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Letter from the Executive Editor

All social science research begins with a question -- a riddle to be answered, a puzzle about human behavior. This issue of *Insights* addresses some particularly intriguing questions:

- Why is streaking tolerated on some college campuses, but not in the outside world? How does society tolerate two sets of cultural rules – “micro” rules for some colleges and “macro” rules for society at large?
- Why are valuable petroleum resources often described as a “curse” for a nation, rather than as a blessing? In Venezuela, how has oil affected politics, including the actions of that nation’s controversial president, Hugo Chávez?
- Why has Nepal experienced high rates of human trafficking? What are the proper roles of the government and non-governmental organizations (NGOs) in combating human trafficking?
- What are the root causes of illegal immigration into the U.S.? What are the most effective ways to curtail illegal immigration?
- Could the US have prevented the Vietnam War by making better diplomatic choices immediately following World War II? Were there good reasons for the U.S. and Vietnam to become allies rather than enemies?

Some may see education as learning the answers to prescribed questions, but I am particularly proud of our students’ ability to ask themselves interesting and insightful questions, and then go to great lengths to find the answers to those questions. Rather than passively regurgitating information from a textbook, the students in these pages have demonstrated a higher-order skill of independent, thoughtful, and careful analysis on issues important to them. You may not agree with all the answers provided, but I hope you will join me in congratulating these student scholars on the high level of their intellectual efforts.

Insights is a student-edited and student-written journal, so the issue in your hands (or on your screen!) has required the efforts of numerous referees as well as authors. Nineteen editors read dozens of papers over a period of seven months to select, and improve, the five

articles you see here. Sharon Topi, the administrator of the Levitt Center and our managing editor, has continued to shoulder the task of putting the journal together. And the Levitt Center has continued to provide essential financial support for the project. To all of you, my grateful thanks!

As always, we welcome submissions, either directly from students or from professors who spot a particularly well-crafted paper. Submissions should be no longer than twenty-five double-spaced pages, formatted in the American Psychological Association (APA) style, and should be sent to me via the e-mail address below.

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We're Going Streaking!
**The Theory of Sanctioned Deviance at Hamilton
College**

Elizabeth Herring

It's 11 p.m. in the Burke Library of Hamilton College during finals week. Coffee-toting students pack the library to cram for exams. Other students are feverishly writing papers. All of a sudden, a buzz of "shhs" erupts from a far away corner. A pack of naked men and women weave in and out of the rows of desks and then speed down the stairs. The Hamilton College Varsity Streaking Team strikes once again. The students look up from their work, and after a few minutes of giggling and chatter, everyone goes back to work.

Why can these students run around campus naked and go unpunished? To answer this question, I have created the theory of sanctioned deviance. The theory of sanction deviance attempts to explain why Hamilton's streaking team is generally seen as acceptable rather than a deviation from the micro and macro social structures controlling public nudity. Sanctioned deviance identifies Hamilton College as an institution that has an internalized collective consciousness regarding acceptable forms of public displays of nudity.

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A collective consciousness represents a set of beliefs common to all members within the same society (“Collective Consciousness,” 2002). This theory will examine streaking within the micro-level structure of Hamilton College and its student body. In addition, the theory will address macro-level concerns towards nudity within our greater American society. Sanction deviance allows for the exploration of a social phenomenon unique to our culture on the Hill.

On a biological level, individuals “streak” because the human species is innately pleased when in the nude. Thinking in terms of Freud, our animalistic, libido-driven id loves nudity (1961). One member of the streaking team candidly noted that “streaking is wicked fun” (“Buff and Blue,” 2004). Individuals gain a great sense of pleasure when we actively defy the regulation of the ego and shed our clothing. Streaking is ‘wicked fun’ in comparison to other mundane ego activities because

the feeling of happiness derived from the satisfaction of a wild instinctual impulse untamed by the ego is incomparably more intense than that derived from sating an instinct that has been tamed (Freud, 1961, p. 26).

Part of this id pleasure stems from the actual act of defiance against the societal superego. The society superego creates internal regulations, derived from society at large, and then censors actions of

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the ego deemed devious (Freud, 1961, p. 83). In a society controlled by the superego, the members of the streaking team employ strategic actions to embrace the pleasures of the id and defiance.

To justify breaking superego-driven cultural taboos and laws concerning nudity, the streaking team presents a particular front to legitimize their actions. Erving Goffman postulates that all human interactions are performances of ‘fronts’ colliding with one another (Goffman, 1959, p. 23). This dramaturgy school of thought sees all human interactions as performance, with society as the audience. The streaking team’s performance occurs in the “theater of the absurd” (Marek, 2005). United by the common desire to enjoy the id’s pleasure of nudity, the streaking team becomes a “performance team” who work together to present their deviance to a campus-wide audience (Goffman, 1959, p. 79). The specific front of the streaking team helps to inform audiences that this is a team performance of deviance from superego taboos.

The characteristic of a team allows the campus-wide audience to view these naked individuals in the context of a sport. When people enter a new social situation, we often draw upon relevant past experiences to help create our performance as an audience member (Berger and Luckman, 1966, 58-59). Calling the streaking team the

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“Hamilton College Varsity Streaking Team” encourages the audience to view the team’s performance in the same way we recognize other intercollegiate sports. The streaking team also uses the language of sport, such as “undefeated,” which helps to reemphasize the team’s similarities to other sports. Though the streaking team may use the word ‘team’ as a way to mock other N.C.A.A. sanctioned sports, it nonetheless draws dramaturgical comparisons from the norms of intercollegiate sports.

The habitual performance of the streaking team creates a level of sanctioned deviance within the micro collective consciousness of the student body. The streaking team’s performance is habitual in that “the action in question may be performed again in the future in the same manner and with the same economical effort” (Berger and Luckman, 1966, p. 53). The streaking team always consists of naked men and women on college campuses. Sometimes the team may wear masks, or carry horns and banners, but the nudity is always held constant. Habitual actions, however, contextualize and normalize a given situation. Contexts provide a set of typifications, which organize our society into a set of objectified interactions (Berger and Luckman, 1966, p. 21). This typification provides audiences with past experiences of nudity on campus and, in turn, minimizes the level of

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their reaction. Students are less shocked by public nudity the more often they witness the event. Individuals create a library of past experience in which to draw appropriate reactionary performances. This is why the element of surprise is essential to a streaking team's performance. When surprised, people cannot quickly sift through their library of reactionary performances and thus present their true first reactions. The minimal reactions to the habitual performance of the streaking team in the library signals the micro level acceptance of this deviant behavior.

The institution of Hamilton College is set in a precarious situation concerning the extent to which it will allow deviant behavior on campus. For the most part, Hamilton functions under the influences of macro-level structures of our greater society. The laws that govern our greater society influence the general level of order on campus and general absence of egregious crimes. But Hamilton as a micro-level institution can deviate from some of the macro-level regulations. For instance, the school knows that illegal underage drinking occurs on campus, but the college does not actively seek out violators on a regular basis. For the most part, the micro-level structure of the college allows the streakers to go unpunished. Recently, the institution attempted to regulate streaking during a concert held over family

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weekend. I theorize the reason for the institution's sudden interest in regulating deviant nudity is that family members from outside of the Hamilton micro-structural sanctioned deviance were present for the concert. The college feels the necessity to implement macro-level controls against deviance when members outside of Hamilton's micro-level community are present on campus.

One potential reason for the college's acceptance of a collective consciousness of sanctioned deviance is because the institution could reap the media attention without having to invest in the team. The college saw that the streaking team's deviation from the institutional power could actually bring positive attention to the school. Performance teams often present a front for an organization as well as for the individuals (Goffman, 1959, 77). In this case, the streaking team is acting on behalf of the college but without personally obtaining any financial gains from the institution. Although allowing the streakers to use the school's name may seem irrational due to the societal superego's dislike of nudity, the benefits of media attention outweighed angering individuals. For example, Hamilton College could have followed in the footsteps of Princeton University and ordered the team to disassemble (Duerson, 2005). Ordering the disassembly of the team might have seemed logical in the wake of

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many recent negative media stories, which include President Tobin's plagiarism, the 2003 cocaine sting operation, the Ward Churchill scandal, and Professor Nancy Rabinowitz's inclusion in David Horowitz's book *The Professors: 101 Most Dangerous Academics in America* (2006). However, in the months following the creation of the streaking team, stories were written in local newspapers, *Sports Illustrated on Campus*, and even *GQ*. The team's crowning media achievement occurred with an article in the education section of the *New York Times* (Fuchs, 2005). Written in a light-hearted humorous manner, the article brought a large amount of national attention to the college. As a result of the article, CNN interviewed two members of the streaking team on television. These media stories brought attention to the institution of Hamilton College as a result of the streaking team's activities.

The college, however, did financially contribute to the team in one instance. For the premier of the streaking team's movie *Buff and Blue*, the school "allow[ed] the streakers to use the school's world-class auditorium, then signed off on an on-campus party and after-party that plowed through five kegs and 30 cases of beer" (Morgan, 2005). The college willingly permitted further deviations through the presentation of "pornography" and consumption of alcohol. Only

within the micro level collective consciousness of sanctioned deviance could Hamilton support such actions.

Even though streaking is a legitimate action on the Hamilton campus, one must use appropriate macro-level collective consciousness language to describe nudity. Our society polices our language of nudity by screening out certain “devious” words (Foucault 1976, 17-18). In the *GQ* article for example, the author chose the word “tochis” to describe a person’s buttocks (Veis, 2005). In the *Sports Illustrated on Campus* article, the author uses the phrase “...that which God gave us” to reference nudity (Duerson, 2005). This exemplifies the permeating power of the macro-level regulation of language in our society. Even though a particular action is sanctioned in a specific place, the language surrounding the event is still controlled by the macro social structure of our civilization. As a result, articles written for the macro culture in the public media must avoid words that directly reference nudity due to our general policing of statements.

In addition to macro-level society controlling the language of nudity, the streaking team cannot escape the greater societal control over the display of nudity. One may often go unpunished for streaking under sanctioned deviance at Hamilton College, but in the civilization at large, streaking is not an acceptable public performance. Members

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of the streaking team have been arrested and/or charged with disorderly conduct while streaking at other collegiate institutions. These fellow institutions do not have a collective consciousness of sanctioned deviance and so rely upon the macro-level policing structure of society.

In the spring of 2005, I attended the premier of the streaking team's movie *Buff and Blue*, held in Wellin Hall. While sitting next to the Dean of Students, I watched on a large screen as my peers ran around naked. Normally, one would not feel comfortable sitting next to the Dean during a movie with a large amount of nudity. Here at Hamilton College, the theory of sanctioned deviance allows this situation to occur, and with a certain level of comfort. This theory, however, is only an attempt to create order in our small world upon the Hill. Theories can adapt, expand and even diminish. No one can know for certain if streaking will continue to be permitted at Hamilton. Until then, I will wear my "Official Streaking Team T-Shirt" without fear of censorship, because it represents the acceptance of streaking under the specific collective consciousness of sanctioned deviance.

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Political Choice and the Venezuelan Petro-State

David R. Foster

Introduction¹

After over a century of instability and tyranny, Venezuela rejected its final dictator in 1958 to allow the ascent of a stable two-party democracy. Frustrated with Marcos Pérez Jimenez's abuses of power, the mass public removed Jimenez in favor of a less volatile democratic system. With the support of the armed forces and the signing of the Punto Fijo Pact, democracy, constitutionalism, and a two-party system took hold. For forty years, power alternated between the Christian Democratic Party and Democratic Action, until Hugo Chávez Frías upset the balance of power in 1998. Using unabashed populism and an appeal to the poorest Venezuelan citizens, Chávez rejected the two-party legacy and forged a new path for Venezuela.

Yet was Chávez really paving a road to the future, or was he stuck on a traffic circle? Venezuelan politics might look like an evolution: the nation has progressed through Spanish colonial rule, 130

¹ I am indebted to Shelley McConnell and Sharon Werning Rivera for providing comments on earlier drafts. I also thank Professor McConnell for her help in formulating my introduction and thesis question. Her suggestion that I explore institutional questions as well as Chávez's decisions proved insightful.

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years of instability, forty years of unresponsive two-party democracy, and nine years of Hugo Chávez. For many observers, Chávez's regime represents an enlightened, egalitarian conclusion to years of political corruption and instability. After the Venezuelan people suffered through years of out-of-touch governance, they finally rejoiced at the opportunity for change that Chávez appeared to present. However, the rise of Hugo Chávez suggests a regression to the past, as both Chávez and the twentieth century's two-party system relied heavily on oil revenues to support their respective regimes.

Perhaps the important story of Venezuelan politics is one not of *caudillos* (strongman leaders) dictating Venezuela, but rather of oil dictating *caudillos*. To understand the relationship among oil, fate, and power, one must ask two questions: first, "By what mechanism does Venezuelan resource wealth prevent democratization?" and second, "Who or what determines the course of political events in Venezuela: Hugo Chávez, the state-owned oil company PDVSA, or petroleum?" Although PDVSA has successfully challenged Chávez's power as a sort of *statum in statu* (Parenti, 2006, p. 8), the presence of oil itself might condemn Venezuela to an undemocratic fate. The Venezuelan intellectual Arturo Uslar Pietri once observed that "petroleum is the fundamental and basic fact of the Venezuelan

destiny” (Karl, 1997, p.73). Consistent with his grim lamentation, the evidence appears to support the case that although Chavez might appear to be in control, his political choices are severely limited by the constraints that resource dependency imposes.

Literature Review

The “Resource Curse”

To understand oil’s role in Venezuelan politics, one must first examine theoretical models of resource dependency. The literature proposes numerous different possibilities that are not necessarily mutually exclusive: the “rentier effect,” the “institution effect,” the “corruption effect,” the “repression effect,” and the “modernization effect.”

The idea of the “rentier state” originates from the eighteenth- and nineteenth-century political economist David Ricardo,² and in recent times it has often been applied to the study of democracy in Middle Eastern countries. Political scientists have since adapted the concept to resource-rich countries throughout the world. In the “rentier state,” “governments use their oil revenues to relieve social pressures that might otherwise lead to demands for greater

² Professor McConnell informed me of this.

accountability” (Ross, 2000, p.332). According to Michael Ross (2000), there are three ways that this could happen: the “taxation effect,” by which the state derives revenues from natural resources rather than taxes; the “spending effect,” by which patronage reduces the demand for democracy; and the “group formation effect,” by which oil revenues allow the government to preclude independent social groups. Fareed Zakaria (2004) supports the idea of the “taxation effect,” writing that “when a government taxes people it has to provide benefits in return, beginning with services, accountability, and good governance but ending up with liberty and representation” (p.75). Karl and Gary (2004) agree, noting that “petrodollars actually sever the very link between people and their government that is the essence of popular control” (p.38). Additionally, Karl and Gary (2004) appear to support the idea of the “spending effect,” noting that “in oil-exporting countries, all actors...have overwhelming incentives to seek links with the state in order to make money; governments, in turn, reward their supporters by funneling petrodollars, tariff protections, contracts, or subsidies their way.” (p.40). Zakaria (2004) also endorses the “group formation effect,” claiming that “the state had to import knowledge and even people from overseas.... The result was a business class that, instead of being independent of the state, was deeply dependent on it.”

