

Is this another case of political bungling? Or perhaps just the opposite—a demonstration of the highest statesmanship, a refusal to cater to sectional interests?

Nobody knows. According to one source, there may be a third explanation. "The White House," the source said, "probably figured Gov. Reagan would not be upset as long as they didn't tamper with stagecoach lines."

RED NATIONS IGNORE U.N. PLEA FOR PALESTINIANS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. DERWINSKI. Mr. Speaker, it is accurate to note that the struggle for world freedom is waged in many ways. The battle for men's minds is a major cold war item between the free world and totalitarianistic communism. The Communists have been energetic and imaginative in their propaganda to which they give constant priority.

An interesting comparison between propaganda and actual performance of the Communists is explained in an article Thursday, December 3, by Chicago Tribune U.N. Reporter William Fulton in which he tells of the Communist nations consistent lack of cooperation in the U.N. aid to Palestinians. The article follows:

RED NATIONS IGNORE U.N. AID PLEA FOR PALESTINIANS

(By William Fulton)

United Nations Correspondent

NEW YORK.—Those nations proclaiming themselves as the best friends of the Arabs were the most silent this week at the annual pledging conference for the United Nations Relief and Works Agency for Palestine refugees.

Eleven Communist countries offered no contributions.

Thirty-nine governments pledged a total of \$16,326,067. This fell far short of the \$45,500,000 goal required to meet basic subsistence needs for the 1,500,000 Arabs stranded by the tides of the three wars with Israel.

SOVIETS ARE SILENT

As usual, the Soviet Union, mightiest thunderer for the Arab cause, gave nothing. Bulgaria, Byelorussia, Czechoslovakia, Hungary, Mongolia, Poland, Romania and the Ukraine followed suit. Cuba and Communist Albania also made no move toward their pocketbooks.

The majority of the Communist states say Israel is responsible for the plight of the Palestinians and should pay accordingly. The same nations contend that Britain, France and Israel should make similar reparations for refugee difficulties stemming from the 1967 Arab-Israeli War.

Only Yugoslavia offered the equivalent of \$20,000, representing Yugoslav goods.

Promising a contribution, Richard H. Gimer, United States representative, said that thru the 21 years of the agency's existence, America had contributed more than a half billion dollars, or nearly 70 per cent of the total given.

NO SPECIFIC PLEDGE

Gimer said he could not offer a specific pledge at this time because Congress has not completed action on foreign assistance. It was the same situation a year ago, and the U.S. eventually gave \$22,200,000.

British Ambassador, Sir Colin Crowe, noted that his government followed as the second largest contributor with a total of \$114,000,000 down thru the years. He particularly regretted that the Soviet Union and its eastern associates had made no contributions whatsoever.

HAMBRO HITS CRISIS

To the states directly affected, the Palestine agency records total contributions thru the years as follows: Egypt, \$5,475,976; Jordan, \$2,346,129; Syria, \$1,796,839; Lebanon, \$880,750 and Israel, \$3,076,190.

This year's poor showing came despite a plea by U.N. General Assembly President Edward Hambro that the refugee agency faced "the most serious and desperate financial crisis of its history."

Laurence Michelmore, commissioner general of the agency, estimated that the aid received by each refugee averaged only 10 cents a day. The basic food ration, which only three out of five refugees receive, consumed four cents a day.

Hot meals provided for preschool children average 10 cents each; medical services one cent a day for each person and water and sanitation services, less than one cent a day for each person.

Education will take up 46 per cent of next year's budget. The number of students rose dramatically from 35,700 in 1950 to nearly a quarter million this year.

PANAMA CANAL STUDY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. RARICK. Mr. Speaker, those who are interested in retaining the existing Panama Canal by modernizing its facilities under the treaty in force with the Republic of Panama, should find the reports from the President's Inter-oceanic Canal Study Commission of considerable interest.

I ask that the front-page story from the Star and Herald, Panama, R.P., and the commission's recommendations follow:

COMMISSION PROPOSES 2-CANAL SYSTEM URGES U.S. CONTROL, R.P. PARTICIPATION

"Creation of an Isthmian canal system including both the existing Panama Canal and a sea-level canal on Route 10, operated and defended in an equitable and mutually acceptable relationship between the United States and Panama," is the major recommendation announced yesterday by the U.S. Atlantic-Pacific Inter-oceanic Canal Study Commission.

Route 10 lies between Chorrera, on the Pacific side of the Isthmus, and Lagarto, on the Atlantic side, a distance of 48.5 miles. It lies entirely outside the present Panama Canal Zone, west of it.

The Commission said the proposed sea-level canal on Route 10 would be built by conventional excavation methods, would be provided with tidal gates, would be capable of accommodating at least 35,000 transits a year and ships up to 150,000 deadweight tons, and would cost \$2.88 billion at 1970 prices.

It recommended that construction—estimated to take 15 years—be started no later than 15 years ahead of the date when it is estimated that the capacity of the present locks canal has been exceeded. This is now projected to occur during the decade beginning in 1990.

Construction of a third set of locks for

the present canal, the Commission said, would be only "a temporary solution without significant military advantages, and it would not relieve the problems in United States-Panamanian relations that derive from the personnel and defense requirements of the lock canal." Additional locks also would mean operating costs "far above" those of a sea-level waterway, the Commission pointed out.

In its letter of transmittal of the report to President Richard M. Nixon, the Commission said:

"The construction of a sea-level canal by conventional means is physically feasible. The most suitable site for such a canal is on Route 10 in the Republic of Panama. Its construction cost would be approximately \$2.88 billion at 1970 price levels.

"Amortization of this cost from toll revenues may or may not be possible, depending on the growth in traffic, the time when the canal becomes operative, the interest rate on the indebtedness, and payments to the host country. We believe that the potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk.

NEGOTIATE NEW TREATY

"As a first step," the Commission added, "we urge that the United States negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on Route 10, to be operated and defended under the effective control of the United States with participation by Panama."

While singling out Route 10 as the "most advantageous sea-level canal route," the Commission said "a sea-level canal in Panama constructed by conventional excavation either on Route 10 or Route 14 is technically feasible."

Route 14, which parallels the existing lock waterway, lies within the present Panama Canal Zone.

While advocating for Panama "a greater role in the canal enterprise than at present and justifiable economic benefits from canal activities," the Commission urged nevertheless that the United States "should retain effective control of canal operations."

Termining treaty arrangements for canal construction, operation and defense "the most critical elements" the Commission said "the essential treaty conditions are apparent" and in one conclusion echoed a Panamanian complaint of long standing. It said:

IMPROVE RELATIONS

"United States relations with Panama could be improved by progressive reduction of the number of United States personnel in the canal operating authority and a concomitant increase in the proportion of Panamanian personnel in the positions normally occupied by United States citizens."

It said construction of a sea-level canal on Route 10 and operating it together with the existing canal as a single system would provide for Panama "the greatest benefits in added employment and foreign exchange earnings."

On the subject of tolls, the Commission came out for a "variable pricing system for tolls" as the best means for attracting the most traffic and generating the greatest revenues in a future canal of any type, lock or sea-level.

It favored participation by other nations in the financing of the proposed canal system, "if such multinational participation is acceptable to the Government of Panama."

The use of nuclear explosions was ruled out in the Commission's report. "Unfortunately," it told President Nixon, "neither the technical feasibility nor the international acceptability of such an application of nuclear excavation technology has been established at this date. It is not possible to fore-

see the future progress of the technology or to determine when international agreements can be effectuated that would permit its use in the construction of an interoceanic canal.

"Hence, although we are confident that someday nuclear explosions will be used in a variety of massive earth-moving projects, no current decision on United States canal policy should be made in the expectation that nuclear excavation technology will be available for canal construction."

The Interoceanic Canal Study Commission was created by the U.S. Congress to explore the question of a sea-level canal between the Atlantic and the Pacific. It investigated eight routes—four in Panama, including the present Panama Canal Zone; two in Nicaragua and Costa Rica, one in Colombia and Panama, and one in Colombia.

Its chairman is Robert B. Anderson, who is also the United States' treaty negotiator with Panama, and the other members are Robert G. Storey, Milton S. Eisenhower, Kenneth E. Fields and Raymond A. Hill.

Text of the Commission's letter to President Nixon is as follows:

"Dear Mr. President:

"We have the honor to submit herewith the final report of the Atlantic-Pacific Interoceanic Canal Study Commission as required by Public Law 83-609, 88th Congress, as amended.

"One provision of the law required us to determine the practicability of nuclear canal excavation. Unfortunately, neither the technical feasibility nor the international acceptability of such an application of nuclear excavation technology has been established at this date. It is not possible to foresee the future progress of the technology or to determine when international agreements can be effectuated that would permit its use in the construction of an interoceanic canal. Hence, although we are confident that someday nuclear explosions will be used in a wide variety of massive earth-moving projects, no current decision on United States canal policy should be made in the expectation that nuclear excavation technology will be available for canal construction.

"The construction of a sea-level canal by conventional means is physically feasible. The most suitable site for such a canal is on Route 10 in the Republic of Panama. Its construction cost would be approximately \$2.83 billion at 1970 price levels. Amortization of this cost from toll revenues may or may not be possible, depending on the growth in traffic, the time when the canal becomes operative, the interest rate on the indebtedness, and payments to the host country. We believe that the potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk.

"As a first step, we urge that the United States negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on Route 10, to be operated and defended under the effective control of the United States with participation by Panama.

15 YEARS AHEAD

"If suitable treaty arrangements are negotiated and ratified and if the requisite funds can then be made available, we recommend that construction of a sea-level canal be initiated on Route 10 no later than 15 years in advance of the probable date when traffic through the present canal will reach its transit capacity. Current trends indicate that this will be near the end of this century; the specific year can be projected with increasing confidence as it draws nearer.

"We recognize, however, that the President of the United States and the Congress will continue to face many serious funding problems and must establish the relative priorities of the requirements for defense, welfare,

pollution, civil rights, crime, and other problems in social undertakings then existing.

"We specifically recommend that, when the rights and obligations of the United States under new treaties with Panama are determined, the President reevaluate the need and desirability for additional canal capacity in the light of canal traffic and other developments subsequent to 1970, and take such further steps in planning the construction of a sea-level canal on Route 10 as are then deemed appropriate."

TEXT OF FINDINGS, RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

"A sea-level canal across the American Isthmus has been sought for more than four centuries, and all who have participated—the Spanish, the French, and the American builders of the present lock canal—remained convinced that a sea-level canal ultimately should be constructed. The canal studies in 1947, 1960, and 1964 arrived at the same conclusion but counseled interim measures and postponement of construction.

"Today there are no technical obstacles of sufficient magnitude to prevent successful construction and operation of a sea-level canal. Determination of its feasibility must be a judgment of values, many of which are unquantifiable. The political, economic, and military advantages for the United States, the Western Hemisphere, and the world in an adequate and secure Isthmian canal cannot be measured precisely. A weighing of estimated revenue is only one measure, and a tenuous one at best. The most critical elements—the treaty arrangements for canal construction, operation, and defense—remain to be established. Nevertheless, the Commission believes that the essential treaty conditions are apparent, and on the basis of the many considerations discussed in this report and its annexes, it has reached the following conclusions and recommendations.

"CONCLUSIONS

"1. The United States, as the major Western Hemisphere power has the responsibility of insuring the continued availability of an adequate and secure Isthmian canal operated on a neutral and equitable basis. This obligation is recognized in United States treaty agreements with the United Kingdom, Panama and Colombia.

"2. The Panama Canal is of major importance to the defense of the United States. The United States should retain an absolute right to defend the present canal and any new Isthmian canal system for the foreseeable future.

"3. An adequate Isthmian canal is of great economic value to many nations, but especially to the United States since approximately 70 per cent of the tonnage through the canal in recent years has been to, from, or between United States ports. This relationship is expected to continue.

"4. The size limitations of the existing Panama Canal impose constraints upon the use of bulk carriers on canal routes. The worldwide trend to larger ships for movements of bulk commodities will make these constraints of increasing economic significance to United States and world trade as time passes.

"5. The potential demand for annual transits of ships of the size that can pass through the present canal probably will exceed its estimated maximum capacity of 26,800 annual transits during the last decade of this century. Saturation of the existing canal will impose difficult but not necessarily intolerable constraints on world shipping. If greater canal capacity for both numbers of transits and larger ships is not provided, potential traffic increasingly will be diverted to larger ships on alternate routes and to other transportation modes. Provision of additional canal capacity would be advan-

tageous to the continued growth of United States and world trade.

"6. Initial construction of additional canal capacity should provide for handling ships up to 150,000 DWT. New locks designed for such ships would have no greater size capacity, but a sea-level canal that could accommodate 150,000 DWT ships routinely could accommodate 250,000 DWT ships under controlled conditions.

"7. The new capacity that should be provided initially is 35,000 annual transits. Any plan adopted should not preclude progressive expansion to double or even triple this capacity.

"8. A total canal capacity of at least 35,000 annual transits could be provided by constructing a third lane of locks for the present canal. This would be a temporary solution without significant military advantages, and it would not relieve the problems in United States-Panamanian relations that derive from the personnel and defense requirements of the lock canal. The augmented capacity could be exceeded by demand for transits soon after the new locks were built. Locks capable of accommodating ships of 150,000 DWT would cost more than three-fifths as much as a sea-level canal of far greater capacity and would not be capable of transiting the Navy's angle-deck aircraft carriers. Additional locks would also increase operating costs of the canal far above those of a sea-level canal.

"9. A sea-level canal would provide a significant improvement in the ability of an Isthmian waterway to support military operations both in its lessened vulnerability to interruption by hostile action and in its ability to transit large aircraft carriers that cannot now pass through the Panama Canal. These military advantages of a sea-level canal, together with its capacity to meet the potential demand for transits over a much longer period, and its lesser operating costs would more than counter-balance the lower construction cost of augmenting the existing canal with larger locks.

"10. The technical feasibility of the use of nuclear explosives for sea-level canal excavation has not been established. Whether the technology can be perfected and the international treaty obstacles to its use removed are not now predictable. Removal of the technical and treaty obstacles to employment of nuclear excavation would still leave major political and economic obstacles to a sea-level canal remote from Panama's population centers. A sea-level canal on Route 17, excavated wholly or in part by nuclear explosions, is currently infeasible for manifold reasons and probably will remain so, regardless of the establishment of technical feasibility of nuclear excavation. A sea-level canal excavated partially by nuclear methods on Route 25 in Colombia might someday be politically acceptable if proved technically feasible.

"11. A sea-level canal in Panama constructed by conventional excavation either on Route 10 or Route 14 is technically feasible.

"12. Route 10 is the most advantageous sea-level canal route.

"13. Although available evidence indicates that the tidal currents expected in a sea-level canal without tidal control structures could be navigated safely by most ships, tidal gates could increase navigation safety and should be provided.

"14. A conventionally excavated sea-level canal on Route 10 with tidal gates, capable of accommodating at least 35,000 transits each year of representative mixes of ships of the world fleet up to 150,000 DWT, would cost \$2.83 billion to construct at 1970 prices.

