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I am submitting herewith a thesis written by Henry Ford Nelson Holland, Jr., entitled "The U.S. Senate's Approval of the Panama Canal Treaties." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Political Science.

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Major Professor

We have read this thesis and recommend its acceptance:

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THE U.S. SENATE'S APPROVAL OF THE PANAMA CANAL TREATIES

A Thesis

Presented for the

Master of Arts

Degree

The University of Tennessee, Knoxville

Henry Ford Nelson Holland, Jr.

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ABSTRACT

The purpose of this investigation was to account for the reasons as to why the Panama Canal Treaties of 1977 were approved by the United States Senate. Particular attention was devoted to the strategies of the pro and antiforces during the time the Senate considered the treaties between late-September of 1977 and mid-April of 1978. The research effort illustrated the complexities involved in getting the "emotionally" laden treaties approved by over two-thirds of the U.S. Senate.

Despite the relatively "ineffective" role which the antitreaty forces played in gaining support for their cause, the study revealed that it still took an extraordinary effort on the part of the protreaty forces to gain the support necessary to approve the treaties as most all of the early indicators during the summer and early fall of 1977 suggested that the treaties were doomed to defeat. With these thoughts in mind, I will set forth in the concluding chapter the major factors and events which led the Senate to approve the Panama Canal Treaties of 1977.

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CHAPTER I

INTRODUCTION

This study will deal with the approval of the Panama Canal treaties by the U.S. Senate. Chapter II will consist of a brief review of the historical background from which the treaties emerged. The balance of the study will be devoted to examining why the Senate voted as it did on the treaties. Approval of the treaties was certainly not a foregone conclusion in the period prior to Senate action. As early as 1974, it appeared that the treaties might not reach or pass the Senate. During the 93rd Congress alone, 58 resolutions were proposed in the House of Representatives in support of continued, undiluted sovereignty and jurisdiction over the Canal Zone.[1] In the Senate, Senator Strom Thurmond (Rep.-S.C.) submitted a resolution in mid-1975 which expressed opposition to the relinquishment of U.S. sovereign rights in the Canal Zone.[2] Senator Thurmond's resolution eventually acquired 37 signatories in the Senate, more than

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[1]Congressional Research Service, Library of Congress, Background Documents Relating to the Panama Canal (Washington: Government Printing Office, November 1977), p. 280.

[2]Stephen S. Rosenfeld, "The Panama Canal Negotiations—A Close-Run Thing," Foreign Affairs, 54, No. 1 (October, 1975), 9.

enough to defeat the treaties which require a two-thirds vote for approval.

As the time for Senate consideration neared, there was little evidence that the situation was becoming more hopeful. During September, 1977, when the treaties were being signed by President Carter and General Torrijos, a U.S. News and World Report Senate Poll indicated that thirty-eight Senators supported the Canal agreements or were leaning toward support, thirty-one were opposed or inclined to oppose and thirty-one were undecided.[3] An NBC News Survey as well as other press counts placed as many as forty Senators in the uncommitted category, a count which would have given the opposition the edge because they needed only thirty-four votes to defeat the treaties.[4] A short while later, the Senate Foreign Relations committee approved the treaties by a lopsided fourteen to one vote and subsequently the full Senate approved them by identical votes of sixty-eight to thirty-two.

Two basic questions emerge from the above account. First, why did the committee and eventually the full Senate

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[3]"Panama: A Doomed Treaty," U.S. News and World Report, September 19, 1977, p. 18.

[4]David M. Maxfield, "Senators Relieved that Vote on Panama Canal Treaties was Postponed until 1978," Congressional Quarterly Weekly Report, 35, No. 39 (September 24, 1977), 2033.

vote in favor of the treaties and second, why was the margin committee so much larger than the margin in the full Senate? Chapters III through VI will be devoted largely to answering the first of these questions and Chapter VII to answering the second. The evidence available does not permit definitive answers. The study will be an exploratory one aimed mainly at suggesting and exploring alternative hypotheses concerning why the votes came out as they did. Some modest testing of some of the hypotheses or parts of them will be undertaken, however. For the most part, the evidence used will be suggestive and historical, not conclusive.

Let me now outline briefly the course I will follow in attempting to deal with the first question: why did the committee and eventually the full Senate vote in favor of the treaties? The favorable votes may have resulted in part from many of the uncommitted Senators changing their minds after the pre-vote polls were taken. It seems likely, however, that they resulted largely from Senators recorded as uncommitted joining the protreaty camp in greater numbers than the antitreaty camp. Some of these Senators may have been genuinely uncommitted while others may have been protreaty all along but wanted to avoid problems which they

might have encountered if they had committed themselves too early. No matter when those favoring the treaties made up their minds, however, the basic question remains the same, why did they decide to favor the treaties rather than oppose them?

At least three basic factors seem to have been involved. First, genuine considerations of what Senators perceived to be the national interest, second the pressure of the constituents in general and of certain powerful elites and third, the skill of the leadership that guided the treaties through the Senate and the strategic compromises they made.

In actuality, there is little direct evidence concerning how representatives view their role in the U.S. In one study of congressmen, Charles Clapp concluded that they are much freer of constituency domination than they are portrayed and if they show the courage to vote against the majority, the congressmen can often gain support.[5] Also, in a study of four state legislatures (California, New Jersey, Ohio, and Tennessee) one set of authors concluded that the majority of legislators (63 percent) saw themselves as trustees, 14 percent saw themselves as delegates, with the remaining 23

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[5]Barry B. Hughes, The Domestic Context of American Foreign Policy (San Francisco: W. H. Freeman & Co., 1978), p. 98.

percent serving in both roles as "politicos."[6] Barry Hughes, in his book The Domestic Context of Foreign Policy, concludes that a representative perceives himself to be relatively free of constituency opinion, especially in an area such as foreign policy where constituency opinion is vague and ambiguous, even if it exists.[7] Regardless, though, of the scarcity of evidence which is available concerning how representatives have viewed their role in the U.S., various models have been used which could help us to account for the voting behavior of Senators in regard to the Canal treaties. In this study, the four models which will be used will be (1) The Burkean model, (2) The Delegate model, (3) The "Politico" model, and (4) The Responsible Party model. Therefore, let us briefly examine Senate action on the Canal treaties in light of these four models.

First, some Senators may have voted in accordance with the well known Burkean logic which holds that a legislator should not be bound by instructions from any source but should be guided by what Burke called "his unbiased opinion, his mature judgment, his enlightened conscience."[8] Various

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[6] Ibid.

[7] Ibid.

[8] Heinz Eulau et al., "The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke," American Political Science Review, 53 (September, 1959), 743.

members of the Senate, particularly those who were members of the Foreign Relations committee, were definitely influenced in their behavior by the notion that they should act in a manner that would insure this country's "national interest." Indeed, in an opening statement before the Senate Foreign Relations committee on September 26, 1977, Chairman John Sparkman (Dem.-Ala.) reminded the members that

> The committee will pursue one clear course of action, to review fully the issues involved in a new Panama Canal Pact, to inform ourselves and the citizens of the U.S. about these issues and in the final analysis to give the Senate its best judgment on the proposed agreement.[9]

Thus, in Chapter III we shall consider the most important logical arguments presented on behalf of the position that a vote for the treaties would serve the national interest. For instance, it was persuasively argued that the Canal was not overwhelmingly important, strategically or economically, and that we could best use it in the future through cooperation with the Panamanians. Additionally, approval of the treaties was important for maintaining "good" relations with other nations, primarily in Latin America. In the Western Hemisphere, the Organization of American States supported Panama and her claims. Indeed, unless the U.S.

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[9]U.S., Congress, Senate, Committee on Foreign Relations, Panama Canal Commercial Ocean Traffic, Hearings, 95th Cong., 1st Sess., Part 1 (Washington: Government Printing Office, 1977), p. 1.

addressed itself to modernizing its relations with Panama, it might find itself alone in supporting a colonialist stance, i.e. supporting a position that the U.S. has been critical of in the post-World War II era.

Clearly, however, Senate votes are not decided entirely on the basis of national interest. Though foreign policy decisions in general may be less subject to pressure from public opinion and elite groups than domestic policy decisions, the Panama Canal decision seems in some ways to have been an exception.

During the 1976 Presidential campaign, Ronald Reagan worked his condemnation of the impending treaties into his regular primary speeches, often raising his objections to the treaties after telling his audiences that President Ford and Secretary of State Kissinger had already allowed the United States to become number two militarily behind the Soviet Union.[10] Reagan's position on the Canal was strongly supported by such groups as the Veterans of Foreign Wars, the American Legion, the Daughters of the American Revolution, the John Birch Society, the conservative bloc in Congress and the more than 40,000 Americans living in the Canal Zone.[11]

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[10]Richard Hudson, "Storm Over the Canal," The New York Times Magazine, May 16, 1976, p. 18.

[11]Ibid.

In a CBS-TV interview with Walter Cronkite, John Connally credited Reagan's stand on the Canal with being one of the major factors that helped the former governor to defeat Ford in the Texas primary.[12] During the upcoming year, the pollsters indicated through their national polls that the overwhelming majority of Americans were against the treaties. Bernard Roshco indicated in a recent study that during this period

> the stability of protreaty responses (at approximately the 29 percent level) and of anti-treaty responses (at approximately the 53 percent lever)—across diverse questions put by different pollsters—is one of the most interesting trends the data reveal.[13]

In short, the impending treaties were clearly not supported by a majority of American citizens in early and mid 1977. In September of 1977, Senate Majority Leader Robert Byrd (Dem.-W. Virginia) announced that the treaties could not be passed unless public opinion could be moved away from such overwhelming opposition.[14] Senator Charles Percy (Rep.-Ill), in returning from a tour of his homestate remarked that

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[12] Ibid.

[13] Bernard Roshco, "The Polls: Polling on Panama—Si; Don't Know; Hell, No!" Public Opinion Quarterly (Winter, 1978), 555.

[14] Ibid.

> I have never seen anything like the depth of opposition. . . . Gun control and other issues pale in comparison.[15]

This degree of public opposition even led some Senators, particularly Senate Minority Leader Howard H. Baker (Rep.-Tn.) to conduct statewide polls on the Canal issue in order to sound out the views of their constituencies. In summary, this high degree of public opposition to the treaties definitely had an effect on some Senators although one cannot say with any certainty how much of the public opinion polls influenced the voting of various Senators. In short, one can suggest that Senators were indeed influenced by the opinion of their constituents even though we cannot measure in most cases to what degree a Senator actually considered the wishes of his constituents. Additionally, 1978 was an election year for approximately one-third of the Senate—thirty-two Senators. But, in retrospect, only twenty-two Senators decided to run for reelection as ten incumbents retired in 1978.[16] Of these twenty-two Senators who faced a reelection "fight,"

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[15]David M. Maxfield and Carolyn Teague, "Hearings Begin on Panama Canal Treaty," Congressional Quarterly Weekly Report, 35, No. 40 (October 1, 1977), 2094.

[16]Warden Moxley, "The New Senate Class: Big and Independent," Congressional Quarterly Weekly Report, 36, No. 52 (December 30, 1978), 3499.

seven were members of the Foreign Relations committee while the remaining fifteen were incumbents who were not on the committee.[17] Therefore, I feel that we can conclude by safely suggesting that Senators who were facing immediate reelection in 1978 probably weighed the decisions of their electorate more closely than did Senators who did not face immediate reelection. Thus, some Senators were probably influenced in their voting by the pressures of their constituencies mainly because they would face electoral punishment for unrepresentative behavior.

Some Senators may adopt a pure Burkean role considering themselves to be trustees while others may give in entirely to pressures and see themselves as delegates. Still others may, however, combine the two pure roles. That is, they may be guided in part by conscience and in part by constituency. Such senators are often called "politicos" and probably constitute the largest group. The position in which many of them found themselves in the Canal controversy was well expressed by Jennings Randolph (Dem.-W Virginia) who remarked:

> You know, 75 percent of my constituents are dead set against these treaties, and right now I'm in no position to write back and tell them they're

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[17] Ibid.

> wrong. My commitment is to reflect my constituent's views, but also my own, from a depth of feeling and understanding. . . . not just for this year but for the future generation that includes my grandchildren.[18]

To say the least, these "politicos" faced a real dilemma in voting on these treaties if they were torn in their vote between opposing forces, i.e. between an antitreaty constituency and a protreaty conscience.

Finally, it has been suggested that at times some legislators play a "responsible party role." Some Democrats may have been influenced by this role since the treaties had been concluded and signed by a Democratic Administration but the appropriate party position for the Republicans was not clearly defined. In short, I feel that this model might be most applicable during the third stage—Senate stage—when the Administration launches their final drive to gain additional votes for the treaties, particularly among fellow Democrats. Furthermore, it can be argued that in the post World War II period this role has been of greater importance with respect to domestic issues than with respect to foreign ones.

In the present study we will not be able to assess the precise degree of influence of considerations of national

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[18]William J. Lanouette, "The Plight of the Uncommitteds on the Panama Canal Treaties," National Journal, 10, No. 41 (March 11, 1978), 385.

interest, general popular and elite pressure, and party loyalty on the various Senators. Nonetheless, we hope to produce some very general evidence suggesting that in this case either the public opinion polls did not accurately reflect the subtlety of public opinion and the Senators knew it or that considerations of national interest may play a greater role in producing policy than often thought particularly when the policy in question is opposed by a badly fragmented bloc of interest groups.

One may argue that the treaty might still have been defeated had it not been for skillful strategy on the part of the protreaty leadership. Thus, treating the matters of national interest and pressure in Chapter III, we will turn to the leadership's strategy in Chapters IV, V, and VI. Here we will consider each of the three stages through which the treaties went. The three stages which will be examined will be 1) the pre-Senate consideration of the treaties, 2) the Senate Foreign Relations committee's consideration of the treaties and 3) the full Senate's consideration of the treaties. Within each of these stages, first we will examine the skill and strategy of the pro and antitreaty forces and second, we will note whether modifications were made in the treaties which may have aided in their passage. At this point, I want to examine in particular detail the role that the Senate leadership—particularly Senators Baker and Byrd—

played in getting these treaties approved. The main focus of this part of the study will probably center on the third stage—(the full Senate debate)—where I will be particularly interested in the protreaty forces' views and strategy, their acceptance and rejection of pact additions and their joint protreaty lobbying effort with the Administration.

The seventh chapter of this project is devoted to providing some possible answers to the second basic question outlined above: why were there differences between the committee's vote and the two full Senate votes? In general, it may have simply been the case that the Senate Foreign Relations committee membership was not truly representative of the entire Senate, i.e. that there were possibly too many "liberal" Senators on that particular committee at that time. Before we test this hypothesis, though, it might prove to be beneficial to take a brief look at the composition of the committee's membership and to see what was required to serve on the committee in terms of seniority, party affiliation and experience in foreign affairs. In this way, we can gain a general perspective of what it means to serve on the committee and to cast votes on important foreign policy decisions. To test our above hypothesis, though, we will want to examine the scores of the Senators on 307 coalition roll call votes in 1977 and 1978 during the 95th Congress to see if they voted in agreement with the conservative

coalition. For purposes of clarification, the term "conservative coalition" means a voting alliance of Republicans and southern Democrats against the northern Democrats in Congress.[19] Further, a "conservative coalition vote" is any vote on which a majority of voting Republicans and southern Democrats oppose the stand taken by a majority of voting northern Democrats.[20] Thus, the term "conservative coalition" will be used in this study to refer to Senators who do not necessarily have a certain conservative philosophy but to Senators who come from a certain region of the United States or who belong to a certain party.[21]

The first question that needs to be addressed is who were the members on the Senate Foreign Relations committee and what percent of the time did each vote with the conservative coalition? Second, we must determine what percent of the time the average Senator voted with the conservative coalition in his roll call votes. We can then compare that average score with the individual scores of the sixteen Senators on the Foreign Relations committee and determine whether the typical Senator is more "conservative"

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[19]Elizabeth Wehr and Wayne Walker, "Conservative Coalition Loses Strength," Congressional Quarterly Weekly Report, 36, No. 50 (December 16, 1979), 3441.

[20]Ibid.

[21]Ibid.

than a majority of his colleagues on the Foreign Relations committee. If there is a great variance in the scores, we might be persuaded that the committee members were not truly representative of the rest of the U.S. Senate and that more "conservative" Senators should have been on the committee at that time.

In closing, I will devote my eighth and final chapter towards trying to answer my three basic questions: (1) Why were there differences between the prior poll results and the committee's vote? (2) Why were there differences between the prior poll results and the two treaty votes? (3) Why were there differences between the committee's vote and the two full Senate votes? In short, I will develop some general hypotheses which will be based on the evidence taken from my preceding chapters. As stated earlier, the findings will not be conclusive but suggestive.

In conclusion, it is my view that the above research project is a legitimate one for several reasons. First, it will clarify the way the Senate approved a treaty. Secondly, and most importantly, it will clarify the puzzling picture of how the Panama Canal treaties of 1977 passed the U.S. Senate. Clearly, from the protreaty forces' point of view, the Panama Canal treaties were in jeopardy of being defeated at the time they were submitted to the Senate. We have previously noted the negative response which they encountered from the

American public and in the U.S. Senate. Therefore, if we can examine some of the factors which may have pressured the Senators to vote a certain way on the treaties, we may be able to more clearly see how the treaties were eventually approved by the full Senate. As we have mentioned, some of these factors might have been considerations of national interest, general popular and elite pressures, party loyalty, the strategy of the leadership in guiding the treaties through the Senate, etc.

CHAPTER II

A HISTORY OF U.S./PANAMANIAN RELATIONS

As a prelude to the Senate's consideration of the Panama Canal treaties of 1977, one must first examine the historical events and conditions which led both countries to believe that the new treaties were in their respective interests. In retrospect, the protreaty forces maintained that one of the main arguments which supported the case for the new treaties was the Hay-Bunau-Varilla Treaty of 1903, which contained the "guidelines" by which the countries conducted relations over the course of this century. In essence, they maintained that those "guidelines" were anachronistic and that no country would subscribe today to the harsh terms that were embodied in that treaty. In short, the United States, through its use of "gunboat diplomacy," forced this 1903 treaty on a weak nation which had just gained its independence.

Historical Background

Originally, the Hay-Bunau-Varilla Treaty was concluded between the United States and Panama after the Colombian Senate had rejected the Hay-Herran Treaty in August of 1903. Essentially, the Hay-Herran Treaty would have given the U.S.:

> of the U.S., on a 6 mile wide strip of land across its' colony of Panama.[1]

The Colombians were displeased both with the financial arrangements and with the treaty's infringement on their sovereignty, i.e. the Colombians felt that the New Panama Canal Company would receive four times as much money as they would—$40 million to their $10 million.[2] In response to the Colombian's displeasure and eventual rejection of the treaty, President Theodore Roosevelt stated that

> the "cut-throats" and the "blackmailers of Bogota" should not be permitted "permanently to bar one of the future highways of civilization."[3]

As a result of the Colombian's rejection of the treaties, the United States began to look for another way in which to build a canal. Noting that by her history of uprisings Panama throughout recent years had shown displeasure at being placed under the rule of Colombia, American officials encouraged Panama to revolt again and proclaim her independence from Colombia. But this time, when the Colombians sent troops to put down the uprising, they encountered two American cruisers positioned on the Caribbean side of the

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[1]U.S., Congress, Senate, Report of the Committee on Foreign Relations (Washington: Government Printing Office, February 8, 1978), p. 49.

[2]Ibid.

[3]Ibid.

Isthmus.[4] These U.S. naval units blocked, then hindered the Colombian's disembarkation at Colon.[5] Additionally, United States marines were landed and were under orders to prevent any Colombian troops from approaching within fifty miles of Panama City.[6] The U.S. justified these actions by citing the Bidlack-Mallorino Treaty of 1846 which claimed that the United States had the right to protect North American property (the Panama Railroad) against local disturbances on the Isthumus.[7] Thus, Panama became a new nation with the help of American military power.

On November 6, 1903, the United States recognized the new Panamanian government which it had helped to create.[8] Shortly thereafter, President Roosevelt and Secretary of State Hay began devoting their efforts towards concluding a Canal treaty with the new Panamanian government. Phillippe Bunau-Varilla, who had been the chief engineer on the French De Lesseps' project back in the 1880s, was anxious to sell

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[4]Richard Hudson, "Storm Over the Canal," The New York Times Magazine, May 16, 1976, p. 18.

