

Mr. Mondale

Mr. President:

The right of U.S. negotiators to continue talks with the Government of Panama on the future of the Canal Zone is among the most crucial issues in our policies for the Western Hemisphere. This right is being challenged by the Byrd

~~Senate~~ ~~amendment~~ ~~which~~ ~~would~~ ~~prevent~~ ~~any~~ ~~of~~ ~~the~~ ~~funds~~ ~~provided~~ ~~in~~ ~~the~~ ~~Department~~ ~~of~~ ~~State~~ ~~Appropriations~~ ~~bill~~ ~~from~~ ~~being~~ ~~used~~ ~~to~~ ~~negotiate~~ ~~"the~~ ~~surrender~~ ~~or~~ ~~relinquishment~~ ~~of~~ ~~any~~ ~~U.S.~~ ~~rights~~ ~~in~~ ~~the~~ ~~Panama~~ ~~Canal~~ ~~Zone.~~"

Let me begin by saying that I sympathize ~~th~~ with those who feel that the United States has an essential interest in assuring that canal remain open and that its operations continue on a reliable and secure basis. This is a vital ~~economic~~ ~~interest~~ ~~to~~ ~~American~~ ~~economic~~ ~~interests~~ ~~and~~ ~~it~~ ~~is~~ ~~also~~ ~~critical~~ ~~to~~ ~~the~~ ~~defense~~ ~~of~~ ~~the~~ ~~Western~~ ~~Hemisphere.~~ Furthermore, I can understand the desire to provide an expression of Congressional sentiment on this matter before the American government becomes too firmly committed ~~to~~ to a course of action ~~that~~ that may be unacceptable to the Senate and to the American people.

While I can understand each of these important goals, I believe that the Byrd amendment is not the proper way to fulfill either objectives.

I have on many occasions been critical of our negotiators in the State Department for seeking agreements with other countries that in my opinion infringe upon the ~~the~~ prerogatives of the Congress. This is particularly true in the case of executive agreements that have been used all too often in the past to

3.

Nevertheless, there is a point beyond which the Congress
attempting to influence
should not go in/the conduct of our relations with other countries.
limited foreign policy
The Byrd Amendment is not ~~confined~~ to that of providing/advice
its
or exercising ~~the~~ rightful legislative responsibilities. ~~xxxx~~

In my judgemnt this amendment goes far beyond the proper Constitutional
role of the Congress, in determining not whether to accept or reject
a Treaty, but whether the President can negotiate at all.

The Senate will have an opportunity to vote on the results
of this negotiat^{ion} if and when a treaty is signed. If the final
agreement is not acceptable to the members of the Senate, , there
will be an opportunity to ^{modify} ~~amend~~ or reject it at that time.

In the interim,

Adapting to Changing World Circumstances
in our Relations with Panama *

William D. Rogers

Latin America, like many areas of the world, is undergoing great change. There are also changes in the U.S. role in the world which dictate change in our policy toward Latin America. We no longer dominate the world scene as we once did. A new pattern of relationships and power structures is emerging. Military and economic strength are only part of them. Our future well-being and security will be determined, to a much greater degree than in the past, by our ability to adapt to changing world circumstances. This is especially true of our relations with Panama.

Panama has long been unhappy with the Treaty of 1903 which governs our activities in the Canal Zone. It is an arrangement which may have been suitable 70-odd years ago but does not reflect present realities.

The 1903 treaty granted control over more than 500 square miles of Panamanian territory to the United States "in perpetuity." It made possible the creation of an American community administered by the U.S. Government in the middle of Panama. Panamanians of all political persuasions view it as a colonial enclave -- an affront to Panama's national dignity, a brake on its socio-economic

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development, a limitation on its independence.

← In a 10-mile wide zone which cuts Panama in half, the United States maintains courts and police which enforce U.S. laws -- on Panamanians as well as Americans. The U.S. operates commercial enterprises, controls large tracts of unused land, and controls virtually all the deepwater port facilities in Panama. The 1903 treaty gives us these rights in perpetuity.

