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Howard H. Baker, Jr. Scholars Program Research

The Great Conciliator and U.S. Foreign Public Policy

Learning from Former Senator Howard Baker, Jr.'s Example
during the Panama Canal Treaties Ratification

Hadil Senno
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The United States Senate plays a peculiar role when it comes to this country's foreign policy. Lines are blurred between responsibilities as a mere body that ratifies, agents in the negotiation process, and investigators in the creation. Nothing adds to the ambiguity more than a controversial international issue. Where should the Senate stand during the shuffle that is policy establishment? With whatever negotiators and the administration say is the correct move? With the obvious opinions demonstrated by their constituents? With the platform clearly voiced by their respective political party? The answers to these questions are never particularly clear, and history has proven that the Senate has previously failed to stand a solid ground in addressing foreign policy controversies. However, there is a time in the Senate's record where one Senator in particular was willing to face these challenges with a thorough, methodical, and holistic approach to facilitate the ratification of one of the most divisive treaties of his day. Minority Leader Howard Baker, Jr. was no stranger to the obstacles presented by U.S.-Latin American relations, especially concerning Panama. Amidst cries of communism and political party treachery, he was able to guide the Senate towards a policy decision that ultimately proved to be in the United States' best interests. The role Senator Baker assumed in the ratification of the Panama Canal Treaties is one that should be emulated by current and future Senators in the creation of modern foreign policy. His strides towards a collaborative, bipartisan decision are ones that are still critical to ensure sound international relations in today's global politics.

Howard H. Baker, Jr. was born into politics. Just one in a family of lawyers and active Republicans, Baker was predisposed to affairs of state; both his father, Howard Baker Sr., and father-in-law, Everett Dirksen, served in the U.S. Congress as Republican Representatives. Baker naturally transitioned from practicing law to serving in public office, gaining his first Senate seat in 1966. While being an influential minority leader during the Watergate scandal investigations

and serving as both Minority and Majority Leader stand out against his many accolades during his time in the Senate, his influence in the international affairs realm should also not be overlooked. Baker was involved in many significant foreign policy decisions during his political career, ranging from Asian-American relations during his ambassadorship to Japan to the defeat of the SALT II treaties in the late 1970s.¹ The ratification of the Panama Canal Treaties, however, was one foreign policy challenge he did not anticipate to lead. When asked by President Carter to help ratify the treaties in the Senate, Baker reflected that it was one question he had wished the President never asked.²

The Panama Canal has a patched presence throughout United States history. Granted the rights to build and defend the Canal in 1903 through the Hay-Bunau-Varilla Treaty, the structural accomplishment was rarely debated in America afterwards. A series of riots, threats, and non-successful peace talks in the Canal Zone beginning in the 1960s, however, brought the Panama Canal back to the forefront of foreign policy issues.³ For the next several years, the Panama Canal would be hotly debated in an attempt to update an outdated treaty and replace with one serving both the United States and Panama's internal interests. By the 1970s, it was clear that if a new agreement between the two countries was not reached violence would strike. Jimmy Carter arrived on the tumultuous scene with his election in 1977, hopeful to settle the outstanding issue and repair relationships with Latin America.⁴ These simple goals would not prove to be easily accomplished, as Panama's acting leader General Omar Torrijos almost ensured. Torrijos established himself as a worthy adversary. He was not easily swayed by the

¹ Annis Jr., J. Lee. *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. Print.

² Shapiro, Ira. "The Panama Canal Fight." *The Last Great Senate*. 1st ed. New York: PublicAffairs, 2012. 141. Print.

³ Annis Jr., J. Lee. "A Profile in Courage, Vandenberg Style." *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 123. Print.

⁴ Shapiro, Ira. "The Panama Canal Fight." *The Last Great Senate*. 1st ed. New York: PublicAffairs, 2012. 138. Print.

overwhelming presence and pressure of the United States, and had the backing of enough Panamanians to incite revolt for respect if necessary. Panama was in a position to make headlines if the U.S. did not recognize their needs; Torrijos had the country poised on the margins of the international stage. Latin American relations were proving to be of increasing importance in the global world, and Torrijos had made clear that Panama could be of no exception.⁵ On the other hand, Carter was hardly less eager to ignore him. Recruiting both leaders of the Senate, Majority Leader Robert Byrd and Minority Leader Howard Baker, Jr., to engage in treaty ratifications, the stage was set for one of the most divisive political issues either nation had experienced thus far.

An initial agreement was reached between President Carter and General Torrijos in August of 1977. This agreement provided the basis for two new treaties; one detailing the operation of the Canal and its subsequent transition to Panama after the year 2000, and the other, dubbed the “Neutrality Treaty,” describing the neutrality of the canal and the position of the United States to defend it thereafter.⁶ Immediately, this vague agreement raised skepticism and antagonism. Concerning the first treaty, apprehension was expressed over how well an unstable dictatorship could effectively control and operate the Canal, and why the United States was even willing to hand it over to Panama in the first place. Moreover, headlines were quoting numbers such as \$600 million as the Canal transfer’s price tag, enough to scare any taxpayer.⁷ Yet it was the Neutrality Treaty that quickly became the center of attention, with both sides finding holes in the language and ambiguity for interpretation. The United States’ terms for intervention in case the need arose was not adequately addressed, which gave rise to debate over the rights of passage

⁵ Annis Jr., J. Lee. “A Profile in Courage, Vandenberg Style.” *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 124. Print.

⁶ *Ibid*, 125.

⁷ O’Leary, Jeremiah. “\$600 Million to Transfer Canal,” *Washington Star*. Print. Baker Papers, Box 14, Folder 9 “Foreign Relations Committee, Panama Canal Treaty 1977,” Modern Political Archives, University of Tennessee, Knoxville.

for warships. Indeed, it was debated whether, even if this was included in explicit terms, Panama would uphold the agreement given their authoritarian rule.⁸ In a White House press release of the President's address on the Panama Canal Treaties in February 1978, Carter attempted to abate American concern by stating, "It is obvious that we can take whatever military action is necessary to make sure that the canal always remains open and safe."⁹ Yet Torrijos made clear that point was *not* obvious, and in fact, was not something they had agreed upon. The fine line of sovereignty was being blurred as both sides argued over who retained what rights and when.