(p.73). These models posit a convincing reason why the people in resource-rich countries might passively accept authoritarian rule while their resource-poor neighbors clamor for democracy. By examining the relationship between citizens and the state, the concept of the “rentier effect” wisely includes citizens in the evaluation of the political dynamic. Yet focusing exclusively on this effect pays insufficient attention to institutional factors. Although Ross (2000) does consider oil wealth in the context of initial per capita income, this broad category says very little about the quality of institutions (p.342).

Attempting to fill the gap in the “rentier effect” theory, several scholars have proposed that the strength of institutions provides the critical link between oil wealth and regime type, which I shall call the “institution effect.” Mehlum, Moene, and Torvik (2006) ask, “Why are some countries blessed and others cursed by their resource wealth?”, answering, “An important explanation can be found in institutional differences” (p.1118). As a result, “the consequences of discovering a new valuable resource are therefore likely to be quite different in warlord-dominated Afghanistan and law-obedient Switzerland” (p.1119). In other words, the quality of political institutions are central to a country’s success (or failure) in managing resource wealth. Michael Ross’s (2000) statistical regressions provide

some support to this hypothesis, as he finds that “oil and mineral wealth cause greater damage to democracy in poor countries than in rich ones” (p.343), although this requires the assumption that richer countries tend to have stronger institutions. Other scholars suggest a related idea that I shall term the “overextension effect,” which occurs when increased demands for spending lead to decreased autonomy and considerable budget deficits. Karl and Gary (2004) claim that “oil booms raise expectations and increase appetites for spending” and that as a result, “governments dramatically increase public spending based on unrealistic revenue projections” (p.36). Both the “institution effect” and the “overextension effect” insightfully explain the process by which governmental weakness can explain the fiscal and democratic success of the United States or Finland and the failure of Afghanistan or Venezuela. Institutional theories serve as a useful complement to other ideas such as the “rentier effect,” yet they still do not paint a complete picture of the “resource curse.”

While these institutional theories treat the state as a single actor, another model suggests that the individuals within institutions merit attention as well. According to M. Stephen Fish (2005), the “corruption effect” occurs when weak institutions are once again incapable of providing proper oversight for the allocation of resource

wealth. As a result, “holding office can afford access to enormous funds and make one fabulously rich overnight” (p.127). Karl and Gary (2004) second this, noting that some oil companies “pay secret bonuses that cannot be traced” (p.41) and that “because there is no transparency in the management of oil revenues, parallel budgets are created” (p.37). The corruption effect suggests yet another reason why oil might impede democracy. Considering the selfish nature of corrupt politicians, this idea provides a convincing partial explanation for the “resource curse.”

Ross points to another possible effect that stems from corrupt politicians. He discusses the “repression effect,” by which resources “allow their governments to spend more on internal security and...block the population’s democratic aspirations” (Ross, 2000, p.335). Among others, Ross (2000) cites Theda Skocpol (1982), who “notes that much of Iran’s pre-1979 oil wealth was spent on the military, producing what she calls a ‘rentier absolutist state’” (Ross, 2000, p.335). Yet Ross explains that verifying the presence of this effect might be tricky, since higher levels of conflict (and correspondingly lower levels of democracy) within a country might cause increased militarization rather than the other way around (ibid.). Additionally, a complete understanding of the “resource curse”

requires an examination of the poor economic development that appears to result from the state's behavior.

To incorporate economic effects, scholars have suggested the "modernization effect." Tompson (2005) ventures that "resource dependence may undermine economic performance, thereby impeding progress with respect to democratization and/or good governance" (p.339). Karl and Gary (2004) agree and suggest multiple obstacles to economic development. First, they note that the volatility in oil prices "has been shown by scholars to be bad for investment, income distribution, educational attainment, and poverty alleviation." Second, they observe that "foreign debt grows faster in oil-exporting countries, mortgaging the future." Third, "petrodollars replace more stable and sustainable revenue streams, exacerbating the problem of development." Fourth, "non-oil productive activities, like manufacturing and agriculture, are adversely affected by the oil sector in a phenomenon called Dutch Disease" (p. 36-8). Drawing its name from the overvaluation of Dutch currency during a natural gas boom, this economic effect occurs when resource exports "crowd out" other exports. With increasing oil exports and revenues, a country's currency becomes more attractive relative to other currencies. The resulting currency appreciation makes non-resource goods unattractive

to world consumers, as the goods have become relatively more expensive than the same goods imported from another source (Sachs, 2007, p. 181-6). Karl and Gary (2004) argue that as a result, “agricultural exports—a labor-intensive activity particularly important to the poor—in particular are adversely affected” (p. 38). Ross’s (2000) conception of the modernization effect emphasizes a transformative effect on the populace: “if resource-led growth does not lead to higher education levels and greater occupational specialization, it should also fail to bring about democracy.” In other words, even though oil provides vast wealth, only wealth that results from greater development favors democracy (p. 337). The “modernization effect” thus contributes another important perspective to a unified theory of resource dependence.

Nonetheless, it would be nearsighted to focus exclusively on modernization. Ross (2000) alleges that “the modernization effect does not work through the state: it is a social mechanism, not a political one” (p. 337). Yet the state plays an important role in economic modernization. Using a game theoretical model, Thad Dunning (2005) attempts to explain the economic interaction of political elites and non-elites in resource-dependent countries. Dunning believes that elites recognize that promoting economic

development will endanger their power: “While [political elites] might like to promote diversification of the economy [to improve] aggregate economic performance, diversification may create a societal base of power outside of the control of political elites” (p. 452). Dunning identifies three types of possible resource-rich countries: “politically stable, economically flourishing, and possibly diversified,” “poor, resource-dependent, and fiscally volatile but politically stable,” and “diversified and economically growing but possibly politically unstable” (p. 457).

This research has possible implications for Venezuela, which fits into the second category. If Dunning’s analysis is applicable to countries outside of his case studies, it provides insight into the political motivations that lie behind elites’ economic decisions. Additionally, the model incorporates societal opposition to state elites and the existing level of non-resource economic development. However, there exist several weaknesses in Dunning’s paper. Although the paper focuses heavily on the behavior of elites, it reduces them to calculating players who make their choices scientifically. While a game-theoretical model is useful as a systematic approach to evaluate the decisions of perfectly rational actors, the processes of democratization and economic liberalization require a more subtle,

holistic approach. As Ross (2000) notes, “the rentier, repression, and modernization effects are largely complementary.... All three explanations, or any combination of them, may be simultaneously valid” (p.337). A unified theory of resource dependence in Venezuela requires a consideration of all plausible theories already set forth as well as the possibility of new explanations.

Oil in Venezuelan Politics

These theoretical models prove useful when they are combined with a nuanced treatment of the role of oil in Venezuelan politics. To give this context, articles such as that of Michael Shifter (2006) provide the empirical data necessary to evaluate theory. Shifter’s most notable observation is that “in exchange for Cuban teachers and doctors, Chávez furnishes the financially strapped island some 90,000 barrels of oil a day.” This single fact suggests elements of both the rentier effect and the modernization effect, the former because Chávez is “buying off” the people, and the latter because Chávez imports doctors rather than investing in training his own Venezuelans. Additionally, Shifter suggests a geopolitical motive: “[Chávez] has skillfully managed to establish himself as a global and regional leader, using oil money.” Unfortunately, Shifter does not thoroughly evaluate the numerous possible links between oil and failed democracy.

Further research is therefore necessary to create a model that considers the specifics of Venezuela and critically evaluates them in the context of theoretical explanations for the failure of democracy.

Considering the importance of oil to political development, any effective analysis of political relationships should necessarily extend from a comprehensive understanding of oil's place in Venezuela. With this knowledge, one can evaluate the locus of control within government more effectively and completely. Although it is commonly assumed that Hugo Chávez wields unchallenged authority, that which maintains his political status also threatens it the most. His control appears largely tied to PDVSA, the state owned oil company. Referring to the two-day coup that removed Hugo Chávez from the presidency, Sylvia and Danopoulos (2003) note, "the turmoil of April 2002 stemmed from Chávez's attempts to appoint members of the Board of Pdvsa [*sic*] loyal to himself. Shortly, after his return to power, Chávez withdrew the controversial appointments" (p. 72). Christian Parenti (2006) explains that "to move away from oil dependency and create development alternatives, Chávez must first control PDVSA—something no previous president has managed to do" (p.9). Thus, perhaps there are multiple centers of power within Venezuelan governance.

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The articles by Parenti and Shifter, respectively, do not engage in a more substantive explication of the exact relationship between power centers, and further research is needed to examine their interactions. Additionally, although oil is necessary to support Chávez's regime, neither author explores what might happen if the price of oil were to drop. A more thorough consideration of fatalism in this context might provide insight into the politics of both Venezuela and of other "resource-cursed" nations; essentially, one must consider whether political elites matter in a resource-rich country, or if the nation is condemned to a pre-ordained fate. Answering this question in the context of Venezuela requires a subtle analysis, as many scholars have misinterpreted the country's political dynamics by suggesting that a break with the past had occurred during Venezuela's democratic period of the late twentieth century.

Although the idea of "exceptionalism" has since been largely discredited, some experts on Venezuelan politics appear poised to misinterpret the country's historical trajectory once again. For example, Sheila Collins (2005) suggests that Hugo Chávez represents

a unique shift in Venezuelan history.³ Yet a careful evaluation of Venezuelan history and comparison with Venezuela under Chávez shows that his government represents the mere revival of *caudillismo* (rule by strongmen) and the continuation of resource dependency. Considering the underlying institutional causes of these problems, the country is unlikely to shift its path toward true democracy unless it ceases to rely on resource wealth. As Collier and Collier (1991) note, “a common understanding of change...is a cornerstone of comparative-historical research on development. It suggests what Paul A. David has called a ‘path dependent’ pattern of change, in that outcomes during a critical transition establish distinct trajectories” (p. 27). These path-dependent frameworks formalize an idea that might seem too obvious, that a nation’s formative conditions limit the paths that the nation’s political development can take later. Therefore, perhaps a path-dependent explanation applies, at least in part, in the cases of Venezuela and other resource-rich nations.

³ Ironically, those who believe that Chávez represents a shift in Venezuelan history appear to be the most adverse to the discredited Venezuelan exceptionalism thesis. For example, Collins (2005) believes that Chávez is “breaking the mold.”

**Venezuela's Transition to Democracy and the Signing of the
*Pacto de Punto Fijo***

Founded as a Spanish settlement during the sixteenth century, Venezuela's road to democracy has been long and perilous. Although revolutionary Venezuelans failed in numerous attempts to throw off Spanish colonial rule, Simón Bolívar finally succeeded in 1821. Bolívar led a revolution to free Gran Colombia, which consisted of present-day Venezuela, Ecuador, Panama, and Colombia and broke into multiple nations in 1831. Foreshadowing Venezuela's eventual political evolution, the revolution and independence also upset bureaucratic institutions, as "old methods of defining legitimacy and right were replaced by a new system based almost entirely on force" (Myers, 1990, p.289). Unfortunately, this did not bode well for Venezuelan democracy, as the nation suffered from instability and tyranny throughout much of the nineteenth and early-twentieth centuries ("Background Note: Venezuela"). As Venezuela became a source of commercial goods for the industrializing North American countries, its political development culminated with firm control by its ruthless and brutal leaders (Myers, 1990, p.290). These *caudillos* directed the nation in the absence of democratic institutions. As Lombardi (2003) explains, "the litany of caudillos and regime changes

throughout the period from José Antonio Páez until Juan Vicente Gómez serves as incontrovertible evidence of the fragility of the Venezuelan order” (p. 1). Yet as Lombardi also observes, Venezuelan politics of the 19th century was marked not only by a succession of ever-strengthening *caudillos*, but also by what he calls the “Hispanic extractive engine”: “Originally perfected in the eighteenth century to produce and export cacao, it expanded to encompass coffee through the nineteenth century” (ibid.). Thus, two of the country’s modern problems appear to have evolved through an integrated process: as the political culture evolved to favor rule by a *caudillo* or “strongman,” the *caudillo*’s power became inextricably linked to the extraction of resources.

During the early twentieth century, Venezuela could no longer compete in the international market for coffee, and it switched to the extraction of petroleum (Lombardi, 2003, p.1-2). This transformation of the economy had wide-reaching effects. Just as the 1831 revolution had upended colonial bureaucracy, “the petroleum-based ‘technological imperium’ overpowered the commercial bureaucratic system” (Lombardi, 2003, p.2). Once again, Venezuela’s weak institutions succumbed to external pressures, which Lombardi notes has been problematic since the departure of Spanish colonial rule: “as

however innovative and creative the writers of constitutions and laws might be, they could not reinvent the traditional stability and effectiveness of the Spanish imperial institutions” (ibid.). Although the switch to oil “raised the stakes of the game,” it did not immediately alter Venezuela’s historical trajectory, as the country continued to suffer under the rule of *caudillos* (p. 3). Yet the events of the early-twentieth century eventually helped to steer the country away from traditional strongman rule. Venezuelan leaders who came after Juan Vicente Gómez realized the inability of the existing commercial bureaucracy to resolve conflict, so they experimented with democratic methods (Myers, 1990, p.291).

The transition to democracy progressed, although not without stops along the way. The political system experienced chaos in 1945 when “power was seized by youthful military officers in alliance with middle-class reformers from the interior” (ibid.). These groups thus founded the party *Acción Democrática*, (AD) which attempted to institute socialist reforms. As a result, “those with the most to lose abandoned the democratic experiment,” popularly-elected president Rómulo Gallegos was overthrown, and AD was outlawed. Col. Marcos Pérez Jiménez then rode an anti-Communist wave to power in 1952 and served as dictator until 1958 (ibid.). Yet Venezuelan

democracy appeared to have gained some traction. In 1958, the prospect for peaceful liberal democracy brightened: “Marcos Pérez Jiménez [was overthrown] in a massive popular revolt supported by liberal elements of the armed forces, the signing of the Punto Fijo Pact, and the writing of a new Constitution in 1961 that guaranteed social and political rights” (Collins, 2005, p. 369).

An “Exceptional” Democracy?

This “*Pacto de Punto Fijo*” appeared to institutionalize democratic rule and moderation. Although Venezuela had suffered under tyrannical rule for over a century, the political system now seemed to support stability and balance. In contrast to the *coups d'état* of the past, from 1959 until 1998 political power alternated between two major political parties, COPEI and AD, in a democratic process (“Background Note: Venezuela”). The relative stability of Venezuelan government compared to its neighbors led many scholars to speculate that Venezuela was an “exceptional” democracy (Ellner and Tinker Salas, 2007, p. 3). As Ellner (2003) notes, “some considered Venezuelan democracy largely unique for Latin America, and actually more comparable to the democratic systems of Western Europe” (p. 8). According to Ellner, scholars pointed to seven reasons that Venezuelan

politics were exceptional:

1. A two party system with minimum ideological differentiation....
2. Political leaders committed to democracy who avoided ultranationalist rhetoric....
3. A mature political leadership that, learning from past experiences, discarded sectarian attitudes and formed interparty agreements....
4. Major parties of multiclass composition with a predominately middle-class leadership....
5. An emphasis on party discipline within AD and COPEI....
6. A political system sufficiently open to provide attractive opportunities for junior coalition partners and other small parties....
7. Parties that were highly institutionalized rather than vehicles for ambitious leaders (Ellner, 2003, p. 8-9).