As Panama has grown and modernized, this arrangement has become a major irritant in U.S.-Panamanian relations. And in recent years it has become a sensitive political issue throughout the hemisphere.

Riots in Panama in 1964 -- in which 24 people were killed, hundreds wounded and millions of dollars of property damage sustained -- was the climax of Panamanian agitation for change that had been intensifying since the end of World War II. Panama broke diplomatic relations with the United States and appealed to the U.N. and the OAS for support.

President Johnson, after conferring with Presidents Truman and Eisenhower, agreed to negotiate a new treaty with Panama which would have a definite duration and would replace the 1903 treaty.

We have been negotiating that treaty off and on now for eleven years. In the meantime, the 1903 treaty remains in force. The status quo is maintained. The potential for friction between the two countries grows.

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This lack of movement in our relations with Panama has taken place against a backdrop of violence and dramatic change in the rest of Latin America. On the one hand, there has been urban terrorism, rural guerrilla movements, the kidnapping and murder of foreign diplomats beyond the control of governments. On the other, there has been an assertive and sometime strident nationalism which questions all past relationships with the United States.

Yet Panama has remained quiet.

How can this be? If the treaty of 1903 is so objectionable why haven't the events of 1964 repeated themselves? Why hasn't the violence which has been prevalent in so much of Latin America caught on in Panama?

Because we have been negotiating. Because Panama believes that we are sincere about the commitment we made to them in 1964 that we would negotiate a new treaty to replace the 1903 treaty, a treaty that would address its grievances and take into account its aspirations.

The choices we face are difficult. The canal traverses a foreign country. It is an extremely vulnerable installation. In fact, the National Defense Study Group of the Interoceanic Canal Study Commission stated in 1970 that it could be closed by the use of relatively unsophisticated

weapons and that interruption for extended periods could be achieved with relative ease.

The continued operation of the canal is related to the degree of cooperation or hostility which exists in Panama. If the level of Panamanian consent is high, the canal will be operated efficiently; if it is low or disappears, the cost to the U.S. can increase to unacceptable levels. In extreme circumstances, we could be forced to engage in hostilities with the people of an otherwise friendly American state on its soil.

Neither country wants events to deteriorate in such a manner. Both countries have an interest in the canal continuing to operate efficiently. We can reconcile our differences. However, reason must prevail on both sides. We cannot give in to "jingoism" or cling to outmoded forms. We must be prepared to move with the times; and both sides must be willing to compromise.

There are forces in both countries which reject these admonitions; forces in the United States which resist all change or advocate minimum changes which do not address the basic problems; forces in Panama which demand immediate U.S. departure. If these forces were to prevail, conflict could ensue.

There is no reasonable alternative to negotiation and eventual ratification of a new treaty. It has been

suggested that there are a number of actions we could take, short of a new treaty which would satisfy Panamanian aspirations but which preserve U.S. jurisdiction over the Zone and control over the canal in perpetuity. This is a misreading of Panamanian realities. An end to perpetuity and Panamanian jurisdiction over the Canal Zone are the essence of Panama's concerns. Increased economic benefits and transfer of parcels of real estate will not substantially alter Panama's views nor sustain a climate conducive to continued U.S. operation of the canal. While such actions might buy a little time to continue "managing" the problem, they also carry the risk of "fiddling while Rome burns." We must address the issues which separate us.

We are now conducting the third series of negotiations since 1964. The first ended in failure in 1967 when Panama and then the U.S. chose not to submit the negotiated documents to their respective ratification processes. The second ended in 1972 when the two countries were unable to reach agreement on some important issues. Panama then took its case to the U.N. Security Council in special sessions in Panama City. This session produced a resolution supported by all members of the Council with the exception of Great Britain which abstained and the U.S. which vetoed it.

Our present series of negotiations began in August 1973 with the naming of Ambassador Ellsworth Bunker as the Chief U.S. Negotiator. There has been a dramatic

improvement in our relations with Panama since then.

