

PERU

INSURRECTION IN PERU

823.00 Revolutions/323 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 7, 1932—2 p. m.

[Received 3:45 p. m.]

96. Radical uprising occurred Trujillo early today. Military activities in Lima but no disorder.

BURDETT

823.00 Revolutions/324 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 8, 1932—10 a. m.

[Received 12:40 p. m.]

97. Trujillo uprising is *aprista* and is most serious one since March 1931.¹ Rebels control city and Chicama Valley after street fighting with 30 casualties reported. Rebels reported to be under command of Colonel Ruben del Castillo and Augustin Haya de la Torre brother of Victor.

Six bombing planes from Lima are today based at Chimbote. Panagra plane requisitioned to carry gasoline to Chimbote for them.

Seventh infantry left on cruiser *Gran* last night for Trujillo and Guardia Republicana detachment leaving today.

American interests in Trujillo region are Grace and Northern Peru Mining and Smelting Company.

Martial law since noon yesterday. Lima quiet and south reported quiet.

BURDETT

¹ See *Foreign Relations*, 1931, vol. II, pp. 905 ff.

823.00 Revolutions/325 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 8, 1932—10 p. m.
[Received July 9—12:03 a. m.]

98. Seven hundred troops now on the way to Trujillo. Government has officially closed ports of Salaverry, Puerto Chicama, Huan-chaco which are in the hands of the rebels.

Augustin Haya de la Torre has telegraphed Government threatening to excute prisoners unless his brother now imprisoned in Lima is released.

Thirty-five American citizens are in Trujillo district mostly in Cartavio, Grace sugar estate. Communications are cut off with the entire district but all Americans believed to be safe. Movement is anti-Sanchez Cerro not anti-foreign. Lima relatively quiet, south quiet. Developments depend upon the doubtful loyalty of the Army, Navy and Aviation service.

BURDETT

823.00 Revolutions/326 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 9, 1932—2 p. m.
[Received 4:10 p. m.]

99. Trujillo bombed from air yesterday and prominent citizens telegraphed Government July 9, 1 p. m. offering surrender of city to avoid further bombing. Troops after capturing Salaverry are advancing on rebels from three sides and revolt should be promptly subdued if troops continue loyal.

The Embassy is attempting to communicate with Whyte² concerning safety of Americans. Nothing to indicate they have been harmed. Panagra aviator reports that nothing abnormal in appearance at Cartavio from the air. Press despatches from Lima are being strictly censored.

BURDETT

² Neil Whyte, Consular Agent at Salaverry.

823.00 Revolutions/327 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 9, 1932—4 p. m.

[Received 6:14 p. m.]

100. Regarding cable advice Chief of U. S. Navy Mission today to Naval Intelligence concerning Peruvian request for naval air bombs from Panama, this would strengthen position of the Naval Mission but revolutionary movement can be suppressed without air bombardment and native aviators would probably kill helpless non-combatants. Embassy suggests that approval of the Department be deferred until the revolutionary movement in Peru is over which will probably be very soon.

BURDETT

823.00 Revolutions/328 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 11, 1932—9 a. m.

[Received 1:05 p. m.]

101. Last night President personally and urgently asked Harold R. Harris, manager Panagra, for reserve tri-motor plane with American pilot to carry munitions to revolutionary zone and emphatically declared Government's contractual right to requisition Panagra planes and personnel in the event domestic disorder. President plans to send Peruvian pilot as passenger and announce that plane was flown by Peruvian.

Point hitherto never brought up is while contract is actually between Government and Peruvian airways latter owns no planes but rents them from Pan American. For the sake of (in order to assure) future harmonious relations Panagra it is unwise to bring up this technicality at this stage.

My advice to Harris: allow Government to requisition plane according contract reservation, question now ownership planes by Peruvian Airways; permit but not order pilots to go, they must volunteer freely without pressure from any source and understand they go at own risk without responsibility by Panagra or Peruvian Government for their lives or welfare. In the event international mail suffers interference, or if planes are used for air raids or taken into zone of fire Embassy will immediately make strong formal protest.

Department's approval requested.

BURDETT

823.00 Revolutions/330 : Telegram

The Secretary of State to the Chargé in Peru (Burdett)

WASHINGTON, July 11, 1932—7 p. m.

31. Your 100, July 9, 4 p. m. Department understands from Navy Department that Chief of the Naval Mission advised the Peruvian authorities that their request should be transmitted through the Peruvian Embassy in Washington. Department therefore will not take any action unless and until the matter is taken up by the Peruvian Embassy here.

STIMSON

823.00 Revolutions/331 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 12, 1932—9 a. m.

[Received 11:40 a. m.]