"15. The costs and revenues of a future sea-level canal cannot be forecast reliably over the 75-year period that might be needed for its construction and amortization. Among the critical factors are the cost of money and the stability of the value of money. If the

and new canals were financially integrated at initiation of new construction, and if the most favorable forecast developments in construction costs, revenues, and interest rates were realized, a sea-level canal opening in 1990 could be financed through tolls while paying reasonable royalties to Panama. Less favorable developments in future costs and revenues which are possible during the period would make amortization through tolls impracticable. Amortization could require toll increases over the present Panama Canal levels as well as additional periodic increases to compensate for inflation of future costs. Low interest rates or low royalties would facilitate financing larger investments and permit lower tolls. Conversely, high interest rates, high royalties, or tolls lower than economically justified would reduce the construction investment that might be amortized from tolls.

"16. A variable pricing system for tolls designed to meet the competition of alternatives to the canal would attract the most traffic and generate the greatest revenues in a future canal of any type, lock or sea-level.

"17. Assurance of recovery of the United States investment is desirable, but need not be the sole determinant of United States canal policy. The decision to build or not to build a sea-level canal should also take into account economic, political, and military factors.

"18. Although true internationalization of a future sea-level Isthmian canal does not appear to be attainable, multi-national participation in its financing and management could be financially and politically advantageous. The United States should seek such participation within a bi-national treaty with Panama, but not make future United States canal policy dependent upon its attainment.

"19. United States relations with Panama could be improved by progressive reduction of the number of United States personnel in the canal operating authority and a concomitant increase in the proportion of Panamanian personnel in the positions normally occupied by United States citizens. Construction of a sea-level canal would facilitate reduction of the United States presence in that it could be operated and defended with fewer total personnel.

"20. Construction of a sea-level canal on Route 10 or Route 14 would create great economic benefits for Panama. Of the alternatives considered, the greatest benefits in added employment and foreign exchange earnings for Panama would be derived from construction of a sea-level canal on Route 10 and operating it together with the existing canal as a single system.

"21. United States canal objectives and enduring tranquil relations with Panama are most likely of attainment under a treaty arrangement which gives Panama a greater role in the canal enterprise than at present and justifiable economic benefits from canal activities, but the United States should retain effective control of canal operations.

"22. So far as the Commission is able to determine on the basis of limited studies, linking the oceans at sea-level would not endanger commercial or sport fish on either side of the American Isthmus. No significant physical changes to the environment appear probable outside the immediate areas of excavation and spoil disposal. Tidal gates could be used to eliminate substantially the flow of water between the oceans, and the water between the gates would have incidental temperature and salinity differences from either ocean that would constitute a limited barrier to transfer of marine life. A definitive and reliable prediction of all ecological effects of a sea-level canal is not possible. The potential for transfer of harmful biota and hybridization or displacement of species in both oceans exists but the risks involved appear to be

acceptable. Long-term studies starting before construction is initiated and continuing many years beyond the opening of a sea-level canal would be required to measure ecological effects.

"23. A decision to construct a sea-level canal should allow for planning and construction lead time of approximately 15 years to meet the projected date of need, which can be fixed with increasing confidence as it draws nearer. Other factors, however, including the treaty terms with Panama that are ultimately negotiated and ratified, as well as the national priorities for Federal financing then existing, should be the final determinants of whether the President should propose sea-level canal legislation to the Congress.

"24. Construction of a sea-level canal, if financed principally by the United States, should be planned and carried out under the direction of an autonomous authority of the United States Government.

"RECOMMENDATIONS"

"The Atlantic-Pacific Interoceanic Canal Study Commission recommends that:

"1. Any new canal treaty arrangement with the Republic of Panama provide for:

"a. Creation of an Isthmian canal system including both the existing Panama Canal and a sea-level canal on Route 10, operated and defended in an equitable and mutually acceptable relationship between the United States and Panama.

"b. Canal operating and defense areas that include both the existing Panama Canal and Route 10.

"c. Effective control of canal operations and right of defense of the canal system and canal areas by the United States, with such provisions for Panamanian participation as are determined by negotiation to be mutually acceptable and consistent with other recommendations herein.

"d. Acquisition of the Route 10 right-of-way by the canal system operating authority as soon as practicable.

"2. The canal system be operated to provide an equitable share of revenues and other economic benefits for Panama consistent with efficiency of canal operations, financial health of the enterprise, and maintenance of toll levels that permit effective competition with alternatives to the canal.

"3. Other nations be encouraged to participate in financing the canal system, if such multi-national participation is acceptable to the Government of Panama.

"4. Subject to the priority of more important national requirements at the time, the United States initiate construction of a sea-level canal on Route 10 no later than 15 years in advance of the estimated saturation date of the present canal, now projected to occur during the last decade of this century.

"5. When the rights and obligations of the United States under new treaties with Panama are established, the President reevaluate the need for and desirability of additional canal capacity in the light of canal traffic and other developments subsequent to 1970, and take such further steps in planning the construction of a sea-level canal on Route 10 as are then deemed appropriate.

"6. Modernization of the existing canal to provide its maximum potential transit capacity be accomplished, but no additional locks be constructed.

"7. The United States pursue development of the nuclear excavation technology, but not postpone Isthmian canal policy decisions because of the possible establishment of feasibility of nuclear excavation at some later date.

"8. The following studies initiated in the course of the Commission's investigation, if not otherwise completed beforehand, be continued to completion by the control authority of the new canal system if such an authority is established and the Route 10 right-of-way acquired.

"a. Investigation of the subsurface geology of the proposed trace of Route 10 to permit selection of the exact alignment for design purposes.

"b. Investigation of slope stability applicable to Route 10 geologic conditions.

"c. Investigation into the hydrodynamics of large ships moving through confined waters with variable currents.

"9. A permanent agency of the Executive be designated to support and coordinate public and private research activities that could contribute to the evaluation of the potential environmental effects of a sea-level canal, and if the decision is made to initiate its construction, advise the President as to the organization for and funding of such additional research as might be required to reach definitive conclusions.

"Chairman Robert B. Anderson, because he is also Special Representative of the United States for United States-Panama Relations, disassociated himself from Recommendation 1, which concerns new treaty arrangements with the Government of Panama.

ON GIVING THE VOTERS A CHOICE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. VAN DEERLIN. Mr. Speaker, Glenn E. Watts, secretary-treasurer of the Communications Workers of America, testified today, before the Committee on Standards of Official Conduct. Mr. Watts spoke of the need for legislation to—as he put it—"guarantee to the American voter that he or she will get at least some opportunity to determine the attitudes of the major candidates for President and Vice President free of the spuriousness of commercial hucksterism."

The Communications Workers of America has been interested in achieving this goal for several years, and has proposed legislation to bring this about. It would provide a certain amount of television broadcast time for candidates for President and Vice President who have qualified to run in at least 35 States. A portion of that time would be for debates.

Mr. Speaker, I include Mr. Watts' presentation on this vital subject in the RECORD:

STATEMENT OF GLENN E. WATTS, SECRETARY-TREASURER, COMMUNICATIONS WORKERS OF AMERICA, BEFORE THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, WEDNESDAY, DEC. 9, 1970

Mr. Chairman, my name is Glenn E. Watts, and I am the Secretary-Treasurer of the Communications Workers of America, a Union representing more than a half-million workers in the United States and Canada.

We would like to confine our remarks to one aspect of your broad study of the American political process. That aspect could be summed up as the need to guarantee to the American voter that he or she will get at least some opportunity to determine the attitudes of the major candidates for President and Vice President free from the spuriousness of commercial hucksterism.

The vehicle to do this exists, and it has already proven that it is capable of giving the voters this opportunity—we emphasize. It is television broadcasting. Televised debates between the major candidates for the two highest offices in the nation, plus personal pres-

or even a year from now. But, 5 or 10 years from now, this Nation will be in grave danger if we continue on our present course.

Mr. Speaker, we must see that Congress appropriates sufficient defense funds to make certain this country will have the necessary offensive and defensive weapons to remain strong. We must be prepared to counter any Communist threat to our security.

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

[Mr. FINDLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 20 minutes.

[Mr. PRICE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

[Mr. FRASER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NEW SEA LEVEL CANAL REPORT: AN INVITATION TO NATIONAL DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, on December 1, 1970, the Atlantic-Pacific Inter-oceanic Canal Study Commission headed by Hon. Robert B. Anderson filed its final report under Public Law 88-609 with the President. Chairman Anderson was also the chief negotiator of the three proposed 1967 canal treaties between the United States and Panama that were never signed because of strong public opposition in both countries.

I have received and read an advance copy of the main body of the report, which contains no surprises for those who have followed the subject closely. The following are the main points:

First. It recommends the construction of the old dream of a so-called sea level canal that would be entirely within Panamanian territory about 10 miles west of the existing canal, both to be operated and defended by the United States in a unified canal system consisting of the existing canal and the proposed new canal, with participation by Panama.

Second. It supports the negotiation of new treaties with Panama and the start of construction on the proposed new canal not later than 15 years in advance of capacity saturation of the existing canal.

Third. It opposes unjustifiably the major modernization of the existing canal

by the simple and relatively inexpensive method of constructing additional locks as recommended by independent canal experts including former Governors of the Panama Canal, erroneously states that such modernization would require a new treaty with Panama, and recommends huge locks dimensions—160 feet by 1,450 feet by 65 feet—all calculated to increase the costs of such modernization.

Fourth. It minimizes the ecological hazards to marine life that leading biologists fear would result from opening a salt water channel between the oceans.

Fifth. It disregards the provisions of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress and obviously supports the surrender of U.S. sovereignty over the Canal Zone to Panama.

Sixth. It ignores the danger of a Communist takeover of the Isthmus as occurred in 1959 in Cuba and most recently in Chile.

Seventh. It would have the United States accept responsibility without authority in a land of endemic revolution, thus subjecting our country to continuous political blackmail.

Here it should be explained that the proposed passage, incorrectly called a sea level canal, would not be a great waterway like the Strait of Magellan but merely a restricted channel about 40-miles long. It would not be an open canal as its name implies but an artificial channel with two vulnerable tidal control structures, one close to the Pacific entrance and another about 25 miles to the north. Other vulnerable structures would be on both banks.

Evidently making every possible effort to justify a long predetermined objective of securing authorization for a vast sea level construction project, the framers of the Anderson report not only failed to face the realities involved but also relied upon the historical bugbear of all sea level drives—that of the alleged greater vulnerability of the high level lake-lock plan as was done during the debates of 1905-06, 1939, and 1945-48. In this sense, like the Bourbons of France, sea level advocates have learned nothing and forgotten nothing.

In connection with the principal recommendation of the Anderson report, it is significant that Col. John P. Sheffey, the commission director, in an interview published in the December 1, 1970, Wall Street Journal, made it clear that a major purpose of constructing a sea level canal is the ending of recurring disputes between Panama and the United States over canal operation and sovereignty through excellent treaty relationships that if such relationships are not obtained there is no justification for doing it. He added that on economic grounds alone the justification for such a canal is quite weak. These statements are of themselves sufficient to destroy the force and effect of the main recommendations involved.

Mr. Speaker, can the Congress and the Nation have any confidence in a report that is publicly repudiated in im-

portant respects even by one of its principal formulators?

More important than the flaming faults of the report is the total disregard of the Soviet effort to dominate the Caribbean. Based in Cuba on the flank of the Atlantic approaches to the Panama Canal, communist power is supported with nuclear missiles and submarines. Its prime objective for conquest of the Caribbean is wresting control of the Panama Canal from the United States and its permanent takeover by Soviet power. The report's conclusions and recommendations are an invitation to national and Western Hemisphere disaster.

At this time I would like to discuss one of Panama's principal points in attacking the United States—the perpetuity provision of the 1903 Treaty under which the Panama Canal was constructed and still operates. This provision is just as binding on the United States to operate the canal in perpetuity. Does not the presence of the United States on the Isthmus guarantee the independence of Panama so long as our country functions in the ownership and operation of the Canal? In recent years since the dominance of the State Department in canal policy matters it has never seemed to oppose any wild claim by Panama as did Secretary Hughes in 1923 but always appears to have acquiesced therein however fantastic they may have been.

As to the surrender to Panama of the Canal Zone and valuable properties by no more than treaty action the same would apply to the return of Texas and the vast Southwest to Mexico. Fortunately, the wise statesmen who wrote the U.S. Constitution sought to avoid such danger by vesting the power to dispose of territory and other property of the United States in the Congress—article IV, section 3, clause 2.

In the course of the sea level canal investigation the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries under the leadership of its able and courageous chairman, the gentlewoman from Missouri (Mrs. SULLIVAN), followed the subject closely, conducted hearings, and made visitations to the isthmus.

In a devastatingly incisive "Report on the Problems Concerning the Panama Canal" recently issued in committee print form, the subcommittee meets the challenges in the sea level canal report previously discussed and admirably clarifies major canal issues with extensive documentation.

The following are the principal highlights of the subcommittee's report:

First. It presents the terminal lake-third lock plan for major increase of capacity and operational improvement of the existing lake-lock-type canal, which, most importantly does not require the negotiation of a new treaty.

Second. It exposes the fallacious assumptions underlying the abortive 1967 canal treaties.

Third. It dismisses the claim of sea level advocates that the growing number of supravessels—tankers and bulk carriers—in justification for a new canal of so-called sea level design as invalid.

Fourth. It emphasizes the necessity for full U.S. sovereignty over the existing Canal Zone for defense purposes.

Fifth. It stresses the power of the Congress under article IV, section 3, clause 2 of the U.S. Constitution in regard to transfer of territory and property in connection with the canal enterprise.

Sixth. It opposes joint operation of the Panama Canal with Panama as "completely unworkable as well as contrary to the best interests of the United States."

Seventh. It emphasizes that Panamanian harassment of the United States is aimed at securing sovereignty over the Canal Zone and the present canal and that the Congress is "adamant in its opposition" to any such cession.

Eighth. It opposes any negotiations with Panama that would revive the discredited 1967 treaties.

Ninth. It states that the act of Congress authorizing the Third Locks project has never been repealed and that more than \$75,000,000 was expended on it before construction was suspended. To this could be added \$95,000,000 spent on extensive channel improvements completed on August 15, 1970, making a total of more than \$170,000,000 already expended on the major modernization program.

Tenth. It lists H.R. 3792 for the major increase of capacity and operational improvement of the existing Panama Canal for consideration after receipt of the final report of the Anderson study group.

Another fact that the Congress should not overlook is that the total net investment of the taxpayers of our country in the Panama Canal, including its defense, from 1904 through June 30, 1968, is more than \$5 billion.

Mr. Speaker, I wish at this time to commend the distinguished chairman of the Subcommittee on the Panama Canal and the other members of the subcommittee for their splendid analysis. It ought to be studied by every Member of the Congress and every publicist who writes on the vital canal subject. It merits the widest distribution among the libraries of the Nation so that it will be available to students seeking facts and not fallacious assumptions. No doubt it will become an important state paper.

In regard to the Soviet danger at Panama previously mentioned, this is not an imaginary terror but part of a calculated Kremlin policy for world domination through gaining control of strategic water ways. Wrestrling the Panama Canal from the United States has been a Soviet objective since 1917, and it will so remain. We must face that threat with all its grim realities and thus avoid the peril instead of inviting it through a program that would surrender U.S. sovereignty over the Canal Zone. As evidence of what could occur at Panama, I would invite attention to the fate of the Suez Canal after the surrender of British sovereignty power over the Suez Canal Zone. Within a few months it was nationalized in 1956 by Egypt, an ally of the Soviets, and it has been closed since 1967. It will not be opened until it is in the Soviet interest to permit it, and this can be expected when Soviet naval power in the Indian Ocean requires its use.

