

Almost Jeffersonian: U.S. Recognition Policy toward Latin America

GREGORY WEEKS

University of North Carolina at Charlotte

Since Latin American independence, U.S. presidents have consistently faced the issue of how to respond to domestic political conflict in the region. The purpose of this article is to examine U.S. recognition policy toward Latin American governments, to identify patterns in that policy, and to explain its decline. It might appear that the United States has come full circle and that we are currently seeing a return to Thomas Jefferson's de facto principle of recognition, wherein governments are recognized automatically regardless of their nature. Jefferson's policy was to avoid making political judgment on foreign governments. The current evolution (or devolution) of recognition policy, however, does not follow the tenet of nonjudgment.

Since Latin American independence, U.S. presidents have consistently faced the issue of how to respond to domestic political conflict in the region. In particular, when unscheduled (and often unexpected) changes of government occur, should the United States extend diplomatic recognition to the new regime, or even revoke recognition of an already existing government? As scholars seek to explain the characteristics of post-cold war, post-twentieth century relations with Latin America, it is useful to analyze the development of recognition policy, which for many years was central to expressing approval or disapproval of governments. After the late 1960s, U.S. presidents deliberately removed recognition as a foreign policy tool. The purpose of this article is to examine U.S. recognition policy toward Latin American governments, to identify patterns in that policy, and to explain its decline.

In 1992, President Alberto Fujimori enacted a "self-coup," suspending the judiciary and dissolving congress. The Bush administration did not mention recognition at all but rather suspended nonhumanitarian aid (Clayton 1999, 294). Despite Fujimori's authoritarian seizure of power, he never faced revocation of recognition. Then in 2000, Fujimori presided over obviously fraudulent elections. The Clinton administration simply asserted its "right to draw its own conclusions and take its own action in response" (Gutierrez 2000). In both cases, U.S. recognition of the government was never in doubt. Yet for nearly 150 years,

Gregory Weeks is assistant professor of political science at the University of North Carolina at Charlotte. He has published in Hemisphere, Journal of Third World Studies, Studies in Comparative International Development, and Third World Quarterly.

AUTHOR'S NOTE: The author would like to thank Thomas M. Davies, David Johns, Lyman Johnson, and Brian Loveman as well as two anonymous reviewers.

recognition policy represented a central component of U.S. foreign policy toward Latin America. In cases of presidents' shutting down the opposition or utilizing electoral fraud or of military officers' overthrowing a government, U.S. policy entailed deliberation over whether the government in question fulfilled all criteria for diplomatic recognition.

Recognition has implied a wide range of consequences, including access to the courts of each country, protection of nationals, uninterrupted trade, and acceptance of coparticipation in treaties (Peterson 1997). Often, the policy was used to correct what U.S. presidents viewed as political misbehavior.¹ Now into the early twenty-first century, the United States no longer wields recognition as a foreign policy instrument, choosing instead to utilize more ad hoc strategies to express its will.

A survey of diplomatic correspondence and secondary sources has made it possible to identify the instances when the United States deliberated about recognizing a new government and what rationale U.S. policy makers utilized to make the decision. There are a total of fourteen:

- De facto control of the government
- Fulfillment of international obligations
- Evidence of popular support
- Constitutionality of the government
- Consensus with other American republics
- Promise of holding elections
- Degree of external influence
- Protection of U.S. citizens and their property
- Protection of civil liberties
- Whether the government is anti-Communist
- Promotion of stability
- Fulfillment of U.S. treaty obligations
- Need to protect foreign investment
- Need for prior consultation with European powers

Over time, the prevalence of certain rationale reveals clear shifts in policy. These shifts correspond to three distinct time periods: an emphasis on de facto control between 1822 and 1899; the rise of "dollar diplomacy," with a shift toward fulfillment of international obligations and protection of U.S. citizens and property from 1900 to 1934; and the gradual de-emphasis of recognition policy as a whole after 1934, culminating in its disappearance after 1969 and the concomitant rise of ad hoc policies.

Development of the Policy

The concept of recognition came out of seventeenth- and eighteenth-century Europe. The Peace of Westphalia (1648) marked the beginning of the modern concept of the European nation-state, a new era in international relations. The major international relations the-

1. In his autobiography, Theodore Roosevelt (1996, 543) wrote in defense of his foreign policy that, with regard to the Western Hemisphere, "against the weak when they misbehaved we were slower to assert our rights than we were against the strong."

orist of the seventeenth century, Hugo Grotius, espoused the notion that recognition should be granted to demonstrate that an individual government was accepted within the system.

Recognition entails a government of an already existing state acknowledging that another government should enjoy the same international legal status (Bledsoe and Boczek 1987). In this manner, the recognizing government expresses a willingness to establish (or maintain) official relations (Talmon 1998, 23). For centuries, the European monarchies had used the principle of dynastic or monarchical legitimacy to deny the possibility of recognizing a revolutionary government.

