
Courts of World Opinion: Trying the Panama Flag Riots of 1964¹

In January 1964, riots broke out along the so-called border between Panamanian cities and the U.S.-run Canal Zone, resulting in loss of life among Panamanians and U.S. citizens and serious economic and political damage on both sides. While historians have mainly focused on the causes of the riots and the U.S.-Panama diplomacy that followed, a close look at the lesser-known international investigations of the violence adds texture and detail to the riots themselves as it also uncovers broader cultural and political dynamics surrounding the episode. This essay, informed partly by interviews with Panamanian participants and by documents from the Panamanian government, argues that Panamanians expressed a potent anticolonial discourse during the investigations, one that allowed them to conceal their government's substantial irresponsibility during the riots and help convince the U.S. government to negotiate the devolution of the canal into Panamanian hands.

A nagging question still hangs over the Panama Flag Riots of January 1964: Who won? To be sure, the United States had military might on its side, and only four U.S. soldiers, as opposed to twenty-one Panamanians, died in four days of fighting. But how the confrontation altered the balance of power in this most imbalanced of relations is far less obvious. To be sure, there were no immediate payoffs for either the U.S. or Panamanian governments. With dozens of lives lost, hundreds of belligerents and innocents wounded, millions of dollars in property destroyed, and relations between their two countries broken, Presidents Roberto Chiari and Lyndon Johnson faced an unwelcome crisis at the outset of an election year for both men. To most Panamanians, the most positive potential outcome of such a tragedy would be the transfer of the Panama Canal, for long a U.S. asset, into Panamanian hands. It was a long shot. Chiari had not demanded devolution before the riots, conceding that Panamanians

1. I wish to thank Meredith Hindley and Jason Parker for comments on an early draft of this essay.

were not ready to run the canal.² No U.S. president, meanwhile, had ever even considered in public handing over the canal. On 18 December 1964, however, less than a year after the riots, Johnson promised that the United States would not hold on to the waterway “in perpetuity,” as the Treaty of 1903 between the two countries stated. Johnson’s statement proved a major breakthrough: it led to the signing of two 1977 treaties in which President Jimmy Carter promised to hand over the canal to Panama by 2000. Certainly, in 1964 the canal was already not the economic or military treasure that it once had been. Nevertheless, a less valuable canal was still a valuable canal. What exactly compelled Johnson even to consider giving it away?

To Panamanians, the answer was simple—the moral gravitas of Panama’s national destiny. Virtually without exception, Panamanians have written about the riots as a Manichean epic that pitted pure-hearted patriots against arrogant imperialists. They have wrapped their memories in an unwavering belief in predestination. Panama’s century-long desire for full independence from U.S. tutelage moved its historians to ignore any mitigating facts associated with the riots, including the U.S. fatalities, knowledge of which might tarnish the spotless Panamanian self-image. Doing so has allowed them to characterize the devolution as Washington’s penance for the “massacre” of “unarmed” Panamanians engaged in a “*gesta*,” or “heroic deed,” in January 1964. Panamanians today commemorate the Ninth of January, the day the riots began, with a show of mourning and celebration usually reserved for fallen soldiers (the fact that the fatalities marked the first time any Panamanians had died facing foreign troops partly explains this). One memoirist of the riots declared that the violence was “extraordinarily positive for the Panamanian nation.” To canal treaty negotiator Juan Antonio Tack, the riots marked “the beginning of the final stage of the generation-long struggle [to win the canal].”³

2. Memorandum of conversation between President Chiari, John Kennedy, and others, 12 June 1962, *Foreign Relations of the United States, 1961–63*, 12 (Washington, DC, 1996), 828–38.

3. Adolfo Ahumada, *9 de enero: testimonio y significado* (Panama City, 1999), 1; Miguel Montiel Guevara and Juan Antonio Tack, *Hitos históricos de la lucha generacional por la consolidación y perfeccionamiento de la nación y el estado panameño* (Panama City, 1998), 47. Because of its political implications, serious historians have largely stayed away from 1964. For examples of nationalist histories, see César de León, *Significado histórico de la actual crisis entre Panamá y los Estados Unidos* (Panama City, 1964); Isaias Batista Ballesteros, *El drama de Panamá y América*, tome 2 (Panama City, 1965); Boris Blanco, *Panamá y sus relaciones con Estados Unidos de Norteamérica* (Panama City, 1973); Marta Chiari, *Historia de las relaciones de Panamá con los Estados Unidos* (Panama City, 1983); and Bolívar Perigault Sánchez, *Temas canaleros* (Panama City, 1987). More recent publications, such as *Tareas 97* (September 1997), solidified distorted perceptions. Also, the new Autoridad del Canal, which runs the waterway, reprinted Panamanian classics, including vol. 7, *Los sucesos del 9 de enero de 1964* (Panama City, 1999). The only nuance in this story is what could be called the Torrijos corollary, which claims that Panama’s dictator Omar Torrijos (1968–1981) rekindled momentum for the signing of the Panama Canal Treaties, the “final stage” of the 1964 *gesta*. See Omar Torrijos, et al., *75 años de relaciones entre Panamá y Estados Unidos* (Panama City, 1989). Elsewhere the memory of 1964 remains unblemished. Statues, street names, decoration ceremonies, political organizations, pilgrimages to grave sites, and quasireligious mourning on every 9 January have ritualized

Non-Panamanian observers of the riots, however, have suggested that, if anyone “won,” it may well have been the U.S. government. They have applauded Johnson’s restrained, centralist practicality, his show of toughness followed by conciliation. White House reporter Philip Geyelin remarked that Johnson garnered “probably too little praise” since, by the time of his December statement, things had taken “an astonishing turn for the better” compared to the previous January.⁴ And in perhaps the most comprehensive review of U.S.-Panamanian relations, British historian John Major agreed that “the [Johnson] policy response sketched out behind the scenes gave little away.”⁵ What could be called Johnson’s “tough love” or “carrot and stick” solution of December 1964—agreeing to hand over the existing canal while threatening to build another canal outside Panama—has thrown some confusion over the exact relationship between the riots of the 1960s and the treaties of the 1970s. So the question returns: If Johnson was still in such a position of power after the riots, how did Panamanians finally make the canal theirs?

What allowed Panamanians to extract any concessions at all from Johnson in 1964 lay less in their short-term application of political pressure and more in their longer-term rhetorical ability to reframe U.S.-Panamanian relations as an anticolonial struggle. The events of 1964 shocked but also inspired Panama’s nationalists to call forth a deep-rooted, crusading moralism that directly challenged the narrow, hard-headed legalism of U.S. policymakers. Two international investigations in the months following the riots—first by the Organization of American States (OAS) and then by the International Commission of Jurists (ICJ)—provided stages on which Panama could articulate this challenge. To be sure, historians have noted that, formally speaking, both investigations exonerated the U.S. government from Panama’s charges.⁶ But historians have offered no details or interpretations of either the OAS or the ICJ interventions. The only widely cited document on these investigations is the final report of the ICJ, which produced the most balanced narrative of the riots.⁷ But the report was a synthesis of evidence digested by the ICJ and intended for

heroism and martyrology. In contrast, the perhaps thousands who died during the U.S. invasion of 1989 enjoy no such commemorations.

4. Philip Geyelin, *Lyndon B. Johnson and the World* (New York, 1966), 274, 101.

5. John Major, *Prize Possession: The United States and the Panama Canal 1903-1979* (Cambridge, 1993), 336.

6. See David Farnsworth and James McKenney, *U.S.-Panama Relations, 1903-1978: A Study in Linkage Politics* (Boulder, CO, 1983), 45; Geyelin, *Lyndon B. Johnson*, 108-11, 272. In Kent Jay Minor, “United States-Panamanian Relations: 1958-1973” (Ph.D. diss., Case Western Reserve University, 1974), pages 137-58 are on negotiations but only page 150 is on findings; in William Jorden, *Panama Odyssey* (Austin, TX, 1984), page 59 is on the OAS findings and pages 76-77 are on the ICJ. Panamanians have overwhelmingly stayed silent on the OAS-ICJ investigations, partly because the results were not favorable, but also because they have not had the proper documents. As an illustration, Roberto Méndez in his *Panamá, 9 de enero de 1964: “Qué Pasó y Por Qué”* (Panama City, 1999) has done the most extensive research of any Panamanian, but he did not use OAS archives or ICJ transcripts.

7. International Commission of Jurists, *Report on the Events in Panama January 9-12, 1964* (Geneva, 1964).

public consumption; it gave little insight into both countries' representations of the riots. Virtually no scholar has researched OAS documents or has reviewed the hard-to-find transcripts of the ICJ hearings that provided the raw material for its report. Together, these sources relate weeks of meetings, presentations of evidence, and cross-examinations that were generally kept from the public.⁸ Brought to light, they best illustrate the ideological assumptions and rhetorical strategies of Panamanians and U.S. citizens caught up in the diplomatic aftermath of the riots. Added to documents from the Panamanian Ministry of Foreign Relations and exclusive interviews with participants in the 1964 riots, they suggest that Panamanian nationalists were determined to break free from the constricting U.S. rhetoric of treaty obligations and factual exposition and to concentrate instead on the less tangible issue of U.S. empire and the fuzzier but ultimately weighty pressures of world public opinion. While the United States won the riots in deed by relying on courts of law, Panamanians won them in spirit by appealing to courts of world opinion.

In some ways the Panama Flag Riots of 1964 had antecedents, but the ferocity of the fighting and the vehemence of public discourse around it were new. The riots prompted unprecedented polarizations in the United States and Panama and fostered a high-pressure context for the OAS and ICJ investigations. The violence between U.S. and Panamanian citizens from 9 to 13 January brought about the sudden collapse of a tenuous *modus vivendi* between U.S. policymakers and Panama's conservative leaders.

For decades, Panamanian elites had been careful to limit themselves to small revisionist victories that chipped away at the act of Panama's foundation, the Treaty of 1903, which outlined U.S. control over the Canal Zone. They rarely challenged the existence of the treaty itself. On the contrary, since the founding of Panama and the opening of the zone in 1914, leading Panamanians appreciated U.S. protection of their independence and the commerce and jobs that the canal's traffic produced. However, they increasingly protested discrimination by the "Zonians," as the U.S. inhabitants of the zone came to be called. Among other issues were pay scales that classified all Panamanian as an underclass, racial discrimination against anyone with dark skin in the zone, commercial exclusion from the zone for Panamanian merchants, and low annuities from canal revenues to the Panamanian government.⁹

By 1959, inspired by the Cuban Revolution, many Panamanians had radicalized their demands. Some wanted to overthrow what they saw as collaborationist, oligarchical Panamanian regimes. Others pressed those regimes to demand the devolution of the canal. Emotions generally ran higher than serious

8. The only exception is Eugene H. Methvin, "The Anatomy of a Riot: Panama 1964," *Orbis* 14 (Summer 1970): 463–89, a well-connected article but obsessed with communism.