Yet all was not well within Venezuela. Even though military leader Hugo Chávez would not become president until 1998, his rise to power began with declining oil revenues in 1981. Venezuela's government relied heavily on oil for revenue to fund social services, and "by the late 1980s,...the government was no longer able to provide the level of social services it had during the oil boom years" (Collins, 2005, p. 370). Over the next decade, Venezuela's inability to support its largely-impooverished citizens led to the further decline of its two-party system. In 1989, riots in Caracas led to 200 civilian deaths, which would be termed the *Caracazo* (loosely translated, the "big smash in Caracas"). Three years later, Hugo Chávez cited this *Caracazo* as a

justification for his coup attempt in 1992 (“Background Note: Venezuela”). Although Chávez received a prison term, the impeachment and removal of President Carlos Andrés Pérez in 1993 ultimately resulted in Chávez’s pardon after two years and the beginning of his career in electoral politics. While COPEI and AD had dominated politics well into the nineties, the rise of Hugo Chávez and collapse of the two-party system exposed the shaky foundations of Venezuela’s pacted democracy and shattered ideas of exceptionalism.

Ellner discusses six different explanations for the breakdown of the *Punto Fijo* system, including party pacts, political party institutionalization, political learning, oil-exporting status, the system of proportional representation, and “multiclass” parties (Ellner, 2003, p.12-3). Arguably, oil-exporting status is a particularly significant factor, considering that the other five are largely temporal. While institutions, parties, and representational systems change easily with each *coup d’état* or reorganization of the state, it is difficult to imagine that Venezuela would willingly decide to stop exporting oil. Ellner explains that this oil-exporting status “held back political and economic development” and “encouraged the state to create a large, highly unproductive bureaucracy at the same time that it borrowed money from abroad to finance unrealistic...megaprojects.” Although

puntofijismo (the system of pacted democracy under the *Pacto de Punto Fijo*) appeared to represent an enlightened coda to years of mismanagement and tyranny, it merely represented a detour from *caudillismo* and hid the continuing centrality of resource extraction.

Discrediting scholars of the past who speculated that oil made Venezuela a uniquely stable democracy, Richard Hillman (1994) suggests that the connection between oil and democracy has been overemphasized (p. 51). Yet while Hillman is correct to assert that one cannot maintain a democracy through oil alone, he neglects the strong inverse relationship that exists between resource wealth and liberal democracy. An examination of Venezuelan democracy from 1959 to 1998 shows that while *puntofijismo*'s façade appeared democratic and stable, the nation most likely suffered from some combination of the five broad categories of resource effects that appear in the literature.

El Paquetazo

Ironically, petroleum's effect on pre-Chávez Venezuela becomes apparent through an examination of petroleum's disruption during the eighties. When oil prices plummeted in 1982, the foundation of the *Punto Fijo* regime began to crumble. As Karl (1997) explains, "the sharp drop in oil prices...forced an abrupt devaluation

of the bolívar and plunged the country into its worst recession in the postwar period, which sent the...government scrambling for new revenues” (p. 176). With Venezuelan debt reaching dangerously high levels, international banks began to insist that the country restructure its economy under an International Monetary Fund plan (p. 174). Although officials managed to postpone IMF austerity for a few years, in 1988 the banks finally demanded that Venezuela comply with the IMF as a condition of future lending (p. 178-9). After the economy collapsed in early 1989, second-term president Carlos Andrés Pérez negotiated with the IMF to create *el paquetazo* (“the big package”), which was a set of economic reform plans. These measures included “the elimination of nontariff barriers covering 94 percent of local manufactures, the reduction of tariffs from their average of 35 percent to a 1990 target of 10 percent, an increase in internal interest rates of up to 30 percent, [and] the reduction of the fiscal deficit to no more than 4 percent of GDP” (p. 180). *El paquetazo* led to dramatic effects, including a shrinking economy, rising unemployment, declining salaries, and inflation near 100%. In the absence of oil revenues “to smooth over the protests,” President Pérez faced increasing pressure to resign (p. 181). Finally, Hugo Chávez and a small group of rogue military leaders attempted to overthrow the government in 1992.

The Repression Effect?

These events first provoke an examination of the place of military and police forces within Venezuelan politics. Many scholars before 1992 concluded that the military would not intervene in Venezuela's stable pacted system (Hillman, 1994, p. 51), and in fact the military contributed to stability by stopping Chávez's coup attempt in 1992.⁴ However, after Chávez became president in 1998, the police played a role in the repression of Venezuelan citizens. Human rights observer Leo Casey (2005) notes that "demonstrations against [Chávez's] regime were violently attacked.... Fifty-five Venezuelans had died in such instances of street violence." Casey invokes the studies of Human Rights Watch and Amnesty International, which concluded that the National Guard and the police often mistreated or tortured demonstrators, even organizing death squads to subdue opponents of Hugo Chávez (p. 87-7).

Yet does this constitute a "repression effect"? Although the police have abused human rights, their actions do not match the definition of the effect, which is an increased ability to suppress dissent through higher levels of military or police spending (Ross, 2000, p.335). Data from Chávez's government do not provide any

⁴ Professor McConnell pointed this out.

convincing support for the effect: from 2001 to 2004, Venezuela's military spending as a percentage of GDP ranged between 1.17 to 1.75, with a downward trend over time. During the same period, many successful democracies spent more; for example, U.S. defense spending ranged between 3.1 and 3.98 percent, and Chilean defense spending ranged between 3.71 and 3.86 percent ("Defense Spending"). Military repression might play a greater role in the future, as Chávez has begun to create a new civilian reserve and increase spending on arms (Romero, 2007), although the "repression effect" appears an unlikely candidate to explain resource dependency's anti-democratic effects in Venezuela.

Democratic Failure under *Puntofijismo*

Perhaps focusing on Venezuelan institutions proves more helpful in explaining the failure of democracy. As Hillman (1994) explains, "paradoxically, the very institutions that have provided stability through difficult transitions in the past contribute to the conditions that provoke military factions to continue to attempt violent intervention into national politics" (p. 52). The reasons for stability that earlier scholars had posited (as catalogued by Ellner [2003]) provided the most trouble when oil revenues collapsed. In particular,

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“a two party system with minimal ideological differentiation,” “a mature political leadership that, learning from past experiences, discarded sectarian attitudes and formed interparty agreement,” and “major parties of multiclass composition with a predominately middle-class leadership” (p. 8-9) created a democracy with a hollow core, following the Colombian model.⁵ When the two major parties cooperated too extensively, provided no contrast, and shut disaffected groups out of the political process, true democracy did not provide the basis for Venezuelan government’s stability.

As the oil-price and debt crisis demonstrated, the relationship between citizens and their government had become unhealthy. Venezuelan presidencies were largely corrupt and favoritism was widespread; for example, “the government was using large contracts and credits to pay back contributors to Pérez’s 1973 campaign” (Karl, 1997, p. 148-9). This corruption allowed the Venezuelan government to produce an artificial kind of stability, by which political leaders would “paper over” demands with petroleum revenues. As Karl (1997) notes, “Venezuela’s democracy...was based on a pattern of public policies and state expenditures aimed at winning the support of

⁵ Professor McConnell explained that these characteristics match the Colombian model of democracy.

every major organized class or social group” (p.104). When these revenues were interrupted, the government’s debt increased substantially before an upheaval finally resulted. The state’s inability to deal with increasing demands suggests the “overextension” component of the “institution effect.”

These demands stemmed from the presence of the “rentier effect,” by which citizens interact with their government through patronage networks. There is evidence for each of the “rentier effect’s” three subsidiary effects within *Punto Fijo* Venezuela. The “taxation effect” is apparent through Venezuela’s unusually low income tax rates at the time. In 1985, Venezuela’s individual taxes made up 3.0% of government income, while corporate taxes brought in 48.9%. This contrasts with a successful democratic country such as Norway, whose individual and corporate taxes made up 7.7% and 16.9% of government income, respectively (Karl, 1997, p. 198). The “spending effect,” which represents another pathological connection between citizens and their government, also impeded democracy. Karl (1997) writes,

The reliance on oil money placed an especially high premium on gaining access to the state. Pact making, electoral outcomes, and the exercise of influence were the bases for the assignment of shares among contending forces, and political authority, not markets or custom, decided allocations (p. 104).

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Even non-state groups became tainted by oil money, suggesting the third component of the “rentier effect.” This “group formation effect” is apparent through “[labor unions having] a strong stake in capturing subsidies from petroleum” (Karl, 1997, p. 99-100). Through these extensive patronage networks, politics and civil society were defined by oil rather than taxation and accountability.

The turmoil of the eighties and nineties also made apparent one of the “modernization effect’s” key components, which is reliance upon an inherently volatile natural resource. Humphreys, Sachs, and Stiglitz (2007) note that “in the oil price booms of the 1970s, [Venezuela] mortgaged [its future] by borrowing against booming oil revenues, only to end up in a debt crisis when oil prices fell in the early 1980s” (p.8). Because of the high volatility of these revenues, planning was more difficult, and political leaders subject to the whims of the electorate often dispensed with sensible growth plans. As a result, politicians often satisfied the ever-increasing demands of their clients by borrowing against future oil revenues (ibid.). While this might work during boom periods caused by a high oil price, a resource-dependent country faces fiscal insolvency and political instability during “busts.” Karl notes that although petro-states appear

stable, it is a “hollow stability.... The sudden collapse of the party system in Venezuela portends the types of dramas waiting in the wings” (Karl, 2007, p. 269). Humphreys, Sachs, and Stiglitz (2007) conclude that oil revenues thus caused “boom-bust” cycles, in which the benefits of booms were fleeting, yet the difficulties of busts endured (p. 8).

The “group formation effect” is also closely intertwined with this element of the “modernization effect”: under such an erratic economic cycle, development and education often come last, precluding the formation of non-state groups. During *puntofijismo*, “Venezuela...experienced real per capita income plunging back to the level of the 1960s and 1970s” (Karl, 2007, p. 267-8). After the introduction of IMF reform measures, poverty worsened, and “by 1989, the number of households living below the poverty line had increased tenfold since 1981” (Karl, 1997, p. 179). The striking poverty of Venezuelan citizens made them ineffective practitioners of politics and civil society, further impeding democracy.

Volatility and economic reform were not the only impediments to non-state, non-petroleum institutions, as macroeconomic factors also played a role in Venezuela, specifically the “Dutch Disease” mentioned earlier. The currency appreciation that results is a grave

concern, because “a squeeze of the non-oil tradable sector might...also have special adverse consequences for income distribution, particularly hurting the poorest of the poor” (p.184). Although Sachs concludes that this occurs less than usually supposed, he points us to a greater worry: “the non-oil export sector [might] be squeezed, thereby squeezing a major source of technological progress in the economy. But this fear is vastly overblown if the oil proceeds are being properly invested as part of a national development strategy” (ibid.). Yet despite Venezuela’s efforts during the early seventies to reinvest petroleum revenues in industry, the state reinforced the centrality of its power by directing these plans (Karl, 1997, p. 112), and “oil still provided 90 percent of export earnings, 65 percent of government income, and 20 percent of GDP” (p.113). Although Venezuela tried to fight against the deleterious effects of natural resource wealth, it failed miserably.

Conclusion: Is Chávez’s “Fifth Republic” a New Path or an Old Road?

Unfortunately, the presidency of Hugo Chávez represents a return to the *caudillismo* that has characterized most of Venezuelan rule. Chávez is actively consolidating his presidential power, which

further marginalizes liberal democracy. For example, Chávez “revised the rules of congress...[to expand] the Supreme Court from 20 to 32 justices and filled the new posts with...Chavistas” (Corrales, 2006, p. 33). Chávez also directly controls the military and the National Electoral Council, the latter of which now publishes lists of voters and their “political tendencies” online (p. 34-5). The regime’s power over its people is almost completed through the prohibition of “showing ‘disrespect’ toward government officials” (p. 34).

Chávez’s autocratic control of government is made possible largely through the resource dependence that characterized the *Punto Fijo* regime. Patronage continues under the new presidency: as Javier Corrales notes, “A Chávez-controlled oil industry allows the state to spend at will, which comes in handy during election season” (ibid.). Additionally, the institutions that might ensure the equitable distribution of resources have not been created. Although Venezuela technically has a Natural Resource Fund, it has proven to be an inadequate solution. As Humphreys and Sandpu point out, “in practice, NRFs and similar institutions rarely make it any easier to accumulate large amounts of money..., reflecting the fact that the incentives surrounding the choices of politicians do not conform to this idealized [system]” (Humphreys and Sandbu, 2007, p.199).

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Chávez has also not departed from the “modernization effect” that has long plagued Venezuela. Rather than liberalizing the economy to support private economic development, he instead relies on oil revenues to fund his social programs. Socialist initiatives such as the exchange with Cuba of oil for doctors ensure that Venezuela’s poor, who comprise a majority of the population, remain firmly in Chávez’s corner. Ironically, the social programs that maintain Chávez’s electoral support have done little to alleviate poverty. For example, the government’s takeover of hundreds of thousands of acres of private land held significant symbolic importance to the poor, yet impoverished citizens are not actually receiving land or benefits as a result (Corrales, 2006, p. 37). New York University Professor Jorge G. Castañeda reports that “Venezuela’s poverty figures and human development indices have deteriorated since 1999, when Chávez took office” (Castañeda, 2006, p. 28-43). More specifically, “poverty rose from 43 to 54 percent during Chávez’s first four years in office,” and “despite the record oil profits that are funding social spending, [Chávez’s] initiatives have yielded only very modest gains” (Shifter, 2006). Humphreys, Sachs, and Stiglitz (2007) support this conclusion, noting that “approximately half the population of Venezuela—the Latin American economy with the most natural resources—lives in

poverty; historically, the fruits of the country's bounty accrued to a minority of the country's elite" (p. 2). Although Chávez seizes land and imports doctors with great fanfare and popular support, his programs serve only to perpetuate the country's resource dependency.

Yet how important are these elite decisions in the context of Venezuelan history and resource dependence? In other words, what if a reformer president attempted to diversify the economy, break the patronage networks, and instill true democracy? Karl (1997) suggests an answer to this question when she explains that "even presidents blessed by wealth...form their preferences and make their decisions within the framework of a state that encourages some options over others, awards some choices more than others, and blocks some actions temporarily or permanently" (p. 72). The unqualified failure of previous reform attempts provides convincing support for this assertion. Although there is little motivation today to diversify the economy, the small efforts that Venezuela made during the seventies merely increased state power (p. 112). This appears to be a reflection of the *caudillismo* that characterizes the country's rule. Rather than encourage independent social and economic development, Venezuela has always reverted to its historical pattern of relying on some central power to dictate answers to its problems.