- The atmosphere for the negotiations is excellent.
- Each side is sincerely interested in producing a treaty.
- The prospects that we will arrive at a mutually acceptable accord are good.

What is our objective in this negotiation? We seek to preserve U.S. basic interests by modernizing our relationship with Panama. We have examined what is essential to our interests in the Canal Zone and what is not. We are prepared to give up the latter to protect the former.

The primary U.S. objective is to continue to operate and defend the canal for an extended period. We have already established a framework for achieving this.

A joint Statement of Principles signed by the Foreign Minister of Panama and Secretary Kissinger on February 7, 1974 fixed the broad general outline for treaty negotiations. We agreed that:

- a new treaty will be negotiated to replace the Treaty of 1903.
- the new treaty will have a fixed termination date.
- the U.S. will continue to operate and defend the canal for the lifetime of the new treaty and continue to use the lands and waters necessary for it.

- Panama will participate in the administration and defense of the canal and receive an equitable share of the economic benefits of the canal.
- The territory in which the canal is situated will return to Panamanian jurisdiction.
- The new treaty will contain provisions for canal expansion.

The negotiations are proceeding satisfactorily and we are hopeful that we will be able to produce the text of treaty before too long for consideration at the highest level of the two governments.

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Speech Text:
AMBASSADOR BUNKER ON THE
PANAMA CANAL TREATY NEGOTIATIONS

FOR IMMEDIATE RELEASE
April 1, 1974

Address by Ambassador at Large
Ellsworth Bunker, Chief U.S. Negotiator
for the Panama Canal Treaty, before the
Center for Inter-American Relations,
March 19, 1974, New York City, N.Y.

The reason that I am particularly pleased to be with you is that I could hardly hope for a better audience before which to venture my first public thoughts on the matter of a new treaty relationship between the United States of America and the Republic of Panama.

This audience will understand that because the new relationship is a matter of transcendence for the two countries - and, in some measure, for the whole hemisphere and the world community - it is one which demands the constant application by both governments of:

- Reason rather than emotion;
- New ideas rather than old memories; and
- The will to accommodate rather than the wish to confront.

All that makes it quite a difficult matter, possibly the most difficult I have yet addressed as a negotiator.

I should like you to have the background of it, then the foreground as I can perceive it.

Background

We start from a treaty that is 70 years old. In 1903 the newly-independent Republic of Panama granted to the United States -- in perpetuity -- the use of a strip of land ten miles wide and 50 miles long for the construction, maintenance, operation, and protection of a canal between the Atlantic and the Pacific.

Panama also granted to the United States all the rights, power, and authority to act within that strip of land as "if it were the sovereign."

That the treaty favored the United States was acknowledged promptly. John Hay, then Secretary of State, told the Senate, in submitting it for ratification:

"...We shall have a treaty very satisfactory, vastly advantageous to the United States and, we must confess...not so advantageous to Panama."

To be sure, had the United States not been offered so advantageous a treaty by Panama, it might well have built the canal elsewhere.

Urmistakably, the construction of that waterway was an astounding achievement. Consider the triumph over tropical diseases; the gigantic engineering effort; the participation of people of many races and lands -- these are sources of extraordinary pride to our people.

Canal Benefits

We are no less proud of what the canal has represented since it opened. It has spurred the creation of major new international markets. It has caused the creation of entirely new sea routes. It has saved seafaring nations countless sums in terms of time, energy, and money. These -- together with the safe, efficient, and inexpensive operation of the waterway -- have provided Panama, the United States, and the entire world with benefits which obviously have been of incalculable value.

Let me illustrate some of the benefits to Panama:

-- One-fourth of that country's gross national product in recent years has been directly or indirectly attributable to the operation of the canal and the military bases within it;

-- More than one-third of Panama's total foreign exchange earnings in recent years has derived from United States payments for Panamanian goods and services used in the Zone;

-- Perhaps as much as one-fifth of Panama's employment nationwide is directly or indirectly attributable to the presence of the canal;

-- Panama has become a crossroads of the hemisphere, a center for banking, shipping, transport, and communications, and it has prospects for accelerated development in the years to come.

