

THE PANAMA TREATIES :

How an Era Ended

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PANAMA ODYSSEY. By WILLIAM J. JORDEN. (Austin: University of Texas Press, 1984. Pp. 746. \$24.50.)

THE DYNAMICS OF FOREIGN POLICYMAKING: THE PRESIDENT, THE CONGRESS, AND THE PANAMA CANAL TREATIES. By WILLIAM L. FURLONG and MARGARET E. SCRANTON. (Boulder: Westview Press, 1984. Pp. 263. \$19.00.)

U.S.-PANAMA RELATIONS, 1903-1978: A STUDY IN LINKAGE POLITICS. By DAVID N. FARNSWORTH and JAMES W. MCKENNEY. (Boulder: Westview Press, 1983. Pp. 313. \$23.00.)

THE LIMITS OF VICTORY: THE RATIFICATION OF THE PANAMA CANAL TREATIES. By GEORGE D. MOFFETT III. (Ithaca: Cornell University Press, 1985. Pp. 263. \$24.95.)

GETTING TO KNOW THE GENERAL: THE STORY OF AN INVOLVEMENT. By GRAHAM GREENE. (New York: Simon and Schuster, 1984. Pp. 249. \$16.95.)

PAPELES DEL GENERAL. By OMAR TORRIJOS. (Madrid: Centro de Estudios Torrijistas, 1984. Pp. 207.)

Theodore Roosevelt, by his own claim, "took the Isthmus" in 1903. On 7 September 1977, after thirteen years of negotiations, Jimmy Carter signed the Panama Canal Treaties intended to give the isthmus back to Panama. But not until 18 April of the following year, after political furor in long Senate debates and meetings across the country, were the controversial pacts finally ratified.

At that time and shortly afterwards, the treaties were recognized in Latin America as a major, positive step in U.S. relations in the hemisphere. They were never popular in the United States, however, and supporting them created serious political liability for many pro-treaty senators and the Carter administration itself. As Senate Majority Leader Robert Byrd once pointed out, no senator would ever win points by supporting those treaties.

Most North Americans, even many who supported the treaties as "the right thing to do," failed to realize that they fell far short of

Panamanian aspirations. In fact, despite Panama's politics being largely controlled, the October 1977 plebiscite on the treaties required by the Panamanian constitution was uncomfortably close. The treaties were defended by the Panamanian leadership as the best deal that could be obtained from the "gringos." But oppositionists complained that the treaties allowed the United States to remain in control of the canal too long (until the year 2000) and shared too little of the management of the waterway, that they gave long-term rights to military bases without any specific compensation, and that the United States retained under a new name the right to intervene "in perpetuity" to defend the canal's neutrality. The Christian Democrats and others charged that the government headed by General Omar Torrijos had concluded a quick deal in order to stay in power.

A good bargain in diplomacy is perhaps evidenced when each side feels it has given up the maximum it can and neither side cries victory. Such was the new treaty relationship. Getting there—from the first negotiation begun by President Johnson after the tragic riots of January 1964—took more time than the building of the canal itself. It was a long, painful process. Each country's negotiating team came to know the other extremely well. There was also a certain continuity to the process, which lasted through four successive U.S. administrations.

As the United States and Panama entered the new era, many of the old animosities disappeared, as did nearly all the superficial manifestations of anti-U.S. sentiment on the isthmus. Nevertheless, elements of the treaty process left a bad taste that would continue to pose underlying dangers to the new relationship. Some were of substance, some of style.

Regarding substance, the most regrettable part of the treaty process was the Carter administration's acceptance of the "DeConcini Reservation" in the Neutrality Treaty, introduced by Senator Dennis DeConcini of Arizona. Highly reminiscent of the infamous Platt Amendment, it interpreted the treaty as permitting the United States, even beyond the year 2000, "the use of military force in Panama, to reopen the Canal or restore the operations of the Canal, as the case may be."

William Jordan, in *Panama Odyssey*, recalls his warnings to Washington that the DeConcini language was "flatly unacceptable" to the Panamanians (p. 537). Nevertheless, a beleaguered President Carter gave in to DeConcini's insistence on the reservation shortly before the vote on the Neutrality Treaty in March 1978. That action brought the head of the Panamanian government, General Omar Torrijos, within a hair's breadth of going on television and denouncing the treaties. President Carter recalls in his memoirs that he "had no idea" at the time of the depth of Panamanian sentiment on that subject.¹

The whole saga of the treaty negotiations and the ratification

process, as told by a participant, is contained in Jordan's extraordinary work. Jordan enjoyed a remarkable career in government. He left his position as correspondent for *The New York Times* to serve on the National Security Council staff of President Johnson and then held successive noncareer appointments in the Nixon, Ford, and Carter administrations. As U.S. Ambassador to Panama from 1974 to 1978, he was intimately involved in the final phases of the treaty process. He spent much time following its ratification working on his book, the most complete published record of that period.