In 1947 President Truman was faced with the problem of transmitting a voluminous report on a sea-level project to the Congress as required by the law that had authorized the investigation that produced the report. After official study in executive agencies, he transmitted it to the Congress without comment or recommendation. The Congress took no action thereon and will doubtless treat the recent Anderson panel report in like manner.

In 1964, following the Red-led mob assaults in the Canal Zone that required the use of the U.S. Army to defend the lives of our citizens and the Canal itself, President Johnson, after taking a correct position initially, reversed himself on the advice of his counselors and started a series of events of which the 1970 report by the Anderson study panel is the culmination. Judging from an extensive correspondence from many parts of the Nation, the Canal surrender policy of President Johnson was an important factor in his loss of popularity that caused him to withdraw from the last Presidential election.

President Nixon now faces a similar critical decision that could affect his future. Certainly no President who advocates, or acquiesces in, the surrender of the Panama Canal can hope to succeed himself. U.S. citizens and taxpayers will never sanction such action.

The subcommittee on the Panama Canal's report in addition to its main body has nine appendices as follows:

I. Partial List of Congressional Documents and Enactments Relating to the Panama Canal, 1825-1968.

II. Statement by President Johnson, Jan. 4, 1965.

III. Statement by President Johnson, Oct. 18, 1965.

IV. Text of Proposed Treaty on Panama Canal Sovereignty and Operation.

V. Text of Proposed Sea-Level Canal Treaty.

VI. Text of Proposed Treaty on Canal Defense.

VII. Letter of Brig. Gen. Omar T. Torrijon to Senator Edward M. Kennedy and Speech by Foreign Minister Juan A. Tack.

VIII. Letter of Chairman Leonor K. Sullivan to President Nixon, Jan. 23, 1970.

IX. Panamanian Rejection of proposed 1967 treaties, Sept. 5, 1970.

Because of the importance of the Panama Canal Subcommittee's main report, I quote a major portion of it along with appendix I as parts of my remarks. The other appendices can be located in the committee print, which is available to all Members of the Congress. The text of the proposed treaties can also be found in statements to the Senate by Senator STROM THURMOND in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967.

The indicated report and its appendix I follow:

REPORT ON THE PROBLEMS CONCERNING THE PANAMA CANAL

The purpose of this report is to present a review of the activities of the Subcommittee on Panama Canal during the 91st Congress. The report also affords the subcommittee (subcommittee chairman and ranking minority member) the opportunity to give its (their) views on such important matters as the draft treaties and the negotiations related thereto, as well as providing the means to make available the 1967 draft

treaties and other pertinent documents that heretofore have not been readily available and not collected in one place.

The subcommittee work must be considered against the background of affairs affecting the Panama Canal such as the abortive 1967 draft treaties, the study of the Atlantic-Pacific Interoceanic Canal Study Commission with respect to the feasibility of a new sea level canal, the Terminal Lake-Third Locks Plan² (for the major operational improvement and increase of capacity of the canal), and the question of tolls with respect to the lock canal treaty and the sea level canal treaty.

The concept of the construction of a new canal raises the associated problems of nuclear excavation, the impact of the transit of the Northwest Passage by the tanker, *Manhattan*, and the ecological, political, and economic ramifications of digging a new canal. Underlying all these canal-associated problems are considerations of foreign policy, finance, defense, shipping, engineering, and the restive Republic of Panama.

BACKGROUND¹

In order to promote better understanding and to bring the activities of the Panama Canal Subcommittee into sharp focus with the complex issues involved, it is necessary to set out some of the history and background of these problems, especially with respect to the draft treaty negotiations, the sea level canal studies, their relationship, and canal capacity, projects and tolls.

Incident to Panama's continuing demand for the restoration of the rights of sovereignty in the Canal Zone, events ended in rioting and a formal break in diplomatic relations in 1964. When diplomatic relations were resumed, the Presidents of the two countries agreed to appoint special ambassadors for the negotiation of a new treaty. Meanwhile, the administration strongly supported legislation for the study of a sea level canal by the Interoceanic Canal Study Commission. After this legislation was enacted, President Johnson issued a statement on December 18, 1964, in which he announced that he had reached two decisions, first, that the United States should press forward with plans and preparations for a sea level canal, and second, to propose to Panama the negotiation of an entirely new treaty on the existing Panama Canal. The statement announced that the President had appointed Robert B. Anderson as special ambassador for negotiation of the treaty and subsequently the President also appointed Mr. Anderson as Chairman of the Atlantic-Pacific Inter-oceanic Canal Study Commission.⁴

On September 24, 1965, the President issued a progress report on the treaty negotiations.⁵ The report stated that the two countries were negotiating three treaties:

1. a new treaty to replace the 1903 treaty and its amendments;
2. a military base rights and status of forces agreement; and
3. a treaty under which a new sea level canal might be built in Panama.

The statement also said that the new treaty covering the existing canal would abrogate the 1903 treaty and its amendments, effectively recognize Panama's sovereignty over the area of the present Canal Zone, terminate after a specified number of years or on the opening of the sea level canal, whichever occurred first, provide for an appropriate political, economic and social integration of the canal operation area with the rest of Panama, and to insure that the rights and interests of the canal employees are safeguarded.

Draft treaties of 1967

On June 26, 1967, it was announced that the negotiating teams of the two countries

Footnotes at end of article.

had reached agreement on the new treaties and that when signed, the treaties would be presented to each country's legislative body for consideration in accordance with their respective constitutional processes.

Copies of the draft treaties were not released in the United States. However, in July 1967, copies of what purported to be official texts of the three draft treaties were obtained in Panama by the Chicago Tribune and were published in the Tribune and subsequently reprinted in the Congressional Record of July 17, 21, and 27, 1967. Copies of the texts published in the Tribune and in the Congressional Record are set out in appendices IV-VI. The draft treaties encountered strong opposition in Panama and in the United States and they have never been signed.

On October 11, 1968, the Panama National Guard staged a military coup to oust President Arnulfo Arias who had been duly elected as President and inaugurated on October 1. A military junta took over the Government of Panama and has remained in control since that time. Ultimate authority in the Government appears to be consolidated in Brig. Gen. Omar Torrijos, the Commandant of the National Guard. Although for a period of time after the coup General Torrijos indicated that elections would be held in 1970 to restore constitutional government, recent pronouncements by the general and his Foreign Minister indicate that they regard the present form of dictatorial government more appropriate than constitutional government brought to power by popular elections.⁴

Interrelationship of treaty negotiations and sea level canal studies

The 1967 draft treaties, the negotiations, and the sea level canal studies are closely related. This is pointed up by the official information pamphlet of the Atlantic-Pacific Interoceanic Canal Study Commission which stresses the nexus between the Commission's studies and the then contemporary treaty negotiations in the following paragraph:

"The Interoceanic Canal Study Commission itself has no direct responsibility for the conduct of canal treaty negotiations with countries containing the canal routes under investigation. However, treaty negotiations and the sea-level canal investigation are interrelated; and the various studies in support of the investigation will take into account the terms of the treaties in force at the time study reports are to be rendered. The close coordination of the Canal Commission's investigation with treaty negotiations is facilitated by the dual role of the Honorable Robert B. Anderson as Chairman of the Commission and as Special Representative of the United States for United States and Panama relations and for the treaty negotiations between these countries with respect to a new treaty to replace the Treaty of 1903. In this latter function, Ambassador Anderson's negotiator is the Honorable John N. Irwin, II, Special Representative of the United States of America for Interoceanic Canal Negotiations. Together, the two Special Ambassadors are charged with the responsibility for negotiating mutually supporting treaties and agreements for the continued operation of the existing lock canal; for the continued use of military bases in Panama; and for rights to construct and operate a new sea-level canal in each of the countries where routes are surveyed."

The interrelationship referred to in this statement is apparent from the 1967 draft treaties and the statements made during the period of negotiations. Clearly, at the time negotiations were commenced it was assumed that since the Panama Canal was thought to be inadequate to meet the requirements of commerce it should be replaced; that a sea-level canal was economically feasible because it could be inexpensively built with nuclear excavation methods; that once the

sea-level canal was built and operating under the control of the United States, the existing canal and the Canal Zone could be relinquished to Panama; and that in the interim the treaties under which the U.S. built and operated the Panama Canal could be abrogated and a temporary arrangement substituted under which Panama's sovereignty over the Canal Zone would be recognized but control of operation of the canal would remain with the United States until the sea-level canal was built.

In the view of the subcommittee (subcommittee chairman and ranking minority member), the assumptions underlying the 1967 drafts are not now valid if, indeed, they ever were. Various aspects of the interrelated problems involved in the sea-level canal studies and the treaty negotiations are considered in the following pages of this report, with particular reference to the appropriateness of the provisions of the 1967 drafts in the light of presently known facts.

CAPACITY OF THE PANAMA CANAL

Although the tonnage of cargo moving through the Panama Canal has steadily increased over the past several years, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity so as to require immediate action to replace the canal.

Traffic associated with the Vietnam war is now diminishing. The continued economic growth of Japan is less predictable, but a leveling off of that growth with a corresponding reduction in the rate of growth in canal traffic appears inevitable.

The growing number of supershops does not seem to be a valid reason for a new, larger canal since commercially these are tankers and bulk carriers. No general cargo vessels are too large to transit the Canal and it is not anticipated that general cargo vessels too large to use the canal will be built in the immediate future. In fact, the new vessels designed by two shipyards under contract to the Maritime Administration to provide series construction under the recently passed maritime program will all fit through the canal.

From the time of completion of the Panama Canal, the Congress has almost continuously given consideration to the question of how to provide additional capacity for interoceanic commerce after the ultimate capacity of the existing canal has been reached. The two projects that have received the most study are (1) the construction of a new set of locks for the existing canal or (2) construction of a new canal, either in Panama or at another location.

Additional locks for the Panama Canal

In 1929 Congress authorized an investigation to ascertain the practicability and approximate cost of constructing and maintaining (1) such additional locks at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; (2) any other route for a ship canal between the Atlantic and Pacific Oceans; and (3) a canal across the Republic of Nicaragua.⁵ These investigations were made by the Secretary of War and the Corps of Engineers and the report was submitted to Congress in 1931.⁶

In 1936 the Congress authorized the Governor of the Panama Canal to make a further investigation of the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures.⁷ The report of this investigation was submitted by the Governor of the Panama Canal in 1939.⁸ Congress authorized construction of a third set of locks and related improvements as recommended in the report.⁹

Work was commenced on this project but discontinued after completion of the excavations for new locks at Miraflores and Gatun because of overriding requirements for man-

power and materials in World War II. However, the act authorizing the project has never been repealed.

In 1943, proposals were advanced for modifications of the third locks project by consolidation of the Pacific locks at Miraflores, abandonment of the Pedro Miguel locks, and formation of a terminal lake north of the new Miraflores locks.¹⁰ This proposal is the basis for the plan for construction of additional locks involved in H.R. 3792, 91st Congress, now pending before the House Committee on Merchant Marine and Fisheries.

In 1945, Congress authorized the Governor of the Panama Canal to make a new study of increasing the capacity and security of the Panama Canal or construction of a new canal or canals at other locations.¹¹ This study, completed in 1947, found that either a lock canal or a sea-level canal would meet the future needs of interoceanic commerce, but recommended a sea-level canal on the basis of defense considerations. The report included three detailed plans for improvement of the lock canal. Two of these were based on consolidation of the Pacific locks at one location and elimination of the Pedro Miguel locks substantially along the lines of the 1943 modification of the 1939 third locks plan.

SEA-LEVEL CANAL PROJECTS

At the time the Panama Canal was authorized and built there was intense controversy over the questions whether to build a sea-level canal or a lock canal and whether the canal should be located in Nicaragua or Panama. The original Isthmian Canal Commission recommended construction of a sea-level canal, but after prolonged consideration the Congress finally decided the issue by enacting legislation expressly providing for the construction of a lock canal.¹²

However, after the construction of a third set of locks had been suspended, consideration of the merits of a sea-level canal was revived by the 1947 report of the Governor of the Panama Canal made pursuant to the act of December 28, 1945. As previously noted, this report concluded that construction of additional locks would meet the anticipated requirements of commercial traffic but recommended construction of a sea-level canal because of security considerations. The study on which the report was based covered some 30 routes for a canal from Mexico to Colombia but the report found that the most practicable solution was conversion of the existing canal to sea-level. The engineering studies and identification of possible canal routes used in the 1947 report have been used extensively as the basis for subsequent investigations.

In 1950, Congress reorganized the operating organizations charged with operation of the canal and government of the Canal Zone, and transferred the waterway to the Panama Canal Company as an independent agency of the Government in corporate form.¹³

Soon after this reorganization the Board of Directors of the Panama Canal Company commenced studies of the capacity of the canal and the capital improvements required to provide additional capacity to meet growing traffic requirements. In 1960, the Company submitted a report recommending a program of improvements of the present canal and the initiation of planning for construction of a sea level canal using nuclear excavation methods.

Following the submission of the 1960 report, the Committee on Merchant Marine and Fisheries appointed a board of independent consultants to review the whole subject. In a report dated June 1, 1960, the Board concluded that no sea level canal project should be undertaken in the near future; that the interim projects for improvement of the Panama Canal should be completed as soon as possible; that further studies should be made of both nuclear and conventional excavation methods; and that

Footnotes at end of article.

the whole subject should be reviewed not later than 1970.¹⁴

After the report by the Board of Consultants, the Panama Canal Company continued its studies of traffic growth and of capital improvements necessary to provide increased capacity. In addition, growing unrest in the Republic of Panama and demands by that country for abrogation of the treaties under which the canal was built and operated added urgency to the necessity for consideration of the question whether a new canal should be built in a different country.

In 1962 and 1963, legislation was introduced in the 87th and 88th Congresses by the chairman of the House Committee on Merchant Marine and Fisheries to authorize a new study of means for increasing the capacity of the Panama Canal or construction of a new canal to meet the future needs of commerce.

As previously noted, the administration strongly supported legislation to authorize the study, and great emphasis was placed on the availability of nuclear excavation methods that would make possible the construction of a new canal at a relatively modest cost.

Information furnished to this committee indicated that nuclear excavation was feasible and that the cost of construction by that method would be from \$500 million to \$770 million as compared to more than \$5 billion for conventional construction at either of the sites considered for construction by nuclear methods. The cost of conventional construction at the present site of the canal was estimated at about \$2.3 billion based on the estimate used in the 1947 studies.

The legislation providing for a new Commission to study the feasibility of a sea-level canal was enacted by the 88th Congress.¹⁵ The act requires the Commission to make a complete investigation to determine "the feasibility of, and the most suitable site for, the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof." The act as later amended, requires annual progress reports, and a final report not later than December 1, 1970.

Although the final report of the Commission is not due until later this year, the fifth annual report, dated July 31, 1969, disclosed that for the purposes of the study, nuclear excavation had been eliminated. The report also stated that conventional construction of a sea-level canal on route 10, some 5 miles outside the Canal Zone, is technically feasible.

The report pointed out that final cost estimates have not been completed but that preliminary estimates indicate that the cost would be about the same as the cost of conversion of the existing canal to sea-level estimated in 1964 at \$2.3 billion.

All the costs discussed in reference to construction of a sea-level canal are exclusive of payments to the country in which the canal would be located in return for the right to build the canal.