103. Embassy learns authentic source Trujillo only partially occupied by Government July 11, 4 p. m. and street fighting and sniping continued. Total casualties exceed 100.

Only Americans thought to be the city are H. A. Jaynes, United States Department of Agriculture, and Arthur Erickson, Pentecostal missionary.

Situation in Lima normal.

BURDETT

828.00 Revolutions/332 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 12, 1932—4 p. m.

[Received 6:15 p. m.]

104. My 101, and 102, July 11, [9 a. m. and] 11 a. m.³ Returned safely last night after being obliged to land under fire outskirts Trujillo. Embassy today sent formal note of protest to the Minister of Foreign Affairs and in the event further requisition Panagra planes it will endeavor to prevent American pilots from flying under army orders unless Department instructs to the contrary.

Trujillo today in the hands of the Government. All Americans Cartavio safe. Impossible to learn welfare of others in district.

BURDETT

³ Latter not printed.

823.00 Revolutions/343

The Peruvian Ambassador (Freyre) to the Secretary of State

The Peruvian Ambassador presents his compliments to His Excellency the Secretary of State and, with reference to the Embassy's note dated July 9th of this month,⁴ has the honour to set forth as follows the quantity of the war material requested by the Peruvian Government: one hundred and fifty bombs of fifty pounds and one hundred and fifty bombs of twenty pounds.

WASHINGTON, 12 July, 1932.

823.00 Revolutions/334 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 13, 1932—11 a. m.

[Received 1:20 p. m.]

105. Faucett plane returned to Lima last night. Pilot reports he was fired upon over Laredo, rebels holding suburb of Trujillo July 12, 5 p. m., fighting continues, Government shooting all prisoners caught with arms. Now verified that non-combatants were killed and many atrocities committed by both sides.

Whyte is safe at Salaverry but reports he cannot communicate with Trujillo.

BURDETT

823.00 Revolutions/335 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 13, 1932—1 p. m.

[Received 3:26 p. m.]

106. Referring to my telegram No. 104, this morning Government requisitioned Panagra Fairchild plane using Peruvian pilot. Asked Harris for Ford with American pilot in as much as Peruvians cannot fly tri-motor plane. Harris replied that Embassy declined to authorize Americans to fly to zone hostilities. Minister of Foreign Affairs called for me and considerably agitated threatened cancellation contract with Peruvian Airways unless material and personnel is placed at disposition of Government during revolution. I refrained from registering protest against use of planes but reiterated position of Embassy that it would endeavor to prevent American pilots flying to danger zone.

⁴ Not printed.

Embassy believes Government desires to establish an uncontested basis whereby it can use Panagra planes whenever revolutions or political disorders occur anywhere in Peru, placing Panagra in the position of auxiliary to Peruvian military aviation.

BURDETT

823.00 Revolutions/336 : Telegram

The Chargé in Peru (Burdett) to the Secretary of State

LIMA, July 13, 1932—4 p. m.

[Received 4:45 p. m.]

107. Following telegram from Whyte:

“July 13, 11 a. m. All Americans Trujillo well”.

BURDETT

823.00 Revolutions/341 : Telegram

The Secretary of State to the Chargé in Peru (Burdett)

WASHINGTON, July 13, 1932—6 p. m.

33. Your 101, July 11, 9 a. m. and 104, July 12, 4 p. m. Department assumes that your advice to Harris (your 101) was given informally and personally and that you made it plain to him that the responsibility for making a decision regarding the furnishing of planes and pilots and participation in domestic strife rests with the company or its representatives in Peru.

It is noted from your 104 that the Embassy has made a formal protest to the Minister for Foreign Affairs because of the fact that the plane was used in the zone of fire. The Department believes that any further representations which you may find it advisable to make should be informal in character and based on broad grounds of policy with particular reference to interference with carriage of mails rather than on any strictly legal grounds. In this connection please refer to Embassy's despatch No. 976 of May 30, 1928,⁵ transmitting text of concession (which was subsequently transferred to the Peruvian Airways) which provides in Article 9 that in case of internal disorders the planes shall be placed at the disposal of the Government.

Department shares your view that it is highly inadvisable for Americans to take part in military operations and if they do so it is of course entirely at their own risk.

STIMSON

⁵ Not printed; for related correspondence, see *Foreign Relations*, 1928, vol. I, pp. 800-805.

823.00 Revolutions/345

The Secretary of State to the Peruvian Ambassador (Freyre)

WASHINGTON, July 15, 1932.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's courteous communications of July 9 and 12, 1932,* inquiring under instructions from your Government regarding the possibility of the sale to it by the United States of 300 explosive bombs for bombing airplanes to be delivered at the Canal Zone. My Government has given careful consideration to this request and regrets that the War Department finds it impossible to deplete its reserve stock of bombs at the present time.

