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The Origins of a Democratic National Constitution: The 1945 Guatemalan Constitution and Human Rights

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THE ORIGINS OF A DEMOCRATIC NATIONAL CONSTITUTION:
THE 1945 GUATEMALAN CONSTITUTION AND HUMAN RIGHTS

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ABSTRACT

This study investigates and analyzes the socio-political origins of the 1945 Guatemalan Constitution with the purpose of confirming the document as a unique example of a modern representative democracy necessary to advance social justice and human rights. The historical events and individual figures are examined in order to determine the socio-political thought that established fundamental human rights with the strength of democratic constitutional protections. As a result of Guatemala’s national achievements in the advancement of human rights, the study details Guatemala’s contributions to the Latin American regional efforts to support human rights and the creation of the United Nations Universal Declaration of Human Rights.
INTRODUCTION

“Societies are not made of sticks and stones, but of men whose individual characters, by turning the scale one way or the other, determine the direction of the whole.”

Socrates in Plato’s Republic, Book VIII

This study investigates and analyzes the socio-political origins of the 1945 Guatemalan Constitution with the purpose of confirming the document as a unique example of a representative democracy necessary to advance social justice and human rights. The analysis of the 1945 Constitution shows that Guatemala was the first modern representative democracy to incorporate human rights initiatives contained in constitutional amendments. Moreover, the document signifies human rights as a prerequisite for the State’s moral obligations. Guatemala’s national independence movement that gave birth to the 1945 Constitution coincides with the new international order based on social justice consistent with the post-war creation of the United Nations and the Universal Declaration of Human Rights. In addition, the evidence collected here proves that the intellectual understanding of the ‘dignity of man’ embedded in the 1945 Constitution contributed to discussions for regional and international human rights initiatives.

The investigation identifies various elements of the national constitution that were an ethical response to the political, economic, and social inequalities of Guatemala’s early twentieth century history. Economic developments influenced by a history of foreign capital interests seeking material gain contributed greatly to a series of political dictatorial regimes that subjugated the majority of Guatemala’s inhabitants. In reaction to past political and economic abuses, the 1945 Guatemalan Constitution secured provisions to promote social equality and prevent future economic exploitation by creating social and labor reforms unique to modern democratic constitutions. This study examines labor laws passed subsequently as a consequence of an earlier period of abuse and details the degree of success of those laws during Guatemala’s national, political experience of the late 1940s. Evidence in the form of essential documents reveals how Guatemala’s social democratic constitutional laws contributed to post World War II commitments to international democracy, social justice, peace, and the advancement of human rights. Analysis of the constitutional drafting committee transcripts discloses how a dedicated group of Guatemalan intellectuals adopted an innovative system of democratic governance that
balanced individual liberties with social obligations. This group of legislative reformers were intent on liberating its citizens in accordance with newly formed international human rights initiatives through the form and content of the 1945 Constitution.

The 1945 Constitution was created by a new generation of Guatemala’s liberal intellectuals and was supported by a majority of university students. The students inspired the nonviolent 1944 victory over President Ubico’s totalitarian military regime that marked the beginning of a new era of social justice and democracy. The drafters of the constitution emulated international aspirations of peace through democracy, while incorporating the collective recognition of human dignity. New domestic constitutional protections drew from developing international neo-socialist ideals in response to decades of expanding international, industrialized capitalist economies that favored financial profit over human rights. This study defines Guatemala’s conception of democracy in terms of human rights with the recognition of equality and human dignity being the foundation of their idea for social justice.

Previous scholarship provides valuable background information that contributes to this study.\(^1\) Drawing from previous academic research, this study of Guatemala includes an investigation into Guatemala’s cultural evolution, underscoring the social fusion of Spanish descendants and the indigenous populations, which over time created an ethnic mixture of both groups, and consequently, a new social class known as the *ladino*.\(^2\) The history of the social role of the Catholic Church in Latin America is also explored,\(^3\) as it provided a significant moral influence that served as a foundation for Guatemala’s human rights thinking. The recent political historiography of Guatemala has focused on three major influences: 1) the economic impact of foreign capital investments, predominantly from United Fruit Company, 2) the successive,

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\(^1\) Samuel Guy Inman, *A New Day in Guatemala.* (Wilton, Conn.: Worldover Press, 1951) Inman offers a comprehensive historical background of Guatemala spanning three decades. His research is first hand and examines the culture and the socio-political developments from the dictatorial rulers of the early twentieth century to the independence movement of 1945 up until 1951.

\(^2\) *Ladino*: Some Latin American nations use the term *meztizo* to describe this class comprised of a mixture of indigenous and Spanish roots.

\(^3\) Susanne Jonas, “Guatemala.” *Latin America: The Struggle With Dependency and Beyond.* (Massachusetts: Schenkman Publishing Company Inc., 1974, 1983) Mary Patricia Holleran, *Church and State in Guatemala.* (New York: Octagon Books, 1974) Holleran and Jonas’ research dates back to the early development of Guatemala’s cultural history, including the influence of the Catholic Church. The text includes a comprehensive study in the evolution of the Roman Catholic Church’s various roles in Guatemala from Spanish Colonial rule to the time of publication in 1974. Her work was funded by Columbia University’s Series: Columbia Studies in the Social Sciences, and edited by the Faculty of Political Science of Columbia University.
tyrannical rule of military dictators who accommodated foreign investment and exploited the population for personal gain and lastly, 3) the 1954 CIA overthrow of Guatemala’s democratically elected government. Although there are relatively few scholars who have researched Guatemala, many have drawn from each other’s research in order to concentrate on their particular aspect of Guatemala’s history as I have in this study. In this context, the present study synthesizes representative academic works and draws from research already known for the purpose of looking deeper into the conflicts that bear the origins of inherited traditions of humanistic thought. Important academic studies include the early Christian thought of brotherhood that led to the Latin American tradition of social justice, the semi-feudal economy sustained by a series of military dictators, and the struggle for human dignity through democratic independence. As such, this study extends previous scholarship by analyzing and identifying the intellectual origins of socio-political thought that established fundamental human rights in the 1945 Guatemalan Constitution. In addition, this study identifies Guatemala’s influence on the advancement of human rights on the regional and international levels and thus adding to human rights scholarship.

According to contemporary studies of human rights, democratic forms of government are essential to advancing social justice and human rights initiatives for modern egalitarian societies. In order to investigate the human rights implications of the 1945 Constitution, the

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comparison between democratic and socialist rights is made in order to evaluate the effectiveness of the Constitution’s guarantees for the individual and the society. Beyond the structural similarities to the U.S. and French Constitutions, this study highlights the fundamental differences between those documents and the 1945 Constitution. The drafters of the constitution understood the imperative of securing social, economic, and cultural rights under the weight of specific constitutional provisions. The Articles of the Constitution are superior in strength compared to statutory laws, which carry the legislative risk of future radical reinterpretation.

Consistent with the recognition of workers’ rights within the norms of twentieth-century industrialized societies, constitutional provisions were incorporated into the 1945 Constitution that provided the basis for future labor laws. In conjunction with labor laws, constitutional provisions for creating government administration of social security (the cornerstone of decent modern egalitarian societies) are detailed in the 1945 Constitution.

In October 1944, University students and faculty members organized a popular movement that succeeded in the overthrow of dictatorial rule and established the foundation for a liberated society. Hence, political and intellectual leaders of the revolution sought to establish a functioning democracy through an educated citizenry. As a result, constitutional provisions

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*Universal Declaration of Human Rights*; Article 21: (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

8 Campbell, Tom. *The Left and rights; A conceptual analysis of the idea of socialist rights.* (London, Boston. Melbourne and Henley: Routledge & Kegan Paul, 1983.) Campbell’s research details the difference between rights from a socialist point of view versus a capitalist democratic point of view.

9 Universal Declaration of Human Rights; Article 23 (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and join trade unions for the protection of his interests.

10 *Universal Declaration of Human Rights*; Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of economic, social and cultural rights indispensable for his dignity abd the free development of his personality.

11 Kobrak, Paul. *Organization and Oppression.* The Association for the Advancement of Science (AAAS) Washington, D.C., 1999. http://shr.aaas.org/guatemala/ciidh/org_rep/english/part1_1.html. Kobrak’s research of the university students at the University of San Carlos is the most comprehensive study of the activities surrounding the student inspired revolution against the Ubico regime, known as the October Revolution of 1944. Most other research regarding the student activism only provides portions of the events relevant to their research. All research credits the students with the successful overthrow of the Ubico regime.
established compulsory secular education as an obligation of the State.\textsuperscript{12} These were designed to resolve the problems of illiteracy as one contributing factor and the ensuing class distinctions. An educated citizenry would serve as a vehicle for an enlightened posterity, cognizant of democracy and human rights. The group of students and university intellectuals that organized the 1944 October Revolution and subsequently formed the nucleus of the legislative body saw that the survival of political democracy in Guatemala first depended on an equitable economy: a political democracy representing the needs of the people provides an equitable national economy for its people in order to satisfy collective societal rights. Past dictators were wrong to assume that suppressing ideas would make those ideas go away.

This inquiry makes obvious how tyrannical attempts to suppress ideas actually stimulates the minds of young intellectuals. Liberal-minded Guatemalan leaders motivated them to pursue democratic governance in an effort to resolve the country’s social ills, as well as improve Guatemala’s national character. The 1945 Constitution was designed to enlighten the burgeoning personality of the sovereign nation, emphasizing collective liberty and individual freedoms by enshrining constitutional rights that were correspondent with civic duties. Franklin Roosevelt’s 1941 “Four Freedoms” speech, which proclaimed freedom of speech, freedom of worship, freedom from want and freedom from fear inspired Guatemalan university students and liberal leaders to pursue social rights and justice in an effort to expose and speak out against authoritarian rule. In order to understand the intellectual origins of the 1945 Constitution, it is important to investigate the basis of intellectual thought of the key individuals that comprised this group of revolutionaries. Researching their family backgrounds, the events that influenced their view of life, their educational training, what they read, what they wrote, who they admired, and their personal characteristics, are all essential to understanding the intellectual foundations of the 1945 Constitution.

Prior research examining the series of military dictators, the role of The United Fruit Company in the Guatemalan economy, and the resulting subjugation of Guatemala’s people has

\textsuperscript{12} Universal Declaration of Human Rights; Article 26: (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional training shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have the prior right to choose the kind of education that shall be given to their children.
provided the necessary background for this study. The method of investigation for this research project relied on primary source materials of official documents such as constitutions, treaties, declarations and conventions. It was imperative to examine the official transcripts of the discussions and debates among the representatives who created these documents. As a means of comparison, two decades of U.S. government communications and documents relating to Guatemalan affairs stored on microfilm were accessed through the U.S. National Archives. Pertinent data obtained from formerly classified U.S. Embassy communications, Federal Bureau of Investigation and CIA reports, personal letters, speeches, and general statistics were provided by the National Archives. Rare transcripts of conferences and drafting meetings provided significant insight, as they preserved discussions that detailed an attempt to define the socio-political thought and national personality of a democratic Guatemala. Likewise, transcriptions of personal interviews with prominent political figures are presented in this study, which were conducted by journalists familiar with Latin American politics, society and culture. The personal interviews contribute to a greater understanding among the readers of them and this study of the differences between Latin American societies and the industrialized societies of the Western World. The main differences stem from Guatemala’s semi-feudal history that negatively impacted its politics, society, and culture compared to the impact of the West on Guatemala. Speeches and the published works of public figures address the cultural misunderstandings, the criticisms, and the ideals that are integral toward understanding the character of the men who led Guatemala into social democratic reforms.

In order to clarify and define Guatemala’s approach to democracy (one that best suited the country’s political, economic, social and cultural affairs), this study relies on a certain body of theoretical scholarship. Theoretical treatises concerning individual and collective rights under the auspices of democracy and socialism are used to evaluate the character of Guatemala’s 1945 Constitution. In order to better understand and register just how these principles are expressed

13 Those consulted were the following: National Archives of the United States, College Park, Md. Department of State Record Group 59; Decimal Files 814 Microfilm Publication M1280, Records of the Department of State Relating to Internal Affairs of Guatemala, 1930-1944; Decimal Files 814 Microfilm Publication M1527, Records of the Department of State Relating to Internal Affairs of Guatemala, 1945-1949; Decimal Files 711(1945-1949) & 611(1950-1959). Records of the Department of State Relating to United States Political Relations with Latin America and the Caribbean, 1945-1959.

14 Carlos Deambrosis Martins, La Conferencias de Bogotá y la Posicion de Guatemala. (Departamento de Publicidad de la Presidencia de la Republica de Guatemala, 1948)
and codified in the 1945 Constitution, theoretical analyses of human rights and Latin America’s tradition in social justice is used in this study to identify the relationship between the individual and society.

In conjunction with data collected through library resources, this study includes the use of symbolism, as the investigation of individual figures and events evolves to expose a more subtle, yet prevailing aspect of the intellectual origins of the 1945 Constitution. The historic, moral figure of Bartolomé de las Casas represents the foundational element of Christian humanism. Reflecting las Casas’ Christian influence, the countryside has shrines dedicated to each town’s patron saint, and more basically, ‘Adios’ is Latin America’s traditional salutation. Prominent in the culture of Guatemala and Latin America, las Casas’ notion of universal brotherhood functions as a symbol of Christian humanism. Furthermore, Las Casas’ notion of universal brotherhood was revived by scholars during the socio-political and economic turmoil of the 1930s. Inspiration from Latin America’s 1821 independence movement led by Simon Bolivar is found repeatedly in discussions of liberation. Symbolic images and statues of Bolivar were displayed at regional conferences. By contrast, parades and protests displayed symbolic visual images and banners with mocking depictions of corrupt leaders to vast numbers of non-literate Guatemalans. Symbolic representations helped university students convey the importance of the revolution, using images to speak across boundaries of literacy. Among the crowds of protesters, certain members sacrificed their lives for democracy and freedom, and were considered martyrs for the independence cause. Accordingly, this study demonstrates how the confluence of symbolic representations influenced the reality of the independence movement, situating symbols as necessary for bypassing differences in literacy while advancing social justice and human rights.

“Why Guatemala?” What is it about the developments in Guatemala during the 1944-1948 time period that is unique? Historically, during the Spanish Colonial era, Guatemala did not provide Spain with the mineral riches like other, wealthier provinces. Guatemala’s value to the Spanish Empire was mainly agricultural; also its geographical location was best suited as an administrative center to coordinate relations between Spain and its American colonies. Guatemala’s university became a prestigious appointment for continental Spanish scholars, an

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outlet for forward thinking ideas beginning in the 1600s. As a result of Spain’s lack of material interest in Guatemala, and its Spanish descendants’ emphasis on educating the elite, Guatemala became more autonomous than the mineral producing Provinces.

Indeed, Guatemala was one of the Spanish American Provinces represented in the creation of the Spanish Constitution of 1812 that created Spain’s constitutional monarchy. Although barely mentioned in previous scholarship, the history surrounding the Spanish Constitution of 1812 contains key elements to the intellectual origins of the 1945 Constitution. But scholars do refer to what they consider the Latin American tradition in social justice and human rights.\(^{16}\) Analysis of the 1812 Constitution demonstrates the origins of thought for social rights, existing in conjunction with political and civil rights.\(^{17}\) The 1812 Constitution was one of the most liberal of its time. Elements of Enlightenment thinking are present in the document, emphasizing the inter-relationship between the individual and society. Rights and corresponding duties of the citizen are explicit in the 1812 Constitution. Guatemala’s 1945 Constitution reflects the elements of social justice, which originated in the earlier document.\(^{18}\)

Demographically, Guatemala had the largest population of all Central American nations, with the largest percentage of an indigenous population estimated to be within a wide range of fifty to eighty-five percent, depending on the source one consults. The indigenous population, who were descendants of the Mayan Indians, lived in a communal style, with a hierarchal social structure; they maintained ancient religious beliefs manifested in Catholic doctrine, spoke several different tribal languages, and had no sense of nation, independence or democracy. The demographic of an oppressed majority created a unique challenge to the drafters of the 1945 Constitution, who designed the document with the intention of incorporating the indigenous peoples into the general society, educating them as citizens of the new democratic nation. The

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drafters knew this would be the first step toward a generational goal, that of homogenizing Guatemala’s population under a social democracy in order to establish human rights initiatives within their national borders.

The constitutional concept of national sovereignty, manifested in territorial integrity, is fundamental to Guatemala’s independence. Guatemala’s twentieth century quest for territorial integrity proceeded on two fronts; domestic and international. Domestically, United Fruit had acquired vast tracts of tax-free land from their political and economic alliance with successive military dictators, beginning in the late 19th century. The alliance had grown to such a degree that by 1944, United Fruit owned the largest portion of Guatemala’s arable land; it controlled the railways, the ports, telecommunication lines, and post office services, while the company had effectively monopolized the economy.19 The challenge for the reform members of the new government was to create provisions to rectify these entrenched abuses of power, while securing preventative measures within the Constitution to protect national sovereignty from political corruption. On account of their own experience, the reformers understood that corporate monopolies breed mediocrity, which inevitably leads to political corruption. Their challenge was to gradually eliminate the monopolies, while at the same time maintain a working relationship with United Fruit, in order to prevent economic collapse.

Another distinctive factor concerning international territorial integrity was Guatemala’s claim to the British colony of Belize. This study emphasizes the importance of Guatemala’s claim for the territory of Belize. In respect to territorial integrity of a sovereign nation, Guatemala led discussions at regional conferences protesting colonialism in the Americas. Belize was one of the last European colonies in the continent. The evidence shows that the anti-colonialism argument inspired Guatemala’s relentless pursuit to eradicate anti-democratic regimes from Latin America. Repeated demands from democratically elected President Arévalo and Guatemala’s foreign minister representatives at regional and international conferences confirm Guatemala’s leading role in Latin America’s uniform effort to end every form of colonialism in the Americas. Unfortunately, the issue of anti-democratic regimes received muted support from the United States. The United States continued to support relationships with military dictators in the region on the condition that they prevented communist intervention in

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Unfortunately, prevention of the perceived communist threat took precedent over U.S. supporting newly democratic governments in the region. Accordingly, debates regarding national sovereignty took center stage in the regional and international discussions. The research shows that nations in favor of promoting human rights were uniform in their willingness to sacrifice a degree of national sovereignty in order to allow international oversights ensuring human rights standards.

The 1944 Guatemalan revolution was the first mostly non-violent revolution in Latin America to overthrow a military dictator and is one of the unique and consummate aspects of Guatemala’s independence movement. Younger U.S. trained military leaders, who were familiar with the socio-political standards in the United States, joined the student-led protest and ensured the success of the 1944 October Revolution. The result of Guatemala’s new independence was the creation of a democratic national constitution, which was conceived at the same time a new international order was being designed through the formation of the United Nations. Evidence shows that, out of the ten national constitutions created in the 1940s, Guatemala’s was the only constitution that survived until the CIA overthrew Guatemala’s government in 1954, and returned that government to a military dictatorship, supported by the U.S. and lasting through 1996.

From a human rights perspective, this study explores the intellectual origins of human rights thought expressed in the 1945 Constitution. The collective evidence proves that during this period of Guatemala’s constitutional reforms, human rights initiatives were a pre-requisite for the State’s moral obligations. Promoting justice, these initiatives served as a basis for political ambitions to improve the status of human dignity in Latin America. Revolutionary developments in political thought, which had emerged through intellectual debate, enhanced Guatemala’s vision of social justice and human rights. These were represented according to advanced legal, judicial, historic, philosophical and sociological insights. A more complete knowledge of the human condition during this period in Guatemala’s history adds significant relevance to the field of prior studies, as it offers a comprehensive, interdisciplinary understanding of the past, one that serves to provide a more accurate understanding of what Guatemala could feasibly imagine for its national future.

Chapter I, on the early history of Guatemala, identifies the origins of the oppressive past and situates the ethical response to those abuses through las Casas’ spiritual influence as a basis
for human rights thinking.\textsuperscript{20} Predating Enlightenment theories, scholars credit las Casas with the first notions of universal human rights. Inspired by the spirit of las Casas and subscribing to the liberal thinking of the Enlightenment, Simon Bolívar led the independence movement in Latin America, freeing the continent from Spanish rule. Bolívar promoted a political liberal ideology on the basis of a constitutional, representative democracy.\textsuperscript{21} The collective symbolism of these two figures permeated Latin American culture, as they were venerated throughout the twentieth century. The Spanish Colonial Era valued the kingdom’s wealth over respect for humanity, establishing a social hierarchy that lasted through the time period of this study. The result was a form of feudalism that differed greatly from European feudalism. In Europe, the feudal system was self sustaining, allowing peasant workers to provide for their families, having satisfied the economic needs of their landlords. Class distinctions in Europe were based on inherited social status, not racial inequality. In contrast, in the Spanish American colonies, the ruling class enslaved the indigenous peoples as a disposable human commodity. Spaniards regarded them as ‘heathen Indians.’\textsuperscript{22} The Spanish landed elite ignored the basic human needs for food and shelter of the indigenous workers. The ruling class (or \textit{criollo elite}) operated the colonies with a sense of inherent racial superiority and the Indian assumed the role of ‘scapegoat,’ a recurring theme in the study of human rights abuses.

During the colonial period and into the early 1800s’ Conservative Era of Latin American independence, the Catholic Church allied with the ruling class. In addition to the conversion of the Indians to Catholicism, the Church was responsible for the administrative duties and the management of the provinces. The Church profited from large land holdings, along with the ruling elite at the expense of the indigenous labor force. The Church provided a major source of

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{21} John Lynch, \textit{Simon Bolivar and the Age of Revolution}, 83.
\item \textsuperscript{22} Albert P. Blaustein & Jay A. Sigler, editors. \textit{Constitutions That Made History}. (New York: Paragon House Publishing, 1988.) Translation of the Political Constitution of the Spanish Nation Proclaimed in Cadiz, 19 March, 1812, more commonly known as the Spanish Constitution of 1812. Article 335. 10) The overseas provincial councils shall oversee the economy, order, and progress of the missions for the conversion of the heathen Indians; the superintendents of the missions shall give accounts to their operations so that abuses may be prevented; these accounts shall be transmitted to the government.
\end{itemize}
\end{footnotesize}
financing in the Provinces. From Guatemala’s independence in 1823, until 1871, the Conservatives allied with the Church, effectively ruling Guatemala.\(^\text{23}\)

In 1871, the Liberal revolution installed a secular government and severely restricted the administrative role of the Church. A series of military dictators abused the liberal constitution and overpowered the functions of the legislative and judicial branches.\(^\text{24}\) Systematic corruption of government officials by foreign investors resulted in a dysfunctional economy controlled by foreign monopolies. In a brief period of response to economic disparities in the early 1920s recognized by the university community, the Unionist Party was elected with the promise of protecting worker’s rights and promoting social justice.\(^\text{25}\) Post World War I ideals for human rights and self-determination of peoples began to be embraced by liberal intellectuals in nations under dictatorial rule and colonies around the world. In reaction to worldwide economic growth born of the Industrial Revolution, social rights for workers took the form of international labor unions. This period of social advances and labor rights lasted only a few years. Revolutionary ideals expressed in 1920s social political thought provided a seed that later inspired Guatemala’s 1944 October Revolution. By the late 1920s, liberals regained power and resumed rule through military dictatorships.

As this study states, the condition of human rights abuses remained relatively consistent regardless of Conservative or Liberal rule. The landed elite of either political faction held to the inherited belief that the indigenous peoples were a necessary means of production for its economic and financial ends. The military dictators during the 1821 Conservative era allied with the Church to maintain a domestic agricultural economy through forced labor of the Indians. During the 1871 Liberal era, military leaders engaged in international trade with foreign corporations, most notable United Fruit. In both eras, the Indian and poor ladino populations provided cheap labor under oppressive working and social conditions. The result was a continued

\(^{23}\) Mary Patricia Holleran, *Church and State in Guatemala*, 23 and Jonas, *Guatemala.* “Latin America; The Struggle With Dependency and Beyond*, 15. Both authors provide great detail of the Church’s role in the administration of Guatemala’s early government, land holdings, financial backing, and treatment of the Indians.

\(^{24}\) Kalman H. Silvert, *A Study in Government: Guatemala*. (New Orleans: Tulane University, 1954.) Kalman discusses the political history and the antecedents of Guatemala’s 1944 Revolution that resulted in the 1945 Constitution. Guatemala’s Liberal period (1871-1944) was led by a series of military dictators that governed for an extended period of time. The shift from Conservative rule that called for localism and cultural isolation supported by the Church to Liberalism that favored secularism, internationalism, and “Europeanism” was liberal in economic thought, but not in political thought.

subjugation of the majority of Guatemala’s population for the material benefit of the elite few. This is important to this study because a culture of racial discrimination and human rights abuses among the work force became commonplace among Guatemala’s ruling elite. As international labor trends affected political discourse, the university community became aware of social justice issues through the writings of José Martí and other social activists.\(^{26}\) Calls for liberty, freedom, equality, and justice were inspired by Franklin Roosevelt’s ‘Four Freedoms’ speech and in the promises of self-determination proclaimed in the Atlantic Charter. In reaction to the promises of the World War II’s Allied victory’s call for democracy, world peace, and a new international order based on social justice, the 1945 Constitution was the first Guatemalan document to incorporate human rights initiatives at the highest legal status of constitutional amendments.

During Guatemala’s colonial period and subsequent national development, a new social class of *ladino* emerged in Guatemala through generations of inter-racial relations as foreign financed economic opportunities expanded in the cities.\(^{27}\) Not quite European, or Indian, the *ladino* population grew and made entry into the artisan and working classes to facilitate the material needs of the ruling elite and foreign executives stationed in Guatemala. As a result of their marginal social status and aspirations to become members of the ruling class, poor *ladinos* became the greatest oppressors of the indigenous population as a means of elevating their own social status. In terms of the history of human rights abuses, it is the minority group of poor *ladinos* that held the greatest hatred for the Indians. In the unique case of Guatemala, and unlike the majority of human rights violations that target a minority group, the indigenous represented the majority population.

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\(^{27}\) Stephen M. Streeter, *Managing the Counter Revolution; The United States and Guatemala 1954-1961.*, 252-3. Scholars continue to debate the meaning of *ladino* and Indian, but most observers agree that Guatemalans themselves use the terms without confusion. Thus, a Guatemalan Indian speaks the Mayan language, wears *traje* (non-western dress), and practices the particular customs and beliefs of his or her village. A ladino, by contrast, speaks Spanish, dresses in Western clothing and embraces distinctly western values and ideologies. And Jonas,16. The Catholic Church, functioning as part of the Spanish state apparatus, justified the pacification and cultural subjugation of the Indians. Exploitation of Indian women often took the form of rape, one source of racial intermixing, from which originated Guatemala’s *ladino* population.
Many of the inhabitants of Guatemala, as well as the members of the revolution, the military, and the university had bloodlines that traced to ladino roots. As a result, the drafters of the constitution had a perspective that identified closely with Guatemala’s history of racial disparities, and thus were cognizant of the human rights issues at hand. Economic disparities among the ladino created two classes within the group. An educated middle class ladino enjoyed an education and a degree of wealth as business owners or persons of professional status that resided predominantly in the cities. On the other hand, the poor illiterate ladino working in the rural agricultural areas as day laborers continued to focus their hatred towards the scapegoat Indian. As a solution to these racial disparities, Guatemala’s reform government initiated constitutional measures to educate the illiterate populations, both poor ladino and Indian. Measures to combat illiteracy are not only present in the 1945 Constitution, but problems of the Indians fell under the responsibilities of the President. President Arévalo and members of the legislature understood that a functioning democracy and a healthy national future demanded full participation of an educated citizenry.

One of the more significant findings resulting from this study is the history surrounding and the analysis of the Spanish Constitution of 1812. Scholars have considered the U.S. Constitution and the French Constitution as the primary structural models and inspirational influences on Latin America’s independence movements. The evidence in this study shows that the 1812 Spanish Constitution was an additional influence on Latin American democracies and it traces their commitment to social justice and human rights to specific constitutional Articles contained within the text of the 1812 Spanish Constitution. Moreover, representatives from Spain’s American Provinces played an essential role in the drafting of the 1812 Constitution, reflecting sociopolitical and economic needs specific to Spanish America.

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28 1945 Guatemalan Constitution: Article 82. Declared to be of social benefit are: the national literacy campaign; the gratuitous nature of minimal official, public, agricultural, industrial, artistic, and normal education; the creation of scholarships for cultural and technical improvement and specialization; the establishment of pre-vocational and polytechnical institutions, public schools and libraries, museums of natural history, and other cultural centers, and the growth of sports and physical culture. The State should make an effort to aid economically needy Guatemalans so that they may have access to all grades of instruction, the only criteria being vocation and aptitude.

1945 Guatemalan Constitution: Article 137. It falls to the President of the Republic: (14.)- To direct, develop, inspect, and intensify public education; to combat illiteracy and work for the diffusion and perfecting of agricultural, industrial, and technical training in general. (15.) – To create and maintain institutions or dependencies which may concentrate their attention on Indian problems, and may guarantee the effective employment of the services of the government toward the resolution of their problems.

29 Rodriguez, The Emergence of Spanish America,36. Spanish American provinces that were represented in the Cortes included Guatemala, along with New Spain, Cuba, Florida, Puerto Rico, New Granada, Peru, Venezuela,
liberal thinking expanded beyond French borders and included Spanish intellectuals who participated in revolutionary international societies promoting free enterprise, representative democracy, and national independence. The 1812 Constitution declared the ‘sovereignty of the nation,’ not the king. Spain became constitutional monarchy and the nation was represented by the Cortes, or legislative body, while the king’s role was to enforce the laws created by the legislature. Unlike the U.S. and French Constitution’s primary focus on individual liberties and freedoms, the 1812 Constitution secured those individual rights, but also recognized the corresponding duties of the individual in the context of the greater society. That balance of individual rights and collective duties is also evident in the 1945 Guatemalan Constitution.

The 1812 Constitution was abolished by the King upon his return to power in 1814. During the two years of democratic governance under the Constitution, the Spanish American Provinces experienced a period of effective governance specific to their region’s needs. As Spain’s power declined, members of the elite in the Americas resisted relinquishing power back to the monarchy and Latin America’s independence movement began. At that time, representatives from Latin America began to study social institutions in the United States, with specific interest in education, social welfare, and health care. Leaders understood that ‘reason’ was the best tool for transforming society and that educated citizenry was critical to the success of the independent democratic movement. Human rights initiatives in the form of democratic practices, including the prohibition of all forms of torture, are evident in the 1812 Constitution. A new world economy provided the opportunity for expanding a free middle class society that demanded economic and social rights along with individual rights. Constitutional provisions for a free press and expanded suffrage were accompanied by provisions dealing with public secular education, inviolability of the home, and drastic prison reform. Constitutional provisions for

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30 1812 Spanish Constitution: Article 3. Sovereignty resides essentially in the nation, and therefore the right of establishing its fundamental laws belongs to it exclusively.
31 1812 Spanish Constitution: Article 14. The government of the Spanish nation is a limited, hereditary monarchy. Article 15. The power of making the laws reside in the Cortes and the King. Article 16. The power of executing the laws resides in the King. Article 17. The power of applying the laws in civil and criminal cases resides in the courts established by the laws.
32 Rodríguez, 65. One of the Spanish American representatives, Vincente Rocafuerte, studied innovations in education, prison reform, and health care practiced in the United States. He visited Pennsylvania Hospital and New York penitentiaries. As a member of the Enlightenment and liberal philosophy, Rocafuerte believed that reason was the best tool to transform society, visiting schools in Washington, Philadelphia, Boston, and New York.
33 1812 Spanish Constitution: Article 304. Torture and other means of compulsion shall never be used.
social reforms in the American Provinces and their local communities included the maintenance of public sanitation, health, and infrastructure repairs.

Chapter II relates Guatemala’s historical past to the socio-political history of the 1945 Constitution. Two major constitutional provisions contained in the 1812 Spanish Constitution carried over to the 1945 Guatemalan Constitution: amendments to limit the power of the Executive as a response to Guatemala’s history of dictatorial rule, and advancements in social reforms, were now consistent with twentieth-century international trends in social justice and human rights initiatives. An analysis of Jorge Ubico, the last of a series of Guatemala’s military dictators, prompted the drafting members of the 1945 Constitution to design Amendments to prevent past government abuses and eliminate the threat of future caudillo rule. This chapter’s analysis of the revolutionary events, the individual figures who directed the 1944 October Revolution, and the resulting “Ten Years of Spring” that followed, highlights detailed aspects of the intellectual origins present in the 1945 Constitution.34

The revolutionary events were inspired by international trends towards democratic principles and aspirations for peace declared in Franklin D. Roosevelt’s “New Deal” and “Four Freedoms,” as expressed in the Atlantic Charter’s claim for self-determination and social justice. Members of the university community studied these declarations and used those themes as inspirational models for Guatemala’s new democratic nation. The New Deal served as Guatemala’s model for domestic economic relief through federal legislation. The Four Freedoms introduced two new freedoms consistent with twentieth century trends for economic rights and security: the freedom from want and freedom from fear. Although politically immature, Guatemala’s legislative efforts to modernize their society is investigated in this study to determine whether their reforms were based on socialist ideals, or derived from a democratic nationalist movement.

Events of the 1944 October Revolution have been analyzed in previous academic studies.35 Using their findings as a basis, this study further investigates the internal memorandums and correspondence between U.S. Ambassadors and the U.S. Department of State to determine the U.S. understanding of the revolution, regarding whether it was a socialist

34 Jesilow Afflitto, The Quiet Revolutionaries Seeking Justice in Guatemala (Austin: Texas University Press, 2007), 153. “Ten Years of Spring” is the phrase used to describe Guatemala’s ten years of democratic independence the country enjoyed as a result of the 1944 October Revolution up until the 1954 CIA overthrow of Guatemala’s second democratically elected president, Jacobo Arbenz.
35 See for example Gleijeses, Shattered Hope, 22-30 and Kobrak, Organization and Oppression, 6-12.
movement or was democratically inspired. Socio-political and theoretical studies are also examined to determine the political character of Guatemala’s system of government. Evidence shows that U.S. understandings, or misunderstandings of Guatemala’s developing events depended partly on the interpretation of a given Ambassador’s personal biases, as well as his long-held relationships with foreign corporate investors. The U.S. Ambassador’s interpretations of a variety of Guatemala’s reform leaders’ statements documented in internal U.S. correspondences will make obvious how individual U.S. Ambassadors determined U.S. support of Guatemala’s revolutionary ideals.

Apart from U.S. interpretations, this study analyzes the intellectual debates and discussions of the “Committee of Fifteen” that drafted the 1945 Guatemalan Constitution. The debates among Committee Members defines the character of the Constitution as a democratic document that included neo-socialist economic policies with the intention of promoting the ‘dignity of man,’ a recurring theme that promoted human rights throughout the document. Unlike previous Guatemalan constitutions, the sovereignty of the people trumped sovereignty of the nation in the 1945 Constitution, and the State was deemed responsible for the preferential protection of human existence. The 1945 Constitution correlated rights with duties, especially regarding labor as an individual right as well as a social obligation. The State was responsible

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40. 1945 Guatemalan Constitution: Article 23.-The State protects human existence preferentially. The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily life, liberty, equality, and security of the person, of honor, and of property.
41. 1945 Guatemalan Constitution: Article 55. – Labor is a right of the individual and a social obligation. Vagrancy is punishable.
Constitutional provisions for government-administered secular public education served as a foundation for advances in equality for society, family structure, and culture. Analysis of the Committee discussions reveals the intelligence and modern thinking of the Members, regardless of age or political leanings. The recognition of individual rights and duties, respected but subordinate to the interests of the general society, illustrates Guatemala’s novel creation of a national constitution that reflected the trends of an international movement for human rights honored and protected by the State. Many of the Committee Members would play important roles in President Arévalo’s administration and represent Guatemala on the regional and international stage. The socio-political reforms of the 1945 Constitution serve as a case study and a democratic model for developing nations in a new world order, as it promotes the advancement of human rights in a national constitution.

Chapter III contains a profile of the political figures of Guatemala’s reform government. Although the reform figures rallied together in a united front against Ubico’s dictatorial regime, their political ideals clashed as the new independent nation proceeded towards democratic governance. Careful investigation of President Arévalo’s political philosophy indicates that he invited all socio-political views, with the exception of foreign anti-democratic communism. Claiming no affiliation with any particular political party or social class, President Arévalo believed that a pure democracy depended on full participation of Guatemala’s citizenry, regardless of social status or political affiliation. Intellectually, Arévalo saw the revolution in three stages; 1) the student revolution that overthrew Ubico, 2) the military revolution that prevented Ubico’s associates from maintaining dictatorial power, and 3) the democratic political revolution. Drawing from Arévalo’s early published works as an academic, compared to his public addresses as president, this study examines the application of his philosophy to the governance of Guatemala. He drew distinctions between his notion of ‘spiritual socialism’, on the one hand, and Marxist material-based socialism, on the other. Arévalo’s effectiveness as President through his administration is evidenced by political, social, and economic reforms, confirmed by U.S. Ambassador Kyle, who served in Guatemala from 1945 to 1948.

This study chronicles the evolution of political ideas through the examination of key reform figures that developed their political beliefs as Arévalo’s administration advanced

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41 1945 Guatemalan Constitution: Article 57.-The State shall employ the resources within its power to give work to all who may lack it, and to ensure the economic conditions necessary for a dignified existence.
towards reforming Guatemala’s sociopolitical and economic systems. As a result, it exposes foreign political influences that directed certain individuals in socio-political reforms, and Arévalo’s reactions to various political developments. As his new administration advanced in promoting social reforms, several of the individual figures acquired political ideas derived from foreign influences that conflicted with democratic ideals, which inspired the revolution. As tensions arose from cold war ideologies developed in the late 1940s, Arévalo experienced disparagement within his own administration as well as receiving criticisms from the U.S. Regardless, Arévalo was consistent in his pursuit of social justice and the advancement of human rights throughout his term of office, despite resistance and misunderstanding of his administration’s reform initiatives. Under Arévalo’s direction, radical reform figures were repositioned within the government to avoid internal confrontation, and some were reassigned to regional and international positions. This study aims to determine whether leftist tendencies of Guatemala’s reform figures were ideologically driven, or motivated by extreme nationalism. In either case, the result was a national goal of advancing individual equality for the purpose of recognizing human dignity.

In order to define the character of the socio-political origins of the 1945 Constitution, Chapter IV analyzes the 1945 Constitution’s conception of rights against Tom Campbell’s theoretical study of rights. Relying on prior academic research comparing democratic to socialist systems of government and their respective economic systems, this aspect of the study assesses the socio-political nature of Guatemala’s revolutionary system of thought. In order to evaluate Guatemala’s vision of social justice and human rights, as expressed and codified in the 1945 Constitution, this study must first examine the character of Latin American political thought that provided the foundation for Guatemala’s notions of a common humanity, which is central to the advancement of human rights.

The moral imperatives derived from las Casas and that were politicized by Bolívar were reintroduced in the twentieth-century by the Latin American poet and revolutionary activist, José Martí. In reaction to labor abuses engendered by the Industrial Revolution, Martí recognized the universal struggle between people and the oligarchy as the motivating factor for national liberation and social justice. During the sociopolitical and economic injustices of the 1930s, the Spanish liberal philosopher and spiritual father of the Spanish Civil War, José Ortega y Gasset claimed that the intellectual elite must guide the masses, echoing Socrates’ similar claim that an elite group of men must determine the future of the whole. These influential figures, who were grounded in the philosophy and spirit of Catholicism, helped to shape the cultural humanistic tendency that was manifested in the Latin American tradition in social justice and human rights. Against the backdrop of this confluence of figures, post WWII Guatemala used the principle of education as a foundation for order and progress in order to shed the inheritance of Latin America’s colonial era. As such, Guatemala’s role as a new democratic nation inspired a variety of liberal leaders in the region. The provisions contained in the 1945 Constitution express the theoretical components that combined “first-generation” political and civil rights, with “second-generation” economic, social and cultural rights, culminating in a new vision of social justice and forming a foundation for advancing human rights.

The study investigates the discussions of the Committee of Fifteen, who were responsible for the drafting of the 1945 Constitution. The members of the Committee of Fifteen were determined to prevent government abuses of the past through constitutional law. Progressive provisions in the 1945 Constitution elevated the political, economic, social and cultural initiatives with twentieth century democratic systems and at the same time promoted human rights. The discussions of the committee members display an understanding of human rights based on the moral relation between the individual and society, with the government’s role providing the necessary balance connecting the two. Their discussions confirm that individual freedom and self-determination are viable only in the context of society. This is reminiscent of

45 Jorge Ibarra, José Martí; Revolutionary Democrat. (London: The Alton Press, 1986.)
46 H.E. Davis, Trends in Social Thought in Twentieth Century Latin America, 60.
Rousseau’s Enlightenment model for a modern social democracy.\textsuperscript{47} The 1945 Constitution established the fact that the State is formed first, with individual guarantees given afterwards by the State in order to prevent the usurpation of State power. This stands in opposition to the Enlightenment’s notion of ‘natural rights’, which was primarily addressed to justify property rights.\textsuperscript{48} Concomitantly, committee discussions reveal a major difference between Lockean theoretical models, which situate private property as the basis for individual rights, models that were embraced by the capitalist societies of the West. As such, they stand in direct contrast to Latin American theories of individual rights, which are rooted in morality and based human dignity.

One of the distinguishing elements of the Committee of Fifteen’s discussions (elements that would be duplicated at both the regional and international stage) was the debate concerning whether provisions for human rights required special protections in the form of Constitutional Articles, or whether subsequent statutory laws would be sufficient, even though they might carry the risk of radical change in the future. On the regional and international level, the debate over human rights was concerned about whether those rights would be included in a non-binding declaration, or a legally binding convention. The 1945 Constitution contained Articles that provided a basis for provisions relating to labor laws and social security, but stipulated future statutory laws to further define specific codes for enforcement. Glendon’s scholarship defines this strategy as ‘programmatic rights,’ or rights not directly enforceable, but awaiting implementation through executive or legislative action and future funding.\textsuperscript{49}

Led by President Arévalo’s confidence in the modernity of his political ideas, the Committee of Fifteen included constitutional articles to protect the family, marriage, and indigenous rights and culture as a primary obligation of the State through secular education.\textsuperscript{50} Accordingly, this study analyzes Arévalo’s early academic publications in an effort to determine

\textsuperscript{47} Tom Campbell. \textit{The Left and rights; A conceptual analysis of the idea of socialist rights.} Campbell’s study considers Rousseau’s rights theories as the forerunner of modern socialism.
\textsuperscript{48} See Committee of Fifteen Member Carlos Garcia Bauer’s argument on natural rights described in Chapter IV. Garcia Bauer would present Guatemala’s arguments for social justice and human rights as Guatemala’s representative to the United Nations and a member of the Third Committee that finalized the Articles of the Universal Declaration of Human Rights.
\textsuperscript{49} Glendon, \textit{Rights in Twentieth-Century Constitutions}, 528. European Continental lawyers call such rights “programmatic” to emphasize that they are not directly enforceable individual rights.
\textsuperscript{50} \textit{1945 Guatemalan Constitution:} Section IV Culture, Article 81 - There shall be a minimum of public education, obligatory for all inhabitants of the country, within the age limits and in conformity with the plans and programs fixed by the pertinent law. Education in official schools is secular, and the minimum of public education referred to in the previous paragraph shall, furthermore, be imparted gratuitously.
the extent of his philosophy’s influence on the Committee’s attempt to develop a political theory that defined Guatemala as a nation. Central to his philosophy was the promotion of quality secular education directed by the government, with the intention of developing children’s characters to participate in a just society. The national literacy campaign was led by the faculty and students of the university, empowering the university with autonomous status through constitutional amendment.\footnote{1945 Guatemalan Constitution: Article 84.-The University of San Carlos de Guatemala is autonomous and will be governed in accordance with the respective law and its statutes. The State will contribute by guaranteeing and increasing the university patrimony and annually will designate in the budget the appropriation reserved for the maintenance of the University.} Poverty was seen as an economic deficiency, but the Committee also realized that the poverty of the nation was a deficiency of state, of mind, and of spirit. Arévalo’s philosophy of education also included a campaign for improved hygiene, not only for health reasons, but also to address the reality that disparities in hygiene separated the social classes.

One of the main figures of the Committee of Fifteen, Carlos Garcia Bauer, presented Guatemala’s arguments for social justice and human rights on the international level as a member of the Third Committee that finalized the Articles for the Universal Declaration of Human Rights at the United Nations.\footnote{Official Records of the Third Session of the General Assembly, Part I. Social, Humanitarian and Cultural Questions. Third Committee; Summary Records of Meetings 21 September- 8 December. (Lake Success, New York. 1948.)} Armed with confidence established through Guatemala’s domestic democratic social advances, Garcia Bauer rose to become Chairman of the United Nations Social, Humanitarian and Cultural Committee. A wide range of issues, which had been debated by the Committee of Fifteen were argued by Garcia Bauer at the international level: issues pertaining to natural rights, anti-democratic regimes, housing, indigenous rights, and the death penalty, are some examples. Unlike many of the nations represented at the United Nations, Guatemala argued and resolved these issues on a national level, and as a result, Garcia Bauer was well prepared to articulate specific aspects pertaining to human rights.

Many of the national issues discussed by the Committee of Fifteen were debated at the Latin American regional level in preparation for the international discussions that formed the United Nations and the creation of the Universal Declaration of Human Rights. The ‘dignity of man’ became the central theme of Constitutional provisions for individual freedoms, which includes the prohibition of discrimination relating to sex, race, color, class, and religion, as well
as protecting freedom of political beliefs. \(^{53}\) New rights contained in the 1945 Constitution relating to political asylum, free association, freedom of opinion, and the prohibition of torture are evident in the discussions at the Inter-American Conferences and were advanced by Latin American representatives to the United Nations. Eighteenth and nineteenth-century claims for the rights of man were intended to create equal participation in the social, economic and political life. Twentieth century ‘rights of man’ claims, according to Latin American traditions, were based on the ‘dignity of man,’ claims that were codified in the 1945 Constitution. Through Chapter IV’s analysis, the evidence shows that Guatemala’s Constitution created a hybrid between the socialist and capitalist conceptions of man. The 1945 Constitution was designed to balance individual rights with social responsibilities.

The purpose of Chapter V is to quantify Guatemala’s contribution to the regional and international conferences, contributions that came from the development of the 1945 Constitution. The chapter identifies parallels between the human rights elements of the 1945 Constitution and the efforts made at the Inter-American Regional Conferences. This study identifies three distinct phases in the evolution of Latin American human rights, starting with the 1933 Montevideo Inter-American Conference, which defined the rights and duties of the state in response to Franklin D. Roosevelt’s Good Neighbor Policy. A series of regional conferences during the 1930s sought to classify American Principles, non-intervention policies, social rights, women’s rights, housing, and the Declaration in Defense of Human Rights prepared at the 1938 Inter-American Conference at Lima, Peru. As a result of the human rights atrocities caused by the tyrannical rule of Franco in the Spanish Civil War during the 1930s, this first phase inspired political passions among Latin American nations. \(^{54}\)

The second phase of the evolution of Latin American human rights began with President Roosevelt’s ‘Four Freedoms,’ speech followed shortly by promises of self-determination contained in the Atlantic Charter. As the end of World War II was in sight and Allied victory inevitable, the Dumbarton Oaks Conference laid the foundation for the United Nations. In response to provisions benefiting the interests of the Great Powers, Latin American nations

\(^{53}\) 1945 Guatemalan Constitution, Title III, Chapter I, Individual Guarantees, Article 21: All Persons enjoy the guarantees established by this Constitution with no restrictions other than those herein established. With similar reservations, any discrimination because of filiation, sex, race, color, class, religious beliefs, or political ideas is also declared illegal and punishable. Article 21 expands the freedoms claimed in Article 1: Guatemala is a free, sovereign, and independent Republic, organized toward the primary end of assuring to its inhabitants the enjoyment of liberty, culture, economic welfare, and social justice.

\(^{54}\) Davis, H.E. Trends in Social Thought in Twentieth Century Latin America, 63.
convened in March of 1944 at the Mexico City Conference on the Problems of War and Peace, preparing their arguments for regional status in conjunction with the United Nations that were presented at the San Francisco International Conference in 1945. This study evaluates the degree of influence Guatemala, along with the Latin American nations had on the inclusion of social justice issues and human rights initiatives in the forthcoming international conventions and declarations. It was the Latin American tradition in social justice and human rights that demanded recognition of these elements into international documents, with the Guatemalan delegation playing a significant role in their implementation.

The third and final phase of the evolution of Latin American human rights was the affirmation of the regional goals for peace and reciprocal assistance, which began at the Rio Conference of 1947. The developments at Rio demonstrated the cognizance of and the compliance with the provisions of the United Nations Charter, as stated in Article 51. The May 1948 Bogotá Conference achieved significant goals for the Latin American nations. First, the Pan American Union was restructured into the Organization of American States (OAS) that established a legal basis for political authority within the Charter of the United Nations. Unlike the United Nations Security Council’s veto power, the OAS members elected to have no veto power, and thus constructed a more democratic structural system. Bogotá produced conventions that addressed post-war economic conditions and also political and civil rights for women. Bogotá’s “Declaration of the International Rights and Duties of Man” was the key document that would greatly influence the discussions of the Third Committee’s drafting of the Universal Declaration of Human Rights. During the Bogotá Conference, the Guatemalan delegation presented notable resolutions in defense of democracy and anti-colonialism, representing the collective interests of the liberal members of the Latin American contingent.

The analysis of the Third Committee’s original transcripts, with further insight provided by the Director of the Division of Human Rights, John P. Humphrey, and Johannes Morsink’s

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55 United Nations Charter: Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

study of the Universal Declaration of Human Rights, confirms Latin America and Guatemala’s contribution to the design of the human rights document. Humphrey’s historical understanding of the Latin American tradition in social justice and human rights credits that tradition with the success of advancing human rights initiatives through the United Nations. Humphrey drew heavily from Latin American documents; namely, a version of the American Declaration of the Rights and Duties of Man and the Statement of Essential Human Rights provided by the American Law Institute. Humphrey analyzed every available national constitution, including the most recent democratic document of its kind: the 1945 Guatemalan Constitution. Morsink’s study delves deeper into the theoretical constructs of the Universal Declaration of Human Rights. Similar to this present study’s analysis of the 1945 Constitution, Morsink credits old and new rights as being reciprocal and interdependent. One example of his theory of interdependency is the old right of founding a family to the new right to work. This analysis correlates Morsink’s insights with an examination of the 1945 Constitution and confirms interdependency as an integral element of this study’s argument concerning parallel connections with international trends in human rights and social justice.

One of the defining aspects of this study’s finding is that the Universal Declaration of Human Rights was both a means and an end. The study reveals the document as a means toward contributing to world peace, with establishing the fundamental rights for the entire human family as an end. The 1945 Guatemalan Constitution was authored as a means to correcting past, authoritative abuses, advancing social justice and human rights with the end of terminating tyrannical rule and providing a new democracy designed to serve the people. Chapter V demonstrates not only the parallels between regional and international efforts to promote human

57 John P. Humphrey, Documented Outline. Commission on Human Rights Drafting Committee (The United States National Archives: N.A.E/CN.4/AC.1/3/ADD.1. June 11, 1947) The Documented Outline is the draft that was prepared by Humphrey to present to the United Nations Human Rights Commission drafting committee. He analyzed all available national constitutions, as well as the Latin American regional documents submitted by the Organization of American States for ideas to include in his draft document. Johannes Morsink, The Universal Declaration of Human Rights; Origins, Drafting, & Intent. (Philadelphia: University of Pennsylvania Press, 1999.) Morsink’s 50th Anniversary study of the creation and drafting process of the Universal Declaration of Human Rights is the most comprehensive academic work available to scholars. He explains the drafting process, the origins of each of the articles, the debates that took place that determined the text of each article, and the overall influence of the World War II and Holocaust experience.


59 Morsink, 222. Morsink considers ‘old’ rights as more established civil and political rights of the eighteenth-century, whereas ‘new’ rights are social, economic, and cultural rights.
rights with Guatemala’s new democracy, but it also highlights Guatemala’s contribution to those
advances and quantifies how their success became a model for democratic reforms for aspiring
nations.

The purpose of the following chapters is to detail the socio-political origins of thought
that incorporated social justice and human rights initiatives as expressed in Guatemala’s national
1945 Constitution. As the only such democratic constitution of its time to do so, this study will
also identify the contribution Guatemala’s initiatives that served as a model for the Latin
American conferences and international efforts in the advancement of human rights and social
justice. As such, this study intends to extend prior research of Guatemala by establishing the
human rights initiatives created in the 1945 Constitution.
CHAPTER I
HISTORICAL BACKGROUND LEADING TO THE GUATEMALAN 1945 CONSTITUTION

The examination of Guatemala’s historical background is significant in determining the socio-political and intellectual origins of the 1945 Constitution. The 1945 Guatemalan Constitution serves as a legislative bridge between shedding authoritarian political rule of the past and at the same time, providing a pathway towards a modern sociopolitical structure that expresses the aspirations of a democratic society focused on the recognition of advancing individual and social rights. After gaining independence in 1821, Guatemala’s First National Constitution of 1825 was a response to the end of Spanish colonial rule and the beginning of Guatemalan Republican government under Conservative rule. The structural model which Conservative political leaders chose as a means to govern the newly independent nation was the example set by the Spanish colonial rulers. White landed elite of Spanish descent cooperated with the Roman Catholic Church to organize the society at the expense of its poor ladino and Indian populations. The 1825 Constitution formally adopted the executive, legislative, and judicial structure following the design of the Constitution of the United States of America. The 1825 Constitution protected the rights of the landowning aristocracy, similar to the U.S. Constitution that originally protected the rights of property owners. Both constitutions protected the rights of the elite, but neglected to adequately protect the rights of the nation’s general inhabitants. As a result, the individual rights of the indigenous majority were not represented.

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1 Ralph Lee Woodward, Central America: A Nation Divided. (New York, Oxford: Oxford University Press, 1999), 111. Woodward provides a detailed history of Central America from conquest to the twentieth century. Several aspects of his work relates directly to Guatemala’s social, political, and economic history.
2 Ronald H., Chilcote, Joel C. Edelstein, Editors. Latin America: the Struggle with Dependency and Beyond. (Cambridge, Massachusetts: Schenkman Publishing Company Inc., 1974, 1983) Susanne Jonas, Guatemala; Land of Eternal Struggle, Chapter I, 94. Jonas provides a detailed explanation of Guatemala’s early history, with emphasis on The Catholic Church’s relationship with Conservative rulers. During the Colonial period, Spanish bourgeoisie residing in Guatemala became the criollo elite who took Indian land and employed forced labor to produce cocoa and indigo. Criollo ideology was based on racial superiority and the need for a captive labor force. Jonas explains the exploitation of the Indians as a hacienda economy that evolved into ‘dependent capitalism’, which set the stage for contemporary U.S. imperialism in Guatemala, 97. Dependent capitalism brings oppression on the basis of race, class, and sex, 98. Holleran, Church and State in Guatemala, 23. Criollo were Spaniards born in America and peninsulares were born in Spain.
3 Silvert, A Study in Government: Guatemala, Chapter I The Revolution of 1944: Antecedents, Some Consequences, and Setting, 1-2. Silvert provides a chronology and political evolution that influenced the contexts of Guatemala’s national constitutions. An explanation of the transition from the 1825 Conservative era to the 1871 Liberal era includes the economic, political and social distinctions between the two types of governance.
The first period of independence was known as the Conservative Era, which ruled by military executive decree and primarily provided opportunities of wealth for the elite class and their appointed political representatives.

The Roman Catholic Church was responsible for the administration of the colony’s social and educational affairs during the Spanish Colonial period. The alliance between State and Church persisted through the Conservative Era. Under Conservative rule, the Church controlled two functions in Guatemala: first, the administration of central government services, and second, addressing the spiritual needs of all social classes of Guatemalans throughout the country, including members of the Mayan descendant Indian population. Centuries of the influential spiritual function of the Church became deep-rooted in the Guatemalan humanitarian thinking.

The economic and political transitions caused by the modernization that characterized the Industrial Revolution expanded the demand for forced labor and the resulting human rights abuses of the Indian population. The 19th century introduction of coffee production to meet Western European demand altered the elite power structure significantly. The exchange in political power over generations between Conservative and Liberal ideologies shaped the development of the new class of *ladino*. The Indian population provided the *finca* owners with the main source of profit; cheap labor, whose human value was nothing more than a human commodity and a means of production. Each period of economic change brought with it racial class struggles accompanied by bribery and greed of government officials. Although independence supposedly modeled a form of democratic governance, each successive Conservative president ruled in a dictatorial manner driven by self-interest of the elite class he represented.

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4 Jonas, *Guatemala; Land of Eternal Struggle*, 111. Susanne Jonas is a scholar of Latin American history, with special interest in Guatemala and Central America. Early history of Guatemala’s ruling elite and the role of the Catholic Church during the Spanish Colonial period (1524-1821). The terms; *finca, criollo, ladino, hacienda, latifunda, and caudillo* are commonly used and understood among Latin American scholars. Woodward, *Central America*, 113.

5 Jonas., 112. *Ladino* is the term used to describe the new class created between the mix of Indian with Spanish white descendants blood, either by marriage, or by rape. Also known as *Meztizo* in other Latin American countries.

6 Ibid. *Finca* is the term used for describing the large plantations that during this period relied exclusively on Indian forced labor. The literal Spanish translation is “estate”.

As the growth of international trade became prominent in the twentieth century, European and U.S. investors realized they could advance their own corporate interests by allying themselves with Guatemala’s corrupt leaders and government officials. Liberals gained power over the conservatives in 1871 and were eager to expand international trade by accommodating foreign corporate interests. Each successive decade of the twentieth century allowed Guatemala’s most powerful foreign investor, the United Fruit Company, to gain maximum control over government policies. Detailed later in this chapter, a series of complicit Guatemalan military dictators accommodated United Fruit’s quest for maximum profit at any expense, which at the time translated into the most far-reaching monopoly in Central America. The company’s growing control over the Guatemalan political leaders and the agricultural economy influenced diplomatic affairs between the United States and a series of Guatemalan administrations. Eventually, Guatemalan political figures needed to seek approval and support from United Fruit Company representatives and United States diplomats in order to gain office.

The development of the Guatemalan economy, its politics, and its resulting social condition are necessary for understanding how unique Guatemala was among underdeveloped Latin American nations. Unlike mineral producing Latin American nations that began to industrialize their economies, Guatemala’s economy remained solely agricultural and semi-feudal, relying on cheap forced labor. Economic and social power came from landholdings, agriculture and control of the Indians as a means of production. The series of dictatorial political leaders gained wealth and power by relinquishing the control of the nation’s economy to foreign corporations at the expense of its people’s social welfare. The historical insights explained here are important for understanding the socio-political developments detailed in the following chapters.

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9 Woodward, *Central America,* 49.
1.1 The Spanish Colonial Era

The Spanish Colonial history of Guatemala provides a fundamental background for understanding of the continuing struggle between interests of the ruling elite providing commercial wealth for Spain and the birth of Latin American humanism introduced by the 16th century Spanish Dominican priest, Bartolome de las Casas (1484-1566). The colony’s economic reliance on Indian forced labor to produce cocoa, cochineal and indigo for Spanish and northern European markets took precedence over las Casas’ movement to eradicate racial disparities. Las Casas was determined to have Spain’s rulers and the Catholic Church recognize universal human dignity, regardless of race or class. Las Casas pleaded his case to Spain for universal human dignity and consistently framed the requirements of justice in terms of the rights of the Indians. The tension between the accumulation of material wealth for the ruling elite and las Casas’ Christian-based concern over the human condition of the Indian population continued throughout Guatemala’s evolving sociopolitical periods.

Unlike several valuable Spanish colonies mining gold and precious metals, Guatemala was seen by Spain as an administrative center with a meager agricultural resource providing little economic benefit to the empire. The result was an underdeveloped economy structured on the hacienda system to produce raw agricultural goods for Spanish manufacture in Europe with Indian labor as its necessary ‘means of production’. Spain’s relative neglect of this colony allowed the resident criollo elite to develop a rather self-directed capitalistic economic system. The hacienda system required minimal capital expense; only a supply of vast land confiscated from Indian communal properties and forced labor supplied by the Indian peasant population.


Unlike the European Middle Age model of feudalism, which operated on a self-sustaining basis, the semi-feudal system of the *hacienda* was dependent on imported finished goods from Europe. This condition of minimal subsistence resulted in perpetual undernourishment of the Indian labor force and higher mortality rates.

The unbalanced economic framework developed into what Susanne Jonas, a prominent Guatemalan historian, has termed “dependent capitalism.” The *haciendas* produced raw agricultural goods exclusively for export without allowing for internal sustenance or any measure of self-sufficiency, resulting in Indian dependence on imported finished goods to meet their daily material needs. The significance of this type of evolving, dependent economy became a lasting condition plaguing Guatemala’s underdeveloped economic and sociopolitical future. Jonas’ conclusion is the “…evolution of dependent capitalism since the 16th century set the stage for contemporary U.S. imperialism in Guatemala.”

This conclusion substantiates this study’s claim that the ruling elite continued to utilize varied forms of forced labor as a means of production for the profit of Guatemala’s ruling elite and foreign corporations, resulting in a culture of social injustices and continued human rights abuses.

Bartolomé de las Casas was appointed ‘Bishop of the Indies’ by King Charles V in 1542. In this role, he became the representative guardian for the salvation of the Indian population under Spanish colonial rule. In 1545, he wrote to the Spanish monarchy on behalf of the salvation of the Indian, “…for the foundation in them of a new church and the Christian religion and for the salvation of these souls.” As a young man, las Casas and his father joined Christopher Columbus’ second voyage to Hispaniola and was introduced to the Spanish Crown’s economic system for New World agricultural development; ‘*encomienda*’. As a means for promoting colonization, Spain offered Spanish settlers a tract of land and use of forced native slave labor, provided that they convert the natives to Christianity and instructed them in the Spanish language. Las Casas participated in this system until he was admonished by

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11 Mary Patricia Holleran, *Church and State in Guatemala* (New York: Octagon Books 1974), 23. Holleran’s text is a comprehensive study in the evolution of the Roman Catholic Church’s various roles in Guatemala from Spanish Colonial rule to the time of publication in 1974. Her work was funded by Columbia University’s Series: Columbia Studies in the Social Sciences, and edited by the Faculty of Political Science of Columbia University.
12 Carozza, *From Conquest to Constitutions*, 289. Encomienda: the system by which Spanish colonists were given tracts of land and the rights to forced labor of the native people in return for a promise to instruct them in the faith. Also, see Grandin, *The Blood of Guatemala*, 27.
Dominican Friars for this practice that violated Christian beliefs of brotherhood. He returned to Spain, entered the seminary, resulting in a conversion of moral conscience and the initiation of his crusade to free the Indigenous from slavery. As a member of the Catholic priesthood, he embraced the universal Christian moral belief that all of God’s people had souls, all were children of God, deserving of salvation, including the Indian. It was this lifelong commitment to compassion and the salvation for all of humanity as God’s creation that became the cornerstone of Latin American human rights thinking. Christian core beliefs in universal brotherhood would be evident in many of Guatemala’s future social rights initiatives to act as Christian stewards of the Indian people. Foreshadowing twentieth century human rights thinking, education of the Indian through persuasion was las Casas’ prescribed social remedy.

Many scholars agree that las Casas’ spiritual influence permeated Latin American culture from generation to generation. For the purpose of this study, the focus will be on las Casas’ philosophical and legal arguments that promoted the first notions of universal human dignity. As a social reformer, las Casas’ legal argument to King Charles V in 1542 was designed to establish a defense for cultural integrity and self-determination, based on philosophy, theology, law, and also driven by personal experience. His argument for the requirements for justice was framed in terms of the rights of Indians. From the theological perspective, the concepts of free will and human reason were the fundamental criteria that linked all human beings in terms of Christian doctrine. The philosophical theory of the doctrine of natural rights is initially derived from these two concepts based on the belief that man was created in freedom. As members of a single common humanity, las Casas argued that Indians were equal members in the human family, with a natural right to liberty. The intellectual result was an early rational explanation of the concept of universality. Las Casas’ argument for individual rights for Indians in the context of the Spanish Empire indicates the interrelation of the individual within the framework of a collective

19 Carozza, From Conquest to Constitutions, 290.
20 Ibid., 294.
society. His argument suggests individual freedoms are “rooted in and expressed through the
beliefs, practices and authority of the community.”

Centuries later, the integration of individual
rights with society’s collective rights reflected las Casas’ notion of social justice as the idea of
human rights became more clearly defined in a twentieth-century social context.

Las Casas’ conviction of universal human dignity served the past as well as the present.
Carozza’s analysis concludes that Bartolomé de las Casas was not simply a historical figure, but
part of a continuous narrative of the idea of human dignity, rights and freedom in Latin
America. References to his ideals for human dignity are repeated through the Inter-American
Conferences during the 1930s and 1940s, as well as the discussions surrounding the development
of the Universal Declaration of Human Rights. Consistent with Christian Doctrine claiming all
men are made in the image of God and logically all members of the human race must be
considered one. Unfortunately, his doctrine would lie latent during Spanish Colonialism and the
Church authority would remain an authoritative component of colonialism, functioning without
advancing indigenous rights. Material needs of the Church trumped the moral doctrine promoted
by las Casas and the minority of the members of the Church that promulgated las Casas’
beliefs.

At this juncture, it is important to distinguish between the Catholic Church doctrine as a
religion of salvation separate from its Spanish Colonial role as an instrument of the State
administration and its apparatus. In Guatemala, the Catholic Church was a tax-exempt
institution and the colony’s financial backer, allowing the Church to own vast tracts of land. The
relationship between the criollo elite and the Church leaders became more closely intertwined
and has been described by Guatemalan author and diplomat, Luis Cardoza y Aragon, as “the
right arm of the ruling class.”

24 Carozza, From Conquests to Constitutions, 294.
25 Ibid., 296.
26 Jonas. Latin America; The Struggle With Dependency and Beyond, 111. Jonas explains how the Church was
exempt from tax obligations, the first big money lenders, and sizeable landowners. And Jonas, The Battle for
Guatemala, 15. Class exploitation wand racist ideology of criollo superiority was methods of organizing the Indian
work force. The Catholic Church justified the complicity as part of the Spanish state apparatus and provided the
ideological underpinning for the pacification and cultural subjugation of the Indians.
Luis Cardoza y Aragon (1901-1992) was a Guatemalan author and diplomat who studied in Paris after 1920 and
became friends with Miguel Angel Asturias while studying at the Sorbonne. During the formation of the Universal
Declaration of Human Rights, he served with Carlos Garcia Bauer as part of the Guatemalan delegation to the
United Nations. Woodward, Central America, 115. Spanish colonial treatment of the Indians was continued during
elite, the Indian communities throughout the rural areas of Guatemala were maintained under the direction and spiritual care of the local clergy.

The local clerics coordinated conscripted Indian labor forces to be sent to the *latifundas* during harvest time and at the same time allowed a measure of their communal traditions to continue under clergy’s protection and guidance. More complex than their colonial masters understood, or cared to understand, the Mayan culture is essentially communal, with distinctions between tribes of different dialects and customs. Their sense of community is deep in that all children belong to all the adult members of the tribe. In addition to the Mayan communal sense of family, their allegiance was only to their ancient community and they had no conception of a modern nation, state, or government. In order to accommodate to their new rulers, the local Indian elite or nobles retained a degree of their status among their communities by serving as agents for the local *criollo* elite and local clergy.\(^{29}\) The Indian elite were responsible for coordinating the conscription of Indian peasant labor, as well as insuring the collection of mandatory Indian tribute.\(^ {30}\)

1.2 Ladino; A New Social Class

The Indian elite earned a degree of power over their Indian tribe members and gained a measure of acceptance with the *criollo* ruling class by learning Spanish and adopting western European customs. Beginning in the Colonial period, a racial mix between Indian and Spanish

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the Conservative era in the 1830s in that the belief was not to assimilate the Indian into Guatemalan society, but to isolate them and offering paternalism and protection.