Panama Odyssey accomplishes a number of things at once. It is, first of all, an insider's story, an eyewitness account of the events and people involved in Jordan's life during that period. He refers to some of the characters in this real-life plot by their first names or nicknames, as is entirely natural for him. For the historian, it is a trove of data that cannot be gleaned from any source other than from those who lived through a part of the experience.²

Jordan has painstakingly reconstructed the meetings, trips, negotiating sessions, and other events at which he was not present by conducting extensive interviews with the actors, all of whom he could call friends. The Panamanians were apparently unsparing in their candor when they recalled the events and their own reactions, as well as their own negotiating strategy and tactics. As a result, the book has a novelistic quality. It contains a large amount of dialogue, most of it taken from transcripts, the *Congressional Record*, and other primary sources. Other portions of dialogue from the recollections of Jordan and others was not recorded on the spot but might well have been. Nor does Jordan resist the temptation to editorialize and indulge in a bit of name-calling, as when he refers to DeConcini as "the political tyro from Arizona" (p. 536).

But *Panama Odyssey* is not another of the stream-of-consciousness memoirs by public figures that appear at the end of every presidential administration. Jordan's previous experience as a *New York Times* reporter led him to research carefully every relevant document he could find. For that reason, the book's 746 pages will probably tell more than most readers want to know about the Panama Canal treaties. Cognizant of the massiveness of his material, Jordan has left the full fruits of his scholarship to posterity in a collection of papers and documents at the Lyndon Baines Johnson Library at the University of Texas at Austin. Included in the collection is his penultimate draft, with extensive footnotes, which ran to some sixteen hundred pages.

Another actor in the process was George D. Moffett III, who entered the scene during the ratification phase. His book, *The Limits of Victory*, focuses largely on the domestic political environment from the signing of the treaties on 7 September 1977 until Senate approval of the

second treaty in April 1978. Unlike Jorden, Moffett is primarily concerned not with the dynamics between the two parties to the treaties but with the gigantic struggle for Senate votes by various forces in the United States. He worked with various citizen groups organized by the Carter administration to turn public opinion around in favor of the treaties.

Moffett is fascinated with questions of public attitudes and constituencies. How could treaties that were the object of a "full-court press" by the White House and were supported by the Senate majority and minority leaders, big business, big labor, the Joint Chiefs of Staff, and nearly all of the influential communications media come so perilously close to defeat? He also asks why the ultimate victory, which was hailed by the nations of the world as a great U.S. foreign policy accomplishment, was later described by Carter's National Security Advisor Zbigniew Brzezinski as "politically a Pyrrhic victory for the Carter presidency." In my view, Moffett is correct in citing as the best answer to this question Senate Majority Leader Howard Baker's assessment that "the canal has a constituency and the treaty has no constituency."

Moffett too conducted an exhaustive review of the documents of the treaty struggle. He and associate Jeffrey D. Neuchterlein interviewed nearly eighty key players in the Senate ratification process. My only criticism of his methodology is that his account would have benefited from extensive interviews with Senator Baker and his exceptionally able staff, which included Howard Liebengood, William Hildenbrand, and G. Cranwell Montgomery. In many ways, the Senate Republicans who supported the treaties are the unsung heroes of the story. They demanded far less from the Carter administration for their support than did many of their Democratic counterparts, yet they paid a steep political price.

Moffett's analysis is valuable in assessing the role of public opinion polling and the way the results are used. The Carter administration mounted an unprecedented initiative to produce "a sea change in public attitudes" (p. 135). Certain poll results showing favorable trends were presented to wavering senators. But, Moffett finally concludes, "After one of the longest public relations campaigns in history, Americans remained as unconvinced of the need to give away the Panama Canal as they were before Jimmy Carter became President" (p. 137).

Readers seeking a succinct treatment of the history of the Panama Canal issue since 1903, the negotiations and ratification of the treaties, and the aftermath will appreciate *The Dynamics of Foreign Policy-making: The President, the Congress, and the Panama Canal Treaties* by William Furlong and Margaret Scranton. An added virtue of this book is that it continues the story through the 1979 passage of legislation implementing the treaties, known as the Panama Canal Act.