[5]Lawrence O. Ealy, Yanqui Politics and the Isthmian Canal (University Park: The Pennsylvania State University Press, 1971), p. 60.

[6]Ibid.

[7]Ibid.

[8]Paul B. Ryan, The Panama Canal Controversy: U.S. Diplomacy and Defense Interests (Stanford: Hoover Institute, 1977), p. 11.

that French company's rights in Panama as they would expire in 1904. So, Bunau-Varilla, who knew the financial channels and the political situation in the United States, convinced the Panamanian negotiating team to let him initiate the first round of talks with Secretary Hay in Washington. The new Panamanian government agreed but sent Bunau-Varilla instructions which essentially stated that he was not to make any deals with the United States that affected Panama's sovereignty and that a new treaty could only be drafted after the Panamanian negotiators had arrived and had been consulted on the details of the treaty.[9] But, due to the rapid pace in which the negotiations had been undertaken, Bunau-Varilla never received those instructions and on November 13, the negotiations began. The negotiations did not take long to conclude because Bunau-Varilla worked very quickly in trying to sell the French Canal Company's interests to the United States for a price of $40 million as he did not want the United States to acquire rights to build a canal in another country. Therefore, he established "lenient" provisions throughout the treaty so as to gain the quick approval of the U.S. Senate, i.e. granting the U.S. "outright concessions." On November 17, only four days after

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[9]Walter Lafeber, The Panama Canal, The Crisis in Historical Perspective (New York: Oxford University Press, 1978), p. 36.

the negotiations had begun, Bunau-Varilla submitted this treaty to the U.S. State Department, and on the next day, Secretary of State Hay and Bunau-Varilla both signed the treaty. Three hours later, Amador and Boyd, the Panamanian negotiators, arrived in Washington and were met by Bunau-Varilla at Union Station. It was reported that when Bunau-Varilla showed the two Panamanians the finished pact that Amador nearly fainted on the train platform in disbelief at key parts of the treaty and what they provided.[10]

In essence, the key parts of the treaty called for an initial payment of $10 million by the United States and a $250,000 annual payment to Panama.[11] Also, under Article III, the United States would be granted in return

> all the rights, power, and authority within the Zone. . . . which the U.S. would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Rebpblic of Panama of any such sovereign rights, power, and authority.[12]

In reaction to these provisions of the treaty, Secretary Hay noted that

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[10]Paraphrased from Lafeber, p. 37.

[11]Congressional Research Service, Library of Congress, Background Documents Relating to the Panama Canal (Washington: Government Printing Office, 1977), p. 280.

[12]Ibid.

> we shall have a treaty vastly advantageous to the U.S., and we must confess, not so advantageous to Panama.[13]

The Panamanians, to say the least, were very critical of the treaty and considered rejecting it until American officials told them that the United States would withdraw its naval support, thus allowing the new revolutionary government to be suppressed by the Colombians.[14] As a result, the provisional government of Panama ratified the treaty on December 2, 1903.[15] Likewise, the U.S. Senate ratified the agreement on February 23, 1904.[16]

In the future, this treaty would prove to a hindrance in establishing "good" relations between the two countries. In essence, the Hay-Bunau-Varilla Treaty turned Panama into a colony of the United States by the grant to the U.S. of sovereignty over a ten-mile-wide Canal Zone that virtually cut the territory of that small country into two separate parts. Over the years, many Panamanian governments have

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[13]Stephen S. Rosenfeld, "The Panama Canal Negotiations—A Close-Run Thing," Foreign Affairs, 54, No. 1 (October, 1975), 1.

[14]U.S., Congress, Report of the Committee on Foreign Relations, p. 51.

[15]Congressional Research Service, p. 279.

[16]Ibid.

wanted the above passages of the treaty eliminated as they are regarded as humiliating to their country.

In 1936, Panama and the United States made the first major revision in the Hay-Bunau-Varilla Treaty when they signed the Hull-Alfaro Treaty. In essence, this treaty took a short step towards alleviating the problems between the two countries in that it abrogated Washington's role as a "protector" of Panamanian independence, i.e. Panama was no longer to be a legal protectorate of the U.S.[17] The United States also agreed to increase the annual payments to Panama from $250,000 to $430,000.[18] In reality, though, this increase was illusionary in that the dollar had been devalued by President Roosevelt in 1934, thus reducing the real worth of the payments which Panama received.[19]

Throughout the late 1930s and up until 1943, American capital investments tripled in Panama to $154 million, mostly in utilities and banking.[20] In addition, the Panamanian economy started to grow and prosper as thousands of Panamanians found work at defense sites and as United States servicemen spent most of their earnings in Panama.[21]

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[17] Lafeber, p. 87.

[18] Ryan, p. 27.

[19] Lafeber, p. 87.

[20] Lafeber, p. 99.

[21] Ryan, p. 33

But, by 1946-47, the rate of growth of the Panamanian economy had declined which eventually unleashed the forces of nationalism in that country. This nationalism was based partially on the presence of the United States and her effort to conclude a post-war military base agreement with Panama which would have allowed her to retain total control of fourteen military base sites which had been leased prior to World War II. When the agreement was completed between the two countries, President Enrique Jimenez sent it to the National Assembly for ratification. In short, this event ushered in the riots of 1947. As the terms of the agreement were made public, thousands of Panamanians rioted in the streets staging anti-Yankee demonstrations. There were also numerous clashes between Panamanian students and the National Guard. The State Department, once it realized that the treaty was in serious trouble, offered to discuss the possibility of extending economic aid to Panama. But this offer proved to be too little and too late as the agreement was rejected by a 51-0 vote before screaming galleries in the National Assembly.[22]

As a result of this rising tide of nationalism which threatened to produce continuing hostility against the American presence in Panama, negotiations were begun in 1952

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[22]Paraphrased from Lafeber, pp. 98-103.

which eventually resulted in the signing of the Eisenhower-Remon Treaty of 1955. This treaty again raised the annuity paid to Panama from $430,000 to $1.93 million.[23] Also, the treaty made some minor boundary adjustments between the Canal Zone and Panama and accorded commercial and wage equality in the Canal Zone to Panamanians.[24] But the provisions of this treaty were implemented very slowly and the treaty never proved to be very effective in improving relations between the two countries.

Essentially, the above two treaties did little to change the basic colonial structure that had been created by the terms of the Hay-Bunau-Varilla Treaty. Instead, they implemented "minor" changes which the United States hoped would divert the Panamanians attention from the major problem. But, problems kept reoccuring between the two countries. They were constantly fueled by the glaring contrast between the high living standards of the 40,000 American Zonians and the much lower living standards of Panama's own 1.6 million people. The Panamanians pointed out that the existence of the Canal Zone impeded the development of their country by curbing the growth of their urban areas since the Zone controlled large areas of unused

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[23]U.S., Congress, Report of the Committee on Foreign Relations, p. 58.

[24]Ibid.

land and all the major deepwater port facilities.[25] Additionally, the Panamanians were prevented from competing with American commercial interests in the Zone.[26] Since it seemed to the Panamanians that those problems grew out of the 1903 Treaty, which granted rights to the U.S. "in perpetuity," it is not surprising that they sought to change it. Additionally, they regarded the terms of the 1903 Treaty as an affront to their dignity as a nation since the Canal Zone maintained a police force, courts and jails which enforced U.S. laws, not only upon Americans living in the Canal Zone but also upon Panamanians present there as well.[27]

Relations between the two countries deteriorated during the mid-to-late 1950s as a further rise in nationalistic sentiment within Panama led to the Flag Riots of 1959 and 1964. During the latter incident, Panamanian students sought to fly their country's flag at a high school in the Canal Zone, as the U.S. government had conceded they could when President Eisenhower had announced in 1960 that the Panamanian flag could be flown in certain parts of the Canal.[28] On January 9, 1964, Panamanian students peacefully attempted to raise their flag next to the American flag in

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[25]Congressional Research Service, p. 1493.

[26]Ibid., pp. 1493-1494. [27]Ibid.

[28]U.S., Congress, Report of the Committee on Foreign Relations, p. 59.

front of Balboa High School in the Canal Zone.[29] American students resisted and this led to a "riot" in which four Americans and twenty Panamanians were killed and more than 200 people seriously injured.[30] In the wake of these riots, Panama broke diplomatic relations with the United States charging the U.S with aggression.[31] Diplomatic relations were resumed in only three months, but President Johnson announced in December of 1964 that the United States would negotiate a new treaty with Panama that would recognize Panama's sovereignty over the Zone and would create a partnership between the two countries in regard to running the Canal.[32] During the remainder of the 1960s and the early 1970s, an intense argument raged both within the executive branch and between it and Congress over the question of how the ties between the two countries should be modernized—whether by small U.S. concessions that would leave the substance of the 1903 Treaty intact, or by a new treaty which would restore the Zone to Panama within a certain period of time and yet ensure that the United States would be able to continue using what remained of an "indispensable international waterway."[33] With this major dispute occupying the minds

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[29] Ibid.

[30] Ibid.

[31] Ibid.

[32] Hudson, p. 22.

[33] Rosenfeld, p. 1.

of the officials concerned, the negotiations continued throughout the next several years but nothing was really finalized between the two countries.

In March of 1973, the United Nations Security Council, at the invitation of General Torrijos, met in Panama City. As the meeting progressed, it became quite clear that the United States would be isolated on the "Panama issue" until it negotiated and finalized a new treaty transferring effective sovereignty to Panama. At this meeting, the Security Council passed a resolution which stated that the "Panama issue" should be settled promptly on the basis of restored Panamanian sovereignty.[34] Several allies of the United States—France, Austria and Australia—voted with the majority for the resolution while the United States had to cast one of its few vetoes.[35] In short, this issue was an embarrassing one for the United States. Clearly, the effects that it could have on our image throughout the world if it became a future topic of significant debate in either the United Nations General Assembly or Security Council were considerable. Even in the Western Hemisphere, the Organization of American States supported Panama and her desire to finalize a new agreement. Inherent, of course, in this entire picture was the possibility that the United

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[34]Rosenfeld, p. 4.

[35]Hudson, p. 24.

States, if it did not address itself to modernizing its relations with Panama, might find itself alone in supporting a colonialist stance which it had been critical of during the entire post World War II era.[36] The United Nations action transformed the issue from a modest regional matter, which could safely have been left in a state of stagnation, into a major concern of the world community.[37] As a result, President Nixon was virtually forced to take a new position in regard to Panama, and in the fall of 1973, Secretary of State Kissinger appointed senior diplomat Ellsworth Bunker as special canal negotiator. Shortly thereafter, on February 7, 1974, Kissinger and Panamanian Foreign Minister Juan Antonio Tack signed a joint declaration of "Eight Principles" which established that a firm date would be set on which Panama would take full control of the Canal Zone.[38]

Aside from a brief period during 1975 when the State and Defense Departments were arguing over the possible duration of the new treaties, the negotiations continued until an agreement was reached by the two countries in mid August of 1977. The treaties are two in number—a new Panama Canal Treaty and a Neutrality Treaty—and the purpose

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[36]Charles L. Robertson, International Politics Since World War II (New York: John Wiley & Sons, Inc., 1975), p. 108.

[37]Rosenfeld, p. 4.

[38]Hudson, p. 22.

of the two treaties is to provide an entirely new basis for cooperation between the United States and Panama for the operation and defense of the Canal.[39] Two major United States foreign policy interests are served by the new treaties as Ambassador Bunker noted before the House International Relations committee:

> The first is our interest—for reasons of both trade and defense—in assured use of an efficiently operated and secure Panama Canal; the second is our interest in cooperative and productive relations with Latin America.[40]

In summary, the problems which "plagued" United States-Panamanian relations during the course of this century seemed to have originated with the Hay-Bunau-Varilla Treaty of 1903. Over the years, the Panamanians wanted the United States to change or amend certain portions of the treaty so that they could acquire an additional degree of sovereignty over their native territory and economic benefits which would more accurately reflect the fact that the Canal was their major national resource. The United States reacted to these Panamanian claims by making only incremental adjustments in

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[39]"Background Information on the Treaties," U.S. Department of State Bulletin, 77, No. 1999 (October 17, 1977), 508.

[40]"The Meaning of the New Panama Canal Treaties," The Department of State Selected Documents, 6C (December, 1977), 15.

the original treaty. In fact, only two agreements were finalized between the two countries—the above two treaties—over a period of fifty years which made those minor adjustments in the treaty. When the Panamanians sensed that these adjustments were not alleviating the problems which were associated with United States' sovereignty over Panamanian territory, a spirit of nationalism was fostered in Panama. Over a number of years, this spirit of nationalism became stronger and it eventually became the "guiding force" which led to the Flag Riots of 1959 and 1964. These outward, violent events caused the United States to reassess its overall policy in regard to Panama and it eventually led to the past negotiations between the two countries which produced the new treaties and transferred sovereignty over the Canal Zone. In short, this appears to be the major improvement in the 1977 treaties and government officials hope that this treaty will alleviate the apparent "tension" between the two countries which seemed to have been based on the crucial subject of sovereignty.

The Panama Canal Treaties Of 1977

In this light, what are the major provisions of the proposed treaties? Let us begin with the Panama Canal Treaty. It abrogates all prior treaties and establishes a new relationship built on the acknowledgment that Panama does

have sovereignty over its territory and that Panama will assume territorial jurisdiction over the Canal Zone six months from the date of the exchange of the instruments of ratification.[41] The main provisions of this treaty are contained in Articles III and IV which deal with the continued United States responsibility to operate and defend the Canal until the year 2000 using all Panamanian land and water areas necessary for that purpose.[42] Specifically, the United States will operate, manage, and maintain the Canal through a new Panama Canal Commission, which replaces the old Panama Canal Company and it will be composed of five Americans and four Panamanians with an American acting as the Administrator until December 31, 1989.[43] At that point, a Panamanian national will become the Administrator and an American will become the Deputy Administrator. In short, it is assumed that the Panamanians will play an increasingly important role in the operation of the Canal until it becomes their sole responsibility in the year 2000, when this portion of the treaty expires.[44]

Under Article IV, the United States and Panama commit themselves to protect and defend the Canal. In actuality,

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[41]Congressional Research Service, p. 1519.

[42]"The Meaning of the New Panama Canal Treaties," p. 25.

[43]Ibid., p. 38.

[44]Ibid., p. 25.

the United States has primary responsibility for doing so. Various lands and waters which the Joint Chiefs of Staff determined are necessary to defend the Canal are to be under United States control. Also, in regard to fulfilling these defense responsibilities it is provided that there will be only enough U.S. military forces stationed in Panama to protect those areas which the United States determines are necessary for the Canal's defense. Additionally, a status of forces agreement will cover the presence and activities of these forces.[45]

Under Article XIII, the United States will pay Panama for continued use of its land and water during the period of the treaty. The United States will pay to Panama 30¢ per ton of shipping that transits the Canal, a $10 million per year fixed annuity, and $10 million annually to be paid out of Canal operating revenues to the extent that such revenues exceed the expenditures of the Canal Commission.[46] It is important to note at this point that this money will not be paid to Panama out of Congressional appropriations, but only from Canal revenues.

Also, in Article XII of the Panama Canal Treaty, the United States and Panama commit themselves to a joint study of the feasibility of a future sea level canal in Panama, and

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[45]Ibid.

[46]Ibid., p. 44.

if they agree that such a canal is necessary, they will then negotiate an agreement providing for its construction. Under section three of this article, the United States is permitted the right to add a third lane of locks to the existing Canal.[47]

Unlike the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal will remain in effect indefinitely. In Article II of this treaty

> The Republic of Panama declares the neutrality of the Canal in order that both in time of peace and in time of war it shall remain secure and open to peaceful transit by the vessels of all nations on terms of entire equality, so that there will be no discrimination against any nation . . . concerning the conditions or charges of transit. . . . and so that the Canal, and therefore the Isthmus of Panama, shall not be the target of reprisals in any armed conflict between other nations of the world.[48]

It is further provided in Article III that both the United States and Panama agree to maintain this neutral regime. The United States can take action that it considers necessary in order to make sure that the Canal remains open, neutral, accessible and secure.[49]

Another important provision of this treaty is contained in Article VI, which notes that American and Panamanian

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[47]Ibid., p. 43.

[48]Ibid., p. 48.

[49]Ibid., p. 26.

vessels of war and auxillary vessels will be entitled to transit the Canal, irrespective of their internal operation, in an "expeditious" manner.[50] In speaking before the Council on Foreign Relations, Ambassador Linowitz later defined expeditious passage of the Canal as "passage as speedily as possible and, in case of need or emergency, the right to go to the head of the line ahead of other vessels."[51]

In addition to this Treaty of Neutrality, there are two annexes: Annex "A" defines crucial concepts which appear throughout the treaty while Annex "B" contains a protocol agreement which is open to accession by all states of the world.[52] Under the three articles of the protocol, all of the contracting parties acknowledge the regime of permanent neutrality governing the Canal and agree to observe and respect that regime in both time of peace and war.[53] The protocol will enter into force for each state when it deposits its instruments of accession with the Secretary General of the Organization of American States.[54] In summary, these are the major points of the treaties of 1977 which were signed by President Carter and General Torrijos at the headquarters of the Organization of American States on

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[50]Ibid., p. 48.

[51]Ibid., p. 26.

[52]Congressional Research Service, pp. 1055-1053.

[53]Ibid.

[54]Ibid.

September 7, 1977,[55] and were subsequently submitted to the Senate Foreign Relations committee for their advice and consent.

At this point, we cannot be sure that these treaties will improve relations between the two countries and between the United States and the rest of Latin America and the Third World. It does seem clear, however, that the United States and Panama had little choice but to drastically amend, or change, the treaty of 1903 and its colonial structure which was the primary source of conflict. Relations between the two governments had deteriorated over the years and Panamanians had become increasingly nationalistic and resentful of American occupation and control of a ten-mile-wide strip of land which completly bisected their small country.

Additionally, throughout this century, the United States Army had created a structure of facilities and missions designed for hemispheric defense. With this purpose in mind, the Army would not lease back unused zone lands and waters needed for Panama's increasing population.[56] The Panamanians felt that partly for this reason economic

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[55]"Panama: A Doomed Treaty?" U.S. News and World Report, September 19, 1977, p. 18.

[56]Rosenfeld, p. 2.

improvements were slow in coming and inadequate. This feeling was further aggravated by the vast difference between the American suburban stateside standard of living and the standard of living of the average Panamanian, who had an annual per capita income of about $700.[57] Coupled with a rising tide of nationalism, these were the main "forces" which led to the Flag Riots of 1959 and 1964 in which both Americans and Panamanians were killed.

We will consider in our next chapter the reasons why the Senators voted either for or against the 1977 treaties. Though the new treaties appear to be an improvement over the old 1903 treaty, in terms of the interests of both countries, we will now examine the treaties in a good deal more detail from the point of view of the "national interest" of the United States. The three main points of contention which we will examine in assessing the treaties from a standpoint of the national interest will be the strategic, economic and political implications involved in approving the new Canal treaties. Quite frankly, were the new Canal treaties in the best strategic, economic and political interest of the United States? In Chapter III, we will try to answer these questions in assessing the treaties from the standpoint of our

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[57]Thomas M. Franck and Edward Weisband, "Panama Paralysis," Foreign Policy, 21 (Winter, 1975-76), 185.

government officials and their perceptions of what constituted the "national interest" of the United States.

CHAPTER III

PRESSURES APPLIED BY SOCIETY

As I have previously mentioned, the Senate polls indicated that in the fall of 1977, a great many Senators were still "uncommitted." If the polls were fairly accurate, the differences between them and the three subsequent votes were due largely to the fact that more "uncommitted" Senators changed to the protreaty than the antitreaty side. Two courses of action may have been followed by these "uncommitteds." First, some of them may have been for the treaties all along. But, in order to avoid the political problems that would have flowed from committing themselves to a particular position early on, they may have chosen to remain uncommitted. Secondly, some Senators may have been genuinely uncommitted in the early stages of the consideration of the treaties and may have changed positions later. Whether Senators made up their minds early or late, most were probably influenced by considerations of national interest and by various "pressures" that were applied by "society" in order to convince them to vote either for or against the treaties. The purpose of this chapter will be to examine first the most important controversies concerning whether or not the treaties served the national interest and second,

the various pressures emanating from the social environment which influenced the Senators to eventually approve them.