\(^{28}\) *Latifundas*; large plantations owned by the landed elite of Spanish decent


\(^{30}\) Primo Levi, *Survival in Auschwitz; The Nazi Assault on Humanity.* (New York, London, Toronto, Sydney: Simon and Schuster, A Touchstone Book, 1986.), 78-80. The recent history of human rights abuses includes the use of minority group leaders to work for and carry out orders of their oppressors at the expense of members of their own group. The strategy of empowering privileged select members of an oppressed group to control the majority of their own members can be seen as an effective approach to contain and control a powerless group. The Nazis use of Jewish *kapos* to administer order and subjugation among fellow Jewish prisoners in the concentration camps is an excellent example of this strategy. In exchange for certain privileges, the *kapos* wielded brutal power over their Jewish brethren. The power they gained compromised their morality, an effective strategy to de-humanize the prisoners.
descendents took place and a new class of Guatemalan developed; the ladino.\(^{31}\) Ladinos became a separate class, not members of the Spanish descendant criollo class, or indigenous Indian. By 1802, ‘ladino’ became a derogatory term among the Spanish colonial descendants. A form of racism developed, unique to Guatemala. Guatemalan racism was based on culture rather than blood.\(^{32}\) As the twentieth century approached, several ladinos aspired to the culture and values of the criollo elite, and grew to despise their hereditary connection to the Indian. Ladinos were generally categorized by the State as ‘free laborers’ working on the haciendas for minimal wages, but did not pay tribute like the Indians. Ladinos made every effort to separate their identity from the Indian and aspired to the criollo class values of wealth accumulation, in addition to adopting notions of individualism. At the same time, their rejection and disdain for the Indian increased in order to present themselves as contributors to a developing modern Guatemalan society.

As foreign corporations increased business in Guatemala, many ladinos migrated to the urban areas attempting to gain recognition as artisans and valued members of Guatemalan society. In the early twentieth century, select members of this new class elevated to commercial interests as merchants, professionals, and business owners serving the material needs of the upper ruling class. As time went by, the small group of ladino elite became assimilated into the Guatemalan petty bourgeoisie. Their assimilation into the Guatemalan upward class is described by Jonas as, “...more than any other class, [ladinos] personified the integration of the dependent capitalist economy into an international system designed to meet the needs of the ascendant European bourgeoisie.”\(^{33}\) In terms of social and cultural distinctions, their inherent resentment of the Indian, especially among the majority of the poor ladino would grow as the colonial period transformed into the Conservative Era.

In addition to acquiring the skills necessary to rise in class among the Guatemalan elite, the ladino population made their disdain for the Indian well known.\(^{34}\) The Indian became the racist target in Guatemalan ladino society. Extreme racism towards a powerless class of society

\(^{31}\) Greg Grandin, *The Blood of Guatemala*, 82-83. In Guatemala, in the years following independence, the term ladino represents all non-Indians and refers to European identity. Grandin examines the history of the racist attitudes of the ladino against the Indians in great detail in Chapter 3, 82-97.


empowers the oppressors by subjugating the less fortunate members of a society. In the case of Guatemala, the racist targets were not the minority as with human rights abuses against oppressed Jews or Armenians in Europe during the twentieth-century. The oppression of the majority of indigenous inhabitants is another rare aspect of human rights abuses in Guatemala, similar to apartheid in South Africa. *Ladinos’* mistreatment of the Indian, especially by the poor *ladino*, would further ally them with white Guatemalans and contribute to their acceptance by the elite class. Each generation of *ladino* became more aligned with the ruling class, separating themselves from their Indian heritage.

1.3 Independence and the 1812 Spanish Constitution

Just as Bartolomé de las Casas’ Christian humanistic influence became a model and a recurring force of inspiration for humanism throughout Guatemala’s social development as a more modern society, military and political leader Simon Bolívar’s fight for Latin American independence from Spanish rule became the inspiration for national political autonomy. These historic figures would be a driving force for national independence movements throughout Latin and Central America, as well as a reference point in future dialogue in regional conferences of the Organization of American States, including discussions during the formulation of the United Nations. Regular references to las Casas and Bolivar are present in debates, communications and descriptions of democratic goals by several Guatemalan diplomats and political leaders throughout Guatemala’s diplomatic and legislative history.

Beginning in 1817, Bolivar’s successful founding of an independent Columbia was the catalyst for Latin American independence from Spain. He promoted a democratic ideology based on the ideals of the French Revolution and the United States’ Revolution that claimed independence from English rule. Known by Latin Americans as *El Libertador*, Bolivar’s political liberal ideology and his belief in constitutional representative democracy were directly influenced by the ideals set forth in the American and French Revolutions. The ideas and works of Thomas Jefferson, Montesquieu’s “*Spirit of the Laws,*” and Adam Smith’s “*The Wealth of Nations,*” were among his studies and inspiration in democratic independence. He aspired to a

36 Glendon, *The Forgotten Crucible*, 33-34.
form of democracy that would fit the socio-political character unique to Latin America. Beginning in 1821, the Guatemalan conservative elite used the platform of democratic constitutional law in order to gain power. Under the mask of democratic principles, the conservatives adopted a structure of authoritarian governance that initially followed the example of Spanish colonial rule. The landed elite, in partnership with Church leaders, controlled the economy and administration of Guatemala, independent of Spanish rule.

The Spanish Constitution of 1812 served as one of the major influences to inspire independence and constitutional thought for the Spanish American colonies. Although most contemporary scholarship attributes the Spanish American independence movement modeled by the example of the United States Constitution of 1787 and the French Constitution of 1791, little scholarly attention is given to the direct impact of the Spain’s own Constitution of 1812. Enlightenment thinkers and the influence of the intellectual community of the *philosophes* were not confined to France and England. During the Enlightenment, the international intellectual community promoted revolutionary principles based on an ideology of individual rights within the context of an egalitarian society.

In 1808, Napoleon’s troops from France invaded Spain and caused political chaos throughout the Iberian Peninsula, resulting in the Spanish Revolution. Conservatives remained loyal to the King Ferdinand VII and the Bourbon monarchy, while liberals envisioned popular sovereignty and an opportunity to create a representative government through a constitutional monarchy based in part on the legal structure of the U.S. and French constitutions. Individual property rights became the foundation for creating a middle class and the focal point for a new liberal economic order. In the absence of the King’s rule while captive in France, the Spanish American provinces became self-ruled and realized they could maintain order without the monarchy. Delegates from the provinces joined together to form a single legislative representative body called the Cortes to draft a new constitution.

The move towards Spanish liberalism and secularization began with the expulsion of the Jesuits in 1767, marking the decline of Church influence and the rise of the military. During

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38 Blaustein, *Constitutions That Made History*, 115.
40 Jaime E. Rodríguez O. *The Emergence of Spanish America: Vincente Rocafluer and Spanish Americanism 1808-1832* (Berkley, Los Angeles, London: University of California Press, 1975), 4. Rodríguez’ work provides the most
that time, Spanish liberals established relationships with Enlightenment thinkers from various European countries. Participants in the Enlightenment created secret economic and philosophical societies that reformed European universities and developed an international network of communication that served liberal political ends. Educated men studied the ideas of the philosophes concerning economic development, the machinery of modern industry, problems of society, and politics. By 1810, London became the international revolutionary center for members of various secret societies, from which Simon Bolivar and the Spanish American Diplomat Vincente Rocafuerte obtained and developed many of their revolutionary ideas.

Although the members of these international societies sought a system of self-governance over monarchal rule, not all members agreed on the methods of representative self-governance. For example, Bolívar demanded total independence from Spain, while Rocafuerte sought a more compromised position for a Spanish Commonwealth system including the Spanish American provinces. Internationally, there were ideological differences between revolutionary members from the United States and their Spanish counterparts. English speaking Protestant members in the United States were suspicious of their Spanish-speaking Catholic neighbors to the south. Andrew Jackson referred to Spanish Americans as “inferior mongrels”, and John Quincy Adams doubted their ability to form a functional representative government because of their “despotic heritage of Spanish Catholic culture”. Later in this study, documentary evidence establishes this lingering contrast in the cultural divide between the people of Spanish America and the United States as future regional and international debates developed.

The Spanish Constitution of 1812 served as a weapon against Napoleon’s invasion, as well as a “benevolent symbol of unity” for Spain. Spanish Americans took advantage of the crisis caused by the Napoleonic Wars and demanded representation in Spain’s political affairs. The members of the Cortes, or national assembly, held their first constitutional meeting on.

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41 Ibid., 18.
42 Ibid., 49.
43 Ibid., 19.
44 Ibid., 49.
47 Grandin, The Blood of Guatemala, 68.
September 24, 1810 in the city of Cadiz. In 1809, Spain’s revolutionary junta issued a decree stating every Spanish Province in both hemispheres would elect one representative deputy to the Cortes. As a result, the Cortes formed a national assembly, with members consisting of one third clergy, six Spanish nobles, and the rest of the members from the middle class, with one quarter of the deputies from the provinces in the Americas. The first decision of the Cortes was to curtail the power of the monarchy by claiming that national sovereignty resides in the Cortes, not the king. The spirit of the document was inspired by the American Declaration of Independence’s assertion of the “pursuit of happiness.” Specific to the Spanish American Provinces, the Constitution applied to Spaniards in both hemispheres. In effect, the Spanish American Provinces gained equal rights and laws with their continental counterparts. By 1814, the king had returned to power and rescinded the Constitution. Despite the King’s demands, Spanish Americans were determined to declare independence from the monarchy to pursue self-determination, and representative government through democratic means.

The Spanish Constitution of 1812 adopted the Executive, Legislative and Judicial branches of government from the U.S. and French Constitutions to protect individual political rights. In addition to individual rights and a free press, the 1812 Constitution included economic and social rights. Economic justice through land reform and the promotion of free enterprise were components of economic rights in order for the Spanish nation to compete in the new world economy and establish a free middle class in the society. Constitutional protections for a new middle class, and unique to the 1812 Constitution, were the protection of social rights. Public secular education became the standard and cornerstone of a modern society under the

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48 Rodriguez, The Emergence of Spanish America, 9.
49 Ibid., 10.
50 Translations of the 1812 Spanish Constitution are taken from The Constitution of the Spanish Monarchy. Promulgate at Cadiz March 19, 1812. (Philadelphia: Palmer, 1814) Article 13: The government has for its subject the happiness of the nation, for the only end of all political associations is the welfare of all its members.
51 Article 1: The Spanish nation consists of all the Spaniards in both hemispheres.
52 Blaustein, Constitutions That Made History; The Spanish Constitution of 1812, 115. Article 15: The legislative power belongs to the Cortes, together with the king. Article 16: The executive power belongs to the king. Article 17: The judicial power, in civil and criminal cases, resides in the tribunals established by law.
53 Article 4. The nation is obliged to preserve and protect by just and wise laws, the civil liberty, the property, and other legitimate rights of all individuals belonging to it. Article 131, 24) To protect the political liberty of the press.
54 Article 335, The provincial councils shall have the power: 5) To promote the education of youth according to the plans approved, to encourage agriculture, industry, and commerce, and to protect those who have made new discoveries in these branches.
powers of the Cortes on the national level and locally through the municipalities. In addition to the political autonomy the Spanish American ruling class obtained through the 1812 Constitution, *ladinos* from the upper middle sectors became politically empowered as well.

The protection of individual rights within the context of an egalitarian society was protected under the 1812 Constitution. Articles for protection of certain rights on the national level included inviolability of the home, prison reform, and prohibition of torture. On the municipal level, social rights included hygiene and general welfare for its inhabitants. Provincial Councils of the townships were responsible for their towns to be kept clean, hospitals would be established, and the organization of towns would be developed under provisions of the 1812 Constitution. Addressing and providing initial steps towards the rights and dignity of the Indians, Provisional Councils were responsible for the economy, order, and conversion of the indigenous population. According to Grandin’s study of the Guatemala’s early history relating to the 1812 Constitution, the laws of the Cortes turned subjects into citizens, Indigenous tribute was abolished, and Indians became equal citizens.

The liberal members of the Cortes understood that a liberal secular education needed to take a prominent place in the Constitution due to their Enlightenment belief that the human power of reason separated men from the rest of God’s creation. Although liberal secular education became protected under the constitution, Catholicism remained the only recognized

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55 Article 131: The Cortes shall have power—22) To establish a general plan of teaching for the public schools throughout the monarchy, and approve of the plan which shall be prepared for the education of the prince of Asturias. Article 321: The municipal councils shall have power—5) To promote the education of youth, agreeably to the approved plans, encourage agriculture, industry, and commerce, and favor those who shall have made useful discoveries in any branch thereof.


57 Article 297: The prisons shall be regulated so as to secure and not molest the person of the prisoners. Therefore, the jailors shall keep them clean and in good order; they shall separate those with whom the judges have forbidden all communication, but shall never confine them in dungeons or unhealthy cells. Article 303: Torture and other like compulsory means shall never be used. Article 306: The house of a citizen shall not be entered by force, except in cases determined by law for the good order and safety of the state.

58 Article 321: The municipal councils shall have power—1) To see that the town be kept clean and healthy; 6) To oversee the hospitals, the founding of hospitals, and other charitable institutions, under such regulations as shall be prescribed; 7) To direct the construction and repairs of highways, causeways, bridges and prisons; and also take care of the forests belonging to the township, and all public works of necessity, utility, and ornament;

59 Article 335: The provisional councils shall have power: 10) The overseas provincial councils shall oversee the economy, order, and progress of the missions for conversion of the heathen Indians; the superintendents of the missions shall give accounts of their operations so that abuses may be prevented; these accounts shall be transmitted to the government.

This core belief in education was situated as the foundational element in promoting human rights. The 1812 Constitution’s Title IX: Public Instruction detailed the responsibilities of the state and the provinces to provide education for an enlightened citizenry. Rodríguez’s study of Rocafuerte cites evidence of the pursuit of education, social welfare and health care through Rocafuerte’s studies of social institutions in the United States. He considered the Pennsylvania Hospital as a model for promoting health care in Spanish America. His visits to prisons in New York and Pennsylvania convinced him that rehabilitation of prisoners doing useful work better served the community than abusive punishment. As a member of the Enlightenment, Rocafuerte believed “reason was the best tool to transform society...and Spanish America must be educated”. In the United States he was well received as a featured speaker at the New York American Bible Society, hosted by the Society’s President, John Jay and New York State’s Governor, DeWitt Clinton. His speech declared that Christians loved liberty, religious toleration, and education. Rocafuerte’s study of social practices in the United States convinced him that “strong national governments could provide leadership needed for development.”

King Ferdinand VII returned to the throne in 1814, and immediately abolished the 1812 Constitution. Spanish American liberal representatives continued to be inspired by the political, economic and social provisions in the 1812 Constitution. Despite ongoing turmoil in Spain, several Spanish American nations became independent through insurrections: Argentina in 1816, Chile in 1818, Gran Columbia in 1819, Guatemala and Columbia in 1821, and Mexico in 1824. On the European continent, the 1812 Constitution became a “symbol of liberalism”, with

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61 Article 12. The religion of the Spanish nation is, and shall be perpetually, Apostolic Roman Catholic, the only true religion.
62 Title IX. Public Instruction. Article 366: In every town of the monarchy there shall be established primary schools in which children shall be taught reading, writing and counting, the catechism of the Catholic religion and a brief exposition of civil obligations. Article 367: Likewise, as adequate number of universities and other establishments of instruction considered necessary for the teaching of all sciences, literature, and fine arts, shall be created and regulated. Article 368: The general plan of instruction shall be uniform throughout the kingdom; the political constitution of the monarchy must be explained in all the universities and literary establishments where ecclesiastical and political sciences are taught. Article 369: There shall be a general directorate of studies, composed of persons of recognized standing, who shall be in charge under government authority, with inspection of public education. Article 370: The Cortes, by means of plans and special statutes, shall regulate whatever pertains to the important object of public instruction. Article 371: All Spaniards have the freedom of writing, printing, and publishing their political ideas without need of license, revision, or any approval previous to publication, subject to the restrictions and responsibility of law.
63 Rodríguez, The Emergence of Spanish America, 65.
64 Ibid., 66.
65 Ibid., 66.
66 Ibid., 67.
Portugal and Naples using the 1812 Constitution as their model for independence. Although Spanish Americans had won their independence and established republican forms of government, tensions between conservative and liberal ideologies persisted.

In 1821, the majority of Guatemalan criollos demanded independence from Spain. Independence left Guatemala in financial straits, and what emerged were two opposing domestic political forces. Liberals held fast to the economic, social, and political reforms promoted in the 1812 Constitution. On the other hand, conservatives representing the interests of latifundas looked to the State to continue to protect their local, commercial monopolies by maintaining the privileges and societal structure established during the Colonial era. This elite class of conservative thinkers sought to continue cultural isolation, which included merchants who had served as commercial intermediaries between the crops provided by latifundas and European markets. Conservative ideology sought to maintain central state control of the economy as well as to protect the interests of the Church. The Church was seen as an established institution through which the elite would gain and maintain political control.

The opposing force came from the liberals who favored progressive economic and political reforms to eliminate the restrictive colonial model adopted by conservatives. The liberal economy promoted access to international markets based on ‘free trade’. The liberal vision of a new economic model based on coffee as the country’s large-scale money crop required further exploitation of the Indian peasant class and the need for modernizing the country’s transportation and communication infrastructure. Politically, liberal ideology called for more progressive secular democratic governance. Its cultural model was based on European values. The result of these internal opposing forces created a cultural divide that would ensue during Guatemala’s successive stages of economic and political development. The two factors shared in common by both opposing ideologies were their own self-interests, and the deep-seated disdain for the Indian population.

During the 1830s, the two figures that consolidated and strengthened the political and military power behind the expanding progressive Liberal movement were Central America’s independence leader Francisco Morazán, based in Honduras, in close association with

67 Ibid., 36.
Guatemala’s chief of state, Mariano Gálvez. In 1826, liberals in Central America found a leader in Morazán and by 1831 Guatemala’s Governor Mariano Gálvez joined forces with Morazán for the liberal cause. Although it would take four decades before the Liberal agenda would take a firm hold in the governance of Guatemala, among Galvez’ domestic actions were securing democratic political reforms, abolishing the death penalty, endorsing trial by jury, promoting secular education, and curtailing Church influence in State affairs. Liberal economic policies included international trade with the U.S. and Europe. In 1839, Conservatives regained power in Guatemala, and abolished Galvez’ reform laws and restored a limited degree of power to the Church. Liberal ideologies would continue to resonate beneath the surface of political activity and reemerge during the Liberal era beginning in 1871. The progressive sociopolitical actions of both Morazán and Gálvez played an inspirational role for future intellectual liberal leaders. Later reform movements of the 1920s and the 1944 October Revolution drew inspiration from Bolívar, Morazán and Gálvez, evidenced by references to them in political speeches and in Latin American regional conferences.

The longest presiding Conservative president was Captain General Rafael Carrera, serving two separate terms from 1844-1848, and again from 1851-1865. In 1837, Carrera led the revolt against Morazán and Gálvez’s liberal regime and reestablished Conservative ideology in Guatemala. Conservatives reinstituted Guatemala’s economic isolation from foreign interests. The Church hierarchy returned to direct administrative affairs of State and the Jesuits were allowed to return to power after being expelled by Galvez and the Liberals. Carrera was a devout Catholic as is evidenced in the Decree of 1851: the “Constitutive Act concerning Guatemalans and their Duties and Rights,” subtitled “In the Name of All-Powerful God.” Article 5 of the Act states that the election of the President is composed of members of the Chamber of

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72 Ibid., 96.

73 Jonas, *Guatemala; and of Eternal Struggle,* 122-123.

Representatives, the Court of Justice, Council of State, and the “Most Reverend Metropolitan Archbishop.”

As a military leader in 1840, General Carrera’s military forces were responsible for keeping the Indian population contained and obedient. When government money became unavailable to support ongoing military operations, Carrera ordered his troops to be paid from church funds. Politically astute and aware of aligning himself with Church power, he sanctioned the Church to regain control over the University of San Marcos. Carrera’s authoritative style of governance as a military dictator, termed, ‘caudillo,’ provided an example for future leaders, whether Conservative or Liberal. After his two terms in office, there would be a series of interim Conservative presidents before the Liberal leaders would take full charge of the direction of Guatemala in 1871.

1.4 Implications of the Monroe Doctrine

In addition to the internal sociopolitical developments brewing within Guatemala, external forces were developing from the growing international authority coming from the United States in the nineteenth century. Coinciding with Spain relinquishing its hold on colonial territories in the western hemisphere, President James Monroe expressed U.S. foreign policy of hemispheric independence from future European colonization and assured foreign nations that any attempt to do so would be met by U.S. military might. The principles set forth by President Monroe became to be generally known as the ‘Monroe Doctrine,’ and for those who supported it, “the real Declaration of Independence for Central America.” European empires were informed that Latin America was now under the exclusive influence and protection of the United States, marking the hemisphere as the “New World” comprised of independent nations. In the coming years, President Theodore Roosevelt reestablished U.S. dominance in the region.

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75 K.H. Silvert, *A Study in Government: Guatemala* (New Orleans: Middle American Research Institute, 1954), 154. Kalman H. Silvert’s research with Tulane University’s Middle American Research Institute is a valuable resource for many scholars in Latin American studies. His 1954 *A Study in Government: Guatemala* provides excellent understanding of Guatemala’s legislative history, including English translations of Guatemala’s Constitutions and Decrees.


77 Ibid., 131.

78 Robert H. Holden and Eric Zolov, editors, *Latin America and the United States; A Documentary History* (New York and Oxford: Oxford University Press, 2000), 11. As Spanish American nations became independent in the 1820s, U.S. policy prevented any further colonization in the Western Hemisphere by European nations or Russia. U.S. policy was announced by President James Monroe in his annual message to Congress on December 2, 1823.

with more stringent protective unilateral policies for the region through the 1904 Roosevelt Corollary of the Monroe Doctrine.\textsuperscript{80}

Further investigation of the consequences of the Monroe Doctrine on the independence of the Latin American nations is expressed in the writings of the first democratically elected president of Guatemala, Juan Jose Arévalo (1945). He presented an angle of vision contrary to familiar histories, stating that the essence of manifest destiny contained in the Monroe Doctrine was not to threaten European imperialistic aims so much as to secure U.S. control over the Latin American nations.\textsuperscript{81} His argument claimed that the U.S. began to flex its international muscle to prove itself as an emerging world power and give itself license over the future control of Latin American nations.\textsuperscript{82} The evidence of Arévalo’s argument pointed to the fact that the United States allowed England access to the Falkland Islands in 1833, Belize in 1835, and Nicaragua in 1847. Spain took back Santo Domingo in 1852, and France was allowed to purchase the island of San Bartolomé de las Antilles from Sweden, all with U.S. approval subsequent to the terms of the Monroe Doctrine.\textsuperscript{83}

The evidence for Arévalo as a leading political member of the region illustrated that U.S. intentions were not necessarily to protect the interests of Latin American neighbors so much as to play the role of gatekeeper to the region. Additionally, the U.S. used its hemispheric license to carry out its own imperialist aggressions through a series of military interventions in Texas in 1848, Puerto Rico in 1898, Cuba from 1902-1933, Panama five times beginning in 1903, repeatedly in Nicaragua from 1855, and Haiti in 1914, among others.\textsuperscript{84} Arévalo’s contention was that the U.S. designed a ‘legal justification’ through the Monroe Doctrine to pursue its own imperial interests within the region. Arévalo confirmed his argument by referring to the genius

\textsuperscript{80} Holden, \textit{Latin America and the United States}, 100-101. In President Theodore Roosevelt’s annual message to Congress of December 6, 1904, he expanded the U.S. role in protecting the hemisphere from outside intervention. In February of that year, the Hague Permanent Court of Arbitration sanctioned the legal right of one state to use force against another to collect debts. Roosevelt feared the use of debt collection as a pretext for the expansion of Europe’s presence in Latin America. Roosevelt’s solution to this threat was to impose U.S.-appointed customs collectors on financially delinquent governments. This strategy would ensure that foreign debts were paid on time. This policy prevented any threat of foreign intervention. The Roosevelt Corollary included the right of the U.S. to intervene militarily on behalf of U.S. interests.

\textsuperscript{81} Juan José Arévalo, \textit{Anti-Kommunism in Latin America}. (New York: Lyle Stuart Inc., 1963), 94.

\textsuperscript{82} Peter Chapman, \textit{Bananas; How the United Fruit Company Shaped the World}. (Edinburgh, New York, Melbourne: Canongate Books Ltd., 2007), 35.


of Bolívar who recognized the implications of the U.S. proclamation and responded to the principles of the Doctrine by convening the 1824 Congress of Spanish-American nations in Lima without including the U.S. or Brazil.\textsuperscript{85} Continuing U.S. influence led Latin American nations to seek U.S. approval for changing regimes within their respective countries, especially in Guatemala because of the high degree of U.S. commercial interests in that country compared to other underdeveloped nations in the region.

Further evidence of the underlying purpose of the Monroe Doctrine and the Roosevelt Corollary came from U.S. Brigadier General Smedley D. Butler’s (1881-1940) 1937 antiwar classic, \textit{War is a Racket}. After a 34 year military career in the U.S. Marines and receiving the Medal of Honor on two separate occasions, his book is a reflection on the use of U.S. military force to ensure the safety of U.S. corporate interests throughout the world, including Central America and the Caribbean, a claim that would be recognized in the reflections of future Guatemalan President Juan José Arévalo. After he retired, Butler became a spokesman against U.S. operations overseas and promoted isolationism. His analysis began with U.S. debt in 1898 at one billion dollars, when the U.S. held no foreign territory. After U.S. entry into foreign affairs with the Spanish American War, U.S. national debt rose to 25 billion dollars by the end of World War I.\textsuperscript{86}

Butler continued his critical analysis by comparing U.S. corporate profits from before World War I, 1910-1914, and after 1914-1918. In the steel, copper, coal, sugar refining, and various industries, profits rose exponentially. For instance, coal company profits of $200,000 escalated to $6,000,000 from 1913 to 1916.\textsuperscript{87} But his analysis pointed to the U.S. bankers as the greatest winners by financing all industries and because of their secretive international affiliations, he could not adequately account for all their profits.

The entrance of the U.S. into international affairs and increasing government debt led to wasteful spending and a closer alliance between political leaders and corporate management. Butler recalled one of his Central American campaigns into Honduras to protect United Fruit’s financial interests during an internal political struggle for power. Butler summarized his military career in this way, \textit{“I spent 33 years in the Marines, most of my time being a high-class muscle man for big business, for Wall Street and the Bankers. In short, I was a racketeer for...”}

\textsuperscript{85} Ibid., 108.
\textsuperscript{87} Ibid., 29.
Butler’s words fell on deaf ears and he was chastised in the U.S. for his remarks. By 1934, President Franklin D. Roosevelt initiated the ‘Good Neighbor Policy,’ and military might to control the region was replaced by U.S. required political approval of Central American regimes. Butler and Arévalo’s assessment of the intentions underlying the principles of the Monroe Doctrine would play out in future circumstances, with military might being replaced by diplomatic and corporate versions of imperialism.

Meanwhile in Guatemala, international influences continued to grow and there remained the internal tensions between competing Conservative and Liberal agendas. Conservatives were determined to maintain the status quo of the colonial structure by opposing international free markets and political liberalism, as well as maintaining close relations with the Church hierarchy. The conservative economic agenda continued to support dependent capitalism that held internal economic development hostage to the influences of the world market. Liberals held to the ideals initiated by Mariano Galvez, promoting progressive legislation to advance Guatemala’s political, social, and economic base. Interestingly, international demand for coffee in the second half of the 19th century dramatically changed Guatemala’s economic future and opened up an opportunity for Liberals to finally take control of the political future of the country.

1.5 The Coffee Economy

The Industrial Revolutions in Europe and the United States during the late 1800s resulted in rapidly expanding national economies that created surplus capital for corporate and private international investment. This new wealth fostered domestic demand for imported goods and a variety of luxury items, including coffee. Guatemala’s fertile lands, rich with volcanic soil and moderate temperatures, proved to be the perfect environment for large, high quality coffee plantations. Coffee production required vast tracts of land and a vastly expanded work force, unlike the small plots of land and a limited work force necessary for the cultivation of indigo,

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88 Ibid., 43.
89 Holden, Latin America and the United States, 141. In 1928, Franklin D. Roosevelt publically criticized previous administrations for their failure to do more to create good will with Latin American nations and denounced the habit of intervention. In Roosevelt’s March 4, 1933 inaugural address, he declared his ‘world policy’ would be that of the ‘good neighbor’- a neighbor who respects himself, and because he does so, respects the rights of others. On April 12, 1933, Roosevelt used the term when he addressed the Governing Board of the Pan American Union in his speech on “Pan-American Day”.

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cochineal, and cocoa production that had kept conservative landed elite in power. In addition, increased networks of road and rail transportation were required for shipment to deep-water ports for export to expanding international markets. Access to credit from foreign investors and the expansion of the domestic labor force to meet growing demand caused an internal change in Guatemala’s economic and class structure. The need for this type of advancing economic development opened up opportunities for the liberal economic agenda, and made the conservative limited local economic program relatively obsolete. Rather than internal solutions to promote progressive economic reforms, it was this external demand for coffee that coincided with the liberal economic vision that propelled their rise to power.

For Guatemala, this shift in demand to coffee production from indigo, cochineal and cocoa did not position the country’s economy for domestic industrial growth. The economy remained hostage to the mono-export for agricultural goods, still dependent on the import of foreign manufactured goods and industry. The structure of landownership did undergo change from small plots to accommodate the need for large plantations, which resulted in aggressive government sponsored land confiscations of additional Indian communal properties.

Guatemala’s new coffee economy lacked ample supply of domestic capital and credit, which, in turn, provided an opening for foreign investment and ownership supported by the liberal agenda. In addition, transportation networks for roads and rail needed to be expanded dramatically and quickly to meet the growing demand. New port facilities and technical expertise for large volume export to European and North American markets required foreign investment. Absent domestic economic infrastructure to meet these needs, the two critical factors necessary for the expansion of coffee production - access to finance and expansion of transport facilities - created significant opportunities for foreign assistance.

Domestically, Guatemala’s two meaningful contributions in facilitating this economic shift to coffee production were first, government land concessions with tax incentives to insure

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90 Grandin, *The Blood of Guatemala*, 111. Grandin claims the agricultural shift to coffee cultivation dramatically transformed the relations between Guatemala’s ruling class and its majority Indian population. For the next seventy years, conservative political and military power made indigenous land and labor available for the needs of the *finqueros* (landowners) to meet the international demand for coffee. A forced labor draft (*mandamiento*) was enacted between 1877 and 1894.

91 Dosal, *Doing Business with the Dictators*, 38. By 1904, the military dictator Estrada Cabrera yielded Guatemala’s economic infrastructure and surrendered the Northern Railway to United Fruit’s founder, Minor Keith.


93 Woodward, *Central America*, 133.
foreign private investment, and second, a dramatic expansion of cheap labor derived from the further subjugation of Indian workers. This trade and industrial transformation fit well into the liberal economic and political agendas by welcoming foreign investment to gain access to world markets, which resulted in strengthening liberals’ political power over conservatives. Financial links to foreign capital investment empowered the liberal ruling elite and expanded to include a rising upper middle class of ladino that controlled rural areas suited for coffee production. Their status as a superior class over the Indian population gave them the ability to coordinate and mobilize the much needed Indian workforce. Social order within Guatemala was changing by creating a closer alliance between the established urban ruling elite and the growing ladino upper middle class, while simultaneously creating a wider divide in class distinctions with the Indian population. The cultural schism fueled further discrimination against the Indian population, resulting in legislative reforms designed to further subjugate the Indian workforce. Under liberal leadership, the Indians had lost a measure of Church protection and liberal enforcement of debt peonage, and vagrancy laws were accelerated.

Early evidence of the rapid shift to coffee production is best illustrated in an analysis of leading exports as a percentage of Guatemala’s total exports from 1861 to the beginning of Liberal control in 1871. Guatemala’s leading agricultural export in 1861 was the red dye ingredient cochineal, accounting for 71 percent of Guatemala’s total crop exports, compared to a meager 5 percent for coffee. By 1865, cochineal exports had declined to 53 percent, while coffee exports had more than tripled to 17 percent of the total. At the end of this ten year period in 1871, coffee exports comprised 50 percent of Guatemala’s total exports, and cochineal contributed to 33 percent. From 1871, coffee remained as Guatemala’s largest export commodity. In terms of foreign exchange earnings, coffee contributed 50 percent in 1871, rising to 92 percent by 1880, and maintained as Guatemala’s leading export at 76.6 percent in 1929. At this point, the inherent commodity price fluctuations determined by volatility of international demands dictated Guatemala’s national fiscal health. The consequences of Guatemala’s financial volatility caused periods of economic uncertainty resulting in periods of severe unemployment,

94 Jonas, Guatemala: Land of Eternal Struggle, 133.
96 Ibid., 137.
disruptions of the flow of public revenue streams that immobilized government construction projects, and overall social unrest.

1.6 The Impact of German Immigration

The greatest foreign influence for the dramatic demand in coffee during this early development period of the coffee economy came from Germany. By 1900, in one of the major central highland areas rich in coffee production, the department of Alta Verapaz, German-owned plantations provided two-thirds of the area’s coffee, while four German firms controlled 80 percent of the department’s exports.99 By 1904, foreigners produced nearly half of Guatemala’s total coffee production, and a third of the total was German-owned.100 By the crop year 1935-1936, the top three foreign owned coffee enterprises were Germany, the United States and the Netherlands. German firms held the majority of exports with 64 percent of the total, the U.S. at 18 percent, and the Netherlands at 7 percent, leaving Guatemalan owned operations with a meager 5 percent of the total during that period.101 This trend in the coffee industry illustrates that the production of Guatemala’s economy came increasingly under direct foreign control.

The close association between the Liberal-elite and German foreign interests continued to transform the sociopolitical structure within Guatemala. Additional reliance on foreign assistance led to less control over its own economic future, and further subjugation of the Indian labor force. Consequently, in order to facilitate this dramatic expansion, these developments allowed an opening for the ladino elite, who provided the domestic services necessary to maintain a measure of lifestyles commensurate with expanding foreign wealth and power. Conversely, fewer protections existed for the Indian population which provided the major means of the expanding coffee production, furthering the social divide between the classes. The Indians gained no social or economic benefits in the country’s coffee production, but rather further alienation from society.

Over generations from the mid 1800s, German immigrants concentrated in specific areas outside of Guatemala City, which became semi-autonomous regions, such as Alta Verapaz and

101 Chester Lloyd Jones, *Guatemala: Past and Present* (Minneapolis: The University of Minnesota Press, 1940), 208.
its major city, Coban. The wealth German immigrants had created allowed their community to acquire lifestyles reminiscent of a more modern European culture. Gas lighted plazas, classical orchestras, specialty stores, and a variety of luxury items imported from Europe could be obtained through German trading houses.\textsuperscript{102} The conflict during World War I did not interfere with the production from German-owned coffee plantations, although there was a dramatic shift in the consumption of coffee exports. In 1900, German markets consumed 61 percent of Guatemala’s coffee exports, while the U.S. consumed 19 percent. By 1920, the balance of foreign consumption had shifted, with the U.S. consuming 83 percent and Germany with a scant .5\%,\textsuperscript{103} thus strengthening the alliance between Guatemalan elite and American interests. During World War I, there was no attempt by the Guatemalan government to confiscate German-owned property, as there would be twenty years later during World War II. In fact, German immigration preceding World War II attracted a more nationalistic immigrant playing a more dominant role in city government. Due to the fact that the Liberal government was benefitting from the German contribution to the Nation’s economy, Nazi holidays, parades and rallies were openly held with impunity.\textsuperscript{104} Although the Liberal elite benefitted in increasing wealth and power within Guatemala, indirect control over the country’s economic future continued to be relinquished to foreign interests. After World War II, a shift in foreign assistance from Germany to the U.S. dictated a major shift in Guatemala’s political power structure.

1.7 Early Liberal Era

Scholars agree that 1871 was the recognized inception of Guatemala’s Liberal Era that lasted until the 1944 October Revolution, which ushered in the democratic period termed “The Ten Years of Spring.”\textsuperscript{105} An inspirational figurehead of the liberal movement, Spanish born General Miguel Garcia-Granados, was a member of the Guatemalan mercantile criollo bourgeoisie and the charismatic spokesman for the Liberal intelligencia. Inspired by the short-lived 1831-1838 liberal period lead by the venerated generals, Morazon and Galvez, Garcia-

\textsuperscript{102} Grandin, \textit{The Blood of Guatemala}, 24.
\textsuperscript{103} Jonas, Guatemala; \textit{The Land of Eternal Struggle}, 132.
\textsuperscript{104} Grandin, \textit{The Blood of Guatemala}, 24-25.
\textsuperscript{105} Streeter, \textit{Managing the Counterrevolution}, 13-23. Chapter 1, \textit{Overthrowing the Revolution; U.S-Guatemalan Relations to 1954}, dedicates a section of the chapter to \textit{The Ten Years of Spring}. Streeter cites Immerman and Gleijeses among other scholars as he describes the events of \textit{The Ten years of Spring}. This period of democratic governance began with the election of Arévalo in 1944 through the Arbenz presidency, which ended by the CIA overthrow in 1954.
Granados partnered with military strongman General Justo Rufino Barrios, whose family were coffee growers, to finally end Conservative rule. As Provisional President in 1871, Garcia-Granados became Guatemala’s legendary hero of independence, whose grandson, Jorge, would later emerge as one of the reform leaders responsible for the overthrow of Guatemala’s last military dictator, General Ubico in 1944. After two years of inspiring leadership, Garcia-Granados endorsed Rufino to replace him as President, who held the office from 1871-1885. This period marked a strategic change in the political and economic character of Guatemalan society, although there remained an absence of democratic principles for social reforms to address the needs of the majority peasant and Indian classes.

New liberal legislation would end the Catholic Church’s role in the administration of government and establish the new government as secular. The Church had played a decisive role in education up to this point, and Article 18 of the 1879 Liberal Constitution stated, “Primary instruction is obligatory; that supported by the Nation is secular and gratuitous.” The other main objective of the liberal agenda was to rearrange Guatemala’s economic structure to accommodate liberal interests for attracting foreign trade and investment. As far as social change, the Indian remained oppressed under laws of debt slavery and continued as the sole function as a ‘means of production’ for an expanding coffee economy, becoming even more expendable as a human commodity. Additionally, according to liberal ideology, any degree of local Church protection of the Indian communities was virtually lost.

One of the major reforms of the early Liberal Era was to terminate the official relationship between Church and State that had existed during Colonial Era and maintained during the Conservative Era. Under Barrios’ direction, the National Constituent Assembly of December 1879 created legislative measures to eliminate the Church from its association with the secular government of Guatemala. Under Title II: “Concerning Guarantees,” Article 24 addresses the principles of freedom of religion, and states: “The exercise of all religions, without any favoritism, is guaranteed in the interior of temples.” The article reflects the U.S. Constitution’s provision for the “separation of Church and State.” This new legislation negated...
provisions made by the 1823 Conservative Constitution’s alliance between Church and State described in Article 4: “Its religion: Roman Catholic Apostolic, to the exclusion of the public exercise of any other.”\textsuperscript{110} Conservative legislation in 1838 furthered state protection of Church interests in Decree No. 76, “The Declaration of Rights of State and of its Inhabitants,” Section I, Article 3: “Roman Catholic Apostolic religion is that of the State, protected by laws.”\textsuperscript{111}

Despite liberal efforts to remove church influence in government through exile of the Church hierarchy, prohibiting religious garments in public, and expelling monastic conclaves throughout the rural areas, Catholic humanistic doctrine continued to influence Guatemalan social and spiritual character with \textit{ladinos}, as well as the Indian population.\textsuperscript{112} In its move to become more secular in governance, liberals felt the Church influence would undermine their political and economic objectives for their acceptance into the modern international realm of secularization.

\textit{1.8 Manuel Estrada Cabrera}

Following General Barrios’ twelve year term, the Liberal agenda maintained the status quo with the subsequent presidencies of military generals Manuel Lisandro Barillas (1886-1892) and Jose Maria Reyna Barrios (1892-1898). After the assassination of Reyna Barrios, the Minister of Government and Justice, General Manuel Estrada Cabrera, took over the presidency through constitutional provisions. He also employed the \textit{criollo} tradition of strongman tactics over congressional members. For the next twenty-two years Cabrera maintained his military dictatorship by controlling a series of elections in 1904, 1910, and 1916. Described by historians as “a most neurotic and essentially violent man,”\textsuperscript{113} Cabrera is regarded by Guatemalan historians as one of the worst dictators in the Guatemala’s history. From1898 to 1920, Cabrera encouraged foreign investment and flattered the U.S. while systematically robbed the Guatemalan people of their wealth and individual rights.\textsuperscript{114} Unlike his Liberal predecessors who welcomed bribes from U.S. investors, but were reluctant to relinquish control over Guatemala’s

\textsuperscript{110} Article 4 of the 1823 \textit{Conservative Constitution} is similar to Spain’s 1812 Constitution in terms of the State’s exclusive recognition of the Roman Catholic religion.

\textsuperscript{111} All authoritative references to the Guatemalan Constitutions and select Decrees are derived from the work and English translations of the Middle American Research Institute of Tulane University, under the direction of Kalman H. Silvert, Publication No.21, 1954.

\textsuperscript{112} Holleran, \textit{Church and State in Guatemala}, 198.

\textsuperscript{113} Silvert, \textit{A Study in Government: Guatemala}, 2.

\textsuperscript{114} La Feber, \textit{Inevitable Revolutions}, 40.
economic infrastructure to foreign corporate interests, Cabrera facilitated and even promoted foreign economic intervention. Additionally, he became more suspicious of the Guatemalan elite who threatened his dictatorial power.

After an attempt on his life in 1907, Cabrera became even more despotic. He purged the army, eliminated political rivals, and terrorized both the elite and commoners through a network of spies and assassins. Under Cabrera’s regime, liberal practice made a mockery of liberal ideals. In the aftermath of World War I, U.S. President Woodrow Wilson, who supported principles of democracy and social welfare, became disenchanted with Cabrera’s tyrannical rule. Wilson’s “Fourteen Points” speech to the U.S. Congress in 1918 anticipated a new world order that included principles of free trade, democracy and self-determination. Although the U.S. Congress maintained an isolationist stance regarding world affairs, Wilsonian idealism influenced the formation of the League of Nations, which Guatemala was party to and inspired by.

After twenty-two years of supporting Cabrera’s rule that opened the door for U.S. control over Guatemala’s economic structure and tolerated his tyrannical rule supporting U.S. monopolies, the tide had changed. The U.S. withdrew its support for the dictator, and U.S. diplomatic support prompted the Guatemalan National Assembly to declare Cabrera insane and it removed him from office in 1920. The promise of change from the U.S. administration that had formally supported Cabrera’s regime and afforded a wide opening for U.S. corporate enterprise, transformed into a new U.S. government’s commitment to support the principles of democracy, which was embraced by the Guatemalan university student population. In concert with Wilson’s democratic ideals, progressive students formed a political coalition called the “Unionist Party” in December 1919. Their platform included the end Cabrera’s dictatorial rule and promoted Central America’s reunification. They supported reestablishing freedom of speech and the press, worker’s rights, and the entry of a more representative Assembly. The Unionist Party did succeed in ousting Cabrera, but they did not overturn liberal rule. The U.S. State Department dispatched two warships and marines to guard the American Legation and

115 Dosal, Doing Business with the Dictators, 37.
117 Dosal, Doing Business with the Dictators, 206.
118 Woodward, Central America, 172, 200-201.
119 Dosal, Doing Business with the Dictators, 95. See Chapter 6, The Democratic Interlude, which details the interrelationship between Guatemala, the U.S. State Department, and the United Fruit Company.
assisted in Cabrera’s surrender. Unionist members joined with the liberal majority to form a new government in order to receive U.S. diplomatic recognition. The two parties compromised a bipartisan agreement to appoint a provisional president, Carlos Herrera. Herrera was a wealthy landowner with managerial skills. He promoted foreign capital investment and renegotiated favorable terms with U.S. corporations, especially with United Fruit Company.

Two important reform figures emerged from the student progressive movement, Jorge Garcia-Granados and Miguel Angel Asturias. Garcia-Granados’ family heritage influenced his passion for political reform, as he related to the successes of his grandfather as a celebrated revolutionary leader and the first Liberal President elected in 1871, Miguel Garcia-Granados, described earlier. Orphaned at a young age, Jorge was brought up by his great-aunt who carried on the family tradition against tyranny as she coordinated clandestine meetings with revolutionary figures in opposition to the dictatorial rule of Manuel Estrada Cabrera. The meetings led to assassination plans that ultimately failed, and Cabrera’s security forces sought revenge against the suspected group of conspirators. Jorge witnessed the persecution of several rebellious freedom fighters and reacted by becoming impassioned with the struggle of Guatemalan freedom, living up to his grandfather’s reputation.

As a teenager attending the University Law School, Jorge and other members of the Unionist Party were arrested, but not executed because of Cabrera’s concern over possible U.S. reaction. Eventually the wider public began to support the ideals of the Unionist Party, and for the first time in Guatemala’s political history the party organized mass public demonstrations against Cabrera’s regime. The public outcry for democratic reforms, coupled with U.S. withdrawal of support for Cabrera’s regime, select members of the Assembly - now confident of U.S. endorsement for democratic reforms - allied themselves with the Unionist cause.

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121 Dosal, 97.
122 Ibid.
123 Garcia-Granados, Jorge. *The Birth of Israel; The Drama as I Saw It.* (New York: Alfred A Knopf, 1948.) See Chapter 3, *I Came From a Country of Sorrow.* Jorge Garcia-Granados provides an accurate account of the events for political reforms in 1920. At the time of his writing, Garcia-Granados represented Guatemala at the United Nations and was appointed to the U.N. Special Committee on Palestine, after having served as the first President of the 1945 Constituent Assembly. The chapter of his book describes his family’s background of persecution and political exile as proponents for democratic and political reforms.
124 Ibid.
125 Ibid.
As Jorge’s Unionist Party represented the need for Guatemalan political reform, Miguel Angel Asturias’ experience as student in 1920 reflected the need for initiating social reforms. Also a law student at the university, Asturias created the student organization known as the “Generation of 1920” whose purpose too was to overthrow the Cabrera regime. Following the dictator’s fall from power, Asturias organized the “Association of University Students” to plan Guatemala’s sociopolitical future. Their basic premise for social change was to create a new concept of laws, art, and religion “in harmony with Guatemalan reality,” rather than following European models. Reminiscent of provisions of the 1812 Spanish Constitution, the fundamental goals of the movement were to promote literacy, hygiene, and ethics in order to create a society aware of civic rights and duties. The movement stood as an example of how developing countries needed to address the unique socioeconomic challenges regarding human rights initiatives that vastly differed from prosperous industrialized nations.

Asturias’ family history served as an inspiration to his future accomplishments in social reforms. His father was a lawyer who resisted the oppressive measures Estrada Cabrera imposed on the Guatemalan people, and his mother was an educator. His father’s clash with the regime resulted in the family being exiled from Guatemala City. They were forced to relocate in a rural area where Asturias was exposed to the Indian society and culture, which he came to understand and admire. His experience with rural living was magnified after having survived through the 1917-1918 earthquakes, a rather regular occurrence in Guatemala. The Asturias family lost their home and lived in a tent among the peasant class. This early life experience of resisting oppression, educational upbringing, and Guatemalan rural life among the Indian peasants would direct Asturias’ adult interests and lifelong study in the social dynamics of humanity, foreshadowing human rights initiatives formalized in the creation of the United Nations and expressed directly in the Universal Declaration of Human Rights.

The events of 1920 resulted in a very brief period of minimal sociopolitical reforms with the election by an overwhelming majority vote for Unionist President Carlos Herrera (1920-

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127 Ibid., XII.
Although elected to serve a term of six years, political unrest continued, and, facing danger of revolt, Herrera resigned. His brief term did result in certain constitutional amendments detailed in the March 11, 1921 Decree No. 7, reflecting the democratic reforms proclaimed by the Unionist Party. For the first time in constitutional history of Guatemala, the subtitle of the Decree referred to the “Sovereignty of the People,” rather than sovereignty of the state. Modifications in Article 3 of the 1879 Constitution included, “work is free and should be justly remunerated.” The article called for the State to “develop instruments of social assistance,” and prohibited monopolies, privileges, and concessions to industry. Article 5 prohibited for the first time debt imprisonment. Concerning foreign investment, Article 12, paragraph 7 states that the Assembly must approve by a two thirds majority the Executive’s power to negotiate domestic or foreign loans, or any guarantees of the Nation. Article 12 negated the authoritarian practice used by Cabrera that strengthened UFCO’s monopolistic aims.

This brief period of democratic reforms initiated by the Unionists was short lived until a military coup put the Liberals into power led by Jose Maria Orellana who served from December 1921 until September 1926. Although the Unionist movement failed to gain power, the unionist spirit continued to persist among many Guatemalan intellectuals and a few political leaders. General Orellana was a protégé of Cabrera’s and upon his rise to power, he reinstated Cabrera’s legislature and invalidated all previous legislative acts. Orellana’s first order of business was to warn the dissident students and the Unionist Party members to abandon their cause. After refusing Orellana’s demands, the members were arrested for sedition and several were executed. Jorge Garcia-Granados’ life was spared because of his relation to his nationally celebrated grandfather, but sent to prison nonetheless. The event leading to his eventual release contained inspirational elements for future reformers to draw on. The annual national holiday celebrating Jorge’s grandfather gave his young wife and child the opportunity to plead for Jorge’s life in the presence of a cheering patriotic crowd. She moved forward through the crowd to face Orellana

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128 Jones, Guatemala: Past and Present (Minneapolis, The University of Minnesota Press, 1940.) 69. *The vote is unofficially reported as follows: Herrera, 246,976; J.L. Castillo, 7,948; Fuentes, 5,983. The total number of votes out of an estimated 3.5 million population illustrates the lack of representation with less than 10 percent eligible to vote.
129 Silvert, A Study in Government; Guatemala, 176.
130 Ibid., 176.
131 Ibid., 181.
132 Woodward, Central America, 172.
133 Dosal, Doing Business with the Dictators, 102.
and asked, “How can you celebrate the Liberal principles of Garcia-Granados and yet hold his grandson as a common criminal? I ask his freedom.” The applauding crowd supported her wishes and his release was granted. Evidence of the popular voice overpowering the dictates of a tyrant, is one of the foundations of democracy in action. Collective actions for democratic reforms were in place for future initiatives that would evolve into demands for human rights.

On the other hand, in preparation for his dissertation thesis, Asturias traveled to Mexico in 1921 as a delegate to the First International Student Congress after having enrolled in the first courses offered in sociology at the University of San Carlos. Mexico’s Minister of Education, Jose Vasconcelos, had a vision of Mexico being known as the ‘cultural center’ of the Western hemisphere, just as New York had become the center of industry. Influenced by his experience in Mexico, Asturias’ dissertation was completed in 1923; according to Guatemalan legal requirements, he was admitted to the bar, as well as becoming notary public. Days after the dissertation defense, he left for Europe just in time to avoid Orellana’s crackdown against the student dissidents. Asturias’ thesis reflected the primary characteristics of the 1920 university students and their concerns. Asturias admits in his opening remarks that his examination of the plight of the Guatemalan Indian population is designed to “raise questions and open minds,” rather than make any political claims. His study of the social reality of Guatemala is inspired by what the author describes as an urgent “…time of crises, ideas, hypotheses and beliefs undergoing revision.” Further reference to Asturias’ influence on the development of human rights and social visions for Guatemala will be discussed later in this study.

1.9 United Fruit Company

During the late 1800s, the Guatemalan government had been using domestic revenues from coffee production to create an infrastructure to accommodate its economic growth. The volatility of coffee prices in the world market and growing competition from Brazilian coffee exports, the next largest supplier, forced the government to enlist the service of the United Fruit Company (UFCO) to complete their fragmented railroad lines and the nation’s communication system. Brazil’s entry into the international coffee market caused prices to plummet, resulting in

136 Ibid., 61.
accelerating foreign debt and rising domestic inflation. Further reliance on UFCO’s services increased Guatemala’s foreign dependence and eventually positioned UFCO to form a monopoly in almost every area of Guatemala’s domestic economy.

The origin of the company was based on building and maintaining railroad lines in Central America. In 1870, the founder of the company, Minor Keith (1848-1929), built his railroad business in Costa Rica and financed the capital investment for the railway construction through the export of bananas to southern ports in the United States. Keith’s bankers, Hoadley and Company, went bankrupt, and in order to further capitalize the company’s investment, Keith merged his Central American operations with the Boston Fruit Company’s shipping lines in March 30, 1899, which became the United Fruit Company. The merger gave the new company control over 75 percent of the U.S. banana export market. UFCO’s first appearance in Guatemala came in 1901, securing a contract with the government under Cabrera to handle its postal shipments abroad. The company’s construction and maintenance of Guatemala’s rail system included shipping lines from the Eastern port of Puerto Barrios, known as “The Great White Fleet”. The shipment of bananas to markets in the U.S. and Europe was enhanced with the introduction of refrigerated containers developed in 1903.

1898 proved to be a pivotal year for Guatemala and the United States. In that year, the army chief of staff, General Manuel Estrada Cabrera came into power by Cabinet appointment, and would hold his office for the next twenty two years. Guatemala was in yet another period of economic crisis and lost the necessary domestic tax revenues to complete the state owned rail system. One of Cabrera’s first political moves was to secure authority from the legislature to sell or lease the incomplete state owned rail system to foreign investors. In the next few years, Cabrera formed a strategic alliance with UFCO and its subsidiary the International Railway of Central America (IRCA), along with General Electric, to acquire four pivotal economic sectors:

bananas, railroads, ports, and electricity. Through this desperate arrangement to salvage the failing economy, Cabrera virtually relinquished Guatemala’s economic control to U.S. corporate interests so that U.S. investment in 1897 of $6 million grew to over $40 million by the end of his term in 1920.\textsuperscript{142}

At the turn of the century, U.S. imperial strength translated to greater recognition of U.S. corporate activity abroad. In 1898, the United States won the Spanish-American war resulting in the acquisition of Cuba, Puerto Rico, and the Philippines from Spain, establishing the U.S. as the dominant military power in the region, despite the claims of independence put forward in the Monroe Doctrine. In 1904, Cabrera awarded UFCO a ninety-nine year concession to complete the construction of Guatemala’s unfinished rail lines, a contract to maintain the lines, and build a deep water port on the Eastern coast for international trade.\textsuperscript{143} While Keith began his operations in Guatemala, the company was acquiring many of the smaller banana operations throughout Central America and the Caribbean, with the intention of creating a monopoly over the banana industry and all of the region’s transport services.

In the United States, following an economic crash in 1893, President Benjamin Harrison had signed landmark legislation unanimously passed by Congress, entitled the \textit{Sherman Antitrust Act}. The Trusts of Morgan, Rockefeller, Gould and others had controlled railroad, oil, steel, and banking businesses within the United States. The legislation against monopolies prohibited conspiracies between American companies in order to safeguard the system of American capitalism based on fair competition.\textsuperscript{144} The U.S. legislation did not include jurisdiction over UFCO’s overseas operations, and future developments in the company’s ongoing business activities could serve as a case study in how corporate monopolies were able to control foreign underdeveloped economies, their government officials, and a nation’s sociopolitical structure. Thomas McCann, UFCO’s director of public relations from 1952 to 1974, best described the company’s relationship with Guatemala as the “ideal investment climate.”\textsuperscript{145}

“Guatemala was chosen as the site for the company’s earliest development activities at the turn of the century,” later explained a UFCO official, “because a good portion of the country

\begin{thebibliography}{99}
  \bibitem{143} Ibid., 63.
  \bibitem{144} Chapman, \textit{Bananas}, 45.
\end{thebibliography}
contained prime banana land and also because at the time we entered Central America, Guatemala’s government was the weakest, most corrupt, and most pliable.” U.S. diplomatic and military capacity exercised in the region was manifested in U.S. international corporate strength and combined to illustrate to the U.S. public that the twentieth century would be lead by the power of both. The New York Times featured the article, “Americans Win in Guatemala: Get Possession of the State Railroad against Strong Competition by Foreigners,” explaining the dominance of the U.S. capitalism over imperialist European nations in the region. Describing the successful acquisition of rail construction contracts, the article claims that “American capitalists have won a signal victory in Guatemala...without any cash consideration whatever and in the face of strong competition from French, English, and German syndicates.” U.S. Foreign Minister W. Godfrey Hunter is quoted in the article stating that “the concession was achieved more by diplomacy than by any other cause, and illustrates the friendly feeling which exists between Guatemala and the United States.” The rail line concession would connect to the critically important Atlantic port, Puerto Barrios, UFCO’s key to exclusive control of Guatemala’s access to foreign markets. Minister Hunter continued to explain that the financial arrangements would probably prevent Guatemala from ever buying back the property from American interests.

This pivotal episode marking undisputable U.S. foreign dominance in the region was later recounted in a novel by Nobel Prize winning, Miguel Angel Asturias’ “The Green Pope.” Although categorized as fiction, scholars refer to the novel and Asturias’ works to examine the history of Minor Keith’s empire throughout Central America. In a scene describing the above incident, Keith’s character, Mr. Thompson, explained to a U.S. Senator how the concession was made during negotiations with Guatemala’s dictator. In addition to ‘ceding the railroad,’ the one-sided agreement included “docks on the Atlantic port, properties, stock, buildings, telegraph lines, land, stations, tanks, and all existing material in the capital such as ties and rails.” The Senator responded by asking if the President was drunk to agree with the terms Thompson replied, “Staggering a bit, but not drunk”, and then continued with the list of acquisitions. The

147 New York Times, December 27, 1900.
148 Ibid.
Senator referred to the arrangement as a U.S. acquisition, more than a contract, and Thompson confirmed his appraisal, “The dollar circulates, English is spoken, and they fly our flag.”

With the growth of international commerce, and the assistance of self-interested dictators, any idea of social and economic rights, and for that matter, human rights, was lost. Corporate greed in the first half of the twentieth century magnified the oppression of the Guatemalan indigenous population. The Indians became a more essential element of the means of production, and a determining factor for increasing foreign corporate profits. Most of the Guatemalan elite were profiting from Indian exploitation, and the future visions of equality and social rights were left to the inspired generation of young university students. Their ideals would be based on a sense of morality and a deep understanding of humanity that needed to be regulated by a social-minded democratic state. Their roles in advancing human rights at home and abroad are examined in the coming chapters.

1.10 Reforms of Lazaro Chacon and the Unionist Party

The heart attack and sudden death of Orellana in 1926, called for the first designate, Lazaro Chacon to take the presidency (1926-1930). Washington approved of Chacon’s presidency because they considered him another caudillo who pledged to maintain U.S. economic interests in Guatemala. Chacon, a Unionist, called an election following the terms of the constitution and won by a large majority for a six year term. Chacon began his military career at age 19 and rose through the ranks until he became commanding officer of the Presidential Guard of Honor in 1924 and Brigadier General by an act of the National Assembly. As President, he promised to strictly enforce the laws of the Constitution.

Chacon’s domestic agenda included advancing Guatemalan society consistent with the civilized world. His plans relied on the Constitution to enforce the rights of citizens, support agriculture and industry, and reform the banking system. In terms of local elected officials, he put forward amendments prohibiting close relatives from being department deputies. His 1926

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152 Amy Elizabeth Jensen, *Guatemala: A Historical Survey* (New York: Exposition University Book 1955), 112. Jensen’s text lists a historical description of Guatemalan Presidents. At the time of Jensen’s 1955 publication, many of Chacon’s dealings with United Fruit had not yet been thoroughly researched. Jensen’s work lists Chacon’s social accomplishments, but does not include his corrupt dealings with United Fruit that resulted in his great personal wealth.
Decree provided legal services for those who could not afford the cost themselves.\textsuperscript{153} Regarding Guatemala’s financing, an economic and financial commission was established in 1927. The National Mortgage Bank was established in 1929, and the National Bank of Guatemala was opened in 1930.

Following the Unionist platform, social reforms were initiated. Education became a priority for his administration to eradicate illiteracy. Fellowships were established for students to become teachers, with specific focus on rural education. In order to address the needs of the countryside, technical schools were opened for agriculture and industry, a more practical application of rural education. The Agriculture Department provided free seeds and fertilizers to the small rural farmers. The Agriculture Credit Union was established to provide loans to farmers to work uncultivated lands and purchase modern machinery. In 1927, Chacon oversaw the opening of the American Academy for instruction in the English language and American customs.\textsuperscript{154} These are a few of the social reforms Chacon initiated in order to bring Guatemala from a semi-feudal state into the realm of twentieth-century society.

Chacon’s flaw was greed. Although he promoted social advancements for Guatemala, he expected personal wealth for his benevolence. As far as infrastructure was concerned, the Chacon administration began surveying construction for the Pan American Highway, and opened commercial airlines for domestic travel and mail service. A government radio station was opened in 1927, and the expansion of telephone and telegraph lines was initiated. Chacon’s aggressive actions to modernize Guatemala included a 25 year contract with United Fruit Company to further develop the east coast port town of Livingston, adjacent to Puerto Barrios on the Caribbean coast. The 1927 contract included the finalizing of the fragmented communication and rail lines that the Guatemalan government had begun in the past years. In exchange for UFCO’s services, the company was granted exemptions from government duties and taxes. Chacon’s agreement was not supported by many of the members of Congress and created disputes among Guatemala’s political leaders. Chacon’s finance minister, Filipe Solares, confirmed that the president had an annual budget of $100,000, an amount less than he gained through extortion, and contractors paid commissions to Chacon’s officials.\textsuperscript{155}

\textsuperscript{153} Ibid., 113.
\textsuperscript{154} Ibid., 115.
A later study in 1993 by Paul J. Dosal, offers greater insights into the consequences of Chacon’s economic initiatives.156 Beyond the economic power that UFCO gained in 1904 from Estrada Cabrera, Chacon’s actions gave the company most of all they needed to control what was left for Guatemala’s economic future. Through UFCO’s subsidiary, the International Railway of Central America (IRCA), the monopoly over transportation was virtually complete. Without legislative approval, Chacon agreed to allow UFCO to purchase private property with water rights along the Pacific coast. The company had no plans to develop the Pacific coast for trade, but their ownership prevented any competition with any privately held East Coast operations. By 1929, 82.5% of bananas produced by independent producers was sold to UFCO because there was no other alternative to get the produce to international markets, thus UFCO controlled pricing to guarantee company profits.157 The result of these circumstances was that all of the economic risk was with the independent producers.

The economic disparities created by Chacon’s favoring UFCO’s business at all cost ignited resistance to his policies by the progressive wing of the Liberal party, led by future president, General Jorge Ubico. The company had a deep connection to Chacon’s administration including the First Vice President of the Legislature, Jose Mariano Trabanino, a former legal adviser to UFCO. The political atmosphere became more toxic and led to an attempted military rebellion on January 17.1929.158 Chacon responded by attacking all political opponents, which resulted in even greater control over the legislature. The University students reacted in protest during the annual celebration “Huelga de Dolores,”159 circulating pamphlets detailing bribes from the company to government officials.160 By September 1929, Chacon declared that all the resistance to his decisions “promoted secession,” and responded in dictatorial fashion by suspending constitutional guarantees of free speech, assembly, and the press.161

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156 Dosal’s 1993 study provides insights greater that Jensen’s descriptive work from 1955. Although his work is focused primarily on United Fruit, the details of the company’s dealings with Chacon’s administration help define the corrupt nature of the caudillo ruler, but also describes UFCO’s role in this present study and the impact of corruption on Guatemala’s legislative history.
157 Ibid., 167.
158 Ibid., 169.
159 “Huelga de Dolores” translates to “strike of sorrows.” The origins of the protest parade by university students began in 1898 when Estrada Cabrera brought UFCO into Guatemala. It is an annual protest parade of students wearing red and black hoods asking the crowd for donations. The banners they carry mock the government’s ties with foreign companies and governments. The protest is held on the last Friday of Holy Week and continues today.
160 Ibid., 169.
161 Ibid., 171.
A new Assembly comprised of Chacon’s supporters convened in March of 1930 and offered UFCO a fifty-year concession with only one cent tax per bunch on banana exports, a unit price per bunch that could not have been lower. The Minister of Agriculture conceded, “...if Guatemala wanted to stimulate the banana industry, there were no realistic alternatives to UFCO.” The U.S. reaction to the company’s arrangement with the Chacon administration was made by Ambassador Whitehouse to the Department of State explaining UFCO and IRCA’s monopolistic position that they “...would have other companies by the throat.”

These events created an economic and social crisis within Guatemala, and the landed elite demanded the return of an authoritarian leader. Ubico, who had returned to his family coffee business after serving as a minister with Cabrera’s administration, returned to the political scene to oppose Chacon. Ubico had faced Chacon earlier in the 1926 election. Ubico promoted his political career using the “Generation of 1920” platform. During that campaign, both Jorge Garcia-Granados and Miguel Angel Asturias presented themselves as candidates as well. Although Ubico was seen as the favorite, Chacon had won the election, and Ubico returned to the family business and private life. However, Ubico was not destined to sit on the political sidelines permanently. His next rise to political power will be discussed in the next chapter.

The background of the developments explained in this chapter provides insights into the reasons for success of the 1944 October Revolution. Democratic advances associated with World War II’s Allied victory helped set the stage for the social reforms presented in new laws introduced into the 1945 Guatemalan Constitution. Guatemala’s changing economic circumstances led to changes in political power. Despite the transition from Conservative to Liberal ruling elite, control over Guatemala’s domestic economy gradually became subject to foreign interests, specifically the United Fruit Company. In turn, support of UFCO’s financial interests in the region became the concerns of the U.S. diplomatic corps. As these trends developed, human rights suffered a great deal. However, new ideas inspired by international movements towards social justice inspired a new group of Guatemalan intellectuals to further the social conditions that had plagued the underdevelopment of their country.

162 Ibid., 172.
163 Whitehouse to DOS, May 5, 1930, SD 814.1561/25.
CHAPTER II
THE SOCIO-POLITICAL HISTORY OF THE 1945 CONSTITUTION

The analysis of the socio-political history of the 1945 Constitution requires a definitive understanding of the two major competing forces that emerged from Guatemala’s past political, economic, and social developments. General Jorge Ubico’s 1931 rise to power represents the force backed by Guatemala’s landed elite and military leadership who wanted to return to a more authoritarian style of national control by addressing the nation’s economic and political needs. Ubico governed in the style of Napoleonic France as if ‘the general was the state’. ¹ Before Ubico’s rule, former President Chacon’s 1926 corrupt administration had undermined the status quo and allowed for certain reforms conflicting with the landed elite’s controlling interests by promoting a degree of legislative independence contrary to Guatemala’s anti-democratic political past.² The younger intellectual community based at the University of San Carlos (USAC) comprised the opposing force to the dictatorial style of General Ubico’s governance. The younger group of students, teachers, and intellectuals understood and sought the twentieth-century trends towards international developments supporting democratic freedoms, free trade, economic equality and social justice. The university students were inspired by notions of nation-state and self-determination for democratic nations proclaimed in the Atlantic Charter and basic individual rights defined in Franklin D. Roosevelt’s “Four Freedoms.”³

The Allied victory over fascist forces reinforced the conviction that democratic governance was the foundation for human rights initiatives. International recognition of this fact, inspired by the principles of FDR’s “Four Freedoms” and the promises of freedom and self-determination presented in the Atlantic Charter, confirmed that democracy was essential for advancing human rights.⁴ In this chapter, the evolution of democratic principles is documented in the examination of the socio-political evolution that culminated in Guatemala’s 1945 Constitution. The timing of democratic reforms for Guatemala not only served the people of

¹ Dosal, Doing Business with the Dictators, 177.
² Ibid., 109.
Guatemala but also served as a model and inspiration for liberal movements throughout Latin America.\textsuperscript{5}

2.1 General Jorge Ubico y Castaneda

Historians consider Jorge Ubico the last of a series of liberal dictators in Guatemala, who served as President from February 14, 1931 to July 4, 1944, taking office by Legislative Assembly proclamation and subsequent elective majority. Born on November 10, 1878, he was the son of a Liberal politician Arturo Ubico who gained prominence and wealth among his fellow coffee plantation owners. Ubico’s family was a long time member of the Liberal landed elite, as well as associated with the military leaders through the reputation of Ubico’s godfather and role model, Justo Rufino Barrios.\textsuperscript{6} Ubico’s father was a signatory to the 1879 Liberal Constitution and served for a time as one of Guatemala’s foreign diplomats to the United States. Through his family’s position of wealth and political influence, young Ubico spent a portion of his education in Europe and the United States. Upon his return to Guatemala, he entered the military academy, the Polytechnic Institute, considered Guatemala’s West Point Military Academy.\textsuperscript{7}

During the Estrada Cabrera regime, Ubico rose through the military ranks to become jefe político\textsuperscript{8} in the German populated Department of Alta Verapaz for two years ending in 1909. Ubico’s reputation for organizational skills and strict enforcement of law and order in the Department was recognized favorably by the Liberal aristocracy and U.S. diplomats. As political head in Alta Verapaz, Ubico advanced many public projects including building schools, and roads, and the improvement of public health and hygiene. His accomplishments in public hygiene continued to be recognized as he pursued an aggressive campaign against malaria resulting in his assignment to the coastal Department of Retalhuelu in 1918, and then appointment as public health director for Guatemala’s Pacific coast. He continued to be associated with representatives of the United States when appointed chairman of the commission

\textsuperscript{5} Chapter 5 provides details of how Guatemala’s national social democratic experience positively influenced the liberal minded representatives during the twentieth-century Latin American regional conferences.
\textsuperscript{6} L Feber, \textit{Inevitable Revolutions}, 76.
\textsuperscript{7} Gleijeses, \textit{Shattered Hope}, Chapter 1, \textit{The Ubico Era}, 9-29.
\textsuperscript{8} \textit{Jefe politico}; military and political leader appointed by the dictator to administer each of Guatemala’s Departments

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that would work closely with the National Health Board Division of the Rockefeller Foundation in 1919.9

Ubico’s ambitions turned to national politics as his reputation grew as an administrator and military officer. By 1921, he had achieved the rank of General under President Jose Maria Orellana (December 10, 1921-September 26, 1926) and then First Designate, which put him second in line for President according to provisions contained in the 1879 Constitution. He ran unsuccessfully for the presidency in 1922 and again in 1926, losing the 1926 election to General Chacon. After the defeat, Ubico retired from public office and returned to private life to manage the family business, which was largely unsuccessful due to difficult economic times and the encroaching Great Depression. Ubico had gained a great deal of practical administrative experience through his military accomplishments and a reputation as a strict disciplinarian in government organizational affairs. His long standing familiarity with the United States and its diplomatic representatives would serve him well as 1931 presidential election approached.