The Panama Canal Treaties were not of issue only to the two nations listed in the contract. On the global front, the dispute extended to all of Latin American, and given the United States' presence internationally, the world at large. At the time, Carter was left dealing with the bad taste Vietnam had put in the mouths of most Americans. On the one hand, it was clear that another unwanted, unsuccessful military expedition should be avoided at all costs. On the other, Carter did not want the world to see the United States as pulling back from its global responsibilities due to shame or embarrassment. Latin America's turbulent history with imperialism was another factor to be considered, as well. The Neutrality Treaty reflected Carter's conflicting interests by remaining rather elusive. Yet these were the points that needed to be overtly expressed to ensure America retained its prestigious global position, according to Roger Fontaine.¹⁰ Director of Latin American Studies at Georgetown University, Fontaine's views were widely circulated among the Senate and administration for advice. Fontaine made clear that

⁸ "Notes on Canal and Related Matters." Baker Papers, Box 14, Folder 6 "Foreign Relations Committee, Panama Canal Treaties 1977," Modern Political Archives, University of Tennessee, Knoxville.

⁹ "Text of Remarks of the President's Address on Panama Canal Treaties." Office of the White House Press Secretary. Print. Baker Papers, Box 13, Folder 22 "Foreign Relations Committee Correspondence 1977-1978," Modern Political Archives, University of Tennessee, Knoxville.

¹⁰ Fontaine, Roger W. "The Panama Canal Debate: Unasked Questions, Incomplete Answers." Center for Strategic and International Studies, Georgetown University. Print. Baker Papers, Box 13, Folder 27 "Foreign Relations Committee Correspondence 1977-1978," Modern Political Archives, University of Tennessee, Knoxville

“what should not be open to debate is this country’s right to an open and secure passageway connecting the planet’s two principal oceans, and the proper means to insure it,” amongst widespread debate about just that.¹¹ This conflict of interest, extending onto the wider Latin American population, had the ability to ruin the crumbling relations the U.S. held with their southern counterparts. Moreover, rumors of a connection between Panama and communist parties in Eastern Europe were beginning to proliferate, alarming conservatives during an already uneasy time. The communism factor played well into the hands of those who were against lending any more power to Torrijos, who were convinced would abuse it unless strict prohibitions were put in place. It became increasingly clearer that certain amendments were necessary if there was to be any hope for ratification.

Senate Leaders Byrd and Baker were left to deal with the myriad of controversies the best they could. Recognizing the need for clarity if ratification was to be obtained, they set about to collaborate on amendments. The result was two amendments that expressed in direct language the Canal’s neutrality and America’s position pursuant to the Neutrality Treaty. The first reaffirmed both countries’ ability to defend the Canal when necessary, while preserving Panama’s sovereignty in the Zone. The last statement carried the most impact, declaring, “The provisions of this article shall not be construed as conferring upon the United States of America a right of intervention in the internal affairs of the Republic of Panama and any action by the United States of America pursuant to this article shall not be directed against the territorial integrity or political independence of the Republic of Panama.”¹² The second amendment guarantees U.S. vessels priority during times of need, allowing them to go to the head of the line

¹¹ Ibid.

¹² “Amendment.” Baker Papers, Box 14, Folder 8 “Foreign Relations Committee, Panama Canal Treaties 1977,” Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 22.

without delay.¹³ Yet these were not satisfying enough to quell the fears of those in the Senate who were still sitting on the fence. An unexpected freshman Senator from Arizona, Dennis DeConcini, threw himself in the spotlight with his own amendment. The DeConcini reservation proclaimed that the United States would have the right to “take such steps as it deems necessary, including...force...to reopen the Canal or restore the operations of the Canal.”¹⁴ An incredibly forward statement given the previous agreements with Panama, most of the Senate seemed to be calmed by this addition and adopted the reservation by a 75-23 vote.¹⁵

The Senate’s role in international policy is to advise and consent, as enumerated by the Constitution. Yet Byrd and Baker’s amendments, along with the controversial DeConcini amendment, were obvious examples of the Senate’s place in treaty negotiation and formation. Baker was the driving force for amendments, and made it clear to both Carter and Torrijos that without his additions the original treaties the two had proposed would never pass in the Senate. In this example, Senate involvement in the treaty’s configuration proved to be necessary and prudent. The DeConcini reservation, however, provided a contrasting example. Neither the Senate nor the Carter administration notified Panamanian leaders of the revision in advance, and the release of the statement caused Torrijos to gravely reconsider the entire agreement.¹⁶ Nevertheless, the DeConcini amendment was critical to gain the necessary votes for ratification, and eventually Torrijos relented and allowed the treaty, now with three revisions, to be handed over to the Senate for final passage.

¹³ “Amendment.” Baker Papers, Box 14, Folder 8 “Foreign Relations Committee, Panama Canal Treaties 1977,” Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 22.

¹⁴ Annis Jr., J. Lee. “A Profile in Courage, Vandenberg Style.” *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 133. Print.

¹⁵ Ibid.

¹⁶ Ibid.