Accept [etc.]

For the Secretary of State:
FRANCIS WHITE

823.00 Revolutions/347 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, July 17, 1932—noon.

[Received 2:10 p. m.]

109. My telegram No. 105 and 107. Fighting vicinity Trujillo has terminated but scattered rebel bands operating mountains east of Trujillo. Court martial functioning with a number of summary executions. Imposing funeral of officers killed Trujillo held at Lima yesterday used as demonstration of strength Government and for political effect.

Strong undercurrent discontent prevalent in Lima and throughout country and wholesale arrests being made. All press despatches, including Associated Press and United Press are dictated by Government and Department should place no reliance in their accuracy.

DEARING

823.00 Revolutions/354

The Ambassador in Peru (Dearing) to the Secretary of State

No. 1938

LIMA, July 18, 1932.

[Received July 25.]

SIR: I have the honor to confirm my telegrams Nos. 101, July 11, 9 a. m., 104, July 12, 4 p. m., and 106, July 13, 1 p. m., concerning the requisition of Pan American Grace Airways airplanes and pilots during the recent revolutionary troubles.

* Communication of July 9 not printed.

The Government bases its right to utilize these airplanes and pilots on the contract between the Peruvian Government and the Huff-Daland Dusters, Inc., of May 28, 1928, wherein the ninth section states "in case of serious internal disturbances, the airplanes, elements, and personnel of the Company shall be placed gratuitously at the disposal of the Government". The Peruvian Airways Corporation succeeded the Huff-Daland Dusters, Inc. in the operation of Peruvian air lines, but the airplanes are owned by the Pan American Grace Airways and not by the Peruvian Airways. It is felt that employment by the Peruvian Government of these airplanes during local revolutions would lead to unfortunate results. It is felt that if the Government should find itself in a tight position, it would welcome injury to a Panagra plane or an American pilot, if such injury could be proved to have been inflicted by the rebels and could consequently be used as an argument for American aid. With American planes flown by American pilots and dropping air bombs, any transient Government in Lima could maintain itself indefinitely against almost any possible opposition in Peru, and I believe that the Government desires now to establish an uncontested precedent whereby it can employ Panagra planes whenever revolutions or political disorders occur in Peru. The Government would be in a position to say which of these disorders would be considered within the meaning of their contract with Peruvian Airways, and such action would place Panagra in the position of an auxiliary to Peruvian military aviation. It was believed by Captain Harold R. Harris, Vice President and General Manager of Panagra with residence in Lima, that it was not policy to bring up at this stage the point that the airplanes are not owned by Peruvian Airways. This point has never been mentioned to the Peruvian Government.

On July 7th the Government requested a Panagra plane to carry a cargo of gasoline from Lima to Chimbote. An American citizen, with Captain Harris' consent, piloted the plane. The gasoline was turned over to Peruvian military aviators at Chimbote and the plane returned to Lima. This trip was considered to be a purely commercial one.

On the night of July 11th, Captain Harris was called to the Palace for a conference with the President. The latter peremptorily stated his intention of enforcing the Government's contractual rights in taking over such Panagra planes and personnel as were needed during the existing revolution. The President specifically stated that he wanted a Ford tri-motor plane to go North early July 12th. Both the President and the Minister of Marine assured Captain Harris that they would endeavor to have the plane carry only material of a non-

military nature, and both of them gave the assurance that the planes would not be taken into the zone of hostilities, which at that time was confined to the immediate vicinity of Trujillo.

Panagra maintains two reserve Fords and two reserve Fairchilds at the Lima air port. Peruvian military aviators cannot fly Ford planes but can fly Fairchilds which are single motor planes.

Captain Harris requested the advice of the Embassy and stated that he was extremely reluctant to turn over either their planes or pilots to the Peruvian Government. The reasons for this attitude were obvious.

Mr. Burdett informally and unofficially advised Captain Harris to allow the Government to requisition the reserve planes and to refrain from basing opposition to such requisition on the point of non-ownership by Peruvian Airways, reserving this point for use later if it should be necessary; to permit pilots to fly under military orders but not to order them to do so; to inform the American pilots that they must volunteer freely without pressure from any source and understand distinctly that they were making trips under Government orders at their own risk and without responsibility by Panagra; also to impress fully on the pilots that in going under Peruvian military orders they would forfeit their rights to protection from the American Government.