The French revolution and Napoleon's subsequent defeat permanently changed the face of European politics, since the French government no longer fit into the system of dynastic legitimacy. The door was opened to the possibility of recognizing a government, the sovereignty of which was not tied to the monarch. The recognition policy of the United States developed in this political context. As the first secretary of state, Thomas Jefferson was a founding architect of a policy of recognizing governments regardless of their nature.

The Jeffersonian De Facto Period, 1822-99

The United States first recognized an independent state in Latin America in 1822.² When Latin American independence movements began, the United States was preoccupied with other issues and not yet ready to extend recognition, although the debate over recognition had been taken up by the U.S. Congress. The war with Great Britain (1812-15) temporarily prevented the United States from providing any assistance to the Spanish American colonies.

In 1818, Speaker of the House Henry Clay pushed for early recognition of Argentina and appropriation of funds for a diplomatic post, but these proposals were defeated. Opponents cited the infringement of Congress on the executive's territory. The Constitution had given the president the power to make decisions about diplomacy, and Clay's bill attempted to give that power to Congress. In addition, the bill's defeat was tied to relations with Spain. The United States had been trying unsuccessfully for years to acquire Florida, and some members of Congress feared that recognition of the Spanish American colonies would make Spain even less hospitable to that objective.

The issue of the executive's power to recognize governments without the explicit approval of Congress was important and set a precedent that would not be broken. The debate that began between Henry Clay and Secretary of State Adams (under President James Monroe) was later upheld by federal courts, making it clear that the president had the full constitutional authority to grant or withhold recognition, even without congressional approval (West and Murphy 1990, 440). Adams believed that Clay's attempts to force recognition were intended "to control or overthrow the executive" (quoted in Lewis 1998, 102).

The question of executive power also arose in 1826 in the case of Haiti, which was the exception to the de facto rule. President Adams (as well as Clay, who had become his secre-

2. For a discussion of the debate in the United States over presidential power to grant recognition and receive ambassadors in the eighteenth century, see Adler (1995).

tary of state after ensuring Adams's victory in the House of Representatives) wanted the United States to participate in the Panama Congress, meetings that were organized by Simón Bolívar. The U.S. Congress balked because it did not want to cede control to Adams and Clay but also because the meetings would involve discussion of the diplomatic recognition of Haiti (Schoultz 1998, 12). Given the conflicts over slavery in the United States, U.S. presidents refused to extend recognition to Haiti until 1862. Nonetheless, the executive branch was successful insofar as two U.S. representatives to the meetings were eventually funded (although one died en route and the other never left).

Recognition of five Spanish American governments followed not long after the purchase of Florida was completed in 1821. Once that threat of Spanish retaliation against the United States was eliminated, recognition was no longer considered inadvisable. In its response to President Monroe's request for funds for ministerial posts, the Committee on Foreign Affairs of the House of Representatives laid out its agreement with his rationale for granting recognition. The statement is a synthesis of the rationale for early U.S. recognition policy:

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment For a nation to be entitled, in respect to foreign states, to the enjoyment of these attributes, and to figure directly in the great political society, it is sufficient that it is really sovereign and independent, that is, it governs itself by its own authority and laws. The people of Spanish America do, notoriously, so govern themselves, and the right of the United States to recognize the governments, which they have instituted, is incontestable. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere. (U.S. House 1822, 71)

In March 1822, President James Monroe requested and received from Congress the necessary funds to establish formal relations with Chile, Argentina, Peru, Colombia (which at that time also included Venezuela and Ecuador), and Mexico. After the issues involving Florida had been resolved, following the Jeffersonian *de facto* policy, the most important consideration in extending recognition was whether the governments were in control of their new states and represented the "will of the nation."³ The United States was recognizing the existence of new states but was conditioning such recognition on the stability of governments. A congressional committee acted on the request of President Monroe and issued statements on each of the states to be recognized, emphasizing their *de facto* control.

This initial wave of recognition was followed by recognition of the Federation of Central American States (Honduras, Guatemala, Nicaragua, Costa Rica, and El Salvador) in 1824, Brazil in 1825, Uruguay in 1834, and Paraguay in 1852. In these early years, the United States was content to allow many governments in Latin America to rise and fall as they may. The *de facto* policy continued, largely unchanged for nearly forty years. The outbreak of the

3. These same principles were being developed in the newly independent states. As the prominent Chilean intellectual Andrés Bello (1997, 244) wrote, "the other states need only discover whether the new association is in fact independent and has established an authority that rules its members, represents them, and up to a point is responsible for their conduct to the world."

U.S. Civil War marked the beginning of a temporary abandonment of this Jeffersonian policy in the face of war.

The North did not accept *de facto* control as the sole reason for recognition of the Confederacy or even of governments in Latin America. In 1861, France installed its own monarch in Mexico and sought recognition. The State Department refused, telling the U.S. minister in Mexico that it "is not the interest of the United States to be hasty in recognizing the revolutionary changes which unhappily are so frequently occurring in Spanish America" (quoted in MacCorkle 1933, 59). Instead, the United States continued to recognize the government of Benito Juárez, even though he had fled Mexico City in 1863 and had no fixed headquarters.