In this context, it must be understood that the treaties were not legally “self-executing.” By the terms of the instruments of ratification, they were to take effect in October 1979. Prior to that time, however, the United States was required to adopt legislation creating a new entity prescribed by the treaties, the Panama Canal Commission, and to provide the proper authority to operate the canal, collect tolls, pay workers, and fulfill all other U.S. obligations under the treaties.

Implementing legislation proved to be almost as big a hurdle as obtaining Senate approval of the treaties. The Carter administration barely avoided the major embarrassment of being unable to meet its treaty commitments. The legislation was passed only a few days before the treaties were scheduled to take force, and because of House treaty opponents, the bill was far from the version the administration had wanted. In fact, the administration could barely justify the legislation as compatible with the treaties themselves.³ Furlong and Scranton correctly state that the implementing legislation “created antagonism, controversy, problems and misunderstandings” (p. 202).⁴ But as the authors point out, a new partnership between the two countries resulted, and “Panama has remained a calm nation in a sea of turmoil and violence in the Central American region” (p. 204).

U.S.–Panama Relations, 1973–1978: A Study in Linkage Politics by David Farnsworth and James McKenney focuses first on the historical aspects of U.S.–Panamanian conflict over the canal and then analyzes the international dimension of the issue. They use the word *linkage* to refer to “the recurrent sequence of behavior that originates in one system and is reacted to in another” (p. 3). Analyzed are various sets of linkages between U.S. and Panamanian political systems, between U.S. domestic and foreign policy concerns, and between the United States and the international community when the Panamanians sought (especially after 1970) to intensify internationalization of the issue.

Farnsworth and McKenney relied primarily on such sources as the Foreign Broadcast Information Service, the *Congressional Record*, and *The New York Times* for their discussion of the Senate ratification process in 1978 and the passage of implementing legislation in 1970. The authors also demonstrate a thorough comprehension of the issues, the forces at work in the Senate and House, and the political problems faced by treaty supporters.

As several of the authors point out, the story of the Panama Canal Treaties really begins in the nineteenth century, as early as the 1840s, when the United States became interested in transportation across the isthmus and subsequently built the Panama Railroad (during the height of the California Gold Rush).⁵ David McCullough’s best-seller, *The Path between the Seas*, provides an accurate account of the canal’s construction.⁶ From this work, one can readily understand U.S.

pride in a major feat of engineering, politics, and public health as the nation emerged into world-power status.

These works also make clear the sources of Panamanian resentment. Panama was forced to accept the 1903 treaty, negotiated by U.S. Secretary of State John Hay and Frenchman Philippe Bunau-Varilla, a shareholder in the bankrupt French canal venture. This document was never read by a single Panamanian before it was signed. McCullough's book did much to educate Americans about the nature of the issues during the treaty debate. Surprisingly, none of the authors reviewed here give proper recognition to McCullough's role as a solo volunteer lobbyist for the treaties, especially during March and April of 1978. But all of the authors recognize that the deep sentiments pervading the treaty issue on both the U.S. and Panamanian sides go back at least to the beginning of this century and can only be understood properly in the context of that history.

Anyone inclined toward the "great man" theory of history will find ready-made justification in the personal interaction between Jimmy Carter and Omar Torrijos. These two men, whose characters contrasted in so many ways, developed a deep sense of mutual admiration and confidence. As Furlong and Scranton point out, the treaties would never have been completed during a Nixon or Ford administration. The issue took Carter's total commitment to the treaties, a courageous stand that some of his supporters might ruefully look back on as an act of political recklessness.

On the Panamanian side, Omar Torrijos was no less courageous. William Jordan knew him well and offers fascinating insights into this atypical Latin American dictator. Torrijos turned the management of Panama over to civilian government in 1978, describing himself as a "retired dictator" until his death in an airplane crash in 1981. He nevertheless remained the power behind the scene, who could make quick unilateral decisions. A prime example was his decision to take in the Shah of Iran in 1980, thus helping President Carter and the United States after they were refused by every European country they consulted.