With nuclear excavation methods eliminated, the prospect of substitution of a new sea-level canal for the present canal at an acceptable cost is substantially diminished.

The 1967 treaty drafts, however, were obviously based on the assumption that a new canal would be built to replace the existing canal. The sea-level canal treaty draft left for future agreement the financial arrangement between the United States and Panama, so that the real cost of the canal cannot possibly be known at this time. Under the draft treaties, if a new canal is not built, the U.S. would lose all interest in or control over the Panama Canal at the end of this century.

The subcommittee assumes that the final report of the Atlantic-Pacific Inter-oceanic Canal Study Commission will treat all aspects of the justification for construction of a sea-level canal. In the meantime, however, on the basis of information furnished to date, it is the view of the subcommittee (the chairman and ranking minority member) that further discussions with Panama should not be based on an assumption that Congress will authorize construction of a sea-level canal.

Nicaragua as a Possible New Canal Site

One of the sites for a new canal included in the investigation of the Study Commission is the Republic of Nicaragua. Originally considered as a preferred site for a canal before construction in Panama was authorized in 1902, Nicaragua has continued to receive serious study as the site for any new canal. In 1914, the United States and Nicaragua concluded a treaty in which Nicaragua granted the United States exclusive rights to construct a canal across the Republic.¹⁶ That treaty would be abrogated under the provisions of a convention signed by the United States and Nicaragua on July 14, 1970.¹⁷

In 1922, Congress authorized an investigation for the purpose of revising and bringing up to date the report of the Isthmian Canal Commission with respect to the practicability, advantages, and cost of construction of a canal across Nicaragua.¹⁸

In the study of possible routes for a new canal made pursuant to the act of December 28, 1945, Nicaragua was one of the routes considered and included in the 1947 report of the study.¹⁹

The Nicaragua route was also included in the study by the Board of Consultants appointed by this committee in 1960,²⁰ and was included as one of the possible sites for a new canal to be studied by the Inter-oceanic Canal Study Commission.

Defense of the canal (treaties)

Under the existing treaties the United States, with full powers of sovereignty in the Canal Zone, may use the Canal Zone as it sees fit to provide for the defense of the canal. The 1967 treaties would substitute defense bases in Panamanian territory under Panamanian jurisdiction for the present arrangement.

In 1942, the Republic of Panama entered into an agreement with the United States for such defense bases in Panama. The terms of the agreement provided that it should continue in effect until the signing of a "definitive treaty of peace" ending World War II. After the surrender of Japan, however, Panama insisted that the bases be vacated even though the treaty of peace had not been signed, and, after demonstrations in the streets against continuation of the arrangement, the United States was required to withdraw from the bases.

The developments in reference to the 1942 agreement were followed carefully by the Merchant Marine and Fisheries Committee at the time, and even before Panama finally required the bases to be abandoned, the committee pointed out that the difficulties with the Panamanian Government might require location of any new canal in another country.²¹

Tolls problem

From the time the canal was completed and opened to commerce, the Congress has devoted much time and effort to maintenance of a toll structure that would pay the costs of operation and assure that tolls remained fair and equitable to the users of the canal. In the language of a former Assistant Secretary of State for Latin American Affairs "the United States, while unilaterally operating the canal, has, in reality, acted as a kind of trustee for the benefit of that part of international and hemisphere trade that uses the canal."

During the treaty negotiations leading up to the 1967 drafts, officials of the Republic of Panama publicly attacked this concept of tolls administration and advocated recognition in the treaties of the right of Panama to exploit the revenue producing potential of the canal as Panama's most important natural resource, comparable to mineral deposits in other countries.²²

One of the members of Panama's negotiating team proposed a 300 percent increase in tolls.²³ On another occasion Panama's Ambassador to the United States, also one of the negotiators for a new treaty, took the position that tolls should be established at rates sufficient to fund Panama's economic development programs.

The 1967 treaty drafts provide for payments to Panama, as part of the cost of operation, in the amount of 17 cents a ton of cargo transiting the canal in the first year of operation under the treaty, increasing to 22 cents a ton in annual increments of 1 cent over a 5-year period. Payments to the United States are called for in the amount of 8 cents a ton in the first year increasing to 10 cents a ton in 1 cent increments over a 2-year period. After payment of operating costs and the cost of capital improvements, any remaining revenues are divided equally between the United States and Panama.²⁴

In the fiscal year 1970 the volume of cargo carried on vessels transiting the canal was 119 million tons. On this volume, payments to Panama from tolls would be \$20 million in the first year, rising to \$26 million in the fifth year of operation. Payments to the United States of \$9.5 million in the first year, rising to \$11.9 million in the fifth year, would be called for by the treaty. Thus, at the end of the fifth year, tolls revenues would be expected to yield \$38 million for payments to Panama and the United States in addition to operating expenses and expenditures for capital improvements.

Over the last 10 years of operation, the average net income of the Panama Canal Company (revenue less operating expense) has been \$8.1 million a year and capital expenditures have averaged \$14.3 million. Tolls revenues over the same 10-year period have averaged \$74.6 million.

The arithmetic of the tolls provisions of the draft treaties produces a requirement for continuous tolls increases, primarily for making large annual payments to Panama. The treaty imposes no limitation whatever on increases in tolls after the first 3 years of operation under the treaty, and of course, no restrictions of any kind are placed on tolls or any other phase of operation of the canal when it passes to Panama at the end of a 30-year period. Given the announced objectives of Panama's policymakers in reference to tolls, the implications for toll-paying users of the canal are clear. However, in rejecting the 1967 drafts, Panama appears to take the position that the payments are inadequate and that the United States should continue to make payments to Panama after the canal is transferred to Panama. (See appendix IX, page 87.)

One factor that has to be considered in reference to any program based on increases in tolls rates is the effect of such increases on traffic through the canal. A study by Stanford Research Institute, presented to this subcommittee in 1967, concluded that tolls could be increased as much as 25 percent with little effect on traffic through the canal, but that traffic will become progressively smaller as tolls are increased more than 25 percent above present rates.²⁵

The sensitivity of canal traffic to toll increases is of basic importance in the economic evaluation of the sea level canal project. The 1967 draft sea level canal treaty provides for "fair and equitable sharing of revenues" of the sea level canal between Panama, the United States and any other participants in the construction of the canal,

Footnotes at end of article.

during the 60-year life of the treaty.²⁸ Details of this sharing arrangement are not provided in the draft but are left for future agreement, but the draft explicitly provides that payments to Panama from revenues are to be "an integral part of the arrangements for financing the construction of the sea level canal." This means, of course, that the sea level canal will be expected to produce from tolls the amounts required to amortize the cost of construction and make payments in an undisclosed amount to Panama. The treaty provides for operation of the sea level canal by a Commission set up along the lines of the joint administration provided for the Panama Canal in the lock canal treaty. The Commission appears not to be subject to control in any way by the Congress and to be vulnerable to the same objections as the joint administration of the lock canal. On termination of the treaty, the whole operation apparently goes over to Panama and the matter of tolls would be solely within the discretion of that country.

Whether or not tolls revenues of the sea level canal could support the projected payments is a serious question particularly in view of the sensitivity of traffic to tolls increases pointed out by Stanford Research Institute.

The interim reports of the Inter-oceanic Canal Study Commission indicate that a special task force under the leadership of a representative of the Treasury Department is making a study of costs and revenues to determine the financial feasibility of the various plans under consideration by the Commission. The interim reports contain no tentative conclusions of this study group similar to the tentative conclusions of engineering aspects of the study.

Activities of the Panama Canal Subcommittee

In light of the importance of the Panama Canal to the economy and national security of the United States, the magnitude and complexity of the issues involved, and in response to its jurisdictional obligations, the Subcommittee on Panama Canal took certain legislative and other related actions in the 91st Congress within the purview of its responsibilities.

The Legislative Reorganization Act of 1946²⁹ provides that the Committee on Merchant Marine and Fisheries shall have jurisdiction over legislation and other matters relating to the Panama Canal, including the administration, sanitation, and government of the Canal Zone and inter-oceanic canals generally. House Resolution 131, 91st Congress, authorizes the committee to make investigations pertaining to the administration and operation of the Panama Canal and all laws and problems pertaining thereto, including the necessity of providing additional facilities for transiting vessels between the Atlantic and Pacific Oceans.

It is interesting to note that the above-mentioned law and House document mandate a very broad jurisdiction to the House Committee on Merchant Marine and Fisheries. This sweeping jurisdiction gives the committee authority over legislation, maintenance, and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone, and inter-oceanic canals generally.

This broad authority, of course, does not mention foreign affairs which would come within the ambit of another congressional committee. However, it is almost incontrovertible that the maintenance and operation of the Canal and the Canal Zone are inextricably bound to such basic matters as the 1964-67 draft treaties.

As an example, it is noted that the Inter-oceanic Canal Study Commission, although admitting no direct responsibility for the conduct of canal treaty negotiations, com-

mented in its information pamphlet on the interrelationship between treaty negotiations and sea level canal feasibility studies. In fact, the 1967 draft treaties were at least in part premised and carried forward on the concept of a sea level canal. Moreover, the then administration recognized the interlocking of Canal problems and treaty negotiations when it appointed Robert B. Anderson to the dual role of Chairman of the Inter-oceanic Study Commission and as Special Representative for the United States to negotiate with Panama a new treaty to replace the Treaty of 1903.

The jurisdiction of the House Committee on Merchant Marine and Fisheries extends, *inter alia*, to inter-oceanic canals generally, which must be at the heart of any treaty negotiations, so it would not be reasonable for the Subcommittee on Panama Canal not to be concerned with the 1967 draft treaties, or any other treaty negotiations affecting the Panama Canal.

November 1969 briefing of Subcommittee on certain Panama Canal problems

In response to an invitation of the Chairman of the Subcommittee on Panama Canal, on November 20, 1969, a number of experts from the State Department, the Corps of Engineers, the Atomic Energy Commission, and the Maritime Administration appeared before the subcommittee. The chief spokesmen at these hearings were the Honorable Robert B. Anderson, Chairman of the Inter-oceanic Canal Commission and Chairman of the Negotiating Team appointed by President Johnson to negotiate the 1967 treaties with Panama, and Mr. Charles Meyer, Assistant Secretary of State for Inter-American Affairs.

The purpose of the hearings was to receive the State Department's views with respect to the problem of Panama versus the United States both as to the treaties and the future of treaty negotiations, as well as with respect to the interim report that was made earlier that year by the Inter-oceanic Canal Commission concerning plans for a sea level canal site.

A number of other pertinent questions were raised in the course of the briefing such as the impact of the transit of the Northwest Passage by the *Manhattan* on the Canal the ecological ramifications of digging a new canal, and the question of tolls with respect to the lock canal treaty and the sea level canal treaty. This briefing was conducted in executive session and was confidential.

Canal Zone investigation by congressional delegation

A congressional delegation visited the Canal Zone on January 14, 15 and 16, 1970, and was comprised of members of the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries and a ranking Democratic member of the House Committee on Armed Services. The delegation was headed by the Honorable Leonor K. (Mrs. John B.) Sullivan (Democrat of St. Louis, Mo.) chairman of the subcommittee on Panama Canal, and consisted of the following other House Members: The Honorable Melvin Price (Democrat, Illinois) a ranking member of the House Committee on Armed Services; the Honorable Charles A. Mosher (Republican, Ohio); the Honorable James R. Grover (Republican, New York); the Honorable John M. Murphy (Democrat, New York); the Honorable Frank Annunzio (Democrat, Illinois); and Ernest J. Corrado, subcommittee counsel.

The purpose of the delegation's visit to the Canal Zone was to meet with Governor Leber and Ambassador Sayre to be briefed on and discuss current problems concerning the Canal Zone and the operation of the canal. In addition, the delegation conducted a number of meetings and hearings with various labor and civic groups from the Canal

Zone to discuss problems of mutual interest and to determine areas in which the members of the delegation might help to ameliorate living conditions in the Canal Zone and be of help in improving general Canal Zone operations.

In his briefing, the Governor gave the following as alternatives for future canal use in the area:

- (a) Further improve the present canal.
- (b) Third locks-terminal lake.
- (c) A sea level canal.

The Governor concluded that a multilane sea level canal is not in the cards and that the Inter-oceanic Canal Study Commission will, in all probability, recommend a single lane sea level canal to operate with the present canal. He also indicated that nuclear excavation is out for now so that the price of any new canal will be around \$3 billion.

The Governor made the following points with respect to canal improvements, traffic and capacity.

Since the reorganization of the Panama Canal in 1950, the Panama Canal Company has followed a continuous program of capital improvements and changes in operating procedures to increase the capacity of the canal. One of the major improvements is the widening of Gaillard Cut to provide a minimum width of 500 feet. This project was completed in August 1970 at a total cost of some \$69 million. The effectiveness of the Company's program can be judged by the fact that the time in Canal Zone waters for transiting vessels has been reduced from 18 hours in 1968 to 16.4 hours in 1969 and 15.2 hours in 1970.

A study recently completed for the Panama Canal Company by an internationally recognized consulting firm has concluded that with certain additional capital improvements made over a substantial period of time in phase with traffic increases, the capacity of the canal will be 26,800 ships a year.³⁰

The following tabulation shows the numbers of oceangoing ships and the amount of cargo moving through the canal in each of the last 3 fiscal years:

	1970	1969	1968
Oceangoing transits:			
Commercial	13,658	13,150	13,199
Government	1,068	1,376	1,504
Free	103	76	104
Total	14,829	14,602	14,807
Cargo (long tons)	118,900,000	108,800,000	105,500,000

It is significant that cargo tonnage increases at a greater proportionate rate than the number of transits. Indeed, in 1969, when the number of ships was reduced from that of the preceding year, cargo tonnage increased. The explanation of this anomaly lies in the greater utilization of cargo space of transiting vessels and the trend toward larger ships in the world fleet.

One of the significant developments of the delegation's visit to the Canal Zone was the effort of the chairman of the subcommittee to get the United States to cede 160 acres of a larger 900-acre parcel known as old France field to the Republic of Panama. The Republic wanted to use the land as an adjunct to the present overcrowded commercial operations of the Colon free zone. It seemed especially sensible since the U.S. Government apparently was no longer using this land and because the Colon free zone makes a substantial contribution to the economy of Panama. The chairman of the subcommittee formally proposed this needed land transfer in a letter of January 23, 1970, to President Nixon.³¹ The only reply the chairman has received with respect to this useful proposal was an acknowledgement from the White House dated January 30, 1970.

This incident concerning the ceding of part of old France field to the Colon free

Footnotes at end of article.

zone raises the question of the transfer of U.S. property to the Republic of Panama and the role of Congress in such transfers.

Article IV, section 3, clause 2 of the Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; * * *". The force of this constitutional provision has been recognized as applicable to transfers to Panama of property acquired by the United States in connection with the Panama Canal enterprise.

Such property includes the assets of the New Panama Canal Company of France including the Panama Railroad, purchased under authority of the act of June 28, 1902, title to land in the Canal Zone acquired under authority of that act or subsequent legislation, the waterway, appurtenant installations, buildings and other structures in the Canal Zone, funds of the Panama Canal Company and Canal Zone Government, accounts receivable, and all other assets of the Panama Canal Company, the Canal Zone Government, the military departments and other departments and agencies of the Government in the Canal Zone.