The Lincoln administration continued to deny that either the Confederate or the French governments existed *de facto*, and consequently the question of recognition should not even arise. One of Secretary of State William Seward's arguments was that the Confederacy never convened any type of representative assembly and no popular elections were ever held for a legislative body (Needler 1963, 62). This rationale represented a major change from earlier policy, especially when viewed in the context of earlier recognition of Latin American governments. In Brazil the United States had already recognized two monarchs (Dom Pedro and Dom Pedro II), in Mexico a self-proclaimed emperor (Agustín de Iturbide), and in Uruguay a military junta. In none of these cases had the United States asked that popular support be formally declared or elections held as a condition for recognition. Once the Civil War ended, however, the United States once again de-emphasized the importance of elections.

In the second half of the nineteenth century, the ability and disposition of governments to discharge international obligations became a rationale for U.S. recognition policy. This rationale was first cited by President Rutherford Hayes in 1878, directed at Porfirio Díaz in Mexico. This new facet of the policy, however, was by no means the norm during this time period. Not until after the turn of the century did it become a common addition to the *de facto* policy.

The gradual change in favor of demanding that financial and other international obligations be met (or at least that the government promise that it would meet them in the future) before recognition was granted reflected the gradual emergence of the United States as a global economic power. The policy was altered to meet these new interests (Galloway 1978, 22). The traditionally unstable governments in Latin America could no longer be viewed so tolerantly. The United States began to apply those requirements more explicitly and stringently and was less willing to forgive lapses in meeting treaty obligations and debt repayments.

The Shift Away from De Facto Policy, 1900-34

The case of Nicaragua at the turn of the twentieth century demonstrates the shift in U.S. policy. The key rationale cited by the U.S. government were *de facto* control, fulfillment of international obligations, constitutionality, and protection of U.S. citizens and their property. U.S. relations with the regime of José Santos Zelaya, who had taken power

through a coup in 1893, were shaky at best, especially since U.S. companies enjoyed monopolies and resented Zelaya's altering their concessions in the first few years of the new century.

Zelaya's regime was almost constantly in conflict with domestic opponents, who were arming themselves and gaining support abroad. U.S. businesses there aided an unsuccessful revolt. When two U.S. mercenaries were caught in the act of laying mines, they were court-martialed and then executed. This led to a storm of indignation in the United States and marked the beginning of the end of Zelaya's rule (Schoultz 1998, 211-12). Secretary of State Philander Knox wrote a note to the Nicaraguan chargé d'affaires, severing diplomatic relations with the Zelaya regime, which was "a blot upon the history of Nicaragua" (*Papers relating to the foreign relations of the United States* [hereafter referred to as FRUS] 1909, 455-56).

Zelaya attempted to solve the crisis by recommending a successor to the presidency, José Madriz. But the United States proved unwilling to agree, preventing Madriz from collecting customs from the Bluefields area of the Atlantic Coast, claiming that the government failed to protect U.S. citizens adequately (Bermann 1986, 148). Finally, in August 1910 Madriz fled the country. The rebels proclaimed General Juan José Estrada president of the republic, but again the United States was not yet ready to grant recognition.

The United States was unwilling to recognize the government until certain issues—both economic and political—had been addressed, specifically protection of U.S. citizens and their property and the constitutionality of the new government. Later in 1910 the Dawson Pact was finalized and recognition followed shortly thereafter. Typical of Roosevelt and Taft's dollar diplomacy strategy, the agreement hinged recognition on certain political and financial obligations, including providing a percentage of custom receipts to repay loans (FRUS 1911, 652-53).⁴

The case of Nicaragua shows how fulfillment of international obligations as well as protection of U.S. interests became important conditions for U.S. recognition of a government during this period. With the Roosevelt Corollary to the Monroe Doctrine, enunciated in 1904, the United States was gradually shifting recognition policy to acknowledge U.S. business interests abroad.⁵ Despite Woodrow Wilson's pro-democratic label, his recognition policy did not represent a significant change from Roosevelt and Taft. In fifteen cases during Wilson's presidency in which the issue of recognition arose, he insisted that the government enjoy popular support in only six, whereas in seven he made protection of American citizens and their property the primary precondition.⁶ Wilson did cite the need for a constitutional regime in eleven cases but, as Schoultz (1998, 252) argued, "Wilson implemented a policy that was largely indistinguishable from Dollar Diplomacy, adding only the high-minded rhetoric of democracy."

4. The strategy employed in Nicaragua was based on a similar approach taken in the Dominican Republic in 1905. The United States was concerned not only with financial obligations but also with the possibility that European nations would collect their debts by force, thus creating a strategic as well as financial crisis (see Healy 1988, 117-21).

5. The intent of the Roosevelt Corollary was to prevent European incursions into the hemisphere. As Roosevelt himself wrote, "it is our duty, when it becomes absolutely inevitable, to police these countries in the interest of order and civilization" (quoted in Schoultz 1998, 183).