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At the same time, this central power is not unqualified and unlimited, as two reform attempts by Carlos Andrés Pérez demonstrate. During the early 1970s, President Pérez ordered a reduction in oil production and created a natural resource fund with the goal of using tax revenues to replace petrodollars. Yet loud protest, weak institutions, and the ensuing presidential campaign quickly eschewed these plans (Karl, 1997, p. 131-2). Although one could argue that the problem was Pérez's lack of political will, his disastrous IMF-forced economic reform in 1988 suggests that it was the patronage networks and political culture of Venezuela that stood in the way of change. The ensuing riots, political pressure, and coup attempt imply that Pérez faced a narrowly constrained set of political options. Although he probably would not have decided to restructure Venezuelan institutions if the IMF had not forced him, the political pressure and upheaval that followed made it clear that regardless of what political elites wanted or international bodies forced, reform was not even an available option.

Today, Hugo Chávez is in a similar position. Despite Sheila Collins's overblown rhetoric about Chávez's "defiance of the neoliberal agenda," perhaps a more accurate assessment would be his non-defiance of the *caudillismo* and resource dependency of the past.

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Chávez may be the strongman president of Venezuela, but the country's history is the king. Although it might be difficult, consider a scenario in which petroleum is discovered in another country or scientists improve renewable energy. The resulting drop in oil prices would expose the weakness and inefficacy of government that petroleum had long concealed. Unable to satisfy the people's clientelistic demands, the presidency of Hugo Chávez or any other leader would soon be over. From this, one can therefore conclude that while Venezuelan history compels the country to demand a single central decision-maker, this decision-maker must ultimately submit to the limits that resource dependency imposes. The case of Venezuela thus has possible implications for other Latin American countries and for resource-rich countries in general. The enduring failure of Venezuela's democracy suggests that wide swaths of Africa and the Middle East likely face significant if not insurmountable obstacles to successful democratization.

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The Good, the Bad, and the Well-Intentioned: Governmental Responsibilities, Nongovernmental Efforts, and Human Trafficking in Nepal

Alison Fisher¹

In Nepal, where the government is corrupt and social welfare programs are scarce, extra-governmental groups have taken control of the vast majority of anti-trafficking efforts. However, the consequences of their actions, though admirable, have ultimately caused more trouble for the survivors and potential victims of trafficking. The trafficking of men, women, and children across national borders for hard labor and sexual exploitation is not limited to developing nations such as Nepal. Even in America, people are trafficked in from both of our neighboring countries and through our many international ports. However, unlike America, Nepal does not have the resources, the political and social stability, or the economic foundation to properly and promptly address human rights issues such as this one. Nepal is one of a few countries that have gained a global reputation for large scale human trafficking. This notoriety begs an

¹I would like to thank Peter Moran, Judy Amtzis, all of my interviewees, my parents, and Surya ra Saraj Gurung; without Saraj's maps I would have been lost.

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investigation into the accuracy of Nepal's negative reputation and the structure of its anti-trafficking efforts.

While studying abroad in Nepal, I had the opportunity to research the history of trafficking in Nepal and the current anti-trafficking efforts being undertaken. I based most of my research on interviews held with knowledgeable employees and leaders of local non-governmental organizations (NGOs). The interviews and published materials created a comprehensive view of the activities and opinions of the main participants in Nepal's non-governmental anti-trafficking efforts. I found that neither governmental nor non-governmental agencies are adequately protecting the rights of potential victims or providing the necessary resources to rehabilitate the survivors. In this article, I explore the current state of anti-trafficking activity in Nepal, as well as its background, and offer insight into potential avenues for change.

When governmental agencies in Nepal did not step up to handle trafficking, non-governmental agencies inevitably came forward to shoulder the responsibility. Unfortunately, by taking anti-trafficking efforts into their own hands, many impassioned individuals have actually inhibited the eradication of this form of slavery within Nepal. Without governmental participation, the rights of the citizens

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involved are not guaranteed and the policies practiced will not necessarily be up for public scrutiny. NGOs¹ have removed all pressure from the Nepali government to take control of trafficking by providing substandard programs for prevention and rehabilitation. Non-governmental involvement runs unchecked without always offering what is best for the survivors and potential victims, often infringing on their rights in the name of prevention. Although it is tempting for me to suggest that the Nepali government should reclaim the burden of anti-trafficking efforts, I believe that the government should only provide the NGOs with guidelines for safe and effective practices. Rather than attempt to take over anti-trafficking activities, the government should focus on improving basic services such as health, legal, and education institutions, to prevent situations that foster potential victimization.

Women in Nepali Society

Large-scale human trafficking in Nepal is not simply the repercussion of their currently dramatic and neglectful political situation. It sprang from a host of internal, deeply imbedded social, economic, and political issues. The government's lack of provisions

¹ See the glossary at the end of the article for a list of common acronyms in this field.

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for maintaining healthy and successful citizens created a large population of struggling people forced to move often and suffer great economic hardships. Also, social relations within the country remain rigidly structured and often oppressive. The caste system and religiously and socially enforced gender roles have made life difficult for some Nepali women, and have exposed them to the possibility of trafficking.

The story of Nepali girls becoming prostitutes in India has become archetypal in describing the phenomenon of human exportation out of Nepal. It is the story of young girls who are duped, forced, or seduced over the border into India, where they are locked in brothels and forced to sexually service many men seven days a week without access to health care, education, or any other basic needs. Many women have experienced this story as reality, but its dissemination has generated a few dangerous stereotypes.

After much exposure, this story has gained global notoriety. Sushma Joshi (personal interview, 4/10/2007), a freelance writer for women's rights in South Asia, commented, "It seems like that's the only story that people know about Nepali women; they don't know anything else about Nepal." This situation introduced the unshakable image of Nepali women as exceptionally vulnerable people. Despite

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the story's consequences, it remains as both a detrimental fiction for some, and a horrific actuality for others.

Although many modern women in Nepal overcome the story's stereotyping, as well as the influences of caste and religion, Nepali women are still quite often generalized as uniformly weak and susceptible to harm; therefore, they are treated over-protectively both socially and legally. Recent attempts to protect Nepali women from the dangers of trafficking have put them in crippling positions of powerlessness. These protective measures leave them underexposed and overprotected and therefore make Nepali women seem dangerously vulnerable.

History

Certain ethnic communities in Nepal have considered prostitution their main source of livelihood for generations, noted Ratna Kaji Shrestha (personal interview, 4/20/2007), a human rights lawyer at the Forum for Women, Law, and Development (FWLD). Before Nepal united into a single empire, it was common to offer young women as wives or concubines to local leaders and monarchs. This practice of gifting women did not end even when the country was united under a single monarch, for he and other figures of

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power continued to receive young females as homage. In 1797, King Surendra Bikram Shan created the first written law that banned the sale of girls for labor or sexual services in certain communities. This law was the first step toward societal disapproval of the selling of women. It was not until 1925 that Prime Minister Chandra Shamsheer finally abolished slavery within Nepal.

Despite legal and political progress toward the end of involuntary servitude, even today Nepal continues to struggle with the presence of slavery. Due to a rocky economy and few employment opportunities, Nepalis often emigrate for work; this creates a large vulnerable population of migrants. Hope of greater social justice followed the adaptation of the multi-party parliamentary system in 1990 when the “Kingdom of Nepal” became the “State of Nepal.” Unfortunately, the rule of democracy did not hold, and chaos reigned in the wake of Maoist rebels, disordered foreign development, and a royal massacre that led to a coup in February 2001. Amid these dramatic power shifts, social rights issues in Nepal were pushed to the wayside and Nepalis were left without security or social welfare foundations on which to rely.

Presently, Nepali government officials are busy keeping one eye on Maoist rebels and the other eye on their political security.

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Politicians fail to address the major social issues, including human rights violations, which have grown rapidly since the beginning of Nepal's most recent political turmoil. Min Bahadur Basnet (personal interview, 4/12/2007) , the program coordinator at the Women's Rehabilitation Center (WOREC), confidently noted that during times of internal conflict, trafficking has increased. Rashmila Shakya (personal interview, 4/19/2007), the program coordinator at Child Workers in Nepal Concerned Center (CWIN), agreed that, because the country has "focused on the conflict," social issues have become "hidden." The conflict the Maoists began in the name of freedom has subsequently caused an increase in women left without governmental support, and, therefore, more potential victims.

Nepal's Government and Sex Trafficking

In 1996, the Nepali government set the precedent for its involvement with trafficking. That year marked the first large-scale raid on a network of Indian brothels that exposed Nepali girls who had been trafficked. Over a hundred Nepali girls were rescued, and Nepali officials and Nepali NGOs were notified of the situation. At first, the government acted promisingly toward bringing home the girls who had been trafficked. The prime minister vowed to deal with the

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situation within a week, but never did. Because the government had no intention of helping the girls return to their homes or providing them with the necessary tools for rehabilitation, seven NGOs agreed to care for the 124 rescued girls and provide housing and mental, emotional, and physical rehabilitation for them, without any support or funding from the government.

Since 1996, the government has adopted anti-trafficking policies, but its failure to implement them indicates that it still takes little interest in solving this issue: "Nepal has participated and ratified various international conventions such as [the] Beijing Convention, the Convention on the Elimination of All Sorts of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), but the implementation and enforcement is minimal" (D. Ghimire, personal interview, 4/13/2007). There are anti-trafficking task forces in 26 districts, but they are "not active" and run on a very limited budget, according to Durga Ghimire (personal interview 4/13/2007), the president and co-founder of ABC/Nepal. Ghimire, a member of a governmental task force, commented that it "hardly meets once a year." She was also disappointed to report that there are not any economic empowerment programs or transit homes run by the government. There have been some anti-trafficking campaigns

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initiated by the government, but the majority of them are run by NGOs. The government lacks proper leadership, coordination, and the will to address the issue of human trafficking in Nepal.

Anti-trafficking NGOs

NGOs initiate, carry out, and sustain the vast majority of the work being done in the anti-trafficking sector in Nepal. The first non-governmental, anti-trafficking organization in Nepal was ABC/Nepal, founded in 1987 by Ghimire. Soon after, concerned citizens founded many similar organizations. In the aftermath of the 1996 brothel raid, Nepal's anti-trafficking organizations grew and began to network in order to fight collectively against trafficking. For example, the Alliance Against Trafficking in Children and Women in Nepal (AATWIN) represents 21 organizations, including CWIN, WOREC, and Shakti Samuha.

The expansion of NGOs produces both positive and negative consequences. In Nepal, the role of NGOs both stems from and causes further governmental neglect. Many of the NGOs run transit centers and rehabilitation homes. They offer minor medical services, counseling, some vocational skill training, access to legal assistance, and informal education in Nepali, English, and some math. They

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almost all run some kind of public awareness campaign. Maiti Nepal also runs a program in high schools that trains students and has them disseminate information to their peers on trafficking. Other efforts include offering empowerment and leadership workshops to women. Some organizations like WOREC and ABC/Nepal run actual health clinics. CWIN operates help lines in five major districts for at-risk children, including potentially trafficked children, which are frequently used by children and adults. ABC/Nepal sponsors a large number of women's cooperatives and often provides the resources and personnel needed for vocational skills training. Some organizations plan and carry out raids of brothels, and others, like FWLD and AATWIN, focus on lobbying parliament for better policy. WOREC runs safe-migration programs. Some organizations that take custody of survivors offer them the option of seeking education in the formal school system.

Often, these NGOs are using their time and efforts not only to run their own programs, but also to implement and run basic programs that should be run by the government. Currently, NGOs allocate large amounts of funding and effort to tackling the root problems that lead to trafficking, such as employment, education, and medical care.

ABC/Nepal is financially supporting over 300 women's groups,

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tackling unemployment in ways that the government has not attempted. As Joshi (personal interview, 4/10/2007) noted, "the education system is impossible", and many Nepalis do not even have access to it. Because lack of education is a principal cause of trafficking, some NGOs are taking up initiatives to provide non-formal education and programs aimed at returning kids to the formal school system. Although some vulnerable girls are offered education, these programs alleviate the burden from the government to improve the formal system.

The U.S. Department of State's *Trafficking in Persons Report* (2007) recommends that the Nepali government reallocate funds and reclaim some of the burden of the anti-trafficking campaign from the NGOs. However, actions such as those would be counter-productive. Ideally, the Nepali government should focus on fulfilling basic responsibilities to its citizens and only become involved in anti-trafficking activities to provide NGOs with uniform guidelines for non-governmental activities. If the government took responsibility for providing consistent guidelines for the rehabilitation of trafficking survivors, then there would be publicly known, standardized provisions to protect the rights of each individual. In this way the government would be free to focus on implementing decent and

accessible education, offering affordable medical care, lowering the unemployment rate, and raising its citizens out of poverty. These actions will successfully decrease the population of vulnerable citizens willing to risk trafficking in need of employment.

If the government upheld its duties to its people, anti-trafficking NGOs would not need to stretch their efforts so thinly to fill in all the gaps in governmental services. In doing so, NGOs are actually relieving the government of its rightful responsibilities and providing sub-standard and unsustainable programs entirely funded through foreign agencies. Although their intentions are honorable, they may actually be perpetuating the disconnect between the Nepali government and its responsibilities to its people.

Rehabilitation Programs

An essential step in the rehabilitation of trafficking survivors is training them in a profitable vocational skill. Trafficked persons often return to Nepal without any skills, and in order to successfully reintegrate into society and avoid being trafficked again, they need to be marketable to an employer. Many rehabilitation centers begin with skills, such as sewing purses, that are easy to master and provide a product to sell. The larger vocational programs are more extensive and

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can often provide more profitable careers. ABC/Nepal offers programs for computer training, 4-wheel driving, catering services, bamboo crafting, mushroom farming, food processing, candle making, kitchen gardening, fabric painting, animal husbandry, hotel management training, ceramic training, and community health worker training (D. Ghimire, personal interview, 4/13/2007). According to Smiriti Khadka (personal interview, 4/23/2007), the assistant information officer and a counselor at Maiti Nepal, their program sends girls out to learn housekeeping and cooking, and how to work in a beauty parlor.

The skills NGOs offer survivors are often criticized as unsustainable and unappealing. Joshi (2003, pg. 253) responded negatively to programs intended to teach women handicrafts such as sewing, because they do not lead to a stable career and do not provide enough incentive for women to avoid returning voluntarily to prostitution, a significantly more profitable skill: "Income generating skills like embroidering tablecloths, while admirable in intention, also often do not provide them with any long term, sustainable skills or institutions through which they can make a living". Instead, she thinks there need to be programs for nursing or teaching to lead to solid careers (S. Joshi, personal interview, 4/10/2007).

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Although Ghimire said that many of her girls had gone through nursing training, she was referring to community health worker training, which is not as sustainable a livelihood as nursing and does not lead to more profitable careers in the health community. Community health workers give immunizations, distribute pills and condoms, and run outreach centers; as a job it is still only barely sustainable. When I asked Khadka (personal interview, 4/23/2007) at Maiti Nepal whether they had programs that supported girls who wanted to go on to be doctors or teachers she said, "We haven't had any case[s] like that." However, this claim could not be true, considering that the girls being rehabilitated at ABC/Nepal volunteered their future career goals to me and, of 16 girls, over half expressed a desire to work as a nurse or doctor, and the others wanted to become teachers, lawyers, social workers, singers, or actors (ABC/Nepal, personal interviews, 4/3/2007). The lack of sustainable career opportunities offered to survivors shows a need for better programs and support from government employment agencies.

