopers were to drive an armored column into the heart of Santo Domingo, seal off a zone around the United States Embassy, and capture the Duarte Bridge which leads into Santo Domingo and was controlled by the rebels. It was in carrying out these orders that the United States forces suffered their first casualties. Up until this time the United States was supposedly in the Dominican Republic only to evacuate United States citizens; however, there were no United States citizens or other foreigners to be evacuated from

the area the paratroopers were ordered to capture. This new United States move was a military operation designed to serve a political purpose, the prevention of the overthrow of Benoit. This was direct intervention in the Dominican civil war, despite the continuing claims in Washington that the United States still remained neutral in the conflict.³⁹

While United States forces were fighting the rebels, truce negotiations were under way. Monsignor Emanuele Clarizio, the Papal Nuncio, and Ambassador Bennett held cease-fire talks with Colonel Benoit and his junta. Later, these men were joined by John Bartlow Martin, former United States Ambassador to the Dominican Republic, appointed by President John F. Kennedy. The peace formula was based on two conditions: the guarantee of safety to all persons in the Dominican Republic and that the O.A.S. should act as arbiter in the crisis.⁴⁰ The truce was signed first by Wessin y Wessin, representing the junta, then by other junta members. Rebel leader Colonel Caamano signed the truce the next day.⁴¹

President Johnson, in Washington, announced on television that the truce had been accepted in principle in Santo Domingo. He also stated:

There are signs that people trained outside the Dominican Republic are seeking to gain control. Thus, the legitimate aspirations of the Dominican people, and most of their leaders, for progress, democracy and social justice are threatened, and so are the principles of the inter-American system.⁴²

Johnson renewed his appeals for an end to the fighting and urged the O.A.S. to move rapidly to establish a permanent peace in the Dominican Republic. The United States was now, forty-eight hours after Marines

had landed, willing to turn over to the O.A.S. some of the responsibilities of the Dominican events.

The O.A.S. called a special meeting of foreign ministers to meet on May 1 at the Pan American Building in Washington, D.C. The Secretary General of the O.A.S., Jose A. Mora, and a five-man peace mission left Washington for Santo Domingo to discuss the situation with the Dominican military junta. In Santo Domingo, where the truce worked out by the Papal Nuncio was supposed to be in force, intermittent firing continued.⁴³

The White House announced on May 1 that the present troops in the Dominican Republic were not sufficient and ordered in two battalions of the Eighty-second Airborne Division, consisting of approximately 1,500 men. Additional attachments of Marines were also sent. President Johnson said, "These forces are engaged in protecting human life. It is our earnest hope that it will not be necessary for them to defend themselves from attack from any quarter."⁴⁴

The real motivation of the Administration's decision to land troops on Dominican soil was revealed on Sunday, May 2. Max Frankel of the New York Times had predicted the real motives the day before when he wrote:

The fear of "another Cuba" has been the main inspiration for the Johnson Administration's responses to the rebellion in the Dominican Republic.

That motivation for United States military and diplomatic intervention is becoming increasingly evident in official comments and briefings here, although in deference to Latin American sensibilities it has not been fully acknowledged in public.⁴⁵

The purpose was to prevent "another Cuba." The United States was beginning to admit publicly what had been evident in Santo Domingo for

several days. Even while maintaining they were neutral, the United States had actively opposed the Constitutionalist and had chosen the side of the "hard-line military," the three-man junta ruling from San Isidro Air Base.⁴⁶

President Johnson, speaking to the nation on television on Sunday night, first justified the landing of Marines in Santo Domingo Wednesday night to help protect the United States citizens there, a decision that few people seriously questioned. Then the President revealed his main reason for his responses to the rebellion in the Dominican Republic. He stated that the revolution had taken a "very tragic turn," and that Cuban-trained Communists had joined the revolution and taken increasing control. "And what began as a popular democratic revolution, committed to democracy and social justice, very shortly moved . . . into the hands of a band of Communist conspirators." Johnson continued, "The American nations cannot, must not, and will not permit the establishment of another Communist government in the Western Hemisphere."⁴⁷ Thus, the announced policy of the United States toward the crisis had changed. The United States policy toward the crisis was from "shock" to a humanitarian one, then to direct intervention in the affairs of another country's political and military problems. The past few days had seen a rapid growth in the number of United States troops on Dominican soil. Debates arose immediately in Congress, in newspapers at home and abroad, and in foreign legislative assemblies. There were assertions that the charters of the United Nations and Organization of American States, international law, and the sovereignty of the Dominican Republic had all been violated. Not only was the question of the legality of

United States action raised, but the question of the morality of United States action was also raised. Churchmen, scholars, and Congressmen raised the question of morality versus international law concerning United States intervention.