6. Murillo (1981) offered an interesting discussion of Wilson's recognition policy, specifically toward the government of Federico Tinoco in Costa Rica. He made clear the prominent role of U.S. investors in the formulation of that policy.

In 1923, the Washington Conference on Central American Affairs convened to find a way to discourage revolutionary activity and promote peace in Central America. The principal product of this conference was the General Treaty of Peace and Amity, which strengthened a similar 1907 treaty with regard to recognition of revolutionary governments. That treaty was based on the Tobar Doctrine, named after its author Carlos Tobar, ex-foreign minister of Ecuador. The Tobar Doctrine asserted that any government that came to power through unconstitutional means should not be recognized.⁷ The update of the treaty in 1923 made more specific requirements as to who could be eligible to serve as leader in the case of an unconstitutional change of government. The United States believed that the threat of nonrecognition of a *de facto* regime would discourage rebel movements and thus maintain Central American political stability (Leonard 1985, 51). Secretary of State Charles Evans Hughes soon issued a formal statement of support for the treaty and its recognition policy (Stansifer 1967, 262).

The case of El Salvador demonstrates how U.S. policy was changing during this period. A military-backed civilian dictatorship had held power with support from the military from 1913 until 1927. Arturo Araujo, the winner of the 1931 presidential elections, named General Maximiliano Hernández Martínez as vice president to placate the armed forces. Araujo was unable to deal with the economic crisis, so in December 1931 a coup toppled him and Hernández Martínez took power.

The regime was able to gain recognition from some European countries, such as France and Italy. On January 1, 1934, Costa Rica officially recognized the regime. This broke any illusion of Central American unity behind the treaty. As of January 1, the governments of both Costa Rica and El Salvador renounced the 1923 treaty. Assistant Secretary of State Sumner Welles informed President Franklin Roosevelt that "Reports from El Salvador indicate that General Martínez has given his country a relatively efficient government and is strongly supported by public opinion. His government has been recognized by a majority of the principal nations of the world" (FRUS 1934, 219).

The United States had to admit failure and arranged a solution by which the governments of Nicaragua, Guatemala, and Honduras would issue a statement jointly recognizing the government in El Salvador. The United States would then follow suit. The United States deemed that legal because El Salvador and Costa Rica had renounced parts of the 1923 treaty. Sumner Welles cabled President Roosevelt on January 25 that in light of the Central American countries' granting recognition, the United States should follow suit but should do so one day later to demonstrate that the United States was "acting independently in the matter" (FRUS 1934, 256).

This was a face-saving measure that avoided admission of defeat, but it was also a resounding defeat for U.S. recognition policy as the treaty became null and void (Grieb 1971, 170). This case marked the end of treaty obligations as a requirement for recognition as well as the beginning of a de-emphasis on constitutionality, which were the two main factors in denying recognition to Hernández Martínez. It should be noted, however, that the combination of popular discontent and the depression in the United States meant that policy makers were much less willing to assert U.S. influence. In 1931, Secretary of State Henry

7. For a full discussion of the application of the Tobar Doctrine, see Stansifer (1967).

Stimson announced that American citizens in Nicaragua “who remain do so at their own risk and must not expect American forces to be sent inland to their aid” (quoted in Schoultz 1998, 270).

The end of that treaty coincided with a shift in overall U.S. policy. Franklin Roosevelt’s Good Neighbor Policy, initiated in 1933, rejected intervention and began a new, albeit temporary, era of United States–Latin American relations. No longer would the United States bind itself to treaties that inhibited its options with regard to recognition. Instead, it would move toward opening its options as wide as possible, eventually de-emphasizing recognition as a foreign policy instrument.

The Gradual De-Emphasis of Traditional Recognition Policy

Another change of U.S. policy came as a result of the Estrada Doctrine, enunciated in 1930 by the Mexican minister of foreign affairs, Genaro Estrada. It claimed that the idea of recognition was “an insulting practice” that “offends the sovereignty of other nations,” so the Mexican government would no longer utilize it.⁸ The doctrine was an attempt to remind the world of the unfair intervention practices of the United States. Despite its anti–United States tone, the doctrine was influential even in the U.S. government since the failure of recognition policy in El Salvador had demonstrated that recognition policy could be a liability in foreign affairs. The essence of the doctrine was to reject the concept of recognition as damaging to sovereignty and even insulting to the government being recognized.

The Estrada Doctrine was, therefore, an “antirecognition” recognition policy. Although the United States never officially adopted the doctrine, it had its roots in the original Jeffersonian policy of recognizing any government with de facto control. Furthermore, the gradual de-emphasis of recognition policy demonstrated that the United States increasingly valued the Estrada Doctrine’s emphasis, if not its anti-interventionist message.

Interregnum: World War II

When the United States entered World War II in 1941, recognition policy took a temporary turn. As with the Civil War, policy was a reaction to the contingencies of warfare. The only difference was that one facet of the war policy would remain, in a slightly altered form—the variable of outside influence, meaning a delay of recognition until the United States was satisfied that the new government was not under the control of another country. During the war, this variable would apply to Axis powers meddling in the Western Hemisphere. After the war, the policy would be directed at the Soviet Union, which was accused of trying to do the same.