After Lazaro Chacon left office on December 12, 1930, the second designate, Bandillo Palma took office by claiming that his appointment was in accord with the 1879 Constitution, and he received congratulations from U.S. President Herbert Hoover. Within days, General Manuel Orellana orchestrated a coup d’etat and took office by surrounding Congressional members with armed military guards and threatening the members to vote in Orellana’s favor. An urgent telegram was sent to the Department of State on December 17, 1930 by the American Embassy explaining the illegality of Orellana’s presidency according to Article 65 of the Guatemalan Constitution.10

Additionally, the United States Department of State did not recognize the Orellana presidency according to a provision prohibiting coup d’etat in Article II of the General Treaty of Peace and Amity signed by the United States and Central American Governments on February 7, 1923.11 In order to avoid a long period of non-recognition by the United States, the Assembly was advised by the U.S. Embassy to restore Guatemala’s 1879 Constitutional imperatives, as well as compliance with the 1923 regional treaty. The Assembly reacted very quickly to the demands of the United States and on December 31, 1930, Reina Andrade was elected by the

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10 Gray to Department of State, December 17, 1930, 1. NA814.001.
11 Department of State Division of Latin American Affairs; Memo: de Lambert to Wilson, December 4, 1931, 1. NA814.01/50.
Assembly as Provisional President. A decree calling for a constitutional presidential election was issued resulting in the successful election of Jorge Ubico, which was immediately recognized by the United States Government. Again, these actions confirm the power of the U.S. in the region and the need for U.S. approval in the internal political matters of a sovereign nation to maintain a measure of regional control by supporting selected national leaders.

There is wide speculation among scholars regarding the conditions in which Jorge Ubico won the February 1931 election with a margin of 305,841 votes to 0. Despite the suspicious margin, Ubico was recognized by the U.S. as a competent leader, and executives from the United Fruit Company knew Ubico had always supported pro-U.S. corporate investment in the country. There are charges lacking credible evidence that U.S. Minister Sheldon Whitehouse offered Orellana $40,000 to $80,000 in cash to step aside in order for Ubico to assume office without opposition. There is further speculation that through United Fruit’s Washington connections, the company would seek U.S. approval for an Ubico presidency if certain UFCO contracts were granted, but here too, no conclusive evidence exists at this point. What is certain is that the United States Department of State needed to be assured that a Central American president should support U.S. business, ally himself with U.S. international interests, and provide domestic stability, and it is clear that U.S. approval of any Guatemalan leader was imperative.

The world economy was already in severe decline when Ubico assumed office in 1931, and Guatemala’s economy was in disarray with coffee prices severely depressed and the National Treasury nearly bankrupt. National debt was in the millions and Ubico took strict measures to dramatically reduce the national budget by enforcing existing tax laws, and internal revenue was strictly monitored. By 1933, surpluses were being created due to his strict administrative policies. Ubico blamed the corrupt legislature of Chacon’s regime for the financial demise of the country and responded by ousting independent legislative members and increasing the salaries of those government officials who he chose to retain in order to avoid

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12 Ibid., 3.
13 Dosal, Doing Business with the Dictators, 177.
14 Jonas, Guatemala; The Land of Eternal Struggle, 20.
15 Dosal, 177.
16 Dosal, 176-177.
18 Jensen, Guatemala: A Historical Survey 126.
further temptation for corruption. Despite the political platform proposed in the Progressive Liberal agenda, Ubico maneuvered his administration to restrict legislative power and became an authoritarian ruler. Consistent with his past performance in maintaining order in the Departments he directed, he demanded hard work and efficiency from public officials, not hesitating to fire them if he deemed it necessary. In order to control and maintain public order, he created the National Police, which served at his direct command.\textsuperscript{19}

As Ubico’s authoritarian program to centralize the administrative affairs of the country came to fruition, he supplemented his political strategy through legislative procedure by instituting the Constitutional Amendments of July 19, 1935. By this time, the members of the Constituent Assembly were all supporters and beneficiaries of Ubico’s regime. Voting rights were limited to literate males of 18 years, with incomes from a trade or profession that maintained their own subsistence (Article 8). Amendments included centralizing the government’s authority as expressed in Article 16, “Social interests prevail over private interests,” and Article 17, “All power vested in the nation.”\textsuperscript{20} According to the cumulative evidence, Ubico’s overall strategy was to concentrate power into a small governing class accommodating the interests of the military elite, feudal landowners, and U.S. investors.

Gaining political authority through a dysfunctional democracy to concentrate and centralize power was the legacy of Guatemala’s political history of both the conservative and liberal governance. As stated earlier in this study, liberal military dictators repeatedly employed this strategy of centralizing power to retain authoritarian control for personal gain and at the same time providing advantages to foreign investment at the expense of the domestic economy and the majority population. In terms of human rights and the purpose of this study, the strategy of centralizing power controlled the destiny of Guatemala’s impoverished inhabitants and exploited their labor as simply a means of production. Democratic abuses created an environment for human rights abuses, sacrificing the dignity of man.

\textsuperscript{19} Woodward, \textit{Central America}, 215. Wood quotes a Time Magazine interview with Ubico stating, “I have no friends, only domestic enemies.” As a result of his belief, Ubico created the National Police in 1934. The National Police acted by direct order from Ubico. As an example of his far reaching control of every aspect of Guatemalan life, Ubico transferred the control of the Department of Labor from the Development Ministry to the National Police.

\textsuperscript{20} Silvert, \textit{A Study in Government; Guatemala, Part II, The Constitutions of the State and the Republic of Guatemala}, 105.
Social justice was not essential to Ubico’s strategy, although he professed concern for the welfare of the Indian population. Early scholars praised Ubico for being the “first pro-Indian president of the country, lifting the Indians out of a state of semi-slavery, moving them from peonage toward civilization.”

Although he did end debt slavery and allowed the Indian to move freely about the country to seek employment, Article 20 made ‘vagrancy punishable by law.’ The Article did promote free industry, but at the same time the vagrancy law in effect merely transferred Indian enslavement from the hands of large landholders of the latifundas to the control of the national government. Ubico had installed his hand-picked National Police to each Department throughout the countryside, and the Constitution’s vague definition of ‘vagrancy’ allowed authorities to arrest anyone who was not considered gainfully employed.

The reality of abolishing debt slavery and replacing it with a vagrancy law was that it created a more systematic form of forced labor, now under the auspices of the National government, rather than local authorities. The new vagrancy laws assured the Ubico-supporting landowners a consistent labor supply on their own terms. The law required every able bodied worker to work for at least 150 days per year. Although laws were passed limiting work to 48 hours per week, the average laborer worked from sunup to sundown, with an average wage of 25 cents per day. Additionally, in conjunction with the new vagrancy laws, Article 31 reversed previous legislation by allowing the police to hold prisoners for more than 48 hours, alleging that proper judicial procedures required more time for effective protections against criminal activity.

Consistent with Ubico’s suspicion of opposition to his political aims, certain constitutional reforms restricted freedoms in the educational system and all university activities. At the primary school level, all curriculum instruction was determined by the State and was strictly non-sectarian (Article 18). Article 27 provided for all scholarly activities to be under the authorization of the State. Under Section II, Executive Powers of the 1935 Constitution, Article 77 paragraph 7 is explicit that the National University would be organized by Ubico’s Legislative Assembly with final inspection by the Executive, regardless of whether or not
educational institutions received public or private funds. The Ubico administration limited the university curriculum mostly to engineering, medical, and technical training, purposely avoiding areas of liberal studies that could potentially conflict or challenge the authority of the administration’s political agenda.

Despite Ubico’s hand-picked faculty appointments, the university students learned about democratic reforms from U.S. press organizations and individual freedoms promoted by Franklin D. Roosevelt. Most of the international news circulating among Guatemalan intellectuals was from the United States, which was politically difficult for Ubico to suppress. In one instance of overt government censorship, during the summer of 1940, General Ubico had banned TIME Magazine from circulation in Guatemala. Its August 26th article contained a statement that President Ubico “... had doubled his own salary and made it payable for life.” John M. Cabot, U.S. Charge d’ Affaires, helped negotiate a settlement between Ubico and TIME to have the ban lifted. A personal letter from Guatemala’s Under Secretary of Foreign Affairs confirmed lifting the ban, but included a caveat from Ubico’s administration that if any “inexact statements” such as these appear again, “...the ban will be established in a definitive manner.” The Ubico regime took all measures to ensure that his presidency was portrayed in a positive manner, as well as consistent with U.S. diplomatic and corporate interests. Government censorship of the press is one of the outstanding forms of oppression of its inhabitants and a prominent characteristic of human rights abuses.

Accordingly, President Ubico controlled the domestic press. In anticipation of the vote for the 1935 Constitutional Reforms by the National Assembly, an April 2, 1935 editorial by the pro-Ubico publication, “El Liberal Progresista,” supported the reform proposals and gave reasons why the reforms should be approved. The editorial claimed that the proposed reforms be applied because it is “…evident that in our Constitution certain precepts exist which do not exactly comply with present conditions in the country; others which are not in accord with the juridical doctrines and principles which characterize the new spirit of the recently reformed legal codes.” The editorial continued to present a case for concentrating Federal power as “…indispensable modifications better to maintain the harmony of unity and to render more

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25 Translations of the 1935 Constitutional Amendments are from the U.S. Department of State. See U.S. Department of State, April 9, 1935, #600, NA814.011/20.
26 Cabot to Secretary of State, Ban on TIME magazine in Guatemala. March 3, 1941, 2. NA814.00/3-0341.
27 Ibid., 3.
28 Constitutional Reforms, translated by the Department of State. El Liberal Progresista, April 2, 1935.
expeditious the exercise of constitutional life and more corresponding and efficacious the action of the Federal authorities."\textsuperscript{29} The editorial attributed the constitutional reforms directly to the success of President Ubico, which “reflects the influence of the personal convictions of General Ubico with respect to the maintenance of a policy of honor and attachment to the truth.”\textsuperscript{30} Ubico blamed the previous Constitution for restricting the Executive’s power, pointing to passive constitutional restraints that harmed the country, so it was imperative for him to “…take upon himself the responsibility for the transgression of the fundamental law.”\textsuperscript{31}

In Ubico’s defense, the editorial was critical of past administrations that relinquished Executive power to the Legislative Assembly, which they claimed resulted in impeding the national progress of Guatemala. Specific mention of the Unionist Party’s reforms of 1921 ousted Estrada Cabrera. The legislative reforms of 1921 and 1927 empowered the legislature, but created restrictions to the Executive. Ubico claimed that legislative power proved inept without Executive power to enforce the laws. Ubico’s editorial writers concluded their support of him by stating that previous administrations did not address the development of national interests caused by repressing the power of the Executive. In support of Ubico’s dictatorial rule, they stated, “The secret to good government was not written into the law.”\textsuperscript{32} From the evidence, it is reasonable to assume that General Ubico had little respect for the constitution. He had already influenced the voice of the press and the hand-picked administration supported the centralized power he coveted. The published constitutional reform proposals were merely intended to bring his dictatorial actions within the realm of constitutional legitimacy.

Shortly after the editorial was published, the U.S. Legation sent a memo to the Assistant Secretary of State Wells explaining the political maneuvering taking place through Ubico’s Constitutional reforms. The communication confirmed that the reforms providing greater powers to the Executive were said “to be inspired by satisfaction felt with results achieved by President Ubico.”\textsuperscript{33} Additionally, the customary six year term of the President under Article 66 would either be repealed, or extended to March 15, 1943 according to Article 1 of the “Transitory Dispositions” section of Chapter VII of the 1935 Reform Constitution. It was this specific constitutional reform provision extending Ubico’s presidential term gaining the most

\textsuperscript{29} Ibid., 1.
\textsuperscript{30} Ibid., 1.
\textsuperscript{31} Ibid., 2.
\textsuperscript{32} Ibid., 3.
\textsuperscript{33} Legation of the U.S., M.E. Hanna to Wells, April 9, 1935, NA814.011/4-0935.
interest from the U.S. and Guatemala’s neighboring nations. The strategy implied Ubico’s intention of serving as an unchallenged dictator of Guatemala, threatening peace with his neighbors and posing a potential threat to U.S. business enterprise.

To gain U.S. support for Ubico’s strategy, a member of the Legislative Assembly sent a confidential copy of a portion of President Ubico’s upcoming address to the 1935 Constituent Assembly to U.S. Ambassador Hanna, which was forwarded it to the U.S. Secretary of State. The President attributed his continuance in office to petitions of “numerous fellow countrymen,” and suggested to the members of Congress that if public opinion suggested otherwise, the matter should be consulted in a plebiscite. Ubico concluded his remarks, “This would contribute effective support for your moral responsibility as legislators and would satisfy my dignity as head of the nation since for no motive or reason whatsoever would I remain one more day at the head of the destinies of my country in opposition to the honest opinion of the inhabitants of the nation.” 34 The message here was directed more to the international community, especially the United States, because by this time Ubico had purged the Congressional Members of all elements of dissension, with only his supporters remaining.

Subsequently, General Ubico’s continuance in office was rumored not to meet with international approval. Guatemala’s Ministry for Foreign Affairs responded to foreign opponents that Guatemala was a “free and sovereign state” and that international law did not require approval from foreign governments about its internal affairs. He referred to the Ubico administration’s “maintenance of peace and international harmony” during his term, adhering to principles of non-intervention. 35 A published editorial by “Nuestro Dario,” referred to Guatemala’s successful internal consultation with its own people as the primary reason for the President’s continuance. Addressing the potential concerns of its regional neighbors, the editorial concluded its explanation, “...as an act of courtesy and manifestation of friendship, had formally notified other governments...” of Guatemala’s intentions. 36

The U.S. response to Guatemala’s legislative decision to extend Ubico’s term is best described in a letter from President Franklin D. Roosevelt acknowledging the plebiscite in June and the decree of the Constitutional Assembly of July 11, 1935. The letter concludes by confirming “friendly relations” between the U.S. and Guatemala, offering “best wishes for
personal welfare” and “prosperity” for Guatemala. The correspondence did not mention the provision from Clause V of the 1923 Central American treaty that prohibits continuance of office. In response to Roosevelt’s letter, neighboring Costa Rica’s “La Tribuna” published a response to these developments which had specific reference to all the countries of Central America and emphasized that Ubico’s continuance was in violation of Clause V of the regional treaty.

Additional condemnation of Ubico’s continuance came from former 1920 Union Party member, Jorge Garcia-Granados, while he was in political exile in Mexico. In a June 1935 “open letter,” Garcia-Granados claimed that President Ubico “represents neither justice, progress, nor honesty.” The communication included details in the form of “supporting documents.”

The U.S. position on the developments in Guatemala and President Ubico during this 1935 period can be easily understood. Domestically, President Roosevelt was giving most of his attention to the critical economic issues facing the United States plagued by the Great Depression. The U.S. domestic priorities took precedence over Central American political affairs. The U.S. was satisfied to observe events in the region, as long as there was no military conflict or threatening unrest between Central American nations. From the perspective of U.S. corporate investments in the region, United Fruit had positioned its corporate interests with Ubico’s personal interests, so United Fruit was content with the political situation in light of worldwide economic difficulties. There was simply no political benefit for the United States to play any role in disturbing Guatemala’s political unrest brewing under the surface. As long as peace remained in the region, U.S. corporate interests were not threatened by the totalitarian actions of the Ubico regime. The threat of outright rebellion was not in the atmosphere, and the U.S. had larger domestic concerns than the rather unimportant political affairs that had always troubled Central America.

Needless to say, an April 10, 1935 communication from U.S. Ambassador Hanna to the U.S. Secretary of State confirmed that Ubico’s Legislative Assembly received petitions from 246 municipalities to amend Article 66 of the Constitution to permit the reelection of President

37 Franklin D. Roosevelt to General Jorge Ubico, September 26, 193, NA814.001Ubico, Jorge/69.
38 La Tribuna, San Jose, Costa Rica, November 14, 1935.
39 Department of State, June, 1945, NA814.001/28.
Within his first four years in office, President Ubico had secured the support of all the Deputies in Guatemala’s municipalities, an easy task, for the Deputies were appointed directly by the president. Ubico’s grasp on every aspect of Guatemala’s society had taken firm hold and continued until the oppressive social condition of the people became unbearable. Against the rapid advances in political freedom and notions of self determination that were promoted as part of the Allied victory against fascism as World War II came to its conclusion, Ubico’s move to authoritarian rule contradicted international democratic trends. President Roosevelt’s call for individual freedoms and democratic governance were taking center stage in an international context, contrasting with Ubico’s totalitarian rule. The inspired university students of Guatemala would take up FDR’s banner and parade it through the streets of Guatemala City in protest of Ubico’s dictatorial rule.

2.2 University Students, Intellectuals, and the Quest for Democratic Reforms

The early history of Guatemala’s University of San Carlos parallels the socio-political history of the country. First established in 1562 as the Royal and Pontifical University of San Carlos Borromeo, the institution provided education for the sons of Spain’s aristocracy in philosophy, the arts, grammar, and theology. By 1676, famed professors from Spain sought faculty positions at the institution, and within four years a university curriculum was established adding civil law, medicine, moral theology, and Indian language. The university continued to appeal to the sons of the Guatemalan aristocracy until Liberal reforms took hold in 1871 when a variety of social classes began to be accepted into the institution. The School of Engineering was authorized by the National Legislative Assembly in 1918 to accommodate the social and infrastructural development needs of the twentieth century. Consistent with self-centered authoritarian rule pervasive during his reign, Estrada Cabrera renamed the institution, the Universidad Nacional “Estrada Cabrera.” Legislative decree abolished the institution in 1924 for not offering an education “...abreast of the ideas of the times.”

During the Unionist Party rule in 1928, the University was officially re-opened, but it did not achieve autonomous status

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40 Hanna to Secretary of State, April 10, 1935, NA814.011/Ubico.
42 Ibid., 53.
43 Ibid., 54.
until after the events of the 1944 October Revolution on November 9, 1944. Subsequent to the university’s autonomous status, the name was changed to the University of San Carlos, and for the first time the Department of Humanities was established, with its autonomous status included in the 1945 Constitution. Decree No. 12 stated, “Autonomy would convert the University from ‘a factory for professionals’ into a center of free investigation that could confront the nation’s problems and propagate a democratic culture.”

The student protest activities during the 1920s were deeply influenced by international developments following the Allied victory of World War I. Liberal intellectuals recognized the need for postwar humanitarian aid and human rights, with rights initiatives incorporated into newly formed nationalist movements. U.S. President Woodrow Wilson’s address to Congress on January 8, 1918, known as the “Fourteen Points,” presented principles directed at human development including national free trade economies, self-determination of peoples, national independence, and a re-thinking of colonial claims. Susan Waltz argues the consequences of World War I combined with initiating President Wilson’s principles; international standards for human rights began in the 1920s. Two decades later, the Allied victory of World War II opened an even wider door for promoting democracy that incorporated defining principles of human rights and social justice. The United States played a greater and more prominent role in the World War II victory against Nazi fascism compared with its late commitment to aid in World War I. The U.S. emerged as the clear leader among nations not only in military strength but also as a modern leader in humanitarian affairs, evidenced by its effective democracy, economic reforms, and innovations in social security. The U.S. was now a model for developing nations in terms of demanding a higher degree of national democracy and elevating domestic societies in accordance with the international ideals being presented in the formation of the United Nations.

Following the United States’ lead in promoting democracy as the foremost weapon against fascism, university students used this policy as a political opening against the Ubico

44 Ibid., 54.
Woodward to Secretary of State, September 4, 1945, Enclosure no. 2 to dispatch no.563 from the American Embassy at Guatemala City, 3. NA814.00/9-445.
Silvert, A Study in Government; Guatemala, 1945 Guatemalan Constitution, Article 84. The University of San Carlos is autonomous and will be governed in accordance with the respective law and its statutes.
regime. An unlikely innocent student event that took place in September of 1942 began to loosen Ubico’s control over the university student associations: a ‘University Beauty Contest’ that was approved by Ubico.47 This small degree of approval of student activities proved to be an opening for a more politically charged agenda. Later that year, the Law Student Association (AEU), first established in May 22, 1920, but closed down in 1923, was allowed to be reestablished. Also known as the Association of University Students, the AEU began calls for university autonomy, which sparked a wider political movement.48 The following year in 1943 the political student activist group, “los Esuilades,” formulated plans to overthrow Ubico using the University of San Carlos (USAC) as its base of operations.49

The major source of inspiration for the university student’s movement for freedom and academic autonomy came from President Roosevelt’s “Four Freedoms.” In a major speech to Congress on January 6, 1940, the third term U.S. president concluded his proposition for lend-lease legislation to provide military aid to Great Britain in its war against Nazi fascism, with his vision of four essential freedoms for all peoples of the world. Freedom of speech and worship and freedom from fear and want were soon to be incorporated into the Atlantic Charter signed by FDR and Prime Minister Winston Churchill on August 14, 1941. In addition to the Four Freedoms, provisions in the Atlantic Charter included the right of peoples to choose their own form of government, recognition of territorial integrity among nations, equal access to world trade, improvement of labor conditions, social security, economic opportunity, and disarming aggressor nations with the goal for a permanent mechanism for world peace. These idealistic objectives for a peaceful post war world were formally authorized through the signing of the United Nations Declaration, January 1, 1942.

Against the backdrop of Guatemala’s sociopolitical history, ideas of democracy, freedom, and justice were clearly embraced by a new generation of university students and their faculty members. Their enthusiasm for a new, free democratic Guatemala quickly spread among many influential members of the relatively small middle class. The university students and faculty members organized opposition to Ubico’s dictatorial rule by staging a boycott against the June 30th celebration of the founding of the liberal party. Support from a large number of members of

48 Kobrak, Organization and Oppression. 6.
49 Ibid.,7.
the professional and commercial classes were joined by a group of doctors and nurses that planned a sit-down strike to meet their demands.\textsuperscript{50} Part of their demands included the reappointment of specific teachers dismissed that Ubico had replaced with unqualified political appointees.\textsuperscript{51} Ubico responded by issuing a decree suspending constitutional guarantees that included the right of assembly, freedom of speech and press, protection from illegal arrest, inviolability of correspondence and freedom from illegal search of domicile.\textsuperscript{52} The demands for reforms were not only for national issues, but reflected international aspirations for fundamental democratic rights, such as freedom of speech.

The new vision for Guatemala’s sociopolitical future was met with resistance from the Ubico regime. In March 25, 1944, a U.S. Embassy communication to the Secretary of State reported that two leading figures of a social organization, the Guatemalan Club, were called to the National Police Headquarters for questioning. A local newspaper reported that the Club was scheduling a meeting to discuss the formation of “A Faculty of Humanities” to add to the University of San Carlos’ curriculum. The Club had recently been advised to remove posters around Guatemala City promoting the “Four Freedoms”. The Chief of Police released the individuals, warning them to terminate any discussions proposing a new “Faculty of Humanities.”\textsuperscript{53} The principles of a new system of modern society based on the U.S. democratic model threatened the existence of the Ubico dictatorship. He attributed the growing social and political unrest to foreign socialist influences.

The sociopolitical discussions taking place on the campus of USAC were modeled after progressive social reforms established by FDR that were heard over shortwave radio.\textsuperscript{54} According to Peterson’s 1969 work on student activities at USAC, the student population was politically immature and unable to distinguish between nationalism and socialist reforms.\textsuperscript{55} To illustrate the limited knowledge of socialist theory versus their knowledge of democratic governance, Petersen’s research on student awareness during the 1940s concluded that “one in fifty knew of Karl Marx, while one in eight knew of John Foster Dulles.”\textsuperscript{56} Additionally, Stephen M. Streeter’s more recent 2000 study claims that the university students’ sociopolitical

\begin{itemize}
\item \textsuperscript{50} Long to Secretary of State, June 21, 1944. NA814.00/1464.
\item \textsuperscript{51} Long to Secretary of State, June 22, 1944. NA814.00/1466.
\item \textsuperscript{52} Ibid.
\item \textsuperscript{53} Drew to Secretary of State, March 25, 1944, NA 814.00/1422.
\item \textsuperscript{54} Schlesinger, \textit{Bitter Fruit}, 26.
\item \textsuperscript{55} Petersen, .67.
\item \textsuperscript{56} Ibid.,70.
\end{itemize}
goal was to transform Guatemala from a feudalistic society to a liberal capitalist democracy in line with modern post-war goals for international peace and prosperity.  

Later academic studies of the mid 1940s provide further evidence that the democratic ideals modeled by the United States were the greatest influence guiding the student’s reform movement. For years, evidence of the United States’ quality of life was very present in Guatemala City. U.S. corporate management and a variety of members of the U.S. Diplomatic Corps lived among the student and middle class population in Guatemala City, where most of Guatemala’s political activity took place. Items reflecting the positive material benefits of modernity, such as automobiles, fashion, specialty shops for luxury items, and restaurants to accommodate U.S. lifestyles were in plain sight of Guatemala City’s population, although mostly out of reach. Guatemala City’s middle class residents desired U.S. democratic ideals, but they also coveted the material rewards that accompanied a liberal capitalistic society.

Economic trends between 1940 and 1944 were improving greatly after the depression of the 1930s. Guatemalan coffee export prices to the U.S. had doubled from depressed levels of the earlier decade, mirroring the boom of the 1920s. World War II had closed European markets and created nearly complete dependence on the U.S. market. From 1930 to 1934, 21.1 percent of coffee exports made their way to the U.S. In the period 1935 to 1939, exports to U.S. markets increased to 51 percent, but prices were still half of what they had been in the 1920s. During the 1940 to 1944 period, not only had coffee prices doubled, but 90.4% of coffee exports were sent to U.S. markets. This economic trend was recognized by several of the coffee plantation owners and middle class businessmen whose sons were attending the university. Suspecting that the economic shift may have been stimulated by free trade as part of the trend in democratic governance, the student revolutionaries were gaining support among this economic class.

Furthermore, FDR’s New Deal to help U.S. citizens with domestic economic relief through federal legislation was in direct contrast to Ubico’s response to economic disaster. During the depression, Ubico took no steps to develop Guatemala’s internal economy, whereas

60 Jonas, 148. Quoted from Torres Rivas, Edelberto. Procesos y estruturas de una sociedade dependiente. (Centro Americana, 1969:140)
61 Schlesinger, Bitter Fruit, 26.
certain Latin American nations like Chile and Argentina sought economic independence through developing domestic industry and manufacturing. Unemployment under the provisions of the New Deal was alleviated through programs such as the Civilian Conservation Corps and the Civil Works Administration. In terms of labor, the New Deal created the National Labor Relations Board and set up the Social Security System to protect the wellbeing of the citizens of the United States.

One social issue that received no substantial attention was the discrimination against the Indian population. The issues being presented by the university community were focused on the small middle class concentrated in the urban centers of Guatemala, mainly Guatemala City with an estimated population of 170,000. Out of Guatemala’s estimated total population of 2.4 million, urban centers in Quetzaltenango registered 18,000; Antigua, 7,000; Puerto Barrios, 2,500; and San Jose at 1,700. It is also estimated that two-thirds of the total population was comprised of Indians, with the balance of the lower class illiterate population being ladino with a slighter better standard of living than the Indian.

The 1943 report from the Office of Strategic Services describes the characteristic class distinction between the ladino and Indian accurately. The isolated Indian communities held fast in their traditional ways of communal organization and self rule without any significant measure of Spanish influence. The ladinos, on the other hand, aspired to European and American customs, serving the community as clerks, merchants, and tradesmen for the upper class. Although the Indian and ladino consider themselves superior to the other, “...the ladino is especially disdainful of the Indian. His attitude being similar to that of the whites towards the negroes (sic) in the American south.” This comparison between Indians in Guatemala and the Black American population is an accurate appraisal of how racism and discrimination of minority groups prevailed, despite the promises of individual freedoms contained in democratic reforms. Political interest in Guatemala was thus confined to the middle and upper class ladino in terms of international and national issues, a small segment of the population indeed.

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63 Inman, A New Day in Guatemala, see Institute of Social Security, 29-30. Inman describes several Guatemalan social initiatives that modeled initiatives developed in the United States, as a reaction to the social challenges created by the Great Depression.
64 Population figures from the July 19, 1943 report, Survey of Guatemala, by the Office of Strategic Services, Section III, 2-3.
65 Ibid., 3.
66 Ibid., 5-6.
The students understood that economic disparities created class disparities. The student population was concentrated in Guatemala City, in plain sight of the material superiority displayed by the expanding U.S. presence in the city. The contrast of socioeconomic life in Guatemala versus the apparent material wealth of foreign businessmen fueled their desires for economic and social equality within their own country. This contrast drove their determination to overturn Ubico and create a reform democracy suited to benefit the inhabitants of Guatemala in the spirit of dignity and equality.

2.3 The 1944 October Revolution

The 1944 October Revolution created a unified reform movement composed of Guatemala’s middle class to end decades of military rule and embark on a new government based system of constitutional democracy. Guatemala’s domestic sociopolitical upheaval captured the attention of neighboring nations, as well as the U.S. government and U.S. corporate interests. It is widely held by scholars that university students of the middle class who sought political liberty, motivated by promises of a new international order, played the lead role in the struggle against Ubico’s dictatorship. Supported by university faculty members, with the legal expertise of the Law School students and faculty, these young intellectuals comprised the core of the reform movement. Nearly every sector of the population was involved, except the Indians. Disciplined organizational skills, communication with community leaders, and overall enthusiasm for modern sociopolitical reforms proved successful in recruiting small business owners, merchants, teachers, journalists, underpaid government employees, and eventually young junior military officers to their cause. The variety of members of the October Revolution formed a united front against the military establishment that controlled every facet of society. Different factions with diverse objectives all came together as one party of ‘opposition,’ consistent with the political premise that it is easier to organize around “no” than “yes.” Piero Gleijeses’ highly regarded study of the Guatemalan Revolution observes that although the “...quest for democracy united them; the definition of democracy would divide them.” In June

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67 Woodward to Secretary of State, Current Political Situation, April, 24,1945. No. 2426. NA814.00/4-2445.
68 Immerman, The CIA in Guatemala, 37.
69 Jonas, Guatemala: The Land of Eternal Struggle, 151.
70 Gleijeses, Shattered Hope, 15.

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In May 1944, successful revolutions against military dictatorships had taken place in Ecuador and El Salvador. Guatemala’s university students were inspired by the outcome, with no evidence of outside intervention in those revolutions. The students’ initial goal was to demand the removal of unqualified faculty members who had been appointed by Ubico. There were rumors of a student boycott of an annual June 30 celebration commemorating the 1871 Liberal Party founding. In anticipation of the boycott, on June 21, one of Ubico’s Cabinet Ministers approached U.S. Embassy Official, Boaz Long, to ask for U.S. assistance. Long replied that any direct assistance “...would constitute intervention in internal politics in violation of our well known policy.” On that same day, members of each of the six university faculties presented President Ubico with demands, which included reappointment of faculty members dismissed for their personal political views, dismissal of unqualified political faculty appointees, and authorization to publish cultural and scientific reviews. Ubico responded by suspending the 1935 Constitutional Articles that contained the most fundamental democratic provisions: the right of assembly, free speech and press, and protections of illegal search and arrest.

Although several hundred leading German residents had been removed to U.S. custody during 1942 and 1943, Ubico’s decree for suspending constitutional guarantees pointed to dissident elements of Nazi Fascist tendencies disturbing the public order. U.S. officials did not take Ubico’s Nazi threat seriously due to the recent July 19, 1943 confidential report from the Office of Strategic Services that not only documented the demise of German influence in the country but also detailed Ubico’s efforts in censorship. The unchallenged National Police, under Ubico’s direction, had frozen funds of Axis nationals and closed all pro-Axis newspapers and propaganda organs. Furthermore, the National Police controlled all postal, telegraph, telephone, cable, and radio communications. By June 25, Ubico’s political situation was in further decline, while the students were planning to organize a massive general strike, including stores and rail workers. U.S. Ambassador Long was approached by Ubico’s Chief of Police for

72 Immerman, *The CIA in Guatemala*, 38.
73 Long to Secretary of State, June 21, 1944, NA 814.00/1464
74 Long to Secretary of State, June 22, 1944, NA 814.00/1466
75 Ibid.
76 Long to Secretary of State, June 22, 1944, NA 814.00/1467.
assistance and admitted in his communication to the Secretary of State that there was no Nazi influence present in the situation, but alleged that unrest may have been inspired by what Long considered ‘Mexican communist’ influence instead.  

During this period of heightened unrest, Ubico’s regime remained in firm control. Leading lawyers presented President Ubico with a petition to repeal the decree that suspended constitutional guarantees. In protest, schools were closing, doctors were not present at the General Hospital, and students were marching through the streets in orderly fashion cheering President Roosevelt and the United States. The students organized a peaceful protest demonstration, including one of the student leaders, Guillermo Toriello reading to the gathered crowd excerpts from the Atlantic Charter. Although the student-lead protests were nonviolent and orderly, Ubico’s police force was determined to use force to contain the crowds. On June 25, troops fired on a procession of women dressed in black saying the rosary. On that same day, primary school teacher Maria Chinchilla was gunned down by government forces. Her martyrdom symbolized the severity of the Ubico regime and inspired all those factions who had not yet joined the reform movement. Nearly all newspapers, gasoline, and service businesses closed the next day, with professional and business leaders joining the student movement against Ubico.

The FBI weighed in on the potential of a revolution in J. Edgar Hoover’s June 21, 1944 report to the Assistant Secretary of State, Adolf A. Berle, Jr. The report describes the revolutionary anti-Ubico activities, including the distribution of the university students’ manifesto handbill scheduled for distribution on July 12, 1944. The document was based on the Four Freedoms platform, and the group initiating the plan of action was modeled after the Unionist Movement of 1920. Discontent with President Ubico stemmed from a decade of harsh treatment and execution of many of Ubico’s political opponents. One of the catalysts

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78 Long to Secretary of State. June 25, 1944. NA 814.00/1461.
79 Long to Secretary of State. June 24, 1944. NA 814.00/1411.
81 Long to Secretary of State. June 25, 1944. NA 814.00/1472. Long’s memorandum reports that the Army and National Police started the violence against women marching and saying the rosary.
85 J. Edgar Hoover, Federal Bureau of Investigation to Adolf Berle, Assistant Secretary of State, *Possible Revolution*, June 24, 1944, NA 814.00/6-2444.
further inspiring the student opposition forces was El Salvador’s May 1944 revolution ousting
President Maximilano Martinez and his subsequent exile to Guatemala under Ubico’s
protection.  

Guatemalan outrage regarding Martinez’ refuge was expressed in May 1944
newspaper editorials in *Nuestro Dario* and *El Mercurio*. The article stressed that “one of the
tyrants of Central America had fallen and that successively all of the others should or would
fall.” The fact that El Salvador’s reform revolution succeeded without guns inspired the
Guatemalans with hope that they might do the same. A letter of congratulations was sent to the
Salvadorian students signed by two hundred law and medical students from USAC.

Future political figures that would lead Guatemala’s democratic period began to emerge
as they coordinated efforts to defy Ubico’s tyrannical hold on their country. A local attorney,
Guillermo Toriello Garrido, had been in contact with certain Salvadorian refugees to assist them
in securing safety at the Mexican Embassy in Guatemala City. On May 12, 1944, Director
General Ordonez of Ubico’s National Police arrested Toriello and placed him in jail for not
cooperating. The next day, Enrique Muñoz Meany organized a petition signed by 40-50
attorneys with the intention of presenting the petition to Ubico demanding Toriello’s release.
The petition was never presented because Toriello was released on May 14, and the National
Police tried but failed to identify those who had signed the petition. Soon after, law school
students protested the government’s cancellation of a university class on constitutional rights.
The law students and faculty members applied their knowledge of constitutional law to challenge
Ubico’s dictatorship, knowing the spotlight on their cause for democratic reforms were being
closely monitored by the international community.

Symbolic events engaging the larger population continued to bolster the legal procedures
pursued by the law students to end Ubico’s rule. The June 30 celebration of the triumph of the
1871 Liberal Revolution is known to be the greatest public nationalistic demonstration of each
year. According to an unidentified source in the FBI report, an anonymous letter was sent to the
wife of an army officer requesting that her family refrain from participating in the June 30
celebration in protest of Ubico’s regime. The letter was mailed knowing it would be censored by

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86 Gleijeses, *Shattered Hope*, 78.
87 FBI Report, June 21, 1944, Guatemala City, Guatemala. *Possible Revolution*, NA 814.00/6-2144.
90 Ibid., 6.
91 Ibid., 4.
the National Police. This action was intended to notify authorities that a protest of the event was in the making. At this point, Ubico warned his generals of an uprising that might end their regime. The head of the National Police, General Ordonez, blamed Allied propaganda and the Atlantic Charter for the political unrest. Ubico responded by prohibiting Guatemalan newspapers from reporting about the Atlantic Charter, or providing information about El Salvador’s military dictator, General Martinez’s exile in Guatemala. According to the FBI report, it is suspected that both Nuestro Dario and El Mercurio, after the presidential order, added to the political significance of the issue.92

The FBI report concludes by implying that influences from Mexico were a central factor in support of the pending revolution. Faculty members of the University of Mexico had been making speeches and the Mexican Foreign Minister, Ezequiel Padilla, was thought to be encouraging uprisings in other Central American countries.93 Two Guatemalan exiles presently living in Mexico and soon to be integral figures in the reform government, attorney Jorge Garcia-Granados and writer Luis Cardoza y Aragon, were being carefully watched by Ubico’s secret agents.

U.S. Embassy reports marked ‘strictly confidential’ from El Salvador and Costa Rica further clarified Mexico’s position in Guatemala’s affairs and their harboring of Guatemalan exiles. Mexico was harboring both Marxist and democratic Guatemalan political exiles, whose ideologies had been split into two groups. Jorge Garcia-Granados was identified as a democrat, and his cousin, Miguel, was identified as a Marxist. Developing political ideologies would continue to divide further as the new reform government assumed control over Guatemala’s affairs.94 The Mexican Foreign Minister reacted by inviting student ‘politicos’ to Mexico “…to save themselves from Ubico’s assassins,” and asked President Roosevelt to remember the terms of the Good Neighbor Policy and not support Ubico.95

The revolutionary events erupting in Guatemala began to take on regional significance best described in a June 29, 1944 news article published in Mexico’s “El Popular,” entitled “Hull and the Central American Ambassadors.” The article detailed a recent joint conference with diplomatic representatives of Central America with U.S. Secretary of State Cordell Hull.

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92 Ibid., 7.
93 Ibid., 10.
94 U.S. Embassy, Costa Rica, to Secretary of State, June 30, 1944, NA 814.00/6-3044.
95 U.S. Embassy, Mexico City, No.18538, June 30, 1944, NA 814.00/6-3044.
Hull was the only conference participant to speak in vague terms with United Press about the contents of the meeting and said the context of the meeting regarded economic relations, including matters of inter-American organizations. The article was suspicious of the timing of the conference, which coincided with what was described as “...the decomposition of the Central American dictatorships.” The article speculated that Hull invoked the Atlantic Charter to the representatives of dictatorships for the necessity to establish democratic practices in their respective countries. Members of the conference held differing political opinions with the exception of the principle of ‘non-intervention,’ upheld by customary inter-American law. Pro-democratic representatives reasserted principles of the Atlantic Charter, which all Central American nations had signed, calling for “democracy as the universal form of government.”

The balance of the article specifically cites the Good Neighbor Policy, pointing to the potential flaws in the principle of non-intervention. The concern was the potential consequence of sheltering national dictatorships and prolonging their terms in office, inconsistent with the underlying fundamental principles of the democratically designed document. The suggestion for the solution to ending dictatorships was to support national unity among the citizens of each oppressed nation. Reform movements in Costa Rica, recently in El Salvador and Ecuador succeeded in ousting dictators through the unity of the people, with the support of their neighboring countries. The article concluded with a plea for all Central American countries to promote popular governments, achieve economic independence, and establish democratic institutions. Guatemala’s revolution was the most recent example of democracy in action. The Guatemalan delegation played an important role in regional conference discussions in Mexico (1945), Rio (1947), and Bogotá (1948). The example set by Guatemala’s democratic experience helped frame international agreements addressing the need for democratic governance and human rights initiatives. The democratic momentum in the region became the seeds of a vigorous movement for collective action that would be formalized in the Inter-American Regional Conferences, culminating with the 1948 Bogotá Conference.

Ubico’s remaining supporters were a few landholders and the older military officers and he realized that the majority of the population was against him. More importantly, the U.S. was

96 El Popular, June 29, 1944. Translated in Department of State Enclosure No. 2 to Dispatch No. 18538 of June 30, 1944, NA810.00/6-3044
97 Ibid., 1.
98 Ibid., 2.
non-committal in his support and limited his transmitted messages to correspondence with contending factions.\textsuperscript{99} The U.S. considered Ubico ineffectual and the U.S. believed his successors would be friendly to Washington.\textsuperscript{100} This period of reform unity and national solidarity soon ended President Ubico’s dictatorship. On July 1\textsuperscript{st}, Ubico presented his resignation to the National Assembly. Following his resignation, Ubico presented his “Manifesto to the People of Guatemala,” stating he desired to avoid any threat of bloodshed.\textsuperscript{101} Student lead anti-government protests, coupled with labor strikes, convinced him to leave office and seek refuge in British Honduras until he made his way to New Orleans. On July 2, constitutional guarantees were reinstated, and the National Assembly elected a temporary Military Triumvirate to lead the government until presidential elections took place on December 17, 18, and 19. On July 4, despite questions from the legal community as to the constitutionality of this designation, General Federico Ponce, the First Designate, was declared Provisional President. On July 8, the U.S. Ambassador was authorized to continue relations with the new Guatemalan government.\textsuperscript{102}

The reinstatement of constitutional guarantees on July 2 created conflicts between the student-led opposition contingent and members of the National Assembly. Although Ubico had officially resigned, his “Liberal-Progresista Party” influence was still present in the appointment of General Ponce, his Cabinet, and his selected members of the National Assembly. During the July 3 session of the National Assembly, members of the opposition filled the Congressional Gallery Chamber, convinced that Ubico’s appointed Assembly Members would not represent their concerns. The opposition proceeded to disrupt the one-sided proceedings, causing the police to forcibly evacuate the building.\textsuperscript{103} Several prominent members of the opposition, including the widely respected Manuel Silva Peña, were arrested because of their disruptive activities during the session.

In order to gain some measure of popularity with the opposition and attempt to separate himself from Ubico’s style of authoritarian rule, Ponce released the members of the opposition the following day. The legitimate concern of the reform movement was that key personnel in Ubico’s regime were still in power to control government policies. One problematic Cabinet

\textsuperscript{99} Gleijeses, \textit{Shattered Hope}, 25.
\textsuperscript{100} Ibid.
\textsuperscript{101} Ubico, Jorge. \textit{Manifesto of General Jorge Ubico to the People of Guatemala}, July 1, 1944. Translated from Long to Secretary of State, July 3, 1944. NA 814.00/7-344.
\textsuperscript{102} U.S. Embassy Dispatch No. 1308, \textit{Political Chronology}, July 14, 1944. NA 814.00/7-1444.
\textsuperscript{103} Long to Secretary of State, \textit{National Assembly}, Dispatch No. 1284, July 5, 1944. NA 814.00/7-544.
Member was Ubico’s Foreign Minister, Dr. Carlos Salazar, who was considered by many as pro-Nazi and the brains behind Ubico’s Administration. \(^{104}\) Despite these concerns, the U.S. Embassy’s initial appraisal of Ponce was encouraging. U.S. Ambassador Long portrayed Ponce as ‘approachable’ and eager to cooperate with U.S. policies. \(^{105}\) In terms of freedom of speech and the press, newspapers were experiencing a degree of freedom they had not enjoyed in many years. On the other hand, the labor front threatened strikes against UFCO and IRCA, demanding wages commensurate with the rising cost of living. In all, developments were manageable, and the prospects for free democratic elections in December provided a temporary calming influence among dissident factions. \(^{106}\)

Within weeks of Ubico’s resignation, political parties began to form in anticipation of the December presidential election. The U.S. Embassy was closely monitoring the political developments to ensure a peaceful transformation of the government and the protection of U.S. security interests in the region, as well as decades of valuable U.S. corporate interests. Five developing political parties were of primary interest to the U.S. Ubico’s one man ‘Liberal-Progresista Party’ was dissolved, and in its place was the Liberal Party. The majority of their members were either older military officers, or government employees appointed during Ubico’s presidency. Two likely Liberal Party leaders contending for the presidential candidacy were either the sixty four year old Ambassador to Washington, Adrian Recinos, with twenty years of diplomatic experience, or the younger General Ydigoras Fuentes, Ubico’s Director of Roads who managed affairs with a strong hand in Ubico style. \(^{107}\)

The U.S. Embassy in Guatemala was familiar with many of the reform figures and analyzed the character of the emerging political parties. The older, conservative reform group led by established lawyers who orchestrated the series of petitions presented to Ubico formed the Social Democratic Party. Their organization included industrialists, physicians, and professionals. Although known as principled men with competence in many areas, they lacked

\(^{104}\) U.S. Embassy Dispatch No. 1308, *Political Chronology*, July 14, 1944, 3. NA 814.00/7-1444.

\(^{105}\) Ibid., 4.

\(^{106}\) Long to Secretary of State, *Political Conditions in Guatemala*, Dispatch No. 1487, August 29, 1944, 3-4. NA814.00/0104.

\(^{107}\) Long to Secretary of State, *Political Activities of Presidential Candidates*, September 12, 1944, 2. NA814.00/5-1244.
the necessary skills in public administration. In terms of national finance, the group lacked experience in national administrative matters and their party was not well funded.\footnote{108}{Long Memorandum, Dispatch No. 1309, July 14, 1944. NA814.00/7-1448.}

According to Ambassador Long, the political party known for sociopolitical reform and organizational skills was the Frente Popular Liberator (FPL). U.S. opinion of the FPL was that their youth would impair any opportunity for becoming a viable political organization. Seen as an immature group lacking necessary disciplines, it was anticipated that it would eventually ally itself with a more formidable political party in the near future. The best fit would be with the leadership within the Social Democrats. The combination of the two groups would combine enthusiasm with legal expertise to form a viable party.\footnote{109}{Ibid.}

The most unlikely party to emerge was the Partido Accion Nacional. The former Minister to Berlin, Jose Gregorio Diaz, prided himself on learning how to govern a country by the example of Hitler and used a party name to promote his personal ideology. Diaz did not have a great chance of popularity among most Guatemalans, much less the support of the U.S. His platform included a program of social services that may have appealed to the poorest Guatemalans, but his ideas for governance did not fit into the reform agenda that had attracted so many different opposition factions.\footnote{110}{Ibid.}

The conclusion of U.S. Ambassador Long’s assessment of the potential political parties included two rather accurate observations and one that was well off the mark. Long’s first observation was that the greatest political competition would probably be between the financially strapped Social Democrats and the long established Liberal Party. The second was that regardless of which political power gained control, the issues regarding the Indian population would never improve. The Indian population, regardless of its size, would remain as social and political outsiders providing cheap labor to commercial interests.\footnote{111}{Gleijeses, \textit{Shattered Hope}, 39.} Long’s miscalculation is best described in his own words, “Another party has postulated Mr. Juan Jose Arévalo, a teacher at some Argentinean University. It is known as the Romantic Party, and its few followers are writers, poets, etc. No further comment is necessary.”\footnote{112}{Long Memorandum, Dispatch No. 1309, July 14, 1944.}
Jose Arévalo. By August 3, the FPL joined ranks with the RN and supported Arévalo as their candidate as well.\textsuperscript{113}

By the end of August, the University students who had been relatively quiet began organizing new demands against the Ponce government. They were protesting the continued presence of Ubico-appointed officials and preparing a petition to present to Ponce. Their petition included the support of 200-300 prominent citizens, and they were confident that the initiative they displayed leading to Ubico’s resignation could be applied to ousting Ponce as well.\textsuperscript{114} In a short period of time, the students began to mature politically and allied their forces behind the economic demands presented by the railway unions in order to gain their support. In a struggle with IRCA to raise wages, protesters threatened the company with cries of “let’s nationalize.”\textsuperscript{115} As with most national solidarity movements in the twentieth century, international trends to improve labor conditions for economic equality would be the precursor to more substantial human rights initiatives.\textsuperscript{116} The intellectual community used the university campus for formulating and presenting their ideas for social reforms. Leadership provided by teachers and students enlisted support from diverse political factions.

The more radical students began to intimidate the families of pro-Ubico officials in order to undermine any latent aspirations of regaining power and simultaneously reinforced popular support in their efforts. General Ydigoras’ wife had allegedly received threatening phone calls to have her husband resign as Director of Roads and abandon his presidential aspirations.\textsuperscript{117} The free press that accompanied the reinstatement of constitutional guarantees reported on the intimidating tactics that the student front was initiating.\textsuperscript{118}

A further form of intimidation targeting the government and private enterprise continued. The remaining German property owners, the last of Ubico’s wealthy civilian supporters, were to be expropriated by decree, and an extremist call for nationalization of the properties was being

\begin{footnotesize}
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\item[\textsuperscript{113}] Schneider, \textit{Communism in Guatemala}, 13.
\item[\textsuperscript{114}] Long to Secretary of State. “Political Conditions in Guatemala,” Dispatch No. 1487, August 29, 1944. NA 814.00/6-00777.
\item[\textsuperscript{115}] Ibid., 3.
\item[\textsuperscript{116}] Immerman, \textit{The CIA in Guatemala}, 34. Guatemalan unions had become affiliated with the Workers Confederation of Pan-American Labor, a non-Communist movement of Latin American labor leaders based in New York City. During the 1930s, Ubico had disbanded the unions, charging members with treason. Ubico’s penal code included a clause recommending the death penalty for anyone guilty of union organizing.
\item[\textsuperscript{117}] Long to Secretary of State. \textit{Political Conditions in Guatemala}, Dispatch No. 1487, August 29, 1944. NA 814.00/6-00777, 2.
\item[\textsuperscript{118}] Long to Secretary of State, telegram 463, July 3, 1944. NA814.00/7-344.
\end{itemize}
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proposed. Additionally, not only were the confiscated properties to be prohibited from foreign purchase but also the properties could not be financed through foreign sources. The U.S.
representatives in Guatemala equated this method of expropriation to that of the pattern of nationalization previously employed by Mexico.\(^\text{119}\) Originally designed to prevent ownership by pro-Axis supporters, the ban of foreign ownership now extended to all foreigners. What was presented as an economic recovery strategy was at its core a politically-driven tactic. The U.S.
diplomats also began to see the growing labor movement more as a political strategy than a legitimate labor issue, citing that a twenty-five percent increase in wages took place in less than a year before.\(^\text{120}\) The IRCA was one of the few commercial enterprises that continued to make money and the workers wanted their share of the company profits, again with threats of nationalization. Politicalization of labor issues helped fuel the reform movement, continuing to gain momentum as the presidential elections approached.

Provisional President Ponce considered running on the Liberal Party ticket to be Guatemala’s next president. The Constitutional Assembly under President Lazaro Chacon had amended the Constitution to prohibit the First Designate from election to the Presidency.\(^\text{121}\) Previous regimes resorted to a constitutional loop-hole in Article 69 to perpetuate their terms in office beyond the presidential six-year term limit.\(^\text{122}\) The current political atmosphere demanded adherence to the constitution without the abuses of the past. Nevertheless, Ponce’s taste of presidential power became insatiable, and during the September 15 celebration of Guatemala’s Independence, Ponce staged support of thousands of Indians from rural communities brought in by the truckload to rally on his behalf.\(^\text{123}\) In an attempt to convince the U.S. that he was worthy of its support, Ponce overtly staged support for the Indian and poor workers, called for the expropriation of the remaining German properties, and proposed the reinstatement of constitutional guarantees for the free press, speech, and assembly. Covertly, Ponce had the National Police harass Arévalo’s supporters by repressing their activities and arresting certain individuals. Arévalo, who had arrived in Guatemala from Argentina on September 3, was now

\(^{119}\) Ibid., 3.
\(^{120}\) Ibid., 4.
\(^{121}\) Diario de Guatemala, September 12, 1944. Translated from the American Embassy, Dispatch No. 1543, September 19, 1944.
\(^{122}\) LaFeber, Inevitable Revolutions, 79.
\(^{123}\) U.S. Embassy Report, Indians Imported to Terrorize?, Dispatch No. 1554, September 22, 1944. NA 814.00/9-2244.
seeking refuge at the Mexican Embassy along with a contingent of his more prominent supporters.  

The repressive measures imposed by Ponce’s National Police came to a head on October 1 when Alejandro Cordova, the publisher of the most influential anti-government newspaper, *El Imparcial*, was ambushed and gunned down in front of his home by the police.  

Cordova’s assassins were soon captured and confessed that the plan was initiated by Ponce and the Chief of Police.  

Again, the symbolism of his martyrdom enraged the population much like the death of Maria Chinchilla. By this time, there were no fewer than fifteen political parties, each with a specific political agenda, but the majority united against Ponce’s intimidation by lethal force. Most political groups were determined to eliminate the remaining Ubico elements from continuing in office.  

On October 2nd, the students organized a political strike against the Ponce regime. Five leading figures of the expanding reform movement with their own political sympathies had organized together in July to form a Committee promoting fundamental civic rights and justice. Two of the reform leaders were Licenciado Guillermo Toriello and Licenciado Jorge Garcia-Granados who had been successful in obtaining legal writs of habeas corpus for the release of the political prisoners. The reform movement’s determined adherence to constitutional law was fundamental to their cause, despite Ponce’s covert repression of the reform leaders. Leaders of the movement knew that the events taking place in Guatemala were under close scrutiny from the United States, as well as their Central American neighbors. Democratic ideals and unity among various political factions was the strongest defense against tyrannies of the past. Guatemala had become a case study in achieving democratic governance in a developing country under despotic rule through a successful largely non-violent revolution.

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124 Long to Secretary of State, September 12, 1944, *Political Activities of Presidential Candidates, Week Ending September 9*, 3-4. NA814.00/5-1244.
125 Long to Secretary of State, October 1, 1944, NA 814.00/10-144.
126 Long to Secretary of State. *Apprehension of Cordova Murderers*. Dispatch No. 1687, October 31, 1944,
127 Legation of the United States, *Political Parties in Guatemala*, Dispatch No. 1499, September 1, 1944, NA 814.00/9-144
128 Ibid., 12.
129 Licenciado: After an average of five years of study in a Spanish university, successful students are awarded the prestigious degree of Licenciado.
Public demonstrations, propaganda, strikes, petitions and legal maneuvers advanced the
reform movement, but now it was necessary to secure the support of the younger military
officers in order to finally end the dictatorship.\footnote{Immerman, \textit{The CIA in Guatemala}, 42,43.} A plot to overthrow Ponce had been in the
making for some time. An army captain, Jacobo Arbenz Guzman, resigned from the armed
forces in July to protest the Ponce regime.\footnote{Fred T. Cruze to Department of State, \textit{Military Revolt in Guatemala; Personal Observation and Contacts}, Report
No. 1341-44, October 21, 1944.} Jorge Toriello, Guillermo’s older brother and
successful businessman, was the civilian figure necessary to enable the revolt to gain political
support among the wide variety of political factions required for a united front. Unlike the older
military officers who had sustained dictatorial power, the young military officers realized that a
modern army in a functioning democracy, modeled on the United States, was the only viable
course for a new democratic Guatemala. Early in October, Toriello and Arbenz were joined by
army tank commander Major Francisco Javier Arana. On October 20, Arana’s troops staged a
takeover of the \textit{Guardia de Honor}, the Presidential Guard and began arming five thousand
students, teachers, civilians and workers. Within hours the capital was secured, with peace being
maintained by armed civilians, as members of the police went into hiding and the revolution was
complete.\footnote{Ibid., 2.}

The next day, the U.S. Military Attaché for Central America, Colonel Fred T. Cruze,
reported the events to the State Department. He attributed the successful change of government
to the military actions following four elements along modern lines; secrecy, surprise, fire power
and boldness.\footnote{Immerman, \textit{The CIA in Guatemala}, 42,43.} Military leadership reinforced with civilian volunteers secured the final victory,
but he noted in his report that once armed actions were complete, civilian control took over.
Colonel Cruze met with civilian leader Jorge Toriello and reported the civilian leader’s
comments; “I can hardly believe it. Everybody is with us. We’ve got ‘em right now.”\footnote{Ibid., 2.}
Representatives of the defeated government presented their surrender to the Diplomatic Corps.
The Dean of the Diplomatic Corps asked Toriello, “...and who’s taking over this government?”
Toriello replied, “Well there are only three of us so I guess we will have to do it.”\footnote{Ibid., 2.} The
Colonel was impressed with how the new Revolutionary Triumvirate comprised of Toriello,

\begin{thebibliography}{99}
\footnote{Gleijeses, \textit{Shattered Hope}, 28.}
\footnote{Dosal, \textit{Doing Business with the Dictators}, 228.}
\footnote{Ibid., 2.}
\end{thebibliography}
Arana, and Arbenz were coordinating the constructive steps forward to organize a new Provisional Government for the transition to a popularly-elected democratic government.

The young officers’ role as the determining factor in Ponce’s ouster signaled their prominence in the government’s future, as well as the junta’s decision to replace the older officers who were allied with the Ubico regime. The younger officers were trained by U.S. Army officers stationed in Guatemala for protection of the Panama Canal. In addition, the Escuela Politecnica, Guatemala’s West Point, was commanded by U.S. officers.\textsuperscript{138} Arévalo’s political platform and admiration for the United States as a model for Guatemala assured the younger officers of their future in the reorganization of the country.

Consistent with the new model of democratic governance and a departure from Guatemala’s dictatorial past, Ponce and his followers was allowed by the Revolutionary Triumvirate to leave the country to Mexico unharmed.\textsuperscript{139} In addition, ex-Dictator Ubico who had sought refuge at the British Embassy during the revolt was escorted to the airport and flew to New Orleans, where Ubico had established years of good business relations with United Fruit.\textsuperscript{140} The Revolutionary Junta moved quickly to establish a constitutional government joining civilian leaders with young army chiefs. The junta’s first official decree dissolved Ubico’s National Assembly on October 25. Popular elections for a new National Assembly were to be held on November 3, 4, and 5.\textsuperscript{141} Rather than Guatemala’s traditional method of providing a Provisional President the appointment to assume executive powers, the junta presided over the country’s affairs until the new president was elected on March 15, 1945. Toriello served as Vice President and Arana would head the armed forces. None of the junta’s members or members of their families was allowed to run for the presidential office.

The New Legislative Assembly was elected by popular vote, unlike Assemblies of the past, and on November 28 a Constituent Assembly was selected to write Guatemala’s new democratic constitution. Decree No. 2 removed high ranking Army officers from service, as well as the Chief of Police, who were subsequently tried by a military tribunal. Decree No. 3 allowed government authorities to secure the properties and assets of Ubico and his associates to ensure

\textsuperscript{138} Gleijeses, \textit{Shattered Hope}, 19.
\textsuperscript{139} \textit{Ibid.}, 29. Affeld to Secretary of State, October 23, 1944. NA814.00/10-2344.
\textsuperscript{140} Gleijeses, \textit{Shattered Hope}, 29. Affeld to Secretary of State, October 25, 1944. NA 814.00/10-2544.
\textsuperscript{141} The Acting Secretary of State Stettinius to the Diplomatic Representatives in the American States, October 31, 1944. NA814.00/10-3144.
the dictator’s demise. The next four decrees addressed wages and the economic needs of the
country in order to function effectively without disruption.\textsuperscript{142}

More practical measures were put in place in anticipation of laws to elevate the society in
general. To maintain order, the junta prohibited the sale of liquor and enforced a nighttime
curfew for all automobiles, except for diplomats. Immediate measures were taken to bolster
Guatemala’s educational system, including salary increases for teachers and the formulation of a
literacy campaign. Government funds that had been earmarked for the secret police were
immediately reassigned to the Ministry of Education. The newly appointed Minister of Foreign
Affairs, Licenciado Muñoz Meany, proposed a training program for diplomatic and consular
officers to be part of the curriculum at the University of San Carlos.\textsuperscript{143}

Guatemala’s civilian population was protected by security provided by the 1,200
members of the Civilian Guard established on October 24. The U.S. Embassy monitoring the
events following the October 20 Revolution was encouraged that only two small robberies had
occurred in the following weeks.\textsuperscript{144} Commercial establishments had reopened and the society
was making every attempt to maintain a level of calm. In the Departments, new \textit{jefe políticos}
were rounding up former Ubico supporters and sent to Guatemala City for arraignment or
deportation. Respect for the junta’s new leadership was highlighted by the fact that civilians
who had procured weapons during their participation in the military takeover were now turning
in their arms voluntarily. Newspapers were organizing donations for relief funds for those who
had been wounded or displaced during the revolution.\textsuperscript{145} In all, Ambassador Long’s revised
assessment of the post revolution was characterized in his report as, “Extreme good will has
prevailed throughout this period following the revolution.”\textsuperscript{146}

On November 28, the Revolutionary Junta issued three Decrees specific to the legislative
reforms that would be incorporated into the new Reform Constitution of 1945, scheduled for

\textsuperscript{142} Long to Secretary of State, “\textit{Formal Accomplishments of the Junta to date},” November 3, 1944.
\textsuperscript{143} Ibid., 3.
\textsuperscript{144} Ibid., 4.
\textsuperscript{145} Affeld to Secretary of State, \textit{Bulletin Issued by Revolutionary Government of Guatemala}, October 26, 1944.
NA814.00/10-2644. Enclosures; translations form \textit{El Imperial} and \textit{Nuestro Diario}, October 22, 1944. The articles
include details of returning arms, the cooperation of civilians, government public relief, women’s assistance in
health and food, civilian police to maintain order, and attempted escapes by Ubico supporters.
\textsuperscript{146} Ibid.
completion by March 5. Article 1 of Decree No. 17 defines the ten fundamental principles of the revolution intended to be embodied in the new constitution. They are summarized as follows:

1) Separation of authority for the Executive, Legislative and Judicial Branches of government, including the decentralization of Executive authority.
2) Elimination of Presidential Designates, replaced by a Vice President.
3) Prohibition of Presidential re-election, and affirming the right of revolution if the President makes an attempt at re-election. This provision cannot be amended without rigorous constitutional conditions.
4) An apolitical reorganization of the military, with a democratic process employed for promotions.
5) Independent democratic elections for officials in the municipalities, eliminating central control from the Executive Branch.
6) Judicial autonomy, unanswerable to the Executive.
7) The National University will operate as an autonomous institution and managed on a merit basis.
8) Political parties with democratic tendencies will receive constitutional recognition, including political minorities.
9) Secret vote for literate citizens and public vote for illiterate citizens limited to municipal elections. Suffrage for certain women, based upon educational qualifications.
10) Effective administrative probity.147

Decree No. 18 annulled the previous constitution and Decree No. 19 convoked the elected National Assembly on December 30.

All eligible citizens were called to reregister, update, and confirm their voter eligibility. Within eight weeks, voters went to the polls three times in what turned out to be the freest elections in the country’s history.148 On November 7, 1944, the United States government extended its recognition to the new Guatemalan government and supported the Revolutionary

147 Paraphrased from Decree 17, Declaration of Fundamental Principles of the Revolution, November 28, 1944. NA 814.00/11-2944.
148 Schneider, Communism in Guatemala, 15.
Junta’s moves to proceed with the scheduled presidential elections.\textsuperscript{149} Prior to the U.S. decision to support Guatemala’s new government, the Latin American nations debated whether or not their governments would recognize the new Guatemalan government. The issue was resolved after full consultation of Resolution XXII of the Committee for Political Defense at Montevideo had been agreed upon.\textsuperscript{150} Most Latin American Diplomats waited until they were certain of U.S. support before they committed to the approval of Guatemala’s new government. This action of dependency on U.S. approval was not only consistent with past diplomatic relations, but this strategy of U.S. approval would be tested in the coming years as the Organization of American States would debate over regional autonomy, self-determination and non-intervention issues.

The critical question now was what political leader could appeal to Guatemala’s wide variety of special interests? As the presidential campaign proceeded, Arevalo’s popularity had grown from the student’s party, Frente Popular Liberador (FPL), to wider support from various political factions. Arevalo’s status as a ‘civilian’ symbolized a clear departure from Guatemala’s traditional military dictatorships toward a modern democratic system of governance. After returning from his university faculty position in Argentina, Arévalo’s credentials became well known.\textsuperscript{151} Desire for a modern democratic government united the interests of the student and intellectual community, and Arévalo’s credentials as a professor with no ties to Ubico’s regime were among the strongest reasons for their support.

The large landowning families began to believe that a system of democratic reforms would enhance their economic goals and bring the Guatemalan economy in line with profits from international trade. The Guatemalan landed elite found Arévalo attractive because of his cultural background. Born in Guatemala, tall in stature, one of the few Guatemalans to earn a doctoral degree, and charismatic in European style, he appealed to their elite values. After serving in a minor administrative position in the Ubico regime, Arévalo left for moral reasons and exiled

\textsuperscript{149}Department of State Press Release, No.537, November 7, 1944. NA 814.01/4-744.
\textsuperscript{150}Secretary of State Stettinius, Announcement for Publication, November 7, 1944. NA814.00/1-77.
\textsuperscript{151}Kenneth J. Grieb, The Guatemalan Military and the Revolution of 1944, (Academy of American Franciscan History: The Americas, Vol.32. No.4 (April 1976), 536. http://www.jstor.org/stable/979829. Arévalo was in regular communication with the FPL and Guatemalan liberal leaders months before he returned to Guatemala. Reed to Secretary of State, Buenos Aires, January 9, 1945. 814.00/1-945. Ambassador Reed reports to State that Arévalo is well known and well respected among his colleagues in Buenos Aires.
himself to Argentina, not Mexico. Argentina had a Latin American reputation as a white country ruled by conservatives, which reassured the Guatemalan landed elite.  

On December 5, the newly-elected Members of the National Assembly convened, with the President of the Assembly, Manuel Galich, taking his pledge of office. Jorge Toriello read a prepared speech and called upon the Assembly Members to ratify the junta’s Decrees into the new Constitution. The National Assembly approved a law of amnesty for all those who participated in the revolution, appointed new judges worthy of the new government, and revised the laws of the new nation. The overall mood of the session was enthusiastic, as their efforts to create a democratic system of government had been inconceivable just a short time ago. The youthful character of the country’s successful transition to democracy was best described by Galich’s closing remarks, “Whoever would have thought a few short months ago that a young man barely thirty years of age could preside over the National Assembly.”

