68TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
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INDEMNITY TO GOVERNMENT OF NICARAGUA ON ACCOUNT OF KILLING OF NICARAGUANS

FEBRUARY 12, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. TEMPLE, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany S. 2457]

The Committee on Foreign Affairs, to which was referred S. 2457, an act to authorize the payment of an indemnity to the Government of Nicaragua on account of the killing or wounding of Nicaraguans in encounters with the United States marines, having given careful consideration to the bill, reports it to the House without amendment and with the recommendation that it do pass.

The passage of the bill has been recommended by the President in his message to Congress of January 21, 1924, in which he transmitted a letter from the Secretary of State setting forth in detail all the facts in the case. The President's message and the letter of the Secretary of State are as follows:

To the Congress of the United States:

I transmit herewith a report respecting claims against the United States on account of several Nicaraguans killed or injured in encounters with American marines in December, 1921, and January, 1922, with a request that the recommendations of the Secretary of the Navy as indicated therein be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnities suggested by the Secretary of the Navy.

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $11,700.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 21, 1924.*

The PRESIDENT:

I have the honor to submit, with a view to its transmission to the Congress, the following report and recommendation respecting claims against the United States on account of several Nicaraguans killed or injured in encounters with American marines in December, 1921, and January, 1922.

It appears from a memorandum dated May 23, 1922, by the Judge Advocate General of the Navy that on the afternoon of December 8, 1921, word was passed among the members of the legation guard stationed at the marine barracks, Managua, Nicaragua, that there was to be an encounter that night between the marines and Nicaraguan civilians and policemen in retaliation for severe treatment accorded several marines by the Nicaraguan police. At about 7.45 p. m. on December 8, 36 marines, including 3 corporals, most of them armed with sticks and stalks of sugar cane, met at the cantina of one Conchita, where they lined up and divided into three groups. These groups then proceeded by different routes to the cantina of one Chavela Cruz. It appears further that three of the marines proceeded ahead of the party and entered the cantina of Cruz, where they became involved in an encounter with a captain of the President's guard.

At about the same time a party of the marines reached the cantina, and the encounter which had started inside spread to the group outside, who engaged in a brawl with Nicaraguan civilians. During this part of the affray, it seems, no firearms of any sort were brought into play, the marines using the sticks and sugar cane with which they were armed. A few moments after the affray had started with the civilians several of the native police became cognizant of the trouble, and upon their appearance on the scene the marines transferred their attention from the civilians to the police. One of the police, Obdulio Gomez, came toward the scene of the fighting from the south of the cantina, firing his pistol on the way as he approached, apparently for the purpose of frightening the marines into abandoning the affray. Shortly afterwards three other police, Manuel Gomez, Guadalupe Valverde, and Paraza, approached from the north of the cantina. It is stated that at least three of the marines had firearms and that Abdulio Gomez, Manuel Gomez, and Guadalupe Valverde were fired upon and shot shortly after their arrival on the scene, dying as a result of the injuries thus sustained. In the same encounter Manuel Pineda, Alejandro Malespin, and Ignacio Dona, Nicaraguans, received various wounds, as indicated in the attached memorandum.

The marines who were involved in this incident were tried by general court-martial and given appropriate sentences.

Another incident involving an encounter with marines stationed at Managua and the Nicaraguan police, resulting in the death of four and wounding of five Nicaraguans, is narrated in a report dated June 2, 1922, from the Judge Advocate General of the Navy. From this report it appears that four marines had deserted from the marine detachment, American Legation, Managua, Nicaragua, on the night of January 23–24, 1922, and that shortly afterwards it was found that four Colt automatic pistols, caliber .45, four holsters for same, approximately 250 rounds of ammunition, and one rubber coat were missing from the guard property and were apparently carried off by the marines.

Under orders from the director of police Manuel Aburto, a member of the police department of Jinotepe, Nicaragua, with several Nicaraguan policemen and soldiers under his command, proceeded to Diriamba, where they met the police commander of that district, Julian Cordero. Under the command of this officer they proceeded from Diriamba to a place where it was thought the marines would appear. Sentries were stationed along the road and within a short time a native on horseback approached. He was turned back by the police, and, upon his passing the place where the two chiefs in command of all the police and soldiers were in waiting, one of these chiefs fired a shot into the air for the purpose of intimidating the native. At the same moment a whistle was heard, and almost immediately four American marines on horseback appeared. They passed the first group of police and soldiers, and as they came near the second group its leader, Manuel Aburto, stepped up and grasped the bridle of one of the horses and spoke to the rider with a view to having him halt.

