

MZ

No. 29 Port-au-Prince, Haiti, October 9, 1946.

UNRESTRICTED

Subject: Transmitting Note to Haitian Government Making
Formal Reservation of the Rights of the United
States with regard to the Island of Navassa.

Waw
Navy
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VITAL STORAGE

The honorable
The Secretary of State,
Washington, D. C.

Sir:

With reference to the Department's airmail no. 240
dated October 4, 1946 instructing me to address a Note
to the Haitian Government making formal reservation of
the rights of the United States with regard to the
Island of Navassa in connection with the proposed new
Haitian Constitution, I have the honor to transmit here-
with a copy of the Note in question, together with en-
closure.

Respectfully yours,

Rerold H. Wittmann

Enclosure:

1/ Copy of Note No. 18
of October 9, 1946.

File: 301.1
RHWittmann/ham

To the Department in original
and hectograph.

DEPARTMENT OF STATE
RECEIVED
OCT 30 1946
DIVISION OF MAP INTELLIGENCE
AND CARTOGRAPHY

Enclosure no. 1 to despatch no. 29 of October 9, 1946,
from the Embassy, Port-au-Prince, Haiti.

COPY

No. 13 Port-au-Prince, Haiti, October 9, 1946.

Excellency:

I have the honor to refer to article 1 of the proposed new Constitution of Haiti which states that the island of Navassa is an integral part of the territory of Haiti. In as much as my Government regards Navassa as falling under the sovereignty of the United States, I am instructed to inform Your Excellency that formal reservation is hereby made of the rights of the United States with regard to this Island.

Particular reference is made in this connection to the note dated September 12, 1932 from the Legation of the United States of America to the Haitian Secretary of State for Foreign Relations regarding the action taken by my Government with respect to the Haitian Government's claim to Navassa as expressed in article 1 of the Haitian Constitution of 1932. A copy of this note is attached for Your Excellency's information.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

HAROLD H. TITMUS

Enclosure:

1/ Copy of Note of
September 12, 1932.

His Excellency

Dr. Jean Price-Mars,
Secretary of State for Foreign Affairs,
Port-au-Prince.

copy/ham

Enclosure to Enclosure No. 1 to Despatch no. 29 of
October 9, 1946, from the Embassy, Port-au-Prince.

CLAY

No. 180 Port-au-Prince, Haiti, September 12, 1932

Excellency:

I have the honor to inform Your Excellency that my Government has observed that article 1 of the new Constitution of Haiti, in defining the territory of the Republic, includes Navassa Island as a part of that territory. I have been instructed to bring the following facts to Your Excellency's attention.

A proclamation was issued by the United States Government on December 8, 1859, to the effect that S. K. Cooper, as assignee of Peter Duncan, was entitled in respect to the guano on Navassa Island to all the privileges and advantages intended by the act of Congress of August 18, 1856, to be secured to citizens of the United States who may have discovered deposits of guano.

The proclamation in question was held by the United States Supreme Court in the case of Jones vs. The United States (137 U.S. 202) as equivalent to a declaration that the President considered the Island as appertaining to the United States. Moreover, the Court held that the subsequent acts of the President, through the Departments of State and Treasury, had confirmed the indicated view. The acts referred to were the inclusion of the Island in a list of guano islands appertaining to the United States and bonded under the said act of Congress, annexed to a circular of the Treasury Department of February 12, 1869; the denial by the State Department in letters addressed to the Haitian Minister on December 31, 1872, and June 10, 1873, of the claim of the Haitian Government to that Island, and the reassertion of the exclusive jurisdiction of the United States over the Island.

In a note sent to the Haitian Legation at Washington on July 14, 1915, the Department of State quoted that portion of the Note of June 10, 1873, which stated that the United States had given careful attention to the claims of the Government of Haiti with respect to Navassa Island but had concluded that the position of the United States with respect thereto "is fully sustained by facts, by history and by the well settled principles of public laws". In a further communication dated July 14, 1915, the Department of State said that it was unable to discover that the Haitian Government had produced since the Note of June 10, 1873, "any argument or evidence that would affect the position then taken by the United States". The last mentioned statement remains true to this date.

By

His Excellency

M. Albert Blanchet,
Secretary of State for Foreign Relations,
Port-au-Prince.

(Enclosure to Enclosure no. 1 to Despatch no. 29 of October 9, 1946, from the Embassy, Port-au-Prince.)

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By a proclamation of the President of the United States dated January 17, 1916, Navassa Island was reserved for lighthouse purposes and that it is still used for such purposes. This action of the President was based upon the said act of Congress of August 18, 1856, and upon the further act of October 22, 1913, providing for the construction of a light station on the Island.

In view of the above I have been instructed to make a formal reservation of the rights of the United States with respect to Navassa Island, which is now actually occupied by the United States for the purpose of maintaining a lighthouse thereon.

Accept, Excellency, the renewed assurances of my highest consideration.

D.G. MUNRO

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