As a result of Arévalo’s growing popularity and character that mirrored the essence of political reform, political forces united to elect him President with an overwhelming margin. El Imparcial’s December 20 publication reported the election results. With the exception of one district, Arévalo gained the majority vote across the country. Of the four candidates, unofficial tabulation of the election results was as follows: Arévalo, 255,260; Adrian Recinos, 20,749; Manuel Maria Herrera, 11,062; Colonel Guillermo Flores, 8,230. The article pointed out that the election was held in a democratic and orderly fashion, devoid of the old abuses. Although Dr. Recinos agreed with the orderly fashion of the election process, he suggested there were certain ‘irregularities.’ Colonel Flores commented that the process was carried out in an atmosphere of liberty, but in certain provinces “...the electoral machinery was entirely in the

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152 Gleijeses, Shattered Hope, 32, 35. Gleijeses describes Arévalo as six foot tall, two hundred pounds, eloquence of a caudillo without a horse, intelligent, and white. His appeal to the landed elite and upper-class was that he possessed ‘excellent oratory’ and had no ties to Ubico. Arévalo left the Ubico regime in 1936, self-imposed exile because “he refused to submit to a dictator”.

153 Long to Secretary of State, Dispatch No. 1819, Assembly Elected under the Revolutionary Junta Convenes, December 5, 1944. NA 814.00/12-544.

154 Ibid., 2.

155 Ibid., 2.

156 Affeld to Secretary of State, December 21, 1944, No.1900, El Imparcial, December 20, 1944. NA814.00/1-2141.

157 Ibid.
hands of the Arévalistas.””  

An El Imparcial editorial published the same day attributed the success of the election process to the efforts of the October Revolutionary Movement, specifically mentioning the victory of ‘electoral freedom.’ The editorial contrasted the current election with those of the past, noting, “... Guatemalans had lost hope of seeing the principles of effective democracy reestablished in our country, if in truth they had ever existed before.” The editorial concluded that despite the passions raised in the past few months, the October Revolution returned to Guatemalans individual freedom and national respect. 

On January 9, 1945, the U.S. Embassy reported back to the Secretary of State after Embassy officers had met with President-elect Arévalo that it believed “…he is satisfactory from the United States point of view.”

The new Constitutional Assembly had its formal opening on January 10, 1945 and set a goal of March 5 for the completion of the new Constitution, with the new President taking office on March 15, 1945. The Assembly session included the junta members, Assembly officials, Cabinet Members, Diplomatic and Consular Corps and high-ranking members of the military, and Arevalo was invited to observe the session. Major Arana, member of the Triumvirate, read a speech charging the Assembly Members with the duty of formulating a new Constitution “...consistent with modern law and with the yearning for renovation that should govern all free people.” The Assembly members elected its officers. Of the elected officers, three members would play significant domestic and international roles in the near future for Guatemala; Jorge Garcia-Granados was elected permanent President of the Assembly, Licenciado Francisco Villagran as Second Vice President, and as Secretary of the Assembly, Jose Manuel Fortuny.

The pressure was on for the President of the Assembly and also head of the constitutional drafting committee, La Comisión de los Quince, to complete its work before the March 15 scheduled date for Arévalo’s inauguration. Speculation was that the drafting committee

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158 Ibid.
159 Ibid.
160 Ibid.
161 Ibid.
162 Reed to Secretary of State, Dispatch SFG-1005, January 9, 1945. NA 814.00/1-0945.
164 Silvert, A Study in Government: Guatemala, 14. The President of the Assembly, Jorge Garcia-Granados, was also the head of the fifteen-member drafting committee (La Comisión de los Quince) of the new constitution. The committee was elected by the National Assembly. Six members were democratic liberals and another six were
would not be able to complete its work, and questions were raised regarding the legality of Arévalo taking office without a National Constitution in place.\textsuperscript{165} The supporters of Adrian Recinos, who had placed a distant second in the election, were spreading disruptive rumors about Arévalo and the members of the Revolution.\textsuperscript{166} Jorge Toriello, still in the civilian executive position within the Revolutionary Triumvirate, took to the airwaves in a radio speech reiterating the aspirations of the revolution, while implying that the politically defeated were using democratic liberty and tolerance to create problems that did not exist and that those negative elements were designed to sabotage national harmony and create division among the Guatemalan people.\textsuperscript{167} On that same day of Toriello’s plea for Guatemalan unity, Recinos fled to the United States where conservative Guatemalans were welcome.\textsuperscript{168}

Early on, the Guatemalan people began to understand the potential consequences of political freedom at the core of democracy. The political parties originally joining to form the United Front, unanimously supporting the Arévalo’s Presidency, now moved to reaffirm their individual political autonomy. The Coordination Committee of Political Parties was formed to continue a collaborative effort in support of President Arévalo.\textsuperscript{169} President–elect Arévalo responded with a radio address to the nation on February 14. The first part of his address made certain that he would follow the strict principles of the Revolutionary Junta’s Decree No. 17, and would not assume office until the Constitution was finalized and ratified by the Legislature. He reassured the Guatemalan people that Executive power would not undermine the revolutionary spirit that had successfully put an end to Guatemala’s history of dictatorial rule. The Drafting Committee was under great pressure to complete its work before the March 5 deadline in order to avoid any legal complications in the transition of power.

Arévalo continued his speech by praising the accomplishments of the Revolutionary Junta and promising not to interfere with its work in any way. He emphasized the need for the centrist, three leaning left and three toward the right. The remaining three were social democrats, including the Garcia-Granados.

\textsuperscript{165} Long to Secretary of State, \textit{Subject: Public Statement of President-elect Arévalo that he will not take office until New Constitution is Promulgated}, February 16, 1945. NA814.00/2-1645.

\textsuperscript{166} Long to Cabot, \textit{Political Parties at the Moment}, July 27, 1944. NA814.00/7-1444.

\textsuperscript{167} Paraphrased from excerpts of Toriello’s February 10\textsuperscript{th} radio speech, translated from U.S. Embassy dispatch No. 2131, \textit{Speech of Jorge Toriello Concerning Necessity of measures to Prevent Counter-Revolution; Further Arrests of Recinos’ Followers}, February 13, 1945. NA 814.00/2-1345.

\textsuperscript{168} Long to Secretary of State, \textit{Further arrests of Recinos Followers}, February 13, 1945. No.2131. NA 810.00/12-1345.

\textsuperscript{169} Long to Secretary of State, \textit{Possible Bases for a Coordination Committee of “Revolutionary” Political Parties in Guatemala}, January 13, 1944. NA814.00/1-1345.
junta having a place in the new government, regardless of political persuasion, and said that his Cabinet would not be divided along party lines.\textsuperscript{170} His following comments addressed a variety of brewing social and political concerns. In terms of social justice, he claimed that legislation for modern cultural reforms would include Guatemala’s two million Indians.\textsuperscript{171} During the presidential campaign, Arévalo’s opposition spread rumors that Indian men would be castrated and their women abducted if Arévalo was elected.\textsuperscript{172} Arévalo responded by stating that unlike the educated population, the illiterate Indian was subject to racial propaganda, and to address Guatemala’s unique indigenous population, laws should carefully observe the extent of ‘liberty of opinion.’\textsuperscript{173} Regarding religion, he eulogized Catholicism as a respected religion, but denounced the mixture of religion with political affairs. Pointing to concerns of the military in the new government, he assured the Army that Major Arana and Captain Arbenz would remain in high military positions in his administration.\textsuperscript{174} Regarding labor concerns, with specific mention of a recent threat of a rail workers strike, he pointed out that money was not so much an issue as the worker’s fight for ‘dignity’, and the cultural advance of the country.\textsuperscript{175}

Arevalo’s closing remarks emphasized the need to elevate Guatemala’s educational system as the means to each individual’s full enjoyment of the society, being the fundamental responsibility of the new reform government. He briefly spoke of his notion of ‘spiritual socialism’ to regain the dignity of all men. This philosophical message, although well intended for raising the social and cultural status of all Guatemalans, would be brought under continued scrutiny and criticism throughout his term in office. Specific details of his philosophy and its consequences will be examined in greater detail in the next chapter. The Drafting Committee completed the final Constitution and was signed on March 11, 1945, just in time to avoid any postponement of President Arévalo taking office on March 15, as planned.

\textsuperscript{170} Long to Department of State, “Arevalo not to take office until New Constitution Promulgated,” Dispatch No. 2145. February 16, 1945, p. 3. NA 814.00/2-1645.\textsuperscript{171} Ibid.\textsuperscript{172} Ibid., 4.\textsuperscript{173} Ibid., 3.\textsuperscript{174} Ibid., 4.\textsuperscript{175} Ibid., 5.
2.4 The 1945 Constitution

A new generation of young politicians comprised the National Assembly. The ‘Committee of Fifteen’ was elected to draft the new constitution. According to the terms of Decree No. 17, the ‘Committee of Fifteen’ and the National Assembly needed to complete their work for the new Constitution by March 15. The group of young lawyers and students were under pressure to complete its task by the deadline. The drafting ‘Committee of Fifteen’ was comprised of 14 lawyers and one physician, with the President of the Assembly, Jorge Garcia-Granados, serving as head of the Committee. As a response to generations of dictatorships, the 1945 Constitution first focused attention on limiting the power of the Executive to avoid any recurrence of a dictatorship. Specific provisions to empower the Congress were the main strategy employed to restrict Executive power, reminiscent of the provisions of the Spanish Constitution of 1812. In terms of codifying much needed social guarantees along the lines of emerging international human rights initiatives, Garcia-Granados, representing democratic socialist ideals, was a major influence on drafting the new document. The combination of youth, inexperience in the mechanics of government, enthusiasm for a democratic system, and a constricted timeframe, the end result of the document has been described by a prominent scholar of the Guatemalan government, Kalman H. Silvert, as a “libertarian, unitary, semi-parliamentary government designed to carry out neo-Socialist economic policies.”

Although the structural form of the document was modeled after the United States Constitution, in terms of Executive, Legislative and Judicial branches of government, the content of the document reflects more aspirational principles for democracy than immediate legislative actions. For example, the basic principles regulating labor are present in Chapter II, Section 1, under Social Guarantees, but the statutory laws regarding labor are not thoroughly implemented until the 1947 Labor Code is established. In addition, the unique circumstances of Guatemala’s dictatorial past that created a break in its political development was a prime motivator for

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176 See page 91, footnote 164 for the composition of the Committee of Fifteen.
177 American Embassy at Guatemala, translated by JHW, Decree 17, Declaration of Fundamental Principles of the Revolution of October 20, 1944. Dispatch No. 1674, October 26, 1944. NA814.00/10-2644. 1) Decentralization of Executive Authority and effective separation of the Executive, Legislative and Judicial authority. 2) Abolition of the positions of Designates to the Presidency and creation, in their place, of a Vice-President. 3) Abolition of Presidential re-election, and recognition of the right to revolution in the event a President attempts to be re-elected. 5) Democratic organization of municipalities by popular election, rather than by control from the central Executive Authority.
democratic social reforms. Moreover, the 1945 Constitution indicated clear ambitions for a liberal democratic society based on principles to elevate the dignity of the individual citizens, reflecting post-World War II international desires for individual freedom, equality, and social justice.

Title I of the 1945 Constitution, illustrated the overall tone of the document in both domestic and international terms. In addition to the assurance of ‘liberty’ in Title I’s “General Provisions”, Article 1\(^1\) included new assurances of the value of culture, economic welfare, and access to social justice for all inhabitants. In contrast to the previous constitution, Article 2\(^2\) significantly declared ‘sovereignty of the people,’ not the state, and the Article contained the people’s right of rebellion if that principle was violated. As will be discussed in the following chapter, the vagueness of the ‘right of rebellion’ provision created unintended consequences for Arévalo’s presidency as political controversies increased with time.

In terms of regional interests and international developments, the previous Constitution’s claim of ‘reciprocity’ with neighboring Central American Republics was advanced to establishing a Central American Union in Article 3.\(^3\) As an additional expression of regional solidarity, Article 4 claimed Guatemala’s official language as Spanish.\(^4\) Certain provisions for reciprocal citizenship among Central American or Ibero-American countries were intended to unite regional solidarity.\(^5\) Further consideration by the Constituent Assembly that Article 1 originally included the claim that Belize (British Honduras) was part of territorial Guatemala was moved to the “Transitory Provisions” as an addendum to the Constitution, which contained less status than the Articles within the document.\(^6\)

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\(^1\) Article 1.--Guatemala is a free, sovereign, and independent Republic, organized toward the primary end of assuring to its inhabitants the enjoyment of liberty, culture, economic welfare, and social justice. Its system of government is democratic-representative.

\(^2\) Article 2.-Sovereignty resides in the people, who delegate its exercise to the Legislative, Executive, and Judicial organisms, among which there is no subordination.

\(^3\) Article 3.-Guatemala acknowledges itself part of the Federation of Central America, at present disjoined. It will maintain and cultivate fraternal relations with the other States which composed it, and will strive for the partial or total reestablishment of the Central American Union in a popular and democratic form.

\(^4\) Article 4.-The official language of the Republic is Spanish.

\(^5\) Article 12.-Guatemalan nationality is lost: 1.-By naturalization in a foreign country. Excepted are: (a) naturalization in another Central American country; (b) naturalization in Spain or another Ibero-American country, in the event of reciprocity or when law or international treaties may so prescribe;

\(^6\) Silvert, A Study in Government; 237. Temporary Resolutions, Article 1- Guatemala declares Belice part of its territory, and considers of national interest any efforts directed toward accomplishing its effective reincorporation in the Republic.
Domestic provisions in the 1945 Constitution were introduced with four new Titles in comparison to the previous Constitution. These included nationality and citizenship, individual and social guarantees, economic and financial systems, and national finance. Regarding Title II, Nationality and Citizenship, Article 8 clearly states that any Spanish or Ibero-American who resides in Guatemala may become a citizen simply by stating his desire to the appropriate authorities.\(^{185}\) Second and more importantly, Article 9 stated that all literate males of 18 years of age were required to register and vote by secret ballot.\(^{186}\) In the same Article, for the first time addressing suffrage, literate women citizens of 18 years of age could vote if they chose, also in secret ballot. Regarding illiterate citizens, they would be allowed to vote in a public-manner.

One of the innovations incorporated into the 1945 Constitution was Title III, “Individual and Social Guarantees”, which comprised nearly two-thirds of the Constitution’s total of 212 Articles. Directly reflecting the concerns of the Revolutionary Reform Movement, Title III dedicated thirty-three Articles to Individual Guarantees in Chapter 1, and thirty-two Articles to Social Guarantees in Chapter 2. The new ideology incorporated in “Individual and Social Guarantees” imbedded in the Constitution was implemented by creating a framework for legislative supremacy and provisions preventing the Executive from perpetuating himself in office.

The first Article of Chapter 1’s “Individual Guarantees,” declared that any form of discrimination is illegal and punishable by law.\(^{187}\) Specifically mentioned was sex, race, color, class, religious beliefs, or political beliefs. Article 23 made it clear that “The State protects human existence preferentially.”\(^{188}\) The Republic guaranteed “life, liberty, equality, and security of the person, of honor and of property.” To distinguish the new democratic form of governance

\(^{185}\) Article 8.-Naturalized persons are: 3.-Spaniards and Ibero-Americans by birth who establish residence in the country, and state before competent authority their desire to be Guatemalans;

\(^{186}\) Article 9.-Citizens are: 1.-Male Guatemalans over eighteen years of age; 2.-Guatemalan women over eighteen years of age who know how to read and write. Rights and duties inherent in citizenship are: to elect, be elected, and take public office. The suffrage is obligatory and secret for those able to read and write; optional and secret for female citizens; optional and public for illiterate citizens. All males of eighteen years who know how to read and write are obliged to register with the Civic Registry within the year in which they obtain citizenship. For women and illiterates, such registration is a right. illiterates may exercise the suffrage six months after having registered.

\(^{187}\) TITLE III: INDIVIDUAL AND SOCIAL GUARANTEES  CHAPTER I: INDIVIDUAL GUARANTEES  Article 21.-All persons enjoy the guarantees established by this Constitution with no restrictions other than those herein established. With similar reservations, any discrimination because of affiliation, sex, race, color, class, religious beliefs, or political ideas is also declared illegal and punishable.

\(^{188}\) Article 23.-The State protects human existence preferentially. The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily life, liberty, equality, and security of the person, of honor, and of property.
from past dictatorships, Article 24 stated clearly that public officials are not the masters, but rather the recipients of authority, expressly conferred by law.\textsuperscript{189} Articles pertaining to crime and arrest of the individual included the prohibition of debt imprisonment, a law that had been previously abused by the dictator’s police force, as well as exercised by private landowners. Inconsistent with international trends to abolish capital punishment, but consistent with U.S. law, the death penalty applied to defined crimes committed by adult males.\textsuperscript{190} Article 50 referred to the general principles included in Title III and restated the principle of the ‘sovereignty of the people,’ in addition to the ‘dignity of man’; the major theme throughout the document.\textsuperscript{191}

U.S. Ambassador Long sent his preliminary appraisal of the 1945 Constitution to the Secretary of State, highlighting sections of the document particular to U.S. interests. Among his comments, his first reaction was that the new document’s overall theme was a rejection of and disdain for former President Ubico’s governmental measures.\textsuperscript{192} Two considerations were included in his opening remarks. First, comparing the new Constitution with the 1927 and 1935 documents, he noted that although the previous Constitutions were contextually “quite liberal and democratic,” any past “undemocratic lapses” were not due to the provisions of the document, but rather the failure of government to give the Constitution full effect. He continued by adding that only a “small segment of the populace was equipped to share civic responsibility.”\textsuperscript{193} Second, comparing the Guatemalan Constitution with the U.S. Constitution, his assessment was that the terms of the Constitution were less enforceable than “ordinary law is regarded” in the U.S. He attributed this difference to the number of Articles and the specific details within the Articles as compared to the U.S. that separated Constitutional Articles from specific codified

\textsuperscript{189} Article 24.-Public officials are not the masters but rather the recipients of authority, subject to and never above the law and always responsible for their official conduct. In conformity with this concept, no organism of the State or public official has more powers or authority than that expressly conferred by law.

\textsuperscript{190} Article 52.-No one may be convicted without having been accused, heard, and having lost the trial. The death penalty may be applied only by virtue of a sentence rendered by the tribunals of the Republic, and only for crimes defined in law and committed by adult males.

\textsuperscript{191} Article 50.-Legal, governmental, or any other dispositions which regulate the exercise of the rights guaranteed by this Constitution, shall be null \textit{ipso} jure if they diminish, restrict, or reinterpret such rights. Actions or contracts which may violate constitutional norms are also null \textit{ipso} jure. Resistance adequate for the protection of the individual rights guaranteed above is legitimate. Proceedings to prosecute infractions of the principles of this Title are public, and may be exercised by a simple accusation, without pledge or formality of any kind. The enumeration of rights guaranteed in this Title does not exclude others established by this Constitution, nor yet others of an analogous nature or those which may stem from the principle of the sovereignty of the people, from the republican and democratic form of the government, and from the dignity of man.

\textsuperscript{192} Long to Secretary of State, Dispatch No. 2278, March 19, 1945, NA 814.011/3-1945.

\textsuperscript{193} Ibid., 1.
laws. His major concern was the numerous ‘labor articles’ that would be presented as ‘labor statutes’ in the U.S.194

Long’s criticism was reasonable, for in Chapter II of Title III, Section I entitled “Labor” there were fourteen individual Articles, with Article 58 comprised of sixteen specific laws regulating the relations between capital and labor that would have been more appropriately adopted as statutes in U.S. law. But from the Guatemalan point of view, grounded in generations of labor abuses, the strategic placement of these labor laws within the Constitution could be viewed as appropriate relative to generations of neglect, coupled with reform labor advances taking place in modern democratic societies.195 Consistent with Guatemala’s neo-Socialist tendencies, although labor was a ‘right of the individual,’ labor was also deemed a ‘social obligation,’ with the vagueness of ‘vagrancy’ still punishable by law (Article 55). Capital and labor were factors of production, and protected by the State (Article 56). The State had the power to provide work to ensure economic conditions for a “dignified existence,” consistent with the humanist tone of the document (Article 57).196

The specific laws categorized in the sixteen paragraphs of Article 58 included modern conditions for both agricultural and industry workers. Labor contracts, minimum wages, eight hour days, paid vacations, free organization and the right to strike all resembled the practical application of widely accepted business principles of industrialized nations. Humanistic principles of labor included equality of wages without discrimination, laws designed to “particular conditions and customs of each region and the characteristics and potential of the various classes of activities” (Article 58). Additionally, conditions relating to minimum salary were to conform to “the moral, material and cultural necessities of the laborers and their duties as heads of families” (Article 58, paragraph 2).197 In conjunction with Article 43’s provision for no

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194 Ibid., 2.
196 CHAPTER II: SOCIAL GUARANTEES; SECTION I; LABOR Article 55.-Labor is a right of the individual and a social obligation. Vagrancy is punishable. Article 56.-Capital and labor, as factors of production, shall be protected by the State. Article 57.-The State shall employ the resources within its power to give work to all who may lack it, and to ensure the economic conditions necessary for a dignified existence.
197 Article 58.-Laws regulating the relations between capital and labor shall take into account the economic and social circumstances of the country, as well as the particular conditions and customs of each region and the characteristics and potential of the various classes of activities. With respect to agricultural workers, the State shall take into account their conditions and needs, the zones in which they work, and other circumstances peculiar to this type of labor. The fundamental principles of the organization of labor which such laws shall regulate are:
debt imprisonment, Article 59 mandated a specific condition that debt could not exceed salary.\textsuperscript{198} The conclusion of the Section on Labor stated that the above rights and benefits were “derived from the high principles of social justice, which the law may designate”.\textsuperscript{199}

Section III, entitled “Family,” embraced some unique aspects that were innovative relative to Guatemalan traditional family life. ‘Equality of both spouses’ in the State’s role for promoting the organization of the family, stated in Article 74, broke from a long generational tradition of male dominance.\textsuperscript{200} The expansion of neo-Socialist thinking was incorporated in Article 78, with “fathers of poor families with six or more minor children shall receive special protection from the State.”\textsuperscript{201} In the coming years, protections for the family resembling Guatemala’s initiatives would be included in the provisions of the Universal Declaration of Human Rights.

In Section IV, “Culture,” we begin to see the humanistic influence promoted by President Arevalo’s ideology of “spiritual socialism,” supported by many revolutionary figures whose interests began to coincide with international trends for promoting cultural rights.\textsuperscript{202} Article 79 opened this Section, stating that the development and dissemination of culture is the primary obligation of the state. The next Article confirms the State’s educational responsibilities as the driving force behind ‘promoting ethnic improvement’ and ‘increasing the spiritual patrimony of the Nation.’ The State’s responsibility was to dignify teachers, and in turn the teacher would

\begin{footnotes}
\footnote{2.-The periodic fixing of a minimum salary, which all types of workers should receive in conformity with the capabilities of the employers’ enterprises and the moral, material and cultural necessities of the laborers and their duties as heads of families. The worker or the employee has a right to one paid day of rest for each six days of work. Holidays recognized by law shall also be remunerated. Work done by agreement during extra days and hours shall be paid for in the proportion which the law may establish.}
\footnote{198 Article 43, 3) Imprisonment for debt may not be ordered, unless the matter concerns providing food for minor children, destitute parents, incapable spouse or siblings, when the responsible person has economic means and refuses to comply with the given obligation or when, in order to evade compliance, he transfers his goods in favor of third parties. Article 59.-Debts stemming from a labor relationship may not exceed an amount equal to the salary of a number of days of work to be fixed by law. Anything in excess of that sum which the worker may receive may not be demanded of him.}
\footnote{199 Article 69.-The rights and benefits which this Section establishes may not be renounced, and their enumeration does not exclude others, derived from the high principles of social justice, which the law may designate.}
\footnote{200 Article 74.-The State shall promote the organization of the family upon the legal basis of matrimony, insisting upon the absolute equality of rights of both spouses.}
\footnote{201 Article 78.-The fathers of poor families with six or more minor children shall receive special protection from the State. Given equal conditions of competence, they shall enjoy preference in the discharge of public offices.}
\footnote{202 Immerman, \textit{The CIA in Guatemala}, 48, Arévalo defined his philosophy as “spiritual socialism”. He opposed traditional Marxist concerns for material economic equality. The primary concern with “spiritual socialism” was the psychological freedom of the individual, psychological and moral integrity, and that all citizens should have the right to their own thinking, their own property, and their own way of life.}
\end{footnotes}
intensify the dignity of children. Article 81 emphasized the secular nature of education, with primary education being obligatory. In addition, the training of teachers became a preferential function of the State, with the University of San Carlos being the sole authority regarding teaching qualifications. A “National Literacy Campaign” was declared to be a social benefit, one that would take precedence in the Arévalo administration. Article 83 referred to claims originally made by Miguel Asturias’ 1920 doctoral thesis that initiating the development of a culturally specific educational system was integral for the economic, social, and cultural advance of indigenous groups. Under Article 137, “Responsibility of the President,” paragraph fifteen focused attention on Indian problems within the Executive’s authority. Concluding the important elements in Title III, Article 84 confirmed the autonomous status of the University of San Carlos once and for all.

Among the revolutionary reforms, Ambassador Long considered Article 91, prohibiting latifundias, “might conceivably be one of the most significant provisions of the new Constitutions.” He pointed out in his assessment that the definition of the term latifunda was not precise in the document and that the method of eliminating such properties was not specific, but possibly indicated a trend in restructuring such ownership. The vagueness of the article brought him to question the contradiction implied in Article 90 that “formally recognizes and guarantees the existence of private property.” Further confusion was compounded by Article

203 Article 80.- It is the function of the teacher to preserve and intensify the natural personal dignity of the children and youths, and that of the State to dignify the teacher economically, socially, and culturally.

204 Article 81.- There shall be a minimum of public education, obligatory for all inhabitants of the country, within the age limits and in conformity with the plans and programs fixed by the pertinent law.

205 Inman, A New Day in Guatemala, 22. Illiteracy was one of the first problems to be faced by the Arévalo regime. The Literacy Campaign began before Arévalo took office. The campaign worked with Spanish speaking illiterate ladinos first. The national campaign became regional in January 1949.

206 Article 83.- Declared to be to the national benefit and interest is the development of an integral policy for the economic, social, and cultural advance of indigenous groups. Toward this end, laws, regulations, and special dispositions may be adopted for indigenous groups, taking into account their needs, conditions, practises, usages, and customs.

207 Long to Secretary of State, Dispatch No. 2278, March 19, 1945, NA 814.011/3-1945., 4. Article 91.- Latifundia are prohibited. The law shall define them and establish the means necessary for their dissolution. Existing latifundia may for no reasons be extended, and until they may be organized for the benefit of society, they will be subject to taxes in the form which the law may determine. The State shall press for the reincorporation of the land into the national patrimony. Only Guatemalans as referred to in Article 6 of this Constitution, societies whose members have that status and national banks may be the proprietors of real property in a zone fifteen miles wide running the length of the frontiers and littorals. Excepted are urbanized areas included within the indicated zones, where foreigners may acquire properties given previous governmental authorization.

208 Article 90.- The State recognizes the existence of private property and guarantees it as a social function, with no limitations other than those which may be imposed by law for reasons of public necessity or welfare or national interest.
93, which stated, “The direct ownership of the State over its possessions is inalienable and imprescriptible.” The threat of nationalizing foreign-owned properties was a serious concern for U.S. enterprises and a sign that potential socialist ideals could conflict with capitalist ideology.\(^{209}\)

Long’s unease over the Articles concerning properties was related to his more general apprehension about the interests of the U.S. government and U.S. corporations operating in Guatemala. Article 89 claimed the Nation’s waterfalls were property of the State that may affect operations of foreign-owned power and light companies.\(^{210}\) The new Constitution prohibited monopolies, and Article 99 more specifically “authorize[d] the State to limit the operations of companies that tend to absorb entire industries... a law shall determine material relative to this matter.”\(^{211}\) The latter part of the provision indicated that although no law presently existed, a law ‘shall’ be put into effect in the future, creating a degree of uncertainty that would raise the concerns of any commercial enterprise. This questionable caveat raised notions of a socialist-style economy that might threaten fundamental free-market capitalist ideals.

Although the Executive retained the power for appointing Governors to each Department, steps to decentralize National power came in the form of electing County mayors and the local members of autonomous municipal corporations.\(^{212}\) More stringent Constitutional provisions to redirect power to the Legislative body from the Executive occurred in Chapter III of Title IV, the “Army.” The Executive retained his position as “Commander in Chief,” but his orders were issued through the Minister of National Defense and the Chief of the Armed Forces.\(^{213}\) The Congress assumed the responsibility of designating the Chief of the Armed Forces, with a term of office not to exceed six years. To secure the autonomous status of the Chief of the Armed

\(^{209}\) Article 93.-'The direct dominion of the State over its properties is inalienable and imprescriptible. Excepted are surpluses of particular property, rights acquired as a result of bonding, and movable goods, duties, and stocks. The State may grant, within conditions to be determined by law, dominium utile over its rural properties toward the end that they may preferentially be worked by collectives and, failing that, by families, unincorporated societies except for those organized by and participated in by the State-individual Guatemalans, or immigrants contracted for by the government. Because of public necessity Or utility, or social interest, and in exceptional cases, the State may alienate its urban properties or transfer small rural lots in the size indicated by law.

\(^{210}\) Long to Secretary of State, March 19,1945, Dispatch No. 2278,2. NA 814.011/3-1945.

\(^{211}\) Article 99.-The State shall prohibit the creation or limit the functioning of enterprises which absorb or tend to absorb the production of one or more branches of industry or of a given commercial activity in prejudice to the national economy. A law shall determine material relative to this matter.

\(^{212}\) Article 200.-For the administration of each department, the President of the Republic shall appoint a Governor whose qualifications and powers will be fixed by law. The Governor is the representative and delegate of the Executive.

\(^{213}\) Article 152.-The Chief of the Armed Forces shall be designated by Congress, from among a list of three proposed by the Superior Council of National Defense. He shall occupy his office six years, and may be removed by Congress if there is a declaration of cause, or in the cases and manner determined by the Constitutive Law of the Army.
Forces, he could not be a relative of the President, President of Congress, or the Minister of National Defense. An annual oath to Congress by the Chief of the Armed Forces and the text of the oath were provided in Article 154. To reverse the imbalance of officers to enlisted men that was characteristic of the Ubico regime, no more than five Major Generals and ten Brigadier Generals would serve the Army, and promotions to General would be made by Congress, not the Executive.

Ambassador Long pointed out in his communication to the Secretary of State that the Articles pertaining to the Army were designed to ensure that the “Army will never become an instrument of oppression, that it will defend democracy and free suffrage, and non-re-election”. Long’s closing remarks regarding the Constitutional provisions for the Army provide a clear sense of his appraisal; “There seems to be a paradoxical aspect to the effort to free the Army away from politics and at the same time make it serve as a political safeguard. It will be interesting to see how this Constitutional effort will be applied in practice.”

How this Constitutional effort and the other considerations mentioned here will be examined further in the next chapter of this study, as the research focus turns to the individual Revolutionary figures, their writings, discussions, accomplishments, and failures regarding Guatemala’s future. The research will study Guatemala’s reform figures to determine the degree of success Guatemala’s Constitutional Reforms advanced their society, what provisions proved to be mere aspirations, which failed and why.

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214 Article 153.—No one may be named Chief of the Armed Forces who is a relative of the President of the Republic, the President of Congress, or the Minister of National Defense within the fourth grade of consanguinity or the second of affinity.
215 Article 154.—Upon taking office and annually during the first regular sessions of Congress, the Chief of the Armed Forces, in his name and representing the Army, shall give the following solemn oath before Congress: "We swear: "That the Armed Forces of the Republic shall never be an instrument of arbitrary action or of oppression, and that no one of its members shall respect orders which imply the commission of a crime; "That we shall defend the integrity of the territory, the Constitution of the Republic, and the rights and liberties of the people; "That we guarantee the reign of democracy upon our soil, and that we shall fulfill our military duties with loyalty and a spirit of sacrifice; "That we defend the principles of free suffrage and no reelection, as well as duly adopted legislation and the political and social institutions of the country; and "That we shall maintain the Army as a professional, fit, and absolutely apolitical institution," and then the oath referred to in clause 11 of article 15.
216 Article 159.—Promotions to General shall be made by Congress and upon the motion of the President of the Republic and the Chief of the Armed Forces, through the Ministry of National Defense and with the approval of the Superior Council of Defense. There shall be no more than five Major Generals nor more than ten Brigadier Generals in times of peace. At least twenty years of military service are necessary before promotion to Brigadier General, and twenty-five for promotion to Major General. Only in the case of demonstrated merit in campaign may the provisions of the law concerning the time limits for any promotion be set aside.
217 Long to Secretary of State, Dispatch No. 2278, March 19, 1945, 6. NA 814.011/3-1945.
218 Ibid.
CHAPTER III
POLITICAL FIGURES OF GUATEMALA’S REFORM GOVERNMENT

The unity of the Guatemalan electorate that brought President Arévalo into power with an 85 percent majority confirmed the aspiration for democracy as the modern remedy for terminating the history of past military dictatorships. A democratic system of government provided the necessary avenue for Guatemalans to pursue human rights initiatives. The 1945 Constitution was celebrated by the majority of the country’s various political factions, and gained the approval of the international community due to the document’s emphasis on democratic principles reflecting post war initiatives, including social justice and seminal aspects of human rights. The belief that democracy was the most effective system of government to thwart totalitarian regimes was one of the foundational structures promoted in the principles of the United Nations. At that time, Guatemala’s 1945 Reform Constitution was the only national constitution created simultaneously with the development of the United Nations Charter and the regional conferences that restructured the Pan American Union into the political authority of the Organization of American States. The democratic progress of Guatemala’s sociopolitical reforms captured the attention of the United States and neighboring countries whose governments were leaning toward more liberal democratic reforms, as well as those governments still engaged in maintaining military dictatorial regimes. Guatemala’s decisive move towards a democratic

1 Universal Declaration of Human Rights, Article 21 (1); Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2 Ann Van Wyren Thomas and A.J. Thomas, Jr. The Organization of American States. (Texas: Southern Methodist University Press, 1963), 218. At the time, Bolivia, El Salvador, Dominican Republic, Argentina and other nations were either ruled by dictatorships or governed by fledgling democracies. Countries such as Chili, Mexico and Cuba were supporting democratic regimes in the region. Guatemala’s new democracy was under the watchful eye of all the nations in the region as Guatemala brought their national beliefs for human rights and democracy to the international stage. The Guatemalan delegation to the Organization of American States presented a resolution of collective non-recognition and sanctions against regimes suspect of being antidemocratic or regimes that resulted from a coup d’état against legitimately established governments at the February, 1945, Conference on War and Peace held in Mexico City. Guatemala declared that World War II created a worldwide demand for the ‘rights of man’. The Guatemalan delegation claimed that antidemocratic regimes were the primary cause for the denial of human rights and freedoms. More details on Guatemala’s contributions to the international efforts for human rights through democratic governance are covered in Chapters 4 & 5. Immerman, The CIA in Guatemala, 49. To many liberal commentators the 1945 constitution was the most enlightened throughout Latin America, with its system of checks and balances safeguarding against the types of abuse so characteristic of Guatemala’s political tradition.
state, addressing political, economic, and social reforms, served as a case study or democratic model for developing nations aspiring to the new world order.

The collective role of the political figures who led Guatemala toward a more democratic system of government is unique in several ways. Their major challenge was to introduce a modern system of democratic governance to the vast majority of the country’s politically uninformed population. To begin with, relative to a population of approximately three million, the largest of any of the five Central American countries, the total number of presidential votes cast was slightly more than three hundred thousand, or 10 percent of the population. Under the Ubico regime, the 1940 census determined that 50 percent of the population was Indian, although some later estimates range from 65 to 85 percent. In any case, the illiterate demographic posed an exceptional challenge for the new administration in terms of adequately communicating unknown democratic ideals to a population that still existed in an uneducated semi-feudal society. With 95 percent of Guatemala’s arable land held by 5 percent of the landed elite population and the United Fruit Company, democratic governance or principles were unknown to the illiterate. The administration’s basic problem was educating the rural indigenous and ladino population, which would prove to be one of the government’s primary functions in order to elevate the dignity of the nation’s citizenry.

Second, the country lacked an industrial economic base to compete in world markets or to invigorate its domestic workforce. Previous regimes had not taken into account the need for economic independence in a growing industrialized world. In fact, few Central American countries were as dependent as Guatemala was on foreign corporations that controlled its domestic economy. Third, the high percentage of indigenous population whose culture was based on ancient traditions of hierarchal class distinctions posed a unique challenge to developing a modern free and equal society. It was also unique in the sense that the Indian inhabitants represented the majority of Guatemala’s general population. The degree of discriminatory

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5 Guatemala’s 1945 Constitution was consistent with the *Universal Declaration of Human Rights*, Article 26 (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.
practices against the Indian population resulted in human rights abuses that inhibited the social welfare of the entire society. Representing approximately half of the population, the plight of the Indian impeded the fundamental development of a modern economy. Incorporating the Indian population into the general society was a necessary element for building the integrity of Guatemala’s social, political and economic structure. It would be the responsibility of the new government to address these complex concerns in order to advance Guatemala into the social, economic, and political ideals representative of the twentieth century.

As described earlier, the majority of the new Assembly Members were affiliated with the University of San Carlos, comprised of a student and faculty population of less than two thousand individuals. In addition to their relative youth, the new members of the government lacked practical experience in public administration, and their own political goals or ideologies had not yet fully been conceptualized. The development of various political factions would take place within the first few formative years of President Arévalo’s administration, resulting in many Cabinet and Assembly Member personnel changes to maintain a manageable balance of emerging political views. Power and prestige grew as members of the new reform government created conflicts between political parties. Conflicts in developing ideologies among party members would make the transition into the new reform movement problematic.

This chapter scrutinizes the social, political, and economic progress of Guatemalan society according to the stated constitutional reforms by examining the communications, discussions, and writings of key reform figures. As a means of comparison, the study includes the reaction of the United States Diplomatic Corps to the political developments taking place within Guatemala, with a keen eye on the reform’s impact on long established U.S. corporate

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6 As described in the first two chapters, the Indian population was abused through forced labor, arbitrary arrest, vagrancy laws and an overall disdain from the ladino population. Human rights abuses targeting the Indian became part of the history of Guatemalan culture. Furthermore, the economy’s modernization was impeded because Indian’s cheap labor prevented Guatemala from industrializing the country’s infrastructure.

7 Immerman, *The CIA in Guatemala*, 92-93. For example, Carlos Manuel Pellicer became heavily influenced by communist ideology and was removed from Arévalo’s administration. Gleijeses, *Shattered Hope*, 78-79. Victor Manuel Gutiérrez led the development of the Labor Code was replaced by Arévalo when his communist leanings became more prevalent.

8 Section 3.2 of this study describes the influence of the Triumvirate Members. Jorge Toriello was the civilian member. Jacobo Arbenz and Francisco Arana were the members with military experience. Section 3.3 describes the civilian members in Arevalo’s administration. José Manuel Fortuny posed early opposition to the Ubico regime in 1942. Carlos Manuel Pellecer became a communist while serving Guatemala in Paris in 1947. Alfredo Guerra Borges was the leftist intellectual guiding the labor movement. Victor Manuel Gutiérrez formed and led the labor organization. Enrique Muñoz Meany represented Guatemala’s foreign affairs. Manuel Galich was the first President of the Legislative Assembly who later became Guatemala’s Minister of Public Education. Eugenio Silva Peña was an older member of the Arévalo administration who represented the conservative Social Democrats.
interests. Interviews conducted by Guatemalan journalists and international news agencies provide an ongoing popular view of the development of the reforms that actually took hold in the new democratic government. Conversely, the chapter seeks to determine the degree and reasons for a program’s failure, identifying those reforms which only proved to be democratic aspirations. Due to the infant stage of Guatemala’s democracy, the combination of internal and external forces complicated President Arévalo’s ability to coordinate the individual reform figures responsible for implementing various agendas.

The principles of democratic reforms were codified in the 1945 Constitution and further advanced by the election of President Arévalo through separate political factions that joined forces to form the United Front of Political Parties (Frente Unido de Partidos Políticos Arévalistas). By January 1945, the United Front gradually dissolved after common political objectives led by President Arévalo had been achieved. A resurgence of domestic political currents began to take shape as landowners and church influences shifted back to the conservative right, while liberal socialist ideals comprised the left. The Railroad Workers Mutual Aid Association, who considered their organization non-political, became independent from the United Front as well.9 Despite the breakup of the United Front, all parties agreed that they would cooperate in defending the principles of the 1944 October Revolution.10 Constitutional provisions for the autonomous status of the new military supporting President Arévalo’s democratic leadership provided the balance necessary to maintain order as opposing factions gained strength.

The study of individual reform figures who led each of the emerging political factions illustrates how they revealed their interests through the domestic reforms for which they were responsible. Investigation of key reform figures identifies how their developing political theories evolved into Guatemala’s political reality. The prominent issues ripe for immediate reform included education, land tenure and agricultural reforms, the Labor Code of 1947, health, and the Social Security System. Each of these social issues required individual leadership along with the government’s cooperation under the direction of President Arévalo. At the same time, President Arévalo appointed diplomatic representatives and formed contingents to represent Guatemala’s interests at both the regional and the international level. The characteristics of these individual

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9 Long to Secretary of State, January 8, 1949. NA 814.00/1-843.
10 Ibid.
figures and their performance on the international stage would be the first occasion for foreign Diplomats to understand how Arévalo chose to represent the character of the new democratic nation of Guatemala.

3.1 Juan José Arévalo: The Face of a Democratic Guatemala

President Juan José Arévalo (b. 1904) was raised as a member of Guatemalan middle class by his father, a small farmer and cattle rancher, and his mother, a school teacher. His exceptional intelligence enabled him to attend the best schools in Guatemala, and in recognition of his early achievements, he won a scholarship to study abroad in Argentina. By 1934, he earned a doctorate degree in philosophy from Argentina’s University of La Plata and then returned to Guatemala to work in the Ministry of Education. Under the Ubico regime, Arévalo was not promoted to a position commensurate with his academic expertise. As a result, he left Ubico’s government and traveled through Europe; subsequently, he returned to Argentina where he taught at several universities. He was teaching at the University of Tucumán when members of the Renovación Nacional (RN), comprised of mostly teachers, and the student party, Frente Popular Liberador (FPL), joined to enlist him for the presidential candidacy. As described earlier, his initial appeal to the students, landowners, and military was his disassociation with past totalitarian regimes, or any political party. His stature and reputation as an educator and a worldly intellectual focused on the principles of democracy as a vehicle for the political liberation of Guatemala. President Arévalo was Guatemala’s first reformist president, and the leading representative figure of the pro-democracy revolt of the 1944 October Revolution. As Guatemala’s pro-democracy president, he represented independent thought, appealed to a variety of political factions, and had few enemies.

Arévalo’s most controversial and generally misunderstood claim during his presidency was his philosophy of “Spiritual Socialism”. He described his philosophy in his publication, Escritos Politicos, “We are socialists because we live in the twentieth century. But we are not material socialists. We do not believe that man is primarily stomach. We believe that man is above all a will for dignity...Our socialism does not, therefore, aim at an ingenuous distribution of material goods, or the stupid economic equalization of men who are economically different. Our socialism aims at liberating men psychologically, granting to all psychological and spiritual
This philosophy was not so much a political platform as it was a moral ideology inspired by a concern for humanitarian ideals, human dignity, and public welfare. The predominant goal of his ideology is best described as a socialism that consisted of “softening” feudalism with “discreet measures,” designed to improve the lot of the masses and to restore their “dignity.” The end result of Arévalo’s philosophy and administration respected the inherent dignity associated with human rights more than any previous government in Guatemalan history.

Unfortunately, the intangible concept of “Spiritual Socialism” was generally misunderstood by fellow social democrats, who were opposed to the excesses of liberal individualism, as well as Marxist material socialists who opposed the economic system of capitalism. The majority of the Guatemalan population looked for tangible material results from his ideology in relation to their daily lives. Arévalo was attempting to identify Guatemala’s distinctive social experience requiring a unique ideology, separate from conservatism, or liberalism that marked Guatemala’s past. In an attempt to clarify his philosophy, he reintroduced “Spiritual Socialism” with the term ‘Arévalismo’ as an innovative political movement unique to Guatemala’s social and political character.

Although Arévalo’s domestic social and political views echoed elements of Roosevelt’s New Deal, the use of his term “Spiritual Socialism” proved to be an unfortunate expression that misled many U.S. officials. As the Cold War mentality rose over time, opponents would brand him as a communist. In addition, future opposition leaders, the CIA, and anti-communists considered the use of the word ‘socialism’ in the phrase “Spiritual Socialism” as communist. They were determined to undermine his social programs and build consensus against him. In an interview by Samuel Guy Inman, published in the New York Times on July 18, 1950, Arévalo prided himself on his record as a liberal leader, and nothing aroused his anger more than

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12 Jonas, Guatemala: Land of Eternal Struggle, 152.
13 Schneider, Managing the Counterrevolution, 17.
17 Ibid.
18 Streeter, Managing the Counterrevolution, 14.
accusations by his opponents that he was a communist.\textsuperscript{19} The evidence provided in his public addresses and interviews show his rejection of both Marxist-socialism and Soviet-communism as governing principles that destroyed the concepts of individual freedom and social justice. Arévalo’s high-minded ideals for social and political reforms appealed mostly to the intellectual community, but in practice, his programs did not adequately address the overwhelming economic needs of the country during his administration. Gleijeses’ study concludes that Arévalo failed in bringing real change to the countryside.\textsuperscript{20} In an April 1945 speech, Arévalo said, “In Guatemala there is no agrarian problem. The problem is that the peasants have lost their desire to till the soil because of the attitudes and politics of the past. My government will motivate them, but without resorting to any measures that hurt the other classes.”\textsuperscript{21}

In terms of Guatemala’s republican history, most historians consider Arévalo’s election as the most fair and democratic. As proof of his unwavering belief in democratic political theory, and concern for the high principles of the Constitution, he refused to take office until the Constituent Assembly had completed their work in finalizing the 1945 Constitution. Claiming to be a democratic president in the sense of fair governance for all the people, he declared that he “did not belong to any political party or to any social class.”\textsuperscript{22} Arévalo’s claim of political and social independence fit well with Article 132 of the Constitution’s stipulation that the president serve one six year term, and an opportunity for re-election could only take place after a twelve year period out of government.\textsuperscript{23}

One six-year presidential term worked well for the democratic governance of Guatemala. Democracies such as the United States that allow presidents to run for a second term create a potential political conflict. Towards the end of their first term in office, presidents running for re-election tend to divert their attention towards political campaigns, heavily focusing on their re-election and advancing the political goals of their party. Re-election campaigns between terms create the potential for compromising their effectiveness to address non-partisan interests, as well as governing for the benefit of the total population. A single six year term has the potential to free the president from politicizing his positions and offers a greater chance for the elected

\textsuperscript{19} Inman, \textit{A New Day in Guatemala}, 1.
\textsuperscript{20} Gleijeses, \textit{Shattered Hope}, 47.
\textsuperscript{21} El Imparcial, \textit{Ideal de una Centroamerica como una sola nacion culta, democratic, grande}, April 4, 1945, 1.
\textsuperscript{22} Arévalo Radio Address, September 1, 1945. NA814.00/2-1645.
\textsuperscript{23} 1945 Guatemalan Constitution, Article 132.-The presidential term is of six years and may not be extended, and he who has exercised the Presidency may not be reelected until twelve years after having ceased in the discharge of the post.
official to maintain his primary interest in governance, rather than political ambitions. Arévalo believed emphatically in the principles of the 1945 Constitution, encouraging a free political life, and he exercised these principles during his presidency.

Arévalo demonstrated his domestic political savvy through a strategy of aligning his civilian administration with two young military leaders who functioned autonomously, Major Francisco Javier Arana and Captain Jacobo Arbenz. Prior to taking office, Arévalo addressed the new structure of the military under the 1945 Constitution. He denied rumors that he would cut down the Army when he took office and announced that the new government would utilize the services of both Major Arana and Captain Arbenz. Article 149 of the Constitution declared the National Army to be apolitical, act professional, obedient, and non-deliberative. In accordance with Article 152, Arévalo appointed Arbenz as Minister of Defense, and the Congress designated Arana as Chief of the Armed Forces, who complied with Article 154’s Oath to Congress. Restructuring the Officer Corps in order to eliminate the imbalance of officers to enlisted men created by military dictatorial regimes of the past was provided in Article 159. This provision was designed to further ensure a safe balance between the civilian government and the military power. President Arévalo had succeeded in enlisting the support of both Arbenz and Arana to ensure the protections of the new civilian government and protect the new reforms from potential opposition forces comprised of wealthy conservatives and the remaining older military officers from the Ubico regime. The cooperation and support from the Military leaders is evidenced by the Army preventing more than two dozen attempts to overthrow the Arévalo

24 Long to Secretary of State, February 16, 1945. Dispatch No. 2145. NA 814.00/2-1645.
25 1945 Guatemalan Constitution, Article 149.-The National Army is constituted to defend the territorial integrity of the Nation, support compliance with the Constitution and the principle of alternate succession in the Presidency of the Republic. It is apolitical, essentially professional, obedient, and non-deliberative. It is organized as an institution to guarantee domestic and foreign order and security, and is completely subject to military laws and regulations. It may be called upon by the Executive to cooperate in work connected with communications, reforestation, and the increase of agricultural production.
26 1945 Guatemalan Constitution, Article 152.-The Chief of the Armed Forces shall be designated by Congress, from among a list of three proposed by the Superior Council of National Defense. He shall occupy his office six years, and may be removed by Congress if there is a declaration of cause, or in the cases and manner determined by the Constitutive Law of the Army.
27 Article 159.-Promotions to General shall be made by Congress and upon the motion of the President of the Republic and the Chief of the Armed Forces, through the Ministry of National Defense and with the approval of the Superior Council of Defense. There shall be no more than five Major Generals nor more than ten Brigadier Generals in times of peace. At least twenty years of military service are necessary before promotion to Brigadier General, and twenty-five for promotion to Major General. Only in the case of demonstrated merit in campaign may the provisions of the law concerning the time limits for any promotion be set aside.
administration during his presidency. Realigning the balance between the military and civilian government served to ensure a democracy to protect its citizens and at the same time prevent the military from overpowering civilian authority as it had in the past.

Critical to the future success of the Reform Government under President Arévalo’s leadership was the cooperation and support of the international community with specific attention to the United States Government through its Diplomatic Corps. U.S. Ambassador, Boaz Long (b.1876-1962), served in Guatemala from May 19, 1943 until April 11, 1945, after a diplomatic career serving in Latin American countries including, El Salvador, Cuba, Nicaragua, and Ecuador. He was appointed to this final diplomatic post by President Roosevelt, who knew him as a friend from their days serving together in the Wilson Administration. Long’s experience with Latin America coincided with the United States policy of maintaining and managing dictators who accommodated U.S. political and economic policies, including favoring U.S. corporate commercial interests in the region. In 1918, Long participated as a mediator representing the U.S. Secretary of State negotiating a border dispute between Honduras and Guatemala. Essentially, the dispute was between two U.S. competing banana companies, Cuyamel Fruit and the United Fruit Company. Following the negotiation, Long was employed by United Fruit’s very profitable railroad company, International Railroad of Central America under the leadership of Minor Keith. Long’s experience in Latin America consisted of three decades of negotiating on behalf of U.S. political and corporate interests. He negotiated with military dictators whose concern for their nation’s people was subordinate to their own personal goals for power and wealth. It is questionable to imagine that Long’s past experience did not impede his understanding of the reform movement’s revolutionary impact, no less its chances for success.

As Ambassador to Guatemala, Long witnessed the advances UFCO made in land concessions and tax advantages offered by President Ubico at the end of his dictatorship. He also reported the changing events during Ponce’s interim presidency and the political unrest brewing during the student protests of Ponce. Despite anti-government activities, reports of an impending student revolt, and possible overthrow of the Ubico regime, Long discounted the

28 Streeter, Managing the Counterrevolution, 16.
30 Dosal, Doing Business with the Dictators, 90.
31 Ibid., 70-71.
seriousness of these ongoing events and planned a vacation to his home in Missouri. He later explained his possible negligence in a letter to President Roosevelt; “The farthest thing from my thoughts when planning to visit the Middle West this fall was that Ubico, firmly seated here for thirteen years, should give up the presidency so unexpectedly.” Upon Ponce’s interim takeover, Long assumed things were back to normal stating, “the machinery of government is continuing to function smoothly and the outward life of the country has apparently settled back to normal.” At this point in time, Ambassador Long was in his late 60s with thirty years of diplomatic experience in dealing with totalitarian regimes in Latin America. His past experience with governments and UFCO’s operations in the region had not prepared him for the changes of the time. Long’s interpretation of events reflected a mindset which lacked the insight to appreciate the power of popular democracy. Thirty days before President Arévalo took office and the 1945 Reform Constitution was completed, Long reported his measure of pessimism to the Secretary of State, “It is not inconceivable that it could take years to complete a new Constitution; in fact, Guatemala had no Constitution at all until 1879.”

Because of Boaz Long’s misinterpretation of the essence of the revolutionary events, which promoted nationalism and democracy, the United States representatives in Washington were basically caught off guard and unprepared to recognize the significance of the Reform Government. U.S. support of Guatemala’s commitment to end the legacy of dictatorial rule of the nation would have advanced their cause for social justice and human rights dramatically. It is ironic that Guatemala’s new political leaders were inspired in large part by the example of the United States’ political, economic and social models in restructuring their own society to participate in the advances promoted by post war democratic trends. Regardless of the lack of initial understanding or support from the United States, the Arévalo administration advanced rapidly in modernizing the new nation with the assistance of President Roosevelt’s newly appointed Ambassador, Edwin Jackson Kyle (b.1876-1963).

Ambassador Kyle arrived at his post two months after President Arévalo assumed office, and one month before President Roosevelt died on April 22, 1945, and served in Guatemala from May 8, 1945 to August 1948. Evidence suggests that this reform period from 1945 to 1948 can

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33 Long to Hull, July 14, 1944, FRUS 7:1139.
34 Long to Secretary of State, No. 2145, February 16, 1945, p. 2-3, NA 814.00/2-1645.
be considered the most productive time for Guatemala’s new government. Guatemala’s social reforms coincided with the period of the greatest regional advancements in the Organization of American States, and the formation of the United Nations. Victory against Fascism, the beginning of the end of Colonial domination, promotion of democratic freedoms, and a new sense of humanitarian needs throughout the world community was the environment in which Guatemala began its new life as a democratic nation. Ambassador Kyle’s arrival in Guatemala during this period proved to be a valuable asset in working with the Arévalo administration in restructuring the agricultural economy for the social benefit of Guatemalan society.

Ambassador Kyle’s appointment was his only official service in the U.S. Diplomatic Corps. His credentials were primarily as an educator in agriculture during his 1902-1935 professorship at Texas A&M University. He earned his B.S. and M.S. Degrees in agriculture at Cornell University, and was awarded an honorary doctorate in agriculture from the University of Arkansas in 1941. In 1911, he established the school and served as Dean of the School of Agriculture at Texas A&M University. In 1941, Kyle toured Central and South America as Coordinator of Inter-American Affairs for studying the agricultural economy, visiting educational institutions and promoting friendship. Following his term as U.S. Ambassador to Guatemala, Kyle, a non-career diplomat, was awarded Guatemala’s highest national decoration, the rank of Grand Commander of the Order of Quetzal, at the time making him the only American to receive the honor.

Ambassador Kyle’s influence and contribution to this period of Guatemala’s reforms is borne out in the studies conducted by several contemporary historians analyzing the era. Although Ambassador Kyle’s influence is only briefly mentioned in their works, they confirm his contribution to Guatemala’s agricultural advances, as well as the good will he portrayed as an American Diplomat. Immerman’s study of the revolutionary period attributes Kyle’s Embassy appointment to President Roosevelt’s understanding that Guatemala’s major problems stemmed from its underdeveloped agricultural economy, as well as Kyle’s ability to establish good


\[38\] The Handbook of Texas Online, op. cit.
relations with the Arévalo government. Prominent Guatemalan scholar Piero Gleijeses’ research on Guatemala and U.S. relations during the revolutionary period provides brief coverage of Kyle’s influence in Guatemala, including his enthusiastic support for Arévalo’s reforms. But at the same time, the author’s observations illustrate Kyle’s politically naïve assessment of the 1947 Labor Code, which were perceived by U.S. observers as threatening to UFCO’s Central American operations. Regarding UFCO and their criticisms of the 1947 Labor Code, despite his subordinate’s challenge of UFCO’s assessments, Kyle supported UFCO, believing the company was doing the most for the territory, as well as doing a constructive job in Latin American relations. In terms of political controversy, Kyle defended Arévalo against circulating suspicions of his communist influence as “without foundation.” He presumed to equate false accusations about Arévalo’s socialist tendencies by confirming that such criticism “came from the country’s wealthy property owners and that it reminded him of opinions expressed by some of his wealthy Texans relative to President Roosevelt.” In Inman’s 1951 publication, A New Day in Guatemala, the author lauds the new government’s achievements, dispels any notions of Arévalo as a Marxist socialist, and describes Ambassador Kyle as “the most popular man in Guatemala.”

In order to portray President Arévalo’s true character and leadership credentials to the United States audience, Ambassador Kyle made arrangements for the Dallas News reporter, Curtis Vinson, to interview Guatemala’s new President. In addition to discussing Guatemala’s domestic challenges of transforming the country from a semi-feudal society to a modern developing democratic nation, Arévalo articulated the larger international challenge. When asked about what role Central American and South American nations could play in world security evolving through the United Nations, Arévalo’s reply foreshadowed the major political challenge for the region. He replied; “When the war is over, the war is only beginning – because our enemies are not winning peace but only gaining an opportunity to gather their forces for another attempt at aggression...They are going to spread out into the small countries of Central America and South America to start their work of revenge against the United States and Great

39 Richard H. Immerman. The CIA in Guatemala: The Foreign Policy of Intervention, 98.
40 Piero Gleijeses. Shattered Hope, 97.
41 Ibid.
42 Ibid.
43 Inman, A New Day in Guatemala, 4.
Britain. Central America and South America may well become the breeding grounds of revenge for the enemy.”

The interview then changed to domestic issues, and Arévalo pointed to the two most urgent problems facing the new Guatemala, agriculture and education. Regarding those issues, he claimed that any future success would include working closely with Ambassador Kyle. Arévalo claimed that Kyle’s arrival was an “especially happy event because we plan to invite him to become primarily an adviser in the agricultural program of the Guatemalan Government.” Modernizing Guatemala’s agricultural economy would elevate the social status of the general population. This in turn would present an opening to advance a sense of human dignity espoused in Arévalo’s conception of ‘Spiritual Socialism’.

Ambassador Kyle reciprocated his sentiments regarding Guatemala six months later in a report to the Secretary of State. As he became better acquainted with the business men and large landowners, he recognized that they were the “balance wheels” of the country. He intended to convince them that building a democracy would take time, using the United States as an example of effort and patience. In his closing remarks of his report he stated that Guatemala was “truly a wonderful country,” with “many fine people.” His growing confidence in the success of his mission was stated clearly; “I am now terribly anxious to help them not only in their development of their natural resources but building a real democracy.” During Ambassador Kyle’s three year tenure in Guatemala, he demonstrated his desire to help the Arévalo administration deliver on democratic reform promises, and he became a trusted figure among the leaders of the various political factions that comprised the new government.

Ambassador Kyle had quickly gained the confidence of the new political leaders, but he may have not recognized the lingering poor image of the United States that pervaded the business class and members of the student population, a holdover from the Ubico regime’s many accommodations to the U.S. government and UFCO. The student population and the small businessmen had long equated the United States Government policy with the far reaching monopolistic commercial operations of the United Fruit Company that had held their economy and government hostage for so many decades. Within a week of President Arévalo’s

44 Dallas News, May 9, 1945. NA814.00/5-945.
45 Ibid.
46 Kyle to Secretary of State, Dispatch No. 681, October 1, 1945. NA 814.00/10-145.
47 Ibid.
inauguration, the students revived a traditional student parade that had been prohibited by Ubico since 1931; “No nos tientes” (“Don’t touch us”). The parade criticized the United States, portraying Uncle Sam, the “Good Neighbor,” handing out chewing gum to his little neighbors, a slave-driver cracking the whip over small American Republics, and placards depicting the United States as an “octopus” engulfing smaller nations, an image author Miguel Asturias used in his writings to illustrate the oppressive policies of UFCO. Further evidence demonstrates the degree of Ambassador Kyle’s participation in the reform initiatives directed by President Arévalo that helped the administration to achieve its democratic goals.

President Arévalo was well aware of the complex challenges that would face his young administration. In his 1945 year end address to the nation, he articulated very clearly that Guatemalans had experienced three distinct revolutions in 1944: the civic and university revolution that unseated Ubico’s dictatorship, the military revolution that restored honor to the Army and prevented Ponce from continuing dictatorial rule, and the democratic electoral revolution that gave the Guatemalan people a voice in their government. The following year was a trial for the national revolution. The quality of leadership exercised by the reform figures addressing each of their domestic programs had a direct impact on whether or not the goals of the key reform programs were achieved. The key for success was to create a functioning democracy through the 1945 Constitution. In order to elevate a sense of dignity for Guatemala’s people, promote systems for social justice, and advance human rights as basic tenets of society, achieving a functional constitutional democracy was critical for success.

3.2 Triumvirate Leaders of the Reform Government

The three members of the interim Triumvirate continued to wield influential power in the Arévalo government, well beyond their six month term in office. Jorge Toriello Garrido was the sole civilian Triumvirate member that turned against the principles of the newly elected leadership shortly after Arévalo took office. Colonel Jacobo Arbenz, Arévalo’s appointed Minister of National Defense, supported the new government’s policies and his developing socialist leanings complemented many of the government’s proposed social and economic programs that promoted human rights. Major Francisco Javier Arana, leader of the armed forces

48 Long to Secretary of State, Dispatch No. 2339, April 5, 1945, 2. NA 814.00/4-045.
of the Revolution, was now elected by the new Congress and was carrying out his duties according to the constitutionally required oath to protect the new democracy. Within the first year of President Arévalo’s term, conflicts between the Triumvirate members developed, and influenced the various developing political factions during the post-Revolution period.

An October 1944 communication from the American Embassy to the Secretary of State provided a biographical sketch of the new Revolutionary leaders, beginning with Jorge Toriello. He was described as a “businessman representing several well known American manufacturers.” The communication characterized his business practices as shrewd, with a hint of questionable ethics. Although Toriello had managed the revolution capably, his personality was portrayed as volatile and prone to ‘fly up’ on slight provocation. During the National Legislative Assembly Election Ceremonies, Toriello’s speech encouraged members to ratify the Junta Decrees as fundamental provisions of the Reform Constitution. The reaction from the Assembly was an enthusiastic approval from Assembly Members, as well as civilian observers cheering from the gallery. In addition, Toriello called for the removal of Ubico appointed officials from the National Treasury, abolishment of the existing Constitution, holding free elections, and forming a government whose activities were transparent to the public. During his January 1945 visit to the United States and Mexico, Toriello requested those governments’ assistance in resolving Guatemala’s economic and social problems in order for Guatemala to “seek a worthy position in a democratic America.”

As the date of the Presidential Inauguration approached, Toriello began to act towards opposition forces in a manner consistent with the U.S. diplomat’s early concerns regarding possible violence. In a radio speech, Toriello warned listeners of threats to the new government by staunch conservative and landed elite supporters of Recinos, the candidate that ran a far second to Arévalo in the recent presidential elections. The result was that many of Recinos’ supporters were arrested and jailed the day after Recinos left to flee to the United States. Toriello’s strategy was to eliminate all potential elements of opposition, a strategy contrary to

50 Affeld to Secretary of State, October 26, 1944. NA 814.00/10-2644.
51 Ibid.
52 The imagery here is reminiscent of Jacques-Louis David’s French Revolutionary painting “Tennis Court Oath” depicting the members of the Third Estate that created the National Assembly on June 20, 1989.
53 Long to Secretary of State, No. 1819, December 5, 1944. NA 814.00/10-544.
54 Messersmith to Secretary of State, January 18, 1945. NA 814.00/1-1845.
55 Excerpt from El Dario de Centro America, February 10, 1945. NA 814.00/4-1345.
President Arévalo’s fundamental belief that all voices should be heard in a functioning democracy.

Toriello’s growing suspicions of opposition forces and his aggressive attitude in identifying those under suspicion drew international attention as well. After formally requesting assistance from the United States in early 1945, he was dissatisfied with the degree of U.S. aid regarding the status of exiles and military support, as well as U.S. sponsorship to block El Salvador’s dictator’s bid for recognition from American States.\(^56\) His outspoken, abrasive attitude began to alienate many Guatemalan authorities, including Triumvirate members Arana and Arbenz. In an affront to U.S. business, Toriello was instrumental in having Jack Armstrong, President of IRCA, leave the country. Reflecting an ongoing conflict with Great Britain’s rejection of Guatemala’s claim over Belize, Toriello was also behind the removal of British Minister, Mr. Leche, from the country, as well.\(^57\) These aggressive acts took on an authoritarian character, a character reminiscent of Ubico’s dictatorial rule, and were contrary to the democratic reforms he once championed.

Toriello’s radical stance began to separate him from the increasingly conservative leaning character of Arana, as well as the liberal leaning of Arbenz. Although Toriello influenced the younger military figures early on in the transitional phase of the new government, as time went on, Arana and Arbenz built their own experience with government operations and were less influenced by Toriello.\(^58\) While the military leaders kept the Government and Army under control, Toriello continued his crusade to rid the country of opposing figures. Part of his plan included deporting twenty of Recinos’ political supporters to Nicaragua after El Salvador refused to accept them.\(^59\) Second Secretary of the U.S. Embassy, Robert F. Woodward, expressed his concerns about Toriello in his June 19, 1945 report on “Political Trends in Guatemala”. Describing recent government actions against its more vocal opponents as “unnecessarily drastic”, he attributed the radical actions to the work of Toriello. Moreover, Woodward described Toriello’s influential political actions of “jailings and expulsions” as “repugnant to President Arévalo’s natural inclinations.”\(^60\) He went on to speculate that if this trend continued, Arévalo’s optimism and idealism might put him in a frame of mind to resign. This was most

\(^{57}\) Long to Secretary of State, No. 2212, March 3, 1945, 2. NA 714.41/3.385.
\(^{58}\) Woodward to Secretary of State, No. 2426, April 24, 1945, 2. NA 814.00/4-2445.
\(^{59}\) Woodward to Secretary of State, No. 215, June 19, 1945, 1. NA 814.00/6-1045.
\(^{60}\) Ibid., 3.
likely Toriello’s strategy as he became less supportive of Arévalo’s philosophically based
determination for an open and free democracy respecting all political views except international communism.61

By August, Toriello’s outward displays of arrogance peaked, and his growing
unpopularity among the majority of Guatemalans became more evident. During a meeting in
Major Arana’s office, Toriello attacked a private lawyer in a fist fight over an inconsequential
remark “alluding to the ‘general belief’ that Toriello had stolen certain jewels from Ubico’s
house on the day of the October 20 revolution or a few days thereafter.” 62 At this point,
Ambassador Kyle communicated directly with the Secretary of State regarding Toriello’s
disruptive influence and expressed concern that Toriello might well be threatening the lives of
Congressional Members and President Arévalo. President of the Assembly Julio Bonilla
conveyed his concern to Kyle that Toriello was planning to take over the government. Kyle’s
estimation was that the army officers were satisfied with their position in the Arévalo
government and would not support any overthrow attempt by Toriello.63

Within one week, the U.S. Naval Attaché in Guatemala confirmed Kyle’s concerns. His
office had received information from reliable sources that Toriello was convinced he must seize
power through a coup, or be ousted.64 Woodward’s assessment of Toriello’s personal ambitions
indicated political uncertainty in the country, even though Toriello had not secured any major
political party’s support. Additionally, Toriello knew that if he were to take over the democratic
government, he would not receive support from neighboring countries that did not recognize
governments formed as a result of coup d’e’tat. Toriello continued to control the important
government financing responsibilities due to his position as Minister of Finance, and recognizing
both his personal ambitions for power and the many challenges to the new government,

61 Accusations of communist influence became a political tool to undermine the political competition. Constitutional
Article 32 was designed to eliminate that potential risk and as we will see, President Arévalo would replace
members of his cabinet and administration under the provisions of the Constitution. As 1947 approached and cold
war mentality became more apparent, members of the labor movement and communications were replaced due to
their communist affiliations. Article 32.-The right of association toward the various ends of human life is
guaranteed, in conformity with the law. The establishment of conventual [sic] congregations and any type of
monastic institution or association is forbidden, as well as the formation and functioning of political organizations of
an international or foreign character. Not included in this prohibition are those organizations proposing the Central
American Union or the doctrines of Pan-Americanism or continental solidarity.
62 Woodward to Secretary of State, No. 215, June 19, 1945, 4. NA 814.00/6-1045.
63 Kyle to Secretary of State, August 13, 1945, U.S. Urgent Telegram, Secret. NA 814.00/8-1345.
64 John L. McCrea to Division of Foreign Activity Correlation, Department of State, Op-13-1-1ma. NA 814.00/8-
1545.
Woodward considered Toriello to be the “single most irritating problem...for the Guatemalan Government.”