The Treaties From A Standpoint Of The National Interest

In trying to address the question as to whether the treaties were in the "national interest" of the United States, we will deal with the questions which seemed to be of paramount interest to the U.S. Senate as they dealt with the question: (1) How important was the Canal to the United States from an economic point of view? (2) How important was the Canal to the United States from a strategic point of view? (3) How could the Canal best be kept in operation so as to serve our economic and military needs? and (4) What were the political risks involved in maintaining the "status quo" in Panama? There were also Americans such as Ronald Reagan who presented an argument based upon the "prestige" and reputation of the United States, i.e. if the United States "gave up" the Panama Canal, then it would lose some of its military and political prestige, especially among its allies since we again "gave in" to the demands of another small country. Indeed, this argument had a definite appeal to many Americans in the wake of the United States' involvement in Vietnam. But, it could also be maintained that this same "reasoning" led the United States to get involved in that distant

conflict. In short, this argument has some legitimacy in debating the merits of the treaties based upon what the Senate perceived was in the "national interest" of the United States. But, it could also be maintained that by approving the treaties, the United States could enhance its prestige abroad, especially among countries in Latin America and the Third World. Thus, if one can address the above four questions, we can determine whether the United States Senate perceived the treaties to be in the national interest of their country.

In brief, one could argue that the Panama Canal was economically "convenient," but not "vital" to the United States. Robert Cox, a consultant to the Commission on United States-Latin American Relations stated that

> The Canal is economically vital to Panama, perhaps also to Nicaragua and a few other Latin American countries, but not to the United States.[1]

John Elac, an international economist and a specialist in United States-Latin American relations, felt that the impact of the Canal's closure on total United States and world commerce would be "inconsequential."[2]

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[1]Robert G. Cox, "Choices for Partnership or Bloodshed in Panama," The Americas in a Changing World, ed. Kalman H. Silvert (New York: The New York Times Book Co., 1975), p. 13.

[2]Ibid.

The Canal was no longer the commercial artery for the United States that it had once been. For years, the Panama Canal Company, a federally owned company which was created in 1951, set the rates and operated the Canal on a financially self-sustaining basis.[3] During the first two decades of the Canal Company's existence, it earned almost $119 million in net profit, self-financed $240 million in capital improvements, paid $224 million in interest on the initial federal investment, and even managed to pay back some $40 million of the principal.[4] Beginning in the early 1970s, though, Canal traffic declined and the Canal company was faced with skyrocketing costs. Indeed, by 1976 there were only 12,157 commercial transits compared to 14,020 commercial transits in 1971.[5] Harold R. Parfitt, President of the Canal company and Governor of the Canal Zone, felt that Canal traffic had fallen off mainly because of the worldwide recession of the mid-1970s.[6] Other reasons as to why Canal traffic decreased

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[3]Stanley J. Michalak, Jr., "Is the Panama Canal Worth It?" U.S. National Security Issues, No. 3 (Columbus: Ohio State University, Consortium for International Studies Education, 1978), p. 85.

[4]Ibid.

[5]U.S., Congress, Senate, Committee on Foreign Relations, Panama Canal Commercial Ocean Traffic, Hearings, 95th Cong., 1st Sess., Part 1 (Washington: Government Printing Office, 1977), p. 354.

[6]Michalak, "Is the Panama Canal Worth It?"

particularly after 1974 may have been the reopening of the Suez Canal and a decline in United States military traffic to Vietnam.[7] Regardless of the reasons why Canal traffic decreased, the fact remains that the Panama Canal Company lost $29 million between fiscal years 1973 and 1976 and had to raise tolls three times in four years.[8] In short, the Canal was in financial trouble and nothing seemed to indicate that the situation would improve. Indeed, in light of the age of the Canal machinery, most of which was at least sixty-five to seventy years old, it seemed likely that extensive modifications would be required in the near future. Additionally, if the trend towards building large container ships and oil tankers continued it seemed likely that there might be less transits through the Canal in future years.

Commercially, the Canal was losing its importance to the United States, not only because it could not accomodate the large container ships and oil tankers, but also because of competition from the railroad and transcontinental trucking industries.[9] Much of the Canal cargo had already been

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[7]Walter Lafeber, The Panama Canal: The Crisis in Historical Perspective (New York: University Press, 1978), p. 221.

[8]Ibid.

[9]Alan Riding, "Is America Giving Away the Panama Canal?" Saturday Review, July 24, 1976, p. 9.

diverted into the minibridge services; a combination of rail and shipping allowing Oriental exporters to drop their goods at Pacific ports, then rail them inland to factories and markets.[10] By following this procedure, a shipper could possibly save a week of transit time and as much as 10 percent in costs.[11] In short, this "container" phenomenon had grown so rapidly in recent years that some of the hard-hit eastern port authorities had recently joined with International Longshoremen to ask the United States government that the practice be restricted.[12]

At the time of the negotiations, approximately 10 to 17 percent of United States oceangoing commerce used the Canal.[13] Further, since United States foreign trade constituted only 10 percent of the U.S. Gross National Product, it was calculated that less than 1 percent of our G.N.P. passed through the Canal.[14] Additionally, United States intercoastal trade accounted for only 2.9 percent of all cargo shipped through the Canal.[15].

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[10]"The Canal Without Rhetoric," Forbes, 120, No. 10 (November 15, 1977), 93.

[11]Lafeber, p. 222. [12]Ibid.

[13]Lafeber, p. 222-223.

[14]Thomas M. Franck and Edward Weisband, "Panama Paralysis," Foreign Policy, 21 (Winter, 1975-76), 180.

[15]Ibid.

In summary, the Canal appeared to be useful in terms of U.S. trade, but not vital. It was certainly more important to Panama: about 25 percent of its G.N.P., 20 percent of its employment, and about 40 percent of its foreign exchange earnings were directly or indirectly attributed to the Canal and its related installations.[16] Moreover, what Panama would earn from the Canal enterprise would more closely reflect the amount of traffic passing through the Canal under the new treaties than it had under the old treaty. Thus, if Panama, for any reason, decided to close the Canal, they would be the biggest losers. In brief, the new treaties were in the best interest of the United States in an economic sense. The United States, through the creation of the Panama Canal Commission, would make sure that the Canal would be operated efficiently until the year 2000 and she would also train the Panamanians in the more technical phases of the Canal's operation. The Panamanians would receive a much greater portion of the tolls. A United Nations study revealed that the Canal could produce $2 million annually in revenue for Panama.[17]

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[16]Stanley J. Michalak, Jr., "Separating Substance from Reality: The Panama Canal Treaty Debate," Intellect, 106, No. 2393 (February, 1978), 287.

[17]Lafeber, p. 227.

Additionally, the United States also would have the right to defend the regime of neutrality which would govern the Canal so as to ensure that it would remain open and secure for all shipping. These are some of the reasons why the treaties were in the best economic interest of the United States. In short, they substantially increased the likelihood of a more stable, long-term partnership with Panama which would, in turn, insure an open and efficient Canal in the future. This is something which the 1903 treaty did not guarantee as the Panamanians deeply believed that it was an affront to their dignity as a nation and did not offer them economic benefits commensurate with the value of their land which was used for the Canal.

Secondly, how important was the Canal to the United States from a military point of view? In 1903, one of the principal reasons why the waterway was constructed was that it could keep our one-ocean navy together in force while it was being shifted from ocean to ocean. But, for many years before 1977, the United States had possessed a two-ocean navy and had been equipped to deal with the possibility of a closed Canal.[18] It is true, particularly in recent years, that the size of the American Navy has diminished. In 1970, the United States had 769 ships, but by 1977, that number

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[18]Michalak, "Separating Substance from Reality," p. 287.

had declined to 489 ships.[19] It can be conceded, though, that the ships which were constructed during the late 1960s and early 1970s to replace retiring World War II crafts were of much higher quality. In effect, the Navy was forced to trade quantity for quality given the tight limits in the defense budgets at that time due to the Vietnam War and the higher costs of ships.[20] But, in recent years, many knowledgeable military people have feared that the U.S. Navy has become too small. At present, it is debatable whether the U.S. Navy possesses the command of the oceans that it once did. But it is also debatable whether we can discuss the weakness of the United States Navy based solely on its' number of ships. Dr. Barry Blechman, Head of the Defense Analysis Staff at the Bookings Institute, wrote that

> The size of the fleet should not be discussed as if the "Nimitz" were the equivalent of a patrol craft. What is important is not whether the United States needs 600, or 550, or 500 ships, but how many ships of each specific type it needs—and what the characteristics of their weapons and other component systems should be.[21]

Whatever one concludes concerning the two ocean navy disputes, it is true that at the time the Canal treaties were being considered the Canal had decreased in importance

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[19]Barry Blechman, "The Future of the Navy," U.S. Naval Institute Proceedings, January, 1977, p. 29.

[20]Ibid.

[21]Ibid., pp. 30-31.

due to the fact that our nuclear submarines had to surface while going through the Canal and twenty-four of our aircraft carriers were too large to transit it.[22] It was true that in recent years, particularly during the Vietnam War, the residual strategic importance of the Canal for transporting of U.S. supplies and moving U.S naval vessels had been demonstrated. Indeed, between 1965 and 1970, U.S. warship transits rose from 284 to 1,068 before declining again.[23] But, if the Canal had been closed during that period, men and supplies could have been transported across the United States by truck, rail, or air. In addressing this problem, a former senior officer responsible for overseeing transportation expenditures estimated that using alternative modes of shipment would have had no adverse effect on the Vietnam War effort and that additional costs would have been negligible.[24]

Additionally, there was the almost impossible problem of defending the Canal. In brief, the locks and dams were vulnerable to air attack or sabotage, as were the power plants in Colon City that generate the electricity required to operate those installations. If either of the two dams were disabled, canal operations would be curtailed because of the depletion of the water supply. It was estimated that

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[22]Franck and Weisband, p. 182.

[23]Ibid.

[24]Cox, p. 140.

if either of those barriers were actually breached that it would take up to two years for the water level in Gatun Lake to be restored.[25]

The United States military emphasized that they were not worried about the threat of a conventional attack by Cuba or the Soviet Union as much as the danger of an internal attack. An organized guerilla campaign could be actively or passively supported by Panamanian authorities. In this case, it was estimated by United States military authorities that it would take up to 100,000 men to defend the Canal.[26] But even if it were so defended, there was no guarantee against the possibility that someone might sneak in with explosives or lob artillery shells, from the dense jungle terrain which borders the Zone, at the slide-prone sections of the Canal.[27] Such actions could possibly lead the United States to invade Panama in an effort to stop guerilla attacks from bases outside of the Canal Zone. Arthur Collins, a retired Army officer who served in the Canal Zone area, wrote that if such a scenario developed:

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[25]Paraphrased from "If U.S. Had to Defend the Panama Canal," U.S. News and World Report, October 24, 1977, p. 26.

[26]David M. Maxfield and Carolyn Teague, "Hearings Begin on Panama Canal Treaty," Congressional Quarterly Weekly Report, 35, No. 40 (October 1, 1977), 2094.

[27]Ibid.

> A nation with less than 2 million people confronted by a nation of over 200 million would automatically enlist the sympathy of the Free World and the Third World. Material and other forms of support would pour in from the Communist world. Cuba would find it an irresistible opportunity to provide training cadres to Panamanian guerillas. For those apprehensive about a Communist takeover in Panama, such a scenario would just about make it a sure thing.[28]

Thus, in making its plans the United States military had to assume that in the event of a future war the use of the Canal would very likely be denied to it.[29]

In brief, the above two military issues—the Canal's utility and its defensibility—overshadowed all of the others.[30] We have noted the Canal's declining strategic value and its vulnerability to an outside attack. Further, we have noted that the Canal was much more important to Panama than to the United States. At the same time, the greatest threat to the Canal could be an internal one if the United States continued to abide by the terms of the 1903 treaty. The United States wanted an operating Canal which was open and secure, with a friendly government cooperating to keep it that way in the future. The United States also

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[28]U.S., Congress, Senate, Committee on Foreign Relations, Hearings, 95th Cong., 1st Sess., Part 3, from Arthur Collins, "Canal Treaties: The Maturing of America," Washington Post, October 9, 1977 (Washington: Government Printing Office, 1977), p. 64.

[29]Franck and Weisband, p. 181.

[30]Cox, p. 140.

did not want a Canal that could be blocked or closed by guerilla activity or sabotage, which in the final analysis, would probably lead to further bloodshed. By creating a partnership with Panama under the new treaties and granting Panama an increasing stake in the Canal's continued operation, the United States could be assured of an open and secure Canal in the future and could minimize the chances of an internal threat to the Canal.

Finally, there were "political" considerations involved in maintaining the status quo in Panama. As we have previously noted, the Canal Zone had actually been a "colony" of the United States since the 1903 treaty was ratified. As a result, as was also noted in the previous chapter, the Panamanians had wanted the treaty terminated, especially in the post World War II era which had produced a worldwide decolonization effort on the part of various nations of the world. In brief, if the United States had failed to ratify the 1977 treaties, which terminated the colonial structure and gave Panama sovereignty over her territory, there was probably little question but that her relations with Panama would have deteriorated further. At this point, one can only speculate as to what would have happened had the treaties been rejected by the U.S. Senate. Ambassador Linowitz, who was co-negotiator of the 1977 treaties, did state in an interview that

> Failure to go forward after the President has signed these treaties could have grave repercussions. . . . I don't want to be more specific, but there are forces within Panama and in other parts of Latin America that would react strongly to a rejection of these treaties and possibly endanger the Canal itself.[31]

In brief, I feel that relations between the two countries could only have deteriorated but I cannot speculate as to the degree of the deterioration.

Furthermore, the ratification of the 1977 treaties was important in helping to insure "better" relations between the United States and the rest of this hemisphere. As we have previously mentioned, the Organization of American States had supported Panama in her struggle to reclaim sovereignty over her territory. Also, when we look at some of the disturbing economic and political trends in our hemisphere, where social unrest and poverty make so many governments vulnerable to terrorism and subversion, it seems clear that a decision to reject the new Panama Canal treaties might have had disastrous consequences.[32] Gale McGee, a Permanent Representative of the United States to the Organization of American States, summarizes his feelings

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[31]"Should Senate O.K. Panama Treaties?" U.S. News and World Report, December 12, 1977, p. 33.

[32]Gale McGee, "Why We Should Ratify the Panama Canal Treaties," Orbis, 21, No. 3, (Fall, 1977), 543.

about relations between the United States and Latin America as follows:

> What looms before us if we reject these treaties is not so much the threat of local violence but rather the breakdown of a set of understandings with Latin America and the Caribbean which secure for the United States a broad range of other interests in the hemisphere.[33]

He also stated that a failure to ratify the treaties could undermine the climate of cooperation and respect that currently existed in the Organization of American States and that in the United Nations the U.S. could lose support from the Latin American countries which had strongly supported it on past initiatives.[34] It is true that some Latin American countries privately harbored suspicions about Panama being given control of the Canal. Mexico, Brazil and Peru, who rely on shipping a large percentage of their exports through the Canal, were countries which could be hurt by a sharp increase in tolls.[35] Still, most Latin American countries supported Panama privately and publically. Additionally, private U.S. businesses had a large stake in various investments and trade with Latin American countries. In brief, it would certainly not have been wise on our part to

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[33]Ibid.

[34]Ibid., pp. 543-44

[35]Congressman Phillip Crane, Surrender in Panama (New York: Dale Books, 1978), p. 90.

openly flout the opinion of the majority of those countries by rejecting the new Canal treaties.

From the point of view of overall national interest it seems clear that the United States really had little choice but to negotiate and ratify the Canal treaties. Either the United States could pursue her goals in relation to the Canal's future in active cooperation with, or in opposition to, the Panamanians. Panama and the other Latin American countries would not directly participate in that decision, but they could impose "costs" if we acted against their wishes. Additionally, the rest of the Third World nations and the allies of the United States were waiting to see whether the U.S. would ratify the new treaties. In the wake of a major decolonization effort of the post World War II era, the United States had supported independence for a host of countries such as Indonesia, Burma, India and others.[36] Most of those countries like Great Britian and France, who were forced to give up most of their colonies, were anxious to see if the United States would continue to support the decolonization effort, or whether it would subscribe to a "double standard" to protect its own interests. Needless to say, a general world outcry would not have been inconceivable had the United States elected

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[36]Charles L. Robertson, International Politics Since World War II (New York: John Wiley and Sons, Inc., 1975), p. 108.

to exercise the latter option. With these thoughts in mind, I feel it is clear that if the United States desired an open and secure Canal in the future, then she had to cooperate with Panama in alleviating the causes of its dissatisfaction. To do this, the United States had to first eliminate the colonial structure and grant Panama sovereignty over her territory. Additionally, Panama had to be given a greater stake in operating the Canal and a more "equitable" share of the tolls. By acting in this manner, by ratifying the 1977 treaties, the United States would be acting in its best long-range interest, i.e. Panama's major source of dissatisfaction would be removed and the United States would be assured of the cooperation of that small country in operating and defending the Canal in the future. Also, the United States could maintain its relatively "good" relations with other nations, particularly the countries of Latin America. In contrast, the alternative course of action, if we were to take it, would probably create "grave" problems for the United States, both in Latin America and throughout the world.

In summary of this point, the term "national interest" is a nebulous one, i.e. the term suggests certain things to certain people while others may have an entirely different way of perceiving the term. Some politicians have used the term in varying degrees as a "political tool" in which they have tried to persuade the electorate on various issues.

Therefore, the meaning of this term is certainly ambiguous if it is left undefined. In this study, the term can be best defined in light of the above four questions and answers, i.e. the answers to my above four questions constitute what I feel the U.S. Senate considered to be the "national interest." Therefore, if you follow my above argument, then the treaties were in the naional interest of the United States. Any other arguments which were presented during the debate are considered secondary to the ones mentioned in this study.

"Pressures" From The U.S. Social Environment

There were also various "pressures" which emanated from the United States social environment and influenced the eventual approval of the treaties. These "pressures" originated from two sources: (1) from the general public and (2) from organized instruments of pressure.

The social pressures which originated from the general public came from uninformed and informed citizens. The uninformed citizens formed the larger group and generally opposed the treaties. Gallup revealed that the members of this group had low incomes and were poorly educated.[37] In

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[37]Dr. George Gallup, "Panama Canal," The Gallup Poll Public Opinion 1972-77, published by the American Institute of Public Opinion, 2 (1976-77), 1210.

contrast, the informed group was smaller, but its members were better educated and better off economically.[38] They generally favored the treaties.

As we have noted, the findings of the various public opinion polls suggested that the treaties were clearly opposed by a majority of Americans. Towards the end of 1977, a Gallup poll revealed that among those who were not familiar with the treaties, nearly a two to one margin—(39 percent to 23 percent)—disapproved and 38 percent expressed no opinion once they had been given a brief description of the terms of the treaties.[39] Among those who could correctly answer three specific questions about the terms of the treaties, the results were quite different with 51 percent favoring the treaties and 46 percent opposing them.[40] In brief, the more knowledgable Americans were, the more likely they were to favor the treaties.[41]

As the Senate debate progressed, the Carter Administration, aware of the public's lack of knowledge and their intense opposition to the treaties, launched an "education" program to inform the American public of the various provisions in the treaties. President Carter asked

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[38]Ibid.

[39]Ibid., p. 1211.

[40]Ibid.

[41]Daniel Yankelovich, "Farewell to 'President Knows Best,'" Foreign Affairs: America and the World 1978, 57, No. 3 (1979), 675.

co-negotiator Sol Linowitz to launch a vigorous campaign to try to clarify the misconceptions that many Americans shared in regard to "giving up" the Panama Canal. Although the questions and sampling varied from poll to poll, it seems likely that the campaign reduced somewhat the massive public opposition and produced enough public support to sustain Senate approval.[42]

In January of 1978, Gallup reported a similar trend among its "aware" respondents. As we have previously noted, opposition to the treaties was around the 46 percent level while support was around the 36 percent level—in October of 1977. In January of 1978, however, there was a turnaround: opposition was down to 37 percent and support was up to 43 percent.[43] In February of 1978, NBC conducted a nationwide telephone poll on Panama which asked whether Americans would favor or oppose approval of the Panama Canal treaties if an amendment were added, specifically giving the United States the right to intervene if the Canal was threatened by attack and the right to send our warships to to the head of the line in case of emergency.[44] Fifty four

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[42]Ibid., p. 676.

[43]Bernard Roshco, "The Polls: Polling on Panama—Si; Don't Know; Hell, No!" Public Opinion Quarterly (Winter, 1978), 559.