In accordance with the constitutional requirements, property of the United States associated with the Panama Canal enterprise has been disposed of in the past only in accordance with congressional authorization. For example, Congress has authorized the disposal of realty owned by the Panama Canal Railroad in Colon;² the transfer to Panama of land and the interest of the United States in water and sewer systems in the cities of Panama and Colon;³ and the transfer of land and improvements to Panama in accordance with the 1955 treaty.⁴

In previous cases in which the President or his representatives have entered into agreements to transfer land or other property to Panama, the agreement has been made subject to enactment of authorizing legislation by the Congress. See, for example, article V of the 1955 treaty with Panama providing that:

"The United States of America agrees that, subject to the enactment of legislation by the Congress, there shall be conveyed to the Republic of Panama free of cost all the right, title, and interest held by the United States of America or its agencies in and to certain lands and improvements * * * (emphasis supplied)."

The relationship of the powers of Congress in property transfers to the 1967 draft treaties will be commented on later in the report.

Hearing on canal traffic capacity and tolls

On April 22, 1970, the subcommittee held a 1-day hearing on the projection of the Canal traffic, capacity and tolls, which are tied into the sea-level canal feasibility and treaty negotiations issues. Governor Leber was the principal witness on these matters. At the same time, the chairman invited Mr. Leonard Kujawa, Arthur Anderson and Co., to report on the impact of the IMCO Universal Measurement Tonnage System on the Panama Canal Tonnage Assessment System. The testimony at this hearing was voluminous but may be summarized as follows:

1. Regarding revenue potential over a long period:

(a) The present toll system should be retained only for increases in revenue of approximately 15 percent which would require a 25-percent increase in rates.

(b) A new tolls system could provide additional revenue up to approximately 40 percent. This is the maximum revenue potential of the Canal and would be accompanied by a substantial decrease in the level of traffic.

2. As to the present tolls system, there is no overriding reason to change at either present or moderately higher revenue objectives.

3. Regarding a possible new tolls system: (a) It should be adopted to minimize traffic loss only if an increase in revenue above 15 percent is required.

(b) It must be recognized that the sensitivity to tolls varies by commodity.

(c) It would be more flexible in responding to defined objectives although more difficult to administer.

4. It was concluded that the tolls charge serves other than purely financial objectives. For example, it could be used to increase the longevity of the Canal by discouraging that 20 percent of transits, small ships, which only contribute 5 percent of revenue. Also, it could be designed to discourage ships having only marginal benefit from using the Canal leaving more capacity to accommodate ships benefiting greatly from use of the Canal.

5. The impact of toll charges on countries of cargo origin and destination cannot be ignored. For example, Canal tolls have significant impact on the economies of Ecuador, Peru and Chile.

6. When one considers the impact of toll charges on trade routes, the consumer, and underdeveloped nations and the world community in general, the question is presented, "Who shall bear the added burden of any increase in tolls?"

The following conclusions may be drawn from the testimony:

1. Despite the competition of oil pipe lines, giant tankers and ore carriers, huge aircraft and "land bridges" (railroads), the Panama Canal is not about to go out of business but is destined for "a long and healthy future".

2. Based upon the traffic forecast and the capacity improvement program but without taking into account the depressant effect on transits of any toll raise, there is indication that the Canal will be able to accommodate traffic through the end of this century.

3. The super ocean vessels now being constructed were planned because of toll considerations, for use on trade routes that do not require transit of the Panama Canal, and that those vessels would not use this canal even if they could transit it.

4. By basing the capacity improvement program on an incremental basis, tied solely to the traffic which we can see materializing in short-range forecast, we can minimize capital costs and meet the needs of world commerce.

5. Under existing law, there is not a need for a toll increase at this time.

6. The question of application of the Universal Measurement Convention to Panama Canal tolls is a matter for the Congress. The application of the universal measurement system to the canal would result in a redistribution of the tolls burden borne among ships and cargo, although this impact would be less using gross tonnage. The minimum 12-year transition period to the universal measurement system presents many unsolved problems, especially regarding the incomparability of tolls paid by like ships.

Fifth and sixth annual reports of the Inter-oceanic Canal Study Commission

The Sixth Annual Report of the Atlantic-Pacific Interoceanic Canal Study Commission was submitted to President Nixon on July 31, 1970. In this brief report, the Commission indicated that all its studies bearing on the feasibility of a new sea-level canal have been completed with the exception of the determination of the technical feasibility of nuclear canal excavation. Years of additional research and experimentation will be needed in this area, but the Commission will provide an evaluation of the prospects of nuclear canal excavation in its final report due December 1, 1970.

The Fifth Annual Report of the Commission was submitted to the President on July 31, 1969. At the time of this report, the Com-

mission had completed its data collection activities on all of the five sea-level canal routes under investigation. The field operations had been terminated, and all facilities and equipment not removed had been turned over to the host country. As of the date of that report, the office and laboratory evaluations of route data were well advanced as were the Commission studies of the diplomatic, economic, and military considerations bearing on the feasibility of a new sea-level canal constructed by conventional or nuclear excavation.

Correspondence with State Department

At the briefing of the subcommittee by the State Department on November 20, 1969, questions were raised about existing treaties as they affect U.S. interests in the Canal Zone. On December 12, 1969, the subcommittee wrote to Charles A. Meyer, Assistant Secretary of State for Inter-American Affairs, asking advice on the implications of our treaty commitments to Columbia as they affect our interests in building a new canal and as they may affect existing obligations under the present canal.

On December 24, 1969, a reply was received from the Acting Assistant Secretary. This letter iterated the provisions of the 1941 treaty between Colombia and the United States which subcommittee counsel had already researched. The letter did not, however, answer our questions. The subcommittee did not pursue the matter further.

Legislation

1. H.R. 7517 was signed into law on July 24, 1970, and became Public Law 91-355.

This legislation, costs to be paid from canal tolls, is designed to adjust cash relief payments to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for the adjustment of future payments on the basis of cost of living. The measure would also extend the eligibility for cash relief payments to surviving widows of such former employees.

The committee reported this bill out on July 10, 1969, it passed the House on July 21, 1969, and the Senate on July 15, 1970. During the delegation's visit to Panama in January 1970, this measure was the piece of legislation most frequently asked about by the various citizens groups and it was the one bill that everyone was unanimous in the view that it be enacted.

2. H.R. 2063, introduced by Mr. Boggs on January 6, 1969, to provide increases in annuities granted under the Panama Canal Construction Service Annuity Act of May 29, 1944. No action has been taken on this bill.

3. H.R. 17614, introduced by Mrs. Sullivan (by request) on May 13, 1970. The effect of this bill would require the Panama Canal Company to reimburse the U.S. Treasury annually for the \$1.5 million by which the annuity payable to the Republic of Panama was increased under the 1955 treaty between the United States and Panama. An identical bill has been introduced in every Congress since the 87th Congress. No action has been taken on this bill.

4. H.R. 3792, introduced by Mr. Flood on January 16, 1969, to provide for the increase of capacity and the improvement of operations of the Panama Canal. It was determined that the subcommittee should not take action on this third locks legislation at least until receiving the final report of the Interoceanic Study Commission.

CURRENT STATUS OF ISSUES

Draft treaties

On August 5, 1970, the Minister of Foreign Relations sent a letter to our Secretary of State advising that Panama was willing to continue negotiations but that none of the three draft treaties recommended by the negotiators was satisfactory.

Footnotes at end of article.

At the time the letter was written to the Secretary of State, Panama's Foreign Office released a 32-page document explaining the reasons for rejection of the 1967 treaty drafts.³² This document analyzed the drafts on the basis of Panama's dissatisfaction with the existing treaty provisions on the following issues:

- (1) Perpetuity of U.S. control,
- (2) U.S. jurisdiction in the Canal Zone,
- (3) Improvements of the Panama Canal,
- (4) Military installations and activities,
- (5) Insufficiency of direct benefits from the canal,
- (6) Insufficiency of indirect benefits from U.S. operations, and
- (7) Unilateral interpretation of treaties by the United States.

In general, this document takes an extreme position which in effect rejects U.S. control of the canal, the right of the United States to maintain military forces on the Isthmus, and rejects the management of the canal for the benefit of shipping rather than the enrichment of Panama. Near the end of the document, Panama concludes that the root causes of conflict which have arisen since 1903 by reason of the unilateral interpretation and application of the existing treaties, on the part of the U.S. Government, will continue and will be aggravated in many respects, if the 1967 draft treaties were to be approved by the Republic of Panama.

In addition to the Panamanian inhibitions concerning the draft treaties, several important American objections are noted as follows.

Under the existing treaties, the United States has complete control because within the Canal Zone it exercises the rights of sovereignty.³³ The 1967 draft treaties recognize the full sovereignty of Panama over the Canal Zone and provide for transfer of the Panama Canal to a joint administration, a new entity composed of members appointed by the Presidents of the Republic of Panama and of the United States. The control over the joint administration would rest solely on the fact that five members of the Commission would be appointed by the President of the United States and four members would be appointed by the President of Panama. The chairmanship of the administration would rotate between members appointed by the President of each country.

The joint administration provided by the 1967 drafts would be independent of the Congress and no provision is made in the drafts for any control of the administration by any branch of the U.S. Government. On the other hand, complete legislative, executive, and judicial power in respect to the canal and the contiguous area would be divided between the joint administration and the Republic of Panama. The arrangement is so complex and unwieldy as to be, in the judgment of this subcommittee (the authors of this paper), completely unworkable as well as contrary to the best interests of the United States.³⁴

The 1967 draft treaties ignore the quoted provisions of article IV of the Constitution. The draft treaty providing for operation of the existing canal makes no reference to the necessity for congressional action to dispose of property of the United States but provides without qualification for assumption by the joint administration of "all of the assets, liabilities and commitments of the Panama Canal Company and Canal Zone Government" with the proviso that the unrecovered investment of the United States in the Panama Canal is not included in the liabilities assumed by the administration.³⁵

Upon entry into force of the treaty, all rights of the United States of America to real property in the Canal Zone, not included in areas transferred to the joint administration "shall become the exclusive

rights of the Republic of Panama, without cost;"³⁶ and on termination of the treaty any rights of the United States and of the administration to real property in the canal area become the exclusive rights of the Republic of Panama.³⁷

On termination of the treaty, the Panama Canal, all its appurtenant facilities and all property of the joint administration "shall be the property of the Republic of Panama."³⁸ The treaty would terminate on December 31, 1999 or on the opening of a sea-level canal, whichever occurs first.³⁹

In view of the responsibility of Congress to dispose of property of the United States, it is highly unlikely that such sweeping dispositions would be allowed to take place without congressional action of any kind. The failure of the 1967 drafts take into account the authority and responsibility of Congress in this regard is one of most glaring defects of the 1967 drafts.⁴⁰

Rio Hato lease termination

In the 1955 treaty between Panama and the United States, Panama again authorized use of the Rio Hato Base by the U.S. Armed Forces as a training area for a period of 15 years, subject to extension by agreement between the two countries.⁴¹ The 15-year period expired on August 15, 1970, and on August 21, the Government of Panama announced that it had rejected a request by the United States for renewal of the agreement to permit continued use of the base. The United States was previously ousted from the same base in 1947 when demanded by a "student" demonstration.

These experiences point to the result that could be expected to follow if the United States were to give up the right to defend the canal provided by the 1903 treaty and rely on an agreement for maintaining defense bases subject to the sovereignty of the Republic of Panama.

Harassment of United States by Panama

It would appear from press reports and other sources that Panama has embarked on a calculated program of protest concerning activities in the Canal Zone. These protests are without foundation and include contentions that shipping agents improperly conduct business in the Canal Zone (see article III, 1936 treaty); that the Panama Canal Company's improvement program is new construction and in violation of article I of the 1936 treaty; (see treaty note defining maintenance); that the U.S. laws governing extradition from the Canal Zone to Panama violate article XVI of the 1903 treaty; and that maintenance of tolls at existing rates deprives Panama of financial returns to which it is entitled.

At the same time that Panama alleges wholesale treaty violations by the United States, it persists in actions which appear to be in direct violation of its commitments to the United States. For example, Panama imposes a transportation tax on Canal Zone residents leaving the Isthmus through the Tocumen Airport notwithstanding article X of the 1903 treaty providing that no charges of any kind shall be imposed on persons in the service of the Panama Canal agencies, article IV of the 1936 treaty providing that no charges should be imposed on residents of the Canal Zone passing from the Canal Zone into Panama, and Article XVII of the 1949 Aviation Agreement providing that Canal Zone passengers arriving at or departing from Tocumen will have the right of free travel through the Republic.

No restoration of constitutional government

While appeals to nationalistic and anti-U.S. sentiment have increased in volume, the Provisional Military Government has been moving further away from the intention originally announced to hold elections

and restore constitutional government in 1970. The power of the government appears to have been consolidated effectively in one man (Brigadier General Torrijos) who, in a letter to Senator Kennedy in May, 1970, expressed the view forcefully that military government is preferable to democratic processes in Latin American countries. The same idea was projected in a speech on June 26 by Foreign Minister Tack before the OAS in Washington. Both the letter and the speech emphasize that in almost all demonstrations which disturb the public order in Latin America, the demonstrators are in the right, and that university students, their eyes opened in the classroom, rebel against living in a world full of injustices.

INCREASES IN PUBLIC DEBT

Another significant factor in the background of our relations with Panama is the dramatic increase in the public debt, mostly through increased loans from AID, the World Bank, the Inter-American Development Bank, and private sources. As of December 31, 1968, Panama's indebtedness was reported as \$168,700,000. From newspaper reports alone it appears that loans of at least \$135,300,000 were obtained in 1969-70 and applications for at least another \$60 million are now pending. This of course may lead to a severe fiscal crisis on the Panama Government which may account for the return to emphasis in anti-United States nationalism as a political diversion.

Sea-level canal

The question of canal improvement, viz., a new sea-level canal, the Third Locks-Terminal Lake plan or improving the existing canal, hinges on the final report of the Inter-oceanic Canal Study Commission.

CONCLUSIONS

The record of recent actions of the present Panamanian nonconstitutional provisional Military Government with respect to the United States presence in Panama argues against the wisdom of the United States taking part in any activity at this time which would disturb the basic U.S. jurisdiction in the Canal Zone. Militating against any such U.S. action are the Rio Hato lease termination episode, the Panamanian rejection of the 1967 draft treaties, the frequent unfounded allegations of improper U.S. conduct, illegal and discriminatory actions against Canal Zone residents (e.g., the transportation tax on Canal Zone residents traveling by air) and the constant drumfire of anti-American propaganda in the utterances of Panamanian officials and in the Panamanian news media.

Panama has consistently demanded a substantial increase in tolls with the revenue to be paid over to Panama. One of the members of Panama's negotiating team proposed a 300-percent increase in tolls. The arithmetic of the tolls provisions of the 1967 draft treaties would dictate continuous toll increases. Even this is not now sufficient in the view of the provisional Military Government as it indicated in its recent public rejection of the 1967 treaties. Comprehensive studies indicate that a 25-percent tolls increase is the maximum before canal traffic would react to the increase and tail off dramatically. Even if a sea-level canal should prove to be feasible, and should be constructed, it is questionable whether it could support even the projected payments of the 1967 treaties, especially in light of the sensitivity of canal traffic to tolls increases.

