

Correspondence

The Panama Canal Treaty

To the Editors: Re the article by Martha Bennett Stiles on "A Canal Treaty Out of the Dark Ages" (*Worldview*, October, 1976), which I read with special interest.

Because a full critique of the article, which is significant more for what it fails to relate than for the facts it presents, would be too long for a letter, I shall restrict my comments.

As to its opening charge that the United States "connived" in bringing about the secession of Panama from Colombia, this old allegation was explicitly and categorically denied by Secretary of State Hay as follows:

"Any charge that this government or any responsible member of it held intercourse, whether official or unofficial, with agents of revolution in Colombia is utterly without justification. Equally so is the insinuation that any action of this government prior to the revolution in Panama was the result of complicity with the plans of the revolutionists. The Department sees fit to make these denials and it makes them finally" (John Bassett Moore, *A Digest of International Law*, Vol. III, p. 91; also quoted by Alfred Thayer Mahan, the celebrated naval historian, in *North American Review*, October, 1912, p. 554).

The fact remains, however, that the United States did acquire the Canal Zone, legally and Constitutionally, and constructed the Panama Canal, both under Congressional authorization (*Spooner Act*, approved 28 June 1902). The U.S. Title to the Zone territory is a valid one that has been recognized by eminent legal scholars as well as by the U.S. Supreme Court (*Congressional Records*, July 20, 1976, p. H7434 and September 21, 1976, p. H10,728).

As foreseen by the Founding Fathers of Panama (Panamanian Declaration of Independence, November 4, 1903), that country has long been the greatest single beneficiary of the Canal enterprise. Its total benefits during Fiscal Year 1975 from U.S. Canal Zone sources was \$253,130,000, and these will undoubt-

edly increase (*Panama Canal Spillway*, July 16, 1976).

Significantly the United States has solemn treaty obligations with Great Britain and Colombia as well as with Panama in respect to the operation of the Canal, which cannot be ignored.

The primary question is not between the United States and Panama, which, as an ally of the Havana-Moscow Axis, is only the "tip of the iceberg." Instead, the issue is of global significance, for the Isthmus is one of the main crossroads of the world and the Canal is the Gibraltar of the Caribbean-Gulf of Mexico danger zone.

Located in an area of endemic revolution still subject to predatory attack, Panama requires the presence of a strong power in control of the Canal Zone for its continued existence as an independent country. To surrender U.S. sovereignty over the Zone would bring about a Suez Canal situation in the Americas as well as remove a haven of refuge for Panamanian leaders seeking to escape assassination. An excellent example of such use of the Zone was by Señora Torrijos during an attempt to depose her husband while he was out of Panama.

To resolve the problems involved in the situation, other members of the Congress and I have sponsored a constructive, definite, economic-and-historically-based policy derived from long experience. The program for implementing it is simple:

1. Adoption by the Senate and House of Representatives of pending resolutions reaffirming and making definite U.S. policy for the continued undiluted sovereign control over the Canal and its indispensable protective frame of the Canal Zone;

2. Termination of the present Treaty negotiations;

3. Enactment of measures for resumption of construction on the suspended major modernization of the existing canal to provide a summit-level terminal lake in the Pacific end of the Canal under existing treaty provisions;

4. Authorization for election to the Congress of a nonvoting delegate by U.S. citizens residing in the Canal Zone; and

5. Reactivation of the U.S. Navy's special service squadron with home base in the Canal Zone.

This program will revitalize the entire
(Continued on p. 55)

WORLDVIEW

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—Sandra Garcia

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Isthmus, including Panama, and direct its energies toward constructive patterns. It will serve as a catalyst for the restoration of the national will of the United States and of its true status as a great power in the struggle for the defense of freedom and civilization.

The people of the United States have had enough ambiguity and sophistry in the conduct of their foreign affairs and are looking for clear thinking and resolute leadership in the highest echelons of our government....

Daniel J. Flood

*House of Representatives
Congress of the United States*

Martha Bennett Stiles Responds:

Let me begin to answer Congressman Flood by quoting, first, the *Webster's International Dictionary* (2nd edition) definition of "connive"; second, a 1966 history of Panama by a reputable and disinterested European; and third, "U.S. Policy Toward Panama, 1903-Present: Questions of Recognition and Diplomatic Relations and Instances of U.S. Intervention," a report prepared at the request of Assistant Secretary for Inter-American Affairs Jack B. Kubisch by Drs. Ronald D. Landa and Mary P. Chapman, Bureau of Public Affairs.

1. "Connive: 1. to feign ignorance or to be disregardant, now especially of something which duty calls on one to oppose;..."

2. From *Panama: 400 Years of Dreams and Cruelty* by David Howarth (p. 228): "Half a century before [i.e., before autumn, 1903], in 1846, the United States had made a treaty with New Grenada as Colombia was then called. Under the treaty, New Grenada guaranteed that the crossing of the isthmus would always be open to citizens of the United States, while the United States guaranteed New Grenada's sovereignty over Panama. Several times since then, the U.S. Navy had been sent to keep the peace when revolutions or civil disturbances threatened to interrupt the crossing. At this important moment, the United States was sure to exercise its accepted right again. The only question was, which side would the navy be on? On the face of it, the treaty obliged it to

help Colombia to maintain its sovereignty and suppress the revolution...."

3. *U.S. Department of State Bulletin*, Vol. 70, No. 1817, April 22, 1974 (p. 434): "Nov. 3, 1903. Panamanians, with the aid of the chief lobbyist in Washington of a French canal company, Philippe Bunau-Varilla, revolted against the Colombian Government and declared Panama's independence. Several U.S. naval vessels, one of which arrived at Colón the day before, had been ordered to maintain 'free and uninterrupted transit' in the Isthmus and to prevent the landing of Colombian forces called upon to quell the insurrection."

Three days later the U.S. extended de facto recognition to the Government of Panama, and seven days after that President Theodore Roosevelt accepted Bunau-Varilla's credentials as Panama's first Minister to the U.S., thus granting de jure recognition to the new government. Two weeks after Panama's declaration of independence the Hay-Bunau-Varilla Treaty granting the U.S. rights to construct a canal in Panama was signed in Washington. Wrote Secretary of State Hay to a senator he was urging to vote for ratification of this treaty: "...we shall have a treaty in the main very satisfactory, mostly advantageous to the United States, and we must confess, with what face we can muster, not so much advantageous to Panama.... You and I know too well how many points there are in this treaty to which a Panamanian patriot could object."

In answering critics of the speed with which the U.S. had recognized the new Government of Panama, Secretary Hay chose his words most carefully, denying, with perfect truth, that the U.S. had instigated the Panamanian revolt. This is the denial Congressman Flood has quoted. The question of connivance was scrupulously excluded from the Secretary's remarks.

Few Americans are aware that the Hay-Bunau-Varilla Treaty, so scandalously advantageous to the U.S. as to have made mischief between the U.S. and Panama from the hour it was ratified, came into being through trickery. Few Panamanians are aware that the trickster was not the U.S. The negotiator who wrote and rushed this treaty to disastrously premature ratification was the Frenchman Philippe Bunau-Varilla, who had managed to convince each side that he represented the other—that the