9. For an overview of these revisions, see Walter LaFeber, *The Panama Canal: The Crisis in Historical Perspective* (New York, 1978), 83–120.

demands. In this context, the “flag issue” gained prominence because of its moderate symbolism. Proponents wanted the Panamanian flag to fly side-by-side with the U.S. flag in the zone, thereby acknowledging Panama’s official sovereignty over all its territory as stipulated in the Treaty of 1903. The Eisenhower and Kennedy administrations had both agreed in principle to the dual flag policy, but implementation had proceeded at a snail’s pace. By January 1964, the young Johnson administration was barely paying attention to the fact that zone administrators were moving not only slowly but also arbitrarily. Early that month, for instance, the principal of one of the zone’s high schools, Balboa High School (BHS), decided that, rather than have both flags fly on his school’s pole, he would forbid the flying of either.¹⁰

This seemingly minor decision sparked a scuffle among Zonian and Panamanian teenagers, the details of which would become central to the OAS and ICJ investigations. On 9 January 1964, the students of Panama City’s premier high school, the National Institute (the Instituto Nacional, or IN), marched into the zone and headed for BHS—to protest a protest. The patriotic BHS students were defying their principal’s no-flag-at-all policy and had hoisted a makeshift Stars and Stripes on their school’s flagpole. They now kept a round-the-clock vigil to prevent anyone from pulling it down. If the Yankees could insist on their flag flying, the IN students said, so could Panamanians. They marched into the Canal Zone with a banner that they intended to see hoisted on BHS’s pole. Once the IN students arrived at the edge of the BHS grounds, however, the zone police stopped them. Captain Gaddis Wall thought he had reached an agreement with the Panamanians: a small group would march to the flagpole, hold up their flag, and sing Panama’s national anthem. The Panamanians would not hoist their flag on the pole, Wall explained, since there was only one pole and a U.S. flag already flew on it. Yet several IN students understood differently. Eventually, six of them, flag in hand, marched, stopped, held their banner up, and began singing.

It was then that patriotism met patriotism head on, as Zonian teenagers and parents drowned out the Panamanians with their rendition of the “Star Spangled Banner.” The Panamanians felt aggrieved by the Zonians’ disrespect for Panama’s two most cherished symbols, the anthem and the banner. Shouting turned to shoving, and the Panamanian flag was torn.¹¹ Humiliated, angered, and probably afraid, the whole group of IN students then turned around and marched out of the zone, some throwing rocks at streetlights or overturn-

10. Jorden, *Panama Odyssey*, 28–38. One of the most complete and factual U.S. accounts of the 1959 riots is “The Anti-United States Riots of November 1959,” Canal Zone, n.d. [1960?]. The author was either the Panama Canal Company or the Southern Command—probably the latter because of the use of military times in the report.

11. Here the passive voice applies because no one has ever proved who tore that flag. The facts of the riots are highly contested, but the most comprehensive accounts are in Jorden, *Panama Odyssey*; Méndez, *Panamá, 9 de enero*; and especially the ICJ *Report*.

ing garbage cans to seek revenge or to impede Zonian policemen following them.¹²

Panamanian university students, journalists, and others who happened to be in the streets then moved to avenge the tearing of the flag. About a half an hour after the BHS incident, violence flared up once again, this time in the “border” areas where Panama City and Colón met with the Canal Zone. Thousands charged the zone’s buildings, especially the enduring symbol of U.S. colonialism, the Tivoli Hotel.¹³ Zone police, outnumbered by the taunting students, fired. Whether they meant to fire warning shots or to hit protesters is unclear, but it was then that the first Panamanian casualties happened. Immediately, Panamanians became more defiant, and at around 8 P.M., zone police handed over control of the zone to the U.S. Army. Simultaneously, guns came out on the Panamanian side, changing the nature of the conflict from a police overreaction into a shootout between Panamanians and U.S. counter-snipers. A strange military deadlock ensued as each side was, in theory, shooting into another country. The cross-border firefight fizzled out four days later when Panama’s National Guard (the Guardia Nacional, or GN) finally moved against the Panamanian snipers.

Panamanian leftists and socialists, mostly caught off guard by the violence, nevertheless channeled the massive grief and anger that followed into a radical demand for treaty rewriting. They framed Panamanian students’ taunting of zone police not as a dangerous tactic but as a moral backlash against U.S. imperialism everywhere. Floyd Britton, a well-known sympathizer of the Cuban Revolution, admitted being surprised by the riots, but when they erupted he came out of hiding and led charges into the Zonians.¹⁴ Minor factions such as the Panamanian Socialist Left circulated hastily typed flyers that not only denounced the “barbaric military, juridical, and economic aggression [of] Yankee imperialism,” but that also proclaimed the riots to be “another Latin American martyrology.” It pledged to take “NOT ONE STEP BACK.”¹⁵ In these ways, militants aimed to widen the implications of the narrow flag dispute.

They had little to worry about. Newspapers and radio stations, largely owned by corporate Panamanian barons and staffed by nationalists, eagerly communi-

12. Luis Vergara, interview by author, tape recording, Panama City, Panama, 27 October 1999; Cesar Villareal, interview by author, tape recording, Panama City, Panama, 15 October 1999.

13. “Chronology of Events Involving the Acting Governor of the Canal Zone,” by David Parker, 18 January 1964, folder C/DEF 3-1 Operational Plan for Civil Disturbances Vol. 1 January 1964 to December 1964, box 4, Declassified General Correspondence, 1945-1979, Internal Security Office, RG 185, U.S. National Archives.

14. Federico Britton (Floyd’s brother), interview by author, tape recording, Panama City, Panama, 20 October 1999.

15. Flyer, Izquierda Socialista Panameña, 10 January 1964; see also a similar flyer from the Comité Panameño Pro Defensa de la Revolución Cubana, 10 January 1964, both in *Solicitud presentada por los gobiernos de Panamá y los Estados Unidos el 10 de enero de 1964*, box 6, received 15 May 1968, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

cated those same themes to a national audience.¹⁶ As the riots began, radio broadcasts urged listeners to take to the streets against the “outrage” committed against the Panamanian flag. Commentators then told tales of tanks “invading” Panamanian territory and U.S. “executioners” machine-gunning innocents. “Our fellow Panamanians are being tortured and are undergoing great sufferings for the insults inflicted on our national flag,” declared one radio personality, interpreting liberally the word “torture” (there were no formal accusations of individuals being tortured and no evidence of such occurrences).¹⁷ Common public discourse during the riots made martyrs out of casualties, celebrated immolation, sanctioned anger and humiliation, and used hyperbolic words such as “massacre,” “genocide,” “holocaust,” and “hecatomb.”¹⁸ None mentioned U.S. casualties. Many rioters recalled having joined the protests because of such perorations blaring from transistor radios.

Public discourse also turned a story of chaotic Molotov cocktail throwing, looting, and shooting into a highly distorted collective memory of patriotic heroism. Within hours of the first punch thrown, the riots of 1964 came to be known as “*la gesta*,” in which defenseless Panamanians were the victims of U.S. armed aggression. *El Panamá-América* denounced the U.S. unleashing of violence “against children, adolescents, young and old, men and women, with no weapon other than their patriotism.” *La Estrella de Panamá* celebrated “the patriotic and virile act of the Panamanian people.” A leading journalist announced that, since U.S. troops had stepped outside the Canal Zone, “Panamanian territory has been stained.” Speaking for his colleagues, he vowed, “We will be virile and determined in our struggle for the full defense of Panamanian dignity.”¹⁹

Political elites also gave vent to this anger. The powerful publisher and statesman Harmodio Arias shouted in the National Assembly, “We should lynch

16. For example, nationalist author Joaquín Beleño was in charge of the editorial pages of the Chiari family’s *La Prensa*, and Jorge Illueca in December 1963 became director of *El Panamá-América*, owned by the powerful Arias family. See “Panama: A Communications Fact Book,” 27 September 1960, folder R-58-60, box 3, Office of Research “R” Reports, 1960-63, 1960, RG 306, U.S. National Archives; Edward Scott, Jr., “The Political Orientations of Panamanian and Canal Zone Students: A Comparative Case Study in the Political Socialization of Latin American and American Youth” (master’s thesis, Michigan State University, 1964), 82; Ramón Pereira, interview by author, tape recording, Panama City, Panama, 19 November 1999; and Thomas Crystal, “Panama, the United States, and the Canal, 1954-64” (Ph.D. diss., Stanford University, 1968), 61.05-61.1.

17. “Radio Musical” in “Riot Incidents as Reported by Radio and TV Broadcasts from the Republic of Panama, January 9-10, 1964,” box 15, Declassified General Correspondence, 1945-79, Internal Security Office, RG 185, U.S. National Archives.

18. *Lotería*, a popular Panamanian magazine, published special issues that expressed a strong emotional consensus in the months following the riots. Another example of violent language can be found in Alessandro Russo Berguido, *Panamá, nación mártir!* . . . (Panama City, 1964).

19. Editorial, *El Panamá-América*, 10 January 1964; *La Estrella de Panamá*, 12 January 1964; and Escolástico Calvo, president of the Sindicato de Periodistas de Panamá, statement of 9 or 10 January 1964, all in *Lotería* 99-100 (February-March 1964): respectively, 182, 218, and 202.

the Zonian savages!" and his newspapers resonated with similar sentiments.²⁰ More seriously, on 10 January, Minister of Foreign Relations Galileo Solís formally accused the United States of "aggression," which had been "unleashed without any hostile act whatsoever on the part of Panamanians."²¹ But it was President Chiari—also from a media family—who made the most aggressive decision: he broke diplomatic relations during the first night of the fighting. On the morning of 10 January, he invited student leaders—some of them known socialist agitators—to the Presidential Palace and posed with the flag torn during the IN-BHS scuffle.²² Echoing the pledge of "not one step back," Chiari demanded the rewriting of the 1903 treaty and promised that "the blood of the martyrs who perished today will not have been shed in vain. . . . National Honor will suffer no loss whatsoever."²³

To be sure, violent animosity between Zonians and Panamanians had antecedents, as did the Panamanian government's reluctance to prevent it. Similar anti-U.S. riots in November 1959 had already presented Panama's rulers with opportunities for co-opting street violence to their diplomatic advantage. In mid-July of that year, historian Ernesto Castellero Pimentel announced he would head a march into the zone on 3 November, Panamanian Independence Day, to protest the absence of Panamanian flags. "It is necessary to open a new front—the front on the street, on the public park," said Castellero.²⁴ When the day came, fighting broke out when a sixteen-year-old Panamanian wrapped his flag around a zone policeman's head and declared, "It's dirty, now." Police fought back, and 80 to 120 U.S. police and Panamanians were hurt. Crowds then attacked several U.S. properties, burned cars, threw rocks, and shattered the windows of the United States Information Service (USIS). Rioters marched over to the embassy, where they pulled down the U.S. flag and tore it up. Most egregious to Zonians, the Panamanian government protested that it was zone police who had "desecrated" a Panamanian flag by plucking it out of the ground (and perhaps dropping it or trampling it).²⁵

20. Arias cited in *El Día*, 13 January 1964, 2.

21. Solís telegram to Juan Bautista de Lavalley, president of the Council of the Organization of American States, 10 January 1964, in *Solicitud*.

