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May 12, 1975

MEMORANDUM FOR: STEPHEN LOW
FROM: FERNANDO E. C. DE BACA
SUBJECT: Panama Canal Issue

Attached for your review and files are letters with enclosures from Mr. Phillip Harman of Los Angeles.

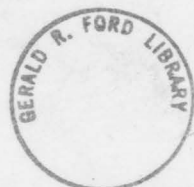
The letters deal with the Panama Canal issue and reflect Mr. Harman's strong point of view that the U. S. ought not to bargain away its hold on the Panama Canal Zone.

Enclosed also are copies of my letters of acknowledgment to Mr. Harman which indicate action taken with respect to his correspondence. Do you feel that an additional reply would be in order from either you or someone at the State Department? If so, would you be kind enough to send to send me a copy of your reply.

Mil gracias.

FILE NOTE: Address of Mr. Harman
P. O. Box 25100
Los Angeles 90025

FECDeB:mmmd:5/12/75



file
Panama Canal
issue

PHILLIP HARMAN
POST OFFICE BOX 25100
LOS ANGELES, CALIFORNIA 90025

29 de noviembre de 1975

Hon. Alejandro Orfila
10822 Alloway Dr.
Potomac Falls, Md. 20854

Estimado señor Orfila:

Incluyo una copia del análisis del señor Remos respecto a la situación de Panamá junto con copia de mi carta para el Secretario Clements. Espero que usted estudie con atención ambos escritos.

Desde que usted esta de acuerdo con la entrega de la soberanía de los E.U.A. sobre el Canal, al gobierno ilegal y pro-Sovietico que en estos momentos rige a la República de Panamá por la fuerza de las armas y que permitira a este régimen la nacionalización del Canal que todos sabemos le sera entregado a Rusia.

En realidad, yo no creo por un momento que usted puede estar de acuerdo con esta gran tragedia para todo el continente americano y el resto del mundo libre y digo esto porque de no ser asi usted lo mismo que Secretario Kissinger seran responsables de este paso gigantesco asia atrás y participes en el comienzo del hemisferio Ruso en nuestro continente.

Cordialmente,

Phillip Harman

Phillip Harman

cc: H.E. Señor Lic. Jorge L. Zelaya
Miembros de la OEA



PHILLIP HARMAN
POST OFFICE BOX 25100
LOS ANGELES, CALIFORNIA 90025

El Comunismo Tras el Problema del Canal

Nov 13, 1975
Por Ariel Remos

Diario de las Américas

Diversas presiones vienen ejerciéndose en el problema del Canal de Panamá. La oposición del Congreso norteamericano a la entrega del mismo, ha provocado una sinfonía inconclusa de amagos de todas clases, dentro y fuera de los EE.UU., para demostrar no ya la necesidad sino la inevitabilidad de tal entrega al régimen comunista de Torrijos. A la demanda

Claro que el argumento jurídico ha sido soslayado por los entreguistas. Para la comprobación de la situación legal del Canal y del derecho de propiedad de los EE.UU. sobre él, nos remitimos al documentado escrito "Panamá y los EE.UU. La verdadera historia", debido al honorable Spruille Braden, ex Embajador en Cuba y uno de los pocos americanos que conoce de verdad la situación de América.

"De acuerdo con los términos del Tratado Hay-Bunau-Varilla -dice Braden- 'los poderes soberanos, los derechos y la autoridad sobre la Zona del Canal a perpetuidad, fueron garantizados por Panamá a los EE.UU.' El 25 de mayo de 1904, el Secretario de la Administración de Panamá, Tomas Arias,



November 24, 1975

PHILLIP HARMAN
POST OFFICE BOX 25100
LOS ANGELES, CALIFORNIA 90025

Hon. William P. Clements, Jr.
Deputy Secretary of Defense
The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

As you know, I speak in the United States on behalf of the 1968 pro-U.S. constitutional government of President Arnulfo Arias of Panama whose anti-Communist government was seized by the Communist controlled military after only eleven days in office as well as for the gagged people of Panama who cannot express themselves as they would be jailed, deported or executed such as Father Héctor Gallego, a Catholic priest, who was thrown from an airplane into the sea so the body could not be found. The Vatican documented this murder by the official statement of Father Pedro Hernández Rabadal who stated that General Omar Torrijos, Panama's Chief of Government, ordered the execution.