All of the programs of these NGOs are externally funded. "The [Nepali] government has not supported any NGO," (D. Ghimire, personal interview, 4/13/2007) even though the activities of these NGOs directly affect the rights and well being of many Nepali

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citizens. All NGO funding comes from foreign governments, grants, and international non-governmental organizations (INGOs); the U.S. Department of State recently granted Maiti Nepal a large donation to continue its operations. According to Benu Maya Gurung (personal interview, 4/30/2007), the program coordinator at ATTWIN, none of the organization's 21 subsidiary programs have received any funding from the Nepali government.

Even when money goes directly to the government for victim assistance or anti-trafficking programs, because of corruption and poor coordination, it never reaches those for whom it is intended. Money has gone into the Nepali government from global funds, 20% of which is designated for victim assistance, but neither anti-trafficking organizations nor survivors received the money (D. Ghimire, personal interview 2007). One NGO intern I spoke to expressed frustration that Nepali NGOs are funded on an unsustainable project-to-project basis, because they are not guaranteed funding by any of their external income sources. Without the government's assurance that the social programs now addressing trafficking will receive funding, much of the time and effort of NGOs is put into soliciting support that may end. The *Annual Report* of the Nepali Office of National Rapporteur on Trafficking in Women and Children stated, "Sustainability of the

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existing rehabilitation centers is questionable as they are donor driven" (ONRT, Table 4.2). The study reveals that even the Women and Children Service Centers (WCSC) implemented by the government now require funding from outside sources, namely the British and U.S. Embassies and the International Labor Organization (ILO) (ONRT, 46).

Because the anti-trafficking activities are almost entirely outside of the government sector, they are not only unsustainable, but are also bound to the subjective philosophies of individual founders and managers. Gurung (personal interview, 4/30/2007) expressed concern that NGO leaders follow their own personal ideas on the welfare of survivors and on the best or most convenient way to deal with the issue.

Without enforced governmental guidelines, some organizations' efforts result in a lack of acknowledgment and respect of the rights of those being protected. According to Joshi (personal interview, 4/10/2007), rehabilitation centers can be "prison-like" with "locks and chains." Gurung (personal interview, 4/30/2007) corroborated that in some rehabilitation homes, survivors are "living like prisoners." I personally saw metal bars on all the windows of the living quarters at Maiti Nepal. Placing girls in this situation violates

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their rights to self-determination and recreates the restrictive environment of the brothels from which they were rescued. In order to protect the rights of the girls who are placed into these centers "there should be guidelines from the government's side" (B. M. Gurung, personal interview, 4/30/2007).

Travel, Sex Trafficking, and Human Rights

In order to prevent the trafficking of potential victims, both the government and NGOs have attempted to regulate international travel for women. Today there are many obstacles and suspicions when a Nepali woman wants to travel abroad. It is important for the government to take responsibility for citizens traveling across international borders for employment, because they are vulnerable to trafficking, but when practices are entirely sex-based and impede upon the free will of the travelers, they should be reconsidered. Joshi (2003) suggested, "By restricting women's rights to cross borders and to look for work... the state reinforces and legitimizes the conditions of trafficking" (p. 265). The overprotective precautions reinforce the perception that Nepali women are underexposed and overprotected and perpetuate their vulnerability as a reality.

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One of the ways in which Nepali NGOs fail to respect the rights of female Nepali travelers is by installing and running border patrols. The following article was published under the title "Woman Rescued" in *The Himalayan Times* on November 19th, 2006 and as "Maiti Nepal Rescues Woman from Trafficking" in *The Rising Nepal* on November 20th, 2006:

"The Kanchanpur district unit of Maiti Nepal has rescued a woman from the Gadda Chom Check Post and returned her back home... The woman was heading towards Delhi along with her brother, supposedly to meet a man who pledged to send her to Kuwait for employment. Concluding that there was a possibility of trafficking, she was stopped, said the Unit In-Charge, Keshau Koirala. According to Koirala, the unit had in the past month alone saved 11 such persons from trafficking and sent them home."

The 1,740 mile long open border with India is the easiest and most common route for trafficking out of Nepal. It is important to question anyone who could be at risk of trafficking across the border and to offer them information on the potential danger they are entering: "It's good to stop them and question them," because this will perhaps deter potential victims from complying with traffickers. (R. K., Shrestha, personal interview, 4/20/2007). Acting on this idea, Maiti Nepal runs ten border patrols. They train girls, some of who have been trafficked, to ask questions of people they suspect could be potential victims. Khadka (personal interview, 4/23/2007) boasted that so far they have intercepted 9,000 girls. ABC/Nepal also works with another

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organization at ten transit points where they have stopped 400 girls from crossing the border (D. Ghimire, personal interview, 4/13/2007).

However, these border patrols can infringe on a woman's right to mobility. Not only are women forcibly turned away from the border or returned home, but they are often arrested under suspicion of willing participation. One report admitted, "We heard rumors that intercepted girls have faced difficulties both mentally and physically by the border officials. Intercepting a woman at the check post raises the question of the rights of women and their right to mobility" (ONRT, 49). In Gurung's (personal interview, 4/30/2007) opinion, "If you are a mature person [over 16], you should have the right to go."

The patrollers are also notorious for harassing women attempting to cross the Indian border. Several interviewees confirmed rumors of girls being beaten by border patrols when trying to migrate over the border. Women are often unwillingly removed from the border and returned home. Ghimire (personal interview, 4/13/2007) noted that at the borders "there is a lot of harassment" so there is a need for better and more training of the border patrollers. Shakya (personal interview, 4/19/2007) claimed that sometimes when people are crossing the border they are "tortured." By forcibly removing women from potential job opportunities, these border patrols are

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perpetuating unemployment of women (B. M. Gurung, personal interview, 2007). Instead of putting efforts toward border patrols, these agencies need to focus on why women are leaving Nepal in the first place (R. K. Shrestha, personal interview, 2007). Because issues such as abuse and unemployment continue to run rampant in Nepal, it will be difficult to deter women from accepting foreign employment — employment that is not always real.

NGOs feel obligated to take even more extensive measures than setting up border patrols and taking rehabilitation into their own hands, since the government neglects the situation of trafficking. After hearing about the tortures these girls suffer and helplessly watching the apathy of Nepal's ineffective justice system, it is not surprising that NGOs and community members sometimes turn to vigilante actions in order to seek a justice they feel is necessary. Several interviewees noted that some NGOs and local community organizations are doling out their own punishments and displaying violent retribution to warn potential traffickers. If men are found to be involved in trafficking, as traffickers or clients, they are tied up and publicly beaten and humiliated; women who are involved are also publicly punished (Joshi, 2007). Basnet (personal interview, 4/12/2007) corroborates that, "These people, if communities find them, they beat them."

Conclusion

The responsibilities that burden a country with a large trafficked or potentially trafficable population extend way beyond prevention or rehabilitation of those involved. Nepal's case represents the vast and varied social, financial, and political repercussions that trafficking has on all women. Governmental and non-governmental institutions alike fail when the rights of their citizens are compromised.

Without governmental support, aid, or intervention, Nepal's anti-trafficking NGOs are functioning entirely without unified guidelines, proper resources, or sustainable funding. The government is relieved from establishing functional and sustainable services for its citizens, because many sub-standard non-governmental services are already in place. Currently, the non-governmental anti-trafficking campaigns and services need drastic improvement, which is difficult with limited, foreign funding and constant attention to a large scattering of projects. These are problems initiated by the government and then sustained by both the government's inaction and the NGOs' non-standardized, not-guaranteed programs. NGOs need to consider removing their services from areas in need of governmental support and thus, apply pressure on the government to fulfill basic needs to

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Nepali citizens. Whether the Nepali government will be able to coordinate a new cooperative system in order to work with NGOs is unlikely, given its current chaotic state. However, the only way for trafficking issues to be properly addressed within Nepal from a publicly scrutinized, rights-based approach is for the government to work toward stability in order to offer appropriate guidelines to NGOs and then focus on the medical, educational, and social issues that lead to trafficking.

Glossary:

NGO - non-governmental organization
INGO - international non-governmental organization
ILO - International Labour Organization
WCSC – Women and Child Service Center
ABC/Nepal – Agro-forestry, Basic health care, and Cooperatives/Nepal
AATWIN – Alliance Against Trafficking in Children and Women in Nepal
CWIN - Child Workers in Nepal Concerned Center
WOREC - Women's Rehabilitation Center
FWLD - Forum for Women, Law, and Development
ONRT - Office of National Rapporteur on Trafficking in Women and Children

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A Comprehensive Approach to Immigration Reform

Stephen Okin

Introduction

Immigration policy in the United States has historically been formulated in response to changing attitudes and significant events that alter public sentiment. Recently, calls for immigration reform have arisen again in response to the attacks of September 11th and the War on Terror. Government officials and the public fear that the thousands of miles of border shared between the United States and Canada and the United States and Mexico could serve as points of entry for terrorists. Also of significant importance in the recent calls for immigration reform has been the belief amongst parts of the public that the “American identity” is being diluted and undermined by the influx of foreign immigrants, especially undocumented migrants from Latin America, and specifically those from Mexico. This paper seeks to analyze the options for immigration reform in a comprehensive and logical manner, ultimately concluding with a series of concise policy recommendations that draw from the earlier analysis.

Background Information

As of 2004, there were approximately 35 million foreign-born persons living in the United States; this number does not include undocumented persons (Census Bureau, 2005). For a variety of reasons, the exact number of illegal immigrants in the United States is unknown. First, illegal immigration is an organized criminal activity of people smuggling, illegal documentation, and illegal hiring that by its very nature is difficult to track. Second, every level of government has its own agenda that affects how they report their statistics, whether it is local and state governments, or the Border Patrol and the U.S. Citizen and Immigration Services (formerly known as the Immigration and Naturalization Service). Finally, the Census Bureau does not distinguish between legal and illegal immigrants in their studies. Despite the difficulty in coming to an exact number, the accepted estimate for the number of illegal immigrants in the United States is around 12 million, with more than 800,000 arriving annually (Passel, 2006). At this rate, more illegal immigrants arrive in the U.S. every year than legal immigrants. Of the 12 million illegal immigrants currently in the U.S., around 56 percent are from Mexico alone (Passel, 2006).

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The large-scale influx of illegal immigrants is a relatively recent occurrence, with two-thirds of the current number arriving after 1995. In the 1980s, an estimated 180,000 immigrants came per year on average. This number increased to 400,000 a year from 1990-1994, and increased to 575,000 a year from 1995-1999. For the time period 2000-2005, an estimated 850,000 illegal immigrants came to the U.S. every year. Illegal immigration from Mexico has followed this trend, with 1.5 million of the current 6.2 million illegal Mexican immigrants in the U.S. having come between 2000 and 2005 (Passel, 2006). Finally, 80-85 percent of new settlers in the U.S. from Mexico are illegal aliens (Passel, 2005).

There are two issues that draw illegal immigrants to the United States: jobs and family. The average Mexican worker earns one-tenth of his American counterpart, and many American businesses look to hire illegal immigrants because they are cheap and compliant sources of labor (Zamora, 2008). Although it is against the law to hire illegal immigrants, most American businesses go unpunished because of the lack of a national system to verify new workers' eligibility and the emphasis placed on border enforcement over interior enforcement. Finally, the growth in legal immigration (in 1970 there were fewer than 800,000 legal immigrants from Mexico, compared with nearly 8

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million in 2000) correlates directly with the growth in illegal immigration (Camarota, 2001). Legal immigrants promote illegal immigration by providing jobs, housing, and money to relatives and friends seeking entry to the U.S. (Camarota, 2001).

With the surge in illegal immigrants has come the increased effect they have on American society. Illegal immigrants play important roles in our economy; undocumented individuals account for 58 percent of the agricultural labor force in the United States and just under 25 percent in private household services (LaRosa & Ingwersen, 2007). Also, illegal immigrants contribute more than seven billion dollars per year to Social Security and Medicare, systems for which they will never be eligible (Porter, 2005).

The increase in illegal immigrants has created a surplus of unskilled labor which has depressed the real wages paid to unskilled workers. This poses a serious problem for the approximately 10 million Americans who are high school dropouts. Economists speculate that if every illegal immigrant disappeared, the average wage for high school dropouts would increase by about \$25 a week (Davidson, 2006). Also of significance has been the impact of illegal immigrants on government budgets. Since nearly two-thirds of illegal immigrants lack a high school degree, they create a fiscal deficit due to

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their low income levels and tax payments. It is estimated that households headed by illegal aliens imposed more than \$26.3 billion in costs on the federal government in 2002, while paying only \$16 billion in taxes (Camarota, 2004). Among the largest costs in 2002 were Medicaid (\$2.5 billion), treatment for the uninsured (\$2.2 billion), food assistance programs such as food stamps and free school lunches (1.9 billion), the federal prison and court systems (\$1.6 billion), and federal aid to schools (\$1.4 billion) (Camarota, 2004).¹ The cost of illegal immigrants outweighs the benefits (strictly in expenditures vs. revenue) for local and state governments as well. It is important to note however, that on average, the costs that illegal households impose on the federal treasury are less than half that of other households, but since their tax payments are only one-fourth of other households', they still impose a net fiscal burden on the country (Camarota, 2004). Also, illegal immigrants contribute to the economy by consuming goods like

¹ Illegal immigrants qualify for these services for a host of reasons. Prior to the Deficit Reduction Act of 2005, one did not have to be a U.S. citizen to qualify for Medicaid. Likewise, it is against the law for hospitals to turn away sick patients even if they are illegal aliens and/or lack insurance. Also, the children of illegal immigrants are not barred from entering the public schooling system, even if they were not born in the U.S. Therefore, these students receive free school lunches and cause more and more federal aid to be designated to schools. Finally, illegal immigrants that commit crimes are often not deported right away. The U.S. Justice Department estimated that 270,000 illegal immigrants served jail time nationally in 2003. While the cost of jailing these illegal aliens falls mostly on the state governments, the federal government does reimburse the states for some of their costs through the State Criminal Alien Assistance Program.

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everyone else; illegal immigrants buy food, get haircuts, and purchase homes. Overall, economists believe when the effect of illegal immigrants is averaged over the entire economy, the result is a small net positive; it increases American wealth by less than 1% (Davidson, 2006).

While illegal immigrants don't have a huge effect on the U.S. economy, they help provide one of the largest sources of capital for their home countries in the form of remittances. For 2006, the Inter-American Development Bank estimated that Latin American migrants working in the United States sent around \$45 billion to their countries of birth (Inter-American Development Bank, 2006). Mexico alone received \$23 billion in remittances in 2006, most of which came from Mexicans living in the United States. In fact, remittances have overtaken tourism to become the second biggest source of foreign income for Mexico after oil exports (Reuters, 2007). Remittances however, do act as a pull factor for migration to the United States. In a recent Pew Hispanic Center report, 19 percent of all Mexican adults (this represents 13.5 million people) answered positively when asked "Are you thinking about emigrating to the United States?" Remittance receivers were more likely (26 percent) to have migration in mind than those who do not receive remittances (17 percent) (Suro, 2003).