Mr. Burdett further informed Captain Harris that in the event the international mail service suffered delay or interference, or in the event the planes were used for air raids or ordered into the zone of fire, the Embassy would immediately make formal protest.

On the morning of July 11th Captain Harris accompanied by Mr. H. V. Farris, Chief of Operations of Panagra, informed pilot Thomas Jardine, an American citizen, of the desire of the Government to use a Ford plane and repeated the conversation he had had the night before with Mr. Burdett. Jardine stated that he understood the conditions and would assume the risk. He left Lima July 11th with a Peruvian Army officer and several packing cases believed by Jardine to contain ammunition.

Mr. Jardine reports that he was ordered to Chimbote, thence to Casa Grande, and thence to Trujillo, where he was ordered to land at the Faucett aviation field which is on the edge of the city. He obeyed military orders in making the landing at Trujillo and was not aware until he landed that the field was under rifle fire. After landing, he was ordered to move the plane behind an adobe wall in order to protect it from the flying bullets proceeding from the center of the city which was at that time in the hands of the rebels. Two military planes were also on the field and the headquarters of the attacking

infantry were at this same field behind some buildings. It is clearly established that the landing of Jardine at this exposed position during a military engagement endangered his life and safety. The feeling in Trujillo against aviators was most violent, and it was only two days after the bombing of the city by Government flyers had so infuriated the people that they murdered many prisoners in a most atrocious fashion. If Jardine had been forced down in any territory controlled by the rebels he would have been shockingly murdered.

On July 12th Mr. Burdett sent a note of protest to the Minister of Foreign Affairs, a copy of which is attached. The expression "presence of American citizens" in the fourth paragraph of this note referred to sending American citizens to the territory of military operations and was not intended to cover those American citizens who happened to be in hostile territory, as for example, the Americans in the Northern Peru Mining & Smelting Company camps. It was not, of course, intended to cause the Government to try to remove such Americans. This ambiguous expression in the note will be taken care of in case the note is discussed further with the Foreign Minister.

In the third paragraph of the note the inclusion of "any of" just before "the several republics" would have made the text clearer.

The Minister of Foreign Affairs replied to this note under date of July 13th, copy of which with translation is herewith attached.

In addition to sending the note to the Foreign Office, Mr. Burdett informed Captain Harris that he should instruct his American personnel that the Embassy strongly advised them against further flying under military orders during the progress of the revolution. Captain Harris communicated this advice to the pilots, who thereupon declined to make further trips under military direction.

On July 13th the Government requested a Ford plane for July 14th, stating that it was necessary to carry cigarettes and supplies to the troops in Trujillo and to return to Lima with wounded. Captain Harris replied that the Embassy had cautioned the pilots and had declined to authorize Americans to fly to the zone of hostilities. Shortly afterwards the Foreign Office called Mr. Burdett and requested him to go to see the Minister. The Minister stated that the Government wished to exercise its rights under the contract with the Peruvian Airways and to take over a Ford plane for the early morning of July 14th; that it was to carry the Minister of Government to Trujillo and that he did not understand the Embassy's attitude in declining to allow the pilots to make the trip, inasmuch as the Government could take over the personnel of Panagra in the event of internal disorder. Mr. Burdett reiterated the position taken in the Embassy's note and stated that the Embassy could not view with

indifference the placing of American citizens in a position of danger; that he had advised the American pilots to desist from entering the zone of hostilities and that he could not do otherwise. The Minister said that he would at once inform the President of Mr. Burdett's attitude and that very probably the Panagra contract would be amended in a manner that would require the planes being flown by Peruvian pilots. The Minister likewise threatened the cancelation of the entire contract.

The Embassy has no faith in any of the Government's promises as to where they would take a plane once it was requisitioned. If the Government feels that ammunition is needed in an attack on Huaraz, for example, it is believed that they would not hesitate to send a Ford plane to that point.

A Fairchild single-motor plane was taken over by the Government on July 14th and was flown North by a Peruvian pilot. It returned in good shape July 15th. The Minister of Marine sent Admiral Spears, Chief of the American Naval Mission, to the Embassy to state that the Government was surprised at the attitude of the Embassy, in view of the contract with the Peruvian Airways. The Minister of Marine intimated to Admiral Spears that the Government would force Panagra to train Peruvian pilots and fly their planes with a Peruvian in each ship on commercial trips. Admiral Spears asked Captain Harris, who was present at the interview with Mr. Burdett, whether Panagra was prepared for the contingency of Peru canceling the contract altogether and not allowing Panagra planes to land in Peru. Captain Harris said that Panagra was not so prepared but that it wished to insist against impressment of its pilots for military purposes; that while he regretted the present controversy, it could not be helped. He would not consent to the drafting of his pilots in what the local Government chooses to term local disorders.