The international agreement that would guide U.S. policy throughout the war was Resolution XXII of the Inter-American Emergency Advisory Committee for Political Defense, formed in 1942. The resolution stated that

8. For the text of the doctrine, see “Estrada Doctrine of Recognition” (1931, 203).

for the duration of World War II, the American Republics should agree not to recognize any new government established by force, prior to a full exchange of information and consultation among themselves regarding the circumstances surrounding the revolution and particularly the adherence of the new government to the existing inter-American undertakings for hemispheric defense. (U.S. Department of State 1975, 15)

The resolution's ideas became operative in Bolivia in December 1943, when Nazi Germany connections of the new Bolivian regime postponed recognition of that government (FRUS 1944, 430-40). The components of recognition policy more often employed, such as *de facto* control, popular support, and fulfillment of international obligations, were not used at all in the Bolivian case. The overriding consideration was to determine if the Axis had any influence in the new government (Klein 1992, 218).

The immediate postwar period saw the United States relying more on consensus as a way to determine recognition. Latin American governments viewed both the 1947 Rio Treaty and the 1948 formation of the Organization of American States (OAS) as potential constraints on the United States, since the former advocated regional security and defense rather than unilateral action while the latter stressed nonintervention. In 1948, the Inter-American Conference held in Bogotá passed Resolution XXXV, stating that "continuity of diplomatic relations among the American states was desirable and that establishment of diplomatic relations with a government did not imply any judgment on its domestic policy" (U.S. Department of State 1975, 39). This enabled the United States to continue normal relations with governments regardless of their internal politics.

Later, in 1948, the Director of the Office of American Republic Affairs asserted in a memorandum that the "Bogotá Resolution was also intended to simplify the whole process of establishing relations with new governments, and to this end avoids use of the formal term 'recognition'" (FRUS 1948, 113). The United States thus took the first step on the road to de-emphasizing formal recognition, a process that would take two more decades to complete.

The resolution was put into effect almost immediately in the case of Peru. In October 1948, General Manuel Odría took power in a coup d'état. The resolution enabled the United States to take quick action to support a new regime without entangling itself in questions of constitutionality. The United States focused most closely on the fulfillment of international obligations and consensus of American republics.

U.S. presidents were thus free to take the advice of other Latin American countries but could make their own judgments regarding what action to take in each particular case. With Peru, the Truman administration decided to recognize the Odría government without pursuing any inquiry into the means by which he took power and then retained it. In his message to the Peruvian minister of foreign affairs, the secretary of state mentioned nothing about domestic issues in Peru. He noted only that "I have noted with satisfaction Your Excellency's statement that the new administration will respect its international obligations and that its foreign policy will be based upon the principles which have characterized Peru's diplomatic traditions" (FRUS 1948, 115).

Concern that the Soviet Union not influence changes of government in Latin America also influenced postwar recognition policy. The perception of threat prompted the United States in several cases to deny or delay recognition pending satisfaction that the new govern-

ment was not being controlled by Communists. Although revolutions were internal matters, they became a concern for the United States “when the object is the establishment of a Communist dictatorship” (U.S. Department of State 1975, 94). The case of Cuba does not enter into the discussion because Castro received recognition automatically, which the United States did not revoke despite severing diplomatic relations in 1961.⁹

Despite the importance of those cases in which the United States employed anti-Communism as a rationale for recognition (such as Guatemala in 1954 and the Dominican Republic in 1965, both of which involved invasion), the period does not end with the Cuban revolution. Overall, the cold war influenced the rationale used in making recognition decisions but did not fundamentally alter the evolution toward de-emphasis of traditional recognition policy in favor of other foreign policy instruments.

During the Johnson administration, the so-called Mann Doctrine (named after Thomas Mann, Johnson’s chief advisor for Latin America) proclaimed that the United States would be friendly toward any government that was not communist-controlled (Smith 1996, 156-57). As a result, in contrast to the Kennedy administration’s delayed (albeit very short) recognition of military governments in Peru in 1962 and Honduras in 1963, President Johnson did not even invoke recognition when the same occurred in Brazil in 1964.

The emphasis on consensus remained strong. In 1965 at the Río Conference, the OAS adopted Resolution XXVI, which provided for consultation before granting recognition. The member countries would exchange views immediately after a government took power, and then each could decide if recognition should be granted (Galloway 1978, 78). One of the signs of the de-emphasis of recognition was that the Nixon administration would choose not to mention the resolution when a new government came to power.