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Of equal importance to the immigration debate is the public's perception of the issue. The public's perception of the problem has influenced and even guided policy in the past, and will most likely continue to affect policy making in the future. For instance, Americans tend to see illegal immigration as a security threat – it increases terrorism danger and contributes to crime - rather than an economic threat (Pew Research Center, 2006). This has led past policy to be focused primarily on border security. In another example, a plurality of Americans (44%) believe the majority of immigrants in the United States are here illegally even though this is not true (Pew Research Center, 2006).¹ As such, when talk of immigration “reform” occurs, it is usually with the goal of reducing illegal immigration rather than redefining the laws governing legal immigration, which affect both legal and illegal immigrant flows.

Also of importance in influencing immigration policy is the fact that the illegal immigration population affects some states more than others. More than two-thirds (68%) of the unauthorized population live in just eight states: California (24%), Texas (14%), Florida (9%), New York (7%), Arizona, (5%), Illinois (4%), New Jersey (4%), and North Carolina (3%) (Passel, 2005). In addition,

¹ Legal immigrants outnumber illegal ones by more than two to one.

states along the border have different concerns from states in the interior. Therefore, when Congress addresses the issue, the states will likely be divided over the best course of action.

Past and Current U.S. Policies

The large influx of illegal immigrants from Mexico starting in the 1980s increased calls for immigration reform. Under pressure to do something, President Reagan signed the Immigration Reform and Control Act of 1986 (IRCA) into law. IRCA made it illegal to knowingly hire or recruit undocumented workers, required employers to verify their employees' immigration status with the I-9 form, and granted amnesty to some 2.7 million undocumented workers who had entered the United States before January 1, 1982 and had resided here continuously.¹

By criminalizing the act of knowingly hiring illegal immigrants, IRCA hoped to reduce illegal immigration by reducing the availability of jobs to undocumented workers. However, IRCA failed because it spurred the overnight development of a false documentation industry. Fake documents protected employers from prosecution

¹ Most of these workers were agricultural laborers living in the southwestern United States who had originated from Mexico and other Central American countries.

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under IRCA because they simply had to take a passing glance at them to fulfill the stipulation that they not knowingly hire undocumented immigrants. Also, due to political reasons, there continued to be an emphasis on enforcement at the border over enforcement of employers. Specifically, the decline in workplace enforcement has been the direct result of local political pressures in regions where the economy is dependent on immigrant labor (News Batch, 2007). As a result, in 1990 less than 8 percent of the Immigration and Naturalization Service's (INS) enforcement manpower was devoted to worksite inspections, and of the 1.56 million apprehensions the Border Patrol made in 1996, only 12,100 occurred at U.S. farms or other worksites (Hanson & Spilimbergo, 2001). As such, rather than ending illegal immigration, or even reducing the flow from Mexico and Latin America, IRCA encouraged lawlessness as people created fake documents (which can currently be found in any immigrant community in the border zone) and employers learned to look the other way (LaRosa & Ingwersen, 2007).

Many officials had high hopes for the North American Free Trade Agreement (NAFTA) as a potential tool for reducing labor flows from Mexico into the United States. By generating jobs and increasing wealth in Mexico, NAFTA, in theory, would reduce the pull

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effect of wages in the U.S. However, since NAFTA did not implement an integrated labor market between the United States, Mexico, and Canada (workers cannot travel freely across the borders to find work whenever they desire), there has been no convergence in wage rates for U.S., Mexican, and Canadian workers. NAFTA also increased the number of *maquila* plants (manufacturing plants that import and assemble duty-free components for export) operating near the U.S. border (“Maquiladora,” 2008). In 1993, there were approximately 2,000 plants operating along the U.S. border, with close to half a million people employed in them. Just four years after NAFTA, that number had increased to nearly one million people. The growth of people employed at *maquilas* has accelerated the pace of illegal immigration to the United States; people usually migrate in stages, and the first step in the process is a brief stay in the border cities of Reynosa, Juarez, or Tijuana where many *maquilas* are located. Finally, the *maquila* plants have not been able to absorb the entire supply of Mexican laborers seeking to work in them. Those who are unable to find a job in a plant can either return home or cross the border to the United States in search of work (LaRosa & Ingwersen, 2007).

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President Clinton attempted to tackle illegal immigration through greater border enforcement along the most highly used entry paths. During his administration, numerous INS enforcement operations were launched. For the sake of brevity, I will focus on only one: Operation Gatekeeper. Operation Gatekeeper, which was launched in 1994, focused on the 66-mile long San Diego Sector, which has traditionally been the preferred location for illegal immigration from Mexico to the U.S.¹ Specifically, the Border Patrol sought to move immigrant flows eastward, away from the 14 mile stretch of border west of Otay Mountain, which lies in front of the San Diego metropolis area, where, once past the border, immigrants can easily blend in. The 52 mile portion of the sector east of Otay Mountain is marked by deep canyons, thick brush, steep mountains, and an absence of urban infrastructure and transportation facilities. The region also experiences extreme temperatures, that when coupled with the geographic qualities of the area, led the Border Patrol to believe it would have a strategic advantage over would-be crossers (Department of Justice, 1998).

¹ There are a total of 21 sectors patrolled by the Border Patrol along the U.S.-Mexican border.

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Before Operation Gatekeeper's implementation, there was no coherent strategic plan in terms of border security, other than to apprehend as many illegal immigrants as possible. Gatekeeper shifted the operational emphasis from apprehension to deterrence and prevention. Agents were moved to "high visibility" positions along the border and the station received new equipment, such as four-wheel drive vehicles, infrared night scopes, and electronic sensors. By 1997, the enforcement budget of the INS had reached \$800 million, the number of Border Patrol agents had nearly doubled, the amount of fencing or other barriers more than doubled, and the number of underground sensors had nearly tripled (Department of Justice, 1998).

In response to Gatekeeper, migration routes shifted eastward and the use of professional smugglers, known as *coyotes*, increased. Before Gatekeeper, the San Diego sector accounted for more than 40 percent of all apprehensions. In 2000, the sector accounted for only 9 percent, despite the fact that total apprehensions along the U.S. border rose from 1994-2000 (Cornelius, 2001). The Department of Justice, the INS, and the Border Patrol believe Operation Gatekeeper is a success because it has accomplished its objectives. Various congressmen and academics, however, have criticized the program and

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declared it a failure since it only took San Diego sector's problem and transferred it onto other sections of the border (mostly Arizona).

In 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which addressed both legal and illegal immigration, but had its most important effects on illegal immigration. Its principal goals were to address border security, increase the number of agents doing interior work (investigating employers and tracking down visa violators), overhauling the procedures for removing aliens, and providing new provisions to fight alien smuggling and document fraud. On the enforcement side, IIRIRA provided for the hiring of 5,000 new Border Patrol agents over five years, a 14-mile triple fence along the border from San Diego eastward, new state-of-the-art equipment for the INS (aircraft, helicopters, night vision goggles, etc.), 300 additional INS personnel to investigate alien smuggling and the unlawful employment of aliens, and 300 more investigators to target visa overstayers (Visalaw, 2007). Most importantly, IIRIRA empowered state and local law enforcement agencies to perform immigration law enforcement functions, thereby drastically increasing the scope of interior enforcement overnight (Immigration and Customs Enforcement, 2006). This has become extremely important post-9/11, since the

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Border Patrol has been ordered to focus solely on border enforcement and forgo interior enforcement, which the newly created Immigration and Customs Enforcement agency (ICE) is tasked with handling.

With regard to combating smuggling and document fraud, IIRIRA added to the list of federal racketeering crimes a number of immigration-related offenses, such as reproduction of naturalization or citizenship papers. IIRIRA also increased the penalties imposed on criminals convicted of alien smuggling, and added 25 Assistant US Attorneys tasked with investigating alien smuggling. Most importantly, IIRIRA included harsher exclusion penalties for aliens who were caught in the U.S. Under IIRIRA, those who are unlawfully present in the U.S. for 180 days, but less than a year, are barred from being admitted in any legal status to the U.S. for a three year period. Those who are unlawfully present in the U.S. for over a year are barred from being admitted in any legal status for ten years (Visalaw, 2007).

Overall, both Operation Gatekeeper and IIRIRA failed to stem the flow of illegal aliens from Mexico. While greater enforcement of the border and interior are necessary parts of any illegal immigration policy, they must be complemented by programs designed to deal with the reason why most immigrants come in the first place: economic

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opportunity. This requires some serious philosophical soul searching, as the country needs to decide how it will go about doing this (guest-worker programs, database of eligible workers, etc.).

President George W. Bush attempted to pass comprehensive immigration legislation during his second term, but ultimately Congress was unable to devise a bill that received bipartisan support. This has left Bush with limited resources to combat illegal immigration. So far, his main focus has been increasing border security and ramping up interior enforcement, areas where he has made considerable progress.

Current Legal Immigration Policy

While jobs and family act as the two main draws for illegal immigrants, why do they migrate illegally rather than legally? To fully address the issue of illegal immigration, we must realize that our current legal migration policies contribute to the problem. Our current immigration laws were established by the Immigration and Nationality Act of 1965, which replaced the national origins quota system first instituted in 1921. Under our post-1965 immigration policies, foreigners who want to immigrate to the USA have a limited number of routes; most are sponsored by a relative (who must be either a U.S.

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citizen or legal permanent resident) or an employer. The only immigrants allowed into the country without a sponsor are refugees, asylum seekers, or the 50,000 people annually who win the State Department's visa lottery. In this system, spouses of U.S. citizens, as well as parents and children under 21, are granted immediate entry. Everyone else goes to the end of lines that vary in length according to country, the prospective immigrant's relationship to the U.S. sponsor, and profession (Jackson, 2006). Current law limits how many people every nation can send. No more than 7 percent of the visas issued every year can go to a single country, and the cap is universal, applying to Mexico and all other countries equally. Immigrants from China, India, Mexico and the Philippines - some of the largest applicant pools - wait the longest (Malone, 2006). For example, according to the State Department, experienced laborers from India face a five-year wait for a visa, while Filipino siblings of Americans wait more than 22 years (Jackson, 2006). Consequently, the long wait for legal admission prompts applicants and potential applicants to attempt illegal migration, either through illegal border crossings or by overstaying a travel visa.

Part of the reason for the long wait times has been the massive wave of immigration since 1965; over 18 million people have legally

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immigrated since our current policy's inception, with millions more applying and still waiting for entry. The surge in immigrant applications has far exceeded the ability of our current policy to cope with the issue, and has overwhelmed the processing abilities of the U.S. Citizenship and Immigration Services department (USCIS). More importantly, the emphasis on family reunification rather than employment creates a vacuum in the labor market that is by necessity filled through illegal immigration; certain businesses in the United States rely heavily on immigrant labor (notably agriculture), a need the current immigration policy does not address. The current limit on employment-based immigrant visas is 140,000 (which includes spouses and minor children of the sponsored immigrant). Today, an employment-based immigrant in the "skilled workers and professionals" category can expect to wait at least 5 years for a green card. The wait for entry in the "other workers" category, which serves lesser skilled workers, is even worse, since the cap is 10,000 migrants a year (Anderson & Miller, 2006). This is particularly important with respect to illegal immigration, since most illegal aliens are unskilled laborers. As a result of the quota, the supply of legal unskilled workers does not meet demand. The consequence is strong demand from certain sectors of the U.S. economy for illegal immigrants.

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These pitfalls in our current legal immigration laws, while significant, do not require a complete change in policy. Rather, a few simple measures can be enacted to address these flaws and the effect they have on illegal immigration. These policies are explained in the section below.

Policy Recommendations

Two basic approaches have emerged for reducing the flow of illegal migrants: one emphasizes increased enforcement at the border with Mexico, and the other emphasizes greater enforcement of the Immigration Reform and Control Act of 1986 which criminalized the employment of undocumented workers. Greater enforcement at the border has been Washington's policy of choice since the 1990s, while the issue of stricter enforcement of the IRCA has just recently received serious consideration. Ultimately, definitive resolution of the issue will require a comprehensive immigration bill that addresses border security and interior enforcement, establishes a guest worker program, streamlines the legal immigration program, and provides a path to legal immigrant status for the 12 million illegal aliens already in the country.

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Any attempts to solve illegal immigration through increased border control alone will fail like past attempts, and more importantly, strain relations with the Mexican government and the rest of Latin America. Building fences and hiring more Border Patrol agents sends a negative, xenophobic message to our southern neighbors. We must stress that immigration reform is not about keeping Latin Americans out of the United States, but about making sure they enter in a legal, orderly, and proper way. This fact further increases the need for any immigration reform to be comprehensive in nature. By addressing more than just border control, we can avoid creating tension with Latin America.

In light of the statistics, the effectiveness of our past policies, and the nation's current needs, comprehensive immigration reform should include the following policy steps:

- 1) Establish a guest-worker program that serves many industries, where undocumented workers can work in the U.S. for a fixed amount of time on the condition that they return home each year. Under this program, if the workers abide by the rules and commit no crimes, they could continue to come to the U.S. via the worker program every year, where, if they stay in

the program for 10 years, they would be granted legal immigrant status regardless of family connections in the U.S. While in the program, workers would be barred from applying for legal immigration status so as to prevent people from abusing the system. Such a program would allow illegal workers to come and receive the high wages they seek, provide certain industries the labor they need, and establish a path to legality.¹ Also, making the laborers return home during their 10 years on the worker program would ensure that some capital (labor and financial) stays in the home countries, thereby reducing the conditions that make workers seek entry to the U.S. in the first place.

¹ Having a path to legality is a must in the eyes of illegal immigrants and their politicians such as Teodoro Maus, the former Mexican consul general stationed in Atlanta, who was responsible for Georgia, Alabama, Tennessee and South Carolina. He states, "The U.S. economic structure has been, since the establishment of this nation, based on immigrant labor, groups that came - some documented some not -- with a dream. Immigrants that suffered, were exploited, mistreated, discriminated and, ultimately, incorporated as a wonderful addition to the tapestry that integrates the United States. When will we realize in Georgia that we do need those 16-hours-a-day-laborers; that they do contribute positively to our economy? That they are "illegal" because the existing federal legislation is inefficient and useless and there is at present no door to legality for them, no matter how much they have already given to our society?" (Maus, 2006).

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- 2) Create a national database of eligible workers that employers must check in order to legally hire new workers. This is actually supported by the majority of Americans (Pew Research Center, 2006).
- 3) Significantly increase interior enforcement and prosecution. Not only will this clamp down on employers who hire illegal immigrants, but it will also help reduce the number of people who overstay their visas.
- 4) Secure the border in a reasonable, cost-effective way. Building a giant wall is impossible and undesirable. Rather, the best option is to increase the number of Border Patrol agents, while installing high-tech equipment that allows these agents to monitor all sectors of the border at all times.
- 5) Increase the funding of, and modernize the infrastructure of, the U.S. Citizenship and Immigration Services. Currently, the USCIS is funded primarily through application and other user fees. This has crippled the agency's ability to pay for expansions and upgrades, causing numerous projects

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to be abandoned or halted mid-completion due to a lack of funds. To address this problem, Congress should provide more direct funding for the agency. The result will be a USCIS that can process applications faster and more efficiently.