CHAPTER III

THE LEGALITY AND MORALITY OF UNITED STATES ACTIONS

To determine the legality of United States action in the Dominican Republic, it is necessary to examine the charters of the Organization of American States and the United Nations, to look at the historical background from which Latin American and United States opinions of law developed, and to determine the basis on which the United States attempted to find justification for sending troops into the Dominican Republic.

Civil strife is the "common denominator" of political life in Latin American countries.¹ In the periods of strife, characterized by plots and conspiracies against the government, foreign countries have often tried to intervene militarily, politically, or economically, to aid directly one of the contending factions.² Because of such actions by foreign countries, Latin American jurists have attempted through legal means to prevent foreign interference. Historian Samuel F. Bemis is of the opinion that the Latin American principle of non-intervention is a result of the foreign policy of the United States and the principles evolved by Latin American jurists and statesmen in opposition to European as well as United States intervention.³ Prohibitions on foreign interventions are found in various documents including the 1928 Habana Convention on the Duties and Rights of States in the Event of Civil Strife, the 1957 Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife, and the Charter of the O.A.S.⁴

Intervention, as defined in the O.A.S. Charter,

occurs when a state or group of states interferes, in order to impose its will, in the internal or external affairs of another state, sovereign and independent, with which peaceful relations exist and without its consent, for the purpose of maintaining or altering the condition of things.⁵

Intervention may refer to actions such as foreign aid, tariff policies, diplomatic representation, or public statements which involve one state in the affairs of another, or it may refer to non-actions, such as the failure to recognize a new government. The Charter prohibits a country from using power, as well as influence, in the affairs of another country.⁶

Three articles of the O.A.S. Charter specifically prohibit intervention. Article Fifteen states:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.⁷

Article Sixteen added:

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.⁸

Article Seventeen went further and declared:

The territory of a state is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever.⁹

The one exception to prohibitions of these articles is Article Nineteen which states:

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not

constitute a violation of the principles set forth in Articles 15 and 17.¹⁰

The basis for these articles lay in the continuing distrust of the United States involvement in Latin American affairs.¹¹ When the Charter was drafted, Latin Americans were at odds with the United States and wanted to limit that country's right to exert power and influence over its neighbors to the south.¹² Latin Americans were obsessed with the determination to bind the United States to a policy of non-intervention.¹³ By signing the Charter and accepting the principle of non-intervention as part of international law, American nations hoped to insure the independence and sovereignty of their countries.¹⁴

A major criticism of United States action in the Dominican Republic is that the United States intervened illegally in the affairs of the Dominican Republic by violating Articles Fifteen, Sixteen, and Seventeen of the Charter of the O.A.S. Article Six of the Rio Treaty, or the Inter-American Treaty of Reciprocal Assistance, which came into force on December 3, 1948, could have given the United States legal recourse in the Dominican crisis. This article states:

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack by an intra-Continental or extra-Continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.¹⁵

Thus, the United States could have called an urgent session of the

O.A.S. Council, asked that they invoke Article Six of the Rio Treaty, and by doing so, avoided an illegal intervention in the Dominican Republic. Some critics claimed that the O.A.S. did not have the right to intervene in the affairs of the Dominican Republic, but the O.A.S. is a jural personality, that is, it has a legal personality distinct from the personalities of the individual states of which it is composed. Article Fifteen of the Charter does not apply to the organization because it is a juridical entity. Therefore, the O.A.S. is not bound by the principle of non-intervention and may, through collective measures, intervene to assure continental peace and security. These collective enforcement measures were permitted by the American states when they agreed to the Rio Treaty and the Treaty of Bogota.¹⁶ One possible method for legal intervention in the Dominican Republic crisis would have been a multilateral intervention by the O.A.S. Even then, the O.A.S. was not to intervene on the behalf of either of the warring factions.