22. Guadalupe Zurita, "Repercusión de los sucesos del 9 de enero de 1964 en las relaciones entre Panamá y los Estados Unidos" (thesis, Universidad de Panamá, 1992), 65–67; Ahumada, *9 de enero*, 13; CIA cable 38298, 13 March 1964, folder Panama Vol. III Cables 3/64, box 65, Latin America, Country File, National Security File, Johnson Library. For images of students with Chiari, see *Summary of Panama City Riots*, motion picture, 16 mm, NWDNM(m)-185.4, RG 185, U.S. National Archives.

23. Chiari in U.S. embassy in Panama City to Department of State, folder POL–Political Affairs & Rel. PAN-US 1/1/64, box 2561, Central Files 1964–1966, RG 59, U.S. National Archives.

24. U.S. embassy in Panama City to State, 15 July 1959, folder Panama Vol. 2, box 4, Panama City Embassy Classified General Records, 1959–1963, Panama, RG 84, NARA. Harmodio Arias apparently also led the march, Sheldon Liss, *The Canal: Aspects of United States-Panamanian Relations* (Notre Dame, IN, 1967), 61.

25. Boy cited in "Army Guards Canal Zone Border," *The Panama American*, 4 November 1959, 10; "The Anti-United States Riots of November 1959." For an official Panamanian version, República de Panamá, Ministerio de Relaciones Exteriores, *Memoria* (1960).

Elite Panamanians had encouraged or acquiesced in the violence. Before 3 November, media barons had advertised the flag march, President Ernesto de la Guardia gave it his silent approval, and petulant National Assembly deputy Aquilino Boyd promised to lead it. (Boyd later explained that the early announcement of the march was for the benefit of “the United States and the world.”)²⁶ Once violence exploded, nationalist writer Gil Blas Tejeira, private secretary to de la Guardia, promised he would try to reach the president to quell the violence. The GN never showed; in fact it instructed its units to stay away from rioters.²⁷

Privately, Panamanian officials in 1959—using a logic that would reappear in 1964—admitted that they could have stopped the riots but feared a political backlash if they did. Two days after the riots started, the National Council of Foreign Relations—a gathering of Panama’s “wise men”—met in an extraordinary, closed-door session. All agreed that Panama had failed to police the riots. But they also decided to conceal their negligence. While Panama’s rulers could keep the facts from Panamanians, the sharp “Anglo-Saxon” mind would see through any excuses, one of them reasoned. He concluded that the Panamanian government must “demonstrate emotion” rather than admit shortcomings.²⁸

Yet November 1959 was not January 1964. There were external differences: anticolonialism did not have the momentum it would in the mid-1960s, the Soviet Union did not call for national liberation movements so openly, and the Cuban Revolution had not yet built a network of sympathetic groups around Latin America. But the most important difference between the two riots was that no Panamanian had died in 1959, and so charging “aggression” or calling for the world’s condemnation of the United States seemed unrealistic. Besides, Panama still had a step to take within the framework of revising the 1903 treaty: obtaining a dual-flag pledge. Panama’s rulers therefore agreed, following the riots, not to offend the U.S. government in their demonstrations of “emotion.” Subsequent meetings of the council in November reiterated this conservative, evasive strategy. When new riots threatened three weeks later, the GN came out in force and effectively put down the rioters.²⁹

The final difference between 1959 and 1964 was the insouciance of the Eisenhower administration in the earlier confrontation. Although growing cynical of Panamanian tactics, Eisenhower officials in 1959 were still willing to offer a concession in spirit that altered little in law. Following the riots, Eisen-

26. Boyd interview by author, Panama City, Panama, 27 October 1999; “Background information concerning recent incidents in Panama,” 13 November 1959, folder Panama (4) [November-December 1959], box 12, International Series, Office of the Staff Secretary, 1952–1961, White House Office, Eisenhower Library.

27. “The Anti-United States Riots of November 1959.”

28. Quotations from 102^d session, 5 November 1959, *Actas del Consejo Nacional de Relaciones Exteriores*, Panama Foreign Ministry Archives.

29. “New Anti-U.S. Demonstrations in Panama Analyzed,” 30 November 1959, folder 320-U.S./Panama Includes Correspondence Nov. 3–28 + Merchant’s Visit 1959 (1 of 2), box 2, Panama City Embassy General Records 1959–1963, Panama, RG 84, NARA.

hower recognized Panama's "titular sovereignty" over the canal and declared that Panama should have "visual evidence" of it in the zone—that is, its flag flown.³⁰ Eisenhower largely misunderstood how this symbolic change might embolden Panamanians to demand full access to the zone. He also underestimated the emotional attachment of U.S. patriots to the Panama Canal. Following the riots, U.S. reactions to Eisenhower's concession were wholly negative: Zonians boycotted Panamanian goods, and the House of Representatives voted 371 to 12 against the president. Representative Daniel Flood—"the all-time nut on the subject of Panama," according to one presidential aide—even hinted that Eisenhower should be impeached. Public opinion, finally, was also firmly against the dual-flag policy—20 to 1 among editors, and 180 to 3 among letter writers to the White House.³¹

Five years later, now that Panamanians had made a qualitative jump and demanded the full rewriting of the 1903 treaty, U.S. citizens again responded to the riots with a passion that nearly matched that of Panama. The U.S. public generally saw itself as the unfairly beleaguered benefactor, the softly walking Goliath to Panama's unruly, stone throwing David. Simple emotions ruled this simple moral universe. Whenever Panama rioted, the issue of "hate" seemed everywhere in the U.S. media. "A Nation that Hates Gringos"; "Why Do They Hate Us?"; and "Panama: Why They Hate Us" were typical headlines. The U.S. media's framing of the conflict as a polarized affective relationship between two peoples—"they" *hated* "us"—indicated a deep well of assumptions widely shared among ordinary U.S. citizens.³² Poll numbers confirmed that the U.S. public was hawkish on Panama. Following the riots of 1964, 56 percent supported a "firm" stance against Panama.³³

30. Lester Langley, "U.S.-Panamanian Relations since 1941," *Journal of Inter-American Studies and World Affairs* 12 (1970): 352; "Memorandum of Conference with the President," 27 November 1959, folder State Department-October 1959-February 1960 (2), box 3, Subject Series, State Department Subseries, Office of the Staff Secretary 1952-1961, White House Office, Eisenhower Library; Eisenhower press conference, 2 December 1959, folder Press and Radio Conference 12/2/59, box 9, Press Conference Series, Eisenhower Papers as President, 1953-1961, Eisenhower Library.

31. "Panama's Flag Ordered Flown over Canal Zone by Eisenhower," *New York Times*, 18 September 1960, 1; on Flood, Harry McPherson, Deputy Under-Secretary of the Army for International Affairs, interview by William Jordan, 28 March 1964, Jordan Papers, Johnson Library; "Memorandum of conference with the president," 1 September 1960, folder Staff Notes-September 1960 (4), box 53, DDE Diary Series, Eisenhower Papers as President, 1953-1961, Eisenhower Library; Langley, "U.S.-Panamanian Relations since 1941."

32. "A Nation That Hates Gringos," *San Francisco Chronicle*, 13 January 1964, 1; Harold Martin, "Why Do They Hate Us?" *Saturday Evening Post*, 23 April 1960; Trevor Armbrister, "Panama: Why They Hate Us," *Saturday Evening Post*, 7 March 1964.

33. "'Firm' Policy on Panama Favored by Americans," *Washington Post*, 12 February 1964; George Horace Gallup, *The Gallup Poll, 1935-1971* (New York, 1972), 1864. Moreover, the 1,484 people who wrote to the White House or State Department in the first two weeks of the crisis were almost unanimously incensed at Panama's behavior. The State Department classified seven out of ten of these letter writers as "'Hard Line' (Send the Marines, Remember the Alamo, etc.);" and another two out of ten as "Pro-Administration." A tiny fraction even suggested making Panama the fifty-first state or a commonwealth like Puerto Rico. See

It appeared that Lyndon Johnson also wanted to be tough.³⁴ Immediately after he received word of the riots, Johnson adopted a seemingly uncompromising policy: to negotiate nothing as long as any threat of violence lingered. However, pragmatism co-existed alongside arrogance in Washington and in the White House. While the president had nationalists growling in one ear about the ungratefulness of Panamanians, in the other ear were Secretary of State Dean Rusk and others reminding him that the United States had been “heavy-handed” in the past with Panama and cautioning him about inflaming world public opinion by making a display of overwhelming force against a tiny client nation.³⁵

Thomas Mann, the new head of Latin American affairs at the State Department, struck a balance between conservatives and pragmatists. On one hand, Mann made full use of the hawkish disposition of U.S. public opinion in talks with Panamanians. “We have 190 million Americans who feel very strongly about this thing,” he told them. Mann swore that the canal would never leave U.S. hands and vehemently denied Panamanian claims of U.S. aggression.³⁶ On the other, he flew to Panama during the riots themselves and pledged the full cooperation of the United States in talking through (but not negotiating) the two countries’ problems.

As a reflection of this pragmatic approach, Washington welcomed the investigations of the riots because it was confident that it had the facts on its side. U.S. policymakers were eager to use Panama as a venue for objectively exposing what they perceived to be the lies and misconceptions of Latin American protests against U.S. imperialism. An incident involving a procommunist group would have been too simple, too overtly counterpropagandistic. Panama, in contrast, possessed two advantages. First, its riots had been spontaneous and embraced by a majority in a democratic country, and so exposing what the White House considered manipulative riot tactics and post-riot propaganda might carry greater credibility there than elsewhere. Second, the U.S. Army recorded the riots in minute detail with films, photos, audio tapes, and documents, which allowed it to respond to every accusation leveled against the United States with material evidence. *U.S. News & World Report* seemed to grasp

McGeorge Bundy memorandum to Johnson, 12 January 1964, folder Panama-Riots Vol. II Part B 1/64-2/64, box 64, Latin America, Country File, National Security File, Johnson Library; “Analysis of Panama Canal Letters,” 23 January 1964, folder Panama, box 5, Records of the Assistant Secretary for Public Affairs, 1961-1965, RG 59, U.S. National Archives.