In late September 1945, Jorge Toriello requested a meeting with Ambassador Kyle asking for personal advice regarding his position with the Arévalo government. Toriello considered Arévalo a failure and accused him of coming under the communist influence from Mexico. Among other complaints, he stated that President Arévalo was intending to confiscate personal property, a fallacious claim as Arévalo previously made a clear promise never to do so. As a representation of protest, Toriello submitted his resignation to Arévalo on September 1, but had not yet received a response from the President. Kyle responded to Toriello in accordance with official U.S. policy stating that the U.S. would not be involved with any nation’s internal political affairs. He then restated that his main purpose as Ambassador in Guatemala was to promote and develop Guatemala’s natural resources and encourage a comprehensive educational program. Kyle then clearly indicated that any possible change in Guatemala’s government needed to be in strict accord with constitutional methods and the use of military force could not be employed. He warned if forceful actions were to be taken; the U.S. and the Western Hemisphere would perceive those actions as tarnishing Guatemala’s good standing as a recent promoter of democratic ideals. Toriello responded by assuring Kyle there would be no military involvement, but his concerns were targeted towards Arévalo and the Congress’ inclination toward communism because of its youth and inexperience. Kyle’s first impression was that the private conversation had changed Toriello’s attitude to a degree. But the Ambassador remained concerned about how Toriello’s frequent public accusations and the spread of false rumors would continue to disrupt the advances Arévalo’s administration, and thus undermining the confidence of the people. Kyle closed his memorandum with reaffirming his “high regard” for President Arévalo, but cautioned that he had an “extremely difficult task ahead of him.”

Kyle’s concerns about Toriello’s disruptive actions were well known and widespread among the Diplomatic Corps and prominent Guatemalan figures. This is evidenced by an October 1945 Business Week article praising Guatemala’s first six months of economic advances

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65 Woodward to Secretary of State, No. 493, “Political Uncertainty in Guatemala”, August 17, 1945, 3. NA 814.00/8-1745.
66 Kyle to Secretary of State, No.681, October 1, 1945. NA 814.00/10-145.
67 Kyle to Secretary of State, “Conversation with Jorge Toriello, Minister of Finance”, No. 681, October 1, 1945, 2. NA 814.00/10-145.
68 Ibid.
69 Ibid., 3.
with the help of the Inter-American Development Commission. The article highlighted the economic challenges for an undeveloped country’s entry into the modern industrialized world, and despite the challenges, praised the new government’s progress in social reforms. Safeguards against misuse of political power, judicial reforms, new electoral laws and the right of association that enabled labor unions to form for the first time in Guatemala’s history, all pointed towards an encouraging scenario for Guatemala’s future socioeconomic and political success. But the article concluded by stating the country’s newfound freedom might be at risk as living costs rose and the more critical factor of “underground factional rivalries within the government, centering on the powerful and ambitious Jorge Toriello.”

It was not until January 11, 1946 that President Arévalo finally accepted Jorge Toriello’s September 1 resignation as Minister of Finance. Consistent with Arévalo’s compromising, patient temperament, he had hoped that Toriello would cease his aggressive condemnation of Congress, Arévalo himself, and the parties supporting the President’s reform agenda. Toriello’s political stance actually had the effect of consolidating support around Arévalo. Growing support for Arévalo’s leadership came from the political parties that combined to form the Partido Acción Revolucionaria (PAR), the Confederation of Workers, and the Army. It was his patience with dissenting voices, fair appraisal of the facts, and shrewd sense of knowing that Toriello’s political performance would continue to remind members of the Revolution of the dangers characteristic of dictatorial behavior. Second Secretary of the Embassy, Andrew E. Donovan II, recognized Arévalo’s “political astuteness” in maneuvering through the disruptive period that the early stages of building a new democracy created. Donovan closed his report on the political situation by criticizing Toriello’s “methods of conducting his political relations as coercion rather than persuasion...typifying the antithesis of democracy.”

Jorge Toriello remained in Guatemala trying to bolster his support beyond his group of personal friends with the intention to form a democratic military government. However, in order to implement this tactic, he would have to do without the support of both the Chief of the Armed Forces, Major Arana, and the Minister of Defense, Jacobo Arbenz. Toriello finally left Guatemala for the United States on September 24, 1947. El Imparcial reported his departure and revealed that as an act of his continued defiance, Toriello had returned the decoration of the

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70 Business Week, October 13, 1945, 113-114.
Great Cross of the Order of the Quetzal conferred on him at the first anniversary celebration of
the October 1944 Revolution.  

Years later in the early 1950s, Jorge Toriello reappeared on the scene and returned to
Guatemala’s government as Foreign Minister under then leftist President Arbenz, who was
accused of being a communist by the Eisenhower administration. During that time, the fears of
spreading Soviet communism were rampant as the Cold War mentality directed U.S. policy. In
March of 1954, at the Tenth Inter-American Conference in Caracas, Venezuela, Toriello, acting
as Guatemala’s Foreign Delegate, wrangled with U.S. Secretary of State Dulles over an anti-
communist resolution that implied Guatemala’s government was communist and targeted the
Arbenz administration as endangering peace in the region. Eisenhower’s administration
attempted to invoke Article 6 of the 1947 Rio Treaty, which imposed sanctions against any
member state that committed “aggression which is not an armed attack.” The 1954 Conference
resolution passed 17-1-2 with Guatemala alone in opposition and with Argentina and Mexico
abstaining. Although Toriello lost the vote, accusing the U.S. of undermining Guatemala’s
sovereignty, the delegates who had in their own interests voted along with the U.S., cheered
Toriello’s speech that defied U.S. hegemony in the region. This situation was consistent with
most Latin American countries’ recognition of the dilemma of needing to support U.S. actions in
order to maintain some degree of regional economic stability dependent on U.S. relations, while
at the same time knowing that the cost of U.S. economic policy had traditionally undermined the
sovereignty of those nations.

In addition to Toriello’s disruptive activities during the Arévalo administration, the two
other former Triumvirate military members were carving out their own political futures. Major
Arana, a military officer who had come up through the ranks and was not a graduate of
Guatemala’s equivalent to West Point, the Escuela Politécnica, held the new post of Chief of the
Armed Forces. It was Jorge Toriello who had convinced Arana to join the revolutionary
movement with his troops and lead the military to oust the Ponce regime. Major Arana earned
the respect of the younger officers and appealed to the Guatemalan civilian population partly
because of his physical appearance, which resembled familiar Guatemalan traces of a dignified

72 El Imparcial, September 24, 1947. NA814.00/9-2444.
73 Streeter, Managing the Counterrevolution, 26-27.
74 Ibid.
75 Ibid.
Indian ancestry. Despite President Arévalo’s support and the respect of the Guatemalan people, Arana harbored a lingering resentment. It was through his military leadership that members of the revolution finally achieved the successful overthrow of Ponce. As a result of his military leadership, he believed that the military should have not handed the success of the Revolution and the control of the government over to civilian leaders.  

Arana had not wholly supported Arévalo’s presidential bid, and was not confident in the effective leadership of a civilian government, but he was promised an important position in the military of the new government in exchange for his armed support. After Toriello’s and Arbenz’ convincing discussions and personal meetings with President-elect Arévalo, Arana finally agreed to support Arévalo under certain conditions. The 1945 Constitution created a new military position, Chief of the Armed Forces, even though the Army consisted of only a few thousand men. The Constitutional Provision would enable Arana to operate with little civilian control and hold singular power over the troops, evidence that his position would be more powerful than the Minister of Defense. Although Arana received an appointed position, he could only be removed by an act of Congress, provided he had broken the law. This provision assured his autonomous status and influence in the direction of the new government.

After an unfortunate accident on December 16, 1945, when President Arévalo drove his car into a ravine and his condition was uncertain, Arana’s ambition for the Presidency came to fruition. The conservative landed elite, uneasy about the liberal trends of the Arévalo administration, looked to Arana as the most appropriate individual to lead a conservative overthrow of the liberal government and replace what they considered Arévalo’s communist leaning presidency. Aware of this conservative threat to the progressive measures already implemented to promote the socioeconomic reforms, Arévalo’s major supporters of the Partido Acción Revolucionaria (PAR) approached Arana with a secret deal. The agreement promised PAR’s support for Arana’s presidential run in November 1951 if he would not proceed with a conservative inspired overthrow. Arana was not fully engaged in Guatemala’s social and political affairs, and showed no signs of antagonizing members of the various political parties.

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76 Donovan to Secretary of State, No. 2440, May 12, 1947, 2. NA 814.00/6-2746.
77 Gleijeses, Shattered Hope, 52.
78 Ibid., 53.
79 Williams, “Guatemalan Politics- Agreement between Arana and PAR”, January 16, 1947. NA 814.00/1-1647.
younger members of the military, or the growing strength of the labor unions. He knew that in
to eventually become President and reinstate military leadership, he could not entertain a
coup to assume office and risk losing the ongoing support of the U.S., as well as neighboring
Latin American countries. Arana surmised that if he remained patient, he would gain the
respect necessary for domestic popular support and U.S. recognition in order to win the
presidential bid in 1951. He still maintained the reputation as a democratic hero in the eyes of
the Guatemalan public due to his successful takeover and removal of the Ponce regime.

During the summer of 1946, Colonel Arana personally punished conservative military
leaders when a plot to overthrow the government was revealed. In a personal conversation with
U.S. Chargé d’ Affairs, Andrew E. Donovan II, Arana explained his position in the Arévalo
government and his vision for Guatemala. Donovan asked Arana directly about the status of the
local conditions and Arana responded that everything was going reasonably well, despite certain
initial difficulties. The ‘difficulties’ were aimed at Foreign Minister Jorge Garcia-Granados,
who had asked the U.S. government in Washington to replace the lend-lease agreement for
armaments with agricultural supplies and equipment instead. Even though Garcia-Granados’
request was denied, Arana felt that Ambassador Garcia-Granados should be removed from his
post, claiming that the Ambassador was a communist. Arana then dispelled the rumors which
had been circulating in Washington that the Army might lead a revolt against the Guatemalan
government. When asked about the stance of the Army, Arana replied that the Army supported
the government and was determined to protect democratic governance after so many years of
dictatorial military rule. In Arana’s analysis of Guatemala’s political situation, he admitted that
with the country’s past experience there would understandably be some difficulties in
establishing a truly democratic government. Donovan responded by pointing out that he
considered it the duty of the Guatemalan Army, under Arana’s leadership, to set an example and
maintain Guatemala’s democratic form of government.

80 Gleijeses, *Shattered Hope*, 55. For more details on Arana’s background, aspirations and relations with Arévalo’s
administration see Chapter 3, *The Death of Francisco Arana*.
81 Thomas, *The Organization of American States*, 218. The Guatemalan Resolution at the February 1945 Conference
on War and Peace held in Mexico City recommended to refrain from recognition of any regime that assumed office
through a *coup d’état*.
82 Donovan to Secretary of State, *Conversation with Chief of Guatemalan Armed Forces, Colonel Arana*, July 16,
1946. NA 814.00/7-1646.
83 Ibid.
84 Ibid., 2.
Colonel Arana assured Donovan that his military leadership would be consistent with supporting Guatemala’s democratic leadership. Donovan reiterated U.S. policy regarding its objection to military-led governments in the region, as well as the U.S. commitment not to interfere in internal political affairs of sovereign nations. Donovan closed his memorandum by questioning the reason for Arana’s request for a meeting, but speculated that Arana intended to reassure the U.S. that rumors of a military takeover were unfounded. The conservative opposition party, Partido Nacional, had been promoting Arana among its members to organize against the Arévalo administration. Arana realized he had to maintain a fine line between the continued support of Guatemala’s Conservative elite and, at the same time, the necessity to continue good relations with the U.S.\textsuperscript{85}

By mid 1947, suspicions about communist influence began to grow within Arévalo’s government. Colonel Arana wanted to eliminate leftist subversive elements and demanded that the government deport several labor leaders.\textsuperscript{86} Minister of Defense Colonel Arbenz, was present at the meeting and took offense at Arana’s claims, defending the progress of the labor movement’s ability to empower the workers of Guatemala. Within a few days, leaders of the leftist PAR made arrangements to meet with Arbenz to discuss his support of the labor movement. Their relationship grew, and by mid-1949, labor leaders, with the backing of both PAR and RN, decided to back Arbenz against Arana for the upcoming presidential campaign.\textsuperscript{87} This labor faction supporting Arbenz believed that only a military officer would stand a chance of competing against Arana for the 1951 presidency. Arbenz had displayed a progressive attitude in his post as Minister of Defense, and had grown in his support of the labor movement dominated by leftist political leaders. Arbenz was their choice to continue the advances that had been made in Guatemala’s labor movement. Their political strategy and plans for Arbenz to defeat Arana in the presidential bid turned out to be unnecessary.

All of Colonel Arana’s calculated patience and strategic plans for the presidency came to naught on the night of July 18, 1949 when he was ambushed in a gun fight and killed on the bridge, Puente de la Gloria, outside of the capital. Speculation regarding those responsible for Arana’s assassination varies among scholars who have investigated the circumstances. The crime was not officially investigated by Arévalo’s government at the time of the incident, and

\textsuperscript{85} Ibid., 3.
\textsuperscript{86} Gleijeses, \textit{Shattered Hope}, 59.
\textsuperscript{87} Ibid.
has never been adequately resolved. One major Guatemala scholar, Piero Gleijeses, provides an extensive study of the events and their ramifications. His study, which includes ten years of personal interviews, evaluated each of the possible scenarios. One theory was that the Conservatives who encouraged Colonel Arana to overthrow the Arévalo government may have been the perpetrators because of his refusal to take the government through violent means. But any of their hopes to reinstate a caudillo ruler died with Arana. Another theory was that Arana’s opponents, liberal supporters of the reform government, wanted to eliminate him from running, and nullify the secret agreement they had made with Arana to support his future presidential run. Gleijeses’ interviews with members of both sides believe that “the order was to capture Arana, not to kill him,” that “his death was accidental.”

President Arévalo contemplated the political implications and decided not to pursue an investigation. Instead, he crafted an explanation to present to the Guatemalan people, designed to keep the peace. He declared five days of national mourning and issued an official communiqué. The message to the Guatemalan people did implicate the Conservative opposition as the perpetrators. Arévalo’s message stated that the Conservatives had courted and encouraged Arana to lead a revolt, and then finally realized Colonel Arana would never have led a coup d’état against the Guatemalan democratic government. Before the communiqué was released, members of Arévalo’s Cabinet, including Arbenz, vehemently opposed the strategy. Arévalo insisted on presenting his version, believing it would “avoid further inflaming passions.” The day after its publication, an editorial in Diario de Centro América praised the President’s sentiments and cited its moral lesson: “It’s eloquence has calmed us and given us the gift of truth, which comforts us...Honesty seems defenseless, but it possesses a hidden weapon: truth, which always triumphs.”

Arévalo’s strategy may have helped keep the domestic peace at that moment, but the lingering consequences did not serve Arbenz’ reputation or his future presidential aspirations very well. Inquisitive minds would have been suspicious of the notion that Arana’s conservative supporters were the perpetrators. In that case, they would have eliminated their only logical chance for regaining power. The widely considered theory of a ‘showdown’ between older

89 Ibid., 547.
90 Ibid.
91 Gleijeses, 71. Quoting from the Diario de Centro América editorial, July 23, 1949, 3.
conservative and younger liberal military factions within the Army had actually shifted suspicion onto Arbenz. Moreover, eight months earlier, the progressive U.S. Ambassador Kyle had been replaced by anti-communist U.S. Ambassador Richard C. Patterson. Appointed by President Truman in the summer of 1948, Patterson had spent the past four years as Ambassador in Yugoslavia in a postwar diplomatic position in communist threatened Europe where his suspicions of Soviet communism had been deeply planted. U.S. officials were concerned about the elimination of the Conservative elements that balanced Guatemala’s Reform Government. Patterson’s assessment fueled U.S. State Department concerns. In his July 1949 report, Patterson stated, “Regardless of the responsibility of the assassination, the end result eliminates important moderate elements of Government and strengthens the Left materially.” He added, “Consensus is that developments forecast sharp leftist trend within the government.”

Gleijeses’ conclusion regarding Arana’s death was that “he fell to his own ambition.” In terms of this study, as leader of the Army’s troops, Arana posed the greatest single conservative threat to the liberal socioeconomic goals of the Reform Government. Colonel Arana represented the faction most opposed to the democratic principles of the Reform Constitution and the social reforms the progressive document sought to achieve. President Arévalo’s strategy to keep Arana as Chief of the Armed forces was consistent with Arévalo’s controversial policy of political inclusion, and demonstrated his overall guiding principle of democratic freedoms, a system of governance necessary for advancing human rights. The chances for Arana to have succeeded in his presidential bid were, by most accounts, slim, and would have become slimmer over time as Arévalo’s social programs had ample time to mature and prove their effectiveness. If Arana had remained in his position as the conservative representative, criticism of leftist influences would not have been as easily magnified, and Guatemala’s advance towards democratic reforms would have been better respected by Guatemala’s neighbors and the country’s most important observer, the United States.

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92 Ibid.
93 Patterson’s appointment by President Truman changed U.S and Guatemala’s relationship dramatically. See Gleijeses, Shattered Hope, 98. “Patterson was arrogant as Kyle was courteous; he was devoid of sympathy for the Guatemalan government and highly receptive to the allegations of communist influence”. Streeter, Managing the Counterrevolution, 21. Streeter credits Patterson’s assertion that Guatemala was run by communists with the analogy; “... if an unknown bird looked, walked, swam, and quacked like a duck, it could be considered a duck even if it were not wearing a label that said ‘duck’ “.
94 Patterson to Secretary of State, No.327, July 21, 1949, 1. NA 711.14
96 Gleijeses, The Death of Francisco Arana, 550.
Although Arbenz’ most dramatic influence on Guatemala’s agrarian and educational advances goes beyond the time frame of this study, his growing left leaning tendencies as a member of President Arévalo’s administration do illustrate the underlying current of socialist thinking within the Reform Government. Much like Arévalo, his physical appearance portrayed a European character, comforting to outside Western observers. The son of a Swiss-German pharmacist, he was tall, blonde and blue eyed, with an athletic stature. His childhood environment was relatively upper-class and he attended the prestigious, U.S. military directed, Escuela Politécnica on scholarship, graduating in 1935. Although he had little initial interest in the military, unfortunate family financial circumstances due to his father’s eventual addiction to morphine, subsequent bankruptcy and suicide made the free education appealing to young Arbenz’ intellectual curiosity. His career as a cadet resulted in high honors and the respect of the U.S. officers directing the academy.

After graduation as a junior officer, he found himself serving under illiterate colonels in a small rural environment, very different from the prestigious military academy under the direction of competent U.S. military personnel. Arbenz was in charge of overseeing the treatment of General Ubico’s political prisoners and convicts performing forced labor. The assignment of managing chain gangs under Ubico’s harsh regime must have left a deep impression on the young military officer, an impression that may have played an important role in his future beliefs and passion for aggressive social reforms.

In 1937, a faculty position opened at the Escuela Politécnica, which allowed Arbenz to return as an instructor of military subjects, history and physics. This position was well suited to his intellectual character, and appealed to his future wife and intellectual companion, daughter of Salvadorian coffee plantation owner, María Vilanova. Unlike Arbenz who had never left Guatemala, María had studied in the United States during the 1930s, traveled among the region’s elite, and had come to know many Latin and Central American left leaning figures through family connections. Despite her family’s staunch objections to María marrying beneath her station, she married young junior officer Arbenz in 1939. Scholars agree that she was a major

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97 Gleijeses, *Shattered Hope*, 137. A comprehensive background of Arbenz comes from Gleijeses’ extensive interviews with Arbenz’ wife and individuals who served with him.
98 Gleijeses, *Shattered Hope*, 141.
99 Schneider, *Communism in Guatemala*, 189.

137
influence on Arbenz’ evolving socially conscious political views.\textsuperscript{100} What they shared besides their deep love for each other was their overwhelming concern for social justice for all people, regardless of class or race.

In 1932, María observed the plight of peasant life on her father’s coffee estate, including a massacre that took place with her father’s participation.\textsuperscript{101} María’s early personal experience with the tragedy of human rights abuse, coupled with Arbenz’ disturbing experience as chain gang overseer, combined as the basis for their passion and intellectual curiosity regarding Marxist thinking as a solution to Guatemala’s racial, economic and social disparities. Their mutual concerns for the moral value of humanity began to take on a political quality when María attended a women’s conference and returned with a copy of Marx’s \textit{Communist Manifesto}. In an interview with Gleijeses, María explained that the “Marxist theory offered Jacobo (Arbenz) explanations that were not available in other theories. What other theory can one use to analyze our country’s past? Marx is not perfect, but he comes closest to explaining the history of Guatemala.”\textsuperscript{102} Over time, María’s association with communist figures, abroad and domestic, would influence her husband’s political views and appear in the discussions and decisions being made within the Arévalo administration. Among the influence of foreign communists, there was María’s long time friend, Virginia Bravo Letelier from Chile, and Matilde Elena López, exiled from El Salvador.\textsuperscript{103} On the domestic front, Alfredo Guerra Borges, Víctor Manuel Guitiérrez, Carlos Manuel Pellecer, Enrique Muñoz Meany and José Manuel Fortuny would develop leftist views together during their positions in the Arévalo administration that became decidedly communist from 1948 on.\textsuperscript{104} Arbenz’ position in Arévalo’s Cabinet provided a channel for Leftist thought into the administration’s thinking as Guatemala’s future developed from the Revolution through the implementation of socioeconomic reforms codified in the 1945 Reform Constitution.

\textsuperscript{100} Schlesinger, \textit{Bitter Fruit}, 51. See Chapter 4, \textit{The Clouds Gather}, for more details regarding Arbenz’ background, political views, relationship with Arévalo, and his wife María’s influence on Arbenz’ nationalist ideology.
\textsuperscript{101} Gleijeses, \textit{Shattered Hope}, 135.
\textsuperscript{102} Ibid., 141.
\textsuperscript{103} Schneider, \textit{Communism in Guatemala}, 189.
\textsuperscript{104} Schlesinger, \textit{Bitter Fruit}, 56-58. Schlesinger describes Carlos Manuel Pellecer as a fiery orator and fierce advocate for peasants’ rights, José Manuel Fortuny as a Marxist political organizer, and Víctor Manuel Gutiérrez as the nation’s most beloved young labor leader who was nicknamed “the Franciscan” by Guatemalans because of his Spartan lifestyle. Gleijeses, \textit{Shattered Hope}, 101. Gleijeses describes Enrique Muñoz Meany as a moderate leftist with strong hostility to dictatorships and sincere nationalism. Alfredo Guerra Borges was apolitical until Ubico’s overthrow, but became communist by the late 1940s. , 141.
As a member of the Triumvirate, Arbenz’ early conversations with the U.S. Diplomatic Corps provided an insight into his early thinking and initial motivations for reform. As a young officer during the Ubico regime, he was suddenly demoted in rank without reason, despite meeting all of the U.S. qualifications for military training.\textsuperscript{105} Ubico justified the demotion by alleging that Arbenz was a ‘Nazi’.\textsuperscript{106} The result of this situation was that Arbenz resigned from military service before the October Revolution. In discussions relating to the Revolution, Arbenz believed that in an “era of supposed democracy,” he “abhorred the idea of ‘traditional’ Latin American revolutions,” but ultimately the revolution needed the support of force against Ponce in order to develop a democracy.\textsuperscript{107} In his remarks relating to external forces, Arbenz attributed Guatemala’s degeneration under Ubico partly to the “complacency of the great democracies,” and although the Good Neighbor Policy contained some fine points, several Central American countries had not “functioned along democratic lines.”\textsuperscript{108} As a result, young Guatemalan Democrats had little choice but to turn to Mexico for help. Mexican liberal supporters shared one thing with the young revolutionaries, which was the determination to oust the Ubico and Ponce regimes. Arbenz admitted that Mexico’s assistance in protecting refugees and providing aid might come at a price, a price Arbenz was not willing to pay.\textsuperscript{109}

Arbenz’ early assessment of Guatemala’s democratic challenges provide insight into the continuing struggle the Reform Government would have going forward. Domestically, the young members of the Revolution had to repair the social destruction Ubico had imposed on their country and at the same time, inhibited by inexperience in administrative matters, construct a functioning democratic government designed for the benefit of the people. Externally, most Guatemalans understood that many of the U.S. diplomats who had served in Guatemala had traditionally prioritized U.S. investment interests in their country by manipulating dictators. In terms of Mexico’s intentions, Guatemalans, although grateful for its assistance to protect revolutionary figures, were understandably suspicious of Mexico’s long term plans for Guatemala. The members of the new government would have to balance all these competing forces, and Arbenz articulated Guatemala’s challenges accurately, indicating that the country’s

\textsuperscript{105} Long to Secretary of State, No. 1886, December 16, 1944. NA814.00/12-1644.
\textsuperscript{106} Ibid.
\textsuperscript{107} Ibid.
\textsuperscript{108} Ibid.
\textsuperscript{109} Ibid.
opportunity for democratic success was mostly dependent on reform figures within the new government.

The composition of the Triumvirate is representative of Arévalo’s larger challenge for maintaining a political and ideological balance within Guatemala’s new democracy. Toriello’s aggressive suspicions of the members that comprised the new government became paranoid, and Arévalo had to temper opposing views. Arana’s ambitions for power represented the underlying threat of a military takeover reminiscent of Guatemala’s dictatorial past. Arbenz developed a deep sense of social justice consistent with Arévalo’s ideology consistent with the goals of the 1945 Constitution. Arévalo had to maintain order between these conflicting forces and at the same time manage the people behind these forces in order to reach his goals for a democratic Guatemala that would ensure human dignity.

### 3.3 Supporting Political Figures within the Reform Government

As discussed earlier in this study, many of the young university students who initiated the October Revolution had slight understanding of socialism, let alone Soviet communism at that time. Most of the young political activists had never left Guatemala, and most of their reformist ideas came from socioeconomic developments and labor reforms that were modeled by the United States, information that was intentionally censured by the Ubico regime and conflicted with his dictatorial rule. Ronald Schneider’s 1959 in-depth study of communism in Guatemala indicates that only a limited amount of communist ideals were adopted by certain figures within the labor movement. The 1945 Constitution allowed for the formation of political parties, with the exception of communism. It was not until September 1947 that a clandestine communist organization was formed, holding its first Congress in September 1949 with fewer than forty members. However, the legal status of any foreign political organization, including the Communist party, was prohibited under the Arévalo administration according to the 1945 Constitution. Despite the prohibition of communism, the development of the communist party’s ideas and organizational principles contributed to the development of the reform labor

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110 *1945 Guatemalan Constitution*, Article 32. The right of association toward the various ends of human life is guaranteed, in conformity with the law. The establishment of conventional congregations and any type of monastic institution or association is forbidden, as well as the formation and functioning of political organizations of an international or foreign character. Not included in this prohibition are those organizations proposing the Central American Union or the doctrines of Pan-Americanism or continental solidarity.
Labor reforms were essential for developing an equitable economy that would open an avenue for social justice and human rights initiatives.

During the primary scope of this study, 1944-1948, the left leaning figures shared similar personal experiences, which influenced their thinking as they matured from young, socially conscious intellectuals into political reform leaders. Scholars who have assessed this period agree that what had been characterized as ‘socialism’ was routinely confused with anticolonialism and nationalism. Schneider’s 1959 study of communism in Guatemala characterizes this young group of intellectuals as having similar backgrounds that directed their interest towards socialistic ideals. Many lacked the financial means of the upper and middle class students who attended the University, and gained their credentials in the normal schools to become poorly paid teachers. As members of the lower-middle class, they saw their lack of opportunity for professional careers as a consequence of economic and social disparities, as contrasted with intellectual capacity. Just as Arbenz and his wife looked to Marxist theory as the closest solution to Guatemala’s social problems, many young, talented men saw certain principles of socialist ideology as possible solutions to close the economic and social opportunity gap.

Of course there were some individuals whose academic abilities did not warrant university status, but figures such as José Manuel Fortuny (b. 1916) compensated for this lack by aggressive leadership qualities and dynamic personalities. Although the son of an attorney, Fortuny, a student at USAC (1934-1938), made several unsuccessful attempts to earn a university law degree. Despite this failing, he was accomplished in many other vital areas. He began his opposition leadership in the struggle against Ubico in 1942. His prominence as a revolutionary leader was in part due to his accomplishments as a radio announcer during the Revolution, and a published author of stories and poetry who won first Prize in the 1940 National Poetry Competition. Fortuny’s popularity as a political activist grew as a newspaperman for Diario del Aire, 1938-1942, and Chief of the Radio Department at Sterling

111 Schneider, Communism in Guatemala, 55.
113 Schneider, Communism in Guatemala, 90.
Products International, S.A., starting in 1942.\textsuperscript{115} At the time of the Revolution, he was twenty eight years old, one of the older members of his group of younger compatriots, and his relative maturity helped him gain early political recognition in the Arévalo government. Due to his political popularity, he served as the Fourth Secretary of the Constituent Assembly, and served in Congress from 1945-1949.

Although Fortuny rose to be considered the “number one communist in Guatemala”\textsuperscript{116} from 1949-1954, his early ideological beliefs had not been clearly defined as such. When Ubico fell, not one of the future leftist leaders had been a Marxist, let alone Marxist-Leninist, including Fortuny.\textsuperscript{117} It was not until 1948 that Fortuny considered himself a Marxist-Leninist.\textsuperscript{118} He became Secretary General of the clandestine communist party in that year, and held the office of Secretary General for the left leaning PAR until 1949. It was not until Arbenz took power in the 1951 presidential election, with Fortuny as a close advisor, that the Communist Party of Guatemala gained legitimacy.

Another Leftist figure known for his outspoken and agitating style was Carlos Manuel Pellecer (b.1920). He had three years of training at the Escuela Politécnica, but after criticizing military discipline, he finished his education at the Central National Institute of Boys to become a teacher. Ubico’s government accused him of subversive activities, and he spent time in prison before fleeing to Mexico in 1940, and then returning in July 1944 as one of the leaders in the Revolution. Pellecer spent his time in Mexico earning a living, and like Fortuny, was unaware of Marx. He later wrote that his “love affair with communism” began during time he spent in Paris 1947.\textsuperscript{119} He was one of the original members of the new Congress, but resigned to serve as Secretary in the newly opened Guatemalan Legation in Moscow and the Baltic countries.\textsuperscript{120} During his time overseas as a Foreign Diplomat, he was exposed to a variety of socialist ideologies and served as a conduit between Guatemala’s communist community and contacts in Paris and Warsaw, including European Communist leaders.\textsuperscript{121}

On the domestic front, Pellecer was one of the founding members of the students’ political party, Frente Popular Libertador (FPL), and a writer in the party’s newspaper,

\textsuperscript{115} Ibid.  
\textsuperscript{116} Schneider, Communism in Guatemala, 90.  
\textsuperscript{117} Gélizjes, Shattered Hope, 77.  
\textsuperscript{118} Ibid., 80.  
\textsuperscript{119} Ibid., 77.  
\textsuperscript{120} Schneider, Communism in Guatemala, 94.  
\textsuperscript{121} Ibid.
Libertador. His demeanor could be abrasive when his opinion was called into question. In one instance, when President Arévalo fashioned his story regarding Arana’s assassination, he publicly contradicted the official story and was fired from his post in the Ministry of Education. While serving in Congress, in addition to mobilizing against the oppressive labor conditions still employed by the coffee finca owners, he played a key role in organizing the workers of the labor movement against United Fruit. The U.S. Embassy reported Pellecer’s alleged “communistic agitation” transmitted by concerned finca owners, who witnessed him making unannounced speeches to their workers, claiming that “profits of the finca owners should be shared among them” and demanding a dramatic increase in wages. The next month he published a letter in Guatemala’s newspaper, *Nuesto Diario*, stating he would return to Guatemala to answer the charge of “engaging in communistic agitation.”

Pellecer’s published letter of clarification had significance on two levels. First, to expose the fact that harsh working conditions in the countryside had not changed since the Ubico era, and second, his basis for speaking directly to the workers was to educate them on the provisions of the new Constitution of the Republic that provided advancement in worker’s rights, not inspired by the “importation of exotic doctrines.” Pellecer objected vehemently to the accusations of the finca owners, who he knew well and mentioned by name, claiming that implicating him as being influenced by external doctrines of communism was a flawed strategy that only could have taken place in his absence. He planned to return to Guatemala to address their accusations before the courts. Pellecer explained his speeches were a result of the May 1 Regional Economic Conference held in Escuintla, a Department rich in coffee production. Despite the objections of the landed elite, his speech was well received by the workers. His attention to the exploitation of workers was very much within the framework of the law, and only took place on Sundays, when the Congress of the Republic permitted.

Pellecer’s objective was to explain the details of the Constitution to the illiterate workers and the labor benefits of the Revolution. The labor provisions in the Constitution ended the state of slavery that continued to be practiced on the large fincas. Pellecer regarded the Constitution as the only positive result of their recent struggle, “in the name of the Revolution and of

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122 Gleijeses, *Shattered Hope*, 70.
123 Woodward to Secretary of State, No. 149, June 7, 1945. NA 814.00/6-745.
124 Woodward to Secretary of State, No. 304, July 10, 1945. NA 814.00/7-1045.
125 *Nuesto Diario*, July 9, 1945.
126 *Nuesto Diario*, July 9, 1945, 2.
Humanity.” He elucidated that the finca owner’s system of exploitation that flourished during the Ubico dictatorship still existed on the large farms in the rural areas of the country. He charged that the finca owners continued to use the Ubico-styled tactic of accusation as a pattern of creating enemies. Moreover, Pellecer cited that the 1945 Constitution allowed for a variety of democratic freedoms including religious freedom, and it also allowed for freedom of speech, regardless of political doctrine. He concluded his remarks by claiming that the “only crime that exists in our country is not to comply with the Constitution.”

Alfredo Guerra Borges (b.1925) represented an intellectual contribution to the Leftist faction in the new government. Guerra Borges was apolitical at the time of Ubico’s fall. He was a nineteen-year-old law student at USAC at the time of the Revolution. Radical politics engaged him and he actively participated in the Arévalo administration, rising to head the government’s publicity office, and became the editor of the official newspaper, *Diario de Centro América*. In 1947, when the Labor Code was initiated, Guerra Borges was named by Arévalo as first Inspector General of Labor. At the same time he was working within the Reform Government promoting labor reform, Guerra Borges was also working with leftist party elements developing its ideological platform. It was not until the last years of Arévalo’s term that communists surfaced from their covert status. At that point, President Arévalo dismissed Guerra Borges from his official government duties. Free from administration duties, he worked vigorously to advance communism in Guatemala’s politics and became an important member of Arbenz’ government.

An important leftist figure that advanced labor rights and social security was Victor Manuel Gutiérrez (b. 1922). Gutiérrez was a dedicated reformist leader whose ideological beliefs were to advance human rights through government regulation of labor. He was dedicated to mobilizing Guatemala’s labor movement, and was regarded as “the revered leader of the Guatemalan workers.” Unlike the figures previously mentioned, Gutiérrez’ passion for elevating the rights of Guatemala’s workers came from firsthand knowledge of the worker’s plight. Born of ladino parents, he was educated in Guatemala’s Normal School system, and

127 Ibid., 1.
128 Ibid., 2.
129 Schneider, *Communism in Guatemala*, 92.
130 Ibid.
132 Schneider, *Communism in Guatemala*, 94. Ronald Schneider’s study provides a detailed portrait of Gutiérrez’ career.
became a rural primary school teacher at the National Boys’ Institute, and eventually secured a teaching position in Guatemala City. Prior to the 1944 Revolution, Gutiérrez was studying on scholarship at the University of Chile. He returned to Guatemala at the time of the Revolution, and his participation was more as a social activist than an active political reformist. At the time of the Revolution, he understood the problems of the working class, embraced the sense of the times, and aggressively represented the labor movement from the first days of the Revolution.

Personally, he was an honest and humble man, and because of his strict personal habits and devotion to work he was known by his colleagues as “the Franciscan”. He rapidly became a labor leader in Arévalo’s administration, a founding member of the important teacher’s Union of Workers in Education of Guatemala (STEG), and rose to a top post with the strongest labor union, the Confederation of Guatemalan Labor (CTG). Gutiérrez’ career as an effective labor leader extended well into the Arbenz presidency. As Secretary General of the CTG, Gutiérrez served as their regional representative on the Central Committee of the Confederation of Latin America (CTAL), headquartered in Mexico City. Gutiérrez’ greatest outside influence came from this organization, primarily from representatives from Chile and Cuba. The only contact Guatemalan labor leaders had with Marxist thinking came from the region, and it was not until after 1949 that international communism made its way into Guatemala’s domestic labor practices.

Gutiérrez was elected to Congress in 1945, and President Arévalo appointed him to the Travelling Missions of Initial Culture in 1947. Arévalo became very fond of Gutiérrez. He recognized the important work he was doing to advance the labor movement. Because of his success, he was appointed to the Board of Directors of the Guatemalan Institute of Social Security, while simultaneously serving as Secretary General of the prominent CTG labor union. Gutiérrez ran for Congress again in 1950 with all the revolutionary party’s support, and later became Congress’ First Secretary in the Arbenz administration in 1954.

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134 Schneider, *Communism in Guatemala*, 95.


136 Schneider, *Communism in Guatemala*, 282.


138 Schneider, *Communism in Guatemala*, 96.
As a founding member of STEG in January 1945, Gutiérrez enforced the Constitutional provisions detailed in Article 58’s “Rights of Free Organization of Labor” that set the groundwork for the 1947 Labor Code. STEG worked closely with the Minister of Education to advance teacher’s dignity by first raising the urban teacher’s salaries from Ubico’s allotment of $30 per month to $75 per month. The two organizations worked closely together in planning and communications with shared goals of improving and modernizing Guatemala’s educational system. In addition to a living wage, teacher’s benefits included Social Security and membership to a Consumer’s Cooperative to provide the teachers with collective purchasing power. Evidence demonstrating Gutiérrez’ leadership of STEG and the Minister of Education’s mutual cooperation and commitment to a common goal was that STEG members never went on strike.

STEG’s relationship with the CTG was rather close due to their shared goals of advancing worker’s rights and dignity. But, by 1949, a measure of ideological division was created by a journal article entitled, “Peoples’ Democracy”. The article had been published in France describing a system of land reform styled in Poland, Bulgaria and Hungary; communist countries under the Soviet umbrella. Pellecer had translated the article from French into Spanish for publication in the CTG’s newspaper. Pellecer’s extreme leftist tendencies and his proclivity for radical publications and speeches created a conflict among STEG leaders. They were concerned that democratic minded members and workers who dominated their organization would leave or not join a union “led by possible leaders they revolted against.” It was this type of ideological friction that caused Gutiérrez and others to break from Fortuny and Pellecer whose extreme beliefs alienated many of the moderate members who preferred the use of democratic principles to advance labor reforms.

As Secretary General of the CTG, and member of Congress, Gutiérrez was particularly active in promoting the Labor Code in Congress. He lobbied Congressional Members to endorse agricultural reform and the labor movement; two critical components of the overall social reform

139 1945 Guatemalan Constitution, Article 58.-Laws regulating the relations between capital and labor shall take into account the economic and social circumstances of the country, as well as the particular conditions and customs of each region and the characteristics and potential of the various classes of activities. With respect to agricultural workers, the State shall take into account their conditions and needs, the zones in which they work, and other circumstances peculiar to this type of labor. Paragraph 8.-The right of free organization for exclusive purposes of the socio-economic protection of employers, private employees, teachers, and workers in general. The State, in protection of the interests of those organized persons, will supervise the good management of the funds of such organizations.

140 Bush, Organized Labor in Guatemala, 128.

141 Ibid., Part III, 9.
necessary to advance Guatemala’s living standard and elevate the country’s economic base. Congress passed the Labor Code in May 1947. A portion of the Labor Code’s Preamble demonstrated the link between government and the efforts of the labor unions; “Labor law is a branch of public law. Therefore, whenever applied, private interests must give way before social and collective interests.” The Labor Law proved to be a democratic right because it secured workers economic and moral dignity, which would lead to social harmony, beyond legal limits. Article 220 of the Labor Code stipulated that unions need legal status, therefore creating a direct relationship between the government and the labor movement. Labor was protected by the State, and the enforcement vehicle to ensure compliance with employers, was the unions themselves. Labor courts were created to arbitrate employer/worker disputes and unions needed court approval before strikes could be implemented. This system proved to be fair, and prevented many worker strikes as a result.

Gutiérrez’ support for human rights over politics became evident when he served on the Board of Directors of the Institute of Social Security, created by law in October 1946 and initiated its operations in January 1948. Acting as an autonomous branch of government, the Institute was conceived as an organization above political and class pressures. The objective was to gradually raise the Guatemalan worker’s standard of living. Like most of the labor reforms, the program started in the urban centers where wage earners made compulsory contributions based on the cost of living, along with initial contributions from the government and fifty large companies in order to start the program. In the first year of its implementation, 1948, the program covered labor accidents, pensions, disabled workers, re-education for trade, and health exams. By 1949, Social Security protected 140,000 workers of 2,447 employers. Assistance for developing the medical aspects of the Institute came from two Costa Rican advisors, well versed in social problems unique to Latin America, as well as technical assistance from Walter Reed Hospital in the United States.

Enrique Muñoz Meany was one of the younger more radical political figures, who earned his progressive reputation as a prominent student revolutionary leader. As one of the closest friends to Arbenz and his wife Maria, he shared their leftist ideological beliefs. Muñoz Meany

142 Bush, Part I, 41.  
144 Inman, A New Day in Guatemala, 29.  
145 Bush, Part I, 44.  
146 Inman, A New Day in Guatemala, 30.
had experience with the Armed Forces, who served as an instructor at the Escuela Politécnica, and was generally regarded as an intelligent progressive.\textsuperscript{147} A student leader against the Ubico regime, he was one of the few protesters wounded in the October Revolution. During Ponce’s three month transitional government, he was jailed for his resistance for what he knew could be another dictatorship. Recognizing his dedication to the Revolution and his abilities as a leader, President Arévalo appointed Muñoz Meany Minister of Foreign Affairs. The U.S. diplomats characterized him as having an excellent reputation for honesty and intelligence.\textsuperscript{148} In June 1944, Ubico’s National Police had the outspoken Guillermo Toriello questioned for suspicion of harboring Salvadorian exiles, and threatened him with imprisonment. Muñoz Meany gathered the signatures of forty to fifty prominent lawyers who signed a petition to release Toriello, and enlisted a prominent conservative political figure, Eugenio Silva Peña to vouch for Toriello’s release.

As Minister of Foreign Affairs, understanding the need for Guatemala to create a democratic presence in the world community, Muñoz Meany publically advocated the establishment of a school for training diplomatic and consular officers to represent Guatemala internationally, using the framework of the newly autonomous University of San Carlos.\textsuperscript{149} The U.S. Diplomatic Corps was concerned about Muñoz Meany’s position as Foreign Minister due to his association with the confrontational Jorge Toriello. Evidence of Toriello’s influence in foreign affairs was Guatemala’s withdrawal of recognition of the Franco government in Spain, contrary to the U.S. position. The U.S. supported Franco’s regime at that time because of Spain’s denunciation of Soviet Communism.\textsuperscript{150} The Foreign Minister’s stance regarding opposition to Franco’s Spain was consistent with the reform government’s “anti-fascist political philosophy, which dominated the political orientation of the new regime.”\textsuperscript{151} The U.S. interpreted opposition to Franco as evidence of Guatemala’s communistic tendency, but the verification was not considered conclusive.\textsuperscript{152}

Although a trusted member of President Arévalo’s Cabinet, Muñoz Meany opposed Arévalo’s decision to hide the truth of Colonel Arana’s death. Like many other young members

\textsuperscript{147} Gleijeses, \textit{Shattered Hope}, 139.
\textsuperscript{148} Affeld to Secretary of State, October 26, 1944. NA 814.00/0-2644.
\textsuperscript{149} Long to Secretary of State, No. 1698, November 3, 1944, 3. NA 814.00/11-344.
\textsuperscript{150} Long to Secretary of State, March 17, 1945. NA 814.002/3-1745.
\textsuperscript{151} Immerman, \textit{The CIA in Guatemala}, 93.
\textsuperscript{152} Ibid., 92. quoting Wells to Secretary of State, December 12, 1947. NA 814.00/12-1247.
of Arévalo’s Cabinet whose initial political views could be considered moderate left, Muñoz Meany’s politics became more radical. Over time, Ambassador Kyle suspected him of communist tendencies, and that the “Red virus” had contaminated Foreign Minister Meany. The younger members of the moderate left shared two prominent characteristics that drove them further left in their political beliefs: a deep hostility to dictatorships and a motivation based in extreme nationalism.

Manuel Galich was another of the more vocal proponents of the Revolution who was arrested by Ubico’s National Police. He eventually became President of the Legislative Assembly before being appointed Minister of Public Education and a Member of Arévalo’s Cabinet, the only Cabinet Member representing the student’s party, the FPL. Described as “one of the most prestigious intellectuals” persecuted by Ubico, Galich characterized the revolutionary spirit as “the overthrow of Ubico was another French Revolution under contemporary conditions.” As Minister of Education, Galich explained to the Guatemalan people the reality and the long range objectives of the Revolution in a radio broadcast; “Government could not hope to bring about reforms rapidly...working for the next generation.” He continued to explain that the most immediate issue for keeping the peace in Guatemala was to deport the reactionaries as the more dangerous element due to their “impatience for progress and egotistical self-interests.” Galich described the Indian problem as primarily a problem of education. As part of the solution, he brought Indian teachers to conference with Public Education authorities to coordinate their efforts. He introduced the Indian language into the government’s literacy campaign and focused on expanding the quality of rural schools in order to raise living standards.

As Galich’s prominence grew within the reform government, his political ideology evolved, resulting in his appointment to Secretary General of the revolutionary student party, FPL, in 1950. In August 1945, despite Arévalo’s respect and admiration for Galich’s progressive measures in education, he risked losing his Cabinet post because of a fundamental disagreement with the President. Arévalo, consistent with his inclusive tendencies, wanted to create an alliance with unions in El Salvador. Standing with the FPL’s democratic beliefs, Galich

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153 Gleijeses, Shattered Hope, 97, 101.
154 Immerman, The CIA in Guatemala, 37. quoted from Manuel Galich, Por qué lucha Guatemala, 75-6.
155 Woodward to Secretary of State, April 24, 1945, Current Political Situation, 3. NA 814.00/4-2445.
156 Ibid.
disagreed and would not support alliances with any government run by a dictator.\textsuperscript{157} As with
many of the young revolutionary leaders establishing their credibility within the Arévalo
administration, their developing political ideologies became more left and created domestic
criticism. President Arévalo’s remedy for individuals fomenting political and ideological
domestic tensions was to reassign them to foreign posts, as will be demonstrated in the next
chapter of this study.

As an example of President Arévalo’s commitment to political inclusion, the respected
and experienced Eugenio Silva Peña (b. 1897) played an important role in the Revolutionary
Government, representing the more conservative elements as a Social Democrat. As a graduate
of USAC’s Law School in 1920, Peña represented the ideals of the Unionists that ousted
Cabrera. Upon graduation, he was a member of the Guatemalan Delegation to the United States
in Washington, D.C., and served in the regional \textit{Congreso Federal de Centro-América}. He was
elected to the National Assembly in 1921, and in the following year served as a judge in the
Honduran courts. In 1927, Peña gained European experience in the Guatemalan Legation in
France and Spain. In 1929, he was Ambassador to neighboring Nicaragua, and the following
year served as a delegate to Washington in a dispute regarding the Honduran boundary.
Domestically, Peña presided as President of the Guatemalan Bar Association, \textit{Barra de
Abogados de Guatemala}.\textsuperscript{158}

Early in the Reform Government, Peña was regarded by the U.S. Diplomatic Corps as
“sort of a general Minister” who might be able to control Jorge Toriello, who was an early
concern of the U.S. government.\textsuperscript{159} At forty-eight years old, he represented maturity in the new
administration, but U.S. reports regarded him as sometimes “unstable”, but who “occasionally
does brilliant things.”\textsuperscript{160} Appointed Minister of Foreign Affairs in December 1945, Peña advised
President Arévalo that it was necessary for him to act with freedom of activity in his post,
consistent with his personal political beliefs regarding members of his staff \textit{and} in international
politics.\textsuperscript{161} It was this condition that caused major problems with Peña’s effectiveness in the
coming years.

\textsuperscript{157} Woodward to Secretary of State, No.2380. April 17, 1945. NA 814.00/8-1745.
\textsuperscript{158} Hilton, ed. \textit{Who’s Who in Latin America}, 47. 1945.
\textsuperscript{159} Long to Secretary of State, No. 1713, November 3, 1944. NA 814.00/0-2644.
\textsuperscript{160} Ibid.
\textsuperscript{161} Long to Secretary of State, No. 2588, August 5, 1947, \textit{Reorganization of the Cabinet}, 5. NA 814.00/8-547.
In July 1947, Foreign Minister Peña submitted his letter of resignation to President Arévalo. He cited that he had not received full freedom of selecting his personnel staff, and he disagreed with the internal and external policies of the government. One of his examples of an external issue was President Arévalo’s method of breaking relations with the dictatorship of the Dominican Republic, a method outside of the realm of modern international diplomacy. Domestically, Peña attempted to remove emerging communist influences from the government, but was not met with Arévalo’s full cooperation. Peña’s target was Fortuny who had recently been quoted in a La Hora interview stating that there was only one Revolutionary Party; PAR. Later that year, Fortuny rejected his alleged affiliation to the communists, and supported capitalism as a means for economic, social and cultural development. But when asked about agrarian reform, he replied that the government had not yet drawn up the plans. Agrarian Reform was what anti-communists feared the most, and Peña knew that Fortuny and his followers had specific plans to implement their communist ideology through the eventual land reform.

Silva Peña’s resignation was perceived by U.S. officials as a weakening of the Arévalo administration resulting in a dramatic change in the composition of the Cabinet. Arévalo had previously considered a diverse political membership within his Cabinet. By the time of Peña’s resignation, the majority of Cabinet members were now affiliated with PAR (Arévalo’s party), with only Arbenz representing the Army, and Peña had been the only member representing the independent conservative civilian element. Peña’s departure ignited developing concerns regarding communist elements in the Guatemalan government, as well as in the region.

At this time, as 1948 approached, elements of U.S. Cold War influences began to affect U.S. analysis of Guatemala’s domestic and foreign policies. Although Guatemala’s leftist tendencies were difficult to clearly define, several scholars provide evidence of Cold War ethos taking hold in their relations with Guatemala, as well as other Latin American nations. Gleijeses provides a decisive summation; “…government experts used McCarthy-like inference rather than facts to find evidence of Guatemalan communism...any policies opposing the U.S., or even

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162 Ibid., 4.
163 Donovan to Secretary of State, No. 2076, January 2, 1947, Editorial Comment in La Hora. NA711.14/1-247.
164 Donovan to Secretary of State, No. 2512, June 13, 1947, Political Development in Guatemala, 2. NA 814.00/6-1347.
165 Donovan to Secretary of State, August 29, 1947, Guatemalan Political Situation. NA 814.00.
independent of it, were inherently pro-Soviet.” From this point on, Guatemala’s efforts to modernize its society and provide economic parity among its citizenry would be construed by the U.S. as communist inspired.

This scrutiny of various figures of the reform political spectrum shows that most of their developing ideologies were aimed in the same direction, but the underlying forces guiding their objectives came from diverse personal experiences with emphasis on different aspects of social reform. President Arévalo’s strategy of inclusion of all political ideologies demanded his constant attention to make certain that a balance of political views remained productive to provide the social reforms necessary to advance Guatemala’s society. As an intellectual, Arévalo’s acceptance of a wide variety of ideas to address the country’s problems required a degree of discipline and control. The initial source of leftist ideas adopted by Guatemala’s reform figures came from Salvadorian exiles, just prior to the October Revolution. In July of 1945, the Salvadorian influence manifested itself in the labor school, Escuela Claridad, which combined the teaching of labor organization along with Marxism-Leninism. When President Arévalo recognized the external communist influence, he closed the school in January 1946, in accordance with the constitutional provision of preventing foreign communist political influence.

Arévalo’s administration was focused on solutions to Guatemala’s immediate problems, whether the answers came from the left or from the more moderate side of the political spectrum. Most scholars agree that Guatemala’s new reform government tried to accomplish too much in a short period of time, but what choice did they have? The members of the reform government were aware of the sense of the times that promoted democracy and human rights. Their immediate challenge was to adopt a form of democratic governance best suited to address the educational needs of their indigenous inhabitants, recreate a modern economic base that included worker’s rights, and elevate their national identity based on human dignity. This process was

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166 Gleijeses, 94.
167 Ibid., 78.
168 Hoover to Lyon, FBI Report, November 23, 1945, NA 814.00. The drafters of the 1945 Constitution were well aware of the threat of communism and included Article 32 for the purpose of eliminating the threat of foreign influence in Guatemala’s domestic affairs. 1945 Guatemalan Constitution, Article 32.-The right of association toward the various ends of human life is guaranteed, in conformity with the law. The establishment of conventual [sic] congregations and any type of monastic institution or association is forbidden, as well as the formation and functioning of political organizations of an international or foreign character. Not included in this prohibition are those organizations proposing the Central American Union or the doctrines of Pan-Americanism or continental solidarity.
managed by Arévalo whose method was based on inclusion of a variety of political factions. He believed a democratic Guatemala would be best served by incorporating a wide spectrum of political views. Arévalo encouraged those views that advanced the country’s goals and eliminated those views that threatened Guatemala’s new democracy.

Despite the cross-currents of developing political ideologies among the reform figures, one goal was certain; to develop a government that would protect the dignity and rights of Guatemalan citizens. All factions supported the 1945 Constitution. Regardless of differing views about how to implement social reforms, the goal of all reform figures was to elevate human dignity among the Guatemalan people. Leftist leaders developed a system of social security, organized equitable labor reforms and sought to modernize Guatemala’s economy commensurate with advancing human rights. Moderate leaders focused their efforts on literacy and education, with the intent of incorporating the Indian and poor ladino into a society based on equality. President Arévalo took control of the helm of the new democratic government with an intent on implementing the provisions of the 1945 Constitution in order to reach national goals of social justice and human rights.
CHAPTER IV
INTELLECTUAL ORIGINS OF THE 1945 CONSTITUTION

This chapter is to takes into account the historical background examined in the previous chapters, uses the academic works of various scholars to build further evidence determining the origins of intellectual thought that contributed to the human rights aspects of the 1945 Constitution. The examination of the Committee of Fifteen discussions serves as the foundation for evaluating the intellectual discourse against various scholarship and theories. Three categories of theoretical influences are studied; philosophical, ideological, and political. The philosophical analysis begins with las Casas’ first notions of universality and natural law theory as a response to the injustices imposed during Spanish Colonial rule. Las Casas’ notion of ‘one common humanity’ later inspired Simón Bolívar’s nineteenth-century quest for independence from Spain’s monarchical rule. The combined influences of las Casas and Bolívar were part of the foundation for Arévalo’s philosophical analysis for a democratic society designed to serve the needs of the people. Ideological influences include the nationalist ideas of José Martí and Simón Bolívar that helped to shape the political debate and found their place in the 1945 Constitution. Guatemala’s political responses to these philosophical and ideological elements are examined through the theoretical studies of democratic and socialist forms of government, and their respective economic systems.

A study of socialism and rights provides a basis for the philosophical theory of rights to help assess the socio-political nature of Guatemala’s revolutionary system of thought. Defining and categorizing socialist systems of governance serves as a baseline to evaluate the degree of socialist thinking in the 1945 Constitution. A study of Latin America’s tradition of rights, specifically human rights, offers historical insights into the series of events that led to Guatemala’s democratic constitution. Guatemala’s vision of democracy as a vehicle for expanding human rights is compared with the rights traditions of Latin America.

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1 Tom Campbell, *The Left and rights: A conceptual analysis of the idea of socialist rights.* (London, Boston, Melbourne, and Henley, 1983.)
The contemporary influence of José Martí, who was familiar with socio-political conditions in the United States, provided a basis for revolutionary thinking and national liberation. His ideological influence embraced the modern challenges of labor and social rights against industrial power fueled by capitalist material goals. An analysis of Martí’s socio-political philosophy and national liberation demonstrates his influence in Guatemala’s form of democracy as well as his liberal influence on Latin American societies. Martí examined the relational conflict between industry and workers in the United States to demonstrate the universal struggle between people and the oligarchy, and thus substantiating the need for national liberation and social justice. This study identifies distinct parallels between the Committee of Fifteen’s revolutionary thinking and Martí’s theories for national liberation.

Guatemala incorporated human rights provisions into their national constitution through social, economic and political reforms, consistent with developing human rights initiatives during the formation of the United Nations. An analysis of Latin American social and political trends during the period of 1945-1948 examines the origins of Latin American social thought and pinpoints the departure of Marxist thought in what is termed, “Criollo or American Socialism”. The twentieth-century Spanish Philosopher José Ortega y Gasset was considered the spiritual father of the Spanish Civil War, whose beliefs included that the “intellectual elite must guide the masses”. José Ortega y Gasset revived interest in the achievements of Bolivar and las Casas to Latin American intellectuals during the mid 1930s and 1940s. Members of the Committee of Fifteen were influenced by social and political trends of both Latin America as well as the United Nations.

Literary and philosophical trends of the Latin American thinkers influenced the thought process of the drafting members of the 1945 Constitution. The era’s intellectuals were described as pensadores, whose works were politically influenced in the twentieth-century environment of renewed human dignity. The region’s cultural trends are identified as ‘humanistic’ due to the

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6 Ibid.
philosophy and spirit of Catholicism. The combination of the two influences created an
environment or trend of ‘positivism’ as an approach to solving national problems in a gradual
fashion. Martz claims that with ‘order and progress’, a nation can rid its colonial-era heritance
using education as its foundation. One of the more foundational elements of a functioning
society is the importance of education, which directly impacts the culture and family. An
educated society was essential in Guatemala’s main challenge, creating an enlightened citizenry
and organizing a new country.

Political trends in the post-war victory and rebuilding of nations provides a
classification of the direction of Latin American nations towards political liberalization.
Unlike the United States and Great Britain that actively fought for victory and freedom, Latin
American nations perceived the Allied victory as a triumph of democracy over fascism. To
illustrate the Great-Powers stance towards the Latin American nations, the chapter cites
distinctions between post-war reforms and material assistance previously promised to Latin
America, compared to the extreme support of rebuilding Western Europe. In contrast to most all
Latin American nations that moved towards partial extensions of democracy, Guatemala was the
only nation whose national revolution survived until the U.S. overthrow in 1954. The United
States designed the post-war economic model to favor ‘economic growth’ over all economic
components, and nothing would impede its progress, including aspiring democratic advances by
underdeveloped nations.

This chapter further identifies human rights language as imbedded in the intellectual
history of Latin America. The origins of human rights thinking in Europe and Latin America
derived in certain aspects. In Europe, human rights origins were initially developed through
philosophical discourse during the Renaissance, which created many secular human rights
advocates. On the other hand, Latin American societies were grounded in Christian religious
origins of human rights that led to a philosophical understanding of human rights.

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8 Ibid., 64-65.
9 Bethell & Roxborough, Latin America between World War II and the Cold War: Reflections on the 1945-1948
10 Bethell & Roxborough, 169.
11 Ibid., 188
12 Cleary, Edward, Is there a Distinctive Tradition of Human Rights in Latin America?, (Connecticut: Kumarian
13 Michael Haas, International Human Rights, See Table 2.2 Secular Human Rights Advocates, 18.
imperatives established by las Casas and Bolivar, and subsequent social teachings of the Catholic Church codified in Pope Leo XII’s 1891 encyclical, *Rerum Novarum*, offer a distinction between the origins of human rights notions in Latin America versus European and other models.\textsuperscript{15} The chapter also determines whether the new provisions for social, political and economic reforms were achieved through the implementation of the 1945 Constitution.\textsuperscript{16}

Human rights initiatives are evident in the labor section of the 1945 Constitution. Guatemala’s labor laws were influenced by socialist trends of the twentieth-century that developed as a response to global industrialization and its relation to worker’s rights. The intellectual debates include their interpretation of socialist elements of the 1917 Mexican Constitution; their consideration of advances in social rights, unions, and social security developed in the United States during the 1930s; and how certain elements of socialism would fit the scheme for reconstructing Guatemala’s economy and society. Academic studies of socialism and rights are taken into account in order to identify socialist elements in the democratic constitution.\textsuperscript{17} This chapter reveals the balance of rights and duties of the individual within a democratic society, according to the Guatemalan conception of human integrity in conjunction with restructuring an illiterate and semi-feudal society through educational reforms.

Guatemala’s revolutionary figures who re-created the 1945 Guatemalan Constitution were intellectuals in their own right. Despite their youth, they were equipped with sufficient knowledge and the ability to promote practical solutions to the host of social, economic, and political problems inherited from past dictatorial regimes. They critically analyzed their early

\textsuperscript{15} Glendon, *The Forgotten Crucible*, 35.
\textsuperscript{16} Samuel Guy Inman, *A New Day in Guatemala*. (Connecticut: Wordover Press, 1951). Inman has accumulated information and a familiarity with Latin American affairs since his first visit to Mexico in 1920. He claims to have met between sixty and eighty chief magistrates throughout Latin America, including a history of mutual friends in academia. Inman’s 1951 published study was intended to defend Guatemala’s struggle for democracy and provide facts to the United States press corps and government that Guatemala was not a communist threat, as U.S. cold war propaganda suggested. His publication will supply this study with a wide variety of statistical evidence to determine the extent of Guatemala’s social, political and economic reforms during Arévalo’s tenure as Guatemala’s presidency. The aims of the members who formulated the Articles of the 1945 Constitution will be evaluated against Inman’s personal experience and as his on the ground evidence suggests. His findings will assist in the evaluation of certain reform government program’s performance in terms of degrees of success or failure.
\textsuperscript{17} Tom Campbell, *The Left and rights*, Campbell’s work is a comprehensive study socialist rights compared to democratic rights. For specific references to human rights see Chapter 6, *Socialism and Human Rights*. 

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and recent past, and evaluated a variety of modern political and economic systems in order to formulate solutions specific to Guatemala. Economically developed nations of the region industrialized their abundance of mineral deposits and developed a skilled workforce for industry. On the other hand, Guatemala’s agricultural economy was heavily weighted toward an oppressed indigenous segment, which profited by cheap labor. The new government intended to incorporate the Indian population into all aspects of their vision for a modern society, thereby fulfilling the promise of the Triumvirate’s revolutionary principles of human dignity in an elevated democratic society.

Underlying the practical nature of the debates to formulate a new constitution, a moral element became increasingly evident in the tone and context of their discussions. Many members of the Committee of Fifteen conveyed sincere concern for racial and class equality, basic human dignity and a deep understanding of human rights as a response to their country’s own socio-political experience. The investigation of human rights as a Latin American tradition identified this characteristic as the “fusion of moral and political traditions”, which correlated human rights and duties. In this context, the notion of a common humanity became central in Latin American thought, and now developed into a political philosophy and constitutional law codified in the 1945 Guatemalan Constitution. The idea of individual rights subject to limitations combined with corresponding duties is evident in the Committee of Fifteen discussions, and that negotiation served as a fundamental element for advancing social justice.

Although not an official member of the Committee of Fifteen, the most popular presidential candidate, Juan José Arévalo became a core influence on the Committee’s direction in formulating a new constitution. He was a Doctor of Philosophy, seasoned world traveler, respected intellectual and held a moral vision pertaining to the role of the state. Arévalo’s early academic writings promoted social welfare and public education as a foundation for service to the people. Four months prior to the Committee’s work, Arévalo arrived as the favored presidential candidate. In that time he met with members of the Revolution and expressed his ideological views. Arévalo’s conception of being a teacher and a teacher’s prominent place in democratic societies served as the basis for a variety of social reforms. His familiarity with

19 Juan José Arévalo. Escritos Pedagógicos y Filosóficos, (Guatemala Tipografía Nacional, 1945.) See chapter Marco social de la educación en Nuestra América, 33.
foreign systems of governance, especially Europe and Mexico, contributed to the context of the discussions. Arévalo’s early academic publications relating to Classical Western Philosophies regarding government-directed education, the relationship between the individual and state, and the character of an effective ruler were evident in the discussions.\textsuperscript{20} In contrast to Arévalo’s maturity and experience, many of the new Assembly Members were relatively young, with little international or legislative experience. In anticipation of Arévalo’s eventual presidency, his direction received wide attention that envisioned a social structure consistent with new twentieth-century rights, rising from a national obligation to abolish human rights abuses of past regimes.

The analysis of the Committee’s work illustrates at least three essential agreements among the Members; 1) the reconstruction of the new Constitution curtailed the Executive’s excessive power of the past and at the same time strengthened Legislative power, 2) the document was fundamentally democratic, beyond traditional voting rights evident in nominal democracies, and 3) the document provided a framework for modern domestic individual and social guarantees within a democratic system, the basis for advancing international twentieth-century human rights initiatives.\textsuperscript{21} The Committee was comprised of Members with a variety of political views, had to compromise and complete their work in six weeks in order to complete the new government’s transition. For the most part, the discussions achieved this goal and reflect Arévalo’s conception of the dialectic method according to his study of Plato, as illustrated in his 1932 publication, “La Pedagogía Platónica”.\textsuperscript{22}

Discussions took place between the new members of the government and presidential candidate Arévalo, and his advice on how to proceed with the drafting process was presented to the Committee Members. Although the Committee Members debated many ideological positions, the collective objective of the Members was to come to a reasonable consensus for the benefit of the future of Guatemala. According to Arévalo, the dialectic method was a dialogue among differing viewpoints that sought the truth of a matter through the exchange of viewpoints based on reason. The objective of dialectics was in marked contrast to debate. Debate was centered on two opposing viewpoints aimed at dispelling the other, not offering a consensus, but

\textsuperscript{20} Arévalo. Escritos Pedagógicos y Filosóficos, Doctrina del Estado en Platón, 237.
\textsuperscript{21} As the principles of the 1945 Constitution are examined in this study, parallels can be drawn with the principles of the 1812 Spanish Constitution. Emphasis on curtailling executive power, the importance of education to perfect democratic governance, the balance of rights and duties, and government’s role in protecting individual rights in the context of society will be clearly demonstrated in both documents.
\textsuperscript{22} Arévalo. Escritos Pedagógicos y Filosóficos, La Pedagogía Platónica, 267.
seeking victory of one viewpoint over the other. On the other hand, dialectics was a method to
discover the essence of things, born in the essence of good, renouncing the senses through
reason, as dialectics became a ‘spiritual science’. If used in this fashion, with these goals,
dialectics became the ‘eye of the soul’, according to Arévalo. Additionally, Arévalo contended
that some individuals are born with the potential power of dialectics, which became evident
through the Committee discussions, and proven by the ability of the Committee Members to
complete their work within the six-week time frame. In terms of Rousseau’s Enlightenment
thinking, the process of discussion provides the individual to clarify and reach his own views on
the interests of all.

These two aspects of discussion and communication were integral in the
post-war reorganization of international order and prevalent in the Committee of Fifteen
discussions, consistent with the times.