Some people argue that the principle of non-intervention is obsolete and it is impossible in today's world not to intervene in the affairs of another nation. Nevertheless, the United States is committed to the O.A.S. Charter, "not partially or temporarily or insofar as we find it compatible with our vital interests but almost absolutely."¹⁷ Even if the Charter is obsolete, it is not the responsibility of the United States to ignore its principles. If the Charter is to be changed, it is to be by due process of law.¹⁸

As Senator J. William Fulbright, Chairman of the Senate Committee on Foreign Relations pointed out:

Most Latin Americans would argue that, far from being obsolete, the principle of nonintervention was and remains the heart and core of the inter-American system. Insofar as it is honored, it provided them with something that many in the United States find it hard to believe they could suppose they need: protection from the United States.¹⁹

The Johnson Administration claimed that it did not have time to notify the O.A.S. of proposed United States action. Johnson told the nation on television on May 2 that "hesitation and vacillation could mean death for many of our people."²⁰ However, Johnson did have time to call leading members of Congress to the White House to inform them of the United States decision to send troops. The President did notify the O.A.S., but only after troops were ordered into the Dominican Republic. This still was not in compliance with the O.A.S. Charter and Article Six of the Rio Treaty which call for consultation before a collective decision is reached. Fulbright pointed out, one "does not comply with the law by notifying interested parties in advance of one's intent to violate it."²¹

United States intervention in the Dominican Republic was not only a violation of the Charter of the O.A.S. but also of the United Nations Charter. The United States breached Article Two, Paragraph One of the U.N. Charter which states that the "Organization is based on the principle of the sovereign equality of all its members," that is, freedom from external control. As far as relations between the states are concerned, this article is the key to the nature of the organization.²² The United States violated the sovereignty of the Dominicans by attempting to exert control over Dominican affairs. This is not a right given to one country alone. In fact, some

authorities find it hard to reconcile sovereignty with membership in the U.N., as well as the O.A.S.; however, the Charter accepts the idea that such membership does not violate sovereignty but that such membership is an exercise of this sovereignty.²³

The United States also violated Article Two, Paragraph Four which states:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.²⁴

The United Nations is an organization established to maintain peace and security, and for it to be successful, its members must respect this principle.²⁵ Part of this paragraph was added in response to the demands by certain smaller states in an effort to secure their "integrity and political independence."²⁶ This provision is also augmented by the Rio Treaty which prevents the use or the threat of force.²⁷ This paragraph does not prevent a State from using force within the State to put down uprisings, but it does prevent foreign interference with such an uprising.²⁸ The United States intervened in a civil war in the Dominican Republic and according to the U.N. Charter, did not have the right to do so. The question arises as to whether or not this principle would be violated if one member sent forces into the territory of another member for protection, on the assumption that the forces would be removed as soon as the threat was gone. It appears that Article Two would prevent such actions because these actions would violate the sovereignty and independence of that country.

The United States also violated Article Two, Section Seven, which states:

Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present charter.²⁹

This paragraph further reflects the desire of the state to protect their authority.

It is obvious then, from a study of these two charters that the United States violated the provisions set forth in these documents. President Johnson hoped to find legal justification for his actions, and one attempt at such was his declaration that the United States was sending troops because United States military aid had been requested. At the time the troops were sent, the Dominican Republic was experiencing civil strife. According to international law, civil strife is a domestic issue.³⁰ Civil strife is an internal affair because one group of people within the country is trying to establish its own government and the other group is trying to maintain domestic law. Civil war itself does not constitute a violation of international law.³¹ Therefore, no country has legitimate grounds for intervening in the civil strife unless with the consent of the state.³² The consent must be legal before a state may intervene.³³ Some jurists believe that in time of civil strife neither faction can speak as the legal representative for the whole country. Because of the civil strife, the identity of the legal representative would be in doubt and for that faction to give consent for foreign intervention would be without the approval of a large number of the country's citizens.³⁴