34. When Latin Americans widely protested his intervention in the Dominican Republic in 1965, Johnson called himself “the most denounced man in the world.” Cited in LeeAnna Keith, “The Imperial Mind and U.S. Intervention in the Dominican Republic, 1961-1966” (Ph.D. diss., University of Connecticut, 1999), 366.

35. Rusk cited in memorandum of conference with the president, 13 January 1964, Cabinet Room, folder Miscellaneous Meetings Vol. 1, box 18, Bundy Papers, National Security File, Johnson Library.

36. Memorandum of Inter-American Peace Commission meeting with Thomas Mann, Edwin Martin and Ralph Dungan, 11 January 1964, 4:30 P.M., in *Solicitud*.

these advantages. The magazine declared its objectivity as if a wedding vow: "Now disclosed, in precise detail: the story of the Panama riots as documented by the U.S." It promised "the full account of what really happened . . . painstakingly drawn together and documented by the U.S. Government."³⁷ That government, however, would have to communicate its evidence and arguments not through any "objective" medium but through international organizations politicized in their own right.

The Organization of American States found itself thrust into the Panama crisis within the first twenty-four hours. As Solís accused the U.S. government of aggression and Chiari broke relations, Panama's ambassador to the OAS, Miguel Moreno, called on the OAS to intervene.³⁸ In response, the OAS first sent a five-member Inter-American Peace Commission (IAPC). It arrived on 10 January, surveyed the riot sites and heard testimony, and returned to Washington five days later. Dissatisfied with the IAPC's performance, Panama dismissed it on 29 January and convoked the OAS's more serious Organ of Consultation (OC), which returned to Panama from 11 to 18 February and heard full presentations by both governments. Whether acting as the IAPC or OC, the OAS's task was twofold. First, it would serve as mediator between the United States and Panama, given that with relations broken, the two could not hold direct talks. Second, the IAPC/OC (the OC more formally) acted as a fact-finding body that would gather evidence and report on its findings. In its first task, the OAS diligently worked to bring the United States and Panama together, but ultimately failed.

It is the second OAS mission that interests us here, the so-called finding of fact. Like the mediation effort, it accomplished little in any concrete sense. By failing to de-politicize its mission, the OAS lived up to its notoriety. Many Latin Americans derided the OAS as a timid stepchild of U.S. Cold War hegemony. They joked that its Spanish acronym, *OEA*, really stood for *Olviden Este Asunto* (forget this matter), and they only grew more cynical following the Cuban Missile Crisis of 1962, when the OAS rallied behind the U.S. condemnation of Fidel Castro.³⁹ By 1964, the OAS seemed desperate to reclaim some of its supposed independence.⁴⁰ Thankfully for the OAS, the U.S. government was "per-

37. "Inside Story of Panama Riots," *U.S. News and World Report*, 30 March 1964, 48.

38. Originally, Solís called for the convocation of the Organ of Consultation in accordance with Article 9 of the Inter-American Treaty of Reciprocal Assistance (the Rio Treaty). This demand implied that the United States had committed an act of aggression against Panama and needed to be restrained by the other American nations. Later that same day, Solís and Moreno agreed that the IAPC could substitute for the Organ of Consultation for now because it did not convene in accordance with the Rio Treaty and so could be sent to Panama that very day. Officially, both the United States and Panama summoned the IAPC.

39. Ambassador Enrique Tejera Paris of Venezuela commented unfavorably on a Panamanian sign he saw that said, "OEA olviden este asunto." Inter-American Peace Commission, notes of IAPC press conference, 14 January 1964, 8:00 P.M., in *Solicitud*.

40. For a discussion of the OAS's legitimacy problems in the early 1960s, see two articles by Jerome Slater, "The United States, the Organization of American States, and the

fectly agreeable” to its investigation into the Panama riots, partly because of the facts it had, and partly in order to keep the United Nations out of it, which was also a stated goal of OAS delegates.⁴¹

OAS records strongly suggest that, in this matter of the investigation, the IAPC/OC did indeed “forget,” despite lending its good offices. The OAS never gave a satisfactory opinion on what really happened during the riots, most likely because it would have favored the United States and would have been counter-productive to the talks occurring between U.S. and Panamanian officials. In other words, exposing material evidence would have harmed diplomacy, which relied on the suspicion that the United States must be guilty of *something*. The OAS placed deal making above fact finding and so reflected the growing moral suasion of the Panamanian case.

Already during the IAPC’s trip to Panama, commission members expressed reluctance to investigate at all. In the afternoon following their first day in Panama, while snipers and counter-snipers still exchanged gunfire, the OAS ambassador from Chile and commission member Manuel Trucco regretted that he could not divorce the detective from the diplomat. The IAPC needed the facts in order to find points of agreement and foster reconciliation, but it was clear that it would pursue those facts only with that goal in mind.⁴² The president of the commission, Enrique Tejera Paris of Venezuela, also emphasized that that the IAPC was not actually a “fact-finding group.” It would only investigate to “promote understanding between the two parties.”⁴³

Did this mean that the OAS would ignore evidence that might lessen this “understanding”? Throughout the talks, Trucco and his colleagues held the prospect of a real, thorough investigation over the heads of the Panamanians like a Damoclean sword. A few days into the IAPC’s stay in Panama, when Solís called his U.S. counterpart a “rude diplomat” and Chiari suddenly added demands that seemed petty to the IAPC—for instance, that the U.S. embassy take down its coat of arms before talks could proceed since diplomatic relations had been suspended—Commissioner Tejera warned that the OAS might investigate more aggressively if Panama insisted on hardening its position. “We had hoped,” Tejera said, “that a mood of conciliation here would render

Dominican Republic, 1961–1963,” *International Organization* 18 (Spring 1964): 268–91; and “The Limits of Legitimization in International Organizations: the Organization of American States and the Dominican Crisis,” *International Organization* 23 (Winter 1969): 48–72.

41. Ellsworth Bunker, U.S. ambassador to the OAS, cited in Henry Raymond, “O.A.S. to Take Up Panama’s Charge,” *New York Times*, 5 February 1964, 1. Tejera said as much in Comisión Interamericana de Paz, “Sesión celebrada a las 5:00 pm del día de enero de 1964,” Dictabelt transcript, box 5, received 14 September 1967, Legal Affairs, Columbus Memorial Library, Organization of American States.

42. Memorandum of IAPC meeting with Thomas Mann, Edwin Martin, and Ralph Dungan, 11 January 1964, 4:00 P.M., in *Solicitud*.

43. Tejera cited in Inter-American Peace Commission, notes of IAPC press conference, 14 January 1964, 8:00 P.M., in *Solicitud*.

unnecessary the more radical recourse to an investigative commission.” Trucco chimed in with the remark that he felt “absolute perplexity” at Panama’s intransigence.⁴⁴

Trucco’s perplexity perhaps stemmed from the fact that he did not grasp how, in calling for the OAS to intervene, Panama could not lose. As a small country with few means of propaganda, it used international organizations to draw world attention. *Any* investigation by the OAS or the United Nations would provide Panama with a global stage on which to engage not the legal minutiae of the riots but rather the broader issue of U.S. occupation of Panama’s sovereign territory. Panama, therefore, chased public opinion rather than an exposition of the facts. An investigation would provide the first—whether or not the second followed.

As if to illustrate Panama’s strategy, an interesting mini-debate took place at the OAS before it decided to replace the IAPC with the OC delegation: many Latin American representatives, accepting their role as mediators but remaining squeamish about an investigation, were reluctant to serve on the OC at all. As a way out, Mexico proposed to depoliticize the investigation by forming two separate OAS groups—one to mediate, the other to investigate. Panama’s ambassador, Moreno, first agreed in principle. But then, after receiving new instructions from Panama City, he balked at the idea. Moreno explained his turnaround on a technicality, but most likely he wanted to keep the mediation and investigation interdependent. In this way, if the OAS investigation exonerated the United States, Panama would be free to paint the international body as biased in favor of the Yankees and so discredit the outcome of the *mediation* if it also favored the United States. Panama’s intransigence won the mini-debate and forced the same OAS delegates to attempt to mediate impartially in one forum while passing judgment on U.S. actions in the other.⁴⁵

In all fairness, Panamanian statesmen adopted this anti-U.S. strategy under significant pressures. The key rhetorical barometer was Moreno’s speech to the OAS Council on 31 January, during which he dismissed the IAPC for failing to arrive at an agreement and called for the formation of the OC, which more clearly had the authority to deal with the charge of “aggression” under the Rio Treaty. Moreno denounced “the arrogance of that population of emigrés who are called Zonians and consider themselves superior to the dark-skinned Panamanians.” He also warned, in a veiled threat of more violence, “There is nothing more dangerous than a small people that is surrounded, above all when that people is noble and patriotic and when its actions are inspired by the heroic will to defend its rights.” Given that his main purpose was to paint a dramatic picture

44. Tejera cited in Inter-American Peace Commission, notes of IAPC meeting with Edwin Martin, Guillermo Arango, and Galileo Solís, 13 January 1964, 6:00 P.M.; Solís cited in Inter-American Peace Commission, notes of IAPC meeting with Edwin Martin and Galileo Solís, 13 January 1964, 10:00 P.M.; both are in *Solicitud*.

45. Tad Szulc, “O.A.S. Peace Effort Is Balked as Panama Bars Mexican Plan,” *New York Times*, 6 February 1964, 10.

of a Panama still threatened by “a recurrence of these acts,” Moreno requested OAS protection against any future U.S. attack.⁴⁶ One journalist said Moreno’s performance “was regarded as the most violent attack by a Latin-American government on the United States since Fidel Castro seized power in Cuba.”⁴⁷

Two main issues fueled the ambassador’s vehemence. First, the long-time diplomat seemed genuinely certain that Panama enjoyed a “symbiosis” of citizens and government and that now was the time to capitalize on it by calling for world condemnation of U.S. actions.⁴⁸ As he told the OAS in another speech, “the people—wounded physically and with a wounded pride—could only vent their resentment by crying out to the world.” He convoked the OC, he admitted frankly, “in order that the aggression of the United States against the Panamanian nation may be known.”⁴⁹ Second, Moreno feared the overthrow of the Chiari government. In 1999 he recalled his 31 January peroration at the OAS: “When the speech was over, not one person applauded. And when we left the building, I talked to the Mexican ambassador to the OAS, a career diplomat, Vicente Sánchez Gavito. He said, ‘Miguel, I’m sorry to say that with this speech, you’ve done what Hernán Cortés did when he discovered Mexico: you burned your ships. Your mission to Washington will fail.’ I told him, ‘Look, Vicente, I appreciate your sincerity, but my speech had to be strong because otherwise my government would collapse.’”⁵⁰

Mitigating this rhetoric, however, was the “open secret,” as Moreno recalled, that Panamanians aimed to win a moral victory and only a moral victory.⁵¹ Leading Panamanians realized that a finding of U.S. aggression would cut off all trade with the United States and cost Panama millions of dollars a month—a great sum in the small country. Panamanians, therefore, also assumed dual identities, as lawyers and as politicians (they were often literally both). And, like the OAS, the collaborationist politician in them would triumph over the nationalistic seeker of facts if a conflict arose between the two.

