

San Juan, Porto Rico,
April 5th, 1922.

Honorable E. Mont. Reily,
Governor of Porto Rico,
SAN JUAN, P. R.

S i r:-

In order to avoid any misunderstanding as to our position after our conversation with you on the 3d. inst., and having decided to go on record in the present situation arising from your intelligence with Mr. Barcelo and other leaders of the Unionist Party, we are writing you the present letter.

It is a matter of public knowledge that you had refused repeatedly, both in Washington and in Porto Rico, to hold any conference with Mr. Barcelo outside of your Executive Office, and this refusal of yours was coupled with your statement to the authorities in Washington that, you would prefer to present your resignation if you were ordered to see Mr. Barcelo under any other circumstances. At the same time, and to be fair, we must state that you also said on several occasions, that at any time that Mr. Barcelo wanted to see you, you would be willing to receive him in your office. This statement of yours seemed to us at the time, very proper if we take into account the public scandalous campaign of difamation of Mr. Barcelo and his friends against you, both in your official and private capacities.

You can imagine our surprise when we found out that, notwithstanding that dignified attitude on your part, you decided without consulting your friends as you had done theretofore, and even concealing from us your purpose, to visit the home of Mr, Manuel Gonzalez, a Spanish subject, at Salinas, in order to meet there and at Mr. Gonzalez' dining table, many prominent Unionist leaders and among them some of the Senators who had signed the charges preferred by the local Senate against you, only four weeks ago. It is true that after this first meeting at Salinas you told Mr. Todd Sr., that before the meeting you had established the condition that Mr. Barcelo should not be present; but it is also fair to state that we found out that Mr. Barcelo had refused to go to that same meeting when he was invited to attend by his friend Mr. Cautiño of Guayama.

After that first meeting you again met at the same place, and as you told us yourself afterward, had an eight hour talk with Mr. Barcelo; and from that day you have been in constant conferences, some times up to late hours in the night, with both Mr. Barcelo and Speaker Coll Cuchi, the latter being the same man who announced on February 23, 1921, "that the Unionist Party would break you in the same way that it had broken your predecessors."

We do not criticize you for trying to reach an understanding with the majority party; we have no complaint to make against your action in granting that party its legitimate share in public positions; we are not a party in your contest with the Unionists, but we have been your allies, and certainly faithful allies; we have been fighting your battles in the Senate, in the courts, in the press and in Washington; and if you now wish to finish the war and open negotiations with the enemy, it is only fair not to leave us in the dark and pay our loyalty leaving the Republican Party in a delicate position.

We criticized you for the manner in which these conferences were held, as well as the psychological moment you selected for them to take place. This is the most critical moment in your government and at the time that you were holding those conferences, you were in the most delicate position, and the same can be said of this very instant, and any move on your part directed towards obtaining the friendship of the Unionist Party, would have no other construction but that you wanted peace at any price and that you were anxious that the fight against you both here and in Washington, should be discontinued. As a matter of fact, you acknowledged to us in our last conference, and in the most candid way, that the basis of your understanding with the Unionist Party, was that the charges against you here and in Washington, would be dropped at once.

Let us see about these charges and the control that the Unionist Party have on them to be able to discontinue them. The most serious charges against you are those pending before the Grand Jury of the District of San Juan, for misappropriation of public funds, and which were sworn to by Mr. Lamela, a member of the Junta Central of the Unionist Party, and we certainly cannot see what control the Unionist Party or its Junta Central may have on the membership of the Grand Jury, to be able to drop or withdraw those charges, if there is any basis in them. At the same time we cannot understand how you could be satisfied to have these charges withdrawn, when they involve the mismanagement of a trust placed in your hands by the Legislature, except, of course, by a report from the Grand Jury fully exonerating you in open court.

Now, as to the charges in Washington. You know very well, because it is a matter of public record, that the Committee on Rules of the House of Representatives, to which the Resolution for investigation presented by Mr. Humpreys, at Commissioner Davila's request was referred, is unwilling to report the same favorably inasmuch as, under our Organic Act, you are not impeachable by Congress, but directly responsible to the President and removable at his will. At the same time, the members of that Committee would willingly entertain a petition on your part for an investigation, and to such a proposition you heretofore had showed a ready disposition and you so informed your friends in Congress and you had your friends in Porto Rico write and cable Washington to the same effect and even the President of the United States has expressed that disposition on your part, as we were informed by the cable of the Associated Press yesterday. This understanding of your willingness to have such an investigation made, prompted your friend Congressman Strong, in his beautiful defense of your Administration, on March 17, 1922, to make that challenge when he answered the attacks of Commissioner Davila in the House, and now we have before us the cablegram of the Associated Press, of April 5th, which states that Commissioner Davila has answered the challenge and in his stead has challenged Strong to introduce such a Resolution providing for the investigation, including all activities of the Government in Porto Rico, and to embrace those of Mr. Barcelo and Speaker Coll Cuchi.