Intervention often tends to become a matter of policy rather than of law, and it was easy for the Johnson administration to find plausible reasons to justify an act of intervention. The President said that the United States had been invited by representatives of the government of the Dominican Republic to send troops. The Senate Foreign Relations Committee reported how the invitation was received in Washington. Colonel Benoit sent a message to Ambassador Bennett, which read:

Regarding my earlier request I wish to add that American lives are in danger and conditions of public disorder make it impossible to provide adequate protection. I therefore ask for temporary intervention and assistance in restoring order to this country.³⁵

A copy of the "earlier request" is not available, but Senator Fulbright said Benoit asked for troops to prevent a Communist take-over. No mention was made for the need to protect the lives of United States citizens. At this time, on April 28, there was no evidence of the threat of a Communist take-over. Fulbright explained what happened next:

This request was denied in Washington, and Benoit was thereupon told that the United States would not intervene unless he said he could not protect American citizens in the Dominican Republic. Benoit was thus told in effect that if he said American lives were in danger, the United States would intervene.³⁶

Benoit changed his position and Bennett forwarded the information to Washington.³⁷ Shortly, troops were dispatched. The Johnson Administration hoped, by getting an invitation to intervene, to have legal justification for its actions. However, Benoit was not the legal representative of the Dominican Republic. Both Benoit's junta and

the rebels were in the process of establishing themselves, and even President Johnson had admitted there was no longer a comparatively strong, established government in the Dominican Republic.³⁸ Foreign nations must maintain strict impartiality in the internal strife of another country and that includes the United States.

The United States also hoped to find a legal basis for intervention by stating that troops were being sent to the Dominican Republic to save the lives of United States citizens on Dominican soil when the crisis began. But could the United States legally do this? There appears to be little question, according to international law, that a state has a right and a duty³⁹ to protect its own nationals, but the controversial question is the relations between the state and citizens of foreign states.⁴⁰ To determine the legality of United States action, it is necessary to find out what Latin American and United States jurists have to say about the problem.

When a person from one country resides and does business in another country, he is subject, under the rules of international law, to the territorial jurisdiction of the foreign state in which he resides. The rules of international law compel a state to grant an alien at least equality before the law with its own citizens. At the same time, this person is subject to the jurisdiction of his state of origin, and, according to customary international law, he is due protection from his state if he is mistreated, according to internationally recognized standards.⁴¹ It is apparent that the presence of an alien can cause problems between the state of origin and the state of residence. This was particularly true when Latin American

countries in the late nineteenth and early twentieth centuries were characterized by newly organized and unstable governments. Many aliens questioned the merit of foreign justice and appealed to their home government to intervene on their behalf.⁴² The Latin Americans were fearful of intervention as a possible tool of economic and political imperialism and began to seek legal means to prevent an alien from appealing to his government for protection.⁴³ One result was the Calvo Clause, formulated by Carlos Calvo, an Argentine diplomat and writer of international law. Calvo based his theory on the accepted rule of equality of states and territorial jurisdiction. In general the doctrine stated that:

sovereign states, being free and independent, enjoy the right, on the basis of equality, to freedom from 'interference of any sort' . . . by other states, whether it be by force or diplomacy, and second, that aliens are not entitled to rights and privileges not accorded to nationals, and that therefore they may seek redress for grievances only before the local authorities.⁴⁴

This theory was accepted by Latin Americans, but the United States was very much opposed to the idea and has been unwilling to give up the right to secure justice and protect its citizens abroad, a right justified under generally recognized rules of international law.⁴⁵ The United States recognized the belief that an "injury to a national is an injury to the state of that national, thus giving the state rights of recovery."⁴⁶ Inter-American conferences which have been held since the doctrine was announced have devoted much time to the problem of diplomatic protection. The doctrine of equal treatment was proposed first at the First International Conference of American States, but the United States voted against the recommendation, stating the old concept of international law which gave aliens special protection.⁴⁷