The presentation that Panama made to the OC in February—separately from the United States and behind closed doors—failed to support even its sturdiest accusations against the United States.⁵² Repeatedly, Panama’s own lawyers

46. “Address Delivered by His Excellency Miguel J. Moreno, Jr., Ambassador, Representative of Panama, at the Special Meeting of the Council of the Organization of American States Held on January 31, 1964,” box 5, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

47. Tad Szulc, “Panama Demands O.A.S. Protection Lest U.S. Attack,” *New York Times*, 1 February 1964.

48. Moreno, interview by author, tape recording, Panama City, Panama, 11 October 1999.

49. “Address Delivered by His Excellency Miguel J. Moreno, Jr., Ambassador, Representative of Panama, at the Special Meeting of the Council of the Organization of American States Held on February 4, 1964,” box 5, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

50. Moreno interview.

51. Moreno interview.

52. The U.S. presentation, prepared by the army, is in *Transcript of the United States Oral Presentation on February 14th and 15th, 1964 to the Committee Established under the Resolution of the Organization of American States/OC, February 6, 1964*, Technical Resources Center, Balboa,

inadvertently made the U.S. case instead. For instance, they submitted detailed autopsy reports of eighteen Panamanian deaths, but in them Panama's own coroners concluded that at least six were the result of asphyxiation and burns incurred while looting.⁵³ At another moment during the presentations, Foreign Minister Solís ran a short film "which was supposed to make Panama's points," reported a U.S. delegation. "The film showed burning and sacking of USIS, Goodyear, PanAm, and hoodlums wantonly destroying property. . . . [A] US correspondent commented that [the] film was most damaging to [the] Panamanian position."⁵⁴ Panama even failed to demonstrate conclusively that any U.S. citizen shot and killed any Panamanian. Panama's witnesses were also of little help. While many IN students testified to experiencing the genuine outrage and victimization felt by the rest of the nation, they also admitted committing wanton acts of violence. This was hardly the defenseless patriotism Moreno wanted to showcase.

It may have seemed that Panamanians did not grasp how badly they were doing as lawyers. A few days before the OC's trip to Panama, for instance, Moreno offered "an illustration of what we will present" in a speech to the OAS. As he described it, "One scene captured by the camera shows Panamanian youths breaking up a block of reinforced concrete to get stones that they could throw." Why would Panama show the world a film of Panamanians committing violence? Was it not counterproductive to the charge of U.S. aggression?

Not quite. To be sure, Panamanians must have realized they had been caught in a gross understatement, that rioters had never been "defenseless." They had stones, Molotov cocktails, and rifles, and they used them all. When facing the OAS, therefore, Panama's statesmen shifted their strategy, arguing that the *disparity* in forces between the United States and Panama was enough to constitute U.S. aggression. Moreno explained the film clip shown to the OC, for instance, as his attempt to "reveal the disproportion between the action of the North American forces and the weak defense resources of the people of Panama." The more rock-hurlers confronting U.S. servicemen with rifles Moreno could show, therefore, the better (Fig. 1).⁵⁵ Panama's minister of the

Panama. Supporting documents are in "United States Presentation: Background and Chronology of the Events in Panama and the Canal Zone on the Ninth, Tenth, and Subsequent Days in January 1964 for the Committee Established under the Resolution of the OAS/OC, February 6, 1964," box 15, Declassified General Correspondence, 1945-1979, Internal Security Office, RG 185," U.S. National Archives.

53. Two of the eighteen are missing from the records. Autopsy reports, Panama, 11 January 1964, unidentified folder, box 6, received 15 May 1968, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States. The text of the Panamanian presentation is not available (and was perhaps never recorded) but the evidence presented is.

54. U.S. embassy in Panama City teleconference with Department of State, 13 January 1964, folder POL Riots and Related Developments, box 4, lot 67D467, Records Relating to Panama, 1959-1965, Office of Central American and Panamanian Affairs, RG 59, U.S. National Archives.

55. "Address Delivered by His Excellency Miguel J. Moreno, Jr., Ambassador, Representative of Panama, at the Special Meeting of the Council of the Organization of American States



Figure 1: An example of Panama's post-riot logic. Lawyers presented to the OAS this photograph of a young man throwing a rock or a tear gas canister at U.S. soldiers as evidence of U.S. "aggression." National Archives and Records Administration.

presidency, Gonzálo Tapia, also admitted that "some [Panamanian] citizens who had their own revolvers took a few shots into the Canal Zone." But, Tapia said, "The disparity is nevertheless great . . . [and] we consider that our people were defenseless."⁵⁶ In fact, Moreno and Tapia's rhetoric reached even deeper. Banking on the OAS's inherent understanding of the long-term asymmetry between the two nations, the two men emphasized the disparity between the *potential* force of the United States and that of Panama; they ignored how the inability of U.S. troops to go into Panama City and Colón to take down snipers who were shooting inside the zone rendered both sides more or less equal in force during the riots.

Revealing yet another subaltern logic of Panama, Chiari's men freely admitted to deciding not to do their job and restore order until four days into the

Held on February 4, 1964," box 5, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

56. Tapia cited in Inter-American Peace Commission, "Entrevista con el Señor Presidente de la República de Panamá," 11 January 1964, 10:15 am, Palacio de la Presidencia, in *Solicitud*.

riots. During the violence, the U.S. Army had repeatedly asked the National Guard to control the rioters and the snipers within Panama's borders, but no such help had been forthcoming. The GN's commander, Colonel Bolívar Vallarino, candidly explained why: "Given the experience of the past [referring to the 1959 riots] if the National Guard had sent forces there would have been a confrontation between the guard and the people. . . . They would have called us traitors and anti-patriots. The position of the National Guard was extremely precarious. [Restoring order] would have had a domestic repercussion because the hostility of the people would have turned against our armed forces."⁵⁷ Vallarino had a point. There *would* have been a backlash, and he and others might have been killed. Rioters might even have taken over arms depots (many clamored for the GN to hand out guns) and, in a worst-case scenario, the regime itself might have been toppled (the CIA reported plots).

Something even more profound was occurring. Panamanian statesmen were casting away the collaborationist military role for which U.S. imperialism had trained them. They would not use their national police to quell anti-U.S. disorder, even if the U.S. government had armed and trained it to do just that. It was time to let the Yankees do their own dirty work and live with the consequences. For the moment, however, in an investigation seeking only to determine U.S. aggression, admitting that Panama's armed forces (over one thousand strong just in Panama City) declined even to attempt to quiet the riots suggested that Panama was unwilling to assume its own sovereignty in matters of security. Such inaction spoke of irresponsibility and might have, in fact, reinforced the case for continued U.S. control.

Not surprisingly, Panama's presentation did not sway the OAS. Investigators expressed sympathy for Panama in the abstract, but grew irritated at being used as a soapbox. Some told U.S. diplomats that Panama's representatives circulated false rumors. Manuel Trucco, Chile's representative, openly supported Washington. He voted against the formation of the OC in order to avoid putting the United States on the defensive in the "punitive machinery" of an OAS investigation.⁵⁸ Once in Panama, he warned Chiari not to take the investigations too far because "defining aggressors was a very difficult business." And for his part, the representative from Colombia abstained from voting altogether because "aggression" was ill defined to begin with.⁵⁹

57. Vallarino cited in "Hearings of the Organization of American States Organ of Consultation," 14 February 1964, folder Subcomisión de la Comisión General del Consejo de la OEA actuando provisionalmente como Organo de Consulta, box 1, Documents presented by Panamanian Govt. and other Committee papers, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

58. Henry Raymont, "O.A.S. to Take Up Panama's Charge," *New York Times*, 5 February 1964, 1.

59. Trucco cited in Martin telegram to Mann, 16 January 1964, folder POL-Political Affairs & Rel. PAN-US, box 2562, Central Files 1964-1966, RG 59, U.S. National Archives; memorandum of conference with the President, 13 January 1964, Cabinet Room, folder Miscellaneous Meetings Vol. 1, box 18, Bundy Papers, National Security File, Johnson Library;

In the end, the OC shied away from pointing fingers at all, even though it completed the investigation and promised a “report.”⁶⁰ Someone leaked the buried findings to the *New York Times*, which reported on 17 February that the OC found “that the action of the United States forces, even if deemed excessive, did not justify Panama’s charges of aggression.” It was not clear if the OC had actually reached these conclusions in writing. The *Times* only explained that “a confidential account of the committee’s investigation was received by Latin American diplomats.” Regardless, the result was that the Council of the OAS would not invoke the Rio Treaty to impose sanctions on the United States.⁶¹ The leak had little impact. By mid-February, most news sources had lost interest in the story. Significantly, OAS archives contain no such February conclusions, only a report, dated 18 March 1964 and marked “confidential,” that merely inventories supporting documents from both sides.⁶²

The phantom February report, therefore, was the essence of Latin America’s diplomatic response to the U.S.-Panama dispute and reflected Panama’s symbolic strength. The OAS wanted to avoid passing any judgment on U.S. imperialism, especially in favor of it. Rather than dwell on the facts of the riots, the OAS instead encouraged the United States and Panama to forget the past and come quickly to an agreement. Perhaps to help that agreement materialize, as of mid-March, the OC/OAS had also given up on mediation. It was only once they were away from the auspices of the OAS that Moreno and U.S. Ambassador to the OAS Ellsworth Bunker finally reached an agreement, made public on 3 April 1964. The OAS investigation, therefore, suggests that, just as Latin American diplomats were wary of putting the United States on trial, so were they ill at ease with putting critics of the United States on trial. They disliked being called to do it, they performed reluctantly while in Panama, and they realized that the cultures and strategies at odds were so cagey and deeply ingrained that perhaps they could never be reconciled.