I read with interest the "Talking Points" that you prepared for your address before the Ad Hoc Committee, National Security-Foreign Relations Division of the American Legion on November 17, 1975. If I may, I would like to make some comments concerning your "Talking Points":

- I. You stated that the 1903 treaty with Panama gave the U.S. authority within the Zone which the U.S. would possess "as if it were the sovereign" and that it is merely the legal instrument which the U.S. has used to safeguard its interest in Panama. However, I believe it is more than just a legal instrument. The U.S. Supreme Court ruled in 1907, "...it is hypercritical to contend that the title of the U.S. is imperfect, and that the territory described does not belong to this nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate."

Concerning this question of the sovereignty of the Canal Zone, I have asked the Legal Adviser to the State Department if Secretary of State Henry A. Kissinger is in violation of the law when he signed his Statement of Principles with the de facto government of Panama on Feb. 7, 1974. Secretary Kissinger's points 3, 4 and 5 stipulate that the Canal Zone is on Panamanian territory.

2. You stated that Panama has been dissatisfied with the 1903 treaty for years. What should be explained is that it has been the theme of the Communist Party of Panama since it was formed in 1930 to publicize in the world press with the help of Russia, that the 1903 treaty should be abrogated. This false propaganda has been intensified by the present illegal and pro-Castro-Soviet military dictatorship who have stayed in power solely because they control the arms of the country. They do not speak for nor do they represent the people of Panama. The U.S. should not forget what



President Arnulfo Arias of Panama, a good friend of the U.S. and now in exile in Miami, said publicly in 1963, "political groups which have no popular support do not hesitate to take recourse to the over-used Canal argument and that this anti-Yankee campaign opens the door to subversive agents of Castro communism and Soviet imperialism." This prediction is now a reality.

Unfortunately, to counteract this false propaganda of the Kremlin and the present anti-U.S. regime in Panama, the State Department's failure to assign a high enough priority to lobbying in capitals against these propagandists has created world opinion against the United States.

3. You stated that in 1967 neither Panama nor the U.S. moved to ratify three draft treaties. It should be explained why. The Congress of Panama (National Assembly) considered President Marco Robles' government a "spurious" one because of irregularities during the 1964 elections and therefore could not legally sign a treaty with the United States. President Johnson upon being informed of this fact did not submit the treaties to the Senate.
4. You stated in summing up your "Talking Points" that the major reason for negotiating a new treaty is to avert a serious crisis which could endanger the interests of the United States. I disagree with this reasoning. By negotiating with an illegal and pro-Soviet military dictatorship who is determined to bring Panama into the Marxist camp, is not solving the problem. The problem can only be solved by the restoration of Panama's pro-U.S. constitutional government of 1968. The suppressed Panamanians are cognizant of this because if their anti-Communist government of 1968 is not restored, they are aware of three factors that would take place which would be against the best interests of the United States and themselves:
 - a. With or without a treaty, the Zone will be nationalized.
 - b. With this nationalization, the Panamanians' livelihood of nearly \$235 million annually they now receive in direct benefits from the Zone would be in jeopardy.
 - c. The Russians would fill the vacuum left by the United States.

To sum up this letter, I do not think the U.S. Senate nor the House of Representatives nor the American people nor any American president believe that the effective use of the Panama Canal remains dependent upon a de facto government in Panama that was conceived in a military conspiracy, born through revolution and nurtured by terror.

Ever sincerely,
Phillip Harman
Phillip Harman

cc: Secretary of Defense
Secretary of the Army
Chairman, Joint Chiefs of Staff
Director, Defense Intelligence Agency
Director, National Security Council
Director, National Security-Foreign Relations Division
of the American Legion