At the Seventh Conference, the United States did sign the Convention on the Rights and Duties of States, which established the principle: "Nationals and Foreigners are under the protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals."⁴⁸ The question arose again at Bogota in 1948, and the United States took the position that nationals and aliens are subject to the jurisdiction of the state in which they reside but did not agree on the equal treatment of both nationals and non-nationals. The United States continued to maintain the belief that if an alien is threatened, the alien's government "may bring the matter to the attention of the authorities of the other state," and may intervene to protect its citizens.⁴⁹ The United States has made basic concessions to Latin Americans in an effort to win Latin American confidence and friendship. Through the years, particularly since President Franklin D. Roosevelt's Good Neighbor Policy, until the Dominican crisis, Latin Americans and the United States cooperated more and there was less distrust on the part of Latin Americans toward the United States and the Calvo Clause was needed less.⁵⁰ However, as the United States moved into the Dominican Republic, all the trust and cooperation which had been built up over the years deteriorated, and Latin Americans began to remember past interventions and the Calvo Doctrine.

The question still remains as to whether or not the United States could legally protect its citizens. It is a difficult question to answer. As Professor Frederick Dunn pointed out, it is

quite possible to erect a logically sound argument on either side of the case, so far as abstract theory is

concerned, and to support it by an impressive amount of precedents.⁵¹

However, in view of the considerations already made on the prohibition of the use of force against a state as set forth in the United Nations Charter and the Charter of the Organization of American States, it can be said that armed intervention by the United States was illegal. Professor Wolfgang Friedmann, Professor of International Law and Director of International Legal Studies at Columbia University, summed up the Dominican situation by saying:

Was this country, the mightiest country on earth, now committing several hundred thousand army, navy, and air force men thousands of miles away . . . , was this country acting in self-defense against a revolution led in one of the weakest and smallest neighboring states . . . even if some fifty known Communists were associated? If that is self-defense, then I think we can throw the U.N. Charter, the O.A.S. and any vestige of international law out.⁵²

Even if United States action could be somewhat justified, it must be admitted that for it to be so, intervention must be limited. United States action was anything but limited, since the number of troops sent was far in excess of the number needed to evacuate nationals.

President Johnson also hoped to win popular support and legal justification for his actions by stating that United States troops were in the Dominican Republic to prevent a Communist take-over. As has already been pointed out, countries have a right to choose their own government, and outside interference is prohibited by the charters of two major international organizations plus other treaties and agreements which have been signed. Because of these agreements, United States action could be classified as illegal.

But, does this mean that the United States must sit back and let

Communism take over a country close to the United States just because the United States has signed such agreements? This raises the moral question of what is "good" for the United States and what is "right" for the United States to do. There is a tendency among nations, as among people, to define "good" and "right" in terms of their own interests rather than in the interest of all mankind.⁵³ Many people in the United States interpret the moral issue involved in the Dominican Republic with the desire to defeat communism and to protect the United States and the Free World.⁵⁴ The state is regarded as an end in itself and all efforts must be made to preserve it and that for which it stands. As in international law, there are several moral principles which could be accepted, leaving nations with much discretion in interpreting the requirements of international morality. The United States pictured itself as promoting the good, not only for United States citizens caught in the Dominican revolution, but also for the soldiers who were fighting the rebels and for the supposedly misled rebels who had joined the revolt seeking a return to constitutional government, only to have their movement taken over by Communists. To the Dominicans, on the other hand, the United States' action was not right because the United States, a country born in revolution, would not permit a democratic revolution to continue, a revolution the Dominicans classified as "good." Thus, the United States concept of morality became a guide to United States actions, and it was this concept which caused much criticism to be heaped upon the Johnson administration. As the New York Times pointed out, "The United States is not omnipotent, but President Johnson talks as if it were."⁵⁵

One Congressman called for the United States to "put aside its moralist attitude in foreign policy" and to understand that democracy is a "slow and painful process" which cannot be rushed. C. L. Sulzberger pointed out in the New York Times:

If we keep insisting that any variety of Communism is automatically our enemy, we risk two consequences. Support for our policies will diminish among our allies who have less interest than ourselves in "holy wars." And, still more important, such an inflexible outlook will push centrifugal communism back upon itself.⁵⁶

The question still remains, must the United States sit back and let Communism take over? Looking at what is good for the United States, the answer would, of course, be no. Looking at what is right for the United States to do, the United States must respect its treaty obligations and settle matters through legal, peaceful means rather than trying to take all matters into its own hands and become the policeman of the world, thus alienating our allies and loosing support for our policies along the way.