As Minority Leader, Senator Baker was in a special position when the treaties arrived in the Senate. Even before amendments were proposed, it was widely recognized that without Baker's approval, the treaties would never pass. The American Conservative Union did well to inform the public about the importance of Baker's vote on this subject, printing full page ads in *The Tennessean* with the headline "Senator Baker, alone, can save the Panama Canal!"¹⁷ Other newspapers were not blind to the influence Baker would have on galvanizing the Senate to a vote, and articles were printed regularly reminding the Senator of his authority. The Republican Party was also putting enormous pressure on Baker as Minority Leader to adopt their collective decision of rejecting the treaties, pressure that reached a boiling point in February of 1978. Fourteen Republican Representatives sent a note to Baker stating, "We respectfully suggest that you formally step aside as the Minority Leader of the Senate for the duration of the debate on the Panama Canal treaties." Citing the Republican National Platform of 1976 as well as the "majority view" of the Republicans and the general public, their suggestion was nevertheless unprecedented.¹⁸ Baker responded with a firm stance that he would not yield to party politics and abandon his duties to the Senate.¹⁹ This was a common theme throughout Baker's tenure in the Senate, and one that was critical to the Panama Canal debates. In an interview with the former Senator on April 27th, 2012, Baker revealed that he knew his voting in favor of the treaties would provide the appropriate "cover" other Republicans would need to also vote yes, essential to

¹⁷ American Conservative Union. Advertisement. *The Tennessean* 4 Sept. 1977. Print.

¹⁸ "Baker Asked to Step Aside on Canal Issue." Congress of the United States, House of Representatives, Washington, D.C. Print. Baker Papers, Box 13, Folder 66. Modern Political Archives, University of Tennessee, Knoxville.

¹⁹ Memorandum to Mr. W. J. Super. Print. Baker Papers, Box 13, Folder 27 "Foreign Relations Committee Correspondence 1977-1978," Modern Political Archives, University of Tennessee, Knoxville.

reaching the 2/3 majority vote require . He simply stated, “That was part of my role as Minority Leader.”²⁰

With pressures mounting daily, Baker’s task by the end of 1977 was daunting. Given such a divisive issue, he exercised every effort to be completely informed of the interests on both sides. It would go a long way in ensuring his final decision would not be influenced by media outcries or party pressures. Not a stranger to the Foreign Relations Committee, Baker commissioned two consultants, one for and the other against the treaties but both highly educated in U.S.-Latin American relations, to relay their knowledge during hearings.²¹ Drawing from his days as a trial lawyer, he took an active role in the hearings himself to uncover all the necessary information regarding the treaties. But hearings in Washington D.C. were not enough for him to draw definite conclusions; he arranged a trip to the country of Panama itself. Newspapers were critical of this step in the decision-making process, calling it “An Expensive Decision” that was being funded by taxpayers.²² Yet Baker still defends his trip, recently remarking that it was “to see firsthand Panama and the internal arrangements, meaning Torrijos and his governance; and... to give other senators an opportunity to see... what the circumstances were.”²³ The trip also provided Baker a forum to talk face-to-face with Torrijos concerning the treaties as they stood in January of 1978. Although Torrijos was reportedly “surprised and upset” when informed that additional amendments would have to be conceded to garner the support necessary for Senate passage, ultimately he gave Baker his assurance that he would back the adjustments.²⁴ Flying

²⁰ Baker, Jr., Howard H. "Baker Scholars Research Interview." Personal interview. 27 Apr. 2012.

²¹ “Senator Baker and the Panama Canal.” Print. Baker Papers, Box 13, Folder 27 “Foreign Relations Committee Correspondence 1977-1978,” Modern Political Archives, University of Tennessee, Knoxville.

²² Bynum, C. H. “An Expensive Decision.” Print. Baker Papers, Box 65, Folder 29. Modern Political Archives, University of Tennessee, Knoxville

²³ Baker, Jr., Howard H. "Baker Scholars Research Interview." Personal interview. 27 Apr. 2012.

²⁴ Kaiser, Robert G. “Baker Says Canal Pacts Could Pass.” *Washington Post*. Print. Baker Papers, Box 14, Folder 9 “Foreign Relations Committee, Panama Canal Treaties 1977,” Modern Political Archives, University of Tennessee, Knoxville.

back to the United States, Baker was now confident that, given the amendments, the treaties stood in the best interests of both nations. Persuading the rest of the Senate, especially those Republicans still on the fence, to this view was the last, near insurmountable hurdle.

To say that Baker was receiving bad press for his actions at the time is an understatement. Pictured as everything from a bird preying over other Senators and the treaty²⁵, to standing on stilts in between two sides of the canal²⁶, to swimming through a Panama Canal filled with sharks²⁷, the amount of negative attention being thrown onto Baker was overwhelming. The press had plenty to feed off of, given the pushback on the treaties the Republican Party, Tennesseans, and the general public were providing. Republican Representatives did not stop at asking Baker to step down from his Minority Leader position; personal letters from individuals also began pouring in. As Representative William Harbor would write, the issue went beyond supporting a controversial treaty, to fracturing the Republican Party and the platform it stood upon. Harbor ends his letter to Baker by declaring, “I would hope that you could see your way clear to intervene in this situation so that we can go about our proper task of electing Republicans.”²⁸ He was one of many in a staunchly right-wing faction within the Republicans adamantly against the treaties, notoriously led by Ronald Reagan. Reagan waged war via the post office against Baker and the treaties. Thousands of letters were sent to citizens around the nation, calling the treaties “one of the most serious mistakes in its [the United States] 200 year history”

²⁵ McLeod. “Canal Treaty.” Cartoon. Print. Baker Papers, Box 65. Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 23.

²⁶ terHorst, J. F. “Baker Walks in Where Torrijos Treads.” *L.A. Times*. Print. Baker Papers, Box 14, Folder 9 “Foreign Relations Committee, Panama Canal Treaties 1977,” Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 24.

²⁷ MacNelly. “Panama Canal.” Cartoon. *Chicago Tribune*. Print. Baker Papers, Box 66. Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 25.