Captain Harris further stated the position of Panagra in declining to train Peruvian pilots; that use of American pilots in every little Peruvian war would prevent the Company from obtaining the kind of men they want; that the precedent would quickly be followed by other Latin American countries, lay the Panagra open to heavy damage suits, and that the whole question of immunity of international air line planes from seizure by the countries through which they pass was recognized by European countries and should be brought up for settlement at the next Pan American Congress.

The Department is informed, with reference to its telegram No. 33, July 13, 6 p. m., that any further representations necessary will be made informally on broad grounds of policy. The Embassy believes

that in addition to citing interference with the carriage of mail, the point should be stressed that Americans must not in any way interfere in domestic troubles even though the Government may wish them to do so.

The Embassy will appreciate an instruction from the Department as to whether it views the contract provision cited above as being similar to those clauses in various contracts which waive the right of Americans or American companies to diplomatic intervention. A statement from the Department is requested as to whether it still holds the position that no American or American interests can contract away any part of the right of the American Government to extend protection if it feels necessary to do so. It is requested that the Department confidentially instruct the Embassy as to its position on the above points, in order that when quick action is necessary the Embassy will be in a position to know how vigorous the protest can be made.

Respectfully yours,

FRED MORRIS DEARING

[Enclosure 1]

The American Chargé (Burdett) to the Peruvian Minister for Foreign Affairs (Freundt Rosell)

No. 281

LIMA, July 12, 1932.

EXCELLENCY: I have the honor to express the viewpoint held by the Embassy regarding the employment on a military mission by Your Excellency's Government on July 11th of a Panagra airplane with an American citizen as pilot. A report of the matter has been transmitted to my Government and its instructions to the Embassy will be communicated to Your Excellency.

It was understood when the airplane was requisitioned that it would be employed exclusively for the transport of material, and that the orders under which it was operating would preclude its entry into the zone of gun fire, whereas, in fact, it was ordered to land at Trujillo at a point subjected to rifle fire. The Embassy protests against the placing of an American citizen in danger and cannot acquiesce, even under the present extraordinary circumstances, in waiving the protection to life and safety to which these peaceable American citizens are entitled while they are under the jurisdiction of Peru.

The disturbed conditions in the North are a source of profound regret to the Embassy which, of course, has no desire to interfere with the efforts leading to a restoration of tranquility, but expresses

its confidence that Your Excellency will at once perceive the urgency of avoiding the employment for military purposes of the equipment and personnel of the Pan American Grace Airways by any of the several republics which it serves.

These pilots are American citizens domiciled temporarily in Peru for the sole and primary purpose of operating an international mail and transport service, and I beg to point out to Your Excellency the advisability of avoiding a situation which unintentionally might endanger the security of these persons, and to urge Your Excellency to put forth every effort to prevent the presence of American citizens in the territory of military operations. It is the duty of foreigners in Peru to refrain from exposing themselves to such risks and I particularly request that Your Excellency's Government will enjoin upon the appropriate authorities the desirability of abstaining from further employment of citizens of the United States for military purposes.

I avail myself [etc.]

WILLIAM C. BURDETT

[Enclosure 2—Translation]

*The Peruvian Minister for Foreign Affairs (Freundt Rosell)
to the American Chargé (Burdett)*

No. 61

LIMA, 13 de Julio de 1932.

MR. CHARGÉ D'AFFAIRES: I have the honor to acknowledge receipt of your note No. 281, dated yesterday, outlining to me the point of view of your Embassy with respect to the use by my Government of a Panagra airplane, on military service with an American pilot, concerning which matter you have informed your Government and whose instructions you offer to convey to me.

The ideas which you express concerning the object of the requisition of the above-mentioned airplane; the protest against the risk to which you say an American citizen has been exposed; and the confidence that you express that I will appreciate the urgency to prevent the employment, with military objectives, of the equipment and personnel of the Pan American Grace Airways can only be explained by the strange circumstance that you have not been informed of the terms under which the proposal was accepted and permission given on the 28th of May, 1928, to establish the aviation service proposed by The Huff Daland Dusters, Inc., of Louisiana, subsequently replaced by the Peruvian Airways Corp., Inc. (Panagra), under the authorization given by my Government on the 26 of November, 1928. Among the conditions under which this proposal was accepted is

the ninth article which states: "In the event of grave internal disorders, pestilence or whatever other public calamity, the planes, equipment, and personnel of the Company will be freely placed at the disposition of the Government."