The traditional recognition policy of the United States, whereby a decision had to be made about governments that came into power through extraconstitutional means, faded from U.S. foreign policy in Latin America in the late 1960s. There are two reasons for these changes. First, the postwar era saw a proliferation of international organizations (e.g., the United Nations and the OAS). An unrecognized government could participate in meetings and could not be ignored even if it was not recognized by some governments present (Peterson 1983, 34). Second, the State Department, Congress, and President Nixon had come to the conclusion that recognition policy itself hampered U.S. foreign policy by forcing the United States into a corner on certain issues, such as human rights, popular support, or constitutionality. Nixon commissioned a study by Nelson Rockefeller to assess United States–Latin American relations, and the resulting Rockefeller Report (issued in 1969) came to the conclusion that the military was the most positive influence in the region (Smith 1996, 158-59). Consequently, a policy of nonrecognition of undemocratic governments constituted an unwanted restriction. The president has greater flexibility when the recognition issue is ignored: “this shift allows the executive to avoid difficult questions when ‘bad’ governments

9. The United States granted recognition to the revolutionary government when Castro reached Havana in 1959. The U.S. embassy notified the State Department that the ambassador had held a meeting that included all prominent investors, which concluded that “prompt recognition was necessary to establish most favorable possible climate in which to carry on business, and [that] without recognition by US they would be unable to deal satisfactorily at all on the many problems confronting them” (FRUS 1958-60 [Cuba], 346).

come into power and allows it greater flexibility to enter quietly into diplomatic relations with the new governments” (West and Murphy 1990, 436).

The official statement of the new foreign policy came in the form of Senate Resolution 205, authored by Senator Alan Cranston, which passed in 1969 by a vote of 77 to 4. The Cranston Resolution stated that

it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government. (U.S. Senate 1969, 27118)

Senator Cranston explained that it “would return America to its original recognition policy, the policy that our Nation followed with great success in the days of Jefferson, Madison, Monroe, and Adams” (ibid., 27113). He asserted that nonrecognition

has never really succeeded in bringing down or coming to terms with a hostile regime. Often, nonrecognition has seemed to help more than it has seemed to hurt the nation that we have failed to recognize . . . Nonrecognition makes it difficult for us to transmit our values and to state our purposes clearly. (ibid.)

Although superficially similar to Jefferson’s recognition policy, the resolution differs substantially with the implication that recognition is not a necessary component of U.S. foreign policy. In response to a question about exactly how the resolution would affect foreign policy, Senator Cranston said the following:

we endeavored to draft a resolution that would spell out what “recognition” means, and we found it exceedingly difficult to do. In consulting with the State Department, we came to the conclusion, with their advice, that we not try to spell out what was meant because we would get into too complicated a situation. (ibid., 27115)

Although the resolution was not binding in any way, the Nixon administration adhered to its implied de-emphasis of traditional recognition policy. U.S. policy makers had increasingly sought to ensure more flexibility when reacting to changes of government, which made a specific recognition policy a liability.

The End of Recognition Policy?

Evidence for the new shift away from traditional recognition policy was clear during the Nixon administration. In only one case, Bolivia in 1969, did recognition arise in the traditional sense, and even then the term “recognition” was used as little as possible. After that case, traditional recognition policy did not again arise, as the United States followed the spirit of Resolution 205.

In the case of Bolivia, the rationale for recognition were fulfillment of international obligations, constitutionality, promise of elections, consensus with American republics, and protection of civil liberties. In response to a military coup in 1969, the United States deliv-

ered a note to the Bolivian foreign minister indicating the continuance of diplomatic relations without mentioning recognition (Galloway 1978, 106). Despite the fact that the regime had not agreed to hold elections, the State Department stated that the “U.S. view on democratic governments and on the need for free elections . . . remained unchanged” (U.S. Department of State 1975, 101).

The change in policy is even more apparent when compared to coups that took place in 1968 in Peru and Panama. In those cases the United States had made formal inquiries as to the attitude of the government toward relations with the United States and the political direction the regime was taking. These inquiries were in accordance with OAS Resolution XXVI. In the Bolivian case, however, the formality of the inquiry was supplanted by a simple verbal approach, in which the foreign minister was asked informally as to the regime’s attitude (Galloway 1978, 107). In both the Peruvian and Panamanian cases, the United States had announced a suspension in diplomatic relations since the changes of power were unconstitutional, and recognition marked the lifting of that suspension. In Bolivia the United States did not suspend relations. The strategy employed by the Nixon administration was to state (or just imply) that the recognition issue did not arise.

In Bolivia, another unscheduled change of government occurred in August 1971, when Colonel Hugo Banzer Suárez toppled President Juan José Torres González in a coup d’état. As in 1969, the foreign ministry sent a note to the embassy “announcing the change in government, the Banzer government’s willingness to respect its international obligations, and its desire to continue friendly relations with the United States” (U.S. Department of State 1975, 101). The direction taken by the United States was quite different from before, however. The term “recognition” was not mentioned in the U.S. note, which stated that the United States would continue normal relations (Galloway 1978, 111).