²⁸ Memorandum to Honorable William H. Harbor. Print. Baker Papers, Box 65, Folder 30. Modern Political Archives, University of Tennessee, Knoxville.

and “a line-by-line blueprint for potential disaster for our country.”²⁹ The four-page letter ends with a request for donations to the Emergency Panama Canal Fund, a brainchild of Reagan’s established by the Republican National Committee and National Republican Congressional Committee. And these were not the only ones close to home putting their opinions on paper. It is estimated that by mid-March of 1978, Baker had received 64,000 letters, almost all urging him to vote against the treaties.³⁰ Constituents from around Tennessee were showing their outrage at their elected Senator’s views, citing everything from Baker’s ignorance on communism in the area to his wasteful expenditures on the Panama trip as criticism. A concerned resident of Knoxville is an example of the prevailing attitude in Tennessee, writing, “Are your constituents in Tennessee, who vote for you, and have written you concerning this matter so dumb, ignorant and illiterate that our opinions are of no significance, or will our Senator feed us what is good for us and ignore our opinions?” and ending with the pointed statement, “See you at the ballot box next election.”³¹ One cartoon even shows then-governor Ray Blanton yelling at Baker, asking “What are you trying to do – give us Tennesseans a bad name?”³² Recognizing Baker’s role in the advocacy of the treaties, citizens outside of his own constituency were also sending in their similarly negative opinions. As Baker recently remarked, “advice and views were never in short supply.”³³

Polls completed around the same time provided the numbers to back up written sentiment. One popularly cited poll published in *The New York Times* in November of 1977

²⁹ Memorandum from Ronald Reagan. Print. Baker Papers, Box 14, Folder 3 “Foreign Relations Committee, Panama Trip 1977-1978,” Modern Political Archives, University of Tennessee, Knoxville.

³⁰ Annis Jr., J. Lee. “A Profile in Courage, Vandenberg Style.” *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 130. Print.

³¹ Memorandum from Raymond Q. Brashier. Print. Baker Papers, Box 65. Modern Political Archives, University of Tennessee, Knoxville.

³² Garner. *The Commercial Appeal*. Cartoon. Print. Baker Papers, Box 66. Modern Political Archives, University of Tennessee, Knoxville. See also appendix pg 26.

³³ Baker, Jr., Howard H. “Baker Scholars Research Interview.” Personal interview. 27 Apr. 2012.

showed a dismal 29% approval rating, compared to 49% disapproving.³⁴ A Gallup poll done one month prior, called “in effect, a national referendum,” reveals similar results, at 46% disapproving.³⁵ Baker commissioned Polls, Inc. in December of the same year to conduct a telephone survey of his own constituents, which, not surprisingly, shows opposition at 45% and indecision at 32% of those surveyed.³⁶ Yet some hope remained. These same polls showed that when asked about the treaties with amendments guaranteeing U.S. interests, the margin for approval almost reversed. In *The New York Times* poll, the approval rating jumped to 63%, and Tennesseans likewise would favor a treaty with guarantees by about a two-to-one ratio.³⁷ With this in mind, alongside promise from Torrijos for favorable reception of amendments, Baker knew that the treaties could pass muster in the Senate. What he also knew was that the votes needed to meet the 2/3 majority would have to be from the Republican end; using the polls, thorough reasoning, and his famous ability to persuade people to a more moderate position, Baker took to animating his previously opposed party counterparts.³⁸

After a long and arduous process, Baker had a taste of success in the final Senate vote on the treaty ratification. By a mere 68-32 vote, the treaties passed, amendments attached, and Baker believed he had done everything to protect the interests of this country and preserve the appropriate wishes of Panama. This moment of success, however, was fleeting. The year 1980 brought about the beginning of the presidential campaigns, with Baker well-anticipated as a

³⁴ “Support for Canal Treaties Depends on Security Provisions.” *The New York Times*. CBS News Poll. Print. Baker Papers, Box 14, Folder 4 “Foreign Relations Committee, Panama Trip 1977-1978,” Modern Political Archives, University of Tennessee, Knoxville.

³⁵ “Public Closely Divided on Canal Issue.” *The Washington Post*. Gallup Poll. Print. Baker Papers, Box 14, Folder 4 “Foreign Relations Committee, Panama Trip 1977-1978,” Modern Political Archives, University of Tennessee, Knoxville.

³⁶ “The Panama Canal Treaty Issue and Tennessee’s Voters.” Polls, Inc. Print. Baker Papers, Box 14, Folder 2 “Foreign Relations Committee, Panama Trip 1977-1978,” Modern Political Archives, University of Tennessee, Knoxville.

³⁷ Ibid.

³⁸ Annis Jr., J. Lee. “A Profile in Courage, Vandenberg Style.” *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 134-135. Print.

contestant. Baker was acutely aware of the upcoming election and the effects a pro-treaty vote could have on his career; indeed, his actions of just a few months earlier brought about devastation to his presidential aspirations. Once the forerunner and a viable candidate, Baker lost the nomination by a wide margin to Ronald Reagan, by that time well recognized for his letter campaign against the Panama Canal. Looking at Baker's resume in the political arena, one issue stands out as a contributing factor to this loss. While Baker was able to bridge the Panama Canal issue for treaty ratification, ultimately he sank amidst the outrage of his own political party and constituents. Baker did enjoy the support of a few loyal followers and dedicated citizens who understood the significance of his decision at the time; many wrote offering their support and vote for the presidential election no matter the treaty outcome.³⁹ Overall though, it was not enough to garner the support necessary to win a contest as large as the presidency.

An editorial published before the presidential campaigns gained full steam provides an interesting opinion on the fallout of Baker with the Republican Party. Stating the Panama Canal treaties as the "single issue" upon which Baker was being judged, the article ends with, "...we don't believe someone who has gained party leadership recognition because of a consistent career of contribution to and support of the party and its principles ought to be dumped just because of one vote."⁴⁰ This one editorial was not exceptional in its assessment. As history would reveal, "Baker's support [of the Panama Canal treaties] went a long way to ensuring that he would not be the Republican presidential nomination in 1980."⁴¹ Just months prior, his presidential prospects had seemed exceptionally promising. And he was not the only one whose political career was altered off course due to the Panama Canal vote. Eight incumbent Senators

³⁹ Baker Papers, Boxes 65-66. Modern Political Archives, University of Tennessee, Knoxville. See also appendix pgs 27-28.