In answer, two shots were fired at Aburto, the bullets of which entered his leg and put him out of action. Romeo Monez and Julian Codero, Nicaraguan police chiefs, came on the scene and occupied themselves with the wounded and dead Nicaraguans who were shot during the affray which followed the events described. Two Nicaraguans were found dead and seven wounded, two of whom died as a result of their wounds next day in the hospital in Jinotepe, and one American was also found dead.

The deserters were later apprehended and tried by general court-martial.

These incidents were referred to the Navy Department for investigation, and in a communication to the State Department the Secretary of the Navy recommended that indemnities be granted in the following cases and amounts:

(1)	To the family of Manuel Gomez Molino, killed Dec. 8, 1921	$1, 500
(2)	To the family of Obdulio Gomez, killed Dec. 8, 1921	1, 500
(3)	To the family of Guadalupe Balverve (Valverde), killed Dec. 8, 1921	1, 500
(4)	To the family of Francisco Ramos, killed Jan. 25, 1922	1, 500
(5)	To the family of Estanislao Rocha, killed Jan. 25, 1922	1, 500
(6)	To the family of Julio Carballo, killed Jan. 25, 1922	1, 500
(7)	To the family of Manuel Hernandez, killed Jan. 25, 1922	1, 500
(8)	To Manuel Pineda, wounded Dec. 8, 1921	150
(9)	To Alejandro Malespin, wounded Dec. 8, 1921	150
(10)	To Ignacio Dona, wounded Dec. 8, 1921	150
(11)	To Manuel Aburto, wounded Jan. 25, 1922	150
(12)	To Teofilo Farcia (Teofilo Garcia), wounded Jan. 25, 1922	150
(13)	To Pedro R. Vega, wounded Jan. 25, 1922	150
(14)	To Gilberto Lopez, wounded Jan. 25, 1922	150
(15)	To Juan Ortiz, wounded Jan. 25, 1922	150
	Total indemnity to the wounded	1, 200
	Total indemnity to the families of the killed	10, 500
	Grand total of indemnity recommended	11, 700

For your convenient reference there is appended to this report a list of the victims of these unfortunate encounters and a brief statement respecting their ages, wages earned, and names of persons dependent upon each. As this list, together with the facts herein detailed, covers the circumstances which gave rise to the claims, it is deemed unnecessary to accompany this report with copies of the correspondence in the cases, but all or any part of that correspondence will, of course, be furnished should the Congress so desire.

The Secretary of State acquiesces in the recommendation of the Secretary of the Navy, and has the honor, therefore, to request the President to recommend to the Congress, as an act of grace and without regard to the question of legal liability, the authorization of an appropriation in the sum of $11,700 as indemnity on account of Nicaraguans killed or injured in encounters with American marines in December, 1921, and January, 1922, to be distributed in the following manner:

(1)	To the family of Manuel Gomez Molino, killed Dec. 8, 1921	$1, 500
(2)	To the family of Obdulio Gomez, killed Dec. 8, 1921	1, 500
(3)	To the family of Guadalupe Balverve (Valverde), killed Dec. 8, 1921	1, 500
(4)	To the family of Francisco Ramos, killed Jan. 25, 1922	1, 500
(5)	To the family of Estanislao Rocha, killed Jan. 25, 1922	1, 500
(6)	To the family of Julio Carballo, killed Jan. 25, 1922	1, 500
(7)	To the family of Manuel Hernandez, killed Jan. 25, 1922	1, 500
(8)	To Manuel Pineda, wounded Dec. 8, 1921	150
(9)	To Alejandro Malespin, wounded Dec. 8, 1921	150
(10)	To Ignacio Dona, wounded Dec. 8, 1921	150
(11)	To Manuel Aburto, wounded Jan. 25, 1922	150
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(15)	To Juan Ortiz, wounded Jan. 25, 1922	150

It will be noted from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 18, 1924.

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