It is, then, in the exercise of a right emanating from the stipulations of the agreement willingly entered into, and which my Government is not disposed to renounce, that a Panagra airplane with its pilot is being utilized for the transportation of equipment to be used in the quick reestablishment of order in a circumscribed territory in which are established valuable interests belonging to American citizens, who were seriously endangered by the disturbances which occurred there.

I avail myself [etc.]

A. FREUNDT ROSELL

823.00 Revolutions/365 : Telegram

The Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, August 9, 1932—noon.

40. Your despatch 1938, July 18. With reference to first paragraph of your note of July 12 to Foreign Minister and his reply of July 13, you are authorized to address another note to him stating that this Government denies right of the Peruvian authorities to compel citizens of the United States to fly airplanes in military operations, and does not admit that the immunity of such citizens is impaired by provisions in the contract between Peruvian Government and the Peruvian Airways Company.

From strictly legal standpoint it is doubtful at the least that this Government can deny the right of Peruvian Government to requisition, in case of military necessity, American owned airplanes and material in Peruvian territory, but you may continue to urge Peruvian authorities to avoid action which will interfere with airplane service between the United States and Peru.

STIMSON

823.00 Revolutions/372

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2058

LIMA, August 31, 1932.
[Received September 8.]

SIR: I have the honor to report to the Department how an American moving picture exerted a marked effect on the accepted manner for conducting military operations in Peru. During the latter part of

May an American moving picture entitled "Hell Divers" was exhibited in Peru for the first time. This picture shows excellent views of American naval aviators dropping bombs on stationary targets. As is customary with first nights of new films in Lima, the exhibitors endeavored to make the first showing of ["Hell Divers"] a gala occasion. The chief of the American Naval Mission to Peru had seen this picture and realized its value in promoting interest in American aviation by having the chief military authorities attend the opening. The President, accompanied by his advisers and the ranking military and naval authorities of Peru attended. All aviators on active service were likewise invited and the audience was composed exclusively of Peruvian officials. The President is stated to have been very much impressed by the amazing accuracy of the naval bombers and the Peruvian military people were likewise highly interested in the showing.

Two weeks later the Trujillo revolution broke out. Ordinarily the revolutionists would have been given time to consolidate themselves while waiting for the Peruvian Army to get in position to attack. In this case, however, the President had his military advisers immediately mobilize all available military and naval planes, six in number, and based them on a town near Trujillo. The planes were equipped with all the available bombs in Peru. It appears evident that the influence of the bombing moving picture caused this rapid employment of the Peruvian bombing planes.

The day after the revolutionists captured Trujillo, they were bombed from the air and thrown into indescribable confusion. The aviators dropped twenty-six 25-lb. bombs and, while they were dropped without regard for any particular target and indeed inflicted damage to the life and property of the noncombatants, the military effect was decisive. The rebels abandoned the city, after massacring all of their principal prisoners. It is stated that the rebels were so infuriated by the bombing that they took revenge on these defenseless hostages, but at the same time they were so frightened that their will to resist was broken. Thereafter the revolution was a chase through the mountains with the planes dropping bombs here and there in the vicinity of the retiring forces and adding to their demoralization.

The moral effect of a sudden attack from the skies on the ignorant Indians, who compose the majority of the Peruvian Army, is impressive and overwhelming. The stories of the damage caused by these air bombs, none of which hit anywhere near their respective targets, are greatly exaggerated and current throughout Peru.

After the bombing of Trujillo, the Government feverishly en-

deavored to obtain a further supply of aerial bombs. A telegraphic request was made through the Peruvian Ambassador in Washington for a supply of American bombs from Colón. This request was denied in view of the War Department's statement that it could not spare the bombs. Arrangements were made to obtain this supply at once from an American company furnishing such material. The total supply in Peru was used at once in the Trujillo operation and, pending arrival of a further supply, bombs were made locally by placing dynamite in shell cases equipped with artillery detonators and fitted with homemade tin vanes.

Flying conditions in Peru are excellent and the terrain is almost entirely bare of vegetation in all regions likely to be the theatre of military operations. Bombing planes can thus seek out opposition forces and either physically disable them or exert such moral effect on the Indians as to render them helpless. The Government is jubilant over the success of the air bombing and feels it is in a much stronger position to quell armed opposition than before.

It would seem that this development in Peruvian aerial offense indicates its adoption throughout Latin America and is of the highest importance. Whereas formerly groups of insurgents could maintain themselves indefinitely in regions remote from highways or railroad, now they can be sought out and destroyed in a few hours. Another feature of prime concern to Latin American governments is the fact that a few planes with a few dozen aerial bombs are more efficient in offensive operation than several thousand soldiers. It is not unlikely that the aviation arm will in the future be the most important one in Latin American Armies, and that in some of the more backward countries a few aviators will take the place of groups of semi-independent Army officers in dictating to the Government.