At the time the 1967 treaties were drafted and negotiated it was thought that the canal was inadequate to meet the requirements of commerce and should be replaced. Although the transiting tonnage has increased, there is little in the record to support the conclusion that traffic has reached the upper limits of the canal's capacity. In fact, Governor Leber stated before the subcommittee on April

Footnotes at end of article.

22, 1970, that based on traffic forecasts and the canal improvement program, the existing canal should be able to handle the traffic to the end of the century.

At the time the 1967 treaties were drafted and negotiated it was thought that a sea-level canal was economically feasible and could be inexpensively built by nuclear excavation. Once the sea-level canal was built and operating under the control of the United States, the existing canal and zone would be turned over to Panama. It is clear from the Inter-oceanic Canal Study Commission's Interim 6th Annual Report (July 31, 1970) that nuclear excavation has been eliminated for the foreseeable future. The report states, "Years of additional research and experimentation are needed to perfect the nuclear excavation technology." With nuclear excavation out, the possibility of the substitution of a new sea-level canal for the present canal at an acceptable cost is greatly diminished.

The cost to construct a new sea-level canal on route 10 (5 miles outside Canal Zone) would be about \$2.3 billion, which is about what it would cost to convert the existing canal to a sea-level canal. It is noted that the 1967 Sea-Level Canal Treaty left for future agreement the financial arrangement between the United States and Panama (which would be in addition to the cost of construction), so the total cost cannot possibly be known. Thus, it is abundantly clear that the Republic of Panama, or anyone else for that matter, cannot premise future treaty negotiations on the assumption that Congress will authorize the construction of a new sea-level canal or enact legislation to transfer the existing canal to any other country.

After the Atlantic-Pacific Inter-oceanic Canal Study Commission submits its report on the feasibility of the construction of a sea-level canal, the Congress will then have the task of deciding what, if any action should be taken either to build a new sea-level canal or to provide additional locks and improvements for the existing canal in line with the pending terminal lake-third locks plan.

The Panamanian Government has made known its objections to the 1967 draft treaties in unmistakable terms. From the standpoint of the United States, there are a number of disabilities inherent in those treaties aside from the facts mentioned above that they are based on erroneous premises. They would, for example, result in the United States relinquishing its powers of sovereignty over the canal, and would operate in such a way that the United States would not be able to effectively control the Panama Canal or provide for its defense in a satisfactory manner. In addition, these treaties contemplate an unrealistic and unreasonable increase in tolls rates and revenues and do not take into account the constitutional authority of Congress over the disposal of U.S. property. Also, the treaties would remove the canal from the authority of Congress. In this connection, it is noted that under the 1967 draft locks treaty, control of the canal would pass from the Congress to the nine-man governing authority, and the five American members would be appointed by the President, subject to confirmation by the Senate, and responsible to the Executive, not to the Congress. This arrangement alone makes the treaties unacceptable to the Congress.

It has been said that "Histories make men wise." If this is so, we should recognize that the pattern of Panamanian behavior which led to the 1964-67 treaties and negotiations is being repeated, undoubtedly for the purpose of forcing new negotiations and treaties even more retrograde to U.S. interests.

It must be understood by all interested parties that the Congress looks with disfavor on such disruptive treaties and is adamant in its opposition to ceding U.S. sovereignty and jurisdiction over the Can-

al Zone to the Republic of Panama. Indeed, the House of Representatives has expressed itself with respect to the 1964-67 treaties blunder, through the introduction of some 105 resolutions declaring it to be the policy of the House of Representatives and the desire of the people that the United States should maintain its sovereignty and jurisdiction over the Panama Canal Zone.

All responsible parties both in this country¹ and in Panama must be aware that due to prior congressional opposition and the strong stand taken by Panama in rejecting the 1967 draft treaties, it is the consensus of this subcommittee (the authors of this paper) that treaty negotiations should not go forward and that the subcommittee (we) oppose(s) any negotiations which would revive the 1967 treaties or initiate new treaties of a similar nature which would be a source of confusion, irritation and contention both here and in Panama, and which would be inimical to the best interests of the United States.

FOOTNOTES

¹ The act of September 22, 1964 (Public Law 88-609; 78 Stat. 990) provided for a commission of five members to study the feasibility, methods of construction, location, and cost of a sea level canal between the Atlantic and Pacific Oceans. As amended in 1968 (Public Law 90-359; 82 Stat. 249) the act requires annual progress reports to the Congress as well as a final report by December 1, 1970. Such interim reports have been submitted, the latest being the Sixth Annual Report of the Commission, dated July 31, 1970.

² This concept includes provisions for the—

(a) Elimination of the bottleneck Pedro Miguel locks.

(b) Consolidation of all Pacific locks south of Miraflores.

(c) Raising the Gatun Lake water level to its optimum height (about 92 feet).

(d) Construction of one set of larger locks.

(e) Creation of the Pacific end of the canal of a summit-level terminal lake anchorage for use as a Pacific reservoir to correspond with the layout of the Atlantic end to permit uninterrupted operation of the Pacific locks during fog periods.

³ The history of the search for a passage between the Atlantic and Pacific Oceans and early proposals for construction of a transisthmian canal which culminated in the French venture in the 19th century is available in a number of authoritative books and publications. DuVal: "Cadiz to Cathay", Stanford University Press (1940); Mack: "The Land Divided", Knopf (1944); H. Rept. 2218, 86th Cong., p. 3 et seq.

The congressional documents listed in appendix I show that throughout the 19th century the United States was exploring the feasibility of construction of a transisthmian canal in Nicaragua or in Panama. After the failure of the French project at the end of the century, the Congress authorized the President to acquire the rights in perpetuity to construct and operate a canal across the Isthmus of Panama (then part of Colombia) or Nicaragua; (Act of June 28, 1902; 32 Stat. 481). In 1903 Panama obtained its independence from Colombia and entered into a treaty with the United States in which Panama granted to the United States in perpetuity the use, occupation and control of the Canal Zone for the construction, operation and protection of a canal and also granted to the United States all the rights, power, and authority within the Canal Zone which the United States would exercise if it were sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority. (Convention for the Construction of a Ship Canal, 1903, Articles II and III.)

⁴ The full text of the Dec. 13, 1964, statement is set out in app. II.

⁵ See app. III for the text of this statement.

⁶ General Torrijos' views were expressed in a letter to Senator Kennedy dated May 7, 1970, published in "El Panama Americano" on July 1, 1970. Similar sentiments were expressed by the Foreign Minister in a statement at a meeting of the Organization of American States on June 26, 1970. Translations of both documents are attached in app. VII.

⁷ Pub. Res. 99, 70th Cong., approved March 2, 1929.

⁸ H. Doc. 139, 72d Cong.

⁹ Pub. Res. 74-85; 49 Stat. 1256.

¹⁰ H. Doc. 210, 76th Cong.

¹¹ Act of August 11, 1939, 53 Stat. 1409; P.L. 76-391.

¹² See report on proposals for the elimination of Pedro Miguel locks of the Panama Canal, 102 Congressional Record 10756-10766 (1956).

¹³ Public Law 79-280; 59 Stat. 663.

¹⁴ Act of June 29, 1906; See DuVal: *And the Mountains Will Move*, Standord Univ. Press (1947), p. 206 et seq.

¹⁵ Public Law 80-808; 62 Stat. 1075.

¹⁶ H. Rept. 1960, 86th Cong.

¹⁷ Public Law 88-609; 78 Stat. 990.

¹⁸ T.S. 624.

¹⁹ Dept. of State Bulletin, Aug. 10, 1970, p. 183.

²⁰ Pub. Res. 99, 70th Cong., approved March 22, 1929.

²¹ H. Doc. 139, 72d Cong.

²² H. Rept. 1960, 86th Cong.

²³ See H. Rept. No. 781, 80th Cong., pp. 10-12.

²⁴ See statements by Foreign Minister Fernando Elea reported in the *Miami Herald*, February 12, 1966.

²⁵ *Panama American*, March 6, 1966.

²⁶ Art. XXXIII, pars. 4 and 5.

²⁷ Hearings, Panama Canal Company status report—tolls study, Committee on Merchant Marine and Fisheries, 90th Cong., May 18, 1967, pp. 49-170.

²⁸ Art. X, par. (2) (c).

²⁹ Art. III, par. (2).

³⁰ P.L. 79-60; 60 Stat. 823.

³¹ Panama has taken the remarkable position that such capital improvements are beyond the authority of the United States. This view is vigorously asserted in the document shown in appendix IX notwithstanding a formal exchange of notes between the two countries to the effect that "maintenance" as applied to the canal within the meaning of article I of the 1936 treaty permits both expansion and new construction. See treaty series No. 945, page 66.

³² See App. VIII for a copy of this letter.

³³ Pub. Res. 75-54; 50 Stat. 511.

³⁴ P.L. 78-48; 57 Stat. 74.

³⁵ P.L. 85-223; 71 Stat. 509.

³⁶ The text of the document was published in *La Estrella de Panama*, Sept. 5, 1970. A translation is attached in app. IX.

³⁷ Before the Panama Canal was built, President Rutherford Hayes in a Message to Congress on March 8, 1880, announced the policy that:

"It is the right and duty of the United States to assert and maintain such supervision and authority over any inter-oceanic canal across the Isthmus that connects North and South America as will protect our national interests."

This has been the policy of the United States since the Panama Canal was built, and the subcommittee understands that no change in the policy was intended in the 1967 treaty drafts. However, the 1967 drafts contemplate a change in the method of control that is so drastic and, the subcommittee believes, so unworkable as to result in the loss of any effective control over the Canal by the United States.

* Panama also objects to transfer of control of a new entity, not part of either Government. See Appendix X.

²² Art. III, par. 3.

²³ Art. XXXVIII, par. 1.

²⁴ Art. XXXVIII, par. 3.

²⁵ Art. XXXIX, par. 1.

²⁶ Art. XLI.

²⁷ See Cong. Rec., vol. 113, (1967), p. H-10544.

²⁸ Article VIII, TIAS 3297, p. 14.

It is interesting to note that at the Oct. 24, 1970, White House dinner celebrating the anniversary of the United Nations, one of the invitees was Demetrio B. Lakas, President of the Republic of Panama. Also in attendance were John N. Irwin, Under Secretary of State; and Charles A. Meyer, Assistant Secretary of State. These latter individuals participated in the negotiations of the last set of unacceptable treaties. In May, Daniel Hofgren, a Presidential assistant was delegated the responsibility for conducting negotiations with the Republic of Panama for a new Atlantic-Pacific Interoceanic Canal.

APPENDIX I

PARTIAL LIST OF CONGRESSIONAL DOCUMENTS AND ENACTMENTS RELATING TO THE PANAMA CANAL

Nineteenth Congress, first session:

Senate Doc. No. 68, December 26, 1825.—Message of the President on the congress at Panama; United States not to take part in deliberations of a belligerent character; not to contract alliances, nor to engage in any project imputing hostility to any other nation.

Senate Doc. 21, January 19, 1826.—Report from the Committee on Roads and Canals, recommending survey of canal between the Atlantic and Gulf of Mexico.

House Res. No. 11, January 25, 1826.—Resolution by Mr. Miner that the appointment of ministers to the proposed congress at Panama is a measure dictated by wisdom, and provision ought to be made for expenses.

House Ex. Doc. No. 162, March 15, 1826.—Message of the President relative to an appropriation to carry into effect the mission to Panama.

House Report No. 137, March 25, 1826.—Report from the Committee on Foreign Relations for an appropriation for mission to Panama.

Senate Doc. No. 73, March 30, 1826.—Resolution by Mr. Branch that the appointment of ministers to the Panama congress is not within the competency of the Executive.

House Res. No. 36, April 3, 1826.—Resolution relative to the inexpediency of appropriating funds for mission to Panama.

House Res. No. 38, April 4, 1826.—Resolution by Mr. Buchanan that it is inexpedient to depart from the long-established policy of the country by an alliance with any nation by which the United States would be deprived of independent action in any crisis.

House Res. No. 40, April 11, 1826.—Resolution by Mr. Polk that the sending of ministers to the congress at Panama would have a tendency to involve the nation in entangling alliances, and that it is inexpedient to send ministers or grant an appropriation to defray expenses of said mission.

House Ex. Doc. No. 157, April 15, 1826.—Message of the President with statement relative to governments to be presented at the congress at Panama.

House Res. No. 42, April 18, 1826.—Resolution by Mr. Buchanan that the Government ought not to be represented at the congress at Panama.

Nineteenth Congress, second session:

House Ex. Doc. No. 23, December 26, 1826.—Message of the President relative to the congress at Panama.

¹ Exclusive of legislation in annual Appropriations Acts.

House Report No. 56, January 24, 1827.—Report from the Naval Committee on transit across the Isthmus of Panama.

Twenty-third Congress, second session: Senate Journal, page 238, March 3, 1835.—Resolution by Mr. Clayton requesting the President of the United States to open negotiations with other nations as to opening a communication between the Atlantic and Pacific oceans.

Twenty-fourth Congress, second session: Senate Journal, January 9, 1837.—Message of the President relative to a ship canal across the Isthmus of Panama.

Twenty-fifth Congress, second session: House Ex. Doc. No. 228, March 12, 1838.—Message of the President relative to the Darien Canal, as to the expediency of opening negotiations with other nations as to a ship canal across the Isthmus of Darien.

Twenty-fifth Congress, third session: House Report No. 322, March 2, 1839.—Report submitted by Mr. Mercer, from the Committee on Roads and Canals, as to the construction of a ship canal between North and South America.

Twenty-sixth Congress, first session: Senate Doc. No. 224, March 4, 1840.—Citizens of Indiana, remonstrating against the construction of canal across the Isthmus of Darien.

Twenty-eighth Congress, first session: House Doc. No. 77, January 19, 1844.—Message from the President relative to communication between the Atlantic and Pacific oceans.

Twenty-ninth Congress, first session: Senate Ex. Doc. No. 339, May 11, 1846.—Report of the Secretary of State, transmitting information relative to a ship canal across the Isthmus of Panama.

Thirtieth Congress, second session: House Report No. 145, February 20, 1849.—Report by Mr. Rockwell, from the Select Committee on a Canal between the Atlantic and the Pacific Oceans.

Thirty-first Congress, first session: House Report No. 439, August 1, 1850.—Report of Mr. Staunton, relative to a canal across the Isthmus of Tehuantepec, Panama, or Nicaragua.

Thirty-first Congress, second session: Senate Ex. Doc. No. 40, February 21, 1850.—Message of the President on Isthmus of Panama.

Thirty-second Congress, first session: Senate Ex. Doc. No. 97, July 27, 1852.—Message of the President, transmitting a report from the Department of State, respecting a right of way across the Isthmus of Tehuantepec.

Senate Report No. 355, August 30, 1852.—Report of Mr. Mason, from the Senate Committee on Foreign Relations, respecting the right of way across the Isthmus of Tehuantepec.

Senate Ex. Doc. No.—, December 16, 1851.—Message of the President on a ship canal between the Atlantic and the Pacific oceans.

Thirty-second Congress, second session: Senate Ex. Doc. No. 44, February 18, 1853.—Message of the President, transmitting Mr. Edward Everett's communication to the British minister on the subject of an interoceanic canal by the Nicaraguan route.

Thirty-third Congress, first session: Senate Ex. Doc. No. 13, December 31, 1853.—Message of the President, transmitting the correspondence growing out of the treaty of Washington of July 4, 1850.

Thirty-third Congress, second session: Senate Ex. Doc. No. 1, October 25, 1854.—Report by Lieut. J. G. Strain on the Isthmus of Darien.