Under these circumstances, we cannot see how you can afford, even if you were willing to do so, to have these charges dropped, now that the issues are joined in the petition for an investigation.

In this attitude of Commissioner Davila making another rabid attack upon you, while his political friends here make you believe that the charges in Washington would be dropped, it is well to notice that, in his speech in Congress on the 4th inst., he refers to the charges pending against you in the local Grand Jury, connecting these charges with "your moral and mental unfitness to govern the Island, and your disposition to consider all the appropriations for the Executive branch of the Government, as forming part of your annual salary and presenting you as an irresponsible despot, who attempts to rule the people like a Roman pro-consul", and making what we consider the most serious charge, to wit: that you are the "greatest obstacle in the Island for the advancement of Americanism."

We remember that in our last conference with you, you told us that you had not made any promises to Mr. Barcelo in exchange of his generosity in withdrawing entirely from the fight against you, a fight which has, and still, is causing his party so much brains, time and money. You also stated to us that Mr. Barcelo had demanded nothing from you. We are compelled, of course,

to believe this on your word, but at the same time we have to state that Mr. Barcelo has published in his paper "LA DEMOCRACIA" of Monday the 3d. inst., that he discussed with you "policies and principles and not nominations to offices, but that, of course, such policies and principles implicitly included everything."

We stated to you in our last conversation, and we now reiterate that statement, that it was a matter of public comment everywhere in the Island, that you had entirely surrendered to the Unionist Party and had agreed with their leaders to change your cabinet, dropping from it Messrs. Toro, Lippitt, and Wilson and to appoint in their places new men selected by the Junta Central of the Unionist Party. It is true that you, at the time, denied such intention on your part and you even said that no such question was raised at that time by Mr. Barcelo and his friends in the conferences with you and you added that these men of your cabinet would be sustained by you and that you would fall with them. Notwithstanding this denial on your part, you admitted to us that you were considering the advisability of calling the Legislature in extra session and of course, we had to remind you of the fact that, in accordance to law, you would have to submit again to the senate the names of the members of your Cabinet that were rejected by the last session of said body, and re-appointed by you after the adjournment of the Senate and of course, this would be a renewal of the old fight. It is true that you denied that you had decided to follow this course, but when you were making that statement, "LA DEMOCRACIA" of that same date, was circulating on the streets, carrying the following positive statement: "We know that the Governor has the purpose within a few days of calling the Legislature in extra session," a positive statement that could only be made by Mr. Barcelo, who controls every line of that paper.

At the time we spoke about this meeting of the Legislature, you told us that the consideration which you were giving to the matter was, because your attention had been called to the fact that certain Continental American teachers and supervisors, would refuse to sign new contracts, because the present budget contemplated the cutting down of their wages for the next fiscal year; you also told us about the law providing for internal revenue income on tobacco, cigarretes and cigars, exported to the United States which were declared unconstitutional by the Federal Court, thus depriving the Treasury of one million and a quarter of dollars. But these matters, as we told you, are not new and up to this time had never come up to the surface, until the recent meetings of yourself and Mr. Barcelo and his friends; and we remember also telling you of a plan to meet the emergency without ~~call~~ the necessity of calling the Legislature in extra session, which seems to be the controlling fact in the minds of the Unionists in this new understanding between the Executive and the Legislative branches.

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Going back to the matter of the personnel of your Cabinet, it is well to remember that we advised you, way back in June 1921- when we visited you in Kansas City, that you should appoint loyal unionists, chosen by you (not by the Junta Central) for the position of heads of Departments and our only claim was to the position of Executive Secretary (not a head of Department) on account of ~~his~~ confidential character, as well as those officials appointed by the President. Even for those heads of departments, we agreed to the suggestion of Professor Bainter in favor of Mr. Huyke for Commissioner of Education, and we agreed with you in regard to the appointment of your friend Mr. Kessinger as Auditor and of Mr. Wells as United States Attorney, gentlemen whom we did not know at all, on condition that Mr. Poventud would be appointed Attorney General of Porto Rico, and you know that we endorsed these gentlemen placing our signatures together with yours in a letter which you wrote to the President of the United States, on June 10, 1921. After that you changed your mind in the matter of heads of Departments, but not on our suggestion, and decided to appoint two Continental Americans.

We honestly believed that after you decided upon such a policy, you ought to adhere to same as we have always maintained the right of the Republican Party to be represented in the Cabinet of the Governor, both in the Public Service Commission and the Executive Council, where so many important matters are decided for the public at large.

We believe that we should make it very clear that if we have been upholding and defending you during these long eight months of struggle, it has been entirely for the policies which you represent and were announced in your inaugural address, which we believe are just as alive to-day as the day on which you announced them. We have never been guilty of asking you to grant us anything that does not belong to us and you were not willing to grant us readily. At present, the only position held by a Republican in a district where we have not won the same by the ballot, is that of Clerk of the District Court of Humacao, and we told you frankly that we were not entitled to same when you made that appointment, but you had announced officially that your intention was that of counterbalancing all political parties in the courts in the Island. Notwithstanding this announcement of your policies, while you were in the States, and Acting Governor Huyke, following your suggestions, asked us for a candidate for the position of Clerk of the District Court of Arecibo, we declined to present such a candidate, advising him to reappoint the present incumbent for another term, who is a Unionist, but not in active politics.