In a press conference, the press officer would only admit that recognition was implicit in the continuance of diplomatic relations. Unlike the 1969 Bolivian case, no reference was made to Resolution XXVI, since that resolution explicitly mentions recognition. In other words, continuance of diplomatic relations in itself now began to imply recognition. Recognition in this case was not the same concept as before. The State Department acknowledged that recognition was

implicit in the continuance of relations . . . each case depends on the circumstances. In this case there are fewer elements of continuity than when the Torres government succeeded the Ovando government. In contrast with that case, this new government does not assert continuity with its predecessor. However, I should point out that there is continuity in U.S. policy . . . You can’t get away from the fact that there is a new Government, so that the answer to your first question is a direct Yes—that this is direct recognition of the new government. (quoted in Galloway 1978, 111-12)

The United States, therefore, was giving “direct recognition” to the new Bolivian regime, but at the same time that meant nothing more than simply continuing already established diplomatic relations. If this case were a simple matter of recognition, then the lack of clarity on the part of the State Department is puzzling. A declaration of recognition would cause less confusion and draw less attention. A logical conclusion, therefore, is that the United States was equating recognition with continuation of diplomatic relations and there-

fore was treating recognition differently from before. As time went on, the two concepts were repeatedly intertwined to the point that recognition lost its distinct character.

When the Chilean armed forces overthrew President Salvador Allende in September 1973, the new military regime sent a note to the U.S. ambassador informing him of the change in power and of the regime's desire to continue friendly relations with the United States. Yet even though the United States clearly supported the new government, it sought to avoid outright discussion of recognition. The day after receiving that note, the State Department furnished information to the embassy to inform the ambassador of the U.S. attitude:

The United States, it said, had been moving away from its traditional policy of recognition which many people had interpreted as U.S. approval of a new government, but had not yet adopted the Estrada Doctrine of recognizing states rather than governments. U.S. practice was to wait until the new government was firmly established and other countries had begun either to extend recognition or to continue formal diplomatic relations and then to inform the new government of the U.S. intention to maintain diplomatic relations. In so doing recognition was not mentioned but might be implied. Talk of suspension of relations was also avoided. (U.S. Department of State 1975, 105)

This departure from traditional recognition policy has become marked by increased presidential initiative. In 1977, Congress passed the Export Administration Act, which further emphasized the general changes in policy:

Policy toward individual countries shall not be determined exclusively on the basis of a country's communist or non-communist status but shall take into account such factors as the country's present and potential relationship to the United States, its present and potential to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. (quoted in Ellings 1985, 93)

While one can see echoes of the traditional "international obligations" facet of recognition policy, this act gave the president more leeway in showing approval or disapproval toward a given country. It authorized the president to make decisions based on perceptions of a government's attitude toward the United States. Recognition itself was no longer a critical element in establishing or maintaining economic and political relationships. In some cases, nonrecognition could persist while simultaneously alternative contacts would be maintained to foster cooperation (Peterson 1997, 138).

The question that remains is, What policy, if any, has replaced recognition or nonrecognition? It is evident that no concrete policy has been formulated and that, without an explicitly declared policy, U.S. reaction to unscheduled changes of government in Latin America occurs on an ad hoc basis. No president has defined any clear strategy regarding how the United States should react to cases in which recognition would have been used previously. Once central, recognition policy has virtually disappeared as a foreign policy tool. One exception is the case of Panama in 1989.

Through "Operation Just Cause" the United States invaded Panama and deposed General Manuel Noriega, replacing him with Guillermo Endara, who was widely considered the winner of presidential elections held the previous year. The Panama case is interesting for

the passing reference to recognition provided by the Bush administration. Noriega's presidential election, although obviously fraudulent, had not prompted any reaction from the State Department or the administration with regard to recognition. But just prior to the invasion, President Bush read a statement proclaiming that the United States was recognizing the democratically elected government of President Endara (West and Murphy 1990, 436). This action became necessary since the United States officially would not be attacking a head of state, but rather a rogue who was disrupting a democratic regime. In other words, the United States "de-recognized" the Noriega government to attack Noriega himself.

A proclamation of recognition meant only to justify armed intervention had not been used in any other cases. It is also an isolated case, since recognition of governments had been avoided for about twenty years prior, and no case involving questions over recognition of a Latin American government has come up since, despite numerous coups and other unscheduled changes of government. Although the Panama case reaffirmed U.S. willingness to use military force as a policy option, it does not seem to represent a broader change in recognition policy.

Conclusion

It might appear that the United States has come full circle, and that the post-1969 period can be characterized by a return to Jefferson's de facto principle of recognition, whereby governments are recognized automatically regardless of their nature. Although this would represent a very neat and tidy way of concluding an analysis of U.S. recognition policy toward Latin America, it is not entirely accurate. Jefferson's policy, like the Estrada Doctrine, was to avoid making political judgments on foreign governments. The current evolution (or devolution) of recognition policy does not follow the tenet of nonjudgment. Instead, the United States seeks other methods to exert pressure on Latin American governments (extending even to invasion, as in the Panamanian case).

The end of the cold war did not change the tendency of the United States to utilize force and coercion in its policy toward Latin America. The gradual disappearance of recognition policy reflected a desire by policy makers for greater latitude in deciding when that force should (or should not) be employed. Without it, U.S. presidents can be more selective about the use of carrots and sticks. Denying or revoking recognition had been an unwieldy stick, and policy makers did not want to be committed to wielding it. In its absence, however, there are no clear guidelines to direct U.S. reaction to political conflict in Latin America.