⁴⁰ "Baker Judged on Single Issue." *Tyler Morning Telegraph*. Print. Baker Papers, Box 66. Modern Political Archives, University of Tennessee, Knoxville.

⁴¹ Shapiro, Ira. "The Panama Canal Fight." *The Last Great Senate*. 1st ed. New York: PublicAffairs, 2012. 145. Print.

lost their seat in the 1978 reelection; seven had followed Baker's lead and voted in favor of the treaty.⁴²

In retrospect, it seems a shame that a political leader courageous enough to face the challenges of controversial foreign policy head-on was ultimately punished for his actions. If Americans are dissatisfied with Senators who do nothing in the way of creating beneficial legislation, what message is being sent when they do not vote in higher offices those who clear the way for important treaties to be passed? The answer to this question proves to be rather cyclical. The political arena is a linked chain. The ideas constituents have may not always be represented in the buildings of our nation's capital, but these are the people who ultimately decide the fate of the nation through their vote. Americans have no trouble in exercising their power to remove someone from office who they think has done harm. As a republic, so it should be. Acutely aware that the fate of their careers lies with the people, Senators are no strangers to having to appease their constituents. Moreover, there are political party leaders to be heeded. And so the link seems unbreakable, between concern over reelection and alignment with party ideals. Yet another question to be asked remains: is this chain of accountability always beneficial to the country at large when constituents, and even political parties, are uninformed and misjudging?

One need look no further than opinion polls to see that the average American's faith and trust in the government has declined over the past decades. The modern-day view of Congress is likened to that of a slow political machine, too weighed down on either side by partisan politics that compromise is never reached, and new legislation rarely passed. The current dissatisfaction with Congress in particular begs the question of what constituents want and expect out of their

⁴² Panama Canal File, Office of the Senate Historian. Print. Senate Office Building, Washington, D.C.

Senators and Representatives. The three typical roles of Congressmen or women are that of a delegate, trustee, or politico. There are arguments pointing to the benefits of each type, and indeed many Senators switch perspectives as necessary. Yet the growing influence of large political parties, mainly the Democratic and Republican Parties, give off the impression that Senators are to be strict delegates – not to their constituents, but to their respective Party. While this allegiance to party platform may lie in accordance with constituent beliefs, it depresses the Senator's individual capacity to decide what is best. As Ambassador Thomas Graham, former U.S. diplomat and negotiator on arms control treaties, reflected in a recent interview, "Everything is seen through the prism of partisan political interest."⁴³

In the international policy realm, partisan politics can be extremely detrimental due to its limiting nature. As previously noted, Senators already have to decide with whom they will side when ratifying legislation. With foreign policy, however, an additional audience member is added, that of an entirely different nation. The beliefs vested in those people and of that particular country must then be taken into account as well. Moreover, the relationship the U.S. has fostered with that nation, indeed that entire region, must also be accounted for. These complex connections can easily be missed if Senators are forced to focus solely on the interests of their Party. How might this relate to Senator Baker's position during the Panama Canal treaty ratifications? Baker was able to answer this question of balance, and the outcome of his reply can reveal the flaws in partisan politics and ill-informed constituent pressures.

In order to fully emulate Baker's example, his actions must be studied and examined for their value. The first striking characteristic of the process through which Baker evaluated the Panama Canal treaties was the tremendous thoroughness of his efforts. The extensive Foreign

⁴³ Graham, Thomas. "Baker Scholars Research Interview." Personal interview. 25 Apr. 2012.

Relations Committee hearings with briefs presented by opposing sides, his personal trip to Panama to secure the cooperation of Torrijos, as well as the meticulous assessment of the details of each clause can all lend credence to prove Baker's unrelenting effort to be fully informed of the treaties. When asked about dealing with the overwhelming outpour of opinions from outsiders, Baker replied, "You can't afford to totally ignore that, but you can't afford to be totally captured by it either."⁴⁴ Preferring to use his independent and informed judgment rather than be swayed by polls and constituents, Baker was able to come to rationalized conclusions that were in the best interest of both countries. Although the Republican Party was taking a strong stand against the treaties, and Baker himself, it did not cloud his ability to help create good policy. On the other hand, *The Wall Street Journal* recognized the storm politicians like Reagan were creating at the time. In an article titled "The Big Flap Over the Canal," the author points to Reagan's hope that his "angry Panama speeches will help his election interests. They may, but it's difficult to see how such talk helps the national interest."⁴⁵ Baker preferred to be subtle about his views, knowing that an angry outburst of policy statement would not ease the process or provide the support he was looking for during ratification.

It is difficult enough to wade through the myriad of opinions offered when a new piece of legislation is up for debate. The level of difficulty increases exponentially if ratification has potential to become extremely controversial, as was the case with the Panama Canal debates. Senator Baker handled thousands of constituent complaints, opposing letter-writing campaigns, party outcries and public discontent. The heat of the moment is enough to produce poor results from any political participant, yet Baker was able to step back from these pressures and remain

⁴⁴ Baker Jr., Howard H. "Baker Scholars Research Interview." Personal interview. 27 Apr. 2012.

⁴⁵ Keatley, Robert. "The Big Flap Over the Canal." *The Wall Street Journal*. Print. Baker Papers, Box 14, Folder 11 "Foreign Relations Committee." Modern Political Archives, University of Tennessee, Knoxville.

calm in his decision-making. Just as the accomplishments of Baker during the Canal treaties period should not be forgotten, nor should the ramifications it had for his political career be ignored. Ultimately, he was judged harshly by both his own Party and his followers for his actions, judgment reflected in future elections. Knowing this, Baker could have easily been swayed by the Republicans to conform to their preconceived treaty answer, guaranteeing him further favor in the forthcoming elections. Yet he chose an unpopular response in the nation's time of need; arguably, examples of this type of political courage are rarely seen today due to the increasingly burdensome pressures political parties place on their affiliates. Are Senators always concerned with reelection as opposed to the actual issue at hand? Richard Viguerie, notorious at the time for his mail-action campaigns and right-wing conservatism, provides a demonstrative example. At the time of the Panama Canal debates, Viguerie reminded Senators that "[Conservative activists] can go to the polls, look for a person's name on the ballot who favored these treaties and vote against him."⁴⁶ It is no surprise that many Senators were "taking a position that had been carefully road tested for political advantage."⁴⁷ The evidence points to reelection as a shade that too often overshadows the more basic issues at hand, leaving Senators to make poor policy judgments.