But let ~~us~~ now state right here that contrary to this policy, the Unionist Party is holding in several towns of the island positions belonging to the Republican Party and which we would have

won if the matter should have been decided by the ballot, namely: the Justice of the Peace at Santa Isabel; the Municipal Marshal of Coamo; the Clerk and Marshal of the Court of San German; the Marshal of the court of Adjuntas; the Secretary and Marshal of the Municipal Court of Ciales; and the Municipal Marshal of Yauco. And going a little further, as we have already stated to you in a communication which has not merited your reply, that we are entitled to one of the Municipal Courts of the city of San Juan, for the reason that the said Municipality is divided into two representative districts and the Republican Party is represented in the lower House of the Legislature, because it won one of the said representative districts, namely: Santurce.

In connection with this subject of appointments to office, it is well to recall the fact that on several occasions you have been good enough to offer to some of our men very distinguished positions in the public service of the Island, which were refused by them, to wit: you offered to Mr. José Tous Soto, on the occasion when he verbally resigned the position of Lieutenant-Colonel on your staff, to recommend his name to the President of the United States for the vacant position as Justice of the Supreme Court of Porto Rico; you offered Mr. Feliu the office of Chairman of the Civil Service Commission, at a time when there was an understanding that the present incumbent would pass to another position, and you also offered Mr. Todd Sr., the position of Executive Secretary of Porto Rico, a few days after you had been appointed Governor and, lately when the resignation of Judge Campillo came to your hands, you stated, that you had made up your mind to appoint Robert H. Todd Jr., to that vacant position. All these offers were declined for reasons which were given to you at the different times when they were made, but that go to show that we were serving you out of a sense of duty, and not entirely for reward.

As representatives of the Republican Party, we are compelled to tell you that we will willingly follow you and uphold you as long as you adhere to your policies, enunciated in your inaugural address. As your friends, we must be frank and say to you that we apprehend that you are deviating from such policies, perhaps without you been consciously aware of such deviation. As your friends, we frankly state that we owe more allegiance to our principles than to an individual, and, with all due respect to our friendship, if we are placed in a position in which we will have to decide between your friendship and the American principles and interests of the Republican Party, we will have to fall on the side of said principles and said interests. In such a situation, you will understand that as a political party that owes alliance to a National Party, to which you belong, we are unwilling to be cast off at the will of any man

and in duty bound, we will have to make our position very clear before both the people of the United States and our people.

Respectfully,

Signed:

Jose Luis Soto.
Chairman Territorial Committee
Rep. Panel

Signed:

R. H. Todd
Rep. Nat. Committeeman

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We honestly believed that after you decided upon such a policy, you ought to adhere to the same as we have always maintained the right of the Republican Party to be represented in the Cabinet of the Governor, both in the Public Service Commission and the Executive Council, where so many important matters are decided for the public at large.

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But let us now state right here that contrary to this policy, the Unionist Party is holding in several towns of the Island positions belonging to the Republican Party and which we would have

won if the matter should have been decided by the ballot, namely: the Justice of the Peace at Santa Isabel; the Municipal Marshal of Coamo; the Clerk and Marshal of the Court of San German; the Marshal of the court of Adjuntas; the secretary and Marshal of the Municipal Court of Ciales; and the Municipal Marshal of Yauco. And going a little further, as we have already stated to you in a communication which has not merited your reply, that we are entitled to one of the Municipal Courts of the city of San Juan, for the reason that the said Municipality is divided into two representative districts and the Republican Party is represented in the lower House of the Legislature, because it won one of the said representative districts, namely: Santurce.

In connection with this subject of appointments to office, it is well to recall the fact that on several occasions you have been good enough to offer to some of our men very distinguished positions in the public service of the Island, which were refused by them, to wit: you offered to Mr. Jose Tous Soto, on the occasion when he verbally resigned the position of Lieutenant Colonel on your staff, to recommend his name to the President of the United States for the vacant position as Justice of the Supreme Court of Porto Rico; you offered Mr. Felin the office of Chairman of the Civil Service Commission, at a time when there was an understanding that the present incumbent would pass to another position, and you also offered Mr. Todd Sr., the position of Executive Secretary of Porto Rico, a few days after you had been appointed Governor and, lately when the resignation of Judge Campillo came to your hands, you stated, that you had made up your mind to appoint Robert H. Todd Jr., to that vacant position. All these offers were declined for reasons which were given to you at the different times when they were made, but that go to show that we were serving you out of a sense of duty, and not entirely for reward.

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Signed: Jose Touss Soto
Chairman Territorial Committee
Rep. Park

Signed: R. H. Todd
Rep. Nat. Committee

R. H. Todd