Thirty-fourth Congress, first session: Senate Ex. Doc. No. 68, May 15, 1856.—Message of the President, transmitting sundry papers and documents in relation to the affairs with the Government of Nicaragua.

Thirty-fourth Congress, third session:

Senate Ex. Doc. No. 51, February 13, 1857.—Report of the Secretary of War, transmitting a copy of the report of Capt. T. J. Cram on the interoceanic canal.

Thirty-fifth Congress, first session: House Report No. 476, May 29, 1858.—Report by Mr. Hawkins on case of Panama Railroad Company.

Senate Ex. Doc. No. 72, June 11, 1858.—Message of the President, transmitting information respecting the Isthmus of Tehuantepec.

Thirty-sixth Congress, second session: Senate Ex. Doc. No. 9, February 13, 1861.—Report of the Secretary of War, transmitting Lieutenant Michler's report of his survey for an interoceanic canal near the Isthmus of Darien.

Thirty-ninth Congress, first session: Senate Ex. Doc. No. 62, July 12, 1866.—Report of the Secretary of the Navy, transmitting a report of Rear-Admiral Charles H. Davis in relation to the various proposed interoceanic canals.

Thirty-ninth Congress, second session: Senate Ex. Doc. No. 25, February 11, 1867.—Message of the President, transmitting correspondence on the subject of grants to American citizens for railroads and telegraph lines across the Republic of Mexico.

Fortieth Congress, first session: House Mis. Doc. No. 24, March 19, 1867.—Report by Mr. Banks, requiring the Committee on Foreign Affairs to inquire and report what measures have been taken by foreign governments in reference to transit across the Isthmus of Panama.

Forty-first Congress, second session: House Ex. Doc. No. 81, January 21, 1870.—Message of the President on the Darien Ship Canal.

House Ex. Doc. No. 113, February 2, 1870.—Communication upon the subject of interoceanic communication across the Isthmus of Darien.

Forty-second Congress, second session: Senate Ex. Doc. No. 6, November 1, 1871.—Report of the Secretary of the Navy, transmitting report of Capt. R. W. Shufeldt, containing report of explorations and surveys as to practicability of a ship canal between the Atlantic and Pacific oceans.

House Mis. Doc. No. 219, January 16, 1872.—Report of the Secretary of State, transmitting information as to the views of European governments in regard to international cooperation for the construction of a ship canal between the Atlantic and Pacific oceans.

Forty-second Congress, third session: House Report No. 76, February 13, 1873.—Report by Mr. Negley on the construction of a ship canal.

House Mis. Doc. No. 113, July 7, 1870.—Report of explorations and surveys as to a ship canal between the Atlantic and Pacific oceans by the Isthmus of Darien, by Commander Thomas Oliver Selfridge.

Forty-third Congress, first session: Senate Ex. Doc. No. 57, June 16, 1874.—Report by the Secretary of the Navy, transmitting the report of Commander E. P. Lull, with surveys for a ship canal between the Atlantic and the Pacific oceans through Nicaragua.

Forty-fifth Congress, third session: Senate Ex. Doc. No. 75, March 7, 1879.—Report by the Secretary of the Navy, transmitting reports of surveys for location of ship canal through the Isthmus of Panama and Napipi.

Forty-sixth Congress, first session: Senate Ex. Doc. No. 15, April 18, 1879.—Message of the President, transmitting report of Daniel Ammen on the different interoceanic canal surveys.

House Ex. Doc. No. 10, June 13, 1879.—Report from the Secretary of State relative to the steps taken by the Government of the United States to promote the construction of an interoceanic canal across the Isthmus of Darien.

Forty-sixth Congress, second session:

House Ex. Doc. No. 63, March 17, 1880.—Report from the Secretary of the Navy, transmitting the report of Lieut. T. A. M. Craven relating to a survey for an interoceanic canal.

Senate Ex. Doc. No. 112, March 8, 1880.—Message of the President, transmitting documents from the State Department relative to the proposed interoceanic canal between the Atlantic and Pacific oceans.

House Report No. 1121, April 16, 1880.—Report by Mr. Cox on the abrogation of the Clayton-Bulwer treaty.

Senate Mis. Doc. No. 9, December 4, 1879.—Resolution by Mr. Eaton requesting the correspondence between the United States and foreign governments relative to a ship canal across the Isthmus between North and South America.

House Ex. Doc. No. 57, March 8, 1880.—Message of the President, transmitting copies of correspondence in relation to interoceanic canals.

House Ex. Doc. Nos. 61 and 86, March 5, 1880.—A letter from the Secretary of the Treasury, giving commercial statistics relative to the trade between the Atlantic and the Pacific coasts.

Forty-sixth Congress, third session:

House Report No. 224, February 14, 1881.—Report by Mr. Hill on the interoceanic canals and the Monroe Doctrine.

House Mis. Doc. No. 16, February 6, 1880.—Report by Mr. King from the Select Committee on Interoceanic Canals.

House Mis. Doc. No. 13, February 17, 1881.—Report by Mr. Turner on the Tehuantepec Ship Canal.

House Report No. 390, March 3, 1880.—Report by Mr. King on the Monroe Doctrine and ship canals.

House Report No. 211, February 12, 1881.—Report by Mr. King on the Maritime Canal Company of Nicaragua.

House Report No. 322, February 22, 1881.—Report by Mr. King on interoceanic ship railway.

Senate Mis. Doc. No. 42, February 16, 1881.—Resolution by Mr. Eaton that the consent of the United States is a necessary condition precedent to the execution of an interoceanic ship canal.

Forty-seventh Congress, special session:

Senate Report No. 1, May 16, 1881.—Report of Mr. Burnside on the construction of ship canals across the Isthmus of Darien.

Senate Ex. Doc. No. 5, October 24, 1881.—Message of the President, transmitting documents from the State Department relative to the projected oceanic canal at Panama.

Forty-seventh Congress, first session:

Senate Report No. 213, March 6, 1882.—Report by Mr. Vest, from Committee on Commerce, on bill to incorporate the Interoceanic Ship Railway Company.

Senate Ex. Doc. No. 194, August 3, 1882.—Message of the President, transmitting a report of the Secretary of State and accompanying papers relating to Clayton-Bulwer treaty.

Senate Ex. Doc. No. 78, January 27, 1882.—Message of the President, transmitting the correspondence touching the desired modification of the Clayton-Bulwer treaty.

House Report No. 1698, July 21, 1882.—Majority report by Mr. Kasson on the Nicaragua Canal bill. Part 2 of this report contains the views of the minority, by Mr. Blount.

Senate Report No. 368, April 4, 1882.—Report by Mr. Miller from the Committee on Foreign Relations.

Forty-seventh Congress, second session:

Senate Report No. 952, January 31, 1883.—Report by Mr. Miller on the incorporation of the Maritime Canal Company of Nicaragua.

House Ex. Doc. No. 107, May 2, 1882.—Report of the Secretary of the Navy, transmitting the report of Lieut. J. T. Sullivan.

Forty-eighth Congress, first session:

Senate Ex. Doc. No. 26, December 19, 1883.—Message of the President, transmitting a

report of the Secretary of State relating to the treaty between the United States and Great Britain signed April 19, 1850.

Senate Ex. Doc. No. 123, March 12, 1884.—Report of the United States officers on the progress of the work on the ship canal at the Isthmus of Panama.

Forty-eighth Congress, second session:

Senate Mis. Doc. No. 12, December 10, 1884.—Report from the Secretary of State, containing the correspondence relative to the Panama Canal.

Forty-ninth Congress, first session:

House Mis. Doc. No. 395, January 20, 1886.—Special intelligence report on the progress of the work of the Panama Canal during the year 1885, by Lieut. W. W. Kimball, U.S.N.

Senate Mis. Doc. No. 139, July 12, 1886.—A remonstrance of the American, Atlantic and Pacific Ship-Canal Company against the incorporation by Congress of the Maritime Canal Company of Nicaragua, presented by Mr. Sherman.

Senate Ex. Doc. No. 99, March 15, 1886.—Report of the Secretary of the Navy, transmitting the report and survey of the Nicaragua Canal, by A. G. Menocal.

Forty-ninth Congress, second session:

Senate Report No. 1628, January 6, 1887.—Report by Mr. Edmunds on Senate bill No. 2636, to incorporate the Maritime Canal Company of Nicaragua.

Senate Ex. Doc. No. 50, January 25, 1887.—Message of the President transmitting a report from the Secretary of State, with sundry papers touching the construction of a ship canal through Nicaragua.

Fiftieth Congress, first session:

Senate Report No. 221, February 9, 1888.—Report by Mr. Edmunds on Senate bill No. 1305, to incorporate the Maritime Canal Company of Nicaragua.

Fiftieth Congress, second session:

House Report No. 4167, March 2, 1889.—Report by Mr. McCreary on the construction or control of interoceanic canals at the Isthmus of Darien by European governments.

Fifty-first Congress, first session:

House Report No. 3035, August 30, 1890.—Report by Mr. Baker adverse to repealing the act incorporating the Maritime Canal Company of Nicaragua.

Fifty-first Congress, first session:

Senate Ex. Doc. No. 49, February 6, 1890.—Report of the Secretary of the Interior, transmitting the Report of the Maritime Canal Company of Nicaragua for 1889.

Fifty-first Congress, second session:

Senate Mis. Doc. No. 76, February 21, 1891.—Resolution by Mr. McPherson providing for the construction of the Nicaragua Canal by the United States.

Senate Report No. 2334, January 20, 1891.—Report by Mr. Edmunds containing a list of the stockholders in the Nicaragua Canal Company.

Senate Report No. 1944, January 10, 1891.—Report by Mr. Sherman from Committee on Foreign Relations, to accompany Senate bill No. 4027.

Senate Ex. Doc. No. 5, December 8, 1890.—Annual Report of the Maritime Canal Company of Nicaragua for 1890.

Fifty-second Congress, first session:

Senate Ex. Doc. No. 4, December 10, 1891.—Annual Report of the Maritime Canal Company of Nicaragua to December 1, 1891.

Senate Mis. Doc. No. 7, December 8, 1891.—Memorial from the legislature of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 36, December 21, 1891.—Memorial from the Traffic Association of California in favor of the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 32, January 6, 1892.—Resolution by Mr. Morgan providing for an inquiry as to the progress of the Nicaragua Canal.

House Mis. Doc. No. 17, November 14, 1890.—Report of Consul Newell, transmitting

a report of the commission making annual settlement of the Nicaragua Canal Company.

Senate Mis. Doc. No. 97, March 18, 1892.—Report by the Secretary of War, transmitting a report by Maj. C. E. Dutton relative to the Nicaragua Canal.

Senate Mis. Doc. No. 208, July 22, 1892.—Resolution by Mr. Sherman directing a continuation of the investigation of the Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 5, 1892.—Report of the Maritime Canal Company of Nicaragua for 1892.

Senate Mis. Doc. No. 69, February 10, 1892.—Resolution by Mr. Higgins requesting a report as to the work done by the Nicaragua Canal Company.

Fifty-second Congress, second session:

Senate Mis. Doc. No. 16, December 21, 1892.—Memorials favoring a speedy completion of the Nicaragua Canal presented by Mr. Morgan.

Senate Mis. Doc. No. 23, January 13, 1893.—Nicaragua Canal, advantages to accrue from resolution providing for inquiry as to, by Mr. Morgan.

Senate Mis. Doc. No. 32, January 20, 1893.—Resolutions of National Board of Trade urging the early completion of the Nicaragua Canal by the United States presented by Mr. Quay.

Senate Ex. Doc. No. 46, February 6, 1893.—Report of Maj. W. McFarland on the examinations of the proposed route for the Nicaragua Canal.

Senate Mis. Doc. No. 25, January 14, 1893.—Resolution by Mr. Wolcott directing inquiry as to the expenditures upon the Nicaragua Canal.

Senate Report No. 1262, February 4, 1893.—Report presented by Mr. Sherman as to the expenses and progress of the Nicaragua Canal Company.

Senate Report No. 1142, December 22, 1892.—Condition and prospects of the Nicaragua Canal (on Senate bill 1218).

Senate Mis. Doc. 47, February 9, 1893.—Resolutions of Virginia organizations favoring the construction of the Nicaragua Canal under the control of the United States presented by Mr. Hunton.

Senate Ex. Doc. No. 1, December 6, 1892.—Report of the Secretary of the Interior, transmitting the Annual Report of the Maritime Company of Nicaragua.

Fifty-third Congress, second session:

Senate Report No. 331, April 14, 1894.—Report by Mr. Morgan amending and favoring Senate bill 1481, to amend act incorporating Maritime Canal Company of Nicaragua.

House Report No. 1201, July 5, 1894.—Report on the Nicaragua Canal by A. G. Menocal.

Senate Mis. Doc. No. 18, December 10, 1893.—Resolution by Mr. Morgan for joint committee to report on the Nicaragua Canal.

Senate Ex. Doc. No. 74, April 6, 1894.—Report of the Secretary of War, transmitting a report on the military aspects of the Nicaragua Canal by Capt. G. P. Scriven.

House Report No. 226, December 19, 1893.—House resolution No. 70, by Mr. Wise, providing for a joint committee on the Nicaragua Canal.

Senate Ex. Doc. No. 5, December 11, 1893.—Report of the Nicaragua Canal Company for 1893.

House Report No. 1201, July 5, 1894.—Report by Mr. Mallory, submitting H.R. 7639, to amend act to incorporate the Nicaragua Canal Company.

Fifty-third Congress, third session:

House Report No. 1779, February 7, 1895.—Report favoring Senate bill No. 1481, to amend act to incorporate Nicaragua Canal Company.

Senate Ex. Doc. No. 1, December 3, 1894.—Annual report of the Maritime Canal Company of Nicaragua for the year 1894.

Senate Mis. Doc. No. 15, December 4, 1894.—Memorial from San Francisco for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 7, December 3, 1894.—Memorial of the Chamber of Commerce of Portland, Oreg., for Congressional aid in the construction of the Nicaragua Canal.

Senate Mis. Doc. No. 56, January 18, 1895.—Resolution by Mr. Caffery, favoring acquisition of territory in Nicaragua and Costa Rica for a ship canal.

Fifty-fourth Congress, first session:

Senate Doc. No. 315, March 27, 1896.—Hearings on House bill No. 35, on the Nicaragua Canal, before the Interstate and Foreign Commerce Committee.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of February 11, 1860, between Great Britain and Nicaragua; treaty of June 21, 1867, between the United States and Nicaragua.

House Report No. 2126, June 1, 1896.—Report on the Nicaragua Canal Board of Engineers for ascertaining feasibility, permanence, and cost of canal by route contemplated by act which passed Senate January 28, 1895. For appendix and maps see House Doc. No. 279, 2 parts.

House Report No. 1851, May 18, 1896.—Report of the Committee on Printing, favoring Senate concurrent resolution No. 40, to print the report of the Nicaragua Canal Board of Engineers.

Senate Doc. No. 34, December 20, 1895.—Mr. Cockrell presented lecture delivered by Mr. E. L. Corthell, before the National Geographic Society at Washington, D.C., November 22, 1895, on the Tehuantepec route.

Senate Doc. No. 133, February 24, 1896.—Clayton-Bulwer treaty of April 19, 1850.