[44]Ibid., p. 558.

percent said they would favor such an amended treaty, 40 percent were opposed, and 6 percent were "not sure."[45] Additionally, 81 percent of the people who responded to this poll were found to be "aware" of the treaty and its provisions. A Louis Harris poll, which was conducted in April of 1978, seemed to confirm this general change in public opinion in regard to the Canal treaties. It revealed that Americans who were aware of the amendments favored the treaties by a margin of 44 percent to 39 percent.[46] In brief, the Panama Canal treaties as they were ultimately officially interpreted clearly represent neither presidential enslavement to American public opinion nor a total disregard for it.[47] Daniel Yankleovich, a noted public opinion analyst, remarked that

> even though public antipathy toward the treaties remain, a new U.S. posture in hemispheric relations has been crafted—emphatically not at the behest of public opinion, but not in defiance of it either.[48]

Additionally, even though the public eventually came to favor the treaties, the fact remains that the above polls only measured the opinion of people who were "aware" of the Panama Canal issue. Furthermore, the percent favoring the treaties would probably have been even higher if a greater

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[45] Ibid.

[46] Yankleovich, p. 676.

[47] Ibid., p. 677.

[48] Ibid., p. 677.

percentage of people interviewed had been even better informed on the treaties. As George Gallup said with respect to an October poll

> the more Americans know about the Panama Canal treaties, the more likely they are to favor Senate ratification of the pact.[49]

As time passed, the informed group grew in both size and degree of support for the treaties. This change was due partly to the activities of organized instruments of pressure—particularly from the Carter Administration—which partly led and also followed the wishes of the electorate. The Canal Treaty experience tends to confirm the traditional hypothesis that the President is more able to lead in the foreign area than in the domestic area. In brief, a distinction must be made between the general public and elites in regard to public opinion polling on this issue. In general, the people who were better informed generally approved of the treaties while those who were not aware or only "slightly" aware tended to disapprove.

In addition to public opinion, organized instruments of pressure influenced the U.S. Senate. Some of these instruments were governmental while others were private. The most important of the governmental instruments was the Administration. The Carter Administration, like the four

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[49]Gallup, p. 1211.

preceding Administrations, was for the treaties. The Democratic Party in general endorsed the treaties and in its ranks was the Democratic President and the Democratic Senate leadership. This unified Democratic support rested in part on the platform which the Democrats had adopted at their 1976 convention. It stated that they

> sought a new Panama Canal treaty which insured the interests of the U.S. in that waterway, recognized the principles already agreed upon . . . and which would have wide hemispheric support.[50]

In brief, the leadership of the Democratic party was almost united in support of the new treaties.

The same was not the case, though, for the Republican party as they were definitely split in their support for the treaties. At the 1976 Republican convention, they stated in their platform that they wanted to preserve the Panama Canal

> "as an international waterway for the ships of all nations," and in negotiations with Panama give up no powers that are "necessary for the protection and security of the U.S. and the entire Western Hemisphere."[51]

Both presidential contenders, Reagan and Ford, endorsed this "watered-down" statement, but Ford was subsequently defeated in his bid for the presidency and the Republican party lost

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[50]"The Platform Carter Will Run On," U.S. News and World Report, July 26, 1976, p. 33.

[51]"The Platform Ford Will Run On," U.S. News and World Report, August 30, 1976, p. 31.

control of the White House. Ford however eventually supported the treaties as did Senate Minority Leader Howard Baker. On the other hand, there was a split in the "right wing" of the Republican Party with conservatives like Reagan opposing the treaties and William Buckley supporting them. So, in short, the Republicans were clearly not united in their stand on the Canal issue.

Secondly, the Department of State was officially for the treaties since it was part of the Administration. Privately, former officials of the Department also expressed support for the treaties. Two former Secretaries of State strongly endorsed them. Henry Kissinger, Secretary of State under Presidents Nixon and Ford, felt that a defeat of the proposed treaties would "poison" United States relations with all of Latin America.[52] Dean Rusk, Secretary of State under the Kennedy and Johnson Administrations, thought that the new treaties placed the United States in a stronger moral and legal position regarding its rights to the Canal than did the 1903 Hay-Bunau-Varilla Treaty.[53] He also strongly disagreed with the antitreaty forces who argued that the

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[52]David M. Maxfield, "Kissinger: Canal Treaty Defeat Would Poison U.S. Relations with Latin America," Congressional Quarterly Weekly Report, 35, No. 38 (September 17, 1977), 1945.

[53]Ibid.

Canal's security could be better preserved under the old treaty. Rusk declared that

> If, God forbid, it should ever become necessary for a President and a Congress to take strong measures to keep the Canal functioning and safe, they would be in a far stronger position to do so under the treaties of 1977.[54]

In general, State Department personnel, both past and present and members of the broader foreign policy community in this country expressed bipartisan support for the treaties. In short, they were in almost complete agreement about the need for a new Panama Canal treaty.

This same type of agreement, though, could not be found in the Department of Defense and the military community. Since the Department of Defense was a part of the Administration, they had to be "officially" for the treaties. Thus, the Joint Chiefs of Staff supported the treaties and actually worked with the negotiating team in the construction of the new treaties so as to assure U.S. defense requirements in the future. In short, the Joint Chiefs continually stressed the fact that cooperation with the Panamanian government was the key to successfully defending the Canal in the future. Admiral James Holloway, Chief of Naval Operations stated that

> Our ability to defend and protect the Canal so as to insure its continued operation would become

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[54]Ibid.

> extremely difficult in the face of an adversary relationship with our Latin neighbors or an active hostility on the part of the local population.[55]

On the other hand, there were those in the military establishment, especially retired officers, who were opposed to the treaties basically because of what they perceived as the Canal's strategic value to the United States. Admiral David L. McDonald, Chief of Naval Operations from 1963 to 1967 stated:

> The fact that carriers cannot transit the Canal is a typical know-nothing State Department view. Carriers, as such, do not operate independently but as "core" of striking forces; and all other units of these striking forces can transit the Canal including the very vital logistic support forces (oilers, ammo and provision ships). And with Angola plus U.S.S.R. actions in general I certainly do not think we should permit our presence in the Canal to be diluted.[56]

In short, the military critics seemed to be reluctant to relinquish control of the Canal because of the precept that the nation's security was inseparably linked to that of the Western Hemisphere mainly because the United States needed to control the major oceanic trade routes which led to the Canal. Specifically, they thought that those nautical lifelines were important to the United States because

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[55]"If U.S. Had to Defend the Panama Canal," p. 26.

[56]U.S., Congress, Senate, Report of the Committee on Foreign Relations, Captain Paul B. Ryan, U.S. Navy (Ret.), "Canal Diplomacy and U.S. Interests," excerpt from U.S. Naval Institute Proceedings, January 1977, vol. 3, p. 625.

millions of tons of strategic cargo were transported over these sea lanes to the U.S. and her allies.[57] I can understand and appreciate aspects of this argument, but it is possible that these military critics had not seriously considered the future consequences of their argumant. The central problem between the United States and Panama and the rest of Latin America stemmed from the American "colonial" status which these military critics wanted continued, i.e. a continuation of the status quo which involved continued American ownership and control of the Canal. In retrospect, their solution would not have alleviated the apparent "tension" between the two countries which had been in existence over the previous twenty to thirty years and would probably have led to a continuing deterioration of relations between the two countries.

There were also organized instruments of pressure which originated from the "private sector" that may have had an effect on the views of various Senators. In short, the political "left" in the United States was largely supportive of the new treaties. George Meany, President of the AFL-CIO, endorsed the treaties on August 29, 1977, stating that

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[57]Ibid., p. 626.

> I see no reason for us holding on to territory 6,000 miles away just because we built a Canal in 1904.[58]

The next day, August 30, the 1.4 million member United Auto Workers Union endorsed the treaties calling them "a long overdue diplomatic effort."[59] In mid-October, 1977, representatives of the National Council of Churches, the National Conference of Catholic Bishops, and the Synogogue Council of America testified before the Senate Foreign Relations Committee. They were all in accord on the need for the new treaties, and Cardinal John Krol seemed to summarize the sentiments of the three groups when he stated that the United States must

> acknowledge that in principle and in fact Panamanian sovereignty over its own territory is a requirement of justice and peace between our two nations.[60]

In brief, the traditional groups that are normally associated with the "left wing" in the United States were virtually unanimous in their support of the proposed treaties.

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[58]"Approval of Panama Canal Treaties Uncertain," 33rd Annual Congressional Quarterly Almanac, vol. XXXIII, 95th Cong., 1st Sess. (Washington: Congressional Quarterly, Inc., 1977), 404.

[59]Marjorie Hunter, "White House is Lobbying Unusually Hard on Canal Pacts," The New York Times, September 1, 1977, p. 2.

[60]James M. Wall, "Church Support for Canal Treaties," Christian Century, November 2, 1977, p. 995.

Such support was not evident with the political "right wing" in this country. In short, the "right wing" in this country was split in their attitude toward the new treaties. First, there was a major difference of opinion within the business community. Various business leaders, such as Max Fisher, president of United Brands Company, had fairly extensive interests in Panama and Latin America and they supported the treaties at an early date mainly because they feared that if the treaties were rejected there could possibly be disruptions in trade and moves to nationalize U.S. corporate subsidiaries in that region.[61] R. Heath Larry, president of the National Association of Manufacturers, stated the views of this part of the business community as follows:

> There is a clear "advantage" for the U.S. business community in having the Canal remain "viable." In the long run that means giving the Panamanians a direct vested interest in keeping the Canal open and operating efficiently.[62]

In short, this sector of the business community had vested interests in Latin America and they thought that a rejection of the new treaties could only damage those interests.

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[61]Guy Halverson, "Panama Canal Plays Vital U.S. Business Role," Christian Science Monitor, September 15, 1977, p. 10.

[62]Ibid.

On the other hand, there were also those in the business community who were concerned that they would be faced with much higher prices for shipping their products abroad by alternative routes if the Canal were closed or shutdown temporarily by Panama under the new treaties. The two most notable businesses to take this position were the shipping companies and the grain producers. In brief, the shipping executives had been "fuming" over the previous three to four years because of the increase in tolls charged by the Canal company. The third toll increase, which was passed by President Carter in 1976, raised charges over 50 percent above the level of the 1974 tolls.[63] The steamship companies charged that the increased tolls were driving away traffic and they tried to get Congress to change the Canal Company's accounting methods so as to cut back on the deficit. In brief, the shippers feared that Panamanian control of the Canal could bring an additional increase in tolls or maybe even price discrimination against products going to or coming from industrialized countries.[64] At least one major shipping group, the American Institute of Merchant Shipping, strongly supported the status quo.[65]

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[63]Michalak, "Is the Panama Canal Worth It?," p. 84.

[64]Riding, p. 9.

[65]Franck and Weisband, p. 174.

Also, about one-fifth of the $23 billion in United States farm exports passed through the Canal.[66] Thus, the farmers argued that they might face increased competition from foreign producers and eventually heavy financial losses if the Canal were closed by the Panamanianas.[67] To my knowledge, though, the farmers did not formally oppose the treaties as an organized group. But, there was widespread opposition to the new treaties from American farmers, particularly from the grain producers of the Midwest.

In summary, we have seen that the "uninformed" American public was generally against the treaties. In opposition, the more informed segments of the American public, including the informed leaders, were generally for the treaties. In addition, the governmental and private instruments of pressure were for the treaties with the exception of the "split" Republican leadership, the "split" military establishment, and the "split" business community. Thus, there us reason to suggest that since the antitreaty forces did not have clear control of the machinery of any significant traditional interest group they had to organize an "ad hoc" committee to criticize the treaties. In short, this "ad hoc" committee was composed of the disaffected factions mentioned

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[66]"The Canal Without Rhetoric, p. 93.

[67]Ibid.

above which lacked an official organizational base from which to publicize their views in regard to the treaties.

In the next chapter, we will examine this "ad hoc" group more closely when we examine in detail the pre-Senate and Senate Foreign Relation's committee consideration of the treaties. We will concentrate on the strategy the leadership used in guiding the treaties through the committee and any changes that were made in the treaties to render them more palatable.

CHAPTER IV

PRECOMMITTEE AND COMMITTEE STRATEGY OF THE PRO AND ANTITREATY FORCES

This chapter will deal with the skill and strategy of the protreaty forces and the antitreaty forces during two periods of time. The first period begins with the launching of the Administration's lobbying efforts during the spring of 1977 and ends with the opening of the Senate Foreign Relations committee hearings on the treaties on September 26, 1977. To say the least, this early period was very important because each group was making initial assessments of the others arguments and strategy and trying to counter them. Additionally, each was making early organizational efforts and attracting supporters.

The second period covers the Foreign Relations committee's hearings on the treaties which began on September 26, 1977, and ended on January 27, 1978, when the committee voted to recommend the treaties to the full Senate for their advice and consent.

Pre-Committee Stage

As indicated above, the Carter Administration began lobbying for the treaties during the spring of 1977, almost six months before the Agreement in Principle was reached

between Panama and the United States. At that time, Douglas J. Bennet, the Assistant Secretary of State for Congressional relations, began putting together a group of State Department liaison and information officers to concentrate specifically on the Panama issue.[1] By late May of 1977, with an agreement in sight, Bennet and Robert Beckel, the Deputy Assistant Secretary of State for Congressional relations, had started a detailed round of briefings for selected Senators, hosted by Senate Majority Leader Robert Byrd (Dem.-W. Virg.).[2] Bennet stated:

> I think it probably was unprecedented, but as the negotiations progressed, we continued to have those sessions.[3]

Bennet's task force began with members of the Foreign Relations committee and his briefings subsequently included many other Senators and leaders in the House of Representatives.[4] In short, within six weeks of the inception of this State Department lobbying group, about seventy-five Senators had participated in at least one of these briefings and some had attended several.[5]

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[1] William J. Lanouette, "The Panama Canal Treaties—Playing in Peoria and in the Senate," National Journal, 10, No. 41 (October 8, 1977), 1557.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid.

During this same period, Ambassadors Bunker and Linowitz, the two treaty negotiators, talked at length with more than seventy Senators and those Senators were able to offer suggestions and reservations during the negotiations.[6] Some of the time, their suggestions were not heeded but at least the Senators were in on the prior discussions.[7] A noted newspaper columnist, James Reston, stated that

> these prior consultations probably meant the difference between ratification and rejection of the treaty.[8]

Reston recalled that former President Woodrow Wilson did not bring key Senators into the 1919 debate over the League of Nations until it was too late and lost.[9] In contrast, former Presidents Roosevelt and Truman brought Senators into the process of planning for the United Nations Charter at an early date, and won.[10] In short, bringing the Senators into the Canal treaty debate during the very early stages was an adroit strategy. It did not, of course, lead directly to the approval of the treaties, but my guess at this point is that it subsequently made the effort to win Senate votes easier than would otherwise have been the case.

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[6]James Reston, "The Strange Debate on Arms Treaty," The Knoxville News Sentinel, January 23, 1979, p. 10.

[7]Ibid.

[8]Ibid.

[9]Ibid.

[10]Ibid.

In early August, just before the Congressional summer adjournment, Bennet and Beckel organized a second round of intensive briefings during a hectic five day period. These briefings were particularly designed for the "uncommitted" Senators so that they would be prepared to answer questions about the treaties when they returned to their homestates. Furthermore, during the summer adjournment, Bennet's office also sent copies of the treaties to all Congressional offices as soon as they were made available. Additionally, during this period and throughout the remainder of the Senate's consideration of the treaties, the Bennet task force sent all Senators and Congressmen an assortment of up-to-the-date information on the treaties when they returned to their homestates. Furthermore, during the summer adjournment, Bennet's office also sent copies of the treaties to all Congressional offices as soon as they were made available. Additionally, during this period and throughout the remainder of the Senate's consideration of the treaties, the Bennet task force sent all Senators and Congressmen an assortment of up-to-the-date information on the treaties including fact sheets, treaty summaries, background documents, question and answer samples to help Senators respond to their mail, and even elaborate $100 sets of maps.[11]

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[11]Paraphrased from Lanouette, "The Panama Canal Treaties," p. 1559.

As time passed, the State Department's lobbying efforts were guided by a task force directed by Douglass Bennet and made up of the leaders of three groups: a public affairs group that prepared and distributed statements and fact sheets; and information group that coordinated documents and speakers; and a legal group that drafted the enabling legislation needed later to implement the treaties.[12]

The White House Congressional office, under Frank B. Moore, worked together with Bennet's State Department office although its staff members were involved with other legislative issues as well.[13] Also, a special White House task force was set up in early August under the direction of Hamilton Jordan, the President's closest lieutenant and former campaign manager, to conduct a political campaign in what it regarded as swing states.[14] These swing states were identified by one senior White House official as

> the sunbelt states of the South, Southwest, and the Far West where the bulk of Senatorial opposition is concentrated and where Reagan was able to exploit the Panama issue effectively in his campaign for the Republican presidential nomination.[15]

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[12]Ibid.

[13]Ibid.

[14]Hedrick Smith, "White House Opens Drive to Win Senate Approval of Canal Accord," The New York Times, August 12, 1977, p. 6.

[15]Ibid.

Jordan and his assistants also mapped out a series of strategy sessions to coordinate their activities with the State Department and out of these meetings came the idea of using the White House as a setting for briefing selected public officials. This program was formally put into effect after the treaties were signed but was used as a vehicle for gaining support of the treaties even earlier. For instance, on the 23rd of August, President Carter, Ambassador Bunker, National Security Advisor Brzezinski, and other key Administration officials briefed Governors Clifford Finch of Mississippi and Julian Carroll of Kentucky along with a contingent from both states of about fifty business leaders.[16] Eventually, these White House meetings evolved into a congestive schedule of briefings held almost every day. Landon Butler, a Deputy Assistant to the President in Jordan's office, said:

> They (the Senators) find it helpful, and in many cases they are bringing in their most influential opponents of the treaties, to get our side of the picture. In most cases, I think they're going away convinced.[17]

Additionally, similar briefings were conducted elsewhere by some Cabinet members: Secretary of Agriculture Bob Bergland

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[16]Marjorie Hunter, "White House Is Lobbying Unusually Hard on Canal Pacts," The New York Times, September 1, 1977, p. 2.

[17]Lanouette, "The Panama Canal Treaties," p. 1559.

briefed several farmers organizations and the Defense Department held a similar meeting for retired generals and admirals at the National War College.[18] In addition to holding the briefings, Administration officials traveled to various parts of the country to speak on behalf of the treaties. All of these briefings and speaking engagements were designed to "educate" both the Senators and the general public concerning the details of the treaties. In addition to this massive educational drive, the Administration also appealed to past campaign workers to rally grassroots support behind the treaties and the President eventually planned to give a fireside chat to the American people.

In August and September of 1977, the Administration tried to gain support for the treaties by appealing to past governmental officials. Former Secretaries of State Henry Kissinger, William Rogers, and Dean Rusk, former Secretary of Defense Melvin Laird, and former President Gerald Ford all endorsed the treaties in late August and early September. Most of the endorsements came after the President and/or several aides briefed the past officials and personally appealed for their support. On August 29, 1977, General George Brown also held a meeting in Washington for retired generals and admirals to explain the reasons why the Joint Chiefs of Staff supported the treaties.[19]

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[18] Ibid.

[19] Paraphrased from Hunter.

The Administration also appealed to vested interests—labour and business—for their support of the treaties. In mid-August of 1977, President Carter telephoned George Meany, President of the AFL-CIO to seek his support for the treaties.[20] A few days later, Meany endorsed them. On August 30, the 1.4 million member United Auto Workers Union also endorsed the treaties.[21] Carter also enlisted the support of big business and several business leaders subsequently lined up behind the treaties including Robert O. Anderson, Chairman of the Atlantic Richfield Company; Max Fisher, President of United Brands Company; Dupont Chairman of the Board Irving Shapiro; Howard L. Clark, Chairman of Atlantic Express Company; and W. J. Amoss, Jr., President of Lykes Brothers Steamship Company.[22] Furthermore, the Committee of Americans For the Canal Treaties was formed by a number of leading citizens.[23] The committee's members included such Americans as Undersecretary of State George Ball, former Ambassador General Maxwell Taylor, Mrs. Lyndon

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[20]Ibid.

[21]Ibid.

[22]K. Larry Storrs and Rosemary Jackson, Panama Canal Treaties: Consideration by the Congress (Washington: The Library of Congress Congressional Research Service, September 8, 1978), p. 55.