Today, that country's per capita income is the highest in Central America, the fourth highest in Latin America as a whole, exceeded only by that of Argentina, Uruguay, and Venezuela.

For the United States, the benefits have been military as well as economic.

It was the 7,000-mile, 66-day voyage of the US battleship "Oregon" around Cape Horn during the Spanish-American War that led us to build a trans-isthmian waterway. And its military value to the United States has not diminished, although it has changed.

Its strategic importance was demonstrated:

-- When the Japanese attack on Pearl Harbor left the United States without significant naval strength in the Pacific. Redeployment of elements of the Atlantic fleet through the canal saved more than two weeks steaming time around the Capes.

-- When during the Cuban missile crisis of 1962 mobilization orders found nearly all landing craft concentrated on the West Coast. More than 60 military vessels were redeployed to Gulf and East Coast ports in less than 10 days.

Even today, when major elements of our defense system are intercontinental bombers and missiles, the canal remains a vital line of communication. Despite limitations on the size of vessels which can pass through it, it permits the majority of US Navy ships to move expeditiously between oceans. Perhaps more important, it shortens supply lines from the United States to potential trouble spots around the world.

The Viet-Nam conflict, necessitating a rapid buildup of men and material in Southeast Asia during the mid-60's, is the most recent example of the logistical role the canal plays for the United States. Because our production capacity is located mostly east of the Mississippi River and our internal transportation was insufficient, we were forced to depend heavily on the Canal to transport equipment and supplies to our forces.

As for economic benefits to this country, they have unquestionably been great in the past. But how great they are today is relative. For example, it is true that 16 percent of the US ocean-borne trade passes through the Canal. It is also true, however, that our total foreign trade accounts for something less than ten percent of this country's gross national product.

Indeed, there are those who argue that the value of the United States to the Panama Canal far exceeds the value of the Panama Canal to the United States. The argument derives from the fact that some 70 percent of the traffic through the canal is either bound for, or coming from, this country.

Whatever the statistics, however, we know intuitively that the waterway contributes importantly to the economic well-being of our people.

US Role in Canal Zone

Where do the critical interests of our country now lie, and how may they best be served?

I suggest that they lie in the continued operation and defense of the canal by the United States for a further and reasonably extended period of time.

May I also suggest, however, that we can serve those interests adequately only if we move to change -- to modernize -- the nature of the presence of the United States in the Canal Zone.

It is a quite uncommon presence. Some 40,000 American citizens live and work in a 500-square mile area very much as they might live and work in any area of 500 square miles in the continental United States.

When all is said and done, however, that presence rests upon the consent of the Panamanian people.

That is so because, were the level of consent to decline to zero, but our presence remain, we would find ourselves in the position of engaging in hostilities with the people of an otherwise friendly American state, on its soil.

If I do not misread the temper of the American people and the times, that position would be unacceptable.

So long as the consent of Panama to our presence remains at a high level, the United States can devote all its energies there to the functions required for the efficient operation of the waterway. But in proportion as the consent-level declines, in that proportion we must divert some of our energies to functions not related directly to the waterway's operation. And in that proportion the efficiency of the operation declines - to the detriment of our critical interests.

Panama's Attitude

For many years the level of Panama's consent has persistently declined.

And by Panama, I mean the Panamanian people, of all strata, not simply their government. Governments in Panama may change.

But I am persuaded that governmental change will never again divert the Panamanian people from the course of legitimate nationalism they are now pursuing.

Unfortunately I must say that I consider the current level of consent to be unacceptably low. It began to be so ten years ago, when events in the Canal Zone led to rioting that occasioned 24 American and Panamanian fatalities.

Why has it declined? The Panamanians cite the following:

-- The United States occupies a 10-mile wide strip across the heartland of Panama's territory, cutting the nation in two, curbing the natural growth of its urban areas.