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT

823.00 Revolutions/373

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2097

LIMA, September 10, 1932.
[Received September 19.]

SIR: I have the honor to refer to my despatch No. 1938 of July 18, and the Department's telegram No. 40 of August 9, 12 noon, regarding the employment by the Peruvian Government, during domestic disorders, of pilots of the Pan American Grace Airways who are American citizens, and to enclose copies of the Embassy's note to the

Foreign Office No. 288 of August 10, 1932, the Foreign Office's reply thereto dated August 29, 1932 with translation, and the Embassy's note No. 297 [296] of September 12 [10], 1932.

Since the July Trujillo revolution, the Government has not requisitioned Panagra planes or pilots, but the question is almost certain to recur. A very delicate situation now exists with the Leticia incident with Colombia,⁷ complicating an acute domestic unrest.

In the event of local uprising, it is probable that the Government would wish to utilize Panagra planes which can only be flown by American citizens. Both the Company and the pilots themselves object to undergoing the risks inherent to military missions, but the Company is not in a position to protest too strongly, first, because of its contract with the Government whereby it agreed to furnish its planes and equipment gratuitously in the event of domestic disorder, and, second, because it must maintain amicable relations with the Government in order to be free in the conduct of its business from as many harassing regulations and retaliatory restrictions as possible. Thus, it appears that the course to be taken is that followed during the Trujillo revolution, namely, when the Embassy deems that the safety or lives of American citizens are imperiled, to informally advise them that they accept Government military service at their own risk and that they cannot be forced to undertake such service through any provisions in the contract between the Company and the Peruvian Government. They will, of course, be informed that no contractual stipulations deprive them of their right to protection as American citizens.

I should be very grateful for the Department's instructions and after their receipt shall make appropriate reply to the Foreign Office note.

Respectfully yours,

FRED MORRIS DEARING

[Enclosure 1]

The American Ambassador (Dearing) to the Peruvian Minister for Foreign Affairs (Freundt Rosell)

No. 288

LIMA, August 10, 1932.

EXCELLENCY: I have the honor to refer to the Embassy's note No. 281 of July 12, 1932, regarding the use by Your Excellency's Government of pilots who are American citizens in the employ of the Panagra Company at times of domestic disorder. I have the honor also to refer

⁷ See pp. 270 ff.

to Your Excellency's note No. 61 of July 13th in reply and to say that I furnished copies of both these notes to my Government.

I have now received from my Government a cable instruction directing me to say to Your Excellency's Government, with regard to this subject, that the Government of the United States denies the right of the authorities of Your Excellency's Government to compel citizens of the United States to fly aeroplanes in military operations and does not admit that the immunity of such citizens from such enforced service is affected by provisions in the contract between the Peruvian Government and the Peruvian Airways Corporation, since it is derived from their status as citizens of the United States, and the right of the Government of the United States to protect its citizens cannot be contracted away.

I avail myself [etc.]

FRED MORRIS DEARING

[Enclosure 2—Translation]

*The Peruvian Minister for Foreign Affairs (Freundt Rosell)
to the American Ambassador (Dearing)*

No. 76

LIMA, August 29, 1932.

MR. AMBASSADOR: Referring to Your Excellency's No. 288 dated August 10, 1932, concerning the recognition by the Panagra Company of the right of the Government of Peru to utilize the airplanes of the Company and the services of the pilots who operate them, I have the honor to call the attention of Your Excellency to the fact that the statement which your Government has charged you by telegraph to make to mine, is founded in the erroneous conception that Peruvian authorities oblige American citizens to operate airplanes in military movements, whereas such obligation was assumed voluntarily by the Company in the contract which it entered into with my Government. If this contract in any manner affects the immunity of these citizens, it is certainly not because the authorities oblige a forced service, but in virtue of a freely contracted obligation, the responsibility for which can not be blamed on my Government, inasmuch as it was the American Panagra Company which engaged for the services of its pilots in the emergencies of military operations. Regarding which, and in all truthfulness, I should certify that we have no advices that either the company or its pilots have entered objections to the obligation which they contracted. Thus, if the status of American citizens and the right of protection which corresponds to Your Excellency's Government cannot be the subject of contractual stipulations, neither is it possible to doubt the right of these same citizens to contract

personal obligations in determined emergencies, without grounds for the exercise of diplomatic protection in their behalf, inasmuch as they acquiesce in the carrying out of the obligations they assume with prescidence [*prescendencia*] of this protection.