[23]"Approval of Panama Canal Treaties Uncertain," 33rd Annual Congressional Quarterly Almanac, vol. XXXIII, 95th Cong., 1st Sess. (Washington: Congressional Quarterly, Inc.), p. 404.

B. Johnson, former Ambassador Henry Cabot Lodge, former Senate Minority Leader Hugh Scott, and Chairman W. Averell Harriman, a former governor of New York.[24] In brief, this bipartisan group of treaty supporters included business and labour leaders, former military officers, and senior officials of several past Administrations. They helped the current Administration in its national "educational" program.

On September 7, 1977, the Administration also staged an elaborate ceremony at the Headquarters of the Organization of American States in which President Carter and General Torrijos signed the two treaties. The ceremony, which was attended by representatives from twenty-six Western Hemispheric nations, was a dramatic exercise in public relations designed to bolster support for the treaties. One junior White House aide confessed that this Panama production was "right out of Cecil B. DeMille."[25] For three days, the Capital was turned into a massive traffic jam as motorcades hurried visiting dignataries to an almost endless round of parties, ceremonies and summit meetings. At the ceremony, the Administration circulated a "Declaration of Washington" which it hoped Latin leaders would sign as a general

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[24]Ibid.

[25]Angus Deming, "A Panama Production," Newsweek, September 15, 1977, p. 46.

expression of support for the new treaties.[26] Subsequently, twenty-six Latin American Heads of State signed the document which officially affirmed their satisfaction in the treaties previously signed by the American and Panamanian Heads of State.[27] The Carter Administration made no secret of its hope that this display of hemispheric solidarity would help disarm opposition to the Canal treaties in Congress and the country.[28]

Committee Stage

Toward the end of September, the Foreign Relations committee hearings finally got under way. Early the following month a dispute arose between the Panamanian and American negotiating teams with regard to the way the treaties should be interpreted and the administration sensed that the treaties could be in serious trouble. As a result, President Carter appeared before the Democratic National

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[26]Graham Hovey, "U.S. Asking Latins to Sign Statement on Canal Treaties," The New York Times, September 5, 1977, p. 2.

[27]Congressional Research Service, Library of Congress, Background Documents Relating to the Panama Canal (Washington: Government Printing Office, 1977), p. 1513.

[28]Graham Hovey, "Panamanian Leader Meets with Carter," The New York Times, September 7, 1977, p. 14.

Committee to ask for their help and support.[29] The Committee adopted a watered-down resolution supporting ratification.

The Carter Administration continued to brief Senators and to hold sessions at the White House to gain the support of various Senators throughout the rest of the committee stage. As a result of an October 11th meeting of this type at the White House, the President realized that something had to be done to revitalize the protreaty campaign. Consequently, the President invited General Torrijos to Washington to agree to a "Statement of Understanding." We will discuss this statement in a later chapter, but in brief it clarified some language in the Neutrality Treaty that was of particular concern to most Senators. The President also stressed throughout the rest of these meetings that additional amendments to the treaties were really not needed and would only hinder their approval by Panama and the United States.

In summary, the goal of the protreaty forces in the precommittee and committee stages was to gain wide bipartisan support for the treaties, both publicly and in the Senate, where they needed at least sixty-seven votes for ratification. Their protreaty blitz was marked by a highly organized

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[29]William Claiborne, "President Appeals for Party Support on Panama Pacts," The Washington Post, October 8, 1977, p. 1.

campaign on the part of both the White House and the State Department which appealed for support months before the treaties were finalized. To gain that support, the protreaty forces initiated a massive "educational drive" designed to provide the public and Senators with information about the treaties. They concentrated on gaining the endorsements of past governmental officials, labour union officials and leaders of big business. In addition, the protreaty forces staged an elaborate signing ceremony in Washington which brought more Heads of State to Washington than any event since John Kennedy's funeral in 1963.[30] This event made it clear that failure to approve the treaties might lead to the disruption of Washington's relations throughout the Hemisphere, if not to guerilla war that could close the Canal.[31]

The elaborate protreaty "blitz" was not without its critics, however. Some Senators who sympathized with the Administration's efforts resented the pressure being applied for a quick vote; particularly the twenty-six Senators who faced reelection in 1978.[32] Additionally, the White House

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[30]"Now for the Hard Part," Time, September 19, 1977, p. 19.

[31]James Reston, "Carter's Canal Strategy," The New York Times, September 7, 1977, p. 21.

[32]"Anglo-Saxon Sentimentality," The New Republic, September 7, 1977, p. 21.

did not handle its relations with Congress as skillfully as it could have. One Capitol Hill aide said that the White House lobbyists were in danger of driving votes into the opposing camp by using "heavy-handed tactics."[33] Particularly, the President's parade of Latin American dictators in Washington for the signing ceremony won no prizes from Congressmen for subtlety.[34] Furthermore, there were the inevitable careless statements. At one point, Carter's aide Hamilton Jordan complained of the Senate that:

> Some of those bastards don't have the spine not to vote their mail. If you change their mail, you change their mind.[35]

Senator Clifford Case (Rep.-N.J.) replied that such comments were not "helpful."[36] Still, the Administration's mistakes in strategy were few and far between during these stages and the protreaty position consequently gained a wide degree of bipartisan support.

In opposition to the protreaty forces were the antitreaty forces which were trying to prevent the treaties from being ratified. The treaties had become a real issue with many conservatives in the United States during the 1976 Republican presidential primaries when former California

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[33]Ibid.

[34]Ibid.

[35]Edwin Warner, "That Troublesome Panama Canal Treaty," Time, October 31, 1977, p. 26.

[36]Ibid.

governor Ronald Reagan ran for his party's nomination. But, in truth, the antiforces lacked any real organizational structure until August and September of 1977. Even at that time, the antitreaty forces were organized in a largely ad hoc manner because the Republican party, the military, and the varied business groups were all split and could provide them with no traditional organizational base. Essentially, the ad hoc antitreaty organization was composed of such right-wing groups as the American Conservative Union, the Conservative Caucus, the Committee for the Survival of a Free Congress, Reagan's Citizens for the Republic, and the National Conservative Political Action Committee.[37] This antitreaty organization was loosely organized because no one group, or leader, emerged to direct the overall effort. As a matter of fact, probably the closest thing that the antitreaty forces had to a tightly knit organization was an informal coalition of conservative activists known as the "New Right." Led by Richard Viguerie, a direct-mail operator for conservative political causes, the group included Howard J. Phillips of the Conservative Caucus, John Laxalt of the Citizens for the Republic, John T. Dolan of the National Conservative Political Action Committee,

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[37]Rudy Abramson, "Conservatives Against the Canal Treaties Planning a Multi-Media Blitz for January," The Los Angeles Times, November 7, 1977, p. 5.

Rich Williamson of the American Conservative Union, and Paul Weyrich of the Committee for the Survival of a Free Congress.[38] The members met in each other's homes several times a week to plan and coordinate strategy against the treaties. They were clearly no match for the combined efforts of the State Department and Administration on the protreaty side.

From the beginning, the goal of the antitreaty forces' campaign was to gain thirty-four votes in the Senate to defeat ratification of the treaties. This was indeed an easier task than the one which faced the proforces, who needed a minimum of sixty-seven votes. Furthermore, some of the Senate polls showed that as many as thirty Senators were already solidly opposed to the treaties.[39] As we have already mentioned, the antitreaty forces had the majority of the American public on their side in the beginning and throughout most of the stages of the approval process. We have noted that public opinion changed to a certain degree around the beginning of 1978, but this was mainly among informed people.

To reach the above goal of thirty-four votes, the antiforces like their opponents tried to gain the support of

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[38]Lanouette, "The Panama Canal Treaties," p. 1560.

[39]See Ken Bode, "Carter and the Canal," The New Republic, January 14, 1977, p. 8.

twelve to fifteen Gulf Coast state Democrats, moderate Clifford Case (Rep.-N.J.), and Senate Minority Leader Howard H. Baker (Rep-Tn.). They felt that they could defeat the proposed treaties if they could influence enough of the Southern Senators to vote with their Midwestern and Far Western supporters. To gain the necessary support, the antiforces did not rely primarily on direct appeals to Senators, although such appeals were made. Instead, they appealed to the people across the country to write their Senators and Congressmen about the treaty. Viguerie said

> We're doing some direct lobbying, but not as much as the White House. Our strength is not in Washington. Our strength is in Peoria and Oshkosh and White River Falls. And that's where we're going.[40]

Indeed, that's exactly where the thrust of the antiforces campaign went during the first two stages of the approval process. Their original strategy was built on a direct mail campaign which was directed by Richard Virguerie[41] of what he described as:

> those basically thought of as middle-class, blue color, ethnic type people.[42]

In his letters, Viguerie touched upon three main issues: the American military "retreat" around the world, the question of whether the United States had a clear right to intervene

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[40]Lanouette, "The Panama Canal Treaties," p. 1560.

[41]Ibid. [42]Ibid.

militarily, and the charge that the treaties were nothing more than a "bailout" for big New York banks who had loans in Panama.[43] The overall purpose of the letters was to get the various constituencies to write their Senators and express their disapproval of the treaties. By early September, the mail pouring into the Senate was running better than nine to one against ratification.[44] Additionally, between September and November, the conservatives planned on sending out over five million letters to encourage people to put pressure on their Senators; especially those who were facing reelection in the upcoming year.[45] However, this effort of the antiforces may have been a bit counterproductive. Senators began to suspect that the organized letter writing campaign was not truly representative of the views of their entire constituencies. One of Senator Cranston's (Dem.-Cal.) staff aides remarked:

> I've heard Senators say they were less and less impressed with this type of lobbying.[46]

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[43] Ibid.

[44] Richard Steele, "Stand Up and Be Counted," Newsweek, September 12, 1977, p. 26.

[45] Ibid.

[46] David M. Maxfield, "Senators Relieved that Vote on Panama Canal Treaties was Postponed until 1978," Congressional Quarterly Weekly Report, 35, No. 39 (September 24, 1977), 2033.

The antitreaty forces also started a newspaper advertising drive that was aimed at the southern states where the Carter Administration was expecting the support of southern Democrats.[47] According to the American Conservative Union's executive director, his group budgeted over $20,000 for newspaper advertisements.[48] They started running them in mid-August. The first which appeared in the Sunday edition of a Jackson, Mississippi newspaper, proclaimed in part:

> There is no Panama Canal. There is an American Canal in Panama. Don't let President Carter give it away.[49]

Strong pressure was also placed on Minority Leader Howard Baker who was seen as a major prize by both camps. One of these full page ads which appeared in the Sunday edition of a Nashville, Tennessee newspaper said:

> Only Howard Baker can save the Panama Canal. Write, call, or visit the Senator.[50]

But, the pressure of this advertising campaign may have again been counterproductive in the long run in that many

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[47] Adam Clymer, "Conservatives Map Drive Against the Canal Treaty," The New York Times, August 16, 1977, p. 7.

[48] Ibid.

[49] Ibid.

[50] Congressional Record, 95th Cong., 1st Sess., 124, No. 15 (Washington: Government Printing Office, February 9, 1978).

Senators came to resent it. The antitreaty campaign probably alienated undecided Senators who were trying to study the merits of the treaties as objectively as possible.

In addition to the media campaign, the antitreaty forces also drew up a list of speakers who traveled the country speaking against the treaties. Paul Weyrich, head of the Committee for the Survival of a Free Congress, was one of those speakers and he stated:

> I have been making speeches around the country the last few months, and Panama is a real grass roots issue. Nothing gets more of an emotional reaction than saying, "At no time are we going to surrender the Panama Canal. We are pledged to fight for it."[51]

During the precommittee stage and especially during the committee stage, the antiforces arranged personal meetings with Senators and political leaders in various states. In essence, these meetings were designed to persuade uncommitted Senators to at least delay their decisions so that the final Senate votes could be put off until the spring of 1978—an election year. In addition, the antiforces proclaimed that they would electorally punish those who eventually voted for the treaties. Richard Viguerie stated:

> Conservatives have one weapon the White House really doesn't have—the ability to punish. We're

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[51]Paul Houston, "Close to Blocking New Canal Pact," The Los Angeles Times, August 12, 1977, p. 22.

> going to look very carefully at the votes when all of this is over and do an awful lot of punishing next election.[52]

This "coercive" strategy probably did not reap great benefits for the antitreaty cause. Several Senators felt as did Senator Thomas McIntyre (Dem.-N.H.) when he stated in an emotional speech on the Senate floor:

> My political fate is not my concern here today. My concern is the desperate need for people of conscience and goodwill to stand up and face down the bully boys of the radical New Right before the politics of intimidation does to America what it tried to do in New Hampshire.[53]

In late October, during the committee stage, the American Conservative Union unveiled their newest weapon: a thirty minute color television film. Between October 29 and November 13, the film was aired on twenty nine television stations in three southern states—Texas, Louisiana and Florida.[54] The two main themes of the film were that the Canal was an important national asset which was built and paid for by the United States and that U.S. security would be diminished by surrendering to "blackmail from an unstable

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[52]Lanouette, "The Panama Canal Treaties," p. 1560.

[53]William J. Lanouette, "The Plight of the Uncommitteds on the Panama Treaties," National Journal, 10, No. 10 (March 11, 1978), 387.

[54]John M. Goshko, "Conservatives Set T.V. Film Opposing Panama Treaties," The Washington Post, October 28, 1977, p. 2.

and leftist Panamanian dictatorship.[55] According to Congressman Phillip Crane (Rep.-Ill.) the film had a dual purpose:

> to spur viewers into calling on their Senators to vote against the treaties and to contribute funds to the ACU's antitreaty war chest.[56]

Crane also stated that the showings were only a prelude to later broadcasts which would reach every major market in the nation.[57]

During this latter part of the committee stage particularly in January of 1978, the antitreaty forces organized a "Panama Canal truth squad" which included several members of Congress and a former Chairman of the Joint Chiefs of Staff. According to Senator Paul Laxalt (Rep.-Nevada)

> the speaking tour, covering seven cities and 6,739 miles will be carried out in chartered aircraft at an estimated cost of $100,000.[58]

Actually, the truth squad seemed to be no more than an effort by the antiforces to gain publicity and sway public opinion in certain areas so that maybe a vote or two could eventually

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[55] Ibid.

[56] Ibid.

[57] Adam Clymer, "T.V. Campaign Begun Against Panama Canal Treaty," The New York Times, October 31, 1977, p. 20.

[58] Graham Hovey, "Canal 'Truth Squad' Plans a 5-Day 'Blitz,'" The New York Times, January 10, 1978, p. 11.

be changed.[59] To illustrate this point, the truth squad stopped in Denver on January 20, 1978. While they were there, they held a public meeting and newspaper, radio, and television interviews. Their target on this stopover was Senator Floyd Haskell (Dem.-Col.) who was up for reelection and had been most guarded in his prior statements about the treaties.[60] The fact is, however, that this truth squad was most ineffective in changing the minds of any Senators and the entire affair was a "fiasco" which was plagued by bad timing and shoddy advance work. Stops in Atlanta and Nashville were cancelled because of Senator Hubert Humphrey's death and shortly thereafter, they appeared before only 250 people in Miami, who were mostly Legionnaires and members of the Veterans of Foreign Wars in full uniform.[61] Additionally, they were forced to bypass Cincinnati after a storm dumped thirteen inches of snow on the city and they also spoke to a sparse crowd of only 360 people in St Louis.[62] In short, their campaign was surely not one of the more skillfully conducted in United States history and it was ineffective, building little, if any support.

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[59]Bode, p. 8.

[60]Molly Ivins, "Treaty Foes, Led by Reagan, Crusade in Denver," The New York Times, January 20, 1978, p. 3.

[61]"Squaring Off on the Canal," Time, January 20, 1978, p. 31.

[62]Ibid.

In summary, these were the major strategies of the pro and antitreaty forces through the first two stages—the precommittee and committee stages. The two forces clearly planned on gaining crucial support from the same parts of the United States—the Gulf coast and Southern states, the Midwest and the Far West. The two forces differed, though, on the means for achieving their goals and gaining regional support; the protreaty forces concentrated on "educating" the Senators and public to the details of the treaties and appealed directly to the Senators for their support, while the antitreaty forces concentrated on going straight to the people with their advertising and direct mail campaigns. They hoped that as a result the American public would put pressure on their elected officials to vote against the treaties. In short, it appears that the Administration may have won the first round in the Panama Canal treaty fight because the Senate Foreign Relations committee voted overwhelmingly (14-1) in late January of 1978 to approve the treaties and send them to the full Senate for their advice and consent. Among those on the committee who voted with the Administration and who had been heavily pressured by both sides in this campaign were: Senator Dick Clark (Dem.-Iowa), Senator Richard Stone (Dem.-Fla.), Senator Clifford Case (Rep.-N.J.), Senator James Pearson (Rep.-Kan.), Senator John Sparkman (Dem.-Ala.), and Senator Howard Baker

(Rep.-Tn.). The only committee member who dissented was Senator Robert Griffin (Rep.-Mich.) and he was clearly not from one of the states which the antiforces considered crucial and as a result, he had not been a major target of their campaign.

I feel that it is accurate to say that the antitreaty forces suffered a temporary setback in their campaign not only by being defeated overwhelmingly in the Senate committee but also by losing the support of the Senators they had tried so hard to influence, particularly the Senate Minority Leader Howard Baker. It would also be accurate to say that the protreaty forces achieved a minor victory by gaining the support of those Senators and achieving such an overwhelming vote of confidence for the treaties. In our next chapter, we will examine the strategy of the pro and antitreaty forces in the Senate debate and determine how they engineered their final drives to gain approval or disapproval of the treaties.

CHAPTER V

SENATE STRATEGY OF THE PRO AND ANTITREATY FORCES

During the thirty-eight days in which the Senate considered the Panama Canal treaties, the pro and antitreaty forces continued to pursue their goals of gaining either sixty-seven votes for approval or thirty-four votes for defeat of the treaties. Both the pro and antitreaty groups placed a great deal of emphasis on molding public opinion and winning public support. Public support was only a means, however. The ultimate end of each group was to gain the votes of individual Senators and to a large degree, their strategies reflected this concern.

Protreaty Forces' Strategy

The proforces continued their public relations and information campaign that had already been initiated. For instance, on February 1, 1978, President Carter conducted a "fireside chat" on national television in which he described what he considered to be the facts, rather than the "misunderstanding and misinformation" on which he said most

of the opposition was based.[1] In his words:

> The most important reason—the only reason—to ratify the treaties is that they are in the highest national interest of the United States and will strengthen our position in the world. Our security interests will be stronger. Our trade opportunities will be improved. We will demonstrate that as a large and powerful country we are able to deal fairly and honorably with a proud but small nation.[2]

In addition, the State Department made a great effort outside of Washington to gain support for the treaties and its "stable" of speakers addressed groups varying from senior citizens in Miami, to the Boy Scouts in Doylestown, Pennsylvania, to the Arizona State Legislature.[3] Such efforts proved to be helpful in gaining support for the treaties outside of the Senate. But the real job was to gain the support of individual Senators and that is where the Administration's real strategy was directed. For example, during the late stages of the consideration of Treaty II, the Democratic National Committee arranged for

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[1]Terence Smith, "Carter in T.V. Talk, Asks Canal Backing," The New York Times, February 2, 1978, p. 1.

[2]Edward Walsh, "Carter Takes Case for Canal Treaties to the U.S. Public," The Washington Post, February 2, 1978, p. 16.

[3]Karen DeYoung, "State Dept. Is 'Selling' Canal Treaties," The Washington Post, February 26, 1978, p. 7.

prominent Democrats in twelve key states to make nearly 5,000 telephone calls to "wavering" Senators.[4]

At the beginning of the Senate's consideration of the treaties, the Administration and Senate leadership stressed two points which played a role in the eventual approval of the treaties. First, they stressed the fact that if the President were repudiated on the Panama question, his ability to conduct U.S. foreign policy would be greatly weakened.[5] Vice President Mondale stressed that a "no vote" on the treaties would seriously undermine U.S. efforts in the Middle East and Africa and would all but scuttle the S.A.L.T. Talks with the Soviet Union at a crucial stage.[6] Secondly, the Administration made it clear that it would possibly tolerate some understandings and reservations but no amendments. In short, the Senate leadership and the Administration opposed possible amendments to the treaties because their adoption would mean that Panama would have to hold a second plebiscite.[7]

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[4]Richard Boeth et al., "Victory on the Canal," Newsweek, May 1, 1978, p. 45.