- 6) Expand the green card quotas for family-sponsored and employment-based immigrants. If more spots are available for family members and unskilled workers to enter the country legally, the incentive to immigrate illegally declines. If interior enforcement is also increased, the incentive to immigrate illegally will decrease as the risk of getting caught rises. The same is true for employers, who would have less incentive to hire undocumented workers as the chance of getting caught rises. Under this scenario, more people will be willing to wait in line to immigrate legally and the supply and demand for legal unskilled labor will be better balanced.
- 7) Provide a path to citizenship for the 12 million illegal aliens already living within the U.S. This is explained in greater detail below.

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Some might suggest there is no reason for a guest-worker program if the quota for employment-based immigrants is raised. However, the majority of the employment-based quota increase will go to highly skilled workers for political, economic, and social reasons (Agence France-Presse, 2008). As a result, even though the number of unskilled workers immigrating legally each year would increase, the increase would still be insufficient to meet employers' demands. Thus, an effective guest-worker program continues to be important. It provides a similar service, but is more acceptable both here and in Mexico. Together, the guest-worker program and the quota increase will help to drive down demand for unskilled illegal immigrants in a politically acceptable manner, and in a way that will continue to support the U.S. economy.

With regard to the nearly 12 million illegal aliens already in the country, the only feasible policy is to offer a path to legal immigrant status after paying a fine and meeting several requirements (for example, no criminal history and continuous residence in the U.S.). These aliens would have to go to the back of the line to gain legal status, but would be allowed to remain in the U.S. until they receive their new legal status. Unfortunately, this measure is considered unacceptable by large sectors of the public and will face opposition in

Congress. Other plans that try to address the current illegal population by requiring all aliens to return to their home country at some point are viewed more favorably by the public, but are entirely unenforceable and therefore doomed to fail. If the only politically acceptable route to an “amnesty” provision is to increase border security substantially, it is a compromise we should be willing to make.

Conclusion

Illegal immigration is a complex issue. While the policies outlined in this paper offer the best possible measures to reduce illegal immigration in a comprehensive and logical manner, we must realize that illegal immigration is not an issue entirely controlled by the United States. Rather, illegal immigration is an “intermestic issue,” meaning a domestic issue pertaining to one country that requires a multi-country solution. To halt illegal immigration fully, countries like Mexico will have to grow their economies. Until better paying jobs and a higher quality of life are available in these countries, the U.S. will continue to be viewed as the only path to opportunity. Until then, the United States must try to improve its currently inadequate policies governing illegal immigration.

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The United States and Vietnam: A Lost Opportunity

Robert Taylor

One of the more intriguing historical questions posed by historians of the Vietnam War centers on the possibility of establishing an alliance with Ho Chi Minh during or immediately following the Second World War. Ho was firmly committed to expelling all invading forces from his homeland, including the French, and was equally dedicated to his ultimate goal of establishing an independent Vietnam. The United States, given its classical liberal tradition and historical enmity towards colonialism, seemed a natural ideological ally to Ho's burgeoning independence movement. As recently as 1941, the US had publicly committed itself to defending its traditional classical tenets by signing the Atlantic Charter. Among other lofty utopian goals such as liberating the world from hunger and want, the document stressed that all peoples possess the right to self-determination and self-government. Further, throughout the war, President Roosevelt issued a steady stream of anti-colonial rhetoric and often explicitly expressed disapproval of returning Indochina to the French. The President also proposed a trusteeship program which

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sought to secure eventual independence for colonized nations and thus seemed ideally suited for the Vietnamese. In addition, during the waning days of the war, Ho and his guerilla forces (the Vietminh) worked closely with American Special Forces to combat the Japanese within Indochina. Such favorable interaction seemed to further solidify the larger ideological bonds between the two nations and led Ho to frequently initiate diplomatic overtures to the United States in an effort to secure official aid and recognition during the postwar period.

However, the American political establishment emerged from World War II on precarious ideological footing. The United States' literally unprecedented military and economic power following the war triggered a profound intellectual transformation within American political life that led to a reassessment of the country's guiding tenets. Ominously, a return to neutrality was never seriously considered. A policy of intervention was essentially a foregone conclusion; the only question was as to what form said intervention should take. For example, President Roosevelt clearly expressed his wishes for Wilsonian intercession throughout the world directed towards abolishing all colonial empires. Meanwhile, various policymakers within the State Department expressed far more pragmatic realpolitik measures predicated upon curtailing Soviet power. Central to this goal

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stood a strong, sovereign, and staunchly anti-Communist and pro-American Europe. As such, this group possessed a vested interest in placating the United States' European allies at the expense of less developed countries. Indeed, given the European powers' desire to reclaim all the territories which composed their fading empires, such a strategy necessitated a decidedly pragmatic worldview in which traditional American ideological fare was relegated far less importance. Given France's post-war desire to regain its lost colonies, including Indochina, such a shift presented severe challenges to Ho's independence movement and to Roosevelt's Wilsonian outlook as a whole. Ultimately, these two conflicting foreign policy goals would muddle US foreign policy until the shocks of 1949 (Mao's Revolution and the USSR's emergence as a nuclear power) spawned a pervasive, almost hysterical fear of Communism which placed the containment doctrine above all else.

It was within this confusing context that Ho Chi Minh extended his olive branch. Given the American political landscape's complexity at the time, it is perhaps unsurprising to note that the US was unable to formulate effective policy quickly enough to have prevented external circumstances, mainly by the British and French, from forcing their hand. However, the fact remains that the prospect of alliance and

friendship with the Vietnamese was eminently plausible had the United States wished to explore it. Unfortunately, Ho was almost completely ignored by American policymakers at all levels. The uncertain political and ideological transition taking place within the American government immediately following World War II resulted in indecisive action towards Vietnam which allowed the French to reestablish control over the colony and prevented American response during the critical 1945-1946 period in which Ho actively sought American support.

I. FDR and Ambiguous US Foreign Policy

At least ideologically, President Roosevelt appeared most sympathetic to the Vietnamese cause. Roosevelt viewed the world through Wilsonian lenses; he broadly supported the principles outlined in the Atlantic Charter and wholeheartedly sought to dismantle colonial empires. Indeed, one of the charter's main points (and of particular relevance to Ho) asserted that the US and UK would "respect the right of all peoples to choose the form of government under which they will live; and... [that the US and UK] wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them..." (Pentagon Papers, 1971, vol 1, p. A-19).

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While the idea that Churchill signed the document without his fingers crossed is laughable, Roosevelt seems to have truly supported such measures. Throughout the war, he issued vociferous anti-colonial diatribes and frequently propounded independence proposals. The President even went so far as to formulate a “trusteeship” plan which dictated that the UN or an individual nation provide tutelage for underdeveloped colonial countries for a period of time until they were deemed ready to assume full independence. Ideally, the plan was to be enacted across the globe. Although Ho sought outright independence without the sponsorship period, the plan nonetheless stood as a promising alternative to French colonialism.

The French, however, were firmly committed to regaining all their pre-war possessions and restoring their fading empire. As such, they unsurprisingly disdained Roosevelt’s plans and demanded that Indochina be returned to them. The British staunchly supported the French position. While not directly threatened by American designs in Indochina, they feared that an American presence in Southeast Asia would initiate a domino process of decolonization throughout the region. As Churchill wrote in February 1944, “If the Japanese should withdraw...or make peace as the result of the American thrust, the United States Government would...feel greatly strengthened in its

view that all possessions in the East Archipelago should be placed under some international body [in] which the US would exercise a decisive concern” (Pentagon Papers, 1971, vol I, p. A-15). This was to be avoided at all costs, and the British frequently indicated as such to their American allies: “It would be difficult to deny French participation in the liberation of Indochina in light of the increasing strength of the French Government in world affairs...unless a policy to be followed toward Indochina is mutually agreed between our two governments, circumstances may arise at any moment which will place our two governments in a very awkward situation” (Pentagon Papers, 1971, vol I, p. A-15).

Such harsh words did not faze Roosevelt. As early as January 1944, he began to issue exasperated and slightly annoyed rebuttals to British queries over the status of Indochina:

I saw [Lord] Halifax last week and told him quite frankly that it was perfectly true that I had, for over a year, expressed the opinion that Indo-China should not go back to France but that it should be administered by an international trusteeship....The only reason they [the British] oppose it is that they fear the effect it would have on their own possessions and those of the Dutch. They have never liked the idea of trusteeship because it is, in some instances aimed at future independence. This is true in the case of Indochina... France has milked it for one hundred years. The people of Indo-China are entitled to something better than that (Pentagon Papers, 1971, vol 1. p A-14).

Further, the President refused to allow French re-deployment in the area and insisted that Indochina’s status be decided during post-war

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discussions. In addition, he continued to propound his trusteeship plan.

In early 1945, US military commanders resolved to concentrate all available forces on the Japanese in the Pacific theatre and to essentially cede authority over military operations in the area to the British. Such a decision greatly eased Churchill's fears that the US would establish a presence within Southeast Asia from which they could expound their liberal ideals and effectively allowed the British to regain control of their pre-war colonies in the Netherlands East Indies and New Guinea. However, Roosevelt continued to greatly frustrate the French. He did not lift the ban on French troop deployments in Indochina. In fact, the President even ordered officers to ignore official US military policy when possible by committing US troops to Indochina which avoided "alignments with the French" and which did not detract from the campaign against Japan (Pentagon Papers, 1971, vol I, p. A-16). He clearly feared (correctly, as it turned out) that French troops would be used in part to re-establish French authority over the colony and thus nip trusteeship proposals in the bud.

However, to confuse matters, the United States had also broadly committed itself to reestablishing the French Empire as it had existed before the outbreak of hostilities, and had issued a number of

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public statements to this effect. For example, Roosevelt's personal representative informed French General Giraud in 1942 that "French sovereignty will be reestablished as soon as possible throughout all the territory, metropolitan and colonial, over which flew the French flag in 1939" (Porter, 1979, Doc 14, p. 22). More ambiguously, in a 1942 Department of State press release: "The policy of the Government of the United States has been based upon the maintenance of the integrity of France and of the French Empire and of the eventual restoration of the complete independence of all French territories" (Porter, 1979, Doc 15, p. 24). Unsurprisingly, such statements, especially when coupled with Roosevelt's rhetoric, left the French confused and wary.

In early March, the Japanese attempted to consolidate their remaining forces within Southeast Asia by launching a coup and formally seizing power from the collaborationist Vichy French government in Indochina. The Vietminh immediately launched a guerilla war against Japanese forces. Soon after, an American OSS team parachuted into the country and worked closely with Ho to supply and help coordinate Vietminh assaults. Predictably, General Charles De Gaulle and other Free French officials demanded that the Americans allow Free French military and naval forces to participate in the conflicts in Southeast Asia. Still, Roosevelt remained firm and

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refused to allow French troops into the area. He did, however, slowly begin to turn away from his steadfast insistence that Indochina be placed under an international trusteeship. Charles Taussig, Roosevelt's advisor on Caribbean affairs, summarized a conversation he had with the President on March 15, 1945, in which Roosevelt declared that "If we can get the proper pledge from France to assume for herself the obligations of a trustee, then I would agree to France retaining these colonies with the proviso that independence was the ultimate goal" (Porter, 1979, Doc 14, p. 22).

Still, while France was issuing reassuring statements regarding the liberal policies it would pursue in Indochina, the idea that it would assume the role of a trustee was unlikely. Even Communists within France were unprepared to even contemplate bestowing full independence upon the Vietnamese; their national emasculation and wounded psyche clearly wouldn't allow such a loss. As such, while diplomatically shrewd, Roosevelt's statement in practice hardly represented a softening stance towards the French, as it presumed an eventuality he knew the French were unwilling to agree to.

The Department of State, however, certainly gauged the postwar situation far more pragmatically than did Roosevelt. In a memorandum drafted by the Far Eastern division in April 1945, the

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idea of placing Indochina under trusteeship was rejected outright due to the inevitable strains it would place upon US-Franco relations. As the document summarized, “French resentment will be such as to impose a very serious strain upon our relations and thus tend to defeat basic elements underlying our policy towards France. A disgruntled, psychologically sick and sovereign-conscious France will not augur well for post-war collaboration in Europe and the world as a whole” (Porter, 1979, Doc 15, p. 23). Instead, the Far Eastern division advocated the more conservative position of restoring Indochina to French rule under the provisions that the French liberalize their policies towards the colony. Such an attitude reflected a markedly different opinion on the matter than that propounded by Roosevelt, and again indicated the indecision which characterized the American government towards the end of the War.

In any case, Roosevelt’s opinions were rendered moot on April 12, when the President suffered a massive cerebral hemorrhage and died. Given the mounting pressure towards restoring Indochina to French rule, it is unclear whether or not Roosevelt would have dramatically altered the course of history had he lived longer. The inherent unfairness of forcing trusteeship upon a French colony when similar demands were not imposed upon British colonies in the region

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seemed too much for the French to bear. As he neared the end of his life, Roosevelt himself appeared to reluctantly grasp this fact. On April 3, 1945, the Secretary of State, with Roosevelt's approval, issued the following statement at Yalta: "The Trusteeship structure...should be defined to permit the placing under it of the territories taken from the enemy in this war, as might be agreed upon at a later date, and also such other territories as might be voluntarily placed under trusteeship" (Porter, 1979, Doc 18, p. 40). In other words, the President had apparently publicly resigned himself to bestowing trusteeship status to colonies only with the approval of the colonizing nation – an authorization the French would never issue in the case of Indochina.

Still, Roosevelt's influence should not be understated. The aforementioned declaration may have eased his allies' nerves, but it did not erase the memory of Roosevelt's many other statements and actions to the contrary, nor did it officially clarify ambiguous declarations regarding French imperial restoration and colonial independence. As such, upon Roosevelt's death, official US policy towards its allies' colonial possessions remained in disarray. As the Pentagon Papers summarizes,

The British remained apprehensive that there might be a continued US search for a trusteeship formula which might impinge on the Commonwealth...The French were restive over continued US refusal to provide strategic transport for French forces in Indochina, and deeply suspicious that the United States – possibly in concert with the Chinese – intended to block their regaining control of Vietnam, Laos, and Cambodia [Indochina] (Pentagon Papers, 1971, vol I, p. A-20).

II. Softening Relations with France

Following Roosevelt's death, the State Department Division of European Affairs initiated a policy review on Indochina and formally concluded that the US should not oppose restoring the territory to French rule (Porter, 1979, Doc 18, p. 41). The Far East division, after reviewing the document, agreed in principle with the European Division's findings, but, in line with its previous recommendations, stressed that the French should not be permitted to regain the territory without a concurrent liberalization of its policies toward the colony, including instituting measures towards actual self-government (again, however, not outright independence). Noting that the French had collaborated with the Japanese and that their administration of Indochina had been "the least satisfactory" of all the colonial powers, the document advised restoring French rule under 5 conditions, the most important of which demanded the "Development of a democratic national or federal government to be run for and increasingly by the

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Indochinese themselves with no special privileges for French or other persons who are not inhabitants and citizens of Indochina” (Porter, 1979, Doc 19, p. 46)... Further, the Far Eastern division cautioned that “...the United States must not jeopardize its own increasingly important interests in Southeast Asia” (Porter, 1979, Doc 19, p. 44), while the European Division ignored such a qualifying statement. Nonetheless, both documents recognized the obligations the US had committed itself to regarding the restoration of French integrity and its overseas possessions; further, they reflected a belief that French cooperation was vital towards future US interests in Europe and in maintaining peace and security throughout the world.