A second round of hearings in March further revealed that even a clear-cut legal victory was of limited help to U.S. diplomats faced with Panama’s paradoxically robust rhetoric of weakness. This second clash of lawyers began when

USCINCSO telegram to Department of State, 14 January 1964, folder Political Affairs & Rel. PAN-US 1/14/64, box 2562, Central Files 1964–1966, RG 59, U.S. National Archives. Panama’s ambassador to Chile, Alfredo Boyd, complained to Solís that Trucco was supporting all U.S. motions at OAS sessions, in 28 February 1964, *Sucesos del 9 y 10 de enero 1964*, Vol. 2, Panama Foreign Ministry Archives.

60. Consejo de la Organización de los Estados Americanos actuando provisionalmente como Organo de Consulta, “Acta de la sesión celebrada el 7 de febrero de 1964,” box 1, Documents presented by Panamanian Government and other Committee Papers, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

61. “Panama Inquiry Said to Dispute U.S. Contentions,” *New York Times*, 17 February 1964, 1.

62. *Informe de la Delegación de la Comisión General del Consejo de la Organización de los Estados Americanos actuando provisionalmente como Organo de Consulta*, 18 March 1964, box 1, Documents Presented by Panamanian Government and Other Committee Papers, Legal Affairs Advisory Staff, Columbus Memorial Library, Organization of American States.

Jorge Illueca, the head of Panama's National Bar Association, took it upon himself to request that the International Commission of Jurists come to Panama. In a rather desperate move, he charged the U.S. government with violating three of the articles of the Universal Declaration of Human Rights: Article 3, guaranteeing the right to life, liberty, and security of person; Article 5, freedom from torture; and Article 20, the right to peaceful assembly and association. To hear these charges out, the ICJ sent three jurists to Panama for about ten days. Like the OAS delegates, the ICJ jurists inspected bullet holes in buildings, sifted through thousands of photographs, and read both countries' reports. But, unlike the OAS, the ICJ held courtroom-like hearings in which lawyers from each country called up witnesses and cross-examined them. Compared to the sanitized records of the OAS, the frank exchanges recorded in the transcripts of these ICJ hearings allowed for far more interaction between Panamanian and U.S. discourses.⁶³

The ICJ was not nearly as straitjacketed by politics as was the OAS. Although associated with the United Nations, the commission was a private organization of judges, lawyers, and law professors headquartered in Geneva. In response to Panama's request, the ICJ sent a professor from the Netherlands, a judge from Sweden, and a lawyer from India. The United Nations recognized the ICJ as a competent legal body but did not a priori endorse its findings. Nor did those findings have any legal force. Yet the mere fact that the ICJ allowed U.S. and Panamanian lawyers to confront each other speaks to its political independence. And the far more open impatience of the jurists with Panama's persistent distortion of evidence and poor lawyering made more salient than ever the rhetorical calisthenics involved when a powerless country challenged U.S. legalism.

Illueca made his request under inauspicious circumstances. In March 1964, Johnson and Mann were playing a waiting game, holding off on agreeing to renew relations until the pressure from the rapidly approaching Panamanian elections in May forced Chiari's party to drop its insistence on securing a U.S. commitment to rewrite the Treaty of 1903. Illueca was losing backers in government, so he summoned the ICJ as a private citizen. Officially, the Panamanian government stayed silent on the matter. Privately, it grew divided: Eloy Benedetti, counsel for the Foreign Ministry but acting as a private member of the bar, provided the evidence to Illueca and helped question witnesses, while Solís, recognizing "the quantity and quality of evidence" on the U.S. side, cursed Illueca for summoning the ICJ to Panama.⁶⁴ Panama's

63. *Hearings of the Committee of the International Commission of Jurists in Panama, Republic of Panama*, 6–13 March 1964. This transcript, apparently from a Dictabelt recording, was only found at the Technical Resources Center in Balboa, Republic of Panama. It has no signature and no identifiable markings, but, since the U.S. Army provided the lawyers, it most likely also produced these transcripts.

64. Solís to UN Ambassador César Quintero, Panama City, 18 June 1964, Serie 9 de enero 1964, Expedientes No. 9 Sucesos 9 de Enero 1964, Panama Foreign Ministry Archives.

political will to pursue investigations was withering while that of the United States grew stronger.

As testimony to its stammering politics, Panama's physical evidence became less and less convincing compared to that of the United States. Of course, each side could still show hundreds of bullet holes along its walls, and each side could still argue that the other committed considerable violence. And still no one could prove much "aggression," or even who had torn the flag. The main difference this time, however, was that Panamanian lawyers could not intimidate the ICJ into inaction as they had done with timid OAS delegates. Instead, Illueca and his colleagues now faced tough questions from ICJ jurists, who demanded the utmost professionalism from both sides. The Panamanians looked amateurish, for instance, when they still insisted that the U.S. Army had rolled to the border in tanks. Dozens of photographs established that the vehicles were armored personnel carriers (APCs), trucks used to carry soldiers, not offensive weapons. One of Panama's own lawyers admitted his ignorance: "I do not know exactly if it corresponds to a tank or to some other similar apparatus, however, I am sure it is a war instrument."⁶⁵ At another point Illueca argued that Panamanians were concerned only with raising their flag and therefore were totally unarmed. To support his non sequitur, he showed a *Life* magazine cover photo of students climbing a streetlight to hang their banner. Navroz Vakil, the ICJ jurist from India, who like everybody else had seen scores of photos of Panamanians shooting into the zone, was baffled: "You are relying only on the photograph to show that the stress was on the '*bandera*,'" he explained to Illueca.⁶⁶

In contrast, Joseph Califano, heading a crack team of U.S. Army lawyers, presented far more—and more accurate—maps, charts, photographs, and other physical evidence. At times the material was devastating. When the Panamanians denied they had restrained the GN from ending the riots, Califano played a taped telephone conversation of a GN commander giving that very order.⁶⁷

65. Guillermo Márquez Briceño cited in *Hearings of the Committee*, 6 March 1964. The quotations from Panamanians have evidently been translated from the Spanish, probably by the U.S. Army, which accounts for the occasional odd syntax. On the issue of the "tanks," see also "Views of a Former Panamanian Newspaperman," 17 April 1964, folder POL PAN-US 4/14/64, box 2564, Central Files 1964–1966, RG 59, U.S. National Archives; McPherson interview by Jorden, Jorden Papers, Johnson Library; Gastelú interview. For visual evidence of APCs, see *Riot in Panama*, motion picture, 35 mm, NWDNM(m)-111-LC-47562, RG 111, U.S. National Archives.

66. Vakil cited in *Hearings of the Committee*, 8 March 1964.

67. Marguerite Higgins, "Panama's Case Falling Flat Before International Jurists," *Miami Herald*, 14 March 1964. Zone officials made eight calls to Panamanian officials, including Valarino and the president's aides, all of whom either promised action or remained noncommittal and then did nothing. See affidavit by Daniel Morales, 24 January 1964, Serie 9 de enero 1964, Expedientes No. 7 Fiscalia Auxiliar 1964, Panama Foreign Ministry Archives; U.S. embassy in Panama telegram to Department of State, 9 January 1964, folder POL-Political Activities & Rel. PAN-US 1/1/64, box 2561, Central Files 1964–1966, RG 59, U.S. National Archives; JCS telegram to Department of State, 10 January 1964, folder POL-Political Affairs & Rel. PAN-US 1/1/64, box 2561, Central Files 1964–1966, RG 59, U.S. National Archives;

When Califano played another tape of a radio commentator calling out Panamanians to riot, Illueca could only implore the ICJ to appreciate the emotive context: "I wish that the Commission would place themselves mentally in these historic moments when shooting and all this commotion was going on."⁶⁸

Witnesses reflected this discrepancy in the evidence. The U.S. Army made its case by calling on professionals—police officers, army commanders, ballistics experts—who offered terse, factual testimony. "Like everything American, it was very orderly," said one Latin American diplomat.⁶⁹ Panama, meanwhile, mostly relied on young Panamanian men—some of them from the discredited GN—who lacked preparation and self-control on the stand. Some changed their testimony halfway through questioning; others made nationalistic speeches that failed to answer the questions asked of them. One Panamanian witness pointed to a U.S. diplomat in the courtroom as the man who shot at him; it came as a surprise to the man in question, who had been in the United States during the riots. Other Panamanians swore that Zonians shot at them, only to admit when pressed that they had not actually seen them shooting. To make matters worse, Illueca and his team seemed to care more about establishing the social standing of their witnesses—where they lived, how much money they made—than about extracting useful testimonies. The tactic prompted one jurist to remark, "as far as I know your financial situation has . . . no influence whatever . . . upon your right to shoot or not."⁷⁰

The result was that U.S. lawyers had no trouble portraying Illueca's witnesses as "subject to serious questions about their credibility." The ICJ's Vakil, too, leaned toward that conclusion. He once urged Illueca to hurry up his questioning of a witness to "avoid a rambling statement by him." His warning unheeded, Vakil interrupted moments later, calling for only "direct" evidence from actual eyewitnesses. "There is no need for us to hear ten people telling us the same thing." After a while, Vakil appeared to tire of asking witnesses, "Did you see it with your own eyes or not?"⁷¹ When U.S. lawyers produced Zonians who testified to having seen Panamanians shooting other Panamanians, Illueca seemed stripped down to his bare nationalism: "we shall never

USCINCSO telegram to Department of State, 10 January 1964, folder POL-Political Affairs & Rel. PAN-US 1/1/64, box 2561, Central Files 1964-1966, RG 59, U.S. National Archives; U.S. embassy in Panama "CRITIC" telegram to Department of State, 10 January 1964, *Crises in Panama and the Dominican Republic: National Security File and NSC Histories, 1963-1969* (Frederick, MD, 1982), 4: 0063; "United States Presentation: Background and Chronology," U.S. National Archives. Dolores Vann, a native of Panama, confirmed that the GN helped evacuate fifteen hundred U.S. citizens. "The Panamanian national guard used to be real strict, but they were the real heroes of this. This was the first time you could look up to them," in "Women Tell of Panama Escape," *Miami Herald*, 21 January 1964.

68. *Hearings of the Committee*, 12 March 1964.

69. Vicente Sánchez Gavito cited in "Organization of American States Group in Last-Minute Peace Effort," *Star & Herald*, 15 February 1964, 1.

70. *Hearings of the Committee*, 10 March 1964. See also affidavit by Luis Freire Bustamante, 16 January 1964, Serie 9 de enero 1964, Expedientes No. 6 Fiscalia Auxiliar 1964, Panama Foreign Ministry Archives.