[5]Susan Fraker, "Panama: A Big Win," Newsweek, March 27, 1978, p. 45.

[6]Ibid.

[7]Robert Kaiser, "Senate Opens Debate Over Panama Canal Treaties on Low Key," The Washington Post, February 9, 1978, p. 3.

The Senate leadership, eager to gain the support of "uncommitted" Senators, moved very early toward adopting amendments and reservations. As the Foreign Relations committee submitted the treaties to the full Senate, Senator Byrd, on behalf of Senator Baker and seventy-two other Senators introduced two "leadership" amendments which spelled out the U.S. right to send troops to defend the Canal after the year 2000 and to move its warships to the head of the line during an emergency.[8] In short, they proposed to incorporate the Statement of Understanding previously signed by President Carter and General Torrijos, into the text of the treaties.[9] This was done so that the Senators could point to the fact that they had helped to reaffirm U.S. interests before voting to turn over the Canal.[10] Eventually, both amendments were approved by rather lopsided margins in separate votes.

As the debate on the first treaty (Neutrality treaty) progressed, the proforces were successful in defeating

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[8]K. Larry Storrs and Rosemary P. Jackson, Panama Canal Treaties: Consideration by the Congress, Issue Brief No. IB78026 (Washington: The Library of Congress, Congressional Research Service, September 8, 1978).

[9]"Foreign Relations Committee Approves Canal Treaties by 14-1 Margin," The New York Times, January 31, 1978, p. 4.

[10]Adam Clymer, "Debate Begins Today on Panama Treaties," The New York Times, February 8, 1978, p. 2.

"killer amendments," which were proposed by the antitreaty forces. But, it also became clear that the proforces clearly did not have the sixty-seven required votes to insure passage of the treaties. On March 1, 1978, Hamilton Jordan chaired a meeting at the White House to assess the latest "headcount" of Senators on the treaties and to discuss tactics for bringing the debate to a conclusion in the near future.[11] In brief, the Administration was becoming concerned that the year's heavy legislative schedule would be hopelessly disrupted by a prolonged Canal treaty debate.[12] At the same time, they realized that any effort to accelerate the debate would possibly alienate one or two Senators whose support might be critical.[13] Apparently, though, the antiforces realized that they too had little hope of "amending" the treaties and that they could alienate Senators in their own camp if they continued to extend the debate. Both sides, realizing that it was a gamble—since neither had the required votes—set the first treaty vote for March 16, 1978.

In the meantime, the State Department, in an effort to win over a few more Senators, agreed to send a draft of

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[11]Robert G. Kaiser, "Byrd, White House Want to Accelerate Canal Pacts Debate," The Washington Post, March 2, 1978, p. 2.

[12]Ibid.

[13]Ibid.

implementing legislation to the Senate that would be formally submitted if the treaties were eventually approved.[14] This implementing legislation dealt with the future operation of the Canal—both financially and legally—which the House of Representatives would eventually consider once the treaties had been ratified. This particular subject was controversial and many Senators had expressed the view that ratification of the treaties would cause the United States economic difficulties. Administration officials said that sending implementing legislation to the Senate before a treaty had actually been approved was an "unprecedented" gesture.[15] It was a tactical move by the proforces designed to influence the votes of several undecided Senators who had expressed doubts about the future operation of the Canal.

During the final week before the Treaty I vote, Senate Majority Leader Robert Byrd (Dem.-W. Vir.) estimated that the proforces had only sixty two votes—still five short of ratification.[16] Thus, the proforces focused on winning the support of at least five "undecided" Democratic Senators. The five whom they focused their attention on were: Senators DeConcini (Dem.-Ariz.), Ford (Dem.-Ky.), Long (Dem.-La.),

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[14] Ibid.

[15] Ibid.

[16] "Carter Wins on Panama," Time, March 27, 1978, p. 11.

Nunn (Dem.-Ga.) and Talmadge (Dem.-Ga.).[17] Vice President Mondale, Senate Majority Leader Byrd, Senate Majority Whip Alan Cranston, and Senator Frank Church (Dem.-Idaho) had lunch with the five Senators to see if there was any way to satisfy them short of altering the treaties so substantially that they would have to be renegotiated with Panama or resubmitted to the Panamanian electorate for reapproval.[18] The next day, March 10, four of the Senators again met with Mondale and other Administration officials and they made progress toward an agreement which could lead all of them to vote for the treaties. Nunn and Talmadge pressed for two changes: (1) Allow the United States to base troops in Panama after the year 2000 provided the nations jointly agreed on such basing and (2) Eliminate the existing prohibition on United States negotiations with other Central American countries on possible construction of a new Atlantic-Pacific canal.[19] These changes were put in the form of a reservation to the treaties which the Administration and full Senate eventually approved.

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[17]Robert G. Kaiser, "Panama Treaties Depend on 5 'Undecided' Senators," The Washington Post, March 10, 1978, p. 9.

[18]Ibid.

[19]Robert G. Kaiser, "Carter Strategy on Canal Pacts Gains in Senate," The Washington Post, March 11, 1978, p. 1.

It was more of a problem, though, to gain the support of Senator DeConcini who proposed that the United States should have the authority to use military force in Panama if the Canal were closed for any reason.[20] On March 15, President Carter had Mr. DeConcini in for a chat. The next day, he won DeConcini's vote by accepting his recommendation in the form of a reservation.[21] Eventually, this DeConcini Reservation passed the Senate by a vote of 75-23 and was instrumental in helping to persuade at least three other Senators, Bellmon (Rep.-Okla.), Brooke (Rep.-Mass.) and Hatfield (Dem.-Mont.), to vote for the treaties.[22] On March 16, 1978, the Neutrality Treaty passed the Senate by a vote of 68-32.

There were charges after this close Treaty I vote that the Administration had made "deals" with various Senators in order to win them over. The evidence to support these charges was "circumstantial," but I do not feel that it can be lightly dismissed. For instance, on March 13, some three days before the Treaty I vote, the White House quietly

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[20]David M. Maxfield, "Canal Treaty Supports Seek Solution to Threat from DeConcini Addition," Congressional Quarterly Weekly Report, n.v. (April 15, 1978), p. 871.

[21]"Man of the Moment," The Economist, 267, No. 7024 (April 15, 1978), 48.

[22]"Carter Wins on Panama," p. 11.

changed its position on a $2.3 billion emergency farm bill sponsored by Senator Herman Talmadge—an "uncommitted" Senator—in regard to the Canal treaties.[23] Senator Talmadge offered his support for the Neutrality Treaty just two days later. The White House also reversed itself and supported a plan to have the Government buy $250 million worth of copper for the nation's strategic stockpile.[24] It was known that this move would help Senator DeConcini's state of Arizona, which was a major producer of copper. It is not known what the canny chairman of the Finance committee, Senator Russell Long of Louisiana, extracted from the President, but reports indicated that it would have amazed everybody had he let the President off free.[25] In summary, it is clear that during discussions of the Canal treaties the President asked various Senators how he could be helpful and even what legislation they sought and what projects they wanted for their states.[26] Additionally, if the Senator was a Democrat and up for reelection that year, the President asked how he could best help with the campaign.[27] It is hard to specifically link one favor with

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[23]Martin Tolchin, "White House Woos Holdouts on Canal," The New York Times, March 14, 1978, p. 1.

[24]Ibid.

[25]"The Politics Lesson," The Economist, March 25, 1978, p. 26.

[26]Tolchin, p. 7.

[27]Ibid.

another but the facts and circumstances suggest that "political logrolling" may indeed have taken place and been a part of the Administration's strategy of obtaining sixty seven firm votes for the treaties.

For the next month, from March 16 to April 18, 1978, the Senate considered the second treaty, the Panama Canal Treaty. During this time, the goal of the proforces was simple: keep the Senators who voted for the first treaty in the protreaty camp and obtain a few additional votes if possible. But that task was not to be a simple one for two main reasons: (1) Some of the Senators who had previously voted for the Neutrality Treaty expressed doubts about voting for a second treaty and (2) The DeConcini Reservation, which had been attached to the Neutrality Treaty, had caused a political uproar in Panama and some thought that Panama might reject it outright. In short, during the next month it appeared that the entire protreaty coalition might fall apart.

As we have mentioned, Treaty I passed the Senate with only one vote to spare. After the vote on this first treaty, it became known that several previous supporters—Brooke, Cannon, Abourezk and Hayakawa—might not vote the same way on Treaty II. Senator Brooke (Rep.-Mass.) was pushing some technical changes that involved delaying the formal ratification of the treaties until the implementing

legislation had been passed by both Houses of Congress.[28] Brooke was also concerned that President Carter and the protreaty forces had been creating problems by not allowing changes in the treaties. Brooke said:

> Look, that's the Panamanians' problem. It's not our problem.[29]

Senator Cannon (Dem.-Nev.) wanted to add a relatively minor reservation to the treaty which would obligate the Panama Canal Commission to reimburse the United States Treasury for the interest on the net United States investment in the Canal. Without that addition, Cannon warned that he would probably vote against the treaty.[30] Senator Abourezk, a liberal Democrat from South Dakota, threatened to vote against Treaty II unless the Administration opposed the lifting of price controls on natural gas.[31] Senator Hayakawa, a freshman Republican from California, also threatened to vote against the treaty because of the Administration's previous conduct on foreign policy. In short, Hayakawa was upset about the cancellation of the B-1 bomber and the postponement of production of the neutron

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[28] "Key Senator Yields to Party's Leaders on Pledge To Panama," The New York Times, April 18, 1978, p. 17.

[29] "Carter Wins on Panama," p. 11.

[30] Storrs and Jackson, pp. 22-23.

[31] "Panama: Honour to America, but Little to the Senate," The Economist, April 22, 1978, p. 32.

bomb and he simply felt that his voice was not being heeded in the field of foreign affairs.[32]

The proforces decided that they would have to allow some additions to the treaties to retain Brooke's and Cannon's support and offer some sort of assurances to placate Abourezk and Hayakawa. First of all, the Administration accepted both a Brooke and a Cannon reservation. Both reservations were minor in scope and few Senators had been opposed to them. Both eventually passed the Senate by lopsided margins and the proforces gained the votes of two additional Senators. The votes of Hayakawa and Abourezk were harder to obtain. After one long and fruitless session with President Carter, Senator Russell Long took Senator Hayakawa aside and told him that the Canal "was small potatoes compared to other upcoming issues like S.A.L.T. and that he could have more of an impact on foreign policy if he didn't defy the President then."[33] Long recommended:

> You tell the President you'd like to come down occasionally and bring some other people you think could be helpful.[34]

Hayakawa eventually took Long's advice, extracted a meeting from Carter, and voiced his support for the treaties. Senator Abourezk's vote was also hard to obtain. He had

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[32] Ibid.

[33] Boeth et al., "Victory on the Canal," p. 25.

[34] Ibid.

previously told the President that he would vote for the treaties if the President would agree to veto any bill deregulating natural gas.[35] After Carter refused to strike such a bargain, Senate Majority Leader Byrd talked at length with Abourezk, but made no progress.[36] At that point, several of Abourezk's Democratic colleagues told the Senator that he would look silly if the treaty was defeated because of his vote. Abourezk eventually explained that he actually favored the treaties but wanted to score points for his fight against gas deregulation.[37] In the end he also voted for Treaty II.

During this time, the DeConcini reservation was also causing great problems for the protreaty forces. To start with, the Panamanians had been offended by the way in which members of the antitreaty forces had been describing their country and its political leadership. In addition, the Panamanians nearly "exploded" when the Deconcini reservation was passed because it contained seeds of further American intervention into their country's affairs. One Panamanian lawyer called it

> The DeConcini Corollary to the Brezhnev doctrine. It says the United States can treat

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[35]"How the Treaty Was Saved," Time, May 1, 1978, p. 15.

[36]Ibid.

[37]Ibid.

> Panama the way the Russians treat the Hungarians and Czechs.[38]

Panamanian students burned President Carter in effigy and the conservative pro-American National Council of Private Enterprise refused to accept the treaty with the reservation attached despite the great benefits it could give the ailing Panamanian economy. To say the least, General Torrijos was under great political pressure in Panama to reject the treaties and he directed his United Nations ambassador to inform Secretary General Waldheim that the DeConcini reservation violated the charters of both the Organization of American States and the United Nations.[39] As a result of these developments, the proforces were in a bind: they had to preserve the language of the DeConcini reservation in order to keep the crucial votes of several votes of several Senators and they also had to nullify the language so as to placate the Panamanians.

With this problem uppermost in his mind, Majority Leader Byrd started holding meetings to try to modify the reservation. On April 16, Byrd and his Senate colleagues developed language that they thought might be acceptable to several Senators and the Panamanians. The draft read:

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[38]Richard Boeth et al., "Canal Showdown," Newsweek, April 24, 1978, p. 27.

[39]Ibid., p. 28.

> Any action taken by the United States in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure and accessible shall be only for the purpose of assuring that the Canal shall remain open, neutral, secure and accessible, and shall not have as its purpose nor be interpreted as a right of intervention or interference with (Panama's) political independence or sovereign integrity.[40]

With some additional coaxing and persuading, Senator Byrd won the approval of both DeConcini and the Panamanians and his compromise reservation passed the full Senate by a vote of 73-27.[41] The next day, the vote on Treaty II was taken and it was approved by an identical 68-32 margin.

Antitreaty Forces Strategy

Let us now turn to the strategy of the antitreaty forces which were continuing their public relations campaign. In a nationally televised rebuttal to President Carter's "fireside chat," Ronald Reagan maintained that if the United States handed control of the Canal to Panama

> the ultimate price we pay may one day be our own freedom.[42]

The antiforces also kept their newspaper and radio campaign

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[40]Boeth et al., "Victory on the Canal," p. 23.

[41]Storrs and Jackson, p. 22.

[42]"The Panama Canal: Round One," Newsweek, February 20, 1978, p. 30.

intact so as to build popular pressure which it was hoped would turn the Senators against the treaties.

In the Senate, the antiforces early strategy was built upon posing procedural questions that were designed to extend the debate into the 1978 election year. They reasoned that the later the votes were held on the two treaties, the better their chances of forcing incumbent Senators to vote against the treaties for fear they would be defeated in the upcoming primaries and elections. For instance, Senator James Allen (Dem.-Ala.) posed seventeen parliamentary questions one day, one of which dealt with the minor issue of whether the Senators would have to deal with both the English and Spanish versions of the treaties.[43] Additionally, Allen asked whether the Senate should reverse the order of the consideration of the treaties, i.e. considering the Panama treaty first and the Neutrality treaty second. Both matters were later dealt with in amendments to the treaties which were defeated by lopsided margins. Before these votes were taken, though, the Senate leadership made it clear why they preferred to debate the Neutrality Treaty first. Senator Baker (Rep.-Tenn.) stated:

> I could not vote to turn over the Canal until reassured about its neutrality and the right of

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[43]"Opening the Great Canal Debate," Time, February 20, 1978, p. 19.

> the United States to send troops to defend it thereafter.[44]

Finally the treaty opponents asked whether it was not unwise and politically perilous to ignore public sentiment surrounding the treaties.[45] In short, the antiforces paid little attention to the basic issue: whether the treaties were in the best interest of the United States.

The antiforces also proposed "amendments" which they hoped would lead Panama to either reject the treaties outright or call for another plsbiscite, which could have been disastrous. These amendments were called "killer amendments" because it was known that they would not be approved by the Panamanian government. Although the antiforces proposed dozens of these killer amendments throughout the approximate one and one-half months that the full Senate debated the treaties, most all of them were defeated by rather lopsided margins. For instance, Senator Allen proposed Amendment 34 to Article I of the Neutrality Treaty on February 20, 1978. The amendment would have given the United States the right to maintain troops in Panama, if

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[44]"Senate Starts Debate on Panama Pacts With the Outcome Still in Doubt," The New York Times, February 9, 1978, p. 1.

[45]Martin Tolchin, "Senate, With Ears Open to Vox Populi, Again Debates Canal," The New York Times, February 10, 1978, p. 11.

the President found it necessary, after the year 2000, when Panama would gain full control of the waterway.[46] This amendment was really unnecessary in that the upcoming Leadership Amendments—proposed by Senators Byrd and Baker—would commit the United States to the long range defense of the Canal. In addition, it was clearly known that the Panamanians were not receptive to American operation and defense of the Canal until the year 2000, let alone after that time. In short, Allen's amendment was phrased in such a way as to make sure that Panama would reject it. But the Panamanians never got that chance, as the United States Senate rejected the amendment by a 55-34 margin.[47]

Additionally, the antitreaty forces argued during the debate on Treaty II that both the House of Representatives and the Senate must act in the disposal of United States property. Senator Hatch proposed Amendment No. 92 which prevented the Panama Treaty from entering into force until:

> the Congress of the United States, in accordance with the provisions of Article IV, section 3, clause 2, of the Constitution of the United States of America, shall have disposed of, or shall have authorized disposition of the property belonging

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[46]"Foe of Canal Accord Asks Senate to Seek New Defense Rights," The New York Times, February 21, 1978, p. 8.

[47]Adam Clymer, "Canal Pact Foes Lose Senate Test," The New York Times, February 28, 1978, p. 15.

> to the United States, or any of its agencies in the Panama Canal Zone. . . .[48]

Senator Hatch described the issue of disposal of United States property by both Houses of Congress as

> one of the most important constitutional issues in the recent history of our country.[49]

In retrospect, it seems clear that Hatch proposed this amendment because he knew that the treaty would not be received well in the House of Representatives and would consequently stand a great chance of being defeated. This amendment was subsequestly defeated by the protreaty forces by a vote of 58 to 37, as were countless others.[50] Senator Hatch had argued for months that the Constitution required action by both Houses of Congress before the Panama Canal could be transferred to Panama since it was government property. But the amendment had a weak showing. In fact, it received less votes than half a dozen opponents' amendments had received earlier.[51] After the defeat of this Hatch amendment, the antitreaty forces sensed that they had little hope of amending either of the two treaties so they shifted their strategy. They agreed to set a date for the

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[48] Storrs and Jackson, p 29.

[49] Ibid.

[50] Ibid.

[51] Robert G. Kaiser, "Senate Sets Final Canal Treaty Vote," The Washington Post, April 6, 1978, p. 4.

vote on Treaty II fearing that they could alienate some "uncommitted" Senators by prolonging the debate. In fact, the votes on both Treaties I and II were moved up to earlier dates as a result of the above reasoning.

The antiforces concentrated solely on gaining the votes of the uncommitted Senators after they were defeated on Treaty I by a slim margin. To accomplish this task, the antiforces last-ditch strategy was directed towards applying political pressure to those Senators; particularly Senators Hatfield of Montana, Heinz of Pennsylvania, DeConcini of Arizona, Brooke of Massachusetts, and Cannon of Nevada who had voted for the Neutrality Treaty but with a show of reluctance. First of all, the antiforces continued with their television and advertising campaign which was principally designed to convince the public to oppose the treaties and to place pressure on the Senators. Howard Phillips, leader of the Conservative Caucus, remarked that

> The battle is lost unless people care enough to punish candidates politically.[52]

The American Conservative Union planned to spend over $250,000 in advertising and mailing funds over the Easter recess to persuade politically vulnerable Senators of "the intensity of the feeling back home."[53] The A.C.U also

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[52]"The Panama Canal: Round One."

[53]Fraker, p. 49.

announced plans in late March of 1978 for newspaper and radio advertisement campaigns which would be conducted in seventeen states. The ads urged constituents to telephone their Senator's offices over the Easter recess.[54] Their $50,000 radio advertisement campaign focused on the argument that Treaty II would "pay Panama billions to take our Canal."[55]

Additionally, the antiforces in at least five states—Wisconsin, Louisiana, Arizona, Tennessee, and Montana—organized to "recall" Senators who had voted for the first treaty—the Neutrality Treaty.[56] The drive in Tennessee was led by a group called Impeach Baker and Sasser, Inc.[57] Similar drives were begun in Colorado and Oklahoma, but they were dropped when organizers of the recall efforts were informed that the Constitution has no provisions for recall of U.S. Senators; i.e. only the Senate itself can cut short a Senator's term.[58] Senator Paul Laxalt (Rep.-Nev.), the

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[54]Adam Clymer, "Canal Treaty Foes Launch Final Drive," The New York Times, March 24, 1978, p. 4.