Unfortunately, the government’s eventual policy embraced the European division’s memorandum rather than that of the Far Eastern division. In May, acting Secretary of State Joseph Grew assured French Ambassador Jefferson Caffery that the French would regain sovereignty over Indochina, officially ending any question as to whether or not Roosevelt’s trusteeship concept would apply to the territory (Porter, 1979, Doc 20, p. 46). While the document called into question French treatment of the colony and warned that the Americans disdained French colonial management – “Certain elements of American public opinion...condemned French governmental

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policies and practices in Indochina” – no official constraints or conditions were imposed upon the French.

The policy battle over Indochina represents in microcosm the overarching paradigm shift the United States experienced in the aftermath of World War II. Ironically, while American policymakers never seriously considered returning to their neutral, non-interventionist roots, their indecision over how to properly micromanage world affairs effectively resulted in a temporary non-interventionist policy within Southeast Asia that allowed both the British and the French to regain their colonial possessions in the area. While such a decision initially left Ho Chi Minh and the Vietnamese in an untenable situation, ultimately the Americans ended up placing themselves in danger as their move towards imperial pragmatism and anti-Communism led to their own war in Vietnam 20 years later. Perhaps even more ironically, had the United States simply remained true to its neutral roots, or had fully embraced enforcing Wilsonian self-determination, the Vietnam War could have easily been avoided. However, while pro-Vietnamese intervention would have resulted in severe damage to US-Franco relations (and probably US-British relations as well), a continuous neutrality would have precluded US intervention in Vietnam at any juncture and resulted in Vietnamese

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independence following their victory over the French at Dien Bien Phu in 1954.

It should also be noted here that Ho's Communism was only a secondary factor, if that, in determining US policy at this stage. Indeed, as discussed above, the United States staggered to the decision to return Indochina to France; further, American rationale encompassed a desire to secure French goodwill and re-establish the nation's integrity, not to stem the flow of Communism in Asia. Indeed, at this early date, America only dimly perceived the "threat" of international Communism, and the country's foreign policy, while increasingly belligerent, had not yet been marred by an attitude that demanded thwarting the Soviets at all costs.

III. The Vietminh Take Matters into Their Own Hands

Ho and the Vietnamese were unaware of the transition the American government had undertaken, and did not know that the Americans had decided to allow the French to re-take Indochina. Ho shrewdly perceived, however, that tension between the USSR and the Allies could cause the Americans to concede Indochina to the French. Indeed, as party documents indicate, fundamental Vietnamese geostrategic analyses were extremely sound:

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We must avail ourselves of the contradictions in the Allied camp concerning the Indochina question, between the British and the French on the one side, and the Americans and Chinese on the other. [However, we must be wary that] The contradictions between Britain, the United States and France on the one side and the Soviet Union on the other, might lead the British and Americans to make concessions to the French and allow them to come back to Indochina... We must win the Soviet Union and the United States over to our cause so that we can oppose French attempts to resume their former position in Indochina and the maneuvers of some Chinese militarists to occupy our country (Porter, 1979, Doc 28, p. 59).

As such, Ho decided to forestall a French return by decisively asserting Vietnamese sovereignty. On August 16, 1945, the day after the Japanese indicated that they would capitulate and accept the Allies' terms of surrender, Ho and his commander-in-chief, General Vo Nguyen Giap, again ordered a nation-wide insurrection against the last vestiges of the Imperial Japanese government. By August 26, the rebellion had succeeded in securing the puppet Emperor Bao Dai's abdication. On September 2nd, Ho declared Vietnamese independence and established an independent Democratic Republic of Vietnam (DRV).

However, the Allies had plans of their own, and the DRV did not fit into them. At the Potsdam conference in July 1945, President Truman and British Prime Minister Clement Atlee had agreed to divide Vietnam in two at the 16th parallel in order to facilitate Japanese disarmament in the area. The treaty gave China jurisdiction over

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military operations in the North, while the British were charged with securing the South. Unsurprisingly, confusion and disorder immediately arose when the two powers arrived in September 1945. While the Chinese recognized the legitimacy of the newly created DRV in Hanoi, the British, pursuant to their own goals of reinforcing colonial holdings and supporting the French, refused to do the same in Saigon and deferred power to the French from the outset. They further aided the French by helping plan and execute a coup on September 23, 1945 in which French P.O.W's (with aid from British troops in the area) overthrew the DRV and ostensibly restored French authority over Indochina. The Vietminh immediately responded by again launching a guerilla war, this time directed against the French.

The US did not respond to these events for almost two full weeks. Finally, on October 5, Secretary of State Dean Acheson (who was to become a staunch Cold Warrior), issued the following telegram to diplomats in India and China:

US has no thought of opposing the reestablishment of French control in Indochina and no official statement by US government has questioned even by implication French sovereignty over Indochina. However, it is not the policy of this Govt to assist the French to reestablish their control over Indochina by force and the willingness of the US to see French control reestablished assumes that French claim to have support of the population of Indochina is borne out by future events (Porter, 1979, Doc 46, p. 82).

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Again, it is clearly evident that a certain reluctance to fully support the French prevailed within the American government. The Department of State even went so far as to advise the Secretary of War on January 15, 1946 that it was contrary to American policy to “employ American flag vessels or aircraft to transport troops of any nationality to or from the Netherlands East Indies or French Indochina, nor to permit use of such craft to carry arms, ammunition or military equipment to these areas” (Pentagon Papers, 1971, vol I, p. A-24). Further, the precondition that the French secure a measure of popular approval from elements within Indochina before the US would lend their wholehearted support to French ambitions yet again indicates the Americans’ desire to balance the dictates of the new world order, in which a vibrant and friendly France was integral, with their desire to enforce the American ideological tenets of self-determination and freedom across the globe. However, it was also made explicitly clear that the US had no intention of backing Ho Chi Minh, either materially or diplomatically. The Vietminh were on their own.

Unflinching British assistance, however, aided the French in retaking Indochina. The UK arranged for the transport of additional French troops to Saigon as early as October 1945, and donated around 800 US lend-lease jeeps and trucks to the French. On 4 March 1946,

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British Admiral Lord Mountbatten transferred full control of Indochina to the French authorities by formally deactivating the colony from Allied Southeast Asia command. With the British withdrawal, the fighting that had begun in September became a singularly French affair.

Ho continued to make overtures to the United States and frequently wrote directly to Truman and the Secretary of State. His attempts were summarily ignored. In the summer of 1945, he had even gone so far as to profess a desire for Vietnam to be granted the “the same status as the Philippines;” i.e., an undetermined period of tutelage preliminary to independence – trusteeship (Pentagon Papers, 1971, vol 1, C-4). His subsequent communiqués constantly invoked the Atlantic charter and US statements that propounded self-determination; further, he contrasted Vietnamese assistance to the Allies during the war with the French collaboration with Axis powers, all to no avail. In his last letter addressed directly to Truman, Ho reasonably stated that French “aggression is contrary to...the pledges made by the Allies during the World War...It violently contrasts with the firm stand you have taken in your twelve point declaration, and with the idealistic loftiness and generosity expressed by your delegates to the United Nations assembly” (Porter, 1979, Doc 58, p. 95)...

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Again, despite his well-reasoned and logical arguments, the United States ignored Ho's appeals.

The situation for the DRV was dire. With the United States ignoring its pleas, a hostile French force within its borders, and threatening Chinese warlords in the North, Ho and the DRV turned to diplomacy in order to buy time for the Vietnamese independence movement. Ho was desperate to expel the Chinese. Historically Vietnam's most hated enemy (the Chinese continuously invaded and/or intervened within Vietnam for almost 2000 years before Westerners arrived), Ho feared that the Chinese would attempt to overthrow the Vietminh and establish an anti-Communist puppet government composed of members of the pro-Chinese parties in the DRV. Fortunately for Ho, the French and Chinese concluded an agreement on February 28th which gave the French control of all operations in Northern Indochina by March 31st. Ho, still paranoid that the Chinese would initiate a coup as they evacuated, quickly negotiated an accord with the French that established Vietnam as a "free state" within the French Union with details of independence to be worked out at a later date. As a concession, Ho allowed the French army to remain within Vietnamese territory for a period of 5 years (Porter, 1979, Doc 59, p. 96-97). Unsurprisingly, the pro-Chinese

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forces within Vietnam again bitterly attacked Ho. He responded angrily:

You fools! Don't you realize what it means if the Chinese stay? Don't you remember your history? The last time the Chinese came, they stayed one thousand years! The French are foreigners. They are weak. Colonialism is dying out. Nothing will be able to withstand world pressure for independence. They may stay for a while, but they will have to go because the white man is finished in Asia. But if the Chinese stay now, they will never leave. As for me, I prefer to smell French shit for five years, rather than Chinese shit for the rest of my life (Pentagon Papers, 1971, vol I, p. C-3).

While Ho would continue to “smell French shit” for another 8 years rather than just 5, he had succeeded in expelling the Chinese and threw himself into the task of negotiating with France the terms with which Vietnam might eventually assume independence. The talks eventually resulted in a *modus vivendi* between the French and Vietnamese that allowed a semblance of Vietnamese self-government while preserving French cultural and economic interests within Indochina. However, it was clear that such agreements were only temporary. Indeed, by the end of 1946, the French and Vietnamese had again engaged themselves in concerted warfare which would continue until the dramatic Vietnamese victory at Dien Bien Phu in 1954, finally caused the French to abandon their colony.

However, as mentioned above, as these events transpired, the Americans began to grow increasingly sensitive to the perceived threat

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of international Communism and moved further and further away from Ho Chi Minh. The United States increasingly feared Ho's Communist connections, and sought at all costs to avoid an outcome in which Ho led an independent Vietnam. As Acheson stated in a cable on 2 December 1946, "Keep in mind Ho's clear record as agent international communism, absence evidence of recantation Moscow affiliations, confused political situation France and support Ho receiving French Communist Party. Least desirable eventuality would be establishment Communist-dominated, Moscow oriented state Indochina" (Porter, 1979, Doc 81, p. 128)... Unfortunately, the US failed to recognize that Ho was really the only Vietnamese leader capable of uniting all the disparate forces in Vietnam into a functioning entity; he was the only man capable of securing mass support. The US, increasingly wary of Communism, could not accept this, and thus sought answers for Vietnam in anyone but Ho. This sentiment would only grow in the late 40's as Ho openly embraced Communism and turned towards the Soviets and the (now Communist) Chinese for assistance.

Still, as the Pentagon Papers succinctly state, "Ho's behavior in 1949-1950, however convincingly it endorsed US policy at that juncture, does not necessarily explain away his earlier eagerness for

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US and UN intervention in Vietnam¹” (Pentagon Papers, 1971, vol I, p. C-5). Indeed, Ho had always been a nationalist first and a Communist second. As early as 1941, the Indochinese Communist party’s official ideology dictated the subordination of the “agrarian” revolution to the more important task of gaining independence: “With regard to the Indochinese people at present, the anti-imperialist task is more serious and urgent than the agrarian task. At present the national rights are higher than anything else. The interests of one segment must serve the interests of the entire nation. The interests of one class must stand behind the interests of all the people” (Porter, 1979, Doc 2, p. 4). Or, as Ho himself stated in 1941, “National salvation is the common cause of our entire people. Every Vietnamese must take part in it. He who has money will contribute his money, he who has strength will contribute his strength, he who has talent will contribute his talent” (Porter, 1979, Doc 1, p. 2).

As such, the question remains: would Ho have turned towards the Communist bloc, or would he have become an “Asian Tito” had the US embraced his overtures during the critical 1945-1946 juncture? With the benefit of hindsight, the latter appears an almost certainty.

¹ Which, as the Pentagon Papers admits, “...even a Leninist may have scrupled” (Pentagon Papers, 1971, vol 1, C-4).

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Nearly all Ho's writings and communiqués indicate a deep admiration for the United States that only would have increased had the US actively promoted Vietnamese independence. Further, his clear nationalism indicated a decided hatred for any sort of subordination to another power; certainly he would not have allowed Moscow to dominate the Vietnamese the way the Soviets dominated the majority of its satellite states. In hindsight, it's clear that if Ho was willing to fight the Chinese, the Japanese, the French, and then the Americans, he certainly would have also fought the Soviets had they attempted to intervene within Vietnamese affairs.

Nonetheless, in the final analysis, it is evident that the United States left Ho with little option as it deferred authority to the French almost from the outset and refused to negotiate directly with Ho. Further, a great deal of indecision over Vietnam reigned within the US government and prevented legitimate opportunities for a real US-Vietnamese relationship to develop. In the end, the US simply decided that its relationship with France overrode fulfillment of its propounded ideological tenets across the globe and thus deferred handling of the Indochinese affair to its European ally. Further, to support Ho Chi Minh, the US government would have "involved perspicacity and risk...unique in US history" (Pentagon Papers, 1971, vol I, p. C-6). It

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was obviously unclear what would have happened had the US supported this Communist upstart, while continued support of the French would probably not result in any surprises for US policymakers. As such, “the path of prudence rather than the path of risk seemed the wiser choice” (Pentagon Papers, 1971, vol 1, p. C-6). By 1949, when Acheson issued the following infamous statement, US policy had essentially resolved around its own self-fulfilling prophecy:

Question whether Ho as much nationalist as Commie is irrelevant. All Stalinists in colonial areas are nationalists. With achievement national aims (i.e., independence) their objective necessarily becomes subordination state to Commie purposes and ruthless extermination not only opposition groups but all elements suspected even slighted deviation... (Acheson, 1949) (Pentagon Papers, 1971, vol 1, p. C-5)

Communism, no matter its history or its context, was the enemy. Ho’s previous willingness to embrace the Americans no longer mattered; it was all seen as a feint to achieve the ultimate goal of establishing a Communist dictatorship.

In the first instance of what has become a recurring theme, the United States’ broad commitments to self-determination and the right of all peoples to freedom were ultimately undermined by an underlying pragmatism that subordinated principle to security from an overblown monolithic threat. Indeed, during the critical period in

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1945-1946, when Ho repeatedly turned towards the Americans for assistance, US policy makers at every level ignored him. American foreign policy displayed a certain amount of indecision during the time, as it wavered between general advocacy of the principles defined by the Atlantic Charter and an unwillingness to compromise the integrity and lingering prestige of colonial allies. Specifically, the United States was unwilling to risk poor relations with France by placing Indochina under trusteeship during an uncertain postwar period in which growing Soviet power generated increasing paranoia within the American political landscape. As such, the question of whether or not Ho Chi Minh should have been taken seriously as an alternative to French rule was never adequately addressed; by the time full scale warfare broke out between the French and the Vietnamese in the late 40's, American foreign policy had become obsessed with containing communism, and any arrangement with Ho by this period was out of the question. Further, Ho had by this time clearly moved closer to the Communist bloc and no longer looked to the United States for any kind of serious political assistance. As such, the period 1945-1946, in which Ho Chi Minh appeared relatively open to American alliance, was wasted due to the dictates of the French and

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the British and American unwillingness to risk the possible consequences of an independent Communist Vietnam.

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