While the Panama Canal treaties and Baker's subsequent actions provide a noteworthy example for the Senate, it should be noted that a controversial issue should not be a prerequisite for Senators to disengage in partisan politics and the pressures of reelection. The mere notion of controversy is enough to heighten the volume of these outside influences, yet it is not always a determining factor in the seriousness of pressing issues before Congress. Nor should it be construed that partisan politics always leads to bad policy. Admittedly party interests can and

⁴⁶ Shapiro, Ira. "The Panama Canal Fight." *The Last Great Senate*. 1st ed. New York: PublicAffairs, 2012. 146. Print.

⁴⁷ Ibid.

have led to beneficial policy in this country's history. Senator Baker himself agrees that "the party system has contributed to a vital forum for the debate of issues."⁴⁸ The distinction should be made, however, at a time when a political party's power becomes so overwhelming as to stifle the actions of Senators in attempting to determine what is actually in the best interests of everyone involved. Baker would go on to say in his interview, "I would like to see sometimes, one side or the other agree more readily to consider a particular point of view."⁴⁹ Likewise, constituent outcries can often silence Senators' own opinions for fear of their careers. Ultimately, there are too many players in the game to point to just one to blame for failed legislation. Senators must take into account the interests of all participants, and yet not be so afraid of their own parties or constituents as to fail to take the appropriate actions. As Baker's career proves, citizens will be the ultimate judge of a Senator's career; those opinions, however, do not necessarily reflect the success or failure of treaties.

Given the benefit of hindsight, it can be determined that ratification of the Panama Canal treaties was indeed the best course of action for the United States and the relationship with Latin America. Baker will be the first to continually defend this, stating that "ratification of it was exactly the right thing...even more so now in my view than it was then. It was remarkable that we were able to do it given the furor that was created in large part with the press...because so many people risked political retaliation. But it was the right thing to do."⁵⁰ Although these treaties were passed over thirty years ago, it does not appear that the Senate has moved much in the way of bipartisanship recently. The New Start Treaty of 2010 provides a strikingly similar example to that of the Panama Canal. Senator John Kerry, chairman of the Foreign Relations

⁴⁸ Baker Jr., Howard H. "Baker Scholars Research Interview." Personal interview. 27 Apr. 2012.

⁴⁹ Ibid.

⁵⁰ Ibid.

Committee and a Democrat backing an important Obama initiative, almost echoes Baker in his sentiment that the Start treaty should not be governed by partisan politics. Yet the rest of the article in the *Los Angeles Times* paints a picture in stark contrast to Senator Kerry's hopes. "The partisan politics of ratification were clear in the debate," and indeed are more than lucid throughout the article. Little is said concerning the actual treaty and the effects it will have for future Russian nuclear arms discussions. Instead, the article is littered with statements concerning Republicans "crossing over" to the Democratic side in order to give the treaty the final 71-26 approving vote.⁵¹ Ambassador Graham says he was not surprised by this outcome, given that the trend lately has been winning over Republicans or Democrats for votes, rather than focusing on the particular issue at hand. Going even further, Graham comments that, "Under the circumstances that exist today, it's difficult to imagine someone playing the unifying role that Senator Baker played in his U.S. Senate."⁵² This is the situation Senators are left with today; a confusing mix of desire to be bipartisan while living in the reality of partisan pressures.

The value of bipartisanship is not completely lost on the U.S. Congress. Its hope for survival exists in the minds of Senators like Kerry, who understand that important initiatives cannot pass without compromise. Nevertheless, with the massive shape partisan politics is forming in today's Senate, the word compromise is slowly morphing into the word sacrifice. A sacrifice former Senators like Baker have come to fully appreciate. Modern foreign policy politics has led to the absolute need for Senators to emulate Baker's example and approach the floor willing to cooperate with other Parties, other national interests, and other views rather than solely their own. As the Panama Canal debates prove, it is certainly not an easy task. But as

⁵¹ Oliphant, James, and Michael Muskal. "Senate Passes New START Treaty." *Los Angeles Times*. Los Angeles Times, 22 Dec. 2010. Web. 03 May 2012. <<http://articles.latimes.com/2010/dec/22/news/la-pn-start-senate-20101223>>.

⁵² Graham, Thomas. "Baker Scholars Research Interview." Personal interview. 25 Apr. 2012.

Americans, there should be hope that elected Senators are as courageous as Baker was in their own endeavors. As John F. Kenney wrote, “ ‘it is ... the compromisers and conciliators...who are faced with the severest tests of political courage as they oppose the extremist views of their constituents.’”⁵³ Former Senator Howard Baker, Jr., the Great Conciliator, passed this test, and it should be impressed upon Senators today to strive for the same.

⁵³ Annis Jr., J. Lee. “A Profile in Courage, Vandenberg Style.” *Howard Baker: Conciliator in an Age of Crisis*. 2nd ed. Madison, 1995. 122. Print.

APPENDIX

Of Primary Source Material

AMENDMENT

Intended to be offered by Mr. Baker to the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal.

At the end of Paragraph 1 of Article VI, add the following:

This is for the purpose of, and shall be construed as, assuring the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, assuring that such vessels go to the head of the line of vessels in order to transit the Canal rapidly.