A man with little formal education but an intensely creative mind, Torrijos surrounded himself with major intellectual and political figures, including Gabriel García Márquez, Felipe González, Carlos Andrés Pérez, Daniel Oduber, and Julio Cortázar (who described Torrijos as a "poet"). One such friend, Graham Greene, could not resist writing a literary memorial, *Getting to Know the General: The Study of an Involvement*. Although this book is an unabashed labor of love, it provides important insights into Torrijos's character that complement the more complete portrait of the general emerging from Jordan's *Panama Odyssey*.⁷

Certainly, Torrijos's uncanny ability to understand the essence of personalities and politics gave him the ability to guide his people through the Senate debates of the canal treaties. He was, in his own term, a good "gringólogo" (one who understands "gringos"). More than half the members of the U.S. Senate visited Panama during the debates, occasionally asking outrageous questions. One legislator goaded him by inquiring, "General, are you a communist?" Torrijos replied with humor and dignity, "I have never declared that I am *not* a communist, and I will not. Nor, by the same token, do I have to declare that I am not a homosexual or a son-of-a-bitch." During the long treaty debates in the U.S. Senate, Panamanians listened to live broadcasts with simultaneous interpretation and heard Torrijos and their country insulted almost daily by treaty opponents. Torrijos knew that this tactic was designed to provoke him into doing something foolish, and he told me after it was all over that the insults made him so angry that he probably smashed two cases of little transistor radios as he paced about the terrace of his beach house at Farallón. Jordan recounts that after final Senate approval of the treaties on 18 April 1978, Torrijos went on the radio to complain bitterly about the insults, saying that if the Senate had acted otherwise, he would have destroyed the canal (p. 623). Jordan thought at the time that this gesture was an act of "incredibly bad judgment." I would ask whether Torrijos's speech reflected the release of anger in a fit of pique, as Jordan suggests, or the need to regain control over his domestic constituency.

This unique man was at once a macho military man, a gentle humanist, a poet and prophet, an archconspirator, a dictator who deeply admired democratic values, and a leader who admired and was praised by Jimmy Carter and Fidel Castro alike. A number of books about him have come out in Panama since his death in 1981.⁸ Those wishing to glimpse his character through his own sometimes obscure words should read *Papeles del General*. This book was compiled by Panamanian National Guard Sergeant José de Jesús Martínez (known as "Chuchú"), a poet and mathematician who is a major figure in Greene's *Getting to Know the General*. *Papeles del General* contains some of Torrijos's major addresses during the period when he sought to bring pressure on the United States by internationalizing the canal issue. One finds, unsurprisingly, a great deal of "anti-imperialist" Third World rhetoric. At the other extreme is the famous speech he delivered at the Non-aligned Summit in Havana in 1979, "Soy un soldado de América Latina." With this address, he beat back a draft resolution attacking the Rio Treaty and CONDECA (Council of Central American Armies) by defending these institutions on carefully worded populist grounds. His view of Panamanian politics is illuminated in the chapter entitled "Ideas en borrador," and his thoughts on matters foreign and domestic are

summed up in a section called "Pensamientos," a format somewhat reminiscent of Mao's little red book. It is full of wisdom, simply stated. A favorite phrase I often heard Torrijos say is, "El que da cariño, recibe cariño. El que da Patria, recibe apoyo de la Patria" (p. 206).

NOTES

1. Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York: Bantam, 1982), 169–70.
2. See Cyrus Vance, *Hard Choices* (New York: Simon and Schuster, 1983). Vance recognized the dangerous quality of the DeConcini resolution, which he said nearly caused the Panamanians to reject the Neutrality Treaty, 154–55.
3. The Panamanian government has consistently taken the position that the Panama Canal Act (PL95–70) violates both the spirit and letter of the treaties.
4. Furlong and Scranton also state, however, that "the Senate's actions on the treaties strengthened, clarified and improved them. . . ." I strongly disagree, in the light of the DeConcini and other unpalatable reservations and understandings reluctantly agreed to by the Carter administration in order to win votes.
5. Indispensable to the student is the vast compendium of documents contained in *Background Documents Relating to the Panama Canal*, edited by the Congressional Research Service of the Library of Congress (Washington: U.S. Government Printing Office, 1977).
6. David McCullough, *The Path between the Seas* (New York: Simon and Schuster, 1977).
7. For another set of fascinating character sketches of Torrijos drawn during the period of the Shah's stay in Panama, see Hamilton Jordan, *Crisis: The Last Year of the Presidency* (New York: G. P. Putnam's Sons, 1982).
8. One work deserving special mention is Rómulo Escobar Betancourt's *Torrijos: espada y pensamiento* (Panama City: privately printed, 1982).