71. Califano cited on 13 March, Vakil cited on 7 March, both in *Hearings of the Committee*; see also 9 March 1964.

accept, because it will be highly offensive to our dignity, that the same Panamanians [*sic*] have murdered our Panamanian brothers.” Califano grew bold enough to turn the tables on Panama and suggest that it was the Panamanian government that had violated human rights by failing to protect Panamanians from one another.⁷²

Despite Illueca’s performance, the ICJ jurists expressed sympathy for his difficult task. What irritated them most, however, was the Bar Association’s repeated attempts to spread that sympathy too thin rather than make a case based on legal merit. Panamanians still relied on broad strokes to paint the image of, as one Panamanian witness expressed it, “a fight between a loose tiger and a tied donkey.”⁷³ The imagery was arguably appropriate to the larger scheme of U.S. hegemony but inaccurate as a description of the riots and irrelevant to accusations of “torture” and of violating the “right to life” (Fig. 2). Illueca especially tried everyone’s patience by littering his questioning with insinuations, ironic statements, and rhetorical questions. He tried to substitute his “virile” style of argumentation for factual expository rigor. For instance, Illueca sardonically referred to “the exceptional curiosity and gallantry” of a BHS teenager who scuffled with IN students while backed by zone police. At another moment, when Zone Police Captain Wall explained a technicality that showed his tolerance—that he allowed the IN students to march into the zone despite the fact that they had no permit—Illueca actually reproached him for helping to cause the riots. After one of Illueca’s long-winded interludes, Vakil interrupted, “My colleagues and I have heard with considerable emotion and sympathy your very moving speech. As you know, our problem is to obtain the facts.”⁷⁴

The ICJ hearings made even clearer the motivations underpinning Panamanian desires to elicit sympathy despite not having those facts. “We have resorted to the Commission of Jurists,” Illueca candidly revealed in his closing, “because we wish to create international public opinion.”⁷⁵ Here again emerged the logic behind patriotic speeches: the audience was not the ICJ judges, but the Panamanians who would broadcast those speeches to the rest of the world—and, not incidentally, hail Illueca as a hero. In the eyes of Panama’s nationalists, the task at hand was not to tell the narrow truth about who shot whom or who tore whose flag, but to expose the larger, century-long truth of U.S. control over the nation and to place the issue of sovereignty in the foreground. Sometimes Illueca proved downright eloquent on this matter of international justice. “There is something even more deep [*sic*] than all this in the violation of human rights,” he explained. “And this problem precisely is based on a fundamental human right which is the right of free determination of peoples.”⁷⁶

72. Illueca cited in *Hearings of the Committee*, 7 March 1964.

73. Mario Julio cited in *Hearings of the Committee*, 9 March 1964.

74. *Hearings of the Committee*, 7 March 1964.

75. *Hearings of the Committee*, 13 March 1964.

76. *Hearings of the Committee*, 13 March 1964.



Figure 2: Collective memory of “defenseless” youth in a civics textbook published by the Panama Ministry of Education. Contrary to this perception, both Panamanian and U.S. forces had shot at each other, and there was no evidence that the U.S. side had fired automatic weapons. Cartoon by Alfonso Pinzón, in *Diamantina de Calzadilla and Etna de Martínez, Educación cívica*, 4th ed. (Panama City, 1964–65).

Panamanians were comfortable with their strategy because it flowed out of other largely shared beliefs. Panamanians did not need to see the evidence for themselves; everybody *knew* what had happened. Dozens of Panamanian participants, when interviewed, all concurred that lawyers did not coach witnesses into giving false testimony. Why would they need to if knowledge was by nature common and self-evident? The Panamanians involved in the investigations—politicians, lawyers, witnesses, and journalists—drew few distinctions between individual and collective experience, between opinion and fact, between rumor and reality, between what was seen and what was heard, between first- and second-hand knowledge.

In this context, for instance, Moreno’s fiery speech to the OAS was *in itself* an act of heroism. To this day it has been remembered as such. Likewise, Illueca’s summoning of the ICJ, an organization with undisputed moral authority, was *in itself* evidence of U.S. imperialism. Privately, statesmen like Moreno and Solís knew they lacked material evidence, but they could not admit it publicly. The fear of collective retribution lay heavy, as former national guardsmen warned an inquisitive Panamanian historian in the 1970s: “We suggest that you forget the 9th of January. Haven’t you wondered why nothing has been written about it? Because it’s best not to uncover troubling truths. What happened on the 9th of January is what allows us to denounce the Treaty of 1903. If you come in here and reveal what happened you’ll place the country in a bad spot, and you’ll turn it against you. Don’t you realize?”⁷⁷ In Panama’s culture, there

77. Cited in Méndez, *Panamá*, 9 de enero, 247.

was a distinction between private, “troubling truths” on the one hand, and public, healing truths on the other.

Joseph Califano’s closing, in contrast to Illueca’s attempt to “create international public opinion,” was narrow and legalistic, tailored not to the world outside the courtroom but to the international jurists inside it. It made no overall defense of the U.S. right to occupy the zone. Only once during the trial did Califano let escape an ideological defense of his country when he claimed that “the United States is not, and pray God never will be, a Colonial [*sic*] power in the derogatory meaning of the term that the distinguished representative from Panama used today.”⁷⁸ Instead, in strict Army fashion, Califano made a point-by-point rebuttal of the specific accusations made by Panama.

This so-called objectivity compelled U.S. lawyers and ICJ jurists to lecture Panamanian witnesses on the importance of accurate, first-hand knowledge. When one Panamanian office clerk and university student said he “heard” shots from a .22-caliber rifle (a particularly deadly weapon, not allowed to the zone police or U.S. armed forces) but conceded he had not seen the shooter or the rifle, the army’s lawyer burst in: “Don’t give us your supposition of what could have been done by someone if you haven’t seen it. We know already. We don’t need your evidence about that. We have other evidence, so just be frank and tell us, ‘I haven’t seen,’ huh?”⁷⁹ Time and again, U.S. officials insisted on facts and thus avoided the larger context of the trial. Witness this typical exchange between a U.S. lawyer arguing for U.S. self-defense and a twenty-nine-year-old Panamanian rioter:

QUESTION: Can’t you imagine that the—on the American side, one feared that once the crowd was admitted to the Zone, more houses were set on fire?

ANSWER: We, the Panamanians, have been nice with the empire, with the North American empire, and we do not forget its cooperation.

Q. Yes, but that is not my question.⁸⁰

To U.S. citizens and their lawyers, rampaging mobs with Molotov cocktails posed a clear and present danger to civilians no matter the context. For Panamanians, however, the fire engulfing a few Zonian homes was of little concern; *as a nation*, Panamanians would always act within the proper bounds of their historical “cooperation” with the United States. Interviews with Panamanians today still yield the same dynamic: when asked specifically about their individual views or actions, they tend to respond by giving a lecture on international relations, by substituting their nation’s history as their own. To be sure, such responses stem partly from self-protection. But they also indicate stronger group identities than existed among U.S. citizens.

78. Cited in *Hearings of the Committee*, 6 March 1964.

79. Unidentified U.S. lawyer cited in *Hearings of the Committee*, 9 March 1964.

80. *Hearings of the Committee*, 9 March 1964.

Not surprisingly, the ICJ report, which appeared in June 1964 after the Panamanian elections, exonerated the United States. Apparently apprised of the ICJ's conclusions already on 13 March, Lansing Collins rejoiced from his desk at the Department of State's Panamanian Affairs: "We won. It was apparent that all the Panamanians really wanted to do was to air their grievances . . . before an international body. They did not really care if the ICJ got the facts on the charges or not."⁸¹ On the matter of the three articles under which the Bar Association charged violations of human rights, the ICJ either acquitted the United States or ruled that the articles did not apply. It even called up a fourth article, Article 13 (1), guaranteeing freedom of movement and residence, and ruled that the United States did not violate *it*, either. Vakil and his colleagues also faulted the GN for grossly failing to maintain order. To somewhat balance its findings, the report added that "Canal Zone authorities, and in particular the Canal Zone police, could have handled the situation with greater foresight." The ICJ closed with the following statement:

Since the construction of the Canal, separate communities have lived on two sides of what is known as the Canal Zone Border. . . . Over the years it has given rise to a divergency in the way of life, in the economy, and in the outlook of the two peoples living in close proximity and yet in virtual isolation from each other. . . . This particular state of mind has resulted in building up resentment over the decades which has found expression in the type of unbalanced attitudes on both sides. . . . We cannot help feeling that the United States, having regard to the special situation it occupies in the world, and with its resources and ideals, should reflect upon these facts.⁸²

The ICJ did its job admirably. Not only did it rule on the legal matter in the only way the evidence reasonably allowed, but it also commented on the U.S. failure to appreciate the disparity between it and Panama, which in itself caused resentment.

Each country's media and leaders, however, took those outsiders' opinions and reinterpreted them. The *New York Times*, for instance, reported the findings in their given order of importance, but reflected the U.S. public's loss of interest in the Panama crisis by allocating a few paragraphs on page 11 to the ICJ report. The Johnson administration did not comment at all. Panamanian newspapers, in sharp contrast, chose to boldly highlight the secondary point of the report, the caution to the zone police. The headline of *El Panamá-América* was "The Brutality of the Zonians Criticized." This was not surprising since Illueca was the paper's director, but many other papers joined it in ignoring Panama's clear defeat in the ICJ ruling.⁸³ Illueca himself still maintained in 1999,

81. Collins, 13 March 1964, folder POL PAN-US 3/12/64, box 2564, Central Files 1964-1966, RG 59, U.S. National Archives.

82. ICJ, *Report on the Events in Panama January 9-12, 1964*, 40, 41-42.

83. "Crítica la dureza de los Zonians," *El Panamá-América*, 9 June 1964, 1. Those who recognized that the ICJ exonerated the United States did so angrily. The conclusion of Isaias

as the United States was handing over the canal to Panama, that the ICJ had not arrived at “any categorical judgment.” In fact, he believed—on scant evidence—that the very organization he summoned to Panama had been financed by the CIA.⁸⁴

In light of the poor performance by Panama’s lawyers and political leaders during the investigations of the 1964 riots, the tiny country’s success in following through on its promises to win over the canal and the zone in the decade that followed seems incongruous and raises questions about the impact of Panama’s anticolonialist rhetoric: Did Panama fool bleeding-heart U.S. liberals into believing that the relationship between their two countries was an unjust holdover from colonial days? Or, on the contrary, did its exaggerations in 1964 sour the relationship at the highest diplomatic levels and hinder its ability to be taken seriously by the White House? Since 1964, polemicists on the U.S. Right have insisted on the first question. Paradoxically, they have echoed Panama’s argument of inevitability by claiming that Panamanians manipulated guilt-ridden Democrats such as Jimmy Carter into losing the waterway that Teddy Roosevelt worked so hard to acquire. Denison Kitchel, for instance, an Army officer and self-described “head honcho” for the Goldwater campaign in 1964, denounced the Johnson response to the riots of that year as a “startling reversal of policy” that led without a doubt to the Carter treaties.⁸⁵

A more reasonable explanation of the impact of the riots holds that both questions are loaded with assumptions that ignore the ideological context and fallout of the Flag Riots. The violence of 1964 had only limited direct influence on the outcome of negotiations in the late 1960s and 1970s—and the influence of the investigations was even less. This essay has meant to suggest, rather, that the impact of the investigation on the devolution of the Panama Canal into Panamanian hands was largely in tone rather than in substance. In the effort to foster an appropriate atmosphere for negotiations after the riots, the legalism of U.S. officials and the moralism of Panamanians each sought a middle ground

Batista Ballesteros, for instance, was that the ICJ “did not do Justice [*sic*] to Panama and forgave the United States for its attitude,” in *El drama de Panamá y América: visión de conjunto sobre el problema de enero de 1964*, tome 2 (Panama City, 1965), 205.