I am confident that when the Government of Your Excellency considers this aspect of the matter, it will feel disposed to clarify the sense of the instructions which it imparted on the subject to Your Excellency by cable.

I take [etc.]

A. FREUNDT ROSELL

[Enclosure 3]

The American Ambassador (Dearing) to the Peruvian Minister for Foreign Affairs (Zavala Loayza)

No. 296

LIMA, September 10, 1932.

EXCELLENCY: I have the honor to refer to Your Excellency's note Number 76 of August 29, 1932, concerning the right of the Government of Peru to utilize in times of domestic disorders the services of American citizens who are pilots of the Panagra Company, and have put before my Government the consideration therein expressed.

I shall be glad to communicate to your Excellency such reply as my Government may instruct me to make.

I avail myself [etc.]

FRED MORRIS DEARING

823.00 Revolutions/381

The Secretary of State to the Ambassador in Peru (Dearing)

No. 423

WASHINGTON, December 10, 1932.

SIR: With reference to the Department's telegram No. 40 of August 9, 1932, and the Embassy's despatch No. 2097 of September 10, 1932, concerning the requisitioning in Peru of American airplanes and the attempt of the Peruvian Government to compel American pilots to serve in connection with military operations in Peru, the Department encloses herewith, for your information, copies of memoranda prepared in the Office of the Legal Adviser, dated August 3 and August 4, 1932.⁸

You will perceive from a reading of these memoranda that in view of accepted principles of international law, the Department does not feel justified in protesting against the requisitioning by the Peruvian Government of foreign aircraft in time of war or domestic disturb-

⁸ Not printed.

ances. The Department believes, however, should circumstances again arise which would render such a course of action desirable, the Embassy would be justified in urging the Peruvian Government not to interfere unnecessarily with the regular operation of air mail planes between the United States and South America. With regard to the impressment of American pilots to fly such planes, however, the Department has, as it informed you in its telegraphic instruction of August 9, made it clear that this Government cannot admit the right of any foreign government to impress American aviators into military service, regardless of any provisions which may be found in contracts between such government and the aviation companies by which those aviators may be employed.

In his reply to your representations on this subject, dated August 4, the Foreign Minister of Peru states that the Peruvian Government has not been informed of any objection to the enforcement of Article IX of the company's contract, either on the part of the American company concerned or of its pilots. The Department would be glad to have the Embassy's comment on this assertion. Meanwhile, you are authorized to transmit to the Peruvian Minister for Foreign Affairs, in answer to his note of August 4 above referred to, a note in the terms of the draft enclosed herewith.

Should another occasion similar to the Trujillo incident arise, the Embassy should inform such American pilots as apply to it for advice that this Government does not admit that private contractual stipulations, the intent of which is to compel them under certain circumstances to take foreign military service under a foreign government, can deprive them of their right of protection as American citizens. You may inform them, moreover, that this Government views with disfavor the participation of American citizens in foreign military enterprises, and point out that if they accept foreign military service, they must do so upon their own responsibility and at their own risk.

In connection with the suggestion contained on page eight of the Embassy's despatch No. 1938 of July 18, 1932, that this Government might care to consider "the whole question of immunity of international air line planes from seizure by the countries through which they pass", the statement is made that such immunity is recognized by European countries. The Department has not been informed of any such recognition and would appreciate whatever specific information the Embassy may have in this connection. Regarding the suggestion, however, and for your confidential information, the Department is not at all sure that an endeavor to persuade the Governments of Latin America to enter into an agreement depriving themselves of a right recognized by international law, in order

to favor commercial air lines principally owned by citizens of the United States, would be successful, even on the ground of obviating interference with the regularity of air mail and communication, and is apprehensive lest an attempt to initiate such an agreement might have the opposite effect from that desired. However, the Department will be glad to consider any further suggestions you may see fit to submit in the matter.

Very truly yours,

For the Secretary of State:
FRANCIS WHITE

[Enclosure]

Draft of Note to the Peruvian Minister for Foreign Affairs

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's courteous note No. 76 of August 29, 1932, with further reference to the use by Your Excellency's Government during times of domestic disorder of pilots who are American citizens in the employ of the Panagra Company. A copy of this communication has been transmitted to my Government, which has taken due note thereof and instructs me to inform Your Excellency that as previously stated, it is unable to admit that immunity of American pilots from enforced military service is affected by provisions in any contract concluded between third parties (even though one of them be a foreign government) envisaging the compulsory piloting of planes by American citizens, since that immunity is derived from the status of such pilots as citizens of the United States and the right of the Government of the United States to protect its citizens cannot be contracted away.

Accept [etc.]