[55]Ibid.

[56]"Canal Treaty Foes Try to Recall Some Senate Supporters," The Washington Post, March 25, 1978, p. 4.

[57]Ibid.

[58]Ibid.

Senate antiforces' chief strategist, disavowed any connection with the recall drives:

> The Senate antitreaty forces are in no way connected with the recall movement, which is independent.[59]

The actions of the antiforces had little, if any, impact on the final vote on Treaty II which carried by the same margin as Treaty I, 68-32. Not a single Senator switched his vote from his previous position. In retrospect, considering the fact that the antiforces had at least thirty firm votes before they entered the Senate stage, it must be conceded that their efforts to gain additional support were ineffective. They picked up only two additional votes in approximately three months. Although it is far from certain, the case can be made that the antiforces were guilty of doing too much to gain the votes of the uncommitted Senators; i.e. the hardliners may have been driven to such extreme tactics that their efforts proved counterproductive in the long run. Clayton Fritchey, a Washington Post columnist, remarked that

> In recent weeks, the hardliners' attacks have been so demagogic, and their tactics so personal and wounding, that they have alienated fence-sitting Senators they might once have counted on.[60]

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[59] Ibid.

[60] Clayton Fritchey, "Overkill on the Treaties," The Washington Post, March 4, 1978, p. 17.

Indeed, Fritchey made the additional important point that in the recent past, the antiforces had boasted that they might have as many as fifty or more votes in the final showdown.[61] Later, Howard Phillips, director of the "New Right" organization predicted that only twenty two Senators were likely to vote against the treaties.[62] In short, I feel that the antiforces' strategy of prolonging the debate, by offering countless amendments, and openly threatening to "retire" incumbents who voted for the treaties was possibly counterproductive in the long run in that it probably alienated more Senators than it convinced.

In contrast, the proforces' efforts were designed to placate the fears of the uncommitteds and win their support by giving them the chance to "amend" the treaties through cosponsoring the Leadership Amendments and proposing understandings and reservations. Additionally, we cannot rule out the possibility that the President engaged in "logrolling" to gain votes for the treaties; a device which the antiforces were really not in a position to use since they did not have favors to bestow. The Senate leadership also played a great part in helping to gain additional votes by personally lobbying for the treaties and by helping Senators to offer reservations and understandings. Senator

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[61] Ibid.

[62] Ibid.

Byrd kept the Senate debate pretty much under control—even though he could not shorten it—and he conducted the final negotiations with DeConcini which produced the "nonintervention" amendment.[63] In addition, Senator Baker, the Minority leader, is credited with having kept Senators Brooke and Hayakawa in the protreaty camp despite formidable antitreaty pressures.[64] If the proforces had not gained the support of Baker, it is certainly conceivable that the treaties could have been defeated.

In summary, the proforces' campaign involved an educational drive to make the terms of the treaties clear to both the American public and to the United States Senate. It gave Senators a chance to participate in the formation of the treaties by cosponsoring leadership amendments and by sponsoring understandings and reservations. In addition, the proforces did little to alienate the uncommitted Senators and they made an effort to help solve problems that were bothering individual Senators. The antiforces engaged in lobbying against the treaties and they made matters more difficult for several Senators by prolonging the debate so that the final votes took place closer to the primary elections and by offering to aid candidates who opposed

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[63] Robert G. Kaiser, "Senate Approves Final Canal Treaty," The Washington Post, April 19, 1978, p. 23.

[64] Ibid.

incumbents who had voted for the treaties. These "intimidation" tactics were probably counterproductive in the long run and the results confirm that the strategy of the antiforces left something to be desired.

CHAPTER VI

MODIFICATIONS MADE IN THE TREATIES

During the course of the Senate Foreign Relations committee hearings and Senate debate, various modifications were made in the treaties. These modifications were made, especially in areas where the language of the treaties had been "vague," so that the treaties could be better understood by both sides. Over the course of these two stages, particularly during the Senate stage, countless "killer" amendments, reservations and understandings were offered by various Senators. But, most of these "additions" were defeated by wide margins since they added little to the substance, or language of the treaties. Such "potential" modifications which were subsequently defeated will not be dealt with here. Instead, in this chapter, we will examine the crucial modifications, or additions which were subsequently passed and either altered the treaties somewhat or clarified their language. Such modifications may have been instrumental in gaining additional support for the treaties.

The Committee Stage

During the course of the Senate Foreign Relations committee's hearings, several modifications were made in the treaties. The first modification resulted from differences

of opinion between the American and Panamanian negotiators over the meaning of the language of the treaties. On August 19, 1977, Romulo Escobar Betancourt, the chief Panamanian negotiator said:

> We are not giving the United States a right of intervention. What we are giving is an assurance that the Canal will be permanently neutral.[1]

Senator Robert Dole (Rep.-Kan.) made public a State Department cable which contained a conversation between an American embassy official and Panamanian negotiator Carlos Guevara. In the cable, Guevara said:

> Panama cannot agree to the right of the United States to intervene.[2]

In contrast, the American negotiators felt that Article IV of the Neutrality Treaty gave us the power to keep the Canal neutral. That article reads:

> The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty.[3]

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[1] "Approval of Panama Canal Treaties Uncertain," 33rd Annual Congressional Quarterly Almanac, 95th Cong., 1st Sess. (Washington: Congressional Quarterly, Inc., 1977), p. 404.

[2] Ibid.

[3] Congressional Research Service, Library of Congress, Background Documents Relating to the Panama Canal (Washington: Government Printing Office, November, 1977), p. 1548.

There was also a difference of opinion between the two countries concerning the meaning of Article VI of the Neutrality Treaty which essentially stated that American and Panamanian warships would have the right to "transit the Canal expeditiously."[4] In essence, the American negotiating team and Secretary of State Vance had interpreted this clause to mean that "U.S. ships could go to the head of the line"[5] when arriving at the Canal. But Escobar and Betancourt maintained that U.S. warships would not be given such "preferential rights" as such language had been proposed during the negotiations but had subsequently been rejected.[6] The Panamanians further maintained that such American priority passage rights contradicted Article II of the Neutrality Treaty which stated that the Canal would be open to "all nations on terms of entire equality."[7]

So, on October 4, 1977, when Senator Dole released the State Department cable containing the above statements by the Panamanian negotiators, the antitreaty Senators "howled in

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[4]Ibid.

[5]David M. Maxfield, "Support for Canal Treaties Setback by State Cable," Congressional Quarterly Weekly Report, 35, No. 41 (October 8, 1977), 2150.

[6]"Approval of Panama Canal Treaties Uncertain," pp. 2-3.

[7]Congressional Research Service, p. 1547.

outrage while backers of the pacts groaned."[8] In response to this disclosure by Senator Dole, Senator Frank Church (Dem.-Id.) stated:

> Let's be clear, the Senate is not likely to ratify these treaties if crucial provisions are being interpreted differently by Panama and the United States. This is a matter which must be clarified.[9]

On October 8, Senate Majority Leader Byrd made his first public announcement of support for the treaties but he made this support contingent upon clarification of the passages dealing with the U.S. right to intervene in defense of the Canal and to enjoy priority passage during wartime.[10] During a White House dinner in early October, Byrd told the President that the treaties were in "deep trouble" and would not be approved by the Senate unless modifications were made clarifying two points: (1) The right of U.S. intervention after 1999 and (2) The right of priority transit of U.S. warships in emergencies.[11] In short, the treaties were believed to be in serious trouble in the Senate because of

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[8]"Keeping the Canal Pacts Afloat," Time, October 24, 1977, p. 35.

[9]K. Larry Storrs and Rosemary P. Jackson, Panama Canal Treaties: Consideration by the Congress, Issue Brief No. IB78026 (Washington: The Library of Congress, Congressional Research Service, September 8, 1978), p. 52.

[10]Ibid., p. 51.

[11]"Keeping the Canal Pacts Afloat," Time, October 24, 1978, p. 35.

differences of opinion between the two countries over the meaning of the treaties.[12]

For this reason, the Administration decided to take the initiative in regard to clearing up the matter. On October 11, President Carter conducted a meeting with leaders of the Senate and Foreign Relations committee to discuss problems in the treaties.[13] During the meeting, he showed the Senators a draft of a proposed "Statement of Understanding" on defense rights and revealed that General Torrijos would stop by at the White House on his return trip to Panama after a trip to the Middle East and Europe.[14] On October 14, 1977, President Carter and General Torrijos met at the White House for approximately two hours and issued a Statement of Understanding regarding the proposed treaties which it was hoped would clarify the passages which had been criticized by Panamanians and Americans as "ambiguous."[15] The Statement provided: first that each of

> the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality.

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[12]"Dole Says State Department Tried To Intimidate Him," The New York Times, October 7, 1977, p. 11.

[13]"Carter in New Bid for Canal Backing—He Calls Senators to White House and Has 'Frank and Candid' Talk," The New York Times, October 12, 1977, p. 9.

[14]"Keeping the Canal Pacts Afloat."

[15]Storrs and Jackson, p. 49.

Second, that the previous position

> does not mean, nor shall it be interpreted as a right of intervention of the United States into the internal affairs of Panama.

And third, that

> the vessels of war and auxilliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously.

Which was intended

> to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, and in case of need or emergency, to go to the head of the line.[16]

After the Statement was issued by President Carter, Senate Majority Leader Byrd called it a "very important diplomatic achievement"[17] that improved the treaties' chances of approval by the Senate.

During November of 1977 and January of 1978, Senators Byrd and Baker led separate Senate delegations to Panama to review the political situation firsthand. During Byrd's four day tour of Panama and the Canal Zone in mid-November, the Senators primarily discussed with Torrijos the human rights situation in that Latin American country along with what the possible Panamanian reaction to a rejection of the treaties would be.[18] Although this visit convinced several

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[16] Ibid.

[17] Ibid.

[18] Ibid.

Senators to vote for the treaties, few, if any, changes or modifications were made in the treaties as a result of this trip. But, in January of 1978, Senator Baker led a three man delegation to Panama. During the trip, Senator Baker told General Torrijos that if the treaties were left "unamended" they had absolutely no chance of passing the United States Senate.[19] Of particular concern to Senator Baker was the hope of incorporating the Statement of Understanding into the treaties in the form of amendments. Such amendments could meet the most "pressing" of the American nationalist objections without subjecting Panama to a second referendum because the Panamanians had expressed their agreement with the "Statement" before the first referendum had been conducted in mid-October. The treaties had been confirmed by an overwhelming majority of Panamanians at that time.[20] Baker's delegation met twice with General Torrijos while in Panama and the Panamanian leader indicated that the Government of Panama was amenable to certain amendments and that they would not object to them.[21]

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[19] Congressional Record, 95th Cong. 2nd Sess., 124, No. 15 (Washington: Government Printing Office, February 9, 1978), p. 2.

[20] "Senator Baker Walks on the Water," The Economist, 266, 7011 (January 14, 1978), 26.

[21] Congressional Record, February 9, 1978, p. 2.

With those thoughts in mind, Senator Baker returned to Washington and tried to assemble an acceptable package of amendments to the treaties. Subsequently, these amendments became known as the "Leadership Amendments." They clarified U.S. rights to defend the Canal after the year 2000 and to enjoy head-of-the-line passage during emergencies.[22] If passed, these two amendments would make the Statement of Understanding which had been agreed to by President Carter and General Torrijos on October 14, 1977, an integral part of the treaties.[23] The amendments were sponsored by Senator Byrd on behalf of the Senate leadership and seventy-two other Senators and they eventually passed the full Senate by overwhelming majorities. At this point, it is fair to say that the treaties would probably not have stood a chance of passing the Senate had these major modifications not been made and approved because Senators Baker and Byrd would undoubtedly have voted against them along with other Senators.

In the meantime, though, the Senate Foreign Relations committee was concluding their hearings on the treaties. On January 30, 1978, the committee voted 14-1 to report the treaties to the full Senate and recommend amendments to Articles IV and VI of the Neutrality Treaty, which guaranteed

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[22]Storrs and Jackson, p. 38. [23]Ibid.

U.S. rights to defend the Canal and to priority emergency passage after the year 2000.[24] The chairman of the Foreign Relations committee, John Sparkman (Dem.-Ala.) outlined the committee's course of action when he stated:

> Under the circumstances, it seems like it would be the best procedure for the committee to make its recommendations to the Senate on amendments, reservations, or understandings in the committee report, but not as specified proposals in the resolution of ratification. . . . This will allow the committee to make its views known to the Senate on specific amendments, reservations and understandings, and at the same time permit all members of the Senate to have maximum participation in the shaping of the Senate's actions on these treaties.[25]

This was a change in Senate procedure because the committee departed from the standard practice of including its recommendations in the resolutions of ratification and instead included them in the committee report.[26] One cannot be certain of the effects of this procedural change, but it could be suggested that it probably aided the proforces' efforts because many Senators would eventually take credit for helping to cosponsor the Leadership Amendment. In this way,

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[24]Ibid.

[25]U.S., Congress, Senate, Committee on Foreign Relations. Panama Canal Treaties, 95th Cong., 1st Sess. (Washington: Government Printing Office, 1978), p. 3.

[26]Ibid., p. 4.

they would be able to point out that they voted to reaffirm U.S. interests before voting to turn over the Canal itself.[27]

Additionally, the Senate Foreign Relations committee recommended two minor understandings which dealt with a prisoner transfer agreement and with prohibitions against certain negotiations involving a future Canal. In paragraph 11 of Article IX of the Panama Canal Treaty, the following language was used:

> The Parties shall conclude an agreement whereby nationals of either State, who are sentenced by the courts of the other State, and who are not domiciled therein, may elect to serve their sentence in their State of Nationality.[28]

In the opinion of the Foreign Relations committee's membership, this paragraph could have been construed as giving authority to the President to establish a prisoner transfer agreement with Panama by executive agreement.[29] They felt that such an agreement would be undesirable because the American practice in regard to such agreements dictates that they should be concluded as treaties.[30] In brief, the

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[27]Adam Clymer, "Debate Begins Today on Panama Treaties," The New York Times, p. 2.

[28]"The Meaning of the New Panama Canal Treaties," The Department of State-Selected Documents, 6C (December, 1977), p. 41.

[29]U.S., Congress, Senate, Committee on Foreign Relations, Panama Canal Treaties, p. 8.

[30]Ibid.

committee regarded prisoner transfer agreements as significant international agreements and the Treaty clause in the United States Constitution required that "normally significant international commitments must be made with the concurrence of two-thirds of the Senate."[31] Thus, the committee recommended striking out the period at the end of the above article and inserting in lieu thereof a comma and the following statement:

> Any agreement concluded pursuant to Article IX, paragraph 11 with respect to the transfer of prinoners shall be concluded in accordance with the constitutional processes of both parties.[32]

Furthermore, the committee agreed to another minor understanding involving subparagraph (b) of Article XII(2) of the Panama Canal Treaty which provided that

> During the duration of this Treaty, the United States of America shall not negotiate with third States for the right to construct an interoceanic Canal or any other route in the Western Hemisphere, except as the two Parties may otherwise agree.[33]

In brief, the committee wanted to make it clear that this provision should not be construed as preventing a future President from exercising his constitutional power to confer with other governments.[34] The Supreme Court had previously held in U.S. v. Curtiss Wright Corp., 299 U.S. 304, 319 (1936), that

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[31] Ibid.

[32] Ibid.

[33] Ibid., p. 9.

[34] Ibid., p. 9.

> Into the field of negotiation, the Senate cannot intrude; and Congress itself is powerless to invade it.[35]

In short, the committee wanted to make it clear that their understanding was designed to clarify this constitutional difficulty without changing Article XII(2) of the treaty. In summary, these were the major modifications which were made by the Senate Foreign Relations committee after several months of hearings. The treaties were then submitted to the Senate in early February, 1978.

The Senate Stage

As we have previously mentioned, there were many amendments, reservations and understandings which were proposed during the final Senate stage, most of which were proposed by the antiforces as part of their strategy to "kill," or defeat the treaties. Virtually all of these amendments were defeated by rather "one sided" margins. There were also some relatively minor understandings which were proposed by several Senators in an attempt to clarify provisions in the treaties which were not considered vital to its passage nor very important by many Senators. An example of this type of understanding would be Senator

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[35] Ibid., pp. 9-10.

Cranston's (Dem.-Cal.) understanding no. 3 which passed on March 16, 1978, and provided that

> nothing in the Treaty obligated the United States to provide economic or military assistance to Panama.[36]

Rather than trying to deal with each modification that was proposed or made during the thirty eight days in which the Senate considered both treaties, we will consider the modifications which proved to be most controversial and which were critical to the outcome of the deliberations.

As we mentioned earlier in the chapter, the Leadership Amendments, which were proposed by the Senate leadership and cosponsored by seventy two other Senators, were of major significance. They were passed by an overwhelming margin in the Senate. Without them, it would be fair to state that the Canal treaties would not have been approved by the Senate. Additionally, as was mentioned in Chapter V, the Administration accepted various changes in the treaties as part of their strategy to placate the fears of various "undecided" Senators and to gain their votes. Senators Nunn and Talmadge (Dems. of Ga.) were two of these "undecided" Senators who had expressed strong doubts about supporting the treaties unless their grievances were alleviated. Both Senators had pressed for two changes:

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[36]Storrs and Jackson, p. 33.

1) Allow the United States to base troops in Panama after the year 2000 provided the nations jointly agreed on such basing and 2) Eliminate the existing prohibition on United States negotiations with other Central American countries on possible construction of a new Atlantic-Pacific Canal.[37] The first change was put in the form of a reservation which was sponsored by Senator Nunn and on March 15, 1978, it passed by a vote of 82-16.[38] During the next month when the Senate was debating the Panama Canal Treaty, Senator Russell Long (Dem.-La.) proposed amendment number 99 whereby the United States and Panama would waive their rights and release each other from obligations under Article XII(2) dealing with the construction of a new interoceanic Canal.[39] Thus, the United States would be permitted to undertake negotiations with any country for the construction of a sea level Canal.[40] In short, the proforces gained the votes of Nunn and Talmadge and possibly persuaded Senator Long to join the protreaty side as a result of their acceptance of these treaty additions.

As the debate on the Neutrality Treaty was drawing to a close in mid-March of 1978, the Administration, desperate

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[37]Robert G. Kaiser, "Carter Strategy on Canal Pacts Gains in Senate," The Washington Post, March 11, 1978, p. 1.

[38]Storrs and Jackson, p. 33.

[39]Ibid., p. 24.

[40]Ibid.

to gain the votes of two additional Senators, DeConcini and Hatfield, accepted a reservation by Senator DeConcini which appeared to go farther than the prior Leadership Amendment to Article IV of the Neutrality Treaty. That amendment declared the right of either country to act against any threat to the Canal but disavowed any U.S. right of intervention in Panama's internal affairs.[41] This DeConcini reservation read as follows:

> If the Canal is closed, or its operations are interferred with, the United States of America and the Republic of Panama shall each independently have the right to take such steps as it deems necessary, in accordance with its constitutional processes, including the use of military force in Panama, to reopen the Canal or restore the operation of the Canal, as the case may be.[42]

This reservation applied for the indefinite future, beyond the year 2000.[43] The Senate approved it on March 16, 1978, by a vote of 75-23 thus adding at least two votes to the protreaty side.[44]

As was mentioned in Chapter V, the Panamanians reacted "negatively" to this reservation and great political pressure

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[41]"Man of the Moment," The Economist, 267, No. 7024 (April 15, 1978), 51.

[42]David M. Maxfield, "Canal Treaty Supporters Seek Solution to Threat from DeConcini Addition," Congressional Quarterly Weekly Report, n.v. (April 15, 1978), 871.

[43]"Man of the Moment."

[44]Maxfield, "Canal Treaty Supporters Seek Solution," p. 871.

was placed on General Torrijos to reject the treaties. Thus, to extricate themselves from a most difficult position, the proforces had to come up with language that would assure Panama that the DeConcini reservation was not intended to give the United States the right to intervene in Panama's internal affairs. After many meetings and discussions with various Senators and Panamanian officials, Senate Majority Leader Byrd crafted an additional amendment which finally read:

> Any action taken by the United States in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure and accessible shall be only for the purpose of assuring that the Canal shall remain open, neutral, secure and accessible, and shall not have as its purpose nor be interpreted as a right of intervention. . . . or interference with (Panama's) political independence or sovereign integrity.[45]

Both DeConcini and the Panamanians accepted the amendment and it was adopted on April 18, 1978, by a vote of 73-27.[46] In short, to quote the words of General Torrijos, the new language of the Byrd Amendment proferred a

> dignified solution to a difficult problem.[47]

In summary, both treaties passed the Senate by identical votes of 68-32 and although the evidence is far from

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[45]Richard Boeth et al., "Victory on the Canal," Newsweek, May 1, 1978, p. 23.

