Diplomatic Recognition

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