CHAPTER IV

CONCLUSION

In today's world resort to intervention and armed coercion will frequently occur, and it is quite possible to justify these actions in terms of strategic, nationalistic, and ideological terms; however, if the United States is to live up to its treaty obligations, it must clarify its thinking on the recourse to force. Pragmatism is not enough in dealing with political problems. To President Johnson it was reason enough to claim anti-Communism as a reason for intervention in Dominican affairs; however, to the Latin Americans, living in poverty and hoping for something better, anti-Communism was not a good enough reason. Most Latin-American countries have a huge disparity between the rich and the poor, and social upheavals are inevitable as the people get more education. If the United States prevents social upheavals, even though they run counter to United States conservative opinions on change, the "troubles in the Dominican Republic would then be only a foreshadowing of catastrophes to come in much larger and more important Latin-American countries."¹

The United States appraised the Dominican situation in terms of force, considering that the revolutionary element represented a given number of men with a given number of weapons, and that a given number of United States forces and arms could put down the revolution. However, the Dominican revolution was "a typical people's democratic revolution in the historic Latin American manner, generated by social , economic and political factors at once Dominican and Latin American."² The Dominicans were "fighting to regain their right to live under a legal order, not a police state."³ Historically, with the exception

of the administration of John F. Kennedy, it has been the policy of the United States to oppose revolution in Latin America, reaching agreements with local power groups and then using force to keep them in power. The Johnson Administration reacted in the traditional United States manner: the controlling group in the Dominican Republic was in trouble, and the United States acted to help maintain the status quo, even though the Dominicans themselves did not like the governing body.⁴

President Johnson sent troops to the Dominican Republic, first on the pretext of protecting United States citizens caught in the Dominican fighting, and then later for preventing a Communist controlled government from emerging. Most people agree that Johnson was correct in sending troops to protect United States citizens and nationals of other countries; however, Johnson's critics believe he went too far by sending an excessive number of troops to prevent "another Cuba" from emerging. The weight of the evidence indicates that the Communists did not participate in the planning of the revolution, that their power was greatly exaggerated by United States officials, and that the hastily drawn-up famous, supposedly-documented list of Communists was misleading. It is one of the ironies of history that President Johnson, who acted in an attempt to prevent the growth of Communism, may have actually helped spread Communism. Juan Bosch, in whose name the revolution began, stated:

The Dominican revolution had nothing to do with Cuba, or Russia, or China. It would have ended in April had the United States not intervened. Instead, it was bottled up and consequently began to generate a force of its own, alien to its nature, and including hatred of the United States. It will be a long time

before this anti-U.S. feeling disappears. When democratic nationalism is thwarted or strangled, it becomes a breeding ground for Communism. I am certain that the use of force by the United States produced more Communists in Santo Domingo and in Latin America than all the propaganda of Russia, China, and Cuba combined.⁵

The United States, by doing what it thought was morally right, protecting United States citizens and nationals of other countries and preventing the spread of Communism, illegally intervened in Dominican affairs, thus violating the United Nations and Organization of American States charters, alienating our allies, and possibly helping the spread of Communism throughout Latin America.

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⁵⁴William V. O'Brien, "International Law, Morality and American Interventions," Catholic World, CCI (September, 1965), 388.

⁵⁵Editorial, "The Illusion of Omnipotence," New York Times, May 6, 1965, Sec. 1, 38.

⁵⁶C. L. Sulzberger, "Foreign Affairs: Back to Broad Principles." New York Times, May 5, 1965.

CHAPTER IV

¹William V. Shannon, "Washington Report: The Marines Have Landed," Commonweal LXXXII (May 21, 1965), 278-279.

²Bosch, "The Dominican Revolution," 19.

³Bosch, "Communism and Democracy in the Dominican Republic," Saturday Review, XLVIII (August 7, 1965), 13-14.

⁴Bosch, "The Dominican Revolution," 19-20.

⁵Ibid., 21.

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