4.1 Redefining Guatemala; the Relationship between the State and the Individual

The first sessions of the Committee of Fifteen discussed the formal procedures and
regulations guiding the Committee, working with the draft articles from the ‘Anteproyecto de
Constitución’ as a basis and reference for the Amendment debates. One of the first issues
debated was whether the Constitution would allow the State precedence over the individual.
Secretary of the Committee of Fifteen Carlos Garcia Bauer’s argument held that the State was
formed first, and then the individual guarantees were subsequently given by the State in order to
prevent the usurpation of the State’s powers. The debate concerning the connection between
the individual and the state parallels the Enlightenment philosopher Jean Jacques Rousseau’s
political theories for egalitarian societies. Considered the forerunner of modern socialism,
Rousseau believed the status of the individual was best understood within the context of society.
Society was organized in a participatory democracy, recognizing certain rights of the individual,
but subordinate to the collective good of society. Rousseau’s political theories served as a model
for the modern ‘social democrat’ and an individual’s right to free expression was a fundamental

23 Arévalo. Escritos Pedagógicos y Filosóficos, 282.
24 Ibid., 284.
25 Campbell, 169.
26 Diario de Sesiones, de la Comision de los Quince Encargada de Elaborar el Proyecto de la Constitucion de la Republic (Guatemala, C.A., 1953), 30-31.
socialist right, as well as a part of the definition of democracy. Rousseau’s theory determined that individual interests were the same as common interests.\(^{27}\)

Bauer’s argument was consistent with Rousseau’s early premise that individual freedom and notions of self-determination were only viable in a social context. He was also influenced by post-war doctrine; the concept of self-determination became prominent in the promise of the Atlantic Charter. The concept of self-determination served yet another purpose for the Allied effort. Winston Churchill used the new right as an enticement to inspire colonial members of Great Britain’s Empire to join the Allied effort. Although focused on Britain’s Colonies, the new theoretical concept of self-determination for nations and its people coincided with and reinforced Guatemala’s effort to recreate its own identity. To this point in time, Guatemala’s future had been determined by military dictators beholden to foreign enterprises, therefore the concept of self-determination became a fundamental necessity for the new Republic.

Garcia Bauer’s claim of the individual as subordinate to the state is also substantiated in Paolo G. Carozza’s study that investigates the idea of human rights within the Latin American tradition.\(^{28}\) Latin American countries ‘commingled’ constitutional traditions, and constitutionalized individual rights before many European countries. The Latin American notion of individual rights was different from Europe’s Lockean ‘property based notions’ of individual rights.\(^{29}\) The Latin American view of individual rights did not emanate from economic or social class disparities such as the European Enlightenment notion of property rights, but from a moral relation between the individual and society, with government providing the necessary balance between the two entities. This ‘moral relationship’ stems from las Casas’ foundational influence in Latin American tradition. Twentieth-century evidence of this tradition can be seen in the works of José Martí and his belief in a bridge between collective forms of life and his idea of the individual nature of man. Martí held that the values of the individual are a direct result of his relation with society, and therefore the development of society takes precedence over the rights of the individual.\(^{30}\)

Despite the inherited influence from the historical figures of las Casas and Bolivar, the intellectual contribution of the more contemporary pensadore, José Martí, becomes evident

\(^{27}\) Campbell, 162.


\(^{29}\) Ibid., 302.

through the Committee discussions. Martí was not a Marxist socialist, but rather a revolutionary nationalist. In comparison to Marx, Martí’s ideas for social reforms came from the labor abuses and resulting dehumanizing poverty he observed that stemmed from the practices of U.S. monopolies and their disregard for industrial workers. He saw industrial capitalism reduce all human values to commercial ends, guided by profit, and the corruptive power of money.\textsuperscript{31} Fueled by his experience in the U.S., Martí created a theoretical framework that would apply to a universal struggle between the working class allied with the nationalist middle class against the landed aristocracy. The theory was not Utopian, but rather a purely intellectual construct designed for promoting national liberation as its main concern.\textsuperscript{32} Martí demonstrated that social conflict is universal, between the people and the oligarchy, an idea that fit precisely into Guatemala’s national experience.

The method Martí used was to emphasize the concept of ‘pueblo’ as a community’s main concern for national liberation. Martí envisioned education as a fundamental tool for achieving national liberation. He realized there would be a perpetual struggle between selflessness and selfishness, between liberty and pride. He understood that a Republic was not made in a day.\textsuperscript{33} Martí’s sentiments regarding commerce, society and the individual can be seen throughout the Committee discussions.\textsuperscript{34} Using the problems of the economy to uncover the social ills of society and the individual’s place in it are continuously apparent in the debates.

The President of the Committee of Fifteen, Jorge Garcia-Granados, agreed that the State is a superstructure and the individual’s place should be after the State. He understood the importance of a strong economy for providing the basic human needs of the Guatemalan people. Later revealed in a personal interview with Inman, Garcia-Granados explained that Guatemala needed a socialistic system within a capitalistic structure.\textsuperscript{35} The intention was to use capitalism to build a strong economy. Due to a lack of private capital investment, the State needed to provide initial investments for economic growth, not from choice, but from necessity. Certain Members presented the liberal counterargument of the individual’s priority over the State, but the consensus that the individual subordinate to the state prevailed. It was widely understood by the

\textsuperscript{31} Ibid., 90.
\textsuperscript{32} Ibid., 102.
\textsuperscript{33} Ibid., 103.
\textsuperscript{34} Diario de Sesiones de la Comision de los Quince Encargada de Elaborar el Proyecto de la Constitucion de la Republica, (Guatemala, C.A., 1953), 47-54.
\textsuperscript{35} Inman, A New Day in Guatemala, 24.
Committee Members that in order to address the social reforms and the rights of the individual, the country’s economic reforms must be in place in tandem with social reforms.

Turning back to the concern of the individual, Secretary of the Committee Rolz Bennett made the point that the “individual was a nineteenth-century concept”. He continued to explain that during that period of formulating the concept of the modern nation state, the process of guarantees was developed primarily as a form of defense for the individual against the advances of the State. Rolz Bennett’s assessment was substantiated by Campbell’s study, in which he argues that eighteenth-century rights were designed primarily to curtail oppressive government actions against their citizens. During the eighteenth and nineteenth-century, claims for the rights of man were primarily demands for equal participation in the economic and political life, irrespective of birth and religion. Modern notions of rights run deeper than protecting man’s economic and political life. All rights of man are essential to the dignity of man. The state functioned as the provider and protector of individual rights. Rolz Bennett’s assessment concluded with the insight, ‘in the twentieth century, the individual is the personification of the State”. Here again we see economic status as one component for defining the individual and his respective rights within the context of the society.

To clarify the debate, Garcia-Granados explained his views regarding the difference between the State, the people and the government. The State is the nation comprised of the people and organized judicially. Furthermore, the State was an organized society in a determined form, with individual rights as part of the conglomerate. Government, on the other hand, was a structure that emanated from the people to govern the rights of the individual and society within the laws of government. Here is further evidence of the commingling of constitutional traditions. This concept marked a departure from the European idea of individual rights. As Carozza’s study pointed out, the European concept of individual rights originated from Lockean ‘property based notions’. The Latin American concept of individual rights as ‘morally based’ emanated from Bolivar’s philosophical idea that man was a divine creature with free will, and individual liberty

36 Diario de Sesiones, 32.
37 Campbell, The Left and rights, 103.
38 Ibid., 110.
39 Diario de Sesiones, 32.
40 Ibid.
is divinely ordained. Bolivar believed individual freedom was achieved through society and law, so the moral development of man should be the legislator’s first concern.

Articles 1 and 2 of the 1945 Constitution confirm the relationship between the individual and the State. Article 1 states that Guatemala is “organized toward the primary end of assuring for its inhabitants the enjoyment of liberty, culture, economic welfare, and social justice.” Article 2 introduced a new humanistic conception of sovereignty, a “sovereignty that resides in the people”, rather than the “sovereignty of the nation” as expressed in previous Guatemalan Constitutions. Greater detail of the concept of sovereignty was given in Article 50, which extended the definition to include the ‘dignity of man’. Chapter I of Title III, “Individual Guarantees”, can be seen as a liberal doctrine, extending individual freedoms that prohibit discrimination because of sex, race, color, class, religious beliefs or political ideas. A total of thirty four amendments comprised the rights of the individual, including new rights such as asylum, right of association, and free dissemination of opinion. Human rights related laws

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41 Carozza, From Conquests to Constitutions, 301.
42 Ibid., 302.
43 Long to Secretary of State, Summary of Principal Modifications in Guatemalan Constitution of March 11, 1945 as compared with Constitutions of December 20, 1927 and July 11, 1935, Enclosure no.1 to dispatch no. 2278 from the American Embassy at Guatemala City dated March 19,1945. NA814.011/31945., 12. 1945 Guatemalan Constitution, Article 1.--Guatemala is a free, sovereign, and independent Republic, organized toward the primary end of assuring to its inhabitants the enjoyment of liberty, culture, economic welfare, and social justice. Its system of government is democratic-representative. Article 2.-Sovereignty resides in the people, who delegate its exercise to the Legislative, Executive, and Judicial organisms, among which there is no subordination. The principle of alternate succession in the exercise of the office of President of the Republic is imperative for the national political system, and the people may have recourse to rebellion should anyone venture to violate this principle.
44 1945 Guatemalan Constitution, Article 50.-Legal, governmental, or any other dispositions which regulate the exercise of the rights guaranteed by this Constitution, shall be null *ipso jure* if they diminish, restrict, or reinterpret such rights. Actions or contracts which may violate constitutional norms are also null *ipso jure*. Resistance adequate for the protection of the individual rights guaranteed above is legitimate. Proceedings to prosecute infractions of the principles of this Title are public, and may be exercised by a simple accusation, without pledge or formality of any kind. The enumeration of rights guaranteed in this Title does not exclude others established by this Constitution, nor yet others of an analogous nature or those which may stem from the principle of the sovereignty of the people, from the republican and democratic form of the government, and from the dignity of man.
45 As demonstrated in Chapter 5 of this study, the Universal Declaration of Human Rights excluded ‘political ideas’ from the list of traditional individual freedoms. The 1945 Constitution prioritized political freedom due to their past dictatorial regimes. The declaration had to appeal to a broader consensus by not interfering with domestic policies, and therefore excluded political freedoms from the UDHR.
46 1945 Guatemalan Constitution, Article 26.-Guatemala recognizes and supports the right of asylum of those politically persecuted, so long as they respect the national sovereignty and laws. The extradition of those convicted of political offenses is prohibited. In no case will attempts be made to extradite Guatemalans convicted of such offenses who may have taken refuge in foreign territory. No Guatemalan may be delivered to a foreign government for trial or punishment, except for grave common crimes included in treaties which are in effect and which were concluded on a reciprocal basis. It is also prohibited to ask for extradition or to allow it in the case of common crimes connected with political ones. When the expulsion of a foreigner from the national territory is agreed upon, such expulsion shall not be to the State which is persecuting him, if the matter is one of political asylum.
to protect the arrested were constitutionalized; no one can be held incommunicado for more than 48 hours, and torture is strictly prohibited.  

These constitutional provisions for individual rights depart from the socialist concept of man, according to Campbell’s study. In a socialist society, labor is the primary vehicle for man to express himself to fulfill his individual nature and creative activity within a social context. Campbell’s comparison between the conceptions of man in terms of socialism versus a democratic capitalist system is clear; the socialist man is a ‘producing’, rather than a ‘creating individual’, he is a ‘doer’, rather than a ‘receiver’, and a ‘maker’, rather than a ‘getter’.  

The Committee designed a new societal structure based on a ‘hybrid’ between the socialist and democratic conception of man. The democratic system of government formed the basis for individual rights, with socialist elements ensuring collective rights and social

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47 1945 Guatemalan Constitution, Article 32.-The right of association toward the various ends of human life is guaranteed, in conformity with the law. The establishment of conventual congregations and any type of monastic institution or association is forbidden, as well as the formation and functioning of political organizations of an international or foreign character. Not included in this prohibition are those organizations proposing the Central American Union or the doctrines of Pan-Americanism or continental solidarity.

48 1945 Guatemalan Constitution, Article 36.-The dissemination of opinion by any means of communication without prior censorship is free. He who abuses this right because of a lack of respect for private life or morals is responsible before the law. Denunciations or attacks on public functionaries and employees in the exercise of their duties, for purely official acts, do not constitute offenses of calumny or injury. Those who believe themselves offended have a right to the publication of their defenses and explanations; in addition, they may demand that a tribunal of honor, constituted in the manner prescribed by law, should declare if the publication was injurious or libelous. Such a tribunal may not include public officials or employees.

49 1945 Guatemalan Constitution, Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. 1948 Universal Declaration of Human Rights. Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. 1945 Guatemalan Constitution, Article 43.-No one may be arrested or imprisoned unless because of a crime, misdemeanor, or judicial writ and by means of a written order issued by competent authority in accord with the law, except in the cases of an escaped convict or of a crime in flagrante, in which events the prior order is not necessary; but the detained persons must be put at the disposal of the judicial authorities without delay and in the centers of the provisional arrest. For simple misdemeanors or infractions of police regulations, persons should not be detained whose identity may be established through the documents which they may present or through the testimony of known persons or those who fully establish their identity. In such cases, the authorities or their agents should limit their charge to warning the offender to appear before the competent judge within the next twenty-four hours. The law will prescribe the sanctions to be taken and the manner of proceeding against those who do not obey such an order. Imprisonment for debt may not be ordered, unless the matter concerns providing food for minor children, destitute parents, incapable spouse or siblings, when the responsible person has economic means and refuses to comply with the given obligation or when, in order to evade compliance, he transfers his goods in favor of third parties. Article 44.-No one may be held incommunicado for more than forty-eight hours. If this precept is violated, the authority giving the order and the head of the prison or the employees who carry it out or cause it to be carried out will be deprived of their positions and punished with the penalties prescribed by law. Article 45.-Prisons are establishments which have as their purpose the safeguarding of the imprisoned and the promotion of their reform, not their maltreatment nor their subjection to restrictions unnecessary for that security. In no case may torture be inflicted upon them, nor taunts, hardships, or any other form of;

50 Campbell, The Left and rights, 176.

51 Ibid.
responsibilities. The debates brought out a practical vision of man within the context of the contemporary Guatemalan society and in terms of its perceived future as a modern nation. The intellectual discourse reveals a conception of the individual man in terms of Guatemala’s socially, politically, culturally and economically unique makeup. The challenge for balancing the rights of the individual with social obligations continued with the Committee’s formulation of “Social Guarantees”.

4.2 Society and the State

In Chapter II of Title III, “Social Guarantees”, there is a social agenda designed for the benefit of the individual in the broader context of society, which contains neo-socialist or neo-collectivist thought. The first section under “Social Guarantees” is ‘Labor’. The first Article (Article 55)\(^{52}\) is central in socialist thought; “Labor is a right of the individual and a social obligation.” The ‘right to work’ was the socialist’s replacement for the capitalist ‘right to own property’.\(^{53}\) They are both economic rights, rights that were considered ‘new rights’ consistent with international rights movements. New labor rights were developed in response to global industrialization and also for the protection of the working individual in a modern world. The provisions in the new Constitution allowed for rights associated with labor and administered through the State apparatus. These rights included the regulation of wages, working conditions and other worker protections, in exchange for obligatory active participation in society. Thus, the second section of Article 55 clearly established the social obligation to present hazards to the society by claiming “Vagrancy is punishable.” The government administered an obligatory social security system as a more positive social obligation benefitting the future of a healthy societal structure.\(^{54}\)

Sections III & IV of Title III, “Family & Culture” provided further evidence for Guatemala’s developing political theory that included the State’s responsibility to preserve the family structure and advance the traditions of its culture. A pattern can be observed in the sequence of sections under “Social Guarantees” that parallels Rousseau’s thinking of the

\(^{52}\)1945 Guatemalan Constitution, Article 55.-Labor is a right of the individual and a social obligation. Vagrancy is punishable.

\(^{53}\)Campbell, The Left and rights, 171.

\(^{54}\)1945 Guatemalan Constitution, Article 63.-Obligatory social security is established. The law shall regulate its limits, extension, and the manner in which it may be put into effect. It shall include, as a minimum, insurance against invalidity, old age, death, sickness, and work accidents. Employers, employees, and the State shall contribute to the payment of the insurance premiums.
common good, which gave priority to economic factors to determine political realities.\textsuperscript{55} Articles prioritizing the economic factors of “Labor” and “Public Employment” comprised the first two sections of “Social Guarantees”. These protections, if successfully employed, would make the provisions for “Family” and “Culture” a reality, politically, or otherwise. Democratic participation in communal decisions was essential for individuals to develop as social human beings and preserve society. The ideas of self-determination and the common good are the necessary ingredients of self-realization.\textsuperscript{56} If the economy accommodated an effective and protected workforce through democratic means, as the individual grows in self-respect and dignity, the general will of the community would benefit the collective good. This belief was represented in the Constitution as the provisions for family and culture.

Although Members approached the conception of sovereignty from different vantage points, they all agreed on the new notion of ‘sovereignty of the people’. Garcia Bauer stated that public power came from the people and they exerted their power through the Executive, Legislative and Judicial Branches of government, a system of government that is both democratic and representative. Villagrán introduced a more pointed view consistent with developing international human rights initiatives, stating that “sovereignty is the power of self-determination, with no subordination.”\textsuperscript{57} Rolz Bennett’s argument went even further, in this new political system if any President threatened the power of the people, “the people may have recourse to rebellion.”\textsuperscript{58}

\textbf{4.3 Protecting Human Rights: Constitutional Articles versus Statutory Laws}

One of the recurring decisions the Committee Members had to make was whether the issues presented warranted a strengthened place in the Constitution as an Article, or whether the issue would be better suited for subsequent ‘statutory law’, which was more likely open for future radical changes. Their mutual concern focused on the potential risk of a future radical administration undoing the revolutionary principles detailed in the new Constitution. Drastic changes in ideologies of a future Congress would transform the revolutionary trajectory the Committee was codifying in the new Constitution. The long-term protections, characteristic of

\textsuperscript{55} Campbell, \textit{The Left and rights}, 158.
\textsuperscript{56} Ibid.
\textsuperscript{57} \textit{Diario de Sesiones}, 39.
\textsuperscript{58} Ibid., Bennett referring to the \textit{1945 Guatemalan Constitution}, Article 2,32.
Constitutional Articles, would require a two-thirds vote of the Congress for a change in the Constitution. Future changes in statutory law would not require as much agreement, and could allow for more control by politically appointed members of the courts.

Campbell’s study on socialism and human rights presents the choice between constitutional articles and statutory laws as a regular consideration when it pertains to human rights, or any rights that require special protections. Within the socialist scheme, human rights deserve special protection, and a status of higher importance. Campbell cites the United States “Bill of Rights” as entrenched constitutional provisions, allowing these rights to carry a priority status in the courts over normal laws. In order to preserve the power of an Article, and have ample time to further develop the corresponding laws, a strategy to establish importance and create time for legal guidelines was employed during the Committee discussions.

An examination of the 1945 Constitution reveals that several Articles of the Constitution include conditional provisions. The Article would state the Constitution’s intention to address a particular issue, with the understanding that a specific future law would be designed to enforce what the Constitution had implemented. Examples include provisional statements such as, “A law shall make the necessary provisions in this manner”, “the law shall establish...”, “the law shall regulate its limits”. The Articles are deemed as critical elements to be contained in the Constitution, but the drafting members recognized that subsequent laws would need to be established by the National Congress to enforce the essence of specific articles.

Glendon’s research concerning rights in twentieth-century constitutions describes a similar strategy that first establishes a priority to rights, and subsequently addresses specific provisions for implementation. Her study highlights the use of the strategy especially pertaining to social and economic rights, with aspirational goals to guide administrative functions of the

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59 Campbell, The Left and rights, 113.
60 Ibid.
61 1945 Guatemalan Constitution, Article 68. Under the direction of the University, official, obligatory association is required for the exercise of university professions. A law shall make the necessary provisions in this matter.
62 1945 Guatemalan Constitution, Article 70. The law shall establish a Statute for the Public Employee, upon the principle that public officials and employees are at the service of the Nation and not of any political party. The statute shall specifically determine conditions for entrance into the Administration; promotion policy; guarantees of tenure; dismissal, suspension, or transfer; the duties of public officials and employees; their recourse against resolutions which may affect them, and the forms of their organization. The law shall determine in what cases and conditions the right of public employees to strike will be recognized.
63 1945 Guatemalan Constitution, Article 63. Obligatory social security is established. The law shall regulate its limits, extension, and the manner in which it may be put into effect. It shall include, as a minimum, insurance against invalidity, old age, death, sickness, and work accidents. Employers, employees, and the State shall contribute to the payment of the insurance premiums.
government. She terms this strategy for classification of these rights as “programmatic rights”. This category of rights indicates that they are not directly enforceable rights, but await implementation through future executive or legislative action and funding. An obvious example of the Articles that would require subsequent statutory laws are found in Chapter II, Social Guarantees, Section I, Labor. It was understood by the Members that there would be a separate “Labor Code” designed in great detail, as a separate document. The Articles under this section provided a foundational framework in anticipation for a more detailed set of laws regulating labor and implementing an effective and just labor program.

On February 1, 1945, during the fourteenth session of the Committee, the continued debate over the relationship linking ‘capital and work’ provided a more comprehensive distinction between the application of the Constitutional Article and statutory law. The debate brought out the arguments regarding the present conditions of the majority of workers in the fields, compared to the industrial workers in a future economy. Garcia Bauer promoted the idea of the State’s responsibility to provide improved conditions to keep workers in the fields. Garcia-Granados agreed to the general conditions proposed, but argued that the main question was how to formulate the proposed conditions for the farmers as well as the industrial workers. His suggestion was to have the Assembly create subheadings to clarify the general conditions being discussed. Whether worker’s rights would be protected by the Constitution or subsequent statutory law, the government would play a central role in those protections as well as funding.

The need for the government to fund economic expansion in the absence of sufficient foreign private investment suggested a degree of government-directed, socialist-styled economy. This was a necessary choice under the circumstances, but not as drastic as the post-war British Labor Government controlling the direction of Britain’s economy. Post-war societies in Western Europe were initially devastated from German invasion, and further destructed by the Allied reconstruction of Europe. Other than battlefield destruction, Western European and Latin American societies did contain certain similarities, as well as major differences. Post-war European reconstruction led to expanded industrial development, population growth, rural to urban

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65 Ibid., 528.
66 Diario de Sesiones, See the discussions regarding 1945 Guatemalan Constitution, Article 55, “the state will create laws that will regulate the relationship between capital and work.”, 181-183.
67 Ibid.
migration and sharp rises in union memberships.\textsuperscript{68} On the other hand, Latin American wages were held down, standards of living declined, inflation rose, and ‘no strike’ pledges were enforced.\textsuperscript{69} Despite these differences, Latin American State interventions ran parallel with Western Europe. Western Europe developed a social democratic welfare ideology that included the State directing a mixed economy of State and private investment, planning, support of developing a national bourgeoisie, deliberate attention to social and welfare goals, and the regulation of foreign capital investment.\textsuperscript{70}

Detailing Guatemala’s government role in directing the nation’s future, Rolz Bennett identified an important characteristic in the Committee’s work in constructing the Constitution that enabled the Committee to proceed with more focus. He described two types of constitutional formats; a ‘quantitative’ one and a ‘descriptive’ one. The quantitative constitutional format required subheadings attached to the individual Articles. The descriptive constitutional format provided more general principles and beautiful language, but would be easier to reform in the future because they were not very rigid. He recognized that the Committee was adopting the quantitative format to make their main points more visible and less susceptible to future radical reforms. Rolz Bennett’s quantitative format provided for programmatic rights protected by constitutional amendments. Those programmatic rights would become laws based on new constitutional provisions, and then enforced through the courts.\textsuperscript{71}

In terms of programmatic rights, a similar distinction is made in a Campbell’s theoretical study of socialism and rights. The conception of socialist thought can be viewed from two perspectives within socialism: Revolutionary socialist thought and Reformist socialist thought.\textsuperscript{72} Revolutionary socialism originated from the eighteenth-century rise in bourgeoisie interests, which made an argument for natural rights as a right to property.\textsuperscript{73} At that time, capitalism emerged from feudalism, and a moral theory doctrine developed to vindicate natural rights to establish equality through the right to own property. Conversely, Reformist socialism reflected more of the aims of a modern democratic socialist, whose major objectives included positive claim rights, government duties to its citizens, and overall positive actions for the benefit of

\textsuperscript{68} Bethell and Roxborough, \textit{Latin America between the Second World War and the Cold War}, 173.
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid., 176.
\textsuperscript{71} \textit{Diario de Sesiones}, 180-181.
\textsuperscript{72} Campbell, \textit{The Left and rights}, 2-4.
\textsuperscript{73} Ibid., 103.
society’s citizens. The general theme for the Reformist was “wellbeing for all”.\textsuperscript{74} Rolz Bennett’s vision for a quantitative constitutional format fit more appropriately into the Reformist model, which contained specific practical goals for Guatemala’s society beyond the desire to justify the right to own property. The practical approach of Reformist socialism is consistent with the aims of the Committee as they look to elevate the status of labor, family, and culture as they intend to expand Guatemala citizenship and human dignity for the advancement of human rights.

This distinction between quantitative and descriptive forms of the Constitution was more prevalent in the discussions of labor than in most other sections of the Constitution. All the Members agreed that their efforts are best served in a quantitative manner. Their mutual concerns were argued from two vantage points; 1) the present task of reorganizing the semi-feudal state of Guatemalan labor and 2) the fear of a future reactionary Assembly that could undo their important work consistent with the widely accepted Revolutionary principles. Garcia-Granados presented the concerns about a future Assembly, deciding what a future Assembly would want, versus what the country would want.\textsuperscript{75} The consensus was that the Constitution should be designed to have the Assembly do what the Constitution dictates; therefore very stringent Articles would ensure that goal.

Rolz Bennett’s more conservative view was opposed to setting fixed matters regarding labor in the Constitution. His argument was based on the fact that modern labor issues were a new experience for Guatemala. From an historical point of view, the majority of the illiterate indigenous labor force saw their employment as mandatory, obliged to work for the finca owners. As a result, the Indian worker had little or no conception of a ‘right’, especially pertaining to work. When considering the challenge of remedying working conditions for the Indian, Rolz Bennett made the analogy of giving a sick man medicine without knowing how he would react. He preferred implementing provisions for improvement incrementally, relative to what the provisions would yield. Taking a more conservative point of view, he proposed, “Let’s go little by little and change them as they need to be changed.”\textsuperscript{76} Consistent with the Reformist view of gradual implementation, his recommendation was widely accepted because as he

\textsuperscript{74} Ibid., 105.
\textsuperscript{75} Diario de Sesiones, 182. Garcia-Granados is concerned about future Assembly elections in the next two years. The Committee members know from Guatemala’s political past that radical law makers can reverse legislative advances made on behalf of labor. He argues “decide the constitutional amendments now and not let a reactionary Assembly come by and void the law. Reactionaries could not change the constitution.”
\textsuperscript{76} Ibid., 182.
continued to point out, the previous administrations had few accurate statistics or studies of the economy, and without that data, they now lacked a clear vision of how their economy would evolve.

Committee Member Cardona reinforced the Committee’s position, acknowledging the importance of addressing the issues of labor. As an example of employing the quantitative method into the discussions, Cardona warned if labor was addressed in an abstract manner, it would give a margin of error that could be changed from what the work of the Revolution and Committee intended. Unlike more developed national economies, the labor reforms in Guatemala were ‘revolutionary’. He urged the Members to be specific, claiming that regulations and details of labor were the only significant things the new Constitution would give the people of Guatemala. “If we don’t, I don’t see how the revolutionary achievements we’ve made would be fulfilled.”

The result of the labor debates designating Constitutional Articles versus statutory law was resolved by the Assembly’s approval of several labor-related Articles that contained many subheadings. The Articles detailed the fundamental principles of organized labor, principles that would guard against potential radical Assemblies in the uncertain future. Regardless of the Constitutional guidelines provided within the Articles, Rolz Bennett’s concerns would be resolved by the future formulation of the 1947 Labor Code. As a result of the February 1947 Labor Code, the government positioned itself at the center between capital and labor, with laws codified to protect both entities. Private interests gave way to social interests with Labor Courts maintaining a balance between the two. Union strikes were permitted, provided formal arbitration under the direction of the court could not be settled. The Labor Court also held jurisdiction over the unions, including termination of the union, in case foreign interests or politics interfered in negotiations. Further protection was imbedded into the Labor Code under Article 204, which prohibited unions from engaging in political activity.

The classification of Constitutional Articles versus the implementation of future statutory laws through the Committee discussions proved to be integral for identifying priority.

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77 Revolutionary: not in the sense used by Campbell, but rather in an ‘innovative’ sense.
78 Diario de Sesiones, 182.
79 1945 Guatemalan Constitution, Article 58. The ‘laws regulating the relations between capital and labor’ consisted of sixteen individual subheadings. See Chapter 5 for reports from the U.S. Embassy to Washington describing Article 58 as a Labor Code of statutory law rather than a constitutional article.
80 Inman, A New Day in Guatemala, 17-18.
81 Ibid.
Constitutional provisions of the new government and a reformed society. As time went by, the context of the discussions became more focused and less generalized. Many of the discussions became less confrontational between the members, as we will see later in this chapter. The dialogue among the members accomplished three goals consistent with the Revolution’s ideals through the 1945 Constitution; 1) Fundamental principles detailed in Decree No. 17 were included in the Articles of the 1945 Constitution, 2) precise implementation of the Revolution’s principles towards the future economy and social guarantees would be addressed in the formulation of future laws, and 3) constraints for future radical changes were incorporated in the context of the Constitution in the form of programmatic rights.

4.4 Organizing a New Guatemala

Labor continued to be the central focus of discussions, assigning priority to economic reforms as the driving force behind implementing the social reforms consistent with the Revolution’s ideals. Although specific laws included in the Labor Code would not come to fruition until 1947, the discussions about fundamental worker’s rights and the restructuring of Guatemala’s future economy continued to be debated. The challenge to define the people of Guatemala in terms of the Constitution characterized the difference between the conditions of the oppressed past and visions of the Revolutionary future. Thinking in terms of the future, Rolz Bennett characterized Guatemala as “Republic of workers of all classes.” Taking into account Guatemala’s long, underdeveloped economic history, Garcia Bauer’s contention held that Guatemala had been and continued to be an agricultural nation built on the backs of its peasant population. Member Almengor responded to both views by explaining that Guatemala is an agricultural nation whose economy and political motives had been based on agriculture. So for them to claim that Guatemala was a nation of ‘workers’ was not the truth.

The agricultural economy had functioned within a capitalist regime, although it had not adequately addressed the social aspects of a modern state, or the human dignity of its workers. Guatemala’s economic transition that contained both government and private entities can be termed as a ‘mixed economy’. The State’s influence for directing the nation’s economy by nationalizing certain elements of the economy was a choice that had to be made. The State

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82 Diario de Sesiones, 52.
83 Ibid., 51.
84 Campbell, The Left and rights, 174.
apparatus, operating as part of the larger capitalist market economy, seemed to be the only institution capable of re-building their national wealth in order to allocate necessary funds towards social reforms. Almengor’s reference to a ‘capitalist regime’ can be quantified by applying Campbell’s premise for a capitalist society. In that premise, workers were rewarded according to their merit. Entrepreneurial activity drives economic growth, but Guatemala could not afford open market characteristics such as the unregulated movement of labor or private control over the means of production. Although there was a capitalist need to make a profit, restructuring the labor force required direct involvement of the government during the transition period, thus a ‘mixed economy’ fit into the scheme for labor reform.

Almengor continued his discussion by making the point that Guatemala was in the midst of what he conceived as ‘political renovation’, “but who knows when we are going to have a social revolution?” He concluded that in order to aspire to a modern economy with skilled workers depended on a social revolution. Almengor recognized that the intellectual debates among the Members were far from the reality in relation to the substandard conditions of the majority of its population. He understood that the ideals of Guatemala’s Revolutionary leaders were not only aspirations, but he realized the general population needed to be educated and elevated in order to become effective members of a modern economy.

Campbell’s discussion of socialist political rights and freedom of expression brings into account the notion of ‘aspirations’. For societies in transition, such as Guatemala, aspirations are not only far-reaching hopes for a transformed society, but rather as Campbell suggests, securing minimal standards for government duties to protect the interests of its citizens. His study further demonstrates that freedom of expression applies to both socialist and democratic political rights. Citing the right of association, assembly and demonstration, among other rights regularly identified with democratic political systems, he concludes that socialist political rights, such as these, are not mere aspirations. It is a matter of implementation and a matter of degree, more adequately described as a ‘goal’, but not a political obligation. Campbell’s assessment of

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85 Ibid., 183.
86 Diario de Sesiones, 51.
87 Guatemala’s Revolution was not ‘popular’ as with many social revolutions due to the small percentage of citizen participation. The majority of the population was politically unaware of the Revolutionary ideals for the nation.
88 Campbell, The Left and rights, 121.
89 Ibid., 169.
aspirations yields deeper understanding of the Revolutionary principles and insight into the challenges of the Committee’s work.

Summing up the current situation and implying the future challenge for the success of the Revolution, Almengor told the Members, “...people only walk when they have ideas, conviction and discipline. We are a country of peasants.” The term ‘social revolution’ should not be misconstrued here as a ‘socialist revolution’, but rather in the sense that Martí suggested earlier in this discussion as a broader ‘national liberation’ of its people. The content of the Committee discussions suggest awareness for a revolution in a new way of thinking, which Martí described as, “The spirit of the government must be the spirit of the country.” Martí also claimed, “To govern well, one must attend closely to the reality of the place they govern...the government must be born from the country.” Almengor and the other Committee members understood that the major underlying problems with Guatemalan society were to create a unity of self respect and dignity among its people, regardless of race or social status.

Garcia Bauer, understanding work as a vehicle towards human dignity, took this opportunity to express the necessary responsibility of the new government to make ‘work’ the constant norm for all citizens of the Republic. This notion is addressed directly in Article 55, the first Article under Section 1 of Chapter II, Labor; “Labor is a right of the individual and a social obligation. Vagrancy is punishable.” He also brought to the attention of the Members that the Republic they were creating had ‘unionist tendencies’, as generally reflected through many of the proposed Articles. Garcia Bauer substantiated his observation by pointing out that the unionist tendencies were a direct reaction against totalitarian regimes of the past, similarly with neighboring Central American nations. But he also warned the Members of the potential dangers of making work a social obligation. The same language was used in the Constitution of the Spanish Republic, “Franco used this to take the Republic to the garbage.” Garcia Bauer ended his comments with a foresight that would apply to other internationally influenced issues debated

90 Diario de Sesiones., 52.
91 Ibid.
80 1945 Guatemalan Constitution, Article. 55.-Labor is a right of the individual and a social obligation. Vagrancy is punishable.
94 Diario de Sesiones., 53.
in the forthcoming legislative sessions; “these issues will be taken up when the war ends and international conferences are held.”  

Conservative and liberal views were expressed in the definition of Guatemala’s status as a nation. Garcia Bauer warned that the term “Republic” could be applied to either a monarchy or a communist form of government, not necessarily a democracy. He explained that Guatemala is a “territorial concept”, to which “inhabitants” are added, and that the inhabitants delegate its sovereignty. The territory can be independent, but its sovereignty is delegated to the government’s organizations giving Guatemalans freedom, economic wellbeing, and social justice. He claimed that the goal and purpose of the new Constitution was to give all inhabitants these rights.  

Garcia Bauer’s discussion of sovereignty, delegated by its inhabitants to the government for freedom, economic wellbeing and social justice, opened up the notion of moral duty. Scholars contend that this traditional notion of moral duty, prominent in Latin American societies, became codified with the influence of the Catholic Social Doctrine presented in Pope Leo’s 1891 *Rerum Novarum*. Five decades later, however the doctrine was a reaction to the consequences of the Industrial Revolution. The document called for improved conditions of workers, the need for state protection, fair wages, free organization and the right for collective bargaining. Here is yet another example of the deep religious influential beliefs of the Latin American people, separate from government, but indirectly coinciding with structuring a humane society.

Rolz Bennett, representing the more conservative view, stated that the present government was not yet ready to give the full enjoyment of its freedoms and wellbeing to Guatemala’s inhabitants. Although the formulation of the Constitution was being organized for that purpose, Guatemala had never been organized in that fashion in the past. Garcia Bauer’s

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95 Ibid.  
96 Ibid.. 57.  
97 H.E. Davis, *Trends in Social Thought in Twentieth Century Latin America*. (Miami: Center for Latin American Studies at the University of Miami, 1959) Davis claims that the effects of religious humanism are seen in early Spanish American writers and political leaders, which gave them a religious idealism to their social consciousness.  
99 Carozza, 307-309. Carozza claims the *Rerum Novarum* was indirectly influential in most Latin American social revolutions, especially the Mexican Revolution. The principles of the document included concerns for poverty, working conditions, education, and agrarian reforms. Although an indirect influence, the doctrine reflected the underlying sentiment of the Latin American people who held strong religious convictions, but separated those convictions from the government operations.
response was that the responsibility of the Committee Members was revolutionary in organizing a new country. He assured the Members that they were accomplishing freedom, economic wellbeing and social justice in their efforts. \(^{99}\) Here again Campbell’s analysis of welfare rights in a socialist system versus a capitalist system provides further insight into identifying Guatemala’s social vision and the government’s role in it. In the socialist welfare state, welfare is the deliberate attempt to reallocate resources according to the criteria of need. \(^{100}\) The State would provide public provisions based on the Triumvirate’s revolutionary principles for education, health, housing, and social security, offering protection of the poor from powerful political interests. On the other hand, a capitalist welfare state (possibly a contradiction in terms) considers welfare rights as an ideological device to maintain a peaceful, healthy, and conformist workforce. The capitalist’s primary reason for this type of right would be to ward off workers unrest, revolution, and as a means to control the population to serve the interests of the ruling class. \(^{101}\)

Inman’s study of Guatemala’s Institute of Social Security includes an example of welfare rights designed specifically for Guatemala’s future social needs. The law to create the autonomous Institute of Social Security was passed in October 1946. Article 63 \(^{102}\) of the 1945 Constitution created the Institute of Social Security, which was inaugurated in January 1948. During the time period between the law’s passage and the program’s inauguration, a new system of social security was created to adapt to undeveloped areas. This innovative system was guided by two Costa Ricans, specializing in law and experts in social security. The strategy entailed a long-range plan for gradual implementation and expansion, prioritizing training for the social workers. The immediate challenge for Guatemala and the major problem implementing the program was illiteracy. The system offered assistance specific to underdeveloped societies, unlike more advanced systems in Europe and the United States. Assistance would be provided according to evaluations made by the International Labor Offices in Chile, Mexico and Costa

\(^{99}\) *Diario de Sesiones*, 58.  
\(^{100}\) Campbell, *The Left and rights*, 193.  
\(^{101}\) Ibid., 200-203.  
\(^{102}\) 1945 Guatemalan Constitution. Article 63.-Obligatory social security is established. The law shall regulate its limits, extension, and the manner in which it may be put into effect. It shall include, as a minimum, insurance against invalidity, old age, death, sickness, and work accidents. Employers, employees, and the State shall contribute to the payment of the insurance premiums.
International observers also regarded the Social Security Institute as one of the greatest accomplishments of the Revolution.\textsuperscript{104}

It is clear throughout the Committee sessions that two distinct caveats regularly appeared in the discussions. First, the debate of whether the issues discussed were more appropriately structured as Constitutional Articles, or subsequent statutory law. Second, later decisions would be based on new international trends revealed in post war international conferences. The Committee Members were regularly in accord regarding these two points. Villagrán presented an example of Guatemala’s potential future economy, which required further consideration for how to categorize the people of Guatemala in the Constitution. Looking forward, he suggested that Guatemala could become an oil-producing nation, and the wording in the Constitution would not relate to this type of industry. Looking towards the future, he suggested Guatemala should be a Republic of “all classes”. The resolution to the semantic debate was finalized in Article 1, and the term they ultimately decided upon to describe the people protected by the new Constitution was “inhabitants”.

\textbf{4.5 Culture}

Section IV of the Constitution was dedicated to culture, with five of the nine Articles of the section containing reform elements of State sponsored secular education. The first Article of Section IV stated that the development and dissemination of Guatemalan culture was a primary obligation of the State\textsuperscript{105}. The primary strategy to elevate and protect Guatemala’s artistic, historic and religious wealth was through programs of educational reform. The Articles comprising the section on culture reflected President Arévalo’s philosophy of education in many ways. The secularization and obligatory nature of schools, the State’s responsibility of training teachers, the national literacy campaign directed autonomously by the University of San Carlos, and special schools for farmers and trade schools for industry were essential elements of Arévalo’s philosophy. The members of the Committee required scant debate in these areas.

Inman’s evaluation of the National Literacy Campaign gives insight into how the revolutionary figures understood that a sixty-seven percent national illiteracy was the nation’s

\begin{footnotes}
\footnote{Inman, \textit{A New Day in Guatemala}, 29-30.}
\footnote{Ibid., 30.}
\footnote{1945 Guatemalan Constitution, Article 79. The development and dissemination of culture, in all its manifestations, constitutes a primary obligation of the State.}
\end{footnotes}
greatest impediment. Proof of the urgency to address the issue was the implementation of the program, beginning in December 1944, before Arévalo became president. Initially, the focus was on Spanish speaking urban lados and illiterate whites, not the rural indigenous segment of the population. By 1949, the national campaign became regional, with government-trained instructors. Although smaller in number, Spanish speaking Indian males travelled to rural areas to teach the indigenous population.

In one of Arévalo’s earliest published writings “Maestros o revolucionarios?”, the author criticized the historic role of the Church in the Latin American educational system. In presenting the case for educational autonomy, he believed governments had controlled teachers as tools for merely political ends, surviving under the shadow of colonial influences. Philosophically speaking, Arévalo described the essence of a true teacher as having a youthful spirit to elevate humanity and resist complacency. Education should develop the souls of children and true educators with constructive spirits were born with a unique character. He claimed, “Teachers, even before reading the first book, already knew that the initial lesson that we read is with the eyes of the spirit in the living page of children and the book of life.” The true function of a teacher of this caliper was to first develop children’s characters as men to participate in the future of a just society, and not to be indoctrinated as complacent citizens subordinate to the State.

One of the more interesting observations of the Committee discussions was the attention paid to the indigenous problem, but resulted in only two Constitutional Articles that directly addressed the indigenous socio-political crisis. The Committee discussions were more in-depth than the two Constitutional Articles would imply, even though they had approved an

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106 Inman, A New Day in Guatemala, 21-23.
107 From: Escritos Pedagógicos y Filosóficos, Juan José Arévalo, (Guatemala: Tipografía Nacional, 1945), 61. This 1928 publication was an editorial responding to the censorship of the “First Convention of American Educators” held in Buenos Aires. Arévalo objected to Latin American governments using education and employed teachers as tools for the political and ideological aims of the government. His conclusions include that teachers should be superior to the law and above the creation of the State, and therefore teachers are revolutionaries.
108 Ibid. 61.
109 1945 Guatemalan Constitution, Article 83.-Declared to be to the national benefit and interest is the development of an integral policy for the economic, social and cultural advance of indigenous groups. Toward this end, laws, regulations, and special dispositions may be adopted for indigenous groups, taking into account their needs, conditions, practices, usages, and customs. Article 137.-It falls to the President of the Republic: 15.-To create and maintain institutions or dependencies which may concentrate their attention on Indian problems, and may guarantee the effective employment of the services of the Government toward the resolution of their problems.
Amendment titled, “Education of the Indigenous Person”, which did not result in a Constitutional Article. Committee Member Vela provided the greatest contribution to the discussion, declaring that the State must protect the values of the indigenous culture, including the elevation of their moral and material levels. The aim in his recommendations was to create a tendency to involve the indigenous inhabitants in a more universal culture.

Garcia-Granados presented the counterargument asking why Vela’s proposed amendment contained such an imperative nature. Vela responded by stating that it was not about giving anything to the Indian, but after all the generations of neglecting the indigenous population, the State should sponsor a specific study into their problems in order to incorporate them into the national life. His recommendation was to create a department through the Executive office by Constitutional order to address potential solutions to the indigenous problem. The problem affected many aspects of Guatemala’s future and was skeptical about leaving the issue to what he termed “second hand laws”.

Member Vela was able to convince Garcia-Granados of the magnitude of the issue and Garcia-Granados suggested creating a special ministry under the power of the Executive branch “so nobody would deny the importance.” Garcia-Granados agreed that Guatemala’s most overwhelming problems were indeed the indigenous problems. In contrast to most contemporary scholarship that claim estimates of approximately fifty-percent of Guatemala’s population was indigenous at that time, Vela stated that eighty-four percent of the population was indigenous. In addition, he suggested that traditional indigenous marriages were longer lasting than Guatemala’s civil marriages. The lack of awareness of indigenous marital custom by the judiciary limited the rights of each spouse because of the way they contracted matrimony. Vela’s arguments were well received by the Committee Members and he volunteered to write a

\[^{110}Diario de Sesiones, 245.\]
\[^{111}Ibid., 245.\]
\[^{112}Ibid., 246.\]
\[^{113}Ibid., 247.\]
\[^{114}Ibid., 246. There is a wide range of statistics relating to the percentage of indigenous and illiterate segments of Guatemala’s society. The lack of consistent statistics relating to important issues discussed by the Committee reinforces the fact that very little attention was paid to the general population by past regimes. The gradual manner in which programs were implemented seemed appropriate to the situation, as well as confirms the Committee understands the severity of Guatemala’s social problems.\]
\[^{115}Ibid., 246.\]
comprehensive study to be presented to the Assembly at a later date. Garcia-Granados responded, “Do it!”

General concern for the indigenous population to be included in all aspects of Guatemalan society was expressed in Article 83, under Section IV, Culture. In addition, following Vela’s recommendation that the Indigenous issues be under the power of the Executive branch, Article 137, paragraph 15, calls for the Executive to create and maintain institutions to address the Indian problems. Inman’s study confirms that the National Indian Institute was established on August 28, 1945 by government order. The Minister of Public Education headed the program, with the goal of integrating the Indian into the general culture of the country. Inman reported on the progress of the Institute by first studying the diet, language and aspects of life of thirty-seven Indian groups. Part of the program included government cultural missions to travel regularly to rural communities. Efforts to implement the inclusion of the Indian into Guatemalan society included translating the National Hymn into six Indian dialects, and translating the Labor Code into one of the more prominent indigenous languages, Kekchi.

The complexity of the problems of Guatemala’s indigenous population was widely understood by the Committee Members. Their inclusion into the mainstream of Guatemala’s society would determine the nation’s chances to join the community of modern nations. Arévalo’s contribution to the Indigenous discussion was partly expressed in 1929 published study entitled, “The Mexican Nation and the Problems of Education.” Referring to many of the viewpoints of the Latin American intellectual community, “the indigenous race is not the

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116 Ibid., 246.
117 1945 Guatemalan Constitution, Article 83. Declared to be to the national benefit and interest is the development of an integral policy for the economic, social, and cultural advance of indigenous groups. Toward this end, laws, regulations, and special dispositions may be adopted for indigenous groups, taking into account their needs, conditions, practices, usages, and customs.
118 1945 Guatemalan Constitution, Article 137. It falls to the President of the Republic: 15.-To create and maintain institutions or dependencies which may concentrate their attention on Indian problems, and may guarantee the effective employment of the services of the Government toward the resolution of their problems.
119 Inman, A New Day in Guatemala, 30.
120 Ibid., 20.
121 Ibid.
122 From: Juan José Arévalo, Escritos Pedagógicos y Filosóficos, (Guatemala Tipografía Nacional, 1945. “La nacion mejicana y los problemas de la educación”), 47. In this publication, Arévalo reviews the efforts of the Mexican government to incorporate their indigenous and peasant populations into the national scene as a result of the social reforms born of the Mexican Revolution. He cites the development and implementation of educational reforms aimed to incorporate the indigenous people into the national and political consciousness, rather than separating them from society.
problem, as much as it represents a sleeping powerful force that will probably act in the
development of Mexico’s nationality”.[123] The sentiment of these Latin American intellectuals
was that the indigenous populations of the region presented a rich reserve that had not been taken
advantage of, claiming they had the power to contribute to constructive collaboration.

In Arévalo’s estimation, the secular social reforms developed in Mexico had elevated to
the philanthropic desire of caring inspired by aspirations for a better life. Included in this
campaign to incorporate the indigenous people into the larger society included these first notions
of hygiene, which he considered a manifestation of class distinctions. Arévalo observed that
hygiene was typically identified with the clean upscale segment of society, us versus you, the
poor indigenous other. Hygiene has separated the classes.[124] The introduction of hygiene to the
poor indigenous race was a gesture of personal interest and regard. These observations
complimented the concerns of the Committee in terms of Guatemala’s indigenous challenges.
Arévalo’s argument suggested that poverty was more than a lack of money, but rather a futile
state of mind and spirit, of which the lack of financial security was a manifestation of a larger
social problem.

In response to the urgency of advancing a program of hygiene, one of the first
organizations created by the Reform government was the Ministry of Public Health and Social
Aid. After four years in office, Arévalo’s administration in conjunction with the Roosevelt
Hospital opened thirty seven new hospitals.[125] To maintaining a degree of autonomy, the hospital
board members were prohibited from association with any political party. The Ministry aided in
improved sanitation, diet, immunizations and overall prevention of disease. In cooperation with
the Pan American Sanitary Bureau and the Kellogg Foundation, typhus fever was successfully
controlled. In all, Guatemala’s public health appropriations grew from a few hundred thousand
dollars per year to $3,892,396 from the time of the Ministry’s inception until the late 1940s.[126]
4.6 Family and Marriage

Consistent with the Committee’s attention to the economic material benefits, as well as the corresponding social consequences of enduring poverty, the issue pertaining to family and marriage was discussed in detail. The Constitution’s Chapter II, Section III, dedicates seven Articles for the State protection of the family. President Arévalo expressed his own philosophical insights into the relationship between the family and the State in a 1932 publication, “The Doctrine in the State of Plato”. The premise was to inquire how a government could be designed to facilitate advances within a society. Arévalo explained that the beginning of legislature was an extension of the patriarchal structure of ancient Greece’s society. During that time, the family structure relied on hierarchy and obedience to the family’s eldest. Each family elder in the community would meet to discuss the organization of the community, relying on tradition as their guide. According to his thesis, Arévalo believed the foundation and structure of family was the model for the beginning of legislature. Order, structure, authority, and beauty were ideal family traits, as well as effective government traits. When citizens recognize authority as a necessary function for an equitable society, obedience to a just authority, without servitude is virtuous and gives moral strength. For a more practical and immediate solution, the Committee addressed the family situation in a different manner.

The Members understood that the cultural concerns of the country could not be remedied without promoting healthy family values among its poorest members of the population. The discussion of culture moved appropriately to the subject of matrimony, considered the core element of society. Committee Member Almengor opened the discussion and led the dialogue. Referring to the Constitution as Guatemala’s “New Magna Carta”, he claimed that elevating the social and economic development of the nation included the State support of matrimony. His argument was focused on Guatemala’s probable economic benefits of a government system to elevate the status of marriage. By promoting the advantages of legal matrimony, including giving employment priorities to legally married men, State support of marriage would create a more homogeneous community environment and better citizens.

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127 Juan José Arévalo. Doctrina del Estado en Platón. Presentation to the Department of Humanities of La Plata, Argentina, 1932.
128 Diario de Sesiones, 248-249.
Almengor’s remarks also reflected a sense of sexism as well, stating “The majority of our women take the place of needy men.”\textsuperscript{129} The Members of the Committee did not react in any noticeable way to Almengor’s remark, indicating that there was a degree of agreement among his colleagues. Referring to the present status of marriage as a fraudulent social condition to be solved by the State, he claimed that women had sexual problems and a number of women were not complying with their human function, the function of procreation.\textsuperscript{130} Despite his obvious prejudice, he acknowledged that the problem was not easily resolved, and blamed the problem on the lack of the State’s support of married men. Almengor’s recommendation was to create laws to encourage men to be married according to laws of the State, versus the cultural tradition of indigenous marriage that does not recognize State sponsorship.

Almengor’s vision of the future was to promote marriage between the peasant and middle classes with the help of the State to elevate their social status in order to contribute to the national economy. He blamed the present misdirected situation of matrimony on society’s ills causing endemic poverty and malnutrition among children. According to Almengor’s assessment, families living in misery and lacking the essentials for living caused thousands to be in jails and mental institutions. His solution was for the State to develop a \textit{ladino} and mixed population that would result in a social and political element larger than the indigenous population. He cautioned that if the proportion of indigenous population continued to be greater than the mixed class, it would cause “great danger in the future.”\textsuperscript{131} The debate then turned towards the proposal of taxing single men and married couples without children, with a tax exception for the indigenous race. The proceeds from this tax would be spent to subsidize married couples with more than three children. Most of the Members were married and selfishly admitted that they did not care about the tax because it would not apply to them. Member Vela commented that this type of tax had not given good results in any other country. He also pointed out that under the current economic circumstances, the nation’s budget could not afford to subsidize the children of Guatemala’s citizens and a law created to do so would need to be considered in the future.

Dr. Bianchi substantiated Vela’s assessment by pointing out that the United States had attempted to employ a similar tax strategy in 1933 under the New Deal, but was not able to do

\textsuperscript{129} Ibid., 248.
\textsuperscript{130} Ibid., 249.
\textsuperscript{131} Ibid.
The objective of the proposed tax was to expand the political demographic. Rolz Bennett agreed that such a tax would indeed expand the political demographic, but objected to the State being an adequate solution to the problem. Here again we see the tension between socialist and capitalist notions of government involvement. Rolz Bennett preferred the capitalist point of view to create private sources of wealth to provide increased personal income for citizens, without the need for the State’s help. Referring to the different circumstances of other nations, Rolz Bennett stated that Guatemala’s problem was not unemployment due to “too many hands for production”. The problem in Guatemala was that many of the fields were unexploited. It was a matter of expanding the economy to create more employment. He concluded that new taxes were inappropriate, and that an improved economy would be the most effective solution.

This debate illustrated one of the unique features of Guatemala’s majority peasant population that had been held in servitude for centuries. The need for the State to subsidize social programs, such as these issues, created the present dilemma. There was not enough work in place for the population to escape from poverty and the State’s post-war financial resources were not yet sufficient to subsidize their needy population. Economic reforms needed to reconstruct Guatemala’s national wealth would not be implemented in time for immediate social relief. Member Villagrán agreed that the objective of the discussion was a good one, but suggested the matter required further study and should not be classified as a constitutional principle. Vela added that Guatemala’s poverty levels were extraordinary compared to other societies and that the State needed to at least do something in the immediate term. He conceded that the matter needed further in-depth study. Many of the social issues needed to be addressed, but the economic constraints required practical assignment of priority. In the end, the proposal for a special tax on singlehood was not approved, but the debate revealed the challenges of how the State was ill-equipped to meet all of the socio-economic goals of the Revolutionary principles.

4.7 Socialist and Democratic Aspects of the 1945 Constitution

The Committee Members understood that their work to draft the 1945 Constitution marked an end of a feudal era directed by tyrannical rule and created a foundation for a modern social democratic state, by means of reforming the economy at its core. With this in mind, one of

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132 Ibid.
133 Diario de Sesiones, 249.
the recurring topics through the Committee discussions was how to now define Guatemala as a
nation. Political theory for the nation had not yet been well defined if one takes into account their
socio-political past, the democratic aspirations of the Revolution, and the attempts to coordinate
Guatemala’s domestic structure in conjunction with international trends for social justice. The
State’s responsibility to address the needs of the general society over individual rights is evident
throughout the 1945 Constitution. Neo-socialist tendencies became evident in the proposed
economic policies since the new government was being designed to be the primary source of
investment capital for industry and agriculture. The first Article under Title IV, Economic and
Financial System, gave the State the responsibility to orient the national economy for the benefit
of the people. In this case, the end result of the State’s responsibility was to assure the
individual a dignified existence that would benefit the entire society. Although the State
recognized the existence of private property, the ‘latifundia’, or large plantation, was prohibited.
Furthermore, laws would be designed to dissolve existing ‘latifundia’ and to reincorporate those
lands into the national patrimony. State-owned lands and U.S.-directed expropriated German
properties were designated as ‘inalienable and imprescriptible’.

Despite the historical similarity between the 1917 Mexican Constitution’s recognition as
the first national constitution to take into account a world being reshaped by the events of World
War I, and Guatemala’s Constitution marking the first constitution reshaped by World War II, a
major difference between the two developing political theories is crucial. The Mexican
Constitution allowed citizens to hold private property, but the individual right was subordinate to

134 1945 Guatemalan Constitution, Article 88. The State shall orient the national economy for the benefit of the people,
toward the end of assuring each individual an existence which is dignified and of benefit to society.
135 Ibid.
136 1945 Guatemalan Constitution, Article 91. Latifundia are prohibited. The law shall define them and establish the
means necessary for their dissolution. Existing latifundia may for no reasons be extended, and until they may be
organized for the benefit of society, they will be subject to taxes in the form which the law may determine. The State
shall press for the reincorporation of the land into the national patrimony. Only Guatemalans as referred to in Article
6 of this Constitution, societies whose members have that status, and national banks may be the proprietors of real
property in a zone fifteen miles wide running the length of the frontiers and littorals. Excepted are urbanized areas
included within the indicated zones, where foreigners may acquire properties given previous governmental
authorization.
137 1945 Guatemalan Constitution, Article 93. The direct dominion of the State over its properties is inalienable and
impresscriptible. Excepted are surpluses of particular property, rights acquired as a result of bonding, and movable
goods, duties, and stocks. The State may grant, within conditions to be determined by law, dominium utile over its
rural properties toward the end that they may preferentially be worked by collectives and, failing that, by families,
unincorporated societies except for those organized by and participated in by the State-individual Guatemalans, or
immigrants contracted for by the government. Because of public necessity Or utility, or social interest, and in
exceptional cases, the State may alienate its urban properties or transfer small rural lots in the size indicated by law.
public interest.\textsuperscript{138} In addition to the Mexican government dividing large landed estates, they assumed State control over certain economic sectors, natural resources, redistributed land, and expropriated major foreign owned industries.\textsuperscript{139} State authorization of expropriation and the redistribution of lands is one of the more defining elements of socialism. Guatemala’s 1945 Constitution did not authorize this level of State intervention, or State ownership, but rather encouraged land ownership as long as it was according to the provisions established in domestic constitutional law.

Although the Constitution was deemed as democratic by the Committee Members representing the Revolutionary principles, there was an underlying tone of socialist ideals evident in the document. Member Cardona stated clearly to the Members that he was indeed a socialist. But his version of socialism was consistent with the socio-political elements of the democratic document. He clarified his philosophy to the Members during the 9\textsuperscript{th} session of the Committee. Reflecting a description of the Reform Socialist, he stated, “Socialism should be absolutely practical in its legislation, so it does not fall into absolutisms, or precepts that serve as an alarm of the people to finish with guarantees that we are establishing.”\textsuperscript{140} Rolz Bennett, whose contributions to the debates were generally conservative, agreed that in the case of Guatemala’s social challenges, social interests should be placed above the individual rights. Cardona expanded his argument of social interest over individual rights because individual rights could ultimately apply to few and destroy the interests of many. He concluded his assessment by warning that prominence of individual rights over general social interests was one more precept of totalitarianism and Naziism. He reminded the Members that abuse and manipulation of individual rights was how Hitler created the horrific situation for Germany. Rolz Bennett reinforced Cardona’s concern by citing former dictator Ubico as an example. He claimed that Ubico added the prohibition of race and sex discrimination to the 1935 Constitution as a ploy to bolster his domestic political ambitions as well as improving his international image, but not for the betterment of society.\textsuperscript{141}

The discussions among the Members concerning their notions of socialist principles specific to the needs of Guatemala’s reforms was influenced by, or at least ran parallel to

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  \item \textsuperscript{138} Carozza, \textit{From Conquests to Constitutions}, 303.
  \item \textsuperscript{139} Ibid., 305.
  \item \textsuperscript{140} \textit{Diario de Sesiones}, 115.
  \item \textsuperscript{141} Ibid., 115-116.
\end{itemize}
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Arévalo’s philosophy of ‘spiritual socialism’. Shortly after Arévalo’s arrival to Guatemala on September 3, 1944, he published an October 31st article in the Guatemalan journal, “Hoja Volante”. The article, entitled “Conservative, Liberals and Socialists”, highlighted Guatemala’s socio-political past and explained the goals and aspirations of an Arévalo presidency. He claimed in his opening remarks of his “absolute certainty in the modernity of his political ideas.”

In his assessment of conservatism and liberalism, he claimed the two dogmas were American doctrines that flourished and died in the nineteenth-century. The concept of “Republic” had been based on the fundamentals of Spanish lifestyle, regardless of either conservative or liberal rule. Conservative rulers had maintained a colonial mentality in their suppressive treatment of the indigenous population. Under the moral leadership of Mariano Galvez, a liberal doctrine emerged in 1871 leading to national emancipation marking an end to the neo-colonial system. Soon after this move towards independence, early liberal leaders resumed methods of colonial style governance, although under the disguise of liberalism. Arévalo provided evidence that both doctrines had achieved the same goals, both used their power to use the Guatemalan population as a mere commodity.

This difference between both doctrines’ demise was that conservatism died naturally, and liberalism died of suffocation due to the moral incapacity of Guatemalan leaders to create a true democratic Republic. Guatemala had entered the twentieth-century lacking any political content, ruled by men who were ideologically empty, leaving the population without any political expression.

A series of ruling dictators isolated Guatemala from the outside world, preventing the influx of modern ideas, which contained new concepts of economically secure societies based on socialist doctrines. “Since the last century, the economic, political and cultural has been reorganized according to socialist ideas, based on a new interpretation of history and a re-valorization of men.” At this point in Arévalo’s assessment of twentieth-century socialism, he made a distinction between European socialism and the socialism he envisioned for the new Guatemala. The large industrial nations of Europe had designed their socialism based on a materialistic industrial doctrine, which was fundamentally economic. He criticized this goal of materialistic socialism and presented his version of ‘spiritual socialism’ that gave priority to the psychological moral life and dignity of men that would result in the improvement of social,

142 Arévalo, Escritos Políticos, Conservadores, liberals y socialistas, 143.
143 Ibid., 144.
144 Ibid., 146.
political and economic conditions for the new Guatemala. Crediting this new vision of social reforms, which began with the aspirations of the “Generation of 1920”, he aligned this new sensibility with the post war trends towards collective interests and away from individualism in the structure of the new world order.

Linking Guatemala’s domestic future with post-war social incentives to elevate the human condition, Arévalo made specific comparisons. Socialist doctrines that had been used in totalitarian regimes to promote communism, fascism and Naziism were being dismantled with the Allied victory and the international efforts to create a new world order were being structured in the formation of the United Nations. Totalitarian use of socialism “gave with the left hand, while the right mutilated the moral and civil essence of man.” The international community was establishing an order to produce a fundamental turnover in the scale of human values, and this was Arévalo’s objective for reforming society in Guatemala. Spiritual socialism was designed to overcome the type of socialism that empowered the personality of the totalitarian ruler. This was the aim of the international community through its work in forming the United Nations, and the aim of Guatemala’s Revolutionary movement to form a government to empower its people, with Arévalo leading the movement as President. Arévalo had strong convictions that a spiritual entity to empower its people was the necessary remedy to improve the economic plane of life for the nation, resulting in building an equitable national sense for all Guatemalans.

145 Arévalo, Escritos Políticos, Conservadores, liberals y socialistas, 149.
146 The following is a translation of Arévalo’s definition of Spiritual Socialism: We are Socialists because we live fully in the 20th Century. But we are not ‘material socialist’. We don’t believe that man is primarily a stomach… We believe above all that man is a will of dignity. To be dignified, is to be a dignified man or to be nothing. Our socialism is going to be the psychological liberation of man, or give back all the psychological and spiritual integrity, unfit for conservatism and liberalism. We are not just giving each citizen a superficial right to vote, without the fundamental right to live in peace with their own proper conscience, with family, with wellbeing, with their own destiny. To ‘socialize’ a country does not mean simply to exploit the industries in cooperation with the workers, to make the work of each man in absolute plentitude in their psychological and moral being. A worker who has been well fed and well dressed is not our ideal: also the generals have been well fed, have taken showers and have taken preventative medicines. These are things they can make for themselves… Before that, we need to invest in the workers the total dignity that they deserve as men, destroying once and for all the pretext that has been created to place workers to planes of humiliation and servitude. This ‘Spiritual Socialism’ is a doctrine of psychological and moral liberation. A man that is psychologically integrated and morally free, are in better conditions that enable man to perform better economically and spiritually. And a Republic integrated by free and dignified beings is by itself a free and dignified Republic. This is the strength and depth of a socialist mentality that even the great industrialists aristocrats and military of our century think and feel and act in a generous spirit of socialism.
4.8 Human Rights Aspects of the 1945 Constitution

Human rights initiatives incorporated into the 1945 Constitution were a reaction to Guatemala’s past oppressive practices, as well as the Committee of Fifteen’s concern to conform with developing international human rights norms. Personal experiences of many of the Revolutionary figures who had felt the tyrannical wrath of the Ubico regime were determined to prevent those past abuses from recurring through the new Constitution. Those who were forced to live in political exile during that oppressive time, and those who experienced the brief 1920 period of political reforms, understood that human rights initiatives held priority status in the Committee discussions. Political aspects of individual human rights initiatives included prohibiting censorship, freedom of the press, the right to peaceful assembly, privacy of papers and communication, and the right to political asylum. Preventing past oppressive measures of the National Police was addressed, such as detention and treatment of prisoners, torture and the arbitrary use of the death penalty. These measures required Constitutional protection because of their status as human rights abuses. Economic oppression of the past, caused by race discrimination, debt prison, vagrancy, and forced labor, received careful attention of the Committee. In terms of longer range goals to improve the spiritual character of the nation, educational reforms would set in motion the necessary generational realization of human dignity for Guatemala to elevate its culture to function as a modern state, with human rights protected securely under the new 1945 Constitution.

The political oppression the Members experienced under the Ubico regime was clearly the basis for political reforms contained in the 1945 Constitution. Although the discussions on this particular topic were not very controversial, Rolz Bennett was concerned about Garcia-Granados’ repeated reference to international influences in the debate. He objected to political voices of an international character and claimed international trends did not necessarily apply to Guatemala’s domestic issues.147 Domestically, Member Rojas was concerned about whether the new government would prosecute members of Ubico’s regime that were responsible for the terrorization of the Revolutionary political activists. Citing circumstances after Cabrera’s
tyrannical regime fell, “those who were not punished, were not punished later.” He claimed
their actions had never been denounced and at this time the new government needed to be more
drastic in handling past abuses. As discussed earlier in this study, Ubico, Ponce and their
affiliates were allowed to leave without Guatemalan legal prosecution. Members of the National
Police and the judiciary were not castigated for their participation in the State-sponsored
oppressive measures.

Rojas’ concerns were legitimate and were more directly addressed after the new
Constitution and government were in power. It was imperative to show the Guatemalans that
justice was being served under the new Constitution and to prove that the courts were working to
protect the integrity of the new nation. President Arévalo and Members of the new Congress
were targets of the opposition forces that continued to deny Revolutionary ideals. Attempts on
the President’s life as well as Congressional Members were inspired by leaders of the political
opposition and carried out by remnants of the corrupt Civil Police. In Arévalo’s first
Presidential address to the nation, he pinpointed one of the sources of corruption that allowed
police members to carry out oppressive measures: the corrupt judicial system under Ubico.
Under the new Constitution, the relationship between the Executive and the judiciary was
reformed. In the past, “the Executive Palace that allowed the telephone lines that controlled the
judiciary will now be cut.” Cognizant of the spiritual nature of his vision for Guatemala,
President Arévalo presented an extraordinary moral challenge to members of the judiciary, “The
Revolution has given you back the independence you need to assume the responsibility of your
failings.” Of the fifteen Articles under Title VII, Justice, one particular Article incorporated a
democratic measure for protecting the long-term integrity of the courts. The Constitution made
provisions for judicial officials to be elected by Congress for a term of four years, with the ability
to be reelected.

148 Diario de Sesiones, 115.
149 According to Inman’s study, 2-3, there were twenty four uprisings against Arévalo. Despite the repeated threats,
Arévalo did not suppress any political opposition party. His conviction of ‘liberty of opinion’, verbal or written, was
codified in the 1945 Constitution. Only later in his presidency did he dismiss members of his administration and
Congressional Members who declared to be Communists. Among the dismissed Communists were Guerra Borges,
editor of the Diario; Mario Silva, Chief of the government radio; and the Supreme Court dismissed Fortuny, the
Judge of Elections. José M. Fortuny was a signatory of the 1945 Constitution, as Fourth Secretary.
151 Ibid.
152 1945 Guatemalan Constitution, Article 163. Judicial officials elected by Congress shall remain in the exercise of
their offices four years, and may be reelected. Their dismissal may be ordered only in the event of crime, notorious
In September 1945, President Arévalo was more direct in his concern over the continued Civil Police corruption. In a national radio speech, “Words to the People”, he admitted that regardless of the reforms established in the new Constitution and the reorganization of the government, remnants of police brutality from the previous regime continued to exist. The source of this corruption came from opposing political powers intent on regaining power. Distinguishing the Civil Police from the Armed Forces, Arévalo claimed the police had not yet become a revolutionary force. The police had not yet been trained in the same revolutionary manner as the autonomous Army. The police needed to develop respect and a close relationship with the public, and achieving this goal would receive the highest priority of his administration. Clearly, provisions in the new Constitution had not adequately addressed the concern over police corruption, and subsequent laws had little impact on correcting the actions of the rogue elements of the Civil Police. It would require a change in political mentality, replacing corrupt Civil Police leaders with trained civilian men who held to the principles of the Revolution, a task that would take time.