-- The United States rules as sovereign over this piece of Panama's territory. It maintains a police force, courts, and jails to enforce US laws, not only upon American but also upon Panamanian citizens.

-- The US Government operates virtually all commercial enterprises within the Zone, denying to Panama the jurisdictional rights which would enable its private enterprise to compete.

-- The United States controls virtually all of the deep-water port facilities serving Panama.

-- The United States holds, unused, large areas of land within the Zone.

-- The United States pays Panama but \$2 million annually for the immensely valuable rights it enjoys on Panamanian territory.

-- The United States operates, on Panamanian territory, a full-fledged government that has no reference to the Government of Panama, which is its host.

-- The United States can do all these things, the treaty states, forever.

To these things the Panamanians object, saying that they deprive their country of dignity, of the ability to develop naturally, and, indeed, of full independence.

One could disagree. One could ask that Panama relax in the tropics and enjoy, perpetually, the enormous direct and indirect benefits which the operation of the canal in its territory by the United States has brought to it. Yet the level of consent would not thereby be raised.

One can more usefully ask: What is the nature of these things to which Panama objects? Close scrutiny indicates, I suggest, that they resemble the appurtenances of power rather than power itself -- that it is the manner of the United States presence in Panama, not the presence itself, which is at the heart of our problem with that country -- and, I must add, with the world community.

My impression is that the United States would do well to examine what there is about our presence in the Canal Zone that is essential to our critical interests, and what is not, and then proceed to modify the latter so that we may protect the former.

The process will not be easy, for either country. On one hand, the physical, legal, and psychological architecture which the United States has erected in this 500 square miles over many years is enormous, and very solid. On the other, Panama's capacity to absorb, to rebuild, to redesign, is limited. But there really is no rational alternative.

Negotiating Efforts

For more than ten years we have been engaged with Panama, determined to arrive at a new and modernized relationship which could cause Panamanians to be fully content that the United States remain in Panama -- and Americans to be fully content to remain there. Successive American Presidents since Dwight Eisenhower have pressed that negotiation.

If our negotiations have not prospered over so many years, it is not for lack of distinguished and dedicated Panamanians and Americans negotiating. Rather it is because the times have simply not been right.

In any case, what is negotiating past is not negotiating prologue.

When Secretary of State Kissinger and I had the pleasure of meeting for the first time with the Foreign Minister of Panama in New York October 1973, the Secretary suggested that henceforth in this negotiation the United States should not attempt to impose its will on Panama, nor Panama attempt to impose its will on the United States.

And I am able to say, after four months of the new negotiation, that the negotiators on both sides have accepted that counsel. Political decisions have been taken to make accommodation a way of negotiating life. We shall not, I think, be easily distracted from it.

Statement of Principles February 7, 1974

The world has already observed that accommodation. In February the Secretary of State journeyed to Panama to initial with the Panamanian Foreign Minister a set of eight "Principles." They are to serve as guidelines for the negotiators in working out the details of a new treaty.

Perhaps the chief of government of Panama best characterized these principles when he said they constituted a "philosophy of understanding."

Their essence is that:

-- Panama will grant the United States the rights and facilities and lands necessary to continue operating and defending the Canal;

-- The United States will agree to return to Panama jurisdiction over its territory; to recompense Panama fairly for the use of its territory; and to arrange for the participation by Panama, over time, in the canal's operation and defense.

It has also been agreed in the "Principles" that the new treaty shall not be in perpetuity, but rather for a fixed period, and that the parties will provide for any expansion of canal capacity in Panama that may eventually be needed.

Beginning of Modernization Process

Still another form of accommodation will, I trust, be visible shortly. Following my first visit to Panama, I recommended to the President that the United States should not await the successful conclusion of treaty negotiations to begin modernizing its presence in the Canal Zone, to the benefit of both countries. He agreed, and is now forwarding to the Congress legislation which would return to Panama two World War II airfields now within the Canal Zone, which Panama could put to very good use for economic development. I am hopeful the Congress will agree that this is only "right" for the United States to do.