AMENDMENT

Intended to be proposed by Mr. Baker to the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal:

At the end of Article IV, add the following:

In order to assure that the Canal will remain open, secure, and accessible to the ships of all nations, each of the two Parties to this Treaty shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality and, consequently, shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

The provisions of this article shall not be construed as conferring upon the United States of America a right of intervention in the internal affairs of the Republic of Panama and any action by the United States of America pursuant to this article shall not be directed against the territorial integrity or political independence of the Republic of Panama.



'Welcome aboard!'

IV.

Baker Walks In Where Torrijos Treads

LA. Times 1/4/78
BY J. F. terHORST

Given the fresh signs of flexibility by Senate Republican leader Howard Baker and by Panamanian Gen. Omar Torrijos, it is now possible to envision narrow Senate approval of the Panama Canal treaties.

Moreover, the way may be open for an accommodation without the bitter, party-wrecking fight posed by the antitreaty diehards on the Republican right flank.

That is the hope—indeed, the strategy—of Baker, after his brief trip to the Canal Zone and meetings with Torrijos last week. Bringing it off, however, will test his ability as a leader to the utmost. He will need cooperation from Torrijos on the one hand and from President Carter on the other.

As the treaties now stand, Baker has aligned himself against them. He informed Torrijos as much, adding that the Panama acts did not have sufficient support of Republican senators to ensure approval by the necessary two-thirds margin of the chamber.

For the moment, the Tennessee Republican has aligned himself with the "no, never" epitomized by conservative Sen. Jesse Helms (R-N.C.) and Ronald Reagan, the most Republican foes of the Panama Canal treaties.

Baker does not intend to remain in their camp. He is suggesting several changes in the treaty language, a couple of which are major. These can be made, he is signaling both Torrijos and Carter that he will vote in favor of transferring canal ownership in control to Panama by the year 2000. He would not only for approval of the treaties but also to even help round up the required Reagan votes.

Baker, in effect, is ready to part company with the antitreaty forces that have been building up and down the land that the Canal is a symbol of America's sovereignty. In Reagan's catchy line, "We built it, and we ought to keep it."

What does Baker want? He wants specific assurance the United States' right to the canal against threatened seizure by outside power. He wants American ships the right to "go to the head of the parade" in the passage through the waterway after 2000. And he wants to nullify the provisions that now would require the United

States to build any replacement canal solely in Panamanian territory.

The most practical way of securing these changes is through a series of "reservations" tacked on to the treaty documents before voting by the Senate. That is a common procedure in the ratification of treaties. It eliminates the necessity of renegotiating the entire pacts by the participating nations.

If that can be done, it is quite possible that



some of the current treaty foes in the Senate will reconsider their opposition. Sen. Jake Garn (R-Utah), a critic who accompanied Baker to Panama, has hinted that changes in the treaties also could persuade him to change his mind.

But Torrijos, in whom Garn detected a "willingness to be conciliatory," will demand something in exchange. Torrijos has his own Reagan and Helmses who accuse him of giving up too much to the Yankees.

What does Torrijos want? He believes that he ought to have a pledge by the United States, approved by the Senate, that America

J. F. terHorst writes a syndicated column in Washington.

will never interfere in Panama's internal affairs.

Torrijos also wants a lessening of U.S. demands regarding how the American flag will be flown on the U.S. bases that would remain in the zone during the 22-year transition period. This may sound like a trivial matter but it remains a major and threatening irritant to the whole process.

It ought to be remembered that a dispute over the flying of the U.S. flag helped trigger the serious anti-American riots in Panama in the mid-'60s that, in turn, convinced President Johnson of the necessity for renegotiating the status of the Panama Canal. Torrijos plainly does not want to give his own hotheads another excuse to start trouble.

Baker undoubtedly will catch it from the Republican right. Some, as Reagan contended in a phone call to me, take the position that the Republican Party, first in the 1976 convention in Kansas City and again last Sept. 30 at the Republican National Committee meeting in New Orleans, is firmly on record against a Panama Canal settlement.

I have checked the language of both resolutions, however, and find no such prohibition. The GOP convention opposed any Panama deal that would jeopardize "the protection and security of the U.S. and the entire Western Hemisphere." The Republican National Committee resolution opposes only the treaty drafts as "proposed by President Carter."

Both of these give Baker ample justification for working out a modified treaty in the best interests of the United States, while avoiding the cannibalization of the party on the Panama Canal question that the muscular right wing seems to favor.

One must give Baker considerable credit for political courage in facing the wrath of the conservatives. He is up for reelection this fall. Thousands of his Tennessee constituents have pressured him to lead the fight against the Panama "giveaway."

Likewise threatened is his chance of being the Republican presidential candidate in 1980. But he has nonetheless decided to bite the bullet on the Panama question.

If he can carry it off, Baker could emerge as one of the heroes of the coming Senate debate. And that ought to enhance not only his reelection prospects but also his status as Senate Republican leader and as a future White House contender.

WHERE THE GOOD TIMES ARE NO MORE

A Suburban Settlement...

He's got high hopes

Baker's bet is on the canal treaties

By Jim Squires

SOME OF President Carter's key political strategists say they hope U.S. Sen. Howard Baker [Tenn.] winds up with the Republican nomination for President in 1980.

Why? Because he's the only Republican running who is shorter than Carter. "Short guys are easier to beat," explains one, "especially short, paunchy guys like Baker."

Of course, some of President Carter's key political strategists are weirdo comedians who never have a serious thought about anything.

While their penchant for nonsense could explain what's behind some of the President's decisions, their Baker joke serves more as a reminder of one of the serious and important political realities of the day.

As short as he is [somewhere around 5 feet 8 inches] the Tennessee senator was plenty tall enough to see his way

clear to support passage of the Panama Canal treaties, something expressly forbidden by his party's national platform.

FOR BAKER, who wants badly to be the GOP presidential nominee, it was a gamble that the treaties will be ratified and fade as an issue long before he begins to fight the primary wars. But those who know Baker know also that he is not much of a gambler, especially with his own political hide.