Provisions in the Constitution to protect individuals from police abuses were articulated in several Articles. Beginning with an individual’s inviolable right to trial based on law, more specific Articles addressed a variety of past abuses. Arrest or imprisonment must be directly linked to a specific crime to avoid arbitrary arrest so prevalent during the Ubico regime. If anyone was held incommunicado for more than forty-eight hours, the officers of the prison...
would be held accountable according to law.\textsuperscript{156} The purpose of the prison system was for safeguarding the prisoners and promoting reform, not maltreatment.\textsuperscript{157} This Article specifically prohibited any use of torture or any form of coercion, and if this violation occurred, those officials suffered punishment prescribed by law. Detained persons would be interrogated within forty-eight hours and detentions without being explicitly charged in five days were to be set free.\textsuperscript{158} These measures were intended by the Committee Members to limit police power by tying their civil actions to the subordination of the courts, separate from the autonomous military.\textsuperscript{159}

The Members discussed another aspect of past political persecution, namely the issues relating to individual rights, including censorship, personal papers, the right of asylum, and the inviolability of the home. As a result of many of the Members having experienced these individual violations of political persecution, the discussions tended to be brief and embraced by all. The concept of ‘thinking is free’ with respect to private life and social order was evident in the discussion regarding the inviolability of private papers.\textsuperscript{160} Article 35 stipulated that correspondence of private papers and books were inviolable, with exception to public officials of the Treasury under written order to inspect documents pertaining to the payment of taxes.\textsuperscript{161}

\textsuperscript{156} 1945 Guatemalan Constitution, Article 44. No one may be held incommunicado for more than forty-eight hours. If this precept is violated, the authority giving the order and the head of the prison or the employees who carry it out or cause it to be carried out will be deprived of their positions and punished with the penalties prescribed by law.

\textsuperscript{157} 1945 Guatemalan Constitution, Article 45. Prisons are establishments which have as their purpose the safeguarding of the imprisoned and the promotion of their reform, not their maltreatment nor their subjection to restrictions unnecessary for that security. In no case may torture be inflicted upon them, nor taunts, hardships, or any other form of coercion, nor may they be made the victims of illegal exactions. If this precept is violated, the authority which may have given the order and the head of the prison or the employees who executed it or caused it to be executed will be deprived of their positions and permanently suspended from the further discharge of any public employment whatsoever; they shall furthermore suffer due punishment and will be responsible for the payment of any fitting indemnification. Places designed for detention and the fulfillment of sentences are institutions of a civil nature and are subordinate to the tribunals of justice. Imprisonment will be limited only to those places designed for such use. Minors may not be imprisoned in places designed for adults, but rather only in reformatories, under the vigilance and care of competent persons who dedicate themselves to their basic education and medical treatment, in order to gain their rapid reincorporation into society. The writ of imprisonment shall be issued by the court concerned. All matters relevant to the delinquency of minors will be the subject of a special law.

\textsuperscript{158} 1945 Guatemalan Constitution, Article 46.-Every detained person shall be interrogated within forty-eight hours; during this questioning, he will be informed of the cause of his detention, the person who might have accused him in such case, and everything necessary so that he may know the punishable act attributed to him. From that moment, the state of being incommunicado ceases and in this judicial procedure the accused may already choose a defender. The detention may not exceed five days; within that period, a writ of imprisonment may be issued or the liberty of the person charged ordered.

\textsuperscript{159} Diario de Sesiones, 177.

\textsuperscript{160} Ibid., 133.

\textsuperscript{161} 1945 Guatemalan Constitution, Article 35. The correspondence of any person and his private papers and books are inviolable. Those illegally removed may not be introduced in evidence. They may be taken or reviewed only by virtue of the order of a competent judge and with the legal formalities. Competent public officials of the Treasury may also, with a written order, review papers and books related to the payment of taxes. In all cases, seizure or
Article 36 prohibited censorship in the dissemination of opinion by any means of communication. The Constitution also provided measures to protect foreigners’ right of asylum, providing they respected national sovereignty and laws. Inviolability of the home was not only protected in the Constitution’s Article 37, but also by subsequent laws specific to the conditions to further protect the individual in his home. These determinations were made based on domestic experiences as well as consistent with traditions of international law. The premise of these rights was articulated in Article 23 of the Constitution, “The State protects human existence preferentially”. In addition to the rights of life, liberty and equality, Article 23 included the “security of the person, of honor, and of property” all of which related to the specific rights mentioned above.

The only section of the discussions pertaining to censorship that was more deeply examined by the Committee Members was Garcia Bauer’s concern over the inviolability of the mail. He suggested limiting the amendment in order to conform to the international realm, harmonized with international treaties. Rolz Bennett referred to United States laws that prohibited “immoral propaganda” sent through the postal service as an example for the

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162 1945 Guatemalan Constitution, Article 36. The dissemination of opinion by any means of communication without prior censorship is free. He who abuses this right because of a lack of respect for private life or morals is responsible before the law. Denunciations or attacks on public functionaries and employees in the exercise of their duties, for purely official acts, do not constitute offenses of calumny or injury. Those who believe themselves offended have a right to the publication of their defenses and explanations; in addition, they may demand that a tribunal of honor, constituted in the manner prescribed by law, should declare if the publication was injurious or libelous. Such a tribunal may not include public officials or employees.

163 1945 Guatemalan Constitution, Article 26. Guatemala recognizes and supports the right of asylum of those politically persecuted, so long as they respect the national sovereignty and laws. The extradition of those convicted of political offenses is prohibited. In no case will attempts be made to extradite Guatemalans convicted of such offenses who may have taken refuge in foreign territory. No Guatemalan may be delivered to a foreign government for trial or punishment, except for grave common crimes included in treaties which are in effect and which were concluded on a reciprocal basis. It is also prohibited to ask for extradition or to allow it in the case of common crimes connected with political ones. When the expulsion of a foreigner from the national territory is agreed upon, such expulsion shall not be to the State which is persecuting him, if the matter is one of political asylum.

164 1945 Guatemalan Constitution, Article 37. The home is inviolable. No one may enter it without the permission of the master, except by means of the written order of a competent judge and never after 6:00 P.M. nor before 6 A.M. The law shall determine the formalities and the exceptional cases in which a search may be ordered. The registration of documents and effects shall always take place in the presence of the person concerned, his agent, or a member of his family, or, in their absence, before two witnesses of the vicinity and of recognized honor.

165 Diario de Sesiones, 141.

166 1945 Guatemalan Constitution, Article 23. The State protects human existence preferentially. The authorities of the Republic are instituted to maintain the inhabitants in the enjoyment of their rights, which are primarily life, liberty, equality, and security of the person, of honor, and of property.

167 Diario de Sesiones, 177.
Committee to consider. The recurring debate of including this issue as a Constitutional Article, or as subordinate statutory law pertained especially to this issue. Garcia-Granados questioned the technical definition of ‘mail’, and suggested that they wait to see the changes that would take place after the war. States rights and duties would be further clarified as the United Nations were being organized and international treaties and guidelines for mail censorship would be determined. The Committee, not yet prepared to decide, rejected the Amendment to censor mail due to its international character and thought a Constitutional Article pertaining to domestic issues would be inappropriate for foreign correspondence. The end result was that mail was not considered inviolable and later laws would be considered in conjunction with international trends.

As discussed earlier in this study, the philosophical issue of inalienable natural rights was primarily to honor the dignity of human life, rights protected for all members of the human family. The natural right of life was not given by the state, but rather an innate right of each individual to be protected by the State. The individual and social rights designated in the Constitution were for the protection of the nation’s citizens, and citizenship was not an innate right. 168 The term ‘inviolable’ was used to describe these as government assured rights, rather than the term ‘inalienable’. The debate over the death penalty brought the moral perspective into the discussion and dealt directly with the ‘inalienable’ right to life. Garcia Bauer opened the discussion during the ninth session of the Committee claiming that the existence of the death penalty was a tool of past dictatorial regimes, aimed at the Indian population. 169 Although all Members agreed with Garcia Bauer to end the death penalty, the discussion turned to ‘how’ and ‘when’ to abolish the death penalty. It was decided that the death penalty would remain in Article 52, 170 but “only for crimes defined by law and committed by adult males”. It was agreed by the Members that the death penalty would be removed in four years, after the Assembly was able to consider the decisions determined by the international community, which might offer a

168 Diario de Sesiones, Bianchi, 114.
169 Ibid., Garcia Bauer, 112.
170 1945 Guatemalan Constitution, Article 52. No one may be convicted without having been accused, heard, and having lost the trial. The death penalty may be applied only by virtue of a sentence rendered by the tribunals of the Republic, and only for crimes defined in law and committed by adult males. Against such sentences—which can never be based on circumstantial evidence—may be brought the weight of all existing legal remedies, including commutation and remission of sentence, except in the cases of invasion of the national territory, or of besieged garrisons and cities, and mobilization for the purposes of warfare.
further guide to domestic policy. Although the death penalty remained in the 1945 Constitution, during Arévalo’s six-year presidency no executions took place.\footnote{Inman, \textit{A New Day in Guatemala}, 2.}

Race discrimination was mentioned, but received greater attention when the discussion involved the ‘workers’ and ‘economic life’. García-Granados opened the discussion citing the State’s obligation to care for ‘workers’, not race, was misleading when in reality the issue was race related.\footnote{Diario de Sesiones, García-Granados, 114.} Dr. Bianchi asked the question, “What is the difference between race and color?” Rolz Bennett responded by stating, “many times there is not a defined racial type, so we pay attention to the color.”\footnote{Ibid., Bianchi, 114.} Avoiding further ethical debate on the issue, more explicit attention to the race issue was linked to the foreign companies that imported different races into the country as laborers. Referring to the United States’ use of foreign workers for the Panama Canal, Member Rojas pointed out the United States had not withdrawn their foreign laborers when the canal was completed and the racial current had completely modified the face of the Panamanian Republic.\footnote{Ibid., Rojas, 114-115.} Costa Rica had problems when their foreign workers went on strike. United Fruit had brought as many as seventy-thousand black workers into the territories where the company operated and those workers remained in those countries after their labor had ended.\footnote{Ibid.} The Constitution was not explicit regarding the social aspects of race, with exception of the widely accepted prohibition of race discrimination (Article 21)\footnote{1945 Guatemalan Constitution, Article 21. All persons enjoy the guarantees established by this Constitution with no restrictions other than those herein established. With similar reservations, any discrimination because of filiation, sex, race, color, class, religious beliefs, or political ideas is also declared illegal and punishable.} along with sex, color, class, religious beliefs or political ideas, which were all declared illegally discriminatory and punishable.

More specific to race discrimination regarding the Indian population was the debate on vagrancy and forced labor. Vagrancy and forced labor were two holdovers from colonial rule, which needed revision to comply with the ideals of the Revolution and needed codification in the Constitution. Due to Guatemala’s economic semi-feudal system, labor was considered an individual right, but at the same time, a social obligation (Article 55).\footnote{1945 Guatemalan Constitution, Article 55. Labor is a right of the individual and a social obligation. Vagrancy is punishable.} The Members agreed with the social obligation tied to labor because of the need to elevate and modernize the economy for the overall benefit of the population. Forced labor was considered a form of slavery and was
therefore prohibited. The debate focused on whether labor was an inalienable right, a question proposed by Garcia-Granados. Member Paz y Paz referred to the Cuban 1940 Constitution that considered work as an inalienable right. Questions relating to whether a worker could renounce, sell, or have his right taken away confused the discussion. Garcia-Granados proposed a compromise by eliminating the word “inalienable”. Member Almengor summarized the discussion explaining the correlation between ‘right’ and ‘obligation’ being “a right for one who works, and an obligation for the lazy person”. Vagrancy on the other hand described a person who had no intention to work and wandered through the community, and therefore, without any meaningful benefit to society and was therefore was deemed punishable.

The common thread among the Committee Members was to codify the Revolutionary principles into the new Constitution. Regularly, Garcia-Granados reminded the Members of the urgency to complete their work and present their findings to the National Assembly in order to facilitate the timely election of President-elect Arévalo. The Committee refined basic elements of the previous Constitution and introduced innovative measures to improve the social condition of the nation. Garcia-Granados’ influence as President of the Committee of Fifteen was predominant throughout the discussions. Member Almengor expressed concerns that Garcia-Granados’ regular reference to international social trends was “importing more principles”. Rolz Bennett criticized Garcia-Granados for presenting amendments “just to be innovative”. Garcia Bauer objected to Garcia-Granados’ presentation of motions, citing that rather than presenting motions, “he tries to impose it, but when he doesn’t, then he seeks to block it.” Despite the internal conflicts among the Committee Members, they succeeded in preparing their findings to the National Assembly on time. The results did fortify the Revolutionary principles, but at the same time, the 1945 Constitution contained certain aspirations that were not yet adequately addressed, but provided for future consideration.

The Committee discussions reveal a fundamental concern for human dignity established in the Latin American tradition stemming from the core beliefs of las Casas and Bolívar. Twentieth-century philosophies along the lines of Martí and Ortega carry the Latin American

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178 Diario de Sesiones, Garcia-Granados, 179.
179 Per Glendon’s Forgotten Crucible, 30. During the 1940s, Cuba was operating under a democratic constitution. Dictator Batista was ousted in 1944, but then returned to power in 1952, until 1959.
180 Diario de Sesiones, Almengor, 180.
181 Ibid., 182.
182 Ibid.
183 Diario de Sesiones, Garcia Bauer, 250.
tradition into the modern era, while at the same time coincided with international trends towards human rights initiatives. Although Latin American traditions for social justice differed from the European models, labor rights and social guarantees achieved similar goals for establishing a framework for individual rights. The relationship between the State and the individual reflects a concern for elevating Guatemala’s culture through improved hygiene and raising educational standards. Arévalo’s conception of ‘Spiritual Socialism’ is to be distinguished from Marxist socialism because its philosophy was derived from recognition of human dignity rather than economic disparities. The essence of the socio-political transition that took place in Guatemala during this time was reflected in the drafting of the 1945 Constitution. The following chapter will illustrate how the achievements that were made during the drafting of the Constitution influenced member nations of the Latin American region, but also how Guatemala’s experience contributed to the drafting of the Universal Declaration of Human Rights.
CHAPTER V
THE UNIQUE CHARACTER AND DISTINCT PARALLELS OF THE 1945 CONSTITUTION
RELATIVE TO REGIONAL AND INTERNATIONAL HUMAN RIGHTS INITIATIVES

This chapter establishes the unique character of human rights initiatives contained in the 1945 Constitution, constitutional rights that preceded regional rights initiatives developed through the Pan American Regional Conferences from 1933 to 1948. The collective advancements in human rights codified in Guatemala’s 1945 Constitution and initiatives proposed by the Latin American regional conferences influenced the creation of the United Nation’s Universal Declaration of Human Rights. In addition to distinguishing the unique aspects of the 1945 Constitution, this chapter identifies distinct parallels between the 1945 Constitution and the Latin American traditions of human rights. The extent of Guatemala’s contribution to the series of Pan American Conferences and United Nations debates are investigated and analyzed in this chapter as well. The chapter identifies how collective Latin American traditions influenced the creation of the social, economic and cultural elements of the Universal Declaration of Human Rights and pinpoints Guatemala’s contribution to the creation of the Declaration. Similar to the creation of the 1945 Constitution, there is a relation between democratic governance and social justice, and those similarities are evident in the Latin American regional dialogues. My research identifies an evolutionary process of human rights initiatives, which are presented in three chronological phases specific to this study. Guatemala’s socio-political development and intellectual understanding of human rights was greatly influenced by this series of discussions debated at Latin America’s early regional conferences.

The first phase of human rights developments is specific to the region, beginning with the notion of ‘Rights and Duties of States’, a declaration first conceived in the 1933 Seventh Inter-American Conference in Montevideo. The 1938 Eighth Inter-American Conference in Lima created the “Declaration in Defense of Human Rights”, which coincided with and expanded the idea of ‘Rights and Duties of States’. Similar to Guatemala’s revolutionary thinkers, many of the Latin American nations and their political leaders understood the implications of the Spanish Civil War (1933-1939) and energized political passions that inspired their contemporary understanding for advancing human rights.
The second phase of the evolution of human rights examines the international impact derived from the Great Powers’ victory over totalitarianism. Most notably, FDR’s January 1941 “Four Freedoms Speech” served as a catalyst to further promote and justify social justice initiatives for Latin American nations, as well as for the 1945 Constitution. Eight months later, the Atlantic Charter (August 14, 1941) provided hope for national independence and introduced the modern concept of ‘self-determination’ to European colonial territories. These national and territorial integrity initiatives strengthened Guatemala’s decades long claim against Great Britain for the territory of Belize. The concept of ‘territorial integrity’ gave credence to Guatemala’s territorial claim as a sovereign nation and was integral in the regional discussions of national sovereignty. Guatemala’s arguments became a topic of great importance in the series of Pan-American regional conferences during the 1930s and 1940s. In anticipation of the Allied victory and post-war reorganization, the U.S. hosted the international peace and security discussions at Dumbarton Oaks (August 21- October 7, 1944). Through those discussions, the United States, Great Britain, the Soviet Union and subsequently China, formulated the basis for the structure of the United Nations Charter. In response to the closed nature of the Dumbarton Oaks initiatives, the Latin American nations met in Mexico City (February-March 1945) to coordinate their collective regional interests in preparation for the upcoming San Francisco Conference (April 25-June 26, 1945) that created the United Nations Charter.

In response to the San Francisco Conference, the third phase of the evolution of modern human rights involved another series of regional conferences designed to form a singular voice to the Latin American nations on the international stage. The first regional meeting in Rio de Janeiro (August 5- September 9, 1947) created the ‘Inter-American Treaty of Reciprocal Assistance’, or the ‘Rio Pact’. The treaty provided specific provisions for regional security in concert with, and permitted by Article 51 of the United Nations Charter. The essence of the treaty considered an attack on one nation in the Western Hemisphere an attack on all. The United States joined the Latin American nations in support of the Rio Pact, and set the stage for the Ninth Inter-American Conference in Bogotá six months later.

At this stage, the Guatemalan delegation plays a substantial role in the regional discussions, specifically at the 1948 Bogotá Conference. Guatemala’s democratic achievements and the advances in social justice codified in the 1945 Constitution are well known by member States. The Bogotá Conference incorporated the Pan American Union (originated in 1910) within
the politically strengthened and legally organized Organization of American States (OAS). The accomplishments of this conference included the major reorganization of the Inter-American System, agreements pertaining to mutual defense, and advances in economic, social and cultural matters. The achievements of the Ninth Conference in Bogotá served as a basis for the formulation of the social, economic and cultural developments advanced through the provisions of the United Nations Charter. Moreover, the Latin American Delegations heavily influenced John P. Humphrey, the First Director of the Human Rights Division of the United Nations in 1947, who was assigned to develop the first draft of the Human Rights Declaration. This chapter substantiates Guatemala’s role as a model for other Latin American nations in terms of their national social democratic reform agenda, controversial experience with foreign corporations, and their anti-colonialism arguments. Guatemalan delegates argued for, territorial integrity, national sovereignty, and argued against the remaining military dictators in the region and the imperialistic aims of industrialized nations.

The series of developments described above culminates with the investigation of the discussions of the Official Records of the Third Session of the United Nations General Assembly, which debated the proposed Articles comprising the Universal Declaration of Human Rights (UDHR). This chapter highlights Guatemala’s United Nations Representative, Carlos Garcia Bauer, who participated and contributed actively in the Third Committee discussions that finalized the articles of the UDHR. As the delegate representing Guatemala’s interests at the United Nations, Garcia Bauer became an internationally recognized proponent of human rights. Furthermore, the study verifies his direct contribution to the Third Committee.

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1 Ann Van Wynen Thomas and A.J. Thomas, Jr., *The Organization of American States*, (Texas: Southern Methodist University Press, 1963). Thomas and Thomas have prepared a most comprehensive study of the Organization of American States. Book I describes the historical background, beginning with the Pan-American Union and World War I. The legal characteristics and organizational structure of the OAS is detailed in Book II. Books III & IV cover the principles and functions of the OAS with specific details relating to each of the conferences and special meetings described in this chapter.

2 John P. Humphrey, *The Inter-American System: A Canadian View*. (Toronto: The Macmillan Company of Canada, Ltd. 1942). Humphrey’s research explores the character of the Latin American tradition of human rights, with specific reference to the origins of thought that contributed to his documented outline, or first draft, of the articles of the Universal Declaration of Human Rights.

discussions and determines how his arguments reflected the topics discussed by the ‘Committee of Fifteen’ that crafted the Articles of Guatemala’s 1945 Constitution.

After establishing the evolutionary nature of the events and developments described above, the chapter proceeds to examine the stark connections between the Bogotá Conference achievements, the inclusion of their collective concerns in the United Nations Charter, and the formulation of the Universal Declaration of Human Rights. This examination cites the official transcripts of the discussions, U.S. government documents commenting on the Bogotá Conference, and independent analyses from respected international observers. In conjunction with these primary sources, published speeches by President Arévalo and excerpts from the Official Pan American Bulletins provide an ongoing commentary of Guatemala’s reform developments from 1945 to 1948. The evidence proves how Guatemala’s initiatives coincided with, and influenced regional and international developments in terms of social, economic, cultural and human rights initiatives.

The Pan American Bulletins of 1945-1948 provide progress reports on the development of the Latin American delegation’s efforts to align their national and collective regional objectives with the international developments of the United Nations. The speeches of leading figure’s, published articles from Latin American members, and members representing the United States demonstrate both the agreements with and opposition to certain elements of the relation between regional and international concerns. Many of the articles published in the Pan American Bulletins provide further evidence of the continuing Latin American traditions of human rights born from las Casas’ notions of universality and moral responsibility, Bolivar’s political aspirations for Latin American nations, and Martí’s continuing legacy for social justice.

United States government reports from the Department of State, U.S. Embassies, U.S. Government Agencies and the Central Intelligence Agency include status reports, track developments, and offer the U.S. opinions of the developments in the Latin American region during the 1945-1948 periods. In addition, U.S. government reports relating specifically to Guatemala’s reform initiatives and the effectiveness of President Arevalo’s administration provide further evidence of Guatemala’s national achievements from the U.S. point of view. On the other hand, citations from President Arevalo’s published interviews and addresses will provide evidence of disagreement, as well as support for U.S. policy in the region and Guatemala’s national reform agenda.
One of the objectives of this chapter is to further identify the 1945 Constitution’s labor reforms that created a balance between individual rights and duties, with social rights and duties, which preceded similar liberal regional socio-political advances. In addition to national achievements, the Guatemalan Delegation played a primary role in regional discussions regarding regional concerns of territorial integrity, eliminating dictatorial regimes, social equality and addressing indigenous rights. Regarding the development of international human rights, Guatemala’s own national experience heightens the understanding of the important relation between small underdeveloped states and larger industrialized societies in an interdependent world community. This chapter demonstrates how Guatemala’s social reforms inspired democratic systems of government to balance social justice and welfare within capitalistic economic systems for the goal of advancing equality and the high aims of human rights.4

5.1 1930s Regional Events and Conferences leading to International Human Rights Initiatives

A major turning point in the relationship between Latin American countries and the United States came with President Franklin D. Roosevelt’s 1933 inaugural address that declared a new U.S. policy of non-intervention in the Southern Hemisphere. As stated earlier in this study, the Platt Amendment of 1901 and the Roosevelt Corollary of 1904 extended the terms of the 1823 Monroe Doctrine.5 Both unilateral doctrines authorized U.S. armed intervention into the internal affairs of a nation if hemispheric security was threatened. U.S. Marine Officer Smedly Butler’s earlier account of armed interventions in the region protecting business interests included U.S. occupation of the Dominican Republic, Honduras, Haiti, and Nicaragua, among others. The devastating economic conditions resulting from the Great Depression influenced U.S. policy away from military interventionism towards diplomatic and trade based economic relations. In essence, this shift of power and influence created space for a large measure of U.S. authority in the region’s domestic economies. Foreign corporate arrangements with Latin

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4 As with many scholarly studies investigating a variety of aspects of the Universal Declaration of Human Rights, this study will also rely on Johannes Morsink’s in-depth research that documents the origins, drafting and intent of the UDHR. Morsink’s analysis, combined with John P. Humphrey’s 1942 account of Latin American tradition in social justice, his 1947 documented outline of the human rights draft, and his 1984 hindsight analysis on human rights and the United Nations, will provide specific evidence relating to Latin America’s and Guatemala’s contribution to the advancement of international human rights.


5 See Chapter I, 1.4, The Implications of the Monroe Doctrine.
American military/political leaders, such as Guatemala’s Ubico and United Fruit Company, coupled with diplomatic force authorized through Washington ensured future cooperation in the region. The complexion of intervention softened and became the work of ambassadors and their staffs, as advisors on military and economic fronts, and private capital.

Although U.S. interests prevailed, the language of the Good Neighbor Policy also prompted Latin American nations to focus on the new rights initiatives contained in the policy. President Roosevelt insisted, “In the field of world policy I would dedicate this nation to the policy of the good neighbor; the neighbor who resolutely respects himself and, because he does so, respects the rights of others.” The non-interventionist policy generated a sense of territorial recognition to the nations of Latin America, a policy that empowered the democratic forces within those nations. While the impact of this new policy encouraged the Latin American intellectual community to advance their new independence towards humanitarian concerns, the U.S. policy maintained its direct and indirect support to dictatorships in the region, as with Guatemala’s Ubico. Within nine months of FDR’s introduction to the new intergovernmental terms provided for in the Good Neighbor Policy, the Seventh Inter-American Conference in Montevideo, Uruguay convened (December 26, 1933). In reaction to the Latin American nation’s revised status and recognition according to the Policy, the conference members sought to formalize their new status and produced the “Convention on the Rights and Duties of States”. The purpose of the Convention was to define and codify Statehood in a manner that had been historically recognized by legal norms and principles, but now to incorporate into customary international law.

U.S. Undersecretary Sumner Wells was one of FDR’s architects of the Good Neighbor Policy and a strong advocate of human rights. The Good Neighbor Policy “became the strongest contemporary force for international order”. Wells’ humanitarian influence within FDR’s administration was realized through the series of Latin American regional conferences and special meetings, including the terms later set in the 1941 Atlantic Charter. Five years prior to the Seventh Conference, the U.S. had refused terms of non-intervention at the Sixth Inter-

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6 President Franklin D. Roosevelt, 1933 Inaugural Address. See: www.history.state.gov/milestones/1921-1936/GoodNeighbor
8 John P. Humphrey, *The Inter-American System*, 41.
American Conference. At that Conference, U.S. Secretary of State Charles Evans Hughes justified U.S. intervention for the protection of U.S. lives and interests in countries where anarchy reigned. The U.S. approved and signed the 1933 “Convention on the Rights and Duties of States”, but U.S. Delegates included a long reservation that implied existing terms of international law may provide certain reasons for intervention. This stipulation generated concern among the Latin American members of the Pan American Union who were left with no definite policy on non-intervention.

Secretary of State Cordell Hull understood the Latin American nations were encouraged by the U.S. compliance with the non-intervention policy, but there remained a degree of lingering concern over the U.S. reservation. Hull assured the members at the conference that U.S. intentions were in fact, to pursue trust and friendship with Latin America, consistent with the non-intervention policy. Subsequent evidence of U.S. actions began to prove U.S. compliance concerning the provisions of non-intervention in the region. U.S. forces withdrew from Nicaragua just prior to the Seventh Conference. In 1934, U.S. troops withdrew from Haiti and Cuba was freed from the terms of the Platt Amendment, resulting in the absence of intervention during the Cuban Revolution that ousted Batista’s regime, regardless of U.S. commercial interests. In 1936, the U.S. and Panama signed a bilateral treaty terminating the previous U.S. right of intervention. By March 1938, U.S. commitment to non-intervention regarding commercial interests was further proven as the Mexican government expropriated foreign owned properties of the U.S. oil industry, without the Department of State intervening to protect the interests of U.S. companies. The evidence of the U.S. commitment relieved members of the Latin American region, but continued to seek a legally binding agreement. In addition to evidentiary events of non-intervention, the special “Conference for Maintenance of Peace” held in Buenos Aires 1936 generated an “Additional Protocol to Non-Intervention”, signed by the U.S. without reservation. This agreement marked a radical change in U.S. foreign policy towards its Latin American neighbors.

According to the 1933 Convention on the Rights and Duties of States, the definition of statehood equated states as persons in the eyes of international law. In terms of human rights,

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9 Ibid., 21.
10 Humphrey, The Inter-American System, 117.
11 Convention on the Rights and Duties of States, Articles 1&2. Article 1: The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and
this definition of statehood later committed states to additional provisions for individual and collective rights through international law. For Guatemala and the other Central American nations, terms of the 1933 Montevideo Conference granted those nations the right of revolution, according to prior U.S. treaties. This elevated status of national sovereignty widened the Conference agenda to include topics relating to the organization of peace, problems of international law, political and civil rights for women, economic and financial problems, and intellectual cooperation. Out of a total of ninety-five Conference resolutions, important progress was made in codifying international public law, laws pertaining to nationality, women’s rights and nationality, and political asylum. Labor and social problems were prominent on the Conference agenda. Specific resolutions pertaining to intellectual workers, housing, unemployment, improving conditions of the working class, and women and children’s right were advanced. One of the more important Latin American victories was the strengthening of Latin American sovereignty, contained in Article 9.

At the time of the 1933 Seventh Inter-American Conference, the 1932 Chaco War between Paraguay and Bolivia ensued. Prompted by the discovery of oil, Paraguay and Bolivia were at war over an unsettled boundary dispute dating back to the Spanish colonial era. As a result of the terms of the Seventh Conference, both nations agreed to an armistice. Although regarded by historians as the bloodiest conflict in Latin American history since the Paraguayan War (1864-1870), the cease-fire agreement demonstrated the effectiveness of the peace agreements resulting from terms of the Seventh Conference. The importance of peace was expressed in the 1948 report to the U.S. Department of State, “...machinery and procedures are secondary to the willingness and decision to use them.” This conclusion echoed the sentiments of John P. Humphrey’s 1941 study of Latin America, “Even the most perfect machinery will not...”

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13 Ibid., 118.
14 Ibid., 133.
15 *Convention on the Rights and Duties of States*; Article 9, paragraph 2: “Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the national”.
16 Humphrey, 132.
17 William Sanders, *Sovereignty and Interdependence in the New World; Comments on the Inter-American System*, (Department of State Publication, February 8, 1948), 184.
bring peace unless there is a will to make it work.”\textsuperscript{18} Foreshadowing the underlying purpose of the Universal Declaration of Human Rights, Humphrey continued, “An essential part of any peace program, therefore, is the education of the peoples of the various countries to respect each other.”\textsuperscript{19} In the coming years, regional meetings, treaties, and two more Inter-American Conferences would be held. The spirit of cooperation among the Latin American members of the intellectual and political communities took these early initiatives and built on these fundamental values to further advance social democratic principles based on the Latin American tradition of human rights.\textsuperscript{20}

The United States had strategic interests for peace and solidarity in the region due to growing political upheaval and building threats to security in Europe. Fascist ideologies were building on the European continent and the U.S. concern regarding fascist influences of economic and political force in the western hemisphere were of primary importance. 1935 marked the beginning of the Italian invasion of Ethiopia, and in Germany Hitler proclaimed compulsory military service directly violating the terms of the Versailles Treaty. European concern was shared by the Latin American nations as well due to their membership in the League of Nations, as well as their longtime connections with European societies. Argentina, the most powerful state in South America, was mostly affected due to their political affiliations and economic dependence of exports to European markets.\textsuperscript{21} Hitler deployed military strength by reoccupying the Rhineland in March of 1936, and the 1938 Nazi control of Munich, followed by the invasions of the Sudetenland of Czechoslovakia, Austria and Poland. During this time, Guatemala’s German coffee plantations were flourishing under the protection of the Ubico regime and caused concern among the country’s liberal leaders, as well as the United States.\textsuperscript{22} In 1942 Ubico had a quarrel with the American Minister in Guatemala over Ubico’s support of Germans in Guatemala. According to the FBI report, Germans controlled Guatemala’s coffee industry and the FBI believed the Germans were in a position to control the majority of the nation’s finances.\textsuperscript{23}

\textsuperscript{18} Humphrey, 147.
\textsuperscript{19} Ibid.
\textsuperscript{20} Thomas, \textit{The Organization of American States}, Book IV, XVII. \textit{Maintaining the Peace of the Americas}, 296-315.
\textsuperscript{21} Ibid., 134.
\textsuperscript{22} FBI to Assistant Secretary of State Adolf A. Berle, Jr., January 13 1942. \textit{Nazi and Fascist Activities}, 4-7. NA814.00/1371. See Chapter I, 1.6, \textit{The Impact of German Immigration}.
\textsuperscript{23} FBI to Assistant Secretary of State Adolf A. Berle, Jr., January 2, 1942. NA814.00/1386.
More directly related to Guatemala and Latin America, the Spanish Civil War (1936-1939) brought the threat of totalitarianism and the brutal treatment of civilians to the minds of the liberal political elite who envisioned social democratic governance. Latin America’s intellectual community was concerned about maintaining their fragile connection to Europe’s academia. The Committee of Fifteen discussions described in Chapter 4, illustrated their concern over Franco’s dictatorial rule, under what was termed a “Republic”, imposed by state sanctioned human rights violations. In addition to Latin American concerns, they were shocked at European and United States impassiveness to the brutal treatment of civilians by Franco’s forces. The impassiveness displayed by the Western powers would become evident again when Latin America’s concern for social, economic and cultural issues for the United Nations faced initial resistance. The West’s rights priority remained in the political and civil realm. The Spanish conflict gave rise to the notoriety of Spanish philosopher José Ortega y Gasset, who had introduced existentialism and German philosophy to the Latin American intellectual community. Considered the ‘Spiritual Father of the Spanish Civil War’, Ortega y Gasset promoted the belief that “...the intellectual elite must guide the masses.” Ortega y Gasset’s contention mirrors Arevalo’s 1932 sentiments as previously demonstrated in the “Doctrine in the State of Plato”, as Arévalo presented his conception of the ‘philosopher king’ as the elite man of reason best suited to rule the masses in a just manner.

Earlier in this study, it was noted that Guatemala’s Garcia-Granados participated as a journalist in Spain during a portion of the civil war. Garcia-Granados, as well as many Latin American liberal idealists, had their political passions aroused by the Spanish Civil War. Conflicting opinions about Spain’s civil war sharpened domestic conflicts over social initiatives in Latin American countries, especially Mexico. State sponsored rights abuses that pervaded certain Latin American regimes were well known among the liberal members of Latin America. Despite the acts of abusive regimes, certain progressive individuals, for example President Arévalo, would later be recognized by Latin American scholars as leading figures in movements.

24 See Chapter IV, 4.4, Organizing a New Guatemala.
25 Susan Waltz, Universalizing Human Rights, 67.
26 H.E. Davis, Trends in Social Thought in Twentieth Century Latin America (Miami: Center for Latin American Studies at the University of Miami, 1959), 61.
27 Ibid. 61.
28 See Chapter III, 3.2 Triumvirate Leaders.
29 Ibid., 63.
regarding the non-recognition of dictatorial regimes, and the wellbeing of their poor and indigenous populations.\(^{30}\)

In addition to the rise in political passions in response to the Spanish Civil War, humanitarian passions were displayed and affected the international audience. Using modern art as a symbolic representation, Pablo Picasso displayed his grey, black and white mural-sized painting (11x25.6 foot), “Guernica”, at the 1937 World’s Fair in Paris bringing worldwide attention to the human tragedy. Picasso was inspired to create the piece after he had heard of the tragic aerial bombing of innocent civilian men, women and children in the Basque town of Guernica. Franco had approved the devastating assault by the German Luftwaffe and Italian Air Force against this defenseless town of approximately six thousand civilians, of which sixteen hundred lives were lost. Although international news agencies filmed and reported on the devastation, Picasso’s interpretation through art captured the viewer’s deep sense of humanity and portrayed human life’s frailty against tyrannical forces. The painting’s enduring anti-war reputation as a symbol of human rights and the horrors of war are evidenced by its tapestry rendition and have earned an honored place on the wall of today’s United Nations.

Ten years after the Montevideo Conference, the Eighth Inter-American Conference in Lima, Peru convened (December 9-27, 1938). The focus among the Pan American Union Representatives shifted from 1933’s regional concerns of non-intervention towards 1938’s Nazi-Fascist threatening ideologies, resulting in world war.\(^{31}\) The conference met shortly after Hitler’s march on Munich and the Nazi invasion of Czechoslovakia. Now it became evident to the democratic nations that Fascist powers were intent on expansion through aggressive measures to gain economic and political advantage. The Spanish Civil War continued and Western powers recognized the potential threat to continental security from Franco’s alliance with Germany and Italy as a repayment for their participation in the civil war.\(^{32}\) Secretary of State Cordell Hull addressed the members on the second day of the Eighth Conference and expressed U.S. determination to prevent an invasion of the Western Hemisphere. The majority of the Latin American nations supported Hull’s argument, but Argentina, Uruguay, Paraguay and Bolivia

\(^{30}\) Ibid., 64.
\(^{32}\) U.S. Embassy to Secretary of State, February 2 1945, *Statements by Guatemalan Minister of Foreign Affairs in Newspaper Interview concerning: Withdrawal of Recognition of Franco Government in Spain and General Basis of Projected New Constitution*. NA814.00/2-245.
hesitated before they agreed. Unlike most Latin American nations, Argentina and Uruguay had large Italian elements among their populations, and Brazil had the largest German minority in Latin America. Germany’s penetration into Latin American economies was based on Germany paying above market value for the region’s products, but the payments were made with ‘Askimarks’, only to be used to purchase German goods.

Although no new conventions were adopted at the 1938 Lima Conference, a new level of political solidarity arose among most of the Pan American Union Members, evidenced by one hundred twelve adopted resolutions. Up until this point, the Pan American Union intentionally avoided politically sensitive issues, but instead focused on economic, social and cultural coordination. Lima’s strategic advance for Latin American nations was the new political authority established with the U.S. and Western democratic nations. Democratic ideals brought into question Latin American dictators acting under the guise of democratic institutions. The most obvious leader to fall into this hypocritical category was Guatemala’s Ubico, but more ironic than Ubico was Peru’s dictator/president, General Oscar R. Benevides, who opened the Lima Conference. At the time of the Conference, Lima’s prisons were overflowing with political prisoners.

Principles of equality, independence, and voluntary co-operation between the American republics and the United States were assured with the signing of the 1938 “Declaration of American Principles” alleviating past Latin American fears and suspicions of U.S. intentions. More commonly referred to as the “Declaration of Lima”, the document provided a principle of consultation to be carried out by the “Meeting of American Ministers for Foreign Affairs” to be called by any one of its members. A variety of these foreign minister meetings were held in reaction to unfolding events leading to the outbreak of World War II.

Although the majority of the meetings at the Lima Conference addressed the immediate need for hemispheric security, social concerns were also addressed and took form in certain resolutions. Reiterating international standards of morality, the ‘Committee of Experts’ was formed by resolution to address the region’s economic problems, as well as political and civil

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33 Humphrey, The Inter-American System, 153.
34 Ibid., 162.
35 Ibid., 163.
36 Ibid.
37 Thomas, The Organization of American States, 23, and Humphrey, The Inter-American System, 156.
38 Thomas, see Declaration of Lima, 23-24 and Meeting of Consultation of Ministers of Foreign Affairs, 180-193.
rights, rights for women, intellectual co-operation, and moral issues.\(^\text{39}\) Approval of the “Declaration in Defense of Human Rights” led to certain Conference resolutions that covered social subjects, such as housing, family income, social welfare, education, cultural relations, Indian life, religious and racial persecution, and humanitarian practices in war.\(^\text{40}\) A resolution promoting free expression of opinion was intended to advance domestic political democracy that appealed to the liberal and socialist factions of each nation. In terms of growing concerns regarding labor, a resolution promoting the free association of workers bolstered arguments utilized in Guatemala’s upcoming revolutionary movement, as well as other nations strapped with oppressive labor conditions.\(^\text{41}\)

Scholars and political figures of the 1930s revived the interest in las Casas’ early teachings of human dignity as a universal concept. The humanitarian issues originating from las Casas reverberated through the intellectual and political currents of the time. Latin Americans proudly acknowledged las Casas’ seminal revelations of individual rights and human dignity that predated Enlightenment philosophy, or modern liberal rights theories. Las Casas’ inspiration became representative in the tradition of the Latin American conscience and his doctrine considered one of the historical antecedents of the 1948 generation of human rights advocates.\(^\text{42}\) The injustices that accompanied conquest and colonization led to las Casas’ doctrine of Christian humanism that recognized universal brotherhood among all men. The 1930s revival of las Casas as well, citing las Casas’ framing his argument for ‘requirements for justice’ in terms of the rights of Indians, brought to light the notion of ‘cultural integrity’. Members of the revival used the challenge of including indigenous populations into the general society for “providing a utopian view of justice and making things right.”\(^\text{43}\) The Latin American fusion of moral and political traditions based on Las Casas’ doctrines became a characteristic feature of Latin American political philosophy and constitutional law.\(^\text{44}\) These traditions led to the combination of first generation political and civil rights, with second generation rights of social justice in the regional discussions. The principles of the Latin American tradition are made evident in the labor, family, and culture sections in Chapter II (Social Guarantees) of the national Guatemalan

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\(^{39}\) Humphrey, *The Inter-American System*, 156.

\(^{40}\) Ibid., 166.

\(^{41}\) William P. Cochran, Jr. Chargé d’Affaires to Secretary of State, April 1, 1942. *Conditions in Guatemala*. NA814.00/385.

\(^{42}\) Carozza, *From Conquests to Constitutions*, 281.


1945 Constitution. The design of combining these categories of first and second generation rights became prevalent in the future international discussions of human rights. The revived legacy of las Casas was “...not simply a historic figure, but part of a continuous narrative of the idea of human dignity, rights, and freedom in Latin America.”

In this first phase of the evolutionary process towards human rights, two important goals had been reached that further defined Latin America’s status in the international arena. The Pan American Union Member States voted to accept political authority, which strengthened their sovereign status among the international community. Armed with this new level of sovereign status, their ability to advance liberal positions for social issues was strengthened as well. Recognizing the importance of human rights as the essential element in socio-economic advances, steps towards social equality were beginning to be defined in twentieth century terms. Within nine months after the Lima Conference, the anticipated war broke out in Europe. The advent of world war brings this study to the second phase of the evolutionary elements of human rights.

5.2 1940s Events and Conferences leading to International Human Rights Initiatives

At President Franklin D. Roosevelt’s January 6, 1942 State of the Union Address to Congress for his third term, the President introduced to the world his ‘Four Freedoms Speech’. Freedom of speech and freedom of worship were essential individual rights codified in the U.S. Constitution, protecting political and civil rights. Contemporary notions of freedom from want and freedom from fear expanded the traditional liberal provisions of the U.S. Constitution by addressing social and economic rights. Freedom from want reflects the economic disparities that caused human suffering, which societies endured during the Great Depression. Freedom from fear addressed the security threat to innocent civilians who suffered casualties resulting from twentieth-century warfare. In a world where advanced weapon technology indiscriminately threatened human safety and quality of life, President Roosevelt projected a future that would

45 Morsink, *The Universal Declaration of Human Rights*, see Chapter 6, 6.4, *The Distinction Between “Old” and “New” Human Rights.*, 222
46 Carozza, *From Conquests to Constitutions*, 296.
provide economic security through peace, and thus reduce the need for expanding military arms for all nations.  

On the world stage, President Roosevelt’s ‘Four Freedoms Speech’ articulated the concept of ‘fundamental freedoms’. The universal concept of ‘fundamental freedoms’ inspired the emerging spirit of socially conscious democratic nations, and more directly, the creation of Guatemala’s 1945 Constitution. In the minds of some, the Four Freedoms were Franklin D. Roosevelt. This study confirms that the notion of Four Freedoms did in fact inspire the members of the 1944 Revolution to demand a democratic system of government that went well beyond traditional ‘voting rights’, the most basic of democratic freedoms. In addition to liberal values of free speech and freedom of religion, the 1945 Constitution incorporated freedom of want and fear into Articles of their Constitution, followed by specific laws to enforce the terms of the Article. As a result of Guatemala’s revolutionary movement, the 1945 Constitution dedicates the first section of Chapter II, Social Guarantees, with fifteen individual articles relating to provisions for labor. The constitution’s primary focus on labor is served as a catalyst for human rights issues such as social security, women’s rights, and protections for children and family that were protected as an extension of the constitution’s labor reforms. These constitutional protections, together with ideals supported by the U.S. President, provided fertile ground for justifying the advance for domestic social reforms. Early speeches by the figures of the October Revolution, such as Guillermo Toriello, cited FDR’s Four Freedoms in their revolutionary protest speeches. As we have seen through the Committee of Fifteen discussions, FDR’s Four Freedoms and other initiatives were strategically employed by Members to validate their positions on social issues. This level of inspiration and incorporation of the Four Freedoms into the text of the 1945 Constitution are considered progressively unique to Guatemala.

On the other hand, the level of inspiration derived from the Four Freedoms to directly affect domestic rights projects were not received in the positive manner by remaining nations led by dictatorial regimes and their political representatives. Research suggests that the Four

47 Haas, *International Human Rights*, 205. See Drew to Secretary of State, March 27, 1943. José Rolz Bennett, a faculty member and Director of the Guatemalan Club, was summoned to Ubico’s Police Headquarters for discussing the formation of “A Faculty of Humanities” and displaying posters of the “Four Freedoms” that were ordered to be taken down. NA814.00/1422.
49 FBI to Assistant Secretary of State Berle, June 24, 1944, *Possible Revolution*, 4. NA814.00/6-2444.
50 Ibid., 5.
Freedom Speech ‘articulated’ the notion of ‘fundamental freedoms’, but many felt FDR’s Four Freedoms served more “as a catalyst to circulate ideas, not an event that inspired the project.”
As stated earlier, dictatorial powers remained in Latin American nations under the guise of democratic constitutions. Regardless of the domestic policies of various nations, the collective notion of recognizing ‘fundamental freedoms’ incorporated in the 1945 Constitution was eventually adopted at the international level, evidenced by its prominent place in the Preamble of the Universal Declaration of Human Rights.

Eight months after FDR’s Four Freedoms Speech, the Atlantic Charter, a joint plan between the U.S. and Great Britain for peace, was signed. Although the Atlantic Charter was not a binding official document, it made provisions for a future peace and supported the principles of the Four Freedoms. In terms of an Allied victory, Great Britain saw the promise of the Atlantic Charter as a means to maintain loyalty among its colonial armed forces. For the promise of future peace, the document renounced territorial aggrandizement, promoted disarmament of aggressor nations, and opposed territorial changes not approved by the people involved. In the advancement of human rights, the document supported the democratic right of self-determination for people to select their own form of sovereign self-government and provide social security. The right of self-determination was a major compromise for Great Britain because of the material value of its long held territories of its colonial empire. As a result, India became independent after the war and the remaining European colonies sought independence in the following decades. As a promise to the inhabitants of colonial territories, as well as developing democracies like Guatemala, the liberal notion of self-determination had wide appeal to advance democracy and would reverberate through future international discussions relating to human rights. In order to implement these aims, economic prosperity was highlighted in the terms of the agreement. Equal terms for trade and raw materials, improved labor standards, and securing economic and social conditions for all the people of the world contributed to freedom from want. On January 1, 1942, the countries signing the United Nations declaration pledged to adopt the principles of the Atlantic Charter.

52 Thomas, *The Organization Of American States*, 232-233. The Inter-American Council of Jurists prepared the Draft Convention on Human Rights resulting from committee meetings of the Ministers of Foreign Affairs. The result of their work was the basis for creating the Inter-American Commission on Human Rights, an autonomous entity of the OAS, whose function was to prepare studies and recommendations for progressive measures to advance human rights.
At the time of the meeting between FDR and Churchill, the United States remained neutral in the war due to the prevailing isolationist sentiment in the U.S. Senate. On the other hand, U.S. private industry supported Great Britain with materials and arms for the European war effort. Within six months of the Atlantic Charter, the Japanese attacked Pearl Harbor (December 5, 1941) and the U.S. formally declared war against the Axis Powers. Guatemala, together with the other Central American States and Panama immediately declared war and partnered with the United States. Mexico, Venezuela and Columbia initially severed diplomatic relations and later declared war.\(^{53}\) The advent of war proved successful and the solidarity secured during the series of regional meetings during the 1930s proved successful. As the years of the war proceeded and the Allied victory became evident, discussions of international peace and security between the United States, Great Britain, the Soviet Union and subsequently China took place at Dumbarton Oaks (August 21-October 7, 1944). The major aim of the discussions centered on collective security and peace by creating the United Nations. The main interest of the Great Powers was to manage the international peace process in order to provide results consistent with their own interests.\(^{54}\)

The unilateral nature of the Dumbarton Oaks Conference excluded the socio-economic interests of the Latin American nations. In response to the provisions stated in the Dumbarton Oaks proposals, Latin American nations prepared arguments to relieve the restrictions of regional organizations proposed by the Great Powers, provide mechanisms to check the dominant powers, as well as include principles for advancing social rights.

Forming a political consensus among the Latin American nations was not an easy task for a few member nations. Four months after the Dumbarton Oaks proposals, and two months before the San Francisco Conference that created the new organization for world peace and security, the Inter-American Conference on Problems of War and Peace took place in Mexico City (February-March 1945). Regional solidarity among various Latin American regimes had not been accepted by all. For example, Argentina originally proposed the Conference even though the country had not yet declared war against the Axis Powers. The meeting took place without inviting delegates from Argentina. Subsequent negotiations took place and the matter was settled with Argentina declaring war against the Axis Powers. The nations that had severed diplomatic relations with Argentina reopened their Embassies. This gesture of the Pan American Union Members to

\(^{54}\) Waltz, *Universalizing Human Rights*, 52.
pursue consultation and negotiation serves as evidence that their ideas for peaceful settlement were effective.

The immediate purpose of the Mexico City Conference was to discuss how to restructure and strengthen the regional inter-American System within the auspices of the United Nations Charter and the new international system. The Latin American objection to the restrictions on regional systems contained in the Dumbarton Oaks proposals prompted the need to reorganize, consolidate and strengthen the regional system. The successful restructuring of the organization yielded more power, resulting in a binding agreement on continental security, which was imperative for peace and security in the future.

The Mexico City Conference produced the Act of Chapultepec, Resolution VIII, which introduced provisions for collective sanctions, both political and economic, as well as armed force, against attacks within the hemisphere or abroad. The power of the collective sanctions for the Latin American nations increased their level of trust in the United States and its policies. The terms of the Act of Chapultepec resulted in a permanent form with the Treaty of Reciprocal Assistance at the Rio Conference in 1947. An aspect of collective sanctions providing more aggressive measures was proposed by the Guatemalan delegation. In addition to collective sanctions, Guatemala’s resolution called for a further action of collective non-recognition as well. Known as the Guatemalan Resolution, the proposal was consistent with President Arévalo’s beliefs regarding regional security and the danger of allowing dictatorial regimes to maintain power. As the only OAS member nation empowered with the most recent democratic national constitution, the Guatemalan delegation debated that democratic governance was the most effective remedy against the dangers of dictatorial regimes that threatened regional security. The Guatemala delegation demanded that the weapon of non-recognition against anti-democratic regimes was warranted in order to maintain peace and security in the region. Their contention was that anti-democratic regimes constituted a danger to unity, solidarity and peace in defense of the continent. Their recommendation included “American Republics to refrain from granting recognition to and maintaining relationships with anti-democratic regimes which, in the

55 Thomas, The Organization of American States, 28.
56 Ibid., 29.
58 Thomas, The Organization of American States, 218
future, may establish themselves in any of the countries of the continent; and in particular with
regimes which may result from a coup d’état against legitimately established governments of a
democratic structure.”⁵⁹ The Guatemalan delegation related their concern regarding the dangers
of security posed by anti-democratic regimes, as well as concerns about human rights abuses.
From the Guatemalan perspective, “World War II created a worldwide demand that the ‘rights of
man’ be recognized and protected on an international level and the Inter-American System
should support this universal yearning by recognizing anti-democratic regimes were the primary
cause of the denial of human rights and freedoms”.⁶⁰ Guatemala’s insistence on eliminating anti-
democratic regimes indicated that Guatemala sought to make national democracies an
international norm and to codify the requirement into international law.

Guatemala’s proposals proved to be too aggressive for regional implementation because
certain member states remained under constraints of dictatorial rule. Members were not yet ready
for such a stringent requirement so soon and the Guatemalan Resolution was referred to the
Inter-American Juridical Committee to study and report their findings to the Ninth Inter-
American Conference at Bogotá, scheduled for 1948.⁶¹ The resistance to this proposal was
based on the risk that Latin American States themselves could be subject to intervention by their
neighbors. Guatemala’s level of democratic character due to the principles of the recent
revolution and the new Constitution was clearly evident as they sought to apply their national
standards on the world stage.

The need for Latin American nations to elevate their status as a formidable regional
organization required a formal reorganization in conjunction with the terms set by the United
Nations Charter in Article 51.⁶² A report from the Department of State offered details of how the
reorganization of the Pan American Union accomplished their strengthening position and
curtailed the traditional U.S. prominence of the organization. Restructuring the Governing Board
with new representatives required all member states must designate specific delegates to the

⁵⁹ Sanders, Sovereignty and Interdependence in the New World, 173.
⁶¹ Ibid.
⁶² United Nations Charter, Article 51. Nothing in the present Charter shall impair the inherent right of individual or
collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council
has taken measures necessary to maintain international peace and security. Measures taken by Members in the
exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way
affect the authority and responsibility of the Security Council under the present Charter to take at any time such
action as it deems necessary in order to maintain or restore international peace and security.
organization. This rule change prohibited the traditional politically convenient diplomats stationed in Washington, D.C. and effectively broke up the old boy network. The new Governing Board was now responsible for preparing the draft of a “Project of Organic Pact of the Inter-American System”. The Inter-American Juridical Committee of Rio de Janeiro was assigned to prepare the draft of the Declaration of the Rights and Duties of Man.\footnote{Lottie Monross, \textit{The Bogotá Conference}. Public Affairs Bulletin No. 71, July 1949. (Washington, D.C.: The Library of Congress Legislative Reference Service), 4.}

To directly check U.S. power in the regional organization, the term for the Director of the Pan American Union was limited to ten years, not eligible for reelection, and the successor could not be of the same nationality as the previous Director. In essence, the new eligibility rule for high ranking positions within the new system ended years of U.S. power over the organization.\footnote{Sanders, \textit{Sovereignty and Interdependence in the New World}, 159-160.}

The reorganization of the Governing Board brought about an increase in the organization’s political power. Regarding social and economic issues, important to the member nations, the Conference transformed what had been an emergency body for economic and financial cooperation into a permanent body, the Inter-American Social and Economic Council, as an organ of the Governing Board.

The U.S. Director of the Pan American Union, L.S. Rowe’s response to the developments achieved at Mexico City was that “The Conference was the most significant meeting held.”\footnote{L.S. Rowe. \textit{1945 Pan American Bulletin}, 249.}

Rowe confirmed that the Conference had achieved regional authority within the U.N. system according to provisions of the Charter, but regional members remained concerned over the veto power of the permanent members of the Security Council. The veto power issue was debated repeatedly in the upcoming conferences. Six months after Mexico City, U.S. Secretary of State, James F. Byrnes, gave a speech that gave support to the newly formed Inter-American Economic and Social Council. The U.S. supported efforts to raise the region’s living standards, improve public health, and protect women and children against industrial exploitation.\footnote{James F. Byrnes. \textit{1946 Pan American Bulletin}, 13.} The majority of members understood that poverty and democracy could not co-exist. At the same meeting the Assistant to the Secretary of State, Spurille Braden, presented their principle objective, which was to preserve and strengthen democracy to facilitate economic cooperation, an essential
element to common prosperity, which would in turn raise the standard of living for impoverished members of democratic societies.\textsuperscript{67}

At the following April, 1945 San Francisco Conference, the Latin American nations were united on three issues regarding the formation of the United Nations; 1) autonomy of the regional system, 2) Argentina’s admittance to the United Nations and 3) their intention to limit the proposed veto power of the Great Powers. In a display of solidarity, the United States ultimately supported Argentina’s admittance. The regional conferences had established juridical equality among Latin American states, and now the principle of the veto power violated that measure of equality among nations. The battle to eliminate the veto power was lost, but Latin American nations retained a measure of regional autonomy according to the provisions of Article 51 of the United Nations Charter.\textsuperscript{68}

At this time, U.S. and Latin American distrust of the Soviet Union caused a shift from the threat of anti-fascism to the threat of anti-communism, taking the form of a Cold War mentality. Nelson Rockefeller, Assistant Secretary of State for the American Republics, who supported Latin America, took the view at San Francisco that “we couldn’t do what we wanted on the world front, unless Western Hemispheric solidarity were guaranteed.”\textsuperscript{69} As the Cold War mentality took hold, President Truman’s post-war key policy makers had little interest in, knowledge of, or even held contempt for Latin America and replaced past representatives, including Rockefeller who was fired in August of 1945.\textsuperscript{70} The lack of U.S. economic support to the Latin American allies was evidenced by $19 billion in U.S. foreign aid to Western Europe, compared to $400 million to Latin America.\textsuperscript{71} U.S. post-war interests were focused on maintaining peace and security in the world, and not the needs of the hemisphere. Latin American political, economic or social concerns remained as regional interests, out of the scope of the Great Powers.

The next major conference of American States was held in 1947 in Rio de Janeiro to formulate a regional collective security agreement against attack according to provisions detailed in Article 51 of the United Nations Charter. The Conference was held for two important reasons:

\textsuperscript{68} \textit{United Nations Charter}, Article 51.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid., 186. Latin America received less than 2% of total U.S. aid during the 1945-1950 period.
political and social. First, Mexico City’s Act of Chapultepec’s declaration of mutual assistance was raised in status to a legally binding document, the Inter-American Treaty of Reciprocal Assistance, or the Rio Treaty. The treaty was designed under the provisions of, and in accordance with the United Nations Charter. Due to the compliance with the terms of the United Nations Charter, the treaty provided Latin American nation’s a greater measure of political solidarity with the U.S. At the same time, formal recognition of the OAS gave strength to Latin America’s collective voice for advancing their concerns for social justice and human rights. The Inter-American Juridical Committee had been appointed in Mexico to draft the American Declaration of Rights and Duties of Man, to be presented for further consideration at Rio before formalization at the Ninth Conference at Bogotá in 1948. Several documents prepared at the 1947 Rio Conference formed the basis for discussion at Bogotá.  

The period between the 1945 Mexico City Conference and the 1947 Rio Conference provided the Latin American delegations time to prepare their collective arguments, but also gave certain national governments an opportunity to align their domestic views with regional and international developments. In Guatemala, President Arévalo expressed his ideas to the Cultural Relations Attaché of the U.S. Embassy on a variety of subjects. In addition to speaking about his aspirations for a future Central American Union, and the territorial integrity of Guatemala’s continuing territorial claim to Belize, the President commented on the upcoming Rio Conference. He said that the Guatemala delegation would “give the United States a bad headache” not only over Guatemala’s legal claim against Great Britain for the territory of Belize, but Guatemala’s insistence on eliminating dictatorships in the region operating under a democratic constitution. President Arévalo said that the victory in World War II had solved the struggle against dictators outside of the Western Hemisphere, but the problem of dictators in the American States was still unresolved. Claiming that every state should operate under democracy, Arévalo criticized the U.S. for continuing relations with known anti-democratic regimes, such as in Honduras, Nicaragua, the Dominican Republic and Argentina. President Arévalo promised that the selection of Guatemalan delegates would be committed to advance these issues of territorial integrity and non-recognition of de facto governments at the Rio Conference and beyond.

73 Andrew E. Donavan, II. Secretary of Embassy of the United States of America, September 12, 1946. NA 814.00/9-1246 OS/HH No. 1736, 2.
74 Ibid.
Collective non-recognition against regimes with subversive aims was initiated by the 1942 Emergency Advisory Committee for the Political Defense of the Continent. In 1943 a resolution was adopted for non-recognition of de facto governments taken by force. In that same year, Bolivia’s government was seized through a coup d’état by an anti-democratic junta, suspected of pro-fascist leanings. As a result of the Emergency Advisory Committee’s decision, nineteen American States withheld recognition and Bolivia was forced to purge certain pro-totalitarian elements. Guatemala led the regional effort against anti-democratic regimes because of Arévalo’s philosophical approach to democracy and Guatemala’s personal experience with past dictatorial regimes corrupted by foreign investment.

The U.S. position on de facto governments was contrary to Guatemala’s position. The U.S. position centered on two points; 1) continuity of diplomatic relations among Latin American nations was desirable, and 2) maintaining diplomatic relations with national governments does not involve judgment of that government’s internal policies. The U.S. policy on the first point allowed for continued discussion with anti-democratic regimes to maintain a measure of peaceful relations. The second point contained a hypocritical bias based on past experience with U.S. relations with dictatorial regimes, especially U.S. diplomatic and commercial history with Guatemala’s military dictators in the first part of the twentieth-century.

Guatemala rid itself of a series of consecutive dictatorial rulers and established a working social democratic constitution that addressed most of the abuses associated with totalitarian rule. Neighboring Latin American nations were well aware of the events and successful results of liberal revolutionary forces that demanded democratic governance in Guatemala. Additionally, few Latin American nations experienced the high degree of close relations between dictatorial rulers and foreign capital investment at the expense of the nation’s resources and its people, as did Guatemala. To this point, Latin American conferences had not clearly defined any set of uniform rules for dictatorial regimes, and military dictators in Latin America were considered an “old issue”. In a report authored by Assistant Secretary of State Braden, he admitted that dictators do not make good risks because corruption in government leads to dictatorship, and

75 Thomas, The Organization of American States, 217.
76 Ibid.
77 Monross, The Bogotá Conference, 55.
78 Sanders, Sovereignty and Interdependence in the New World, 173.
dictatorships sink into corruption.\textsuperscript{79} He continued to admit that in the past, American capitalist elements had committed mistakes and abuses that caused suffering of many by the guilty few.\textsuperscript{80} In defense of the U.S. government, he stated that the present position of the State Department disapproved of and strongly opposed any intervention in local political affairs by American businessmen or companies, which may lead to rumors that the Department of State was involved.\textsuperscript{81}

The evidence contained in President Arévalo’s comments at his meeting with the U.S. representative demonstrated his moral commitment to the philosophy of democracy, not only as a political instrument to advance capitalistic aims, but as a universal principle of governance best to serve the social rights for people of all nations. President Arévalo expressed great pride in his administration’s ability to advance social democracy in Guatemala according to the provisions of the 1945 Constitution. Recognition of Guatemala’s domestic social democratic advances served as a model for liberal democratic delegates represented at the regional conferences. Liberal delegates were committed to advancing social issues consistent with traditional Latin American social values that had evolved through the process of regional conferences. In addition to issues of \textit{de facto} governments, territorial integrity and, juridical provisions for labor, which included social security, education, health, family and culture, had all been provided for in the 1945 Constitution. These economic, social and cultural issues were discussed and determined on a regional, as well as international basis.

Latin American nations considered labor as a traditional social issue since implemented studies of international labor organizations were authorized at the Fifth Inter-American Conference in 1923.\textsuperscript{82} The Inter-American Juridical Committee was directed by the Mexico City Conference to draft a document of social guarantees for regional consideration. The resulting Inter-American Charter of Social Guarantees contained very specific labor provisions that prompted objections from the United States. Upon receipt of the draft, the U.S. delegation considered the text a detailed labor code instead of a declaration of fundamental principles.\textsuperscript{83} The United States voted against adoption with a formal reservation regarding the U.S. not bound by

\textsuperscript{80} Ibid., 10.
\textsuperscript{81} Ibid., 10-11.
\textsuperscript{82} Sanders, \textit{Sovereignty and Interdependence in the New World}, 174.
\textsuperscript{83} Thomas, \textit{The Organization of American States}, 19-20.
\textsuperscript{83} Monross, \textit{The Bogotá Conference}, 57.
the Social Guarantees Charter.\textsuperscript{84} This study has illustrated the differences between the Latin American idea of labor as a social issue based on moral grounds, and the capitalist notion of labor as necessary component of the commercial industrial machine where welfare concerns were a negotiable item used to hold the workers in check.\textsuperscript{85} For the Latin American contingent, labor would continue to be included as the major vehicle in the discussions of social justice and human rights in the coming international conferences.

Cultural issues originating from social disparities that accompanied dictatorial rulers, and the abuse of indigenous populations, characteristic of Latin American societies, would also continue to be a prevalent social issue that would be discussed on the international level. Latin American cultural initiatives in the form of social programs came to the attention of the regional conferences beginning at the 1936 Buenos Aires Conference with five of ten treaties pertaining to cultural issues.\textsuperscript{86} One third of the resolutions passed at the 1938 Lima Conference were related to cultural issues.\textsuperscript{87} The momentum for cultural awareness continued on the regional basis. The Inter-American Cultural Council, created in conjunction with studies undertaken by the United Nations Educational, Scientific and Cultural Organization (UNESCO) were presented at the 1948 Bogotá Conference.

The 1947 Rio Conference provided a legal basis for an inter-American security system and a treaty for reciprocal assistance that were finalized and codified at the 1948 Ninth Inter-American Conference in Bogotá. The decisions at the Rio Conference secured political agency to the regional organization for the first time in the organization’s history, as well as being perceived as the “creative phase in the political evolution of the Inter-American System.”\textsuperscript{88} In preparation for the Bogotá Conference, the unity of the Latin American nations demonstrated legitimacy through formalizing the regional organization on a juridical basis that formed the Organization of American States according to provisions of Article 51 of the United Nations Charter.\textsuperscript{89}

\textsuperscript{84} Ibid.
\textsuperscript{85} See Chapter IV, 4.3 Protecting Human Rights: Constitutional Articles versus Statutory Laws.
\textsuperscript{86} Sanders, Sovereignty and Interdependence in the New World, 175.
\textsuperscript{87} Ibid.
\textsuperscript{88} Sanders, 176.
\textsuperscript{89} Thomas, The Organization of American States, 32.
Several geopolitical and socio-economic imperatives were structured at the Rio Conference in preparation of the Ninth Inter-American Conference at Bogotá. Foremost, the Bogotá Conference member states achieved a legal basis for political authority of the Pan American Union as a body within the auspices of the newly formed Organization of American States (OAS). Consultative decisions now required a two-thirds vote, and mutual assistance against armed attack from in or out of the hemisphere was now a legal obligation of Members. These regional obligations were designed in concert with the legal and functional relations under the provisions of the United Nations Charter, and thus positioning Latin America as an integral part of the universal system of collective security. As a result of their recognized legal status, collective action of the OAS did not constitute intervention due to the mutual assistance terms of the Rio Treaty. Under the Rio Treaty members would act according to established procedures that were previously ‘agreed upon’, and therefore not an intervention.

At the Bogotá Conference, all twenty-one nations were represented and a representative of the United Nations was invited to attend in a gesture of international solidarity. The Conference achieved approval of five treaties, of which the first two dealt with political relations between nations. The Charter of the Organization of American States legalized the regional organization within the terms of the United Nations Charter. The structure of the OAS differed in one major respect; no veto power of any nation. The OAS insured essential democratic equality among states, and no members held veto power that could empower any single state to block any collective decision. The member nations of the OAS shared equal rights, as well as equal obligations. The theme of ‘equal rights and duties’ became a principle theme prevalent in most OAS agreements. The ‘American Treaty on Pacific Settlement’ (The Pact of Bogotá) was the product of years of negotiations among its members. The treaty adopted binding legal methods to resolve regional disputes either through the process of compulsory arbitration or submission to the International Court of Justice. The next three treaties were aimed at economic and social issues; The Economic Agreement of Bogotá, the Inter-American Convention on the Grant of Political Rights to Women, and the Inter-American Convention on the Grant of Civil Rights to

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90 Sanders, 168.
91 Ibid., 172.
92 Thomas, The Organization of American States, 156.
Women. In addition to the five treaties, the Final Act included forty-six resolutions and recommendations.93

Sixty years of experience in collective action and cooperation for the Latin American nations through the Pan American Union served as the foundation for the major reorganization of an international system achieved at Bogotá. The major reorganization of the new Organization of American States (OAS) not only provided a new structure for organizing the new regional system within the provisions of the United Nations Charter, but provided increased political power to the Latin American nations. 94 Political power in the international arena opened an avenue to bring economic, social, and cultural issues into the discussions at the United Nations. The next logical step to improve the living standards and recognize human rights was to advance Latin America’s economic participation in world markets.