[46]Storrs and Jackson, p. 22.

[47]Boeth et al., "Victory on the Canal," p. 25.

conclusive, it can be fairly stated that in all likelihood the above modifications which were made in the treaties during the Senate stage greatly contributed to their approval.

CHAPTER VII

THE VARIANCE BETWEEN THE COMMITTEE AND SENATE VOTES

Before we address the major questions of this chapter which is to account for the vast difference between the Senate Foreign Relations committee's vote and the Senate's vote on the treaties, let us take a brief look at the composition of the membership on the Senate Foreign Relations committee at the time at which they were considering the Panama Canal treaties.

The Senate Foreign Relations Committee

First of all, there were ten Democrats and six Republicans on the committee. This committee ratio of 5:3 closely reflects the party split in the Senate of the 95th Congress which was sixty two Democrats to thirty eight Republicans.[1] Additionally, most of the geographic regions of the country were represented on the committee but there was a preponderance of eight northern Democrats, versus three Midwesterners,

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[1]Charles W. Hucker, "Senate Slightly More Conservative," Congressional Quarterly Weekly Report, November 11, 1978, p. 3244.

four Southerners, and one Senator from the Far West.[2] Several of the Senators on the committee had served for years in the Senate and were well known figures like Hubert Humphrey, John Sparkman, Clifford Case, Jacob Javits, Charles Percy and Minority Leader Howard Baker. In short, the combined number of years that the sixteen members of this committee had served in the Senate was 186, which meant that the average number of years that each Senator had served was 11.6 years.[3] In fact, only four committee members had served less than five years in the Senate.

Secondly, why did these men want to serve on this particular committee, or more precisely, what does it mean to serve on the Senate Foreign Relations committee? First of all, the committee is held in high esteem within the Senate. David Farnsworth pointed out that

> a recent study had shown that a seat on the Foreign Relations committee was the most coveted of the many possible committee assignments in the Senate.[4]

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[2]U.S. Congress. Senate. Committee on Foreign Relations. Hearings. 95th Cong., 1st Sess., Part 1 (Washington: Government Printing Office, 1977), p. II.

[3]Congressional Directory, 95th Cong., 1st Sess., (Washington: Government Printing Office, 1977), pp. 1-196.

[4]David N. Farnsworth, The Senate Committee on Foreign Relations, (Urbana: The University of Illinois Press, 1961), p. 7.

Second, it is probably safe to assume that the reason why a seat on the Foreign Relations committee is so coveted is because it exercises a great deal of authority with respect to matters of considerable importance. The Legislative Reorganization Act of 1946 clarified for the first time the scope of the authority of the standing committees of Congress.[5] The Foreign Relations committee's powers are as follows:

> It shall be referred all proposed legislation, messages, memorials, petitions and other matters relating to the following subjects:
> 1. Relations of the U.S. with foreign nations generally.
> 2. Treaties.
> 3. Establishment of boundary lines between the U.S. and foreign nations.
> 4. Protection of American citizens abroad and expatriation.
> 5. Neutrality.
> 6. International conferences and congresses.
> 7. The American National Red Cross.
> 8. Intervention abroad and declarations of war.
> 9. Measures relating to the diplomatic service.
> 10. Acquisition of land and buildings for embassies and legations in foreign countries.
> 11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
> 12. United Nations Organization and International financial and monetary organizations.
> 13. Foreign loans.[6]

Other committees such as the Senate Armed Services and Finance committees consider matters related to foreign policy but the Foreign Relations committee is more deeply

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[5] Ibid.

[6] Ibid.

involved in the development of foreign policy than any other committee.[7]

Additionally, the Senate Foreign Relations committee has in effect served as a middle ground between the executive and legislative branches of government. Robert Dahl has noted that the Foreign Relations committee

> Occupies a key point in this series (of decision making). For it must act as a kind of transformer between the relatively detailed knowledge of the State Department and the relatively general knowledge of the Congress.[8]

When the executive branch consults with Congress on foreign policy matters, it generally does so through the Foreign Relations committee.[9] This is done in essentially two ways: (1) By the President calling a White House conference to which the congressional foreign policy authorities are invited or (2) By the Secretary of State holding a conference for the purpose of briefing and consulting with Congressional leaders.[10]

In assigning seats on such a prestigious committee, several factors are taken into consideration. First of all, since committee assignments are made at the beginning of

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[7] Ibid.

[8] Robert A. Dahl, Congress and Foreign Policy, (New York: Harcourt, Brace and Co., 1950), p. 144.

[9] Farnsworth, p. 11.

[10] Ibid., p. 12.

each Congress by the Republican committee on committees and the Democratic Steering committee, party seniority is a key factor.[11] In addition, some attention is paid to providing some sort of geographic balance although this has not been a crucial factor in assigning members to the committee. Senators from the Far Western and Rocky Mountain States have historically been underrepresented on the Foreign Relations committee. They were underrepresented during the period under consideration here.

So, in summary, to earn a seat on the Foreign Relations committee, one must generally have served a number of years in the Senate. In addition, the selection committees have given some attention to maintaining a semblance of geographic balance on the committee.

The Variance Between The Committee's Vote And The Senate's Votes

As we have already mentioned in Chapter VI, there was a great variance between the Foreign Relations committee's vote and the Senate's votes on the two treaties. The committee's vote, which was held on January 30, 1978, favored the treaties by an overwhelming majority of 14-1 while the Senate's two votes, which were held on March 16

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[11] Ibid., p. 19.

and April 18, 1978, barely approved the treaties by identical margins of 68 to 32. The great variance in the size of the votes may have been due to the fact that the Senate Foreign Relations committee membership was not truly representative of the entire Senate, i.e. that there was a higher proportion of "liberal" Senators on the committee than in the Senate. In order to test this hypothesis, we must first determine how often the members of the committee voted with the "conservative coalition" in the Senate.[12] For purposes of clarification, the term "conservative coalition" means a voting alliance of Republican and southern Democrats against the northern Democrats in Congress.[13] Further, a "conservative coalition vote" is any vote on which a majority of voting Republicans and southern Democrats oppose the stand taken by a majority of voting northern Democrats.[14] Thus, the term "conservative coalition" will not necessarily be used in this study to refer to Senators who have a conservative philosophy but rather to Senators who come from a certain region of the country or belong to a certain party.[15] Next, we must determine what percent of the time the average

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[12]Elizabeth Wehr and Wayne Walker, "Conservative Coalition Loses Strength," Congressional Quarterly Weekly Report, 36, No. 50 (December 16, 1978), 3441.

[13]Ibid.

[14]Ibid.

[15]Ibid.

Senator voted with the conservative coalition in his roll call votes. We can then compare that average score with the individual scores of the sixteen Senators on the Foreign Relations committee and determine whether the typical Senator voted more often with the conservative coalition than his colleagues on the Foreign Relations committee. If there is a great variance in the scores, we might be persuaded that the committee members were not truly representative of the rest of the Senate. The scores will vary from one to one hundred. A low score will mean that a Senator usually voted in disagreement with the conservative coalition while a high score will mean that a Senator usually voted in agreement with the conservative coailtion.

At this time, let us identify the sixteen members of the Foreign Relations Committee and present their conservative coalition scores:[16]

1. Dick Clark	3	9. Frank Church	25
2. Paul Sarbanes	5	10. Charles Percy	41
3. George McGovern	6	11. John Glenn	43
4. Hubert Humphrey	7	12. John Sparkman	50
5. Claiborne Pell	11	13. James Pearson	55
6. Clifford Case	12	14. Robert Griffin	59
7. Jacob Javits	16	15. Richard Stone	69
8. Joseph Biden	19	16. Howard Baker	75

The average Senator voted with the conservative coalition 47.5 percent of the time. If one removes the scores of the

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[16]Ibid., p. 3446.

members of the Senate Foreign Relations committee the Senate's average conservative coalition support score jumps to approximately 51 percent. By contrast, the average conservative coalition support score for the Foreign Relations committee is only 31 percent. Half of the committee members have scores of under 20 percent and three fourths scores of 50 percent or less. These figures clearly suggest that the Senate as a whole was more conservative than the committee.

Another way of summarizing the situation is to divide the Senators into liberals having scores of between 1 percent and 40 percent, moderates having scores between 40 percent and 60 percent and conservatives having scores between 60 percent and 100 percent. On this basis, the Senate as a whole can be said to have had a ratio of two liberals to one moderate to two conservatives while the committee had a ratio of nine to five to two. Again, it is clear that the committee was more liberal than the Senate as a whole.

If one had wanted to reconstitute the committee so that it was really representative of the Senate as a whole he would have been unable to do so precisely because of the numbers involved but a distribution of six liberals, four moderates and six conservatives would have been the closest distribution possible. This, of course, would have involved replacing up to three liberals with three conservatives and

replacing one moderate with one conservative. In fact, this almost happened after the 1978 elections when five Senators failed to return to the committee: Senator Sparkman retired, Senator Humphrey died in January of 1978, and Senators Case, Clark and Griffin were defeated in either the June primaries or the general election in November. So, in actuality, three liberals and two moderates failed to return to the committee after November of 1978. They were replaced in January of 1979 with one liberal and four conservatives: Muskie-13, Zorinsky-73, Helms-89, Lugar-89 and Hayakawa-76.[17] So, the current distribution of the Foreign Relations committee is as follows: seven liberals, three moderates, and six conservatives. Since the entire Senate became slightly more conservative after the 1978 elections,[18] the committee is still not truly representative of it. But it is much more representative of the Senate as a whole than it was in 1977 and 1978 when the committee held its hearings on the Canal treaties.

The study I have referred to in writing this chapter is not a conclusive one in terms of identifying the specific ideologies which United States Sentators have held at one time or another. It is based on geography and party, not

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[17]Alan Ehrenhalt, "Stubborn Streak Expected in New Congressional Panels," Congressional Quarterly Weekly Report, January 20, 1979, p. 79.

[18]Ibid.

ideological persuasion. Still, the results do seem to reflect our usual impressions of ideological persuasion to a remarkable degree. For instance, several of the more popular "liberal" Senators were Senators Cranston (Dem-Cal.), Haskell (Dem.-Col.), Ribicoff (Dem.-Conn.), Bayh (Dem.-Ind.), Muskie (Dem.-Me.), Kennedy (Dem.-Mass.), Humphrey (Dem.-Minn.) and McGovern (Dem.-S.D). All of these Senators scored consistently low in the above study. Likewise, the traditional conservatives scored consistently high. This is so of such figures as Senators Goldwater (Rep.-Ariz.), Helms (Rep.-N.C.), Thurmond (Rep.-S.C.), Dole (Rep.-Kan.) and Harry Byrd (Ind.-Va.). In brief, the conservative coalition scores do, with few exceptions, reflect our image of a Senator's particular ideological "bent."

In closing, then, I am persuaded that the variance between the committee vote and the subsequent Senate votes was primarily due to the fact that the Senate Foreign Relations committee was not truly representative of the entire Senate. If more "conservative" Senators had been on the committee at that time it is unlikely that there would have been such a variance between the votes.

CHAPTER VIII

CONCLUSIONS

This concluding chapter sets forth tentative answers to the three basic questions raised above. (1) Why were there differences between the prior Senate polls and the Senate Foreign Relations committee's vote? (2) Why were there differences between the prior Senate polls and the two full Senate votes? (3) Why were there differences between the committee's vote and the two full Senate votes?

Reply To Question One

The treaties were submitted to the Senate in September of 1977. At that time, the media conducted several polls in the United States Senate to see whether there was a chance that the treaties would be approved. As we have noted, the findings of the various Senate polls suggested that the treaties would very likely be defeated. Most of these polls suggested that at least thirty Senators were opposed to the treaties at that time. Thus, the antiforces needed to gain only four votes to keep them from being approved. But, in just four short months the Senate Foreign Relations committee conducted its hearings and voted overwhelmingly (14-1) to recommend the treaties to the full Senate for

their advice and consent. I feel that there are several reasons for this apparent dramatic "reversal" in the Senate.

First of all, there were three main reasons for the difference between the prior poll results and the Foreign Relations committee's favorable vote on the treaties: (1) The Statement of Understanding which was reached by General Torrijos and President Carter; (2) The visit of Senate delegations to Panama which favorably impressed several Senators, including members of the Foreign Relations committee; (3) The ideological "bent" of the entire Senate Foreign Relations committee which appeared to be more "liberal" than the Senate as a whole. The issuance of the Statement and the visits took place between the time the polls were conducted in August and September of 1977 and the committee's vote in late January of 1978. In short, they appear to be major causes of the difference between the Senate polls and the committee's vote. Let us briefly examine why this is the case.

First, as was mentioned in Chapter VI, the chances of Senate approval probably diminished further in early October of 1977 when it was reported that the two negotiating teams were at variance over the meaning of key sections of the treaties. During the hearings, members on the committee voiced their concern over these disagreements and even protreaty Senators felt that the treaties would not be

approved unless these key sections were clarified. Majority Leader Byrd and particularly Minority Leader Baker were disturbed over these varying interpretations. Noting that the treaties were in serious trouble, President Carter invited General Torrijos to the White House on October 14, 1977, and they agreed to a "Statement of Understanding" which specifically clarified the disputed passages. This agreement allayed the fears of most protreaty Senators in that it "cleared up" any major differences of opinion concerning the exact meaning of the treaties. Additionally, the Statement seemed to favor the interest of the United States in that she could intervene to protect the Canal and would have the right to priority transit in emergencies. Some Senators felt that the Statement was a "diplomatic achievement" and most agreed that it improved the treaties chances of approval by the United States Senate. The Statement was eventually converted into two major amendments by the Senate Foreign Relations committee and it recommended that the full Senate consider and approve them in addition to the treaties. If the Statement had not been issued by the two leaders it is likely that the committee vote would have more nearly reflected the results of the prior Senate polls.

Secondly, the trips which were taken to Panama had an effect on the Senators who made them, and consequently, on the treaties. By mid-January of 1978, approximately thirty

Senators had traveled to Panama to survey the situation first hand.[1] Additionally, in late January, seven members of the Senate Foreign Relations committee, led by Chairman John Sparkman, traveled to Panama to assess the situation.[2] Probably the most important delegations, though, which visited Panama during this period were led by Majority Leader Byrd in November and Minority Leader Baker in January. Byrd's delegation returned from Panama in mid-November with a more favorable impression of the Panama Canal treaties. Included in that delegation was Senator Sarbanes (Dem.-Md.) who was a member of the Foreign Relations committee. In January, Senator Baker led a three-man delegation to Panama. In his meetings with the Panamanian leader, Senator Baker made it clear that the treaties as submitted to the Senate had absolutely no chance of obtaining the Senate's consent.[3] In particular, he stressed the need to incorporate the above Statement into the text of the treaties by amendment.[4] After his return to Washington, Senator Baker joined by

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[1]Ken Bode, "Carter and the Canal," The New Republic, January 14, 1978, p. 8.

[2]"Squaring Off on the Canal," Time, January 30, 1978, p. 31.

[3]Report of Delegation Studying the Panama Canal Treaties. Washington: Government Printing Office, 1978, p. 5.

[4]Ibid.

Senator Byrd pledged to sponsor an amendment in the Senate that would include the language of the Statement of Understanding. In the meantime, the Senators asked the committee to recommend this change to the full Senate. This was done and Senator Baker voted in the committee to recommend the treaties to the Senate.

As was mentioned in Chapter VII, I feel that the differences between the committee's vote and the final Senate votes was due largely to the fact that the committee was not truly representative of the entire Senate, i.e. there were a disproportionate number of "liberal" Senators on the committee at that time. The same fact accounts in part for the difference between the precommittee polls and the committee vote. In short, the committee vote would not have been at such variance from the prior poll results had the committee reflected the ideological balance on the entire Senate more accurately.

Reply To Question Two

Let us now turn to the factors which account for the differences between the prior poll results and the two treaty votes. First of all, the "education" and lobbying campaigns which were conducted during the Senate stage played no small part in winning Senate votes for the treaties. The Administration contacted all of the Senators

many times during the precommittee, committee and Senate stages and tried to allay the Senator's fears about various parts of the treaties. This overall strategy differs markedly from the rather "coercive" strategy which was employed by the antiforces, i.e. Senators were told that they would face political reprisals from the antiforces if they voted for the treaties. In short, the proforces' strategy seems to have been more successful than the antiforces' strategy which gained no more than two or three votes during a period of six to eight months.

Several additional points should be made with respect to the successful strategy employed by the proforces. First of all, the Administration probably engaged in a "logrolling" campaign at various points during the Senate stage. The evidence seems to suggest that the Administration won the crucial votes of several Senators—DeConcini, Talmadge and Long—by granting them special favors. Secondly, the Administration and Senate leadership both accepted "additions"" to the treaties in the form of reservations and understandings. Several Senators converted to the protreaty camp—especially DeConcini, Hatfield, Brooke and Cannon—after the proforces accepted such changes. Most importantly, though, the Senate leadership sponsored two major amendments—the Leadership Amendments—which seventy two other Senators were permitted to cosponsor. In this way, Senators were permitted to help

"stiffen" the language of the treaties in favor of the United States before voting to turn over the Canal to Panama. Thirdly, the leadership of Senators Baker and Byrd played an important part in the Senate's approval of the treaties. Both men sponsored the Leadership Amendments, personally appealed for and were instrumental in maintaining the support of "wavering" Senators in the protreaty camp and helped construct a compromise reservation acceptable to both DeConcini and the Panamanians. In short, these are the major factors which account for the difference between the prior poll results and the final Senate votes.

Reply To Question Three

As was previously explained in Chapter VII, I feel that the difference between the committee's vote and the two Senate votes can be attributed to the overabundance of "liberal" Senators on the committee at that time. As we mentioned, the committee fairly reflected the party split and geographic balance in the Senate of the 95th Congress. But, the committee was not balanced in an ideological sense. Our findings suggest that the Senate ratio of two liberals to one moderate to two conservatives was clearly not reflected in the balance on the committee where we found nine liberals to five moderates to two conservatives. Quite simply, I feel that if the ratio in the committee had

reflected the ratio in the Senate the committee vote would not have been at such variance with the two final Senate votes.

Concluding Remarks

In retrospect, I feel that considerations of national interest played a greater role in producing policy in regard to the Canal treaty than is often thought. The national public opinion polls seemed to indicate during the latter stages of the debate that there was a nearly equal distribution of nationwide opinion in regard to the Canal issue. As we indicated earlier, various Senators were also confronted by state constituencies which were roughly balanced between pro and antiforces. In addition, there was a fairly equal distribution of opinion in the military, the business community and other interest groups. This approximately "equal" distribution of opinion probably had a "liberating" effect on most Senators "freeing them from any compulsion to respond favorably to strong pressure on only one side."[5] If this was the case, this would support Bernard Cohen's first hypothesis concerning the impact of countervailing opinion. It is his contention that:

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[5]Bernard C. Cohen, The Public's Impact on Foreign Policy, (Boston: Little, Brown and Co., 1973), p. 143.

> The balance of pressure created by the nearly equal distribution of opinions on both or all sides of an issue has a liberating effect on the policy maker, by freeing him from any compulsion to respond favorably to strong pressure on only one side.[6]

If this was the case, I feel that most Senators tended to vote their conscience by voting in a manner which would best insure the "national interest" of the United States, i.e. assume a Burkean role.

After the Senate voted to approve the treaties in March and April of 1977, the House of Representatives began shaping a bill dealing with those aspects of the transfer of the Canal under its control. On June 21, 1979, the House—by a vote of 224 to 202—approved a bill clearing the way for implementation of the treaties.[7] This House action quite possibly removed the last obstacle to the treaties which will go into effect in October of 1979. Irrespective of what the House does between now and October of 1979, the United States will turn the Canal over to Panama and a United States-controlled commission will operate it until December 31, 1999. Quite possibly, this latest action by the House of Representatives has brought an end to one of the most emotional foreign policy debates in recent United States history.

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[6] Ibid.

[7] "House Votes Go-Ahead on Panama Canal Pacts," Knoxville News Sentinel, June 22, 1979, p. 8.

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