House Doc. No. 279, February 7, 1896.—Message of the President, transmitting the report of the board of engineers as to cost of construction and completion of the Nicaragua Canal by the route contemplated and provided for by the act which passed the Senate January 28, 1895.

House Report No. 2285, June 6, 1896.—Report by Mr. Chickering, for printing the hearings before the Interstate and Foreign Commerce Committee upon the Nicaragua Canal.

House Report No. 178, June 30, 1896.—Report by Mr. Doolittle, requesting the report of the board of engineers on the Nicaragua Canal route.

Senate Report No. 1109, June 2, 1896.—Report by Mr. Morgan, from the Select Committee of the Construction of the Nicaragua Canal, favoring Senate bill No. 3247, identical with House bill No. 35, to amend act to incorporate the Maritime Canal Company of Nicaragua.

Senate Doc. No. 15, December 9, 1895.—Annual report for the year 1895 of the Maritime Canal Company of Nicaragua.

Fifty-fourth Congress, second session:

Senate Doc. No. 102, January 23, 1897.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, including a statement of the president of the Maritime Canal Company relative thereto.

Senate Doc. No. 14, December 9, 1896.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 78, January 22, 1897.—Report of Secretary of State, transmitting a communication from the minister of the Greater Republic of Central America at Washington, D.C., relating to the Nicaragua Canal.

Senate Doc. No. 184, March 3, 1897.—Message of the President, transmitting a report from the Secretary of State, with correspondence relating to the Nicaragua Canal since 1897.

Fifty-fifth Congress, second session:

Senate Doc. No. 10, December 8, 1897.—Report of the Secretary of the Interior, transmitting the annual report of the Maritime Canal Company of Nicaragua.

Senate Doc. No. 263, March 12, 1898.—The

Dream of Navigators, by Capt. A. S. Crowninshield, U.S.N.

Senate Doc. No. 289, June 9, 1898.—Report of the Secretary of the Interior, transmitting a statement from the Maritime Canal Company as to its stocks, bonds, etc., for construction of the canal.

Senate Doc. No. 291, June 1898.—Clayton-Bulwer treaty of April 19, 1850.

Senate Doc. No. 341, June 15, 1898.—Statements before the Select Committee on the Construction of the Nicaragua Canal, by J. G. Walker, L. M. Haupt, and Peter C. Hains.

Senate Report No. 1265, June 30, 1898.—Report by Mr. Morgan, from the Select Committee on the Construction of the Nicaragua Canal, to accompany bill No. 4792.

Senate Doc. No. 245, April 19, 1898.—Secretary of the Treasury transmits an estimate showing the additional cost of a survey of the Nicaragua Canal.

Senate Doc. No. 188, 1898.—Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaragua Canal, the future control of the Pacific Ocean, the strategic value of Hawaii and its annexation to the United States.

1889. Act to incorporate the Maritime Canal Company of Nicaragua.

1895. Act January 28, 1895, establishing a Board for ascertaining feasibility, permanence and cost of a canal across Nicaragua.

1899. Act March 3, 1899, authorizing the President to appoint a Commission to investigate routes for a transisthmian canal, particularly in Panama and Nicaragua, 30 Stat. 1150.

Note: The Commission recommended Nicaragua. Senate Document 357, 57th Congress.

1902. The Spooner Act of June 28, 1902, authorizing the President to acquire "perpetual control" of a transisthmian canal route in Panama or Nicaragua and to proceed to construct a canal, 32 Stat. 481.

1904. Act April 28, 1904, providing for the temporary government of the Canal Zone, 33 Stat. 429.

1905. Act December 21, 1905, supplementing the Spooner Act, and *inter alia* requiring annual reports to the Congress by persons in charge of construction of the Canal and government of the Canal Zone, 34 Stat. 5.

1906. Act June 29, 1906, providing for construction of a lock canal at Panama, 34 Stat. 611.

1909. Act February 27, 1909, relating to the control and ownership of land in the Canal Zone, 35 Stat. 658.

1912. The Panama Canal Act of August 24, 1912, providing for the opening, maintenance, protection and operation of the Panama Canal and the sanitation and government of the Canal Zone, 37 Stat. 560.

1914. Act of June 15, 1914, amending the tolls provisions of the Panama Canal Act of August 24, 1912, 38 Stat. 385.

1914. Act August 25, 1914, authorizing transfer of a steam launch used in the construction of the Panama Canal to the Government of France, 38 Stat. 709.

1915. Act March 4, 1915, providing for the recognition of services of military and Public Health Service Officers in the construction of the Panama Canal, 38 Stat. 1190.

1916. Act August 21, 1916, authorizing the President to make rules and regulations affecting health, quarantine, taxation, highways and police power in the Canal Zone, 39 Stat. 528.

1916. Act September 7, 1916, providing for compensation for injuries sustained by employees of the U.S. in the performance of their duties, with specific provisions for administration of the Act insofar as concerns employees of the Panama Canal, 39 Stat. 742.

1919. Act prohibiting the importation, sale or possession of alcoholic beverages in the Canal Zone, 41 Stat. 305.

1928. Act March 23, 1928, authorizing construction of a dam across the Chagres River at Alhajuela in the Canal Zone.

1929. Resolution 99, March 2, 1929, authorizing an investigation of construction and cost of additional locks at the Panama Canal, and the practicability and cost of constructing and maintaining a new canal at Nicaragua.

1930. Act May 27, 1930, providing for a ferry and highway near the Pacific entrance of the Panama Canal, 46 Stat. 388.

1934. Act June 19, 1934, to establish a code of laws for the Canal Zone. (Not published in Statutes at Large.)

1935. Act May 31, 1935, establishing the jurisdiction of the U.S. Circuit Court of Appeals to review final decision of U.S. District Court for the District of the Canal Zone, 49 Stat. 313.

1936. Joint Resolution May 1, 1936, authorizing the Governor of the Panama Canal to investigate the means of increasing the capacity of the Panama Canal and to prepare designs and cost estimates for additional locks and other structures, 49 Stat. 1256.

1936. Act June 24, 1936, providing for exclusion and deportation of persons from the Canal Zone, 49 Stat. 1905.

1936. Act June 24, 1936, providing for punishment of vagrancy and disorderly conduct in the Canal Zone, 49 Stat. 1906.

1937. Act July 8, 1937, providing for cash relief of certain employees of the Panama Canal not within the provisions of the Canal Zone Retirement Act, 50 Stat. 478.

1937. Act July 9, 1937, establishing sovereign rights, power and authority of the U.S. over air space above the Canal Zone and authorizing the President to make rules governing air navigation in the Canal Zone, 50 Stat. 486.

1937. Act July 10, 1937, amending the provisions of law for issuance of marriage licenses in the Canal Zone, 50 Stat. 510.

1937. Joint Resolution July 10, 1937, authorizing the disposal of Panama Railroad Company lands in Colon, Republic of Panama, 50 Stat. 511.

1937. Act August 24, 1937, providing for the measurement of vessels using the Panama Canal, 50 Stat. 750.

1938. Act March 26, 1938, providing for appointment term, leave and residence of the District Judge, District Attorney and Marshal in the Canal Zone, 52 Stat. 118.

1939. Act August 11, 1939, authorizing construction of a third set of locks at the Panama Canal, 53 Stat. 1409.

1940. Act June 13, 1940, amending the laws governing the Canal Zone postal system, 54 Stat. 389.

1940. Act October 21, 1940, establishing rates of overtime compensation at the Panama Canal, 54 Stat. 1205.

1941. Act June 3, 1941, authorizing overtime rates of compensation for certain per annum employees of the Panama Canal, 55 Stat. 241.

1941. Act December 12, 1941, providing for regulation of photographing in the Canal Zone, 55 Stat. 798.

1941. Act December 16, 1941, providing for removal of fugitives to or from the Canal Zone, 55 Stat. 802.

1941. Act December 31, 1941, incorporating the Union Church in the Canal Zone, 55 Stat. 877.

1943. Joint Resolution of May 3, 1943, authorizing transfer to Panama of certain lands and the rights, title and interest of the U.S. in the water systems of the cities of Panama and Colon.

1944. Act May 29, 1944, providing for recognition of civilian employees in construction of the Panama Canal, 58 Stat. 257.

1944. Act July 1, 1944, increasing the terms of the District Judge, District Attorney and Marshal, 62 Stat. 991.

1945. Act July 2, 1945, amending the Canal Zone Retirement Act.

1945. Act December 28, 1945, authorizing an investigation of the means of increasing the capacity and security of the Panama Canal. 59 Stat. 663.

1946. Act August 7, 1946, amending its Act of May 29, 1944, to recognize the services of civilian employees in construction of the Panama Canal. 60 Stat. 873.

1947. Act July 2, 1947, authorizing transfer of property by the War and Navy Departments to the Panama Canal.

1948. Act June 29, 1948, reincorporating the Panama Railroad Company. 62 Stat. 1076.

1949. Act July 21, 1949, repealing the Canal Zone Retirement Act and extending the Civil Service Retirement Act to employees of the Panama Canal and Panama Railroad Company. 63 Stat. 475.

1949. Act August 10, 1949, making miscellaneous amendments to the Canal Zone Code.

1950. Act September 26, 1950, to provide for the operation of the Panama Canal by the Panama Railroad Company, as renamed the Panama Canal Company and to reconstitute the agency changed with the civil government of the Canal Zone. 62 Stat. 1076.

1956. Act July 23, 1956, authorizing construction of a high level bridge over the Panama Canal at Balboa in accordance with an agreement with the Republic of Panama. 70 Stat. 596.

1957. Act August 30, 1957, authorizing the conveyance to the Republic of Panama of lands and improvements which U.S. had agreed to convey in 1955 treaty "subject to the enactment of legislation by the Congress." 71 Stat. 509.

1958. Act July 25, 1958, to implement the provisions of the 1955 treaty and associated agreements with Panama covering personnel administration in the Canal Zone. 72 Stat. 406.

1958. Act August 8, 1958, to authorize revision of the Canal Zone Code. 72 Stat. 512.

1962. Act October 18, 1962, revising and codifying the laws of the Canal Zone. 76 A. Stat.

1964. Act September 23, 1964, providing for a Commission to investigate feasibility of, most suitable site for and best methods of construction of a sea-level canal. 78 Stat. 990.

1968. Act June 22, 1968, amending the Act of September 22, 1964, by extending the life of the Commission to December 1, 1970, and increasing the authorization of appropriations for the study to \$24 million. 82 Stat. 249.

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

[Mr. O'HARA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AUTHORIZING THE SPEAKER TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER. Pursuant to the unanimous consent request, the Chair de-

clares a recess of the House, subject to the call of the Chair.

Accordingly (at 12 o'clock and 39 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 2 minutes a.m.

ADDRESS BY HON. ALEXANDER DEL GIORNO

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the distinguished judge of the Court of Claims of the State of New York, the Honorable Alexander Del Giorgio, recently addressed the 21st annual luncheon of the Columbian Lawyers Association, Inc., at Riccardo's in Long Island City, N.Y. Judge Del Giorgio will be retiring at the end of this year after having served as judge of the New York State Court of Claims for the past 13 years and before that as city magistrate for 5½ years and as assemblyman for 8 years. I am proud to count on Judge Del Giorgio as a personal friend.

I have long admired this true public servant who will be 71 years of age in February. He is the brother of Zachary Del Giorgio, a former esteemed and dedicated employee of the House of Representatives, and his career—a Horatio Alger story—holds hope for all who come to our shores from a foreign land and for all Americans.

At this time I place the text of Judge Del Giorgio's address to the Columbian Lawyers Association in the Record for the information of my colleagues in the House.

ADDRESS BY JUDGE ALEXANDER DEL GIORNO

I feel most highly honored to have been placed by this Association in the category of the great national and international guests who have heretofore spoken on the occasion of its Annual Luncheon. For this I am grateful to our President Daniel A. Castoria, the Chairman Benjamin V. Russo, the co-chairman Alfred J. Anastasi, and all the Officers, Board of Directors and Members of the Association.

Honored guests on the dais, and in the various groupings in attendance here today, and all guests here present, I am concerned whether or not my discourse this afternoon will not amount to more than the proverb "The dog barks and the wind carries it away." Nevertheless, in view of the fact that at the end of this year, I will have to retire as a Judge because of age, I just wonder if I can leave with you a message which in many ways will call upon your emotions and recollections, and perhaps help us to be more aware of where we are and where we ought to be.

I was born in 1900, and through the blessed love of my oldest brother, came here as an immigrant in 1913. He was a barber who raised and educated six children of his own, but still felt an obligation to our family on the other side to bring me and my younger brother here. I recollect how he would watch over us during our growth as a mother chicken watches her brood. Our difficulties were an opportunity for him to encourage

us to carry on, for as he would repeat, better days were awaiting us. Every day he would religiously ask us how we had fared in school and would sympathize with our difficulties. He would ever preach to us to choose our friends well, and to keep good company. He would encourage us to study hard because he would tell us that that would be the only way we could reach the goal of a profession, the same goal that he never had the privilege to dream of even though he was a very intelligent person.

My younger brother and I deeply acknowledged in our daily tasks our obligations to our older brother and, I must confess, we did our best to perform as well as we could in school which was in his great desire. For my part I had to do a little bit more, such as opening up the barber shop at 7 o'clock every morning for thirteen years, including Sundays, work until the school bell rang at 8:45 a.m., and then run to school around the corner. After school I would return to the barber shop to continue my work until closing time, which in those days could be anytime from 8 to 11 o'clock at night depending upon the whim of the customers. My studies were between the shaves and haircuts as well as after hours. I had no time for organized sports but being a strong believer in keeping bodily fit would high jump and throw the shot put in our back yard, sometimes at night, by the dim light of our kitchen.

From the very day that I landed on the shores of this beloved land, I would hear my brother, in particular, but also our neighbors talk of the "Melting Pot". The melting pot was, of course, the American Way of Life and all its attributes, privileges and opportunities. Sensing the idea of what the melting pot meant, and the benefits that could be derived by being a part of its boiling mass, I threw myself into every activity possible, starting in elementary school, in order that I might learn about those around me, the Americans, and the American way of life, and that in turn they might learn more of me. I quickly laid aside the thought I fancied that I was the son of an important person on the other side, the head of the Municipal Police, and quickly under the stress of a new, strange but exhilarating life became very humble and observant but, nevertheless, with a burning energy I strove to serve and please, so that I could make friends of the few Italian immigrants in our community, but most of the non-Italians surrounding us in order that I might make myself acceptable among them. That community was Long Island City, and for many, many years, it was, for me, America itself. Every shave I gave with great care and with a big smile, no matter how tired I was, or how non-existent were the tips, for I was determined to please, and in return to be complimented by the people I served.

Alex Del Giorgio has spoken of himself only as an example to be presented of the larger picture, for your fathers and grandparents in their own way experienced the same emotions and desires, the same anxieties, and they, too, saw that by devotion to duty, hard work, obedience to the law, devotion to friends, respect of neighbors, and love of the flag, there was a reward for them, the reward of some day calling themselves American citizens, and then to be able to say they also were now part of the warp and woof of the melting pot. Your fathers and grandfathers strove hard to learn an extra word of this very difficult language for us Italians, for they knew that communication with others and understanding on their part was basic to their acceptance in the community and to their very happiness and modest success they were hoping for.

I have known so many immigrants who for years were alone in this great land, away from their beloved wives and children, and toiling under harsh conditions, pining only for the day when they could bring them



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