84. Illueca, interview by author, tape recording, Panama City, Panama, 15 November 1999. Illueca based his accusations on a claim by Richard Harwood in “A Vast Program of Involvement Began,” *Miami Herald*, 26 February 1967, 4C. See also UN Ambassador César Quintero letter to Foreign Minister Solís, 10 June 1964, Diógenes de la Rosa Papers, Correspondencia sobre las negociaciones, Expediente No. 1 junio a septiembre de 1964, Biblioteca Nacional, Panama City; Illueca, “El rescate de la soberanía nacional,” *Tareas* 97 (September 1997): 14–16.

85. Kitchel, *The Truth about the Panama Canal* (New Rochelle, NY, 1978), 88. The first thorough anticommunist look at the riots was Jules Dubois, *Danger over Panama* (New York, 1964). Denunciations from the far Right other than Kitchel’s include Harold Lord Varney, *Help! Save the Panama Canal!* (Belmont, MA, 1965); Jon Speller, *The Panama Canal: Heart of America’s Security* (New York, 1972); Philip Crane, *Surrender in Panama: The Case against the Treaty* (Ottawa, IL, 1978); and Russell Evans, *The Panama Canal Treaties Swindle* (Carrboro, NC, 1986) and *Death Knell of the Panama Canal* (Fairfax, VA, 1997).

with the other in the years from 1964 to 1977. The riots encouraged a learning process that moved each side to make room in its own diplomacy for the other's rhetorical strategies.

On one hand, Panamanians grudgingly recognized their need to stand up to the United States less in the streets and more in diplomatic meeting rooms. There was a sense, for one, that Panama's often hostile and irresponsible tactics may have been counter-productive. As the *Miami Herald* noted toward the end of the OAS investigation, "the mistakes committed by Panama . . . saved the United States from the worst consequences of its own blunders." One historian similarly noted that Panama had effectively gotten the publicity it wanted through the OAS and ICJ but also that embarrassing the U.S. government "prevented any real progress toward settling the dispute."⁸⁶

In the years following the riots, in fact, the Johnson administration forced Panama's representatives into complex negotiations that almost amounted to a return to the status quo ante. U.S. representatives presented the projected building of the sea-level canal as either a carrot if it were in Panama (because Panamanians would help build it and profit from its jobs) or a stick whether it were in Panama (because the United States would clearly own it this time) or not (because the existing canal would lose its traffic). Panamanian negotiators were disarmed, and they knew it: they had misinterpreted the December 1964 declaration as an unmitigated victory and now had to appease nationalists by claiming that progress was being made. "Ridiculous! Shameless!" Panamanian statesmen exclaimed privately to colleagues when faced with U.S. proposals that delayed such progress.⁸⁷ In January 1965, on the anniversary of the Flag Riots, hundreds of students marched toward the U.S. embassy, evoking fears of a repeat performance. This time, however, the GN easily disbanded them. "It was the last gasp of the extremists," said U.S. diplomat William Jordan.⁸⁸ Negotiators drafted treaties in 1967, but domestic political problems in both countries caused them to be shelved, and the process did not begin again until the mid-1970s.

"In every Panamanian was a treaty specialist," it was said in the 1970s. Here was the learning process on the Panamanian side: Panamanians were becoming obsessed with correcting their legal shortcoming of 1964 and refining their arguments against the United States to prepare for a new round of negotiations. Publications and theses on the legal minutiae of U.S.-Panamanian relations proliferated in the late 1960s and early 1970s. As one Panamanian explained,

86. Max Freedman, *Miami Herald*, 15 February 1964; J. Michael Hogan, *The Panama Canal in American Politics: Domestic Advocacy and the Evolution of Policy* (Carbondale and Edwardsville, IL, 1986)

87. Panamanian quotations from *Actas del Consejo nacional de relaciones exteriores*, Panama Foreign Ministry Archives. See also Eloy Benedetti to Solís, Washington, D.C., 29 July 1964; and Solís to Illueca, Panama City, 7 September 1964, both in Diógenes de la Rosa Papers, Correspondencia sobre las negociaciones, Expediente No. 1, junio a septiembre de 1964, Biblioteca Nacional, Panama City.

88. Jordan, *Panama Odyssey*, 102.

“There emerged a significant juridical culture through numerous debates, forums, roundtables, conferences, and public discussions that enriched the heritage of the Panamanian at every level.” Rioting turned to technocracy as moderate nationalists, law school deans, and prominent lawyers took over the process of negotiations and dug in their legal heels.⁸⁹

On the other hand, U.S. officials, as if to meet the Panamanians halfway, seemed to take world opinion more seriously. Few negotiators spoke explicitly about the Flag Riots after 1964, but a message from that year had survived: Washington could not ignore the neocolonial embarrassment that the Panama Canal had become. Miguel Moreno and Jorge Illueca, for all their rhetorical ploys, had articulated the historical and moral longings of their compatriots accurately, and Johnson’s December 1964 statement had clearly heeded that tone.

In the 1970s, the weight of world public opinion only grew heavier. Panama’s new leader, Omar Torrijos, revived the canal issue by consciously appealing to international allies and strongly identifying with decolonization struggles.⁹⁰ Panama’s ambassador to the United Nations and veteran of the 1959 riots, Aquilino Boyd, now convinced the UN Security Council to convene in Panama City in 1973. His maneuvering for a resolution calling for renewed talks was purely “a question of public opinion,” Boyd said. As if applying a lesson from 1964, he believed that the United Nations would be more openly in favor of Panama than had been the OAS. It was. On 21 March 1973 the council resolved to enjoin Panama and the United States to negotiate a “just and fair” treaty, and if not for the U.S. veto, that resolution would have passed.⁹¹ According to historian John Major, the episode demonstrated that Panama’s “public relations victory” far outweighed its official, legal defeat. The situation recalled 1964. As a result of such growing international pressure, Secretary of State Henry Kissinger admitted in principle that the Panama Canal should be Panama’s canal, and from these principles the 1977 treaties emerged.⁹² During the talks, Sol Linowitz, who helped negotiate the treaties, counseled “adjusting to nationalist aspirations rather than confronting them,” and after ratification, historian

89. Both citations from Julio Yau, “Inicio de una nueva fase de las relaciones: los tratados tres en uno,” in *75 años de relaciones entre Panamá y Estados Unidos* (Panama City, 1989), 78; for details of this process, see Alan McPherson, “A Critical Ambivalence: Anti-Americanism in U.S.-Caribbean Relations, 1958–1966” (Ph.D. diss., University of North Carolina at Chapel Hill, 2001), 239–66; Michael Conniff, *Panama and the United States: The Forced Alliance* (Athens, GA, 1992), 123–24; and Major, *Prize Possession*, 338–45. For names of deans and lawyers, see Carlos Bolívar Pedreschi, *El nacionalismo panameño y la cuestión canalera* (Panama City, 1976), 8. The classic Panamanian legal brief on the canal had already been written in 1964, however. It was Harmodio Arias’s *The Panama Canal: A Study in International Law and Diplomacy* (London, 1911).

90. Steve Ropp, *Panamanian Politics: From Guarded Nation to National Guard* (New York, 1982), 103–4.

91. Boyd, interview by author, Panama City, Panama, 27 October 1999.

92. Major, *Prize Possession*, 342. On Kissinger, see Conniff, *Panama and the United States*, 130–31.

J. Michael Hogan argued that the Carter administration had in effect sacrificed a concrete asset in exchange for “the somewhat less tangible blessings of favorable ‘world opinion.’”⁹³

The story of the 1964 riots and investigations that followed does not call for moral relativism but rather for an appreciation of the subtle power emanating from contending worldviews. During the investigations of the riots, Panamanians distorted evidence, exaggerated arguments, and perhaps even lied, all in order to make a case for—ironically enough—moral superiority. The historical record should reflect these Machiavellian means. Nevertheless, highlighting the little-known investigations of the riots of 1964 not only helps understand the U.S.-Panama relationship in the twentieth century but may lead to broader conclusions about the hidden strengths of small versus large nations and more specifically of subaltern discourses facing hegemonic ones.⁹⁴ In this case, the U.S. government benefited from having largely defined an internationally homogenous culture of legalism that presupposed the freedom of all nations to enter into treaties and their equal ability to rescind them. Panama, albeit with a sometimes bewildering contempt for so-called universal standards of truth, nevertheless cleverly exploited more informal, atomized, and emotional forces within its own borders and in the rest of the world. The relative success of Panama speaks to the importance of ideological context in international relations.

93. Major, *Prize Possession*, 345; Hogan, *The Panama Canal in American Politics*, 57. See also Matilde Luna Ledezma, “The Panama Canal Zone: Its Importance in the Western Hemisphere,” in *The View from Panama*, ed. and trans. J. P. Morray (Monmouth, OR, 1978), 105.

94. On subaltern discourses in Latin America and elsewhere, and especially as it pertains to anti-U.S. protests, see Rob Kroes, ed., *Within the U.S. Orbit: Small National Cultures vis-à-vis the United States* (Amsterdam, 1991); John Charles Chasteen, “Fighting Words: The Discourse of Insurgency in Latin American History,” *Latin American Research Review* 28 (1993): 83–111; Forencia E. Mallon, “The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History,” *American Historical Review* 99 (December 1994): 1491–1515; and Ruben Ardilla, “Political Psychology: The Latin American Perspective,” *Political Psychology* 17 (1996): 339–51.