A recent study of governmental illegitimacy in international law noted that coups have continued to occur, yet "one can, at least as yet, discern no pattern of international practice that denies recognition of the results of these events or that generally licenses coercive interference, whether unilateral or multilateral, to restore the status quo ante" (Roth 1999, 405). Is this a return to the policy of Thomas Jefferson? The answer is no. Although the future of relations between the United States and Latin America may not involve a policy of diplomatic recognition, U.S. presidents, unlike Jefferson, will openly utilize ad hoc strategies when Latin American governments "misbehave."

References

- Adler, David Gray. 1995. The president's recognition power: Ministerial or discretionary? *Presidential Studies Quarterly* XXV:267-86.
- Bello, Andrés. 1997. *Selected writings of Andrés Bello*. Edited by Iván Jaksi. New York: Oxford University Press.
- Bermann, Karl. 1986. *Under the big stick: Nicaragua and the United States since 1848*. Boston: South End.
- Bledsoe, Robert L., and Boleslaw A. Boczek. 1987. *The international law dictionary*. Santa Barbara, CA: ABC-CLIO.
- Clayton, Lawrence A. 1999. *Peru and the United States: The condor and the eagle*. Athens: University of Georgia Press.
- Ellings, Richard. 1985. *Embargoes and world power*. Boulder, CO: Westview.
- Estrada Doctrine of Recognition. 1931. *American Journal of International Law* 25 (4): 203.
- Galloway, L. Thomas. 1978. *Recognizing foreign governments: The practice of the United States*. Washington, DC: American Enterprise Institute.
- Grieb, Kenneth. 1971. The United States and the rise of General Maximiliano Hernández Martínez. *Journal of Latin American Studies* 3:151-72.
- Gutierrez, Lino. (Principal Deputy Assistant Secretary of State for Western Hemisphere Affairs). 2000. Current issues in the Western Hemisphere region. Statement before the Subcommittee on Western Hemisphere Affairs of the House International Relations Committee. Retrieved from the World Wide Web: http://www.state.gov/www/policy_remarks/2000/000614_gutierrez_hirc.html.
- Healy, David. 1988. *Drive to hegemony: The United States in the Caribbean 1898-1917*. Madison: University of Wisconsin Press.
- Klein, Herbert. 1992. *Bolivia*. Oxford, UK: Oxford University Press.
- Leonard, Thomas. 1985. *Central America and United States policies, 1820s-1980s*. Claremont, CA: Regina.
- Lewis, James E. Jr. 1998. *The American union and the problem of neighborhood: The United States and the collapse of the Spanish Empire, 1783-1829*. Chapel Hill: University of North Carolina Press.
- MacCorkle, Stuart. 1933. *American policy of recognition towards Mexico*. Baltimore: Johns Hopkins University Press.
- Murillo, Hugo. 1981. *Timoco y los Estados Unidos: génesis y caída de un régimen*. San José, Costa Rica: Editorial Universidad Estatal a Distancia.
- Needler, Martin. 1963. United States recognition policy and the Peruvian case. *Inter-American Economic Affairs* 16:61-72.
- Papers relating to the foreign relations of the United States*. 1861-1945. Washington, DC: Government Printing Office.
- Peterson, M. J. 1983. Recognition of governments should not be abolished. *American Journal of International Law* 77:31-50.
- . 1997. *Recognition of governments: Legal doctrine and state practice, 1815-1995*. New York: St. Martin's.
- Roosevelt, Theodore. 1996. *Theodore Roosevelt: An autobiography*. Norwalk, CT: Easton. Original work published 1913.
- Roth, Brad R. 1999. *Governmental illegitimacy in international law*. Oxford, UK: Clarendon.
- Schoultz, Lars. 1998. *Beneath the United States: A history of U.S. policy toward Latin America*. Cambridge, MA: Harvard University Press.
- Smith, Peter. 1996. *Talons of the eagle: Dynamics of U.S.-Latin relations*. New York: Oxford University Press.
- Stansifer, Charles. 1967. Application of the Tobar Doctrine to Central America. *The Americas* 23:251-72.
- Talmon, Stefan. 1998. *Recognition of governments in international law: With particular reference to governments in exile*. Oxford, UK: Clarendon.
- U.S. Department of State. 1975. *U.S. policy toward Latin America: Recognition and non-recognition of governments and interruptions in diplomatic relations, 1933-1974* (U.S. Department of State Publication no. 8819, Inter-American Series no. 109). Washington, DC: Government Printing Office.
- U.S. House. 1822. Committee on Foreign Affairs. *House Report 73*. 17th Cong., 1st sess.
- U.S. Senate. 1969. *Hearings on Senate Resolution 205*. 91st Cong., 1st sess. Serial 26890-26891 and 27113-27117.
- West, Mary Beth, and Sean Murphy. 1990. The impact on U.S. litigation of non-recognition of foreign governments. *Stanford Journal of International Law* 26:435-78.