The ‘Economic Agreement of Bogotá’ outlined the fundamental principles of economic cooperation among the members of the OAS. Similar to the structure of the labor section of the 1945 Constitution, fundamental principles were established, with the intention of formalizing specific provisions based on future analysis. Guatemala’s Labor Code was established two years after the Constitutional provisions were in place and studies concluded. Similarly, Bogotá’s Economic Agreement’s fundamental principles would be approved contingent on receiving further study by the Inter-American Economic and Social Council to be presented and formalized at a Buenos Aires Conference scheduled for 1949.95 Latin American economies suffered from a unique history of colonialism and racism, very different from the economic experience of the United States and European industrialized societies. Latin American nations required economic reforms specific to their colonial experience, reforms designed to develop social aspects of life through an improved and modernized economy.

It is important to note that the Latin American delegations selected by their governments were not of the traditional diplomatic corps that had been stationed in Washington D.C. Many of the new regional representatives carried a liberal bias focused on equality with the larger nations in terms of political and economic rights, now on the international stage.96 Economically, U.S.

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94 Ibid., 48.
95 OAS Charter CHXIV Article 102: The Inter-American Juridical Committee represents all of the Member States of the Organization, and has the broadest possible technical autonomy.
and Latin American trade had doubled during the period of 1933-1939. During World War II, Latin America economies supplied $2.4 billion of the $4.4 billion of raw materials, minerals, oil and food to the Allied war effort at fixed prices. In essence, Latin America had made a $3 billion non-interest loan to the U.S. and did not collect on principle. The U.S. justified their reason for abandoning their financial obligations by claiming that the loss of U.S. lives and material to protect the hemisphere from totalitarianism was worth more than what they owed. The cost of living for Latin American countries rose eighty percent during World War II. The result was that twenty Latin American countries received less economic aid than either Belgium or Luxemburg in the three years following the war. The post war U.S. aid policy for Latin America was for those countries to seek private capital for economic development. It was a policy of private foreign capital that was responsible for holding Latin America’s underdeveloped economies hostage for decades prior to the war.

The primary aim of the highly developed industrial and economic powers was to expand capitalistic economies was for maximum profit, and any measure of labor concessions was designed to prevent any disruption in worker production. The economic aim of the less developed Latin American nations was to design modern economic programs to end the remnants of colonial economic structure based on feudal labor conditions. Although profit from free trade was the principle aim of both economic systems, Latin American’s ultimate goal was to modernize their economies for the purpose of elevating the individual and family standard of living and general wellbeing. The long term results of a modern economy would provide a sense of human dignity and offer a better life for underdeveloped regions overwhelmed with poverty and social neglect. Poverty and social neglect contributed to human rights violations such as oppressive labor conditions, racism, illiteracy, the lack of women and children’s rights, state sponsored torture and arbitrary arrest. Latin American societies were subjected to various forms of imperialism throughout their long histories, plagued with existing colonial economic structures built on the backs of their impoverished indigenous populations that ignored any measure of human rights.

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98 Ibid., 16.
99 Ibid., 17.
In an attempt to bridge this misunderstanding between wealthy industrial and poor nations, a definition of ‘imperialism’ by the Secretary General of the OAS identified the reason for Latin America’s underdeveloped economy, as well as the solution. Imperialism is a “system of exploitation of bad social conditions in weak countries, on the part of a great power.”

His solution to eradicate imperialism, or provide imperialism’s antidote, was to commit to international solidarity against imperialistic forces, emphasizing that cheap labor did not contribute to national prosperity. In an attempt to encourage a new economic reality based on cooperation with industrial powers and highlight the need for change in attitude, the Secretary General continued: “until very recently” the great powers have been created chiefly on the basis of subsistence wages in their colonies. The recent increase in Latin American political power channeled its energy towards increased economic power through democratic institutions and steady advances in social justice would be the ultimate goal and logical result.

The Bogotá Conference advanced human rights and the principle of fundamental freedoms through the adoption of the “Declaration of the International Rights and Duties of Man”. The Declaration was a result of Mexico City’s Resolution XL directive, drafted by the Inter-American Juridical Committee. Consistent with each conference, Latin American nations played a leading role and insisted on additional provisions defending human rights. Based on the democratic principle of ‘people as masters at the service of the sovereign state’, the “American Declaration of the Rights and Duties of Man” contained political, economic, and social rights and duties. In addition to the traditional first generation political rights, the Declaration included the political duties to vote, obey the law, and duty to refrain from political activities in foreign countries. What became known as second generation economic rights also included the right to education and equal opportunity, work and fair remuneration, leisure time, social security and private property. Economic duties included the duty to work and pay taxes. The document

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101 Ibid.
102 Ibid.
103 *American Declaration of the Rights and Duties of Man*, Article XXXII. It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so. Article XXXIII. It is the duty of every person to obey the law and other legitimate commands of the authorities of his country and those of the country in which he may be. Article XXXVIII. It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien. See: www.hrcr.org/docs/OAS-Declaration/oasrights.html for the complete declaration.
104 *American Declaration of the Rights and Duties of Man*, Article XII. Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity.
presented future goals for social rights and duties, and thus reflected the ethical grounding of Latin American social thought. In addition to rights protections for well-being and health of family, mothers and children, rights to benefit culture and protect the honor, personal reputation and private family life reflected Latin American priorities that replicate their ethical ideals born from an historical experience of subjugation by greater powers.\footnote{Butler, War is a Racket, 26. Butler discusses early U.S. military interventions by the U.S. for the protection of U.S. Banks and corporate interests.} Social duties included overall duties to society by serving the community and nation, the duty to acquire an education, and a duty to cooperate with the State regarding social security and welfare.\footnote{American Declaration of the Rights and Duties of Man, Article XXXIX. It is the duty of the individual so to conduct himself in relation to others that each and every one may fully form and develop his personality Article XXX. It is the duty of every person to aid, support, educate and protect his minor children, and it is the duty of children to honor their parents always and to aid, support and protect them when they need it. Article XXXVII. It is the duty of every person to work, as far as his capacity and possibilities permit, in order to obtain the means of livelihood or to benefit his community.} The document reflected the Latin American post war trend to value human rights and duties on a democratic equal footing. Latin American nations were instrumental for the inclusion of fundamental rights in the Preamble of the United Nations Charter, which contains the phrase, “...to reaffirm faith in fundamental rights”.\footnote{Preamble of the United Nations Charter: We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social}
Law and Organization at the Pan American Union cites four separate chapters of the United Nations Charter that made specific reference to the protection of human rights and fundamental freedoms.  

The human rights initiatives that began with the 1933 Inter-American Conference provided a foundation of ideas for the United Nations ‘Human Rights Commission’. The Secretary General assigned the Human Rights Commission to create and submit a ‘Declaration of Human Rights’ to the General Assembly for adoption. In addition to traditional rights such as freedom of speech, press, worship, etc. the inclusion of newer social and economic rights provided an opportunity for all members of every society to enjoy democratic political rights on a more significant level. Equating traditional political and civil rights, with social and economic rights as a foundation for democracy was the goal of Latin American nations. Likewise, provisions for fundamental and human rights contained in the 1945 Constitution preceded actions taken on the regional or the international level. Guatemala’s commitment to fundamental rights and human rights was evident with the codification and enforcement measures of these rights and duties in the Articles of their national 1945 Constitution. Due to the high status of constitutional articles, Guatemala’s constitutional commitments to human and fundamental rights advanced well beyond the lower status of non-binding principles contained in the Articles of the ‘Declaration of Rights and Duties of Man’. The fact that human rights enjoy the full strength of constitutional protections in the 1945 Constitution further demonstrates Guatemala’s progressive advances in human rights initiatives relative to regional or international treaties or declarations.

As confirmed in Chapter IV, Guatemala’s Constitution contained moral and philosophical elements in their notion of democracy. President Arévalo’s publications and

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110 Haas, *International Human Rights*, 72. International treaties become legally enforceable when ratified by a substantial number of member states; national legislative bodies must vote for ratification; declarations of policy statements are not legally binding.
actions expressed a premise placing democratic governance at the center of the driving force for social justice and equality. Accordingly, at the 1945 Mexico City Conference, the Guatemalan delegation presented a resolution for refusing the recognition of anti-democratic regimes. The Juridical Committee rejected the proposal on the grounds that the term ‘anti-democratic government’ was too vague.111 From that time until the Bogotá Conference, several delegations shared Guatemala’s concern regarding communist subversive elements in the hemisphere. At Bogotá, Guatemala’s original resolution took the adopted form of “The Preservation and Defense of Democracy in America”. Among the provisions, the document condemned the interference of any foreign power in the public life of any nation in the hemisphere, including communist methods of suppressing political, civil rights and liberties.112

The second resolution influenced by the Guatemalan delegation was “Colonies and Occupied Territories in America and the Creation of the Committee on Dependent Territories”. The resolution also called for the creation of the “American Committee on Dependent Territories”, designed to centralize the study to solve the problem of dependent and occupied territories.113 The Guatemalan delegation played a prominent role in leading the discussions, and the Latin American nations were well aware of and supported Guatemala’s long time claim of the territory of Belize. The United States refused to sign the resolution and Brazil insisted that matters of territorial rights were more appropriately assigned to an international forum.114

A synopsis and critique of the Bogotá Conference and Guatemala’s positions presented at the Conference was prepared by an international delegate of UNESCO and an independent observer of the Ninth Conference at Bogotá.115 His assessment of the activities of the Guatemalan delegates to promote anti-colonialism for the protection of the oppressed people of the continent “awakened the conscience of all America” and opposed the occupation of American territory by extra-continental empires.116 Guatemala’s first presentation at the Conference was entitled “Abolish Colonialism in America”. The second presentation was for the

112 Ibid., 427.
113 Ibid., 428.
114 Ibid.
115 Carlos Deambrosís Martins. La Conferencia de Bogotá y la Posicion de Guatemala, Departamento de Publicidad de la Presidencia de la República de Guatemala, June 17, 1948. Martins served for forty years as a journalist, his sphere of influence and familiarity with leaders on both continent spanned from Paris to the Americas.
116 Martins, 1.
“Defense and Preservation of Democracy”, against the eventual installation of anti-democratic regimes in the continent. Martins’ concluded that Guatemala’s presentations were “the best triumph that Guatemala had reached in any International Conference”.\footnote{Ibid., 2.} Martins convened with prominent leaders and members who were present at the Bogotá Conference, and they agreed that Guatemala’s presentations were exceptional. According to Martins, press articles throughout Latin America praised Guatemala’s contribution to the conference as well. The majority of representatives agreed on the total success of the Guatemalan anti-colonialism presentation, evidenced by no vote against it, with only three abstentions from the U.S., Brazil and the Dominican Republic.\footnote{Ibid., 7.}

The lead representative for the Guatemalan delegation was Foreign Minister Enrique Muñoz Meany, who proved to be a rising star among the Latin American delegates. In a joint presentation with the former Venezuelan President Betancourt, Meany presented the twentieth-century case for anti-colonialism, while standing symbolically before the mural of the ‘Liberator’ in the ‘House of Bolívar’, ‘Quinta de Bolívar’. Meany called for the end of any form of colonialism in the hemisphere, just as Bolívar proclaimed more than a century ago. Martins explained that through Meany “Guatemala interprets the desire of the people of the continent.”\footnote{Ibid., 14.} Meany transformed Guatemala’s recent domestic struggle, democratic revolution and national liberation into an issue widely appreciated on the hemispheric scale, and an historical issue close to most of the Latin American delegates. He claimed Guatemala’s position that any form of colonialism was incompatible with the democratic ideals set forth in each of their international conferences, an incompatibility that threatened Latin American unity. Meany invoked Bolívar’s continuing ideal for liberation; “...the historical process of American emancipation will not be finished in our hemisphere when some regions continue to submit to the colonial regimes, to economic and political subordination that prevents the integral process of subjugated people.”\footnote{Ibid., 14.} The enthusiasm and solidarity generated by Meany’s presentation extended beyond the halls of the ‘House of Bolívar’ and the Conference delegates to the Latin American people through widespread coverage in the press. His assessment of colonialism and its negative effects

\footnote{Ibid., 2.} \footnote{Ibid., 7.} \footnote{Ibid., 14.} \footnote{Ibid., 14.}
culminated with preventing the ‘integral process of subjugated people’.\textsuperscript{121} a clear indication that all future political and economic progress must be aimed at freeing ‘subjugated people’, or more specifically, a goal for respecting universal ‘human rights’.

Guatemala’s resolution to create “The American Committee of Independent Territories” was designed with the purpose of creating pacific methods for the abolition of colonialism. It was decided that a future meeting in Havana would confer to discuss procedures to enforce anti-colonialism. The decision for the abolition of colonialism was one of the important resolutions of the Conference, and Muñoz Meany was the leader.\textsuperscript{122} Newspaper reports confirmed Martins opinion of Meany’s argument against colonialism, describing the achievement as “…a brilliant initiative of Guatemala”.\textsuperscript{123} Relating specifically to Guatemala’s claim for the territory of Belize, Meany emphasized two distinct points; 1) Guatemala had long been lacking the economic contribution of resources from Belize, and the lack of those resources impaired the development of the national economy, and 2) Belize served as an example of a major problem for the continent; national honor and sovereign territorial integrity.

At the same time as Meany’s proclamations, news reports and cables identified British cruisers in the territorial waters of Guatemala, with disembarking marines set to occupy strategic points of Belize.\textsuperscript{124} Great Britain’s actions at this time ignited long held passions of the Latin American contingent. Newspaper interviews and editorials by Muñoz Meany circulated throughout the continent and Europe, bringing further attention to the matters of imperialism and colonialism in America, in any form.\textsuperscript{125} The Latin American press acknowledged on several occasions the dignity, preparation and sense of good judgment demonstrated by the Guatemalan delegation attributed to “the presence of an intellectual leader of the qualities of the current leader, Dr. Arévalo”.\textsuperscript{126}

The Latin American historical symbolism of las Casas’ humanitarianism and Bolívar’s liberal inspiration for independence was combined and expressed in the Pan American Union’s 1945 commemoration of the fiftieth anniversary of José Martí’s death. During his revolutionary

\textsuperscript{121} Ibid.
\textsuperscript{122} Ibid., 15.
\textsuperscript{123} Ibid., 20. Martins notes that the Guatemalan delegation’s presentations were highlighted on the front pages of most Columbian periodicals during the Bogotá Conference. He quoted this line from Bogotá’s newspaper, \textit{El Tiempo}.
\textsuperscript{124} Ibid., 19.
\textsuperscript{125} Ibid., 22.
\textsuperscript{126} Ibid.
life, Martí dedicated his life and work to alleviate the suffering of the working class against the industrial powers, just as las Casas dedicated his life to ending the injustices imposed on the indigenous. Martí’s fight for independence and free republics throughout the continent proved his devoted admiration of Bolívar. His life’s dedication to the spirit of unity, dignity of man, and his experience with poverty, imprisonment and exile embodied the spirit of the Latin American patriots. Martí’s death on the battlefield, fighting for principles in the minds of the delegates empowered the aims of his successors to achieve social justice based on human dignity.127 The combination of increased political power, regional status, and historic symbolism that confirmed Latin American efforts to advance their conception of social justice was now prepared for discussions on the international stage.

5.4 Drafting of the Universal Declaration of Human Rights and the Discussions of the Third (Social and Humanitarian) Committee of the General Assembly

Before the 1945 San Francisco Conference, attempts to advance human rights fell under the purview of independent states, and at that time international law only governed relations between nation states. International law did not govern any nation’s internal matters. After World War I, the League of Nations avoided the term ‘human rights’ due to a lack of racial equality in many nations.128 The provisions of the League contained only two articles addressing elements of human rights; 1) colonies would gain a degree of sovereignty from their ruling Empires, and 2) the League held a supervisory role for fair and humane labor conditions, native inhabitants, minorities and protections for women and children.129 The members of the United Nations represented a new generation of diplomats versus the League of Nations diplomats that operated under an old world mentality. As this study has demonstrated, Latin American tradition of respect for human rights developed over successive generations, with its greatest modern advances beginning with the 1933 Inter-American Conference.130

Although the history of international initiatives for the protection of human rights did not begin at the conference in San Francisco, decisions for human rights were made there.131 For the

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128 Humphrey, A Great Adventure, 11.
129 Ibid.
130 See Chapter IV, 4.8, Human Rights Aspects of the 1945 Constitution.
131 Ibid., 10.
first time at an international level, the creation of a ‘Commission of Human Rights’ to draft an international bill of human rights was mandated at the 1945 San Francisco Conference. Experience of World War II and the magnitude of horrors inflicted on the civilian populations had changed the historical context of thinking about human rights, as evidenced in the first Article of the United Nations Charter that promotes the “respect for human rights and fundamental freedoms”. Although Latin American nations proposed human rights initiatives through the series of regional conferences described in this chapter, it was only after Nazi horrors were unveiled that the international community recognized the intellectual legitimacy of human rights. World War II served as a catalyst for a new democratic nationalism, creating a common platform linking democracy with human rights. As previously discussed, this link between the philosophy of democracy and human rights was the original foundation for the social provisions contained in Guatemala’s 1945 Constitution.

Under the direction of the Economic and Social Council of the United Nations, members of the Commission on Human Rights were selected in a way that would ensure democratic representation of various cultural and national interests. The Human Rights Commission was the only commission specifically mandated in the United Nations Charter, which gave it a kind of statutory character under Article 68. Typical of the prevailing democratic processes, each of the Member States of the United Nations would nominate a national representative for

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132 United Nations Charter, Article 1. The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and 4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.
134 Ibid., 36.
consideration, and then the Economic and Social Council would make their selection from eighteen states.\textsuperscript{137} The Chairman of the Commission on Human Rights was the highly respected Eleanor Roosevelt, whose guidance and spirit of cooperation would prove to be invaluable in creating the Universal Declaration of Human Rights (UDHR). Although Eleanor Roosevelt did not write any version of the UDHR, her genius was her ability to politically steer the debates of the eighteen member drafting committee in a “charming and disarming” manner.\textsuperscript{138} She served as the Chairman of the Human Rights Commission and the drafting committee, as well as a delegate to the Third Committee on Social, Humanitarian and Cultural Affairs. Under her leadership, the UDHR would become a universal moral guide to judge a member state’s treatment of its own populations.

Henri Laugier, Assistant Secretary General of the United Nations in charge of Social Affairs selected John P. Humphrey to be the director of the Division of Human Rights, a position he would hold for twenty years. Humphrey was a Professor of Law at McGill University in Montreal for ten years before his appointment and was assigned responsibility for preparing the first draft of the UDHR, although he was not a voting member of the Human Rights Commission.\textsuperscript{139} A former Carnegie Fellow of International Law, Humphrey had published an individual study in 1942 of the Inter-American System.\textsuperscript{140} A self proclaimed socialist and a member of the British Commonwealth, Humphrey was well versed in the unique history and workings of Latin American social democracy and their moral tradition of human rights. Humphrey’s first draft included forty-eight proposed articles derived primarily from the Inter-American Juridical Committee (represented by Chile), the American Law Institute (represented by Panama), and the review of all available national constitutions of the United Nations Members.\textsuperscript{141} Representatives from Chile and Panama would represent the documents created at the Inter-American Conferences for consideration by Humphrey and the Human Rights Commission.

Humphrey’s original draft containing forty-eight proposed Articles was based on four principles. First, as a result of the reality of the recent wartime experience, he claimed there

\textsuperscript{137} Humphrey, \textit{Great Adventure}, 19.
\textsuperscript{138} Waltz, \textit{Universalizing Human Rights}, 55.
\textsuperscript{139} Morsink, \textit{The Universal Declaration of Human Rights}, 29.
\textsuperscript{140} Published under the auspices of the Canadian Institute of International Affairs in 1942.
could be no peace unless human rights were respected. Second, following the social contract tradition, he claimed that man has rights and duties to society. Third, addressing the notion of universality, he claimed all men are citizens of the State and the world. Forth, he claimed there can be no human freedom or dignity unless war is abolished.\textsuperscript{142} Of Humphrey’s four principles, only one was accepted; “Respect for human rights is the foundation for peace.”\textsuperscript{143} Humphrey’s socialist ideals coincided with the Latin American contingent, and their social views would conflict with the larger industrialized nations during negotiations.

Of the fifty-four national constitutions submitted for Humphrey’s analysis, only ten were created in the 1940s. Of the ten constitutions, Cuba and Paraguay’s democratic constitutions were initiated in 1940, the Dominican Republic in 1942, with the constitutions of China, Ecuador, France, Haiti, Panama adopted in 1946.\textsuperscript{144} Although Yugoslavia had rewritten their post-war constitution on November 29, 1945 under the authoritarian President Tito, Guatemala’s reform social democratic March 15\textsuperscript{th} 1945 Constitution provided the most contemporary democratic constitution that included social reforms in concert with post-war twentieth-century human rights provisions. Analysis of Humphrey’s original draft revealed that he referred twenty-eight times to Guatemala’s Constitutional Articles for consideration of his forty-eight proposed Articles. In three Articles proposed by Humphrey prohibiting discrimination was the right of education, right to social security, and the prohibition of sex and race discrimination. In this case, Humphrey referred to three individual Articles from the 1945 Constitution for each of his three proposed Articles.\textsuperscript{145} Only Guatemala, Panama and China’s national constitutions included the

\textsuperscript{142} Humphrey, \textit{The Great Adventure}, 32.
\textsuperscript{143} Ibid.
\textsuperscript{144} Humphrey, \textit{Documented Outline}.
\textsuperscript{145} Humphrey proposed Articles from the Documented Outline: Commission on Human Rights Drafting Committee, June 11, 1947. N.A.E/CN.4/AC.1/3/ADD.1. Documented Outline Article 36: Everyone has the right to education. Each State has the duty to require that every child within its territory receive a primary education. The State shall maintain adequate and free facilitation for such education. It shall also promote facilities for higher education without distinction as to the race, sex, language, religion, class or wealth of the persons entitled to benefit there from.”, 300. Referenced 1945 Guatemalan Constitution, Articles 81, 82, 85. Article 81.-“There shall be a minimum of public education, obligatory for all inhabitants of the country, within the age limits and in conformity with the plans and programs fixed by the pertinent law. Education in official schools is secular, and the minimum of public education referred to in the previous paragraph shall, furthermore, be imparted gratuitously. Private centers of instruction are subject to the inspection of the State and, for the legal validation of the studies they impart, they must obtain express authorization and comply with official plans and programs. The training of teachers is a preferential function of the State. No academic titles or diplomas are recognized other than those authorized by the State or by the University of San Carlos of Guatemala, or those obtained in foreign universities or schools which may meet the requirements for incorporation as fixed by law, except for the stipulations of international treaties. Degrees
prohibition of discrimination due to ‘political beliefs’, and thus the majority consensus in the debates for the UDHR excluded political beliefs from the provisions for discrimination.\textsuperscript{146} The 1945 Constitution’s prohibition of discrimination of political beliefs is an example of how Guatemala’s conception of human rights exceeded international norms.

The twenty-one Latin American nations comprised the single largest bloc represented at the United Nations. One of the prominent sources of Latin American unity was their persistent commitment to advance human rights initiatives. At the Eighth Inter-American Conference in 1938, the ‘Declaration in Defense of Human Rights’ was adopted along with three related resolutions; the condemnation of racial and religious persecution, advancing women’s rights and

conferred by Central American universities and schools will have official validity in the Republic when the various plans and programs of study are unified. Article 82.-Declared to be of social benefit are: the national literacy campaign; the gratuitous nature of minimum official, public, agricultural, industrial, artistic, and normal education; the creation of scholarships for cultural and technical improvement and specialization; the establishment of pre-vocational and polytechnical institutions, public and school libraries, museums of natural history, and other cultural centers, and the growth of sports and physical culture. The State should make an effort to aid economically needy Guatemalans so that they may have access to all grades of instruction, the only criteria being vocation and aptitude. The proprietors of farms, factories, and other large undertakings are obliged to establish and maintain schools for the school age farm or worker population of their properties, responsibility for their organization, appointment of personnel, and inspection falling to the State. Article 85.-The State guarantees academic freedom.

\textit{Documented Outline} Article 41: Everyone has the right to social security. The State shall retain effective amendments for the prevention of unemployment, and for insurance against the risks of unemployment, accident, disability, sickness, old age and other involuntary or undeserved loss of livelihood., 346.

Referenced \textit{1945 Guatemalan Constitution}, Articles 22, 57, 63. Article 22.-It is the function of the State to preserve and improve the general condition of the Nation, to secure the welfare of its inhabitants, and to increase the wealth through the creation and the development of institutions of credit and social security. Article 57.-The State shall employ the resources within its power to give work to all who may lack it, and to ensure the economic conditions necessary for a dignified existence. Article 63.-Obligatory social security is established. The law shall regulate its limits, extension, and the manner in which it may be put into effect. It shall include, as a minimum, insurance against invalidity, old age, death, sickness, and work accidents. Employers, employees, and the State shall contribute to the payment of the insurance premiums.

\textit{Documented Outline}, Article 45: No one shall suffer any discrimination whatsoever because of race, sex, language, religion, or political creed. There shall be full equality before the law in the enjoyment of the rights enunciated in this Bill of Rights., 369. Referenced \textit{1945 Guatemalan Constitution}, Labor Articles 21, 57, and Family Article 74. Article 21.-All persons enjoy the guarantees established by this Constitution with no restrictions other than those herein established. With similar reservations, any discrimination because of filiation, sex, race, color, class, religious beliefs, or political ideas is also declared illegal and punishable. Article 57.-The State shall employ the resources within its power to give work to all who may lack it, and to ensure the economic conditions necessary for a dignified existence. Article 74.-The State shall promote the organization of the family upon the legal basis of matrimony, insisting upon the absolute equality of rights of both spouses. The laws shall determine the cases in which, for reasons of equity, a union between persons of legal capacity to contract matrimony should be made equivalent to civil marriage because of its stability and special nature.

\textsuperscript{146} Morsink, \textit{The Universal Declaration of Human Rights}, 109. \textit{UDHR}, Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. In contrast to the \textit{1945 Guatemalan Constitution}, that protects political beliefs: Article 21.-All persons enjoy the guarantees established by this Constitution with no restrictions other than those herein established. With similar reservations, any discrimination because of filiation, sex, race, color, class, religious beliefs, or political ideas is also declared illegal and punishable.
free association of workers. During that time, several Latin American national movements were attempting to establish constitutional democracies to legally protect the rights of their citizens. The vice-president of the Inter-American Court of Human Rights proclaimed that the 1940s were “a moment of idealistic optimism and democratic euphoria”. Moreover, Morsink considered two sources for Latin American societies demanding democratic principles to respect human rights. “In their joint reaction to the Great Depression and to the absolutism of both right and left, they all (or almost all) hit a democratic stretch at the same time.” Of the Latin American contingent, this study has demonstrated that Guatemala had made major social democratic advances through their 1945 Constitution, followed by specific subsequent laws for labor, social security and a variety of social reforms.

The strategy of the Latin American delegates was to appoint a well respected delegate to represent the region’s collective interests. The leadership qualities representing the Latin American collective interest were represented by the respected Chilean delegate, Hernan Santa Cruz. Humphrey held great respect for Santa Cruz and credited him with considerable influence among economically developed countries, including his willingness to challenge Western industrial powers on the issue of economic self-determination for all people. Of the fifty one member states of the United Nations, twenty-one Latin American nations comprised the majority of small states. This was the first time since World War I that small states were able to witness international proceedings and actively participate in the debates. Members of the small states earned leadership roles in the process and the result was that Latin American issues took an important place in the final text of the UDHR.

Santa Cruz was a distinguished professor of military and criminal procedures, and served as a judge on Chile’s Superior Military Court. A fellow socialist with Humphrey and a member of the inner core of the drafting committee, Santa Cruz played an integral part in the inclusion of socialist elements of the UDHR versus Western Enlightenment ideas. Santa Cruz represented

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147 Glendon. The Forgotten Crucible. 28.
148 Glendon quoting Hector Gros Espiel, a Declaración Americana:Raíces Conceptuales y Políticas en la Historia, la Filosofía y el Derecho Americano, (Número Especial, Revista Instituto Interamericano de Derechos Humanos, 1989), 41, 44.
149 Morsink, 130.
150 See Chapter IV, 4.3, Protecting Human Rights: Constitutional Articles or Statutory Laws.
151 Humphrey, Great Adventure, 37.
152 Waltz, Universalizing Human Rights, 46.
and aggressively promoted the OAS collective interests by presenting the determinations achieved at the Bogotá Conference. The Rapporteur of the United Nations Human Rights Commission, Charles Malik, recognized Santa Cruz’ leadership role as the Latin American spokesman, stating that he; “...kept alive in our mind the great humane outlook of his Latin American world.”

The core members of the Human Rights Commission and Santa Cruz represented a variety of backgrounds, philosophies, cultures and ideologies that would have to find common ground in human rights understanding, sufficient to translate into a universal declaration. Philosopher, diplomat and commission vice-chairman Pen-Chung Chang provided Confucian philosophical grounds in his arguments. Charles Malik, a Christian Lebanese philosopher, Rapporteur, and spokesman for the Arab League, represented philosophical views that at times contrasted with Chang’s. Malik’s Thomist philosophical beliefs included ‘natural law’, a reason for drawing rigid conclusions. Humphrey claims that Chang and Malik were at opposite philosophical poles to a degree that they could not write the first draft, which was the reason Humphrey was assigned to prepare the first draft. French legal scholar René Cassin, was a supporter of the Jewish state. His experience of losing twenty-nine relatives in the Holocaust put him in a position of political tension with Malik. Under the leadership of Eleanor Roosevelt, these diverse members and Santa Cruz, representing the Latin American agenda, proved that intelligence, compromise and open-mindedness would unite their passion for advancing human rights, despite their cultural differences and national interests.

In terms of the leading role on national interests, Guatemala’s permanent representative to the United Nations, Carlos Garcia Bauer, was appointed by President Arévalo on January 29, 1948. His selection was symbolic of the revolutionary social reforms achieved by Guatemala’s young liberal intellectuals. Garcia Bauer was not yet thirty three years old when appointed to the United Nations. In 1934, he was a Professor of Education and in 1944 earned a Law Degree from the University of San Carlos. Before his United Nations appointment and his

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154 Glendon, The Forgotten Crucible, 38.
Rapporteur is a person who is designated by an organization to report on the proceedings of its meetings.
155 Humphrey, The Inter-American System, 23.
156 Ibid., 29.
introduction to the world stage of diplomacy, Garcia Bauer represented Guatemala’s Association of Lawyers at the 1947 Conference of the International Bar Association.\textsuperscript{158}

Within four months of his U.N. appointment, Garcia Bauer was elected to a U.N. Assembly post to serve as the Chairman of the Social, Humanitarian and Cultural Committee.\textsuperscript{159} Within one year of his Chairmanship, Garcia Bauer sponsored a United Nations investigation of Venezuela’s new military junta and charges of violations of human rights. The investigation was objected to by the U.S., and lacked a degree of Latin American support due to the remaining dictatorial leaders in the region.\textsuperscript{160} Garcia Bauer’s stance regarding dictatorial regimes in Latin America was consistent with President Arévalo’s persistent attack on Latin American dictators’ tradition of acting autocratically under the umbrella of democratic constitutions. The members’ resistance to identifying dictatorial regimes operating under democratic constitutions now went from the regional to the international arena, with Guatemala virtually standing alone against long-held political interests that overpowered human rights initiatives. Despite Guatemala’s high vision of social democracy, cultural differences and varied national interests demonstrate that even in democratic environments human rights initiatives cannot be separated from the complexities of politics.

According to Morsink’s study of the UDHR, the Third Committee meetings were the sixth of seven stages in a two-year process for the creation of the Declaration. The final and seventh stage was the debate of the Plenary Session of the Third Assembly that led to the adoption of the Declaration on the same day.\textsuperscript{161} The Third Committee hearings began on September 30, 1948 and the final plenary session convened on December 9, 1948. The Latin American delegates were in favor of promoting their fundamental belief that the interests of the individual comes before the State.\textsuperscript{162} Consistent with the 1945 Constitution, the Latin American delegates believed individual rights needed the protection of the State for securing social and economic rights. Representing the collective demands of the Latin American delegates, Santa Cruz, satisfied with UDHR Articles relating to social and economic rights, insisted that those rights be included in the UDHR Preamble to signify their ‘adequate importance’.\textsuperscript{163}

\begin{itemize}
\item \textsuperscript{159} New York Times. April 17. 1948, 4.
\item \textsuperscript{160} New York times. April 23, 1949, 5.
\item \textsuperscript{161} Morsink, 11.
\item \textsuperscript{162} Ibid., 38.
\item \textsuperscript{163} Ibid., 223.
\end{itemize}
was the voice for all the efforts of the Latin American delegates that were aimed at one major theme: “Human Dignity”.

The Human Rights Commission was comprised of eighteen members, of which Latin America’s Chile, Uruguay and Panama delegations pressed other members to use the provisions of the Declaration of Bogotá as a guide for the UDHR. Their efforts were effective and Humphrey took much of his wording from Chile and Panama.164 Chile’s draft was a version of the ‘American Declaration of Rights and Duties of Man’ (The Bogotá Declaration), giving equal rank to liberty and social justice, which was heavily influenced by 1940s Latin American Constitutions.165 The Panama delegation presented the ‘Statement of Essential Human Rights’ designed by the American Law Institute. Latin America’s broad range of cultural experience and social philosophy aligned with the international goal for human rights initiatives to be cast in the UDHR. According to Waltz, the progress made by Latin America ultimately resulted in the adoption of eighteen of twenty-nine Articles without opposition.166

Many of the Third Committee discussions that finalized the articles of the Universal Declaration of Human Rights contained the same rights issues discussed at Bogotá Conference, as well as the discussions of the Committee of Fifteen that drafted the 1945 Guatemalan Constitution. One of the recurring debates of the Third Committee concerned whether specific Articles of the UDHR should be included in the Declaration, or more appropriately be stated in a subsequent binding convention. The concerns for human rights being protected by legally binding conventions or through aspirations of a declaration are comparable to Guatemala’s Committee of Fifteen concerns of whether human rights required constitutional protection or statutory laws.167 Garcia Bauer argued similarly during the Third Committee, recommending that the discussions should be limited to the draft declaration and that it was premature to draft a binding covenant on human rights.168 Consistent with the strategy of general principles for the Declaration and its secular context, one of the central discussions dealt with the use of the Enlightenment notions of ‘natural rights’, or ‘god’. In order to avoid any metaphysical arguments, the drafters avoided the use of the word ‘nature’ and there were no references made

165 Morsink. 132-133.
166 Waltz, *Universalizing Human Rights*, 55.
to ‘god’. Instead, the term ‘human rights’ was better suited to fit the text of the Declaration and would provide a more concrete subject to debate, with the intention of presenting the UDHR as a secular and universal document. Morsink’s study showed that the terms ‘inalienable’, ‘inherent’, ‘born’, and phrases such as ‘rights proclaimed in human nature’, clearly implied notions of ‘natural rights’ and ‘god’, and yet the declaration remained a secular document.  

Garcia Bauer used this opportunity to advance his ideas regarding the term ‘natural rights’ to emphasize the importance of modern social rights. He presented an historical analysis to the Third Committee that drew a distinction between the classical doctrine of natural rights and twentieth century social rights. He traced the origin of the doctrine of natural rights to the Stoics of Classical Greece, which were translated into 18th Century positive rights evident in the ‘French Declaration of Rights of Man’ and the ‘United States Bill of Rights’. These rights were present in the legal rights contained in the draft Declaration; rights to legal personality, equality before the law, prohibition of arbitrary arrest, presumed innocence, etc. García Bauer then turned the Committee’s attention to the rights of modern constitutions, which contained elements of socialist thought that guaranteed social rights of the individual. He referred to the provisions of the Atlantic Charter that proclaimed FDR’s four fundamental freedoms and the United Nations Charter that affirmed the rights of man. His remarks concluded with recommending that the Committee Members should draw inspiration from the Bogotá Declaration to improve the text of the UDHR, especially because the text of the Bogotá Declaration had been a significant reference for the Commission on Human Rights.

A close examination of the Third Committee debates reveal a continuing focus by the members regarding the wording, translations and position of the proposed Articles. As previously stated, many of the proposed Articles faced no opposition by the Third Committee,

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169 Morsink, 283.
170 Morsink, 289.
172 UDHR Articles regarding legal rights; Articles 6-10.
174 Ibid.
175 Third Committee. 106th Meeting, October 18, 1948. There were repeated requests during the Third Committee meetings for Spanish to be included as an official language with English and French. Despite the number of Spanish speaking members, the Secretariat had not made accommodations for simultaneous Spanish translations. The excuse was due to ‘budget constraints’. García Bauer, fluent in English, played an important role in pointing out the misunderstandings of language to the Committee. A prime example of the defect in Spanish translation occurred during the discussion of education (146th Meeting, November 19, 1948). The word ‘instrucción’ meant education in a limited sense, and García Bauer preferred ‘educación’ as a more appropriate meaning.
and several of the debates were focused on the position of the Articles within the Declaration. The other question regularly raised was whether certain aspects of the Articles should hold a more prominent place in the Preamble. Garcia Bauer proposed that the Preamble should contain fundamental statements of fact for universal rights, rights inherent in the nature of man, but not given by the State. Therefore, each corresponding Article should state a specific right.\footnote{Third Committee. 97\textsuperscript{th} Meeting, October 8, 1948. Garcia Bauer, 107.} At this point, the discussions now needed to consider three categories; 1) the contents of the Declaration’s Preamble, 2) the numerical position of the Articles in the Declaration, and 3) whether or not proposed rights should be stated as Articles, or be contained in a binding legal manner.

The death penalty debate was an example of whether a proposed right warranted inclusion in the Declaration, or should be instead incorporated into statutory law. Eleanor Roosevelt objected to the inclusion of the death penalty and reiterated that the Declaration should not attempt to outline obligations of the State. She reminded members that the work of the Third Committee was not an attempt to write criminal law.\footnote{Third Committee. 102\textsuperscript{nd} Meeting, October 14, 1948. Roosevelt, 139.} Overall, Mrs. Roosevelt continued to remind the Committee Members that the language and textual content of the Declaration was intended for ‘ordinary people’. Garcia Bauer took advantage of the controversial death penalty discussion to present Guatemala’s current views on the subject. He admitted that volumes had been written both against and in favor of the death penalty. Citing the 1945 Guatemalan Constitution as an example, the death penalty had been applied in a very restricted form as a remedy for Guatemala’s present domestic situation. It was necessary at that time to navigate the process of transition from oppressive to democratic rule. Garcia Bauer concluded his assessment by recommending that provisions should depend upon particular circumstances of each country. Providing further insight into justice and punishment, he added, “...it had to be remembered that there was more than one way in which to condemn a man to death.”\footnote{Third Committee. 105\textsuperscript{th} Meeting, October 18, 1948. Garcia Bauer, 178-179.} He concluded his remarks by suggesting that the Declaration should contain general principles to serve as goals for all national legislations to fulfill.\footnote{Ibid.} The delegates understood the conflicting complexity of the death penalty issues included in a human rights document that proclaimed ‘right to life’ as a primary right, when the death penalty was legal in many member nations. In the end, the death
penalty was considered the State’s jurisdiction, and the morality of the death penalty proved to be too controversial to include in the Declaration.

The Members of the Third Committee sought to design the Articles to clarify and further develop the idea of liberty. Clarification meant agreement on the definition of terms, terms that would be clearly understood regardless of language. The order of the Declaration’s Articles would be instrumental for progressively developing the idea of liberty from one Article to the next. The order of the Articles in the final text expanded the idea of human rights first in terms of individual rights, then family, followed by country. An example of clarifying the terminology was evident in the discussion reading the phrase ‘security of person’ stated in Article 3. Garcia Bauer’s position regarding the term ‘security of person’ was not sufficiently clear, and claimed that any vote would be premature without an authoritative interpretation. He asked, “Does ‘security of person’ included physical integrity?” With the support of the Latin American delegates, reference was made to Bogotá’s more specific phrase, “right to security and integrity of the person”, which was further interpreted to include ‘physical integrity’. The Latin American experience of oppressive dictatorial treatment was the basis of concern for the clarification, a concern delegates addressed emphatically at the recent Bogotá Conference.

The argument regarding “security and integrity of the person” was followed by Santa Cruz’ conclusions to the discussion. Santa Cruz demonstrated leadership and regional solidarity. He stated that for the fundamental purpose of the Declaration, he would vote in favor of Article 3 because his interpretation of ‘security of person’ included physical, moral and legal integrity. At the final discussion and just prior to the vote, Garcia Bauer responded by recommending that various opinions should be recorded into the summary record of the meeting. As the opinions were recorded, he then agreed to vote in favor of Article 3 because it had been stated that ‘security of person’ included the idea of physical integrity. Article 3 was adopted thirty-six to zero, with twelve abstentions.

The topic of political asylum was of prominent concern for all the Latin American countries. Their direct experience during political turmoil between neighboring nations and the exchange of intellectual development in the continent created concern for the treatment of

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180 *Universal Declaration of Human Rights*, Article 3: “Everyone has the right to life, liberty and security of person.”
182 Ibid., Santa Cruz, 190.
183 Ibid., Garcia Bauer, 193.
asylum and nationality. Santa Cruz urged the Committee Members to adopt the Latin American tradition of asylum that protected many lives from persecution. The Latin American tradition in social justice was advanced by a history of dissident voices, voices that were held back by dictators. As an example, he reminded delegates of the thousands of Spanish Republicans that were saved by Latin American embassies during the recent Spanish Civil War. Guatemalan’s Jorge Garcia-Granados’ life was saved as he reported news to Latin America from Spain during the conflict.

At the following meeting, conditions for declaring or changing nationality were discussed. The Latin American nations debated against the Soviet Union’s position because the Soviets did not grant the right to change nationality. Eleanor Roosevelt referred to the Nazi policy of stripping citizens of their right to nationality, or the Nazi policy of forcing nationality on its inhabitants. Santa Cruz suggested that the Soviet proposal would have justified Nazi-like acts and did not protect the individual against them. Garcia Bauer’s position was that the Declaration was not the proper place for determining a sovereign state’s policy on nationality and supported the more universal phrase; “Everyone has the right to a nationality”. UDHR Articles 13, 14, 15 address freedom of movement within national borders and the right to leave and return to his country, asylum and nationality, respectively.

Two specific Articles from the 1945 Guatemalan Constitution directly influenced Humphrey’s draft when he formulated articles referring to ‘rest and leisure’ and ‘housing’. The Declaration’s inclusion of social security and labor rights was directly related to the Latin American tradition of social justice, confirmed with the support of the International Labor

184 Third Committee. 122nd Meeting, November 4, 1948. Santa Cruz, 332.
186 Ibid., Santa Cruz, 357.
187 Ibid., Garcia Bauer, 355-6.
188 Morsink, 181 & 193.
1945 Guatemalan Constitution, Article 67; -The construction of inexpensive dwellings and housing projects for workers will be promoted. UDHR Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 1945 Guatemalan Constitution, Article 57; -The State shall employ the resources within its power to give work to all who may lack it, and to ensure the economic conditions necessary for a dignified existence. UDHR, Article 23: (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.
Organization (ILO) that ‘labor is not a commodity’. The strength of Latin America’s one
voice that was unified during the regional conferences created a unity that manifested power
when they presented their ideas to the international community. Their unique historical
experience with colonialism and dictatorial regimes that led to reforming social issues,
confirmed by the principles of the Four Freedoms and provisions of the Atlantic Charter,
strengthened their voice. The Latin American idea that individual rights are subject to certain
limitations of society is also evident in the Declaration. A fusion of moral and political tradition
of correlating human rights and duties was an evident characteristic feature of Latin American
political philosophy and constitutional law. Santa Cruz’ intellectual understanding of socio-
economic rights was one of the main reasons why the 1948 Universal Declaration of Human
Rights ultimately transcended eighteenth-century Enlightenment philosophy. In effect, the
Latin American philosophical and constitutional traditions formed their idea of social democracy
by combining first generation political and civil rights with second generation rights of social
justice, a design incorporated into the final draft of the Universal Declaration of Human Rights.

Latin America’s cultural experience was directly or indirectly tied to the philosophy and
spirit of Catholicism, with an ideology influenced by the Enlightenment and the American and
French Revolutions. This study has suggested that las Casas’ version of Catholicism formed
the historic basis for Latin American morality, and drew constitutional structure and certain
individual rights from Western ideologies, ideologies that at that time excluded equal rights for
women and minorities. Historically, the Latin American societies were less developed than
U.S. or Europe. Martz’ research suggests that Latin American societies were more dependent on
foreign influences and the content of Western social sciences did not adequately apply to the
societies of Latin America. Furthermore, the U.S. and Europe lacked Latin America’s
understanding of indigenous problems in society. Racial matters were avoided in international
discussions because of existing discriminatory practices in certain member states of the United
Nations, such as segregation in the United States and colonial territories held by Britain and
France. As a consequence, the UDHR made no mention of minorities, and only included a

189 Morsink, 89.
190 Waltz, Universalizing Human Rights, 3.
191 Waltz, , 60. Quoting Morsink, 30.
192 Martz, Characteristics of Latin American Political Thought, 72
193 For example, unequal pay for women and racial segregation continued without the protection of constitutional
law in the United States.
194 Martz, 72.
provision for the general principle of non-discrimination.\footnote{UDHR, Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.} Many factions of certain member states were in opposition to a Declaration of Human Rights. For example, at that time the American Bar Association opposed the idea of economic and social rights on the grounds that these issues, along with issues regarding racial discrimination, were beyond the scope of an international declaration.\footnote{Waltz, \textit{Universalizing Human Rights}, 67.}

On the other hand, Humphrey considered the struggle for human rights as a struggle against authority. His vision for the Universal Declaration of Human Rights was for creating a free man in a framework of a free society.\footnote{Humphrey, \textit{The Inter-American System}, 40.} The general purpose of the Declaration was to serve as an educational tool to inform people of the world of their rights, rights inherent as a human person, separate from rights given by the state, in order to protect people from hostile governments. Education and freedom of information were necessary for people to know their rights. Humphrey believed that ‘freedom of information’ was a human right confirmed in the first session of the General Assembly. The United Nations members conferred that the right to free information was “the touchstone of all other rights”.\footnote{Ibid., 52.} Although lacking legal obligations, the Universal Declaration of Human Rights played an important role in setting moral standards for the rights of the individual. It was a necessary document because the United Nations Charter was never given the task of looking out for the individual.\footnote{Morsink, 303.}

One of the more distinguishing features of the Universal Declaration of Human Rights was to combine and integrate traditional liberal individual rights with new rights that promoted social justice. The relationship between old and new rights can be viewed as interdependent. Morsink cites an example of this interdependency by explaining that the new right social ‘right to work’ is intimately connected with the old right ‘to found a family’.\footnote{Ibid., 238.} Let it be sufficient to say that the 1945 Constitution achieved this same interdependency between the ‘right to work’ and ‘family’, but with the strength of constitutional protections that were superior to articles of a declaration. The Guatemalan Constitution and the Universal Declaration of Human Rights united...
all rights to confirm liberal individual rights, and placed those rights within a social context to emphasize the interconnection between the individual and society.

In order to effectively implement interdependency between the old humanitarian liberal rights and new social democratic rights, duties of the state’s responsibilities are increased. The 1945 Constitution not only contains aspirations of future provisions for rights in labor and social security, but codified those aspirations in binding constitutional law. Under the 1945 Constitution, the State was legally bound to protect traditional civil and political rights, but also protected new social, economic, and cultural rights. On the other hand, the UDHR was consistent with the more general character of a declaration as a guideline for national responsibilities. The UDHR presupposes existing corresponding duties of the state in terms of protecting human rights, and defers the formulation of these principles into appropriate national instruments.\footnote{Ibid.}

The UDHR does contain two Articles that directly refer to state duties: Article 16’s State protection of the family and Article 22’s provision for social security. It is logical that these two Articles were approved by more liberal Western powers. What national government would deny the principle of protecting the family? And FDR’s mandate for all the protections provided for in his formulation of social security served as a model for industrialized nations and new developing governments, especially Guatemala.

Although two Articles explicitly call for State duties, several Articles merely imply duties of the State. The Preamble calls for Member States to promote education for the purpose of respecting human rights and fundamental freedoms. The prohibition of slavery implies the need for national laws.\footnote{UDHR, Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.} The right to recognition, prohibition of discrimination and arbitrary arrest require the ‘protection of the law’.\footnote{UDHR Articles 6, 7 & 9. Article 6. Everyone has the right to recognition everywhere as a person before the law. Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 9. No one shall be subjected to arbitrary arrest, detention or exile.} The Declaration’s prevailing theme, ‘right to education’ is compulsory, and thus an implied responsibility or duty of the State.\footnote{UDHR Article 26: (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or
Broader parallels can be drawn between the 1945 Constitution and the UDHR. These revolutionary documents can be considered as both ‘a means and an end’. In terms of ‘means’, the UDHR can be viewed as a contribution to world peace. In Guatemala’s 1945 Constitution ‘means’ can be viewed as a correction of past abuses and a prescription for advancing social justice. The UDHR views ‘ends’ by providing foundational rights as an independent grounding for members of the human family. For Guatemala, ‘ends’ signified terminating dictatorial rule and the beginning of a new democratic government designed to perform for the benefit of its people.

A significant parallel exists between the work of Guatemala’s Committee of Fifteen and the Third Committee of the United Nations when we consider how a relatively small group of dedicated individuals accomplished such great challenges to improve society. Looking back on the UDHR’s two year drafting process, Humphrey reflected on the participation and deliberative process of the Latin American delegates. He was impressed by how “a determined group of individuals could influence an international conference.” Highlighting the importance of the UDHR, Humphrey stated that the General Assembly used the UDHR to interpret the United Nations Charter. For Guatemala, it was a determined group of students armed with intelligence and a twentieth century democratic spirit that accomplished a peaceful revolution. Subsequently, leaders of the revolutionary movement formed the “Committee of Fifteen” to draft the new 1945 Constitution and introduced the idea of human rights initiatives into Guatemala’s social, political, and economic reality.

This chapter confirms Guatemala’s contribution to the regional and international efforts to recognize human rights and social justice through democratic governance. In turn, it is sufficient to say that many of the social issues debated at the Latin American regional meetings and conferences influenced the human rights advances that were codified in Guatemala’s 1945 Constitution. In addition to their own national accomplishments, Guatemalan representatives debated social justice and human rights initiatives developed through regional meetings and the declarations of the 1933 “Rights and Duties of States” and the 1938 “Declaration in Defense of religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

205 Morsink, 320.
206 Ibid.
208 Ibid., 58.
Human Rights”. Guatemala is unique among their Latin American neighbors because they developed those initiatives further by codifying those ideas into a national constitutional reality. At the 1948 Bogotá Conference, the Guatemalan delegation played a leading role in recognizing national territorial integrity and presented compelling arguments against dictatorial regimes and colonialism based on moral grounds.

Humphrey and Morsink’s studies confirm that the Latin American traditions in social, economic, and cultural rights contributed significantly to the creation of the Universal Declaration of Human Rights. At the same time, Guatemala’s 1945 Constitution served as a model of how a national legislative body elevated human rights declarations to the high status and protection of constitutional articles. Humphrey drew the ideas of education and housing directly from articles from Guatemala’s 1945 Constitution. Representing Guatemala, Carlos Garcia Bauer’s individual contributions to the United Nations Third Committee’s efforts to finalize the articles of the Universal Declaration of Human Rights were recognized and honored on the international stage. Guatemala’s accomplishments in human rights and social justice were significant to the development of regional and international human rights initiatives.
CONCLUSION

The investigation of the intellectual origins and socio-political history of Guatemala’s 1945 Constitution demonstrates Guatemala as a unique example of a modern, social democracy, representative of the Latin American tradition of social justice and human rights. Through the intellectual understanding of the dignity of man, human rights became a pre-requisite for the State’s moral obligations, protected with the strength of constitutional articles. As a result, the 1945 Constitution limited executive power to serve as an ethical response to past political, economic, and social inequalities, and strengthened the legislature to promote human rights through democratic, political, economic, and social reforms for the nation’s future. The 1945 Constitution depicts Guatemala’s conception of democracy by balancing individual liberty with social obligations, confirming human rights as the foundation for social justice.

Historical evidence dating back to the moral teachings of Bartolomé las Casas’ early rational explanation of the concept of universal human dignity remained consistent within Latin America’s social influence and was deep rooted in Guatemalan humanitarian thinking. Under conservative rule, the Catholic Church functioned as an administrative institution that sought to maintain authoritative power as the right arm of the ruling class. The Church’s powerful administrative role in government stood in contrast to the Christian moral doctrine that provided the religious roots of Guatemalan humanitarian culture. The spirit of Christian humanism persisted among the Latin American people and their culture, despite the Church’s long held political and economic alliance with the ruling class through the end of the Conservative Era. Under liberal rule in the twentieth century, the administrative functions of the Church were relegated to a minor role in Guatemalan society. As a result, the Guatemalan reform figures maintained their inherited Christian beliefs, and those beliefs translated into a secular notion of the ‘dignity of man’, the necessary foundation for human rights thinking.

The ‘dignity of man’ theme was perpetuated by Simon Bolivar’s national liberation movement, consistent with Enlightenment thinking. Prior research is further complimented by highlighting the critical importance of the 1812 Spanish Constitution’s contribution to the idea of social justice. Bolivar’s political liberal ideology and commitment to a constitutional representative democracy was codified in the 1812 Spanish Constitution. This study’s analysis of the 1812 Constitution’s Articles provided early evidence of Latin America’s tradition in social
justice and human rights. Although prior research credits the U.S. and French Constitutions as integral models for the democratic structure of Latin American Constitutions, the 1812 Spanish Constitution contained conditions for social justice in the form of economic and social rights.

The Cortes’ Enlightenment belief in the power of reason as the best tool for transforming society was the basis for creating a system for secular education. Education was the foundational element for promoting social justice, the driving force for recognizing human rights. The fact that one quarter of the Cortes Deputies came from Guatemala and other American Provinces, proved that Spanish American representatives contributed directly into the social and economic elements codified in the 1812 Constitution. Although the U.S. and French Constitution served as a structural model for representative democratic governance, the 1812 Constitution contained critical social protections such as free press, prison reform, the prohibition of torture, and inviolability of the home. Expanding the opportunities for entry into the middle class included constitutional provisions for improving health, sanitation, and expanding infrastructure. Public secular education was the predominant theme in the document to address the need to participate in the new world economy and provide an avenue of opportunity to develop a free middle class society. One hundred thirty-three years later, these fundamental social values reappeared in the 1945 Guatemalan Constitution.

As the twentieth-century further developed economic advances in conjunction with the Industrial Revolution, basic social needs of the people became more demanding in the form of worker’s rights and labor reforms. Neo-socialist ideals through representative democratic governance set forth by Guatemala’s ‘Generation of 1920’ were interrupted by military dictatorships regaining power. Motivated by the World War II victory, aspirations for social justice and human rights resurfaced, now with additional international support. The 1944 October Revolution became a national symbol of the new world order, promoting peace through democratic systems of government. Latin American nations coordinated their efforts to be recognized as a viable element in creating social aspects of the new world order. Guatemala’s successful transition from dictatorial rule to a functioning representative democracy dedicated to the ‘dignity of man’ served as a timely model for Latin American liberal thinking. Guatemala presented their revived conception of social justice and human rights on to the international stage. Additionally, Guatemala’s national 1945 Constitution includes provisions that directly advanced human rights, predating international trends. Constitutional provisions for significant
social freedoms, such as freedom of political beliefs, exceeded basic rights contained in the Universal Declaration of Human Rights.

The education and actions of the university students in 1945 provided the seed for democratic reforms. Inspired by FDR’s New Deal and Four Freedoms, the promise of social justice and self-determination contained in the Atlantic Charter, and the post-war movement for democracy, the students organized the first mostly non-violent overthrow of a military dictatorship. As their success became apparent, young military officers joined the movement and assured the success of the October Revolution. Students and faculty members studied the economic and socio-political advances discussed at the regional conferences. Their goal was to eradicate Guatemala’s culture of racial discrimination and human rights abuses of the past by demanding a democratic government bound to protect the rights of man and elevate Guatemala’s national character. The university students played a leading role in expanding Guatemala’s educational system, promoting literacy among the poor and indigenous populations, and sought to improve the social conditions of the Indians.

Focusing on the individual figures for the investigation of the intellectual origins and socio-political history of the 1945 Constitution contributed greatly to this study. Tracing the origins of President Arévalo’s philosophical beliefs and his subsequent influence on the work of the Committee of Fifteen provided significant evidence for the study’s argument that the human capacity of reason through a democratic system of governance was the basis for advancing human rights. Many personal experiences of the reform figures who were subjected to corrupt regimes, resulting in human rights abuses, gave credence to Guatemala’s determination to create a government dedicated to the ‘dignity of man’. Despite pressures from the Great Powers that held predominant positions at the regional conferences and the United Nations, Guatemalan representatives were committed to advancing intellectual arguments against anti-democratic regimes and the remaining colonial territories.

Guatemala’s visions for economic and social justice mirrored the concerns of many Latin American nations that had not yet replaced dictatorial regimes with democratic governance. In the face of growing Cold War anxiety from the threat of communism, the Arévalo administration welcomed ideas from all political views, with the exception of communism. Article 32 of the
1945 Constitution prohibited foreign political influences.¹ In regard to continued economic imperialistic aims of the North, Guatemala stood fast in its determination to modernize their economy through a capitalistic system. Specific to the economic needs of Guatemala, they combined capitalist and neo-socialist ideals together for the benefit of elevating the collective dignity and spirit of its people. Arévalo’s philosophy of ‘spiritual socialism’ was understood and embraced by liberal members of the reform government, but the concept’s inclusion of ‘socialism’ in the title was misrepresented by his opponents. Foreign corporations and Cold War mentalities sought to undermine the government’s reputation. These factions opposed the administration’s economic and social reforms by claiming they were anti-democratic and influenced by foreign ideologies. Evidence from U.S. Ambassador Kyle’s correspondence dispelled those accusations during his 1945-1948 assignment in Guatemala. Prior scholarship and Arévalo’s documents also confirm that during Arévalo’s term he replaced members of his cabinet who were suspected of extreme leftist leanings.

The examination and analysis of the Committee of Fifteen discussions specify a strong hostility towards totalitarian dictatorships and Marxist material socialism. The evidence acknowledges that the Committee’s leftist leanings were motivated primarily by extreme nationalism, combined with neo-socialist elements, as a remedy for the nation’s social ills. A parallel with the theoretical study of José Martí confirms this differentiation. Martí was not a socialist, but more accurately a revolutionary nationalist. The dialogue among Committee Members demonstrated their awareness of human rights language imbedded in the intellectual history of Latin America. Guatemala’s own lived experience of social, political and cultural struggles formed the basis for human rights thinking, unlike the European model that originated from philosophical discourse.

Contemporary themes of human rights and social justice evident in the 1945 Constitution prove the Committee’s efforts to codify the principles of the Revolution were specific to Guatemala, yet at the same time consistent with international trends of the same human rights and social justice principles.

¹*1945 Guatemalan Constitution*, Article 32. The right of association toward the ends of human life is guaranteed, in conformity with the law. The establishment of conventual congregations and any type of monastic institution or association is forbidden, as well as the formation and functioning of political organizations of an international or foreign character. Not included in these prohibitions are those organizations proposing the Central American Union or the doctrines of Pan-Americanism or continental solidarity.
Traditional political and civil ‘first generation rights’ are respected and present in the 1945 Constitution, but the reform drafters moved forward to include social, economic, and cultural rights. These ‘second generation rights’ were recognized as part of the developing structure of new universal rights, established by the international community and the United Nations. The 1945 Constitution confirmed the interrelation between first and second generation rights, equating both rights with corresponding duties. Campbell’s theoretical distinction between socialist and capitalist systems relating to welfare rights confirms this study’s argument that Guatemala’s effort to create a just society stemmed from a moral obligation to improve education, health, housing and social security for the benefit of its citizens. The reform government did not see welfare rights as an ideological device designed to maintain a conformist, peaceful and healthy workforce, as with the capitalist conception of such rights.

This study defines Guatemala’s political character as a representative constitutional democracy with neo-socialist elements designed for the State to dignify the individual for the benefit of the collective society. Guatemala’s strategy for creating an effective social security system specific to the nation’s underdeveloped society involved consultation with neighboring countries, systems modified from U.S., and European structural models. As a result of the government’s understanding and commitment to the welfare of its citizens, Guatemala’s Social Security Institute was considered one of the greatest accomplishments of the Revolution. The balance between democratic reforms coupled with neo-socialist ideals is protected by Articles of the 1945 Constitution. Guatemala’s national constitution became the first post-war constitution to protect human rights and social justice.

An evolution of human rights thinking developed on the regional and international levels, further contributing to the intellectual origins of the 1945 Constitution. Contemporary human rights initiatives developed through the Inter-American Conferences during the 1930s and early 1940s. These initiatives provided Guatemalan reformers with a basis for national social reforms. By 1945, the Guatemalan Constitution offered a living example of how a national government could implement humanitarian ideals by codifying those ideals with the strength of constitutional articles. The constitutional articles were later strengthened with subsequent statutory laws. By 1947, Guatemala had implemented their Labor Code and Social Security Institute, and their success was evident in their prominent participation at the Ninth Inter-American Conference at Bogotá in 1948. Guatemala’s accomplishments for advancing social justice and human rights on
a national level inspired other Latin American representatives. Guatemalan representatives
promoted their platforms for regional solidarity, anti-democratic regimes and anti-colonialism,
which were formulated and based on provisions within the 1945 Constitution.

Guatemala’s national experience for attaining representative democracy as a necessary
element in the struggle for human rights is supported by John P. Humphrey’s claim that the
struggle for human rights is a struggle against authority. In the context of this study, we have
exposed a link between authority and power. We have seen the early Catholic Church prioritize
its material needs over promoting Christian moral doctrine, resulting in the continued oppression
of the indigenous people. The unilateral terms of the Monroe Doctrine assured regional
superiority for the United States, positioning the United States as gatekeepers to the hemisphere,
thereby influencing Latin America’s destiny. Foreign capital investment from United Fruit
Company took advantage of military dictator’s greed to hold Guatemala’s economy hostage for
decades.

President Arévalo’s assessment of past Conservative and Liberal governments cited
previous national constitutions to empower the ruling elite by subjugating the indigenous
population as a means of production, absent of any meaningful rights. It is this systematic abuse
of power that historically exploited the impoverished and made human rights abuses an integral
component of a system for doing business. In terms of human rights, we can see the
characteristics of power as described by Primo Levi;

“Power is like a drug; the need for either is unknown to anyone who has not tried them,
but after the initiation, which can be fortuitous, the dependency and need for even larger doses is
born, as are the denial of reality and the return to childish dreams of omnipotence.”

The 1945 Constitution’s foremost purpose was to curtail abuses of power by providing
sovereignty to the people, not a king or the nation, but to the people through a representative
democracy. Once the representative democracy was established, the executive, legislative and
reformed judiciary would collectively ensure the ‘dignity of man’, the key element for
recognizing and promoting human rights.

The new significance of this study is the discovery of the intellectual origins of the 1945
Guatemalan Constitution that represented the liberal thinking predominant in the Latin American
tradition in human rights and social justice. The inclusion of the analysis of the 1812 Spanish

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Constitution as a seminal document incorporating specific provisions for social justice and human rights initiatives into the democratic constitutional structure offered by the United States and French Constitutions adds significantly to prior research in this area of study. Awareness of the character of the 1945 Constitution not only illustrates the Latin American tradition in human rights and social justice, but provides contemporary Latin American studies programs and the general Hispanic community with concrete reasons for recognition of their humanistic traditions as respected members of the American family.

The practical application of this study is the call for more research defining the contribution of the Latin American tradition in human rights as illustrated in the 1945 Guatemalan Constitution. A similar call for expanded awareness of Guatemala’s recent history was published on June 3, 2011 by an op-ed contributor in the New York Times. The author reminded his readers of the 1954 CIA overthrow of the democratically elected president Jacobo Arbenz who succeeded President Arévalo in 1951. The Guatemalan government is finally recognizing Arbenz as a genuine social progressive by including his achievement in the national school curriculum and preparing an official biography. Detailing the consequences of the CIA overthrow, which included the genocidal civil war against the Indian population that claimed the lives of 200,000 people, the author recommended that “America should follow suit by owning up to its own ignoble deed and recognizing Arbenz as the genuine social progressive that he was.”

The 1945 Constitution’s provisions for education were the means towards a goal for elevating the social status of its citizens and democratizing Guatemala. The underlying purpose of the Universal Declaration of Human Rights was to educate the people of the world of their inherent rights as equal members of the human family. Further education for the Latin American people and the people of the United States, equipped with the truth of the past, will help inform the future, a future possibly more cognizant of social justice and a deeper understanding of human rights.

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3 Stephen Schlesinger, a fellow at the Century Foundation, is a co-author of Bitter Fruit: The Story of the American Coup in Guatemala. http://www.nytimes.com/2011/06/04/opinion/04schlesinger.html?_r=1&emc=eta1
REFERENCES

**Papers and Records at United States Archives**

National Archives of the United States, College Park, Md.
Department of State Record Group 59

Decimal Files 814 Microfilm Publication M1280, Records of the Department of State Relating to Internal Affairs of Guatemala, 1930-1944.


**Published U.S. Government Documents**


Department of State. *Objectives of U.S. Foreign Policy in Latin America.*

---. *A Case History of Communist Penetration; Guatemala.* DOS Publication 6465, Inter-American Series 52, Released April 1957, Public Services Division


---. *World Strength of the Communist Party Organizations,* Office of Intelligence Research and Analysis,

Intelligence Report No. 4489 R-10, January 1958.

Intelligence Report No. 4489 R-11, January 1959.


Intelligence Report No. 4489 R-14, January 1962.


*Published Organization of American States Documents*


Lleras, Dr. Alberto, Secretary General of the OAS; Manger, Dr. William, Assistant Secretary General of the OAS; Fenwick, Dr. Charles, Director, Department of International Law and Organization of the Pan American Union. *The Results of Bogota; Lecture Series on the Bogota Conference held at the Pan American Union May 24, 25, 26, 1948.* Organization of American States.


Rowe, L.S. (Director General) and de Alba, Pedro (Assistant Director). *The United States and Latin America; A Survey of recent Changes in the Relation between the United States and the other American Republics.* Pan American Union, Washington, D.C., 1946.


*Published United Nations Documents*


United Nations Department of Public Information. *For Fundamental Human Rights.* Lake
Success, New York, 1948.


Memoirs, Participant Accounts, and Documentary Collections


Diario de Sesiones de la Comisión de los Quince Encargada de Elaborar el Proyecto de la Constitución de la República, Guatemala, C.A., 1953.


Newspapers and Periodicals


Secondary Books and Articles


Chilcote, Ronald H., Joel C. Edelstein, Editors. Latin America: the Struggle with Dependency


Rodríguez O., Jaime E. *The Emergence of Spanish America; Vincente Rocafuerte and Spanish Americanism 1808-1832*. Berkley, Los Angeles, London: University of California Press,
1975.


Silvert, K.H. *A Study in Government: Guatemala*. Publication No.21, Middle American Research Institute, Tulane University, New Orleans, 1954.


**Dissertations, Theses, and Other Unpublished Materials**


BIOGRAPHICAL SKETCH

After a thirty-year career as an entrepreneur and corporate executive in the investment banking industry, I left the United States and lived in Central America between 2001 and 2003. Living in Central America strengthened my understanding of humanity and the human condition. Firsthand knowledge of the people and conditions of Central America prompted me to examine the socio-political and cultural history of the region at the highest academic level. I have experienced the consequences of human rights abuses through the stories of the people I met in the region, specifically Guatemala. The most valuable contribution I can make to advance human rights is to teach international human rights through Interdisciplinary Humanities.