He is instead one of the most pragmatic and cautious leaders in his party. And his decision is more likely explained by a keen perception of the state of party politics today.

In deciding to vote for the treaties, Baker came down squarely on one side of the great division within the Republican Party between those who want to win elections and those who want to stand for something different than the Democrats.

He's betting that the future of the party lies with those who want to broaden Republican Party appeal at the expense of the rigid philosophical approach of Ronald Reagan's right wing.

AS USUAL the mantle of leadership of the grand old party is currently being fought over by men like Reagan and U.S. Rep. Philip Crane [R., Mt. Prospect], who want philosophical purity, and men like Baker and John Connally, who want to win the White House and control Congress.

The irony of it all is fascinating. Reagan, Crane, Baker, and Connally are all basically conservative, much more than say a Kennedy or a Rockefeller. Carter is too, so much in fact that Republicans have often had to take liberal positions in order to criticize him.

If Carter is as vulnerable in 1980 as it appears today he might be, it will be on the ideological left with traditionally Democratic voting groups. Those most upset with Carter are the liberal special interests dissatisfied with his sluggish response to their problems.

For example, Southern blacks, who are more responsible for Carter's victory than anyone else, are the most restive. If they had not voted 90 per cent for Carter in 1976, Jerry Ford would still be President. The disaffection of only a few could be very important to the Republicans.

ANOTHER CHINK in the Carter armor is the disaffection among Southern white moderates who voted for Carter more out of regional pride than anything else.

Baker and some other conservative Republicans such as party chairman William Brock, who wants to broaden party appeal across these groups, know they must offer something else besides rhetorical tirades over the Panama Canal.

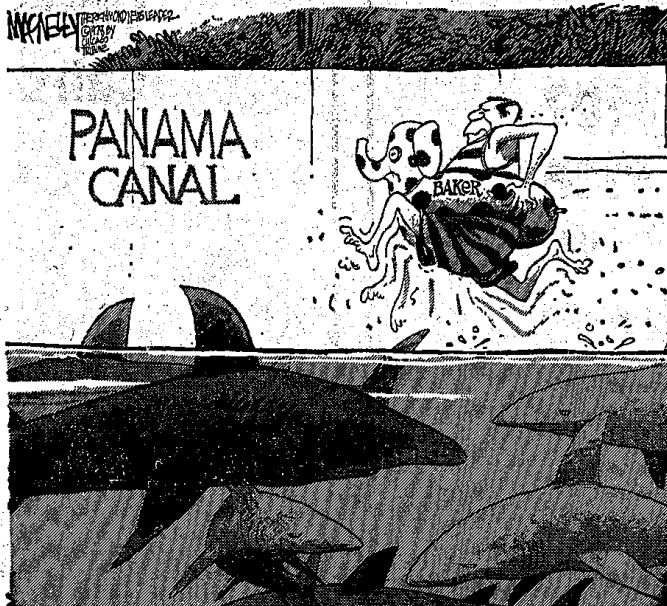
They may not succeed. But even if they don't, their desire to do so is another step toward recognition of a political reality that neither party wants to admit.

The truth is that George Wallace was right. There isn't a dime's worth of difference between Democrats and Republicans because the problems facing Americans today are far too complex to fit neatly into partisan politics.

Neither party has a satisfactory answer to the energy crisis, runaway inflation, unemployment, crime, decay of the cities, and international entanglements in Africa and the Middle East.

About the only choice parties can offer these days is between short and tall.

Jim Squires, a former chief of The Tribune's Washington bureau, is editor of the Orlando [Fla.] Sentinel Star.



CAPLER
78
THE COMMERCIAL APPEAL

WHAT ARE YOU
TRYING TO DO - GIVE
US TENNESSEANS A BAD NAME?



732 Westridge Road
 Knoxville Tenn. 37919
 Nov. 25, 1977.

SEN NOV 28 PM 9:00
 Senator Baker,
 Senate Office Building,
 Washington, D.C.

9-24

Sir,

Why are you hiding your position
 on the American Canal in Panama?

Our country paid billions of dollars to
 build and maintain it besides paying the
 people millions in Panama ~~as~~ a subsidy.

Have you forgotten Castro in Cuba? We
 now have pro-Russians in Cuba hurting and
 harming in many ways our Country.

Do you want the Pro-Russian Panama
 president to be a twin of Castro?

If you don't vote and also disclose
 your position in the next two weeks, my
 family and I will vote against you
 in your coming election. Also I will
 ask my friends, in the Elks, Eagles, V.F.W.,
 and many Masonic friends to vote
 for your opponent, for a man who
 has the American interest. President Carter
 is wrong about Cuba ~~(Panama)~~ wrong about the breeder
 complex in Oak Ridge. France has had a breeder
 for nearly ten years.

Yours truly,
 J. P. Burke

Dear Senator,

I have read materials on the Panama Canal Treaties and I believe that these treaties must be ratified. I urge your support. We need your vote as one of the 67 votes necessary to approve these important treaties.


Name Norman J. Faria
 Address University of Bridgeport 520 University Av
Box 115
 City Bridgeport State CT Zip 06602

Additional remarks — please use your
considerable influence to pass the treaties
 Signed Norman Faria

Rt 1 Box 86 A
 Grandview, TN 37337
 Mar. 17, 1978

Dear Senator Baker

Congratulations to you for voting in favor of the Panama Canal Treaty. I hope you will also vote in favor of the second treaty.

Sincerely

 Arthur Jensen Jr

Dear Senator,

I have read materials on the Panama Canal Treaties and I believe that these treaties must be ratified. I urge your support. We need your vote as one of the 67 votes necessary to approve these important treaties.

Name J. P. Morgan
 Address 600 Rothwood #B-6
 City Madison State Tn. Zip 37115

Additional remarks I think America's image in Latin
America will improve if we sign the treaty
 Signed J. P. Morgan