It escapes neither of the two negotiating parties that these accommodations are but a good beginning. A treaty arrangement which has evolved over 70 years, and evolved too often in acrimony rather than harmony, will not yield readily to the skills of negotiators, nor even to the political dictates of heads of government.

Nor does it escape the parties that there is opposition in both their lands. In this country there are those who hold that it is folly for the United States to alter the nature of its presence in the Canal Zone by making any concessions to Panama, and that our power must reside there, undiluted, forever. In Panama there are those who hold that it is folly to make a single concession to the United States, and that its presence must be eliminated forthwith.

We can acknowledge the profound patriotism of those views. Were the executive authorities of the two countries to share them, however, they would be squarely on a collision course.

The plain fact of the matter is that geography, history, and the economic and political imperatives of our times compel the United States and Panama to have a joint stake in the Panama Canal enterprise. It follows that with respect to that enterprise they should comport themselves as partners, and friends -- preserving what is essential to each, protecting and making ever more efficient a vital international line of communication, and, I suggest to you, creating a model for the world to admire of how a small nation and a large one can work peacefully and profitably together.

I think that is not too grand a design.

TALKING POINTS

WHY A NEW CANAL TREATY IS NECESSARY

- The 1903 Treaty is 72 years old.
 - it led to an engineering achievement which has served us well and in which we are justly proud; yet
 - the conditions under which the Canal operates do not reflect the many changes that have occurred in Panama and the world.
 - No nation, including ours, would accept a treaty today which permits exercise of rights "as if sovereign" on foreign land in perpetuity.
-

- We are negotiating because:
 - We want to protect our fundamental interest in Panama -- a canal that is open, efficient, secure and neutral.
 - Panama's satisfaction with our presence is declining, and -- as it declines -- our ability to adequately operate and defend the canal will grow more difficult.
 - We have a bipartisan commitment that President Johnson made publicly 11 years ago.
 - Latin America has made our handling of the negotiations a test of our intentions -- without a new treaty the canal problem will become a major hemispheric problem.
 - We perceive an opportunity that, if lost, may not emerge again on terms as acceptable as those of the present moment.
 - Violent confrontation is a likely consequence of any breakdown in negotiations.
-

- Our choice -- realistically speaking -- is not between the old versus a new treaty, but between a new treaty and the likely consequences if negotiations should fail.
 - partnership, would give Panama a real stake in contributing to the effective operation and defense of the canal; whereas,
 - confrontation would risk losing what we want to protect and -- ultimately -- involve costs that would be unacceptable to the U.S.
 - Thus, we are negotiating pragmatically -- not in a spirit of "do-goodism."
 - We believe that future protection and operation of a vulnerable object such as the Panama Canal depends -- not on sovereignty and not on perpetuity -- but, in a practical sense, on gaining a favorable environment and on removing the irritants from our existing relationship.
 - We want specific treaty rights -- accepted by Panama -- that will:
 - enable us to operate and defend the canal for a reasonably extended period of time, and
 - guarantee that our interest will be protected after this period.
 - In sum, a treaty which satisfies the legitimate interests of both countries;
 - means good business management
 - represents good foreign and defense policy, and
 - signifies a new era of cooperation between the U.S. and the hemisphere.
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is too early to describe the contents of a treaty in any meaningful way or predict when negotiations will be completed.

- We hope people will reserve their positions in this matter until we have a document and can lay out the situation in its entirety.

Why the Congress should reject the Byrd Amendment

- The Amendment would prevent any of the funds provided in the bill from being used to negotiate "the surrender or relinquishment of any U.S. rights in the Panama Canal Zone."

- This amendment goes far beyond the proper Constitutional role of the Congress, in determining not whether to accept or reject a Treaty, but preventing the President from negotiating at all.

Senate

- The ~~Congress~~ will have an opportunity to vote on the results of the negotiations if and when a Treaty is ~~signed~~ signed. If the final agreement is not acceptable to the members of the Senate, there will be an opportunity to alter or reject that agreement.

- To refuse even to discuss this important matter with the Panamanians is an abrogation of a commitment made by President Johnson more than 10 years ago, and it will undoubtedly be regarded as a bitter insult not only by Panama but by many of her sister Republics in Latin America.

#30

Dear Colleague:

We would like to call your attention to an amendment to the Department of State Appropriations bill (Amendment #681 to HR 8121) that will be raised by Senator Harry F. Byrd when this measure reaches the Senate floor early next week.

This amendment would prevent any of the funds provided in the bill from being used to negotiate "the surrender or relinquishment of any US rights in the Panama Canal Zone."

The existing treaty with Panama is 72 years old. Even at that time, the circumstances leading to the signing of that agreement were questionable. Today, no nation, including the United States, would accept a treaty which permits the exercise of rights "as if sovereign" on foreign land in perpetuity.

We are not prejudging what terms and conditions the United States should consider or accept in the negotiations. We recognize that the issues involved are as sensitive and complex as they are vital to American interests, and those of our allies.

But to refuse even to discuss these issues with the Government of Panama would break faith with a commitment made by President Johnson more than a decade ago. It would undoubtedly be regarded as a bitter insult not only by Panama but by many of her sister republics in Latin America. Under these circumstances we would run the risk of losing what we want most to protect in the open and secure operation of the canal, and in a favorable relationship with our neighbors in the Western Hemisphere.

Beyond the question of why we should continue the discussions with Panama, we believe that the Byrd Amendment goes far beyond the proper Constitutional role of the Congress in determining not whether to accept or reject a treaty, but whether the President can negotiate at all.

The Senate will have an opportunity to vote on the results of the negotiation if, and when, a treaty is signed. If the agreement is not acceptable to the members of the Senate, that would be the proper time to make this decision.

We urge that you join us in opposing the Byrd Amendment.

With best wishes.

Hatfield's Office
Marty Gold

Brock - Dick Milton
Detailed -



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WASHINGTON, D.C. 20540

July 25, 1975

TO: The Honorable Mark O. Hatfield
Attention: Marty Gold

FROM: Marjorie Ann Browne
Analyst in International Relations

VIA: Chief, Foreign Policy Section

SUBJECT: Precedents for the limitation of appropriations for
negotiations

This is in response to your inquiry of July 21, requesting a search for precedents for the termination or limitation of treaty negotiations by the cutting-off of funds to be appropriated for such negotiations. The specific instance of concern to you was the following amendment adopted by the House on June 26, 1975:

Section 104. None of the funds appropriated in this title shall be used for the purposes of negotiating the surrender or relinquishment of any U.S. rights in the Panama Canal Zone.

1/

We have surveyed several sources and have found no factually analogous section in appropriations legislation passed by Congress. There have undoubtedly been some attempts made to use appropriations for such a purpose. For example, in 1906, a floor amendment to a deficiency appropriation bill which included appropriations for the U. S. representatives to a Pan-American Congress read as follows:

Provided, That no part of the sum hereby appropriated shall be expended unless the programme for the conference contains provision for a discussion of reciprocal trade relations between the countries participating in the conference.

The amendment was rejected. 2/

1/ Hinds' Precedents of the House of Representatives, v. 2 and 4. Washington, U. S. Govt. Print. Off., 1907; Cannon's Precedents of the House of Representatives, v. 7. Washington, U. S. Govt. Print., 1935; Henkin, Louis. Foreign Affairs and the Constitution. Mineola, New York, Foundation Press, 1972; Deschler's Procedure. A Summary of the Modern Precedents and Practices of the U. S. House of Representatives, 86th Congress-93d Congress. Washington, U. S. Govt. Print. Off., 1974; Consultation with CRS colleagues in the American Law and Foreign Affairs Divisions.

2/ Congressional Record, v. 40, March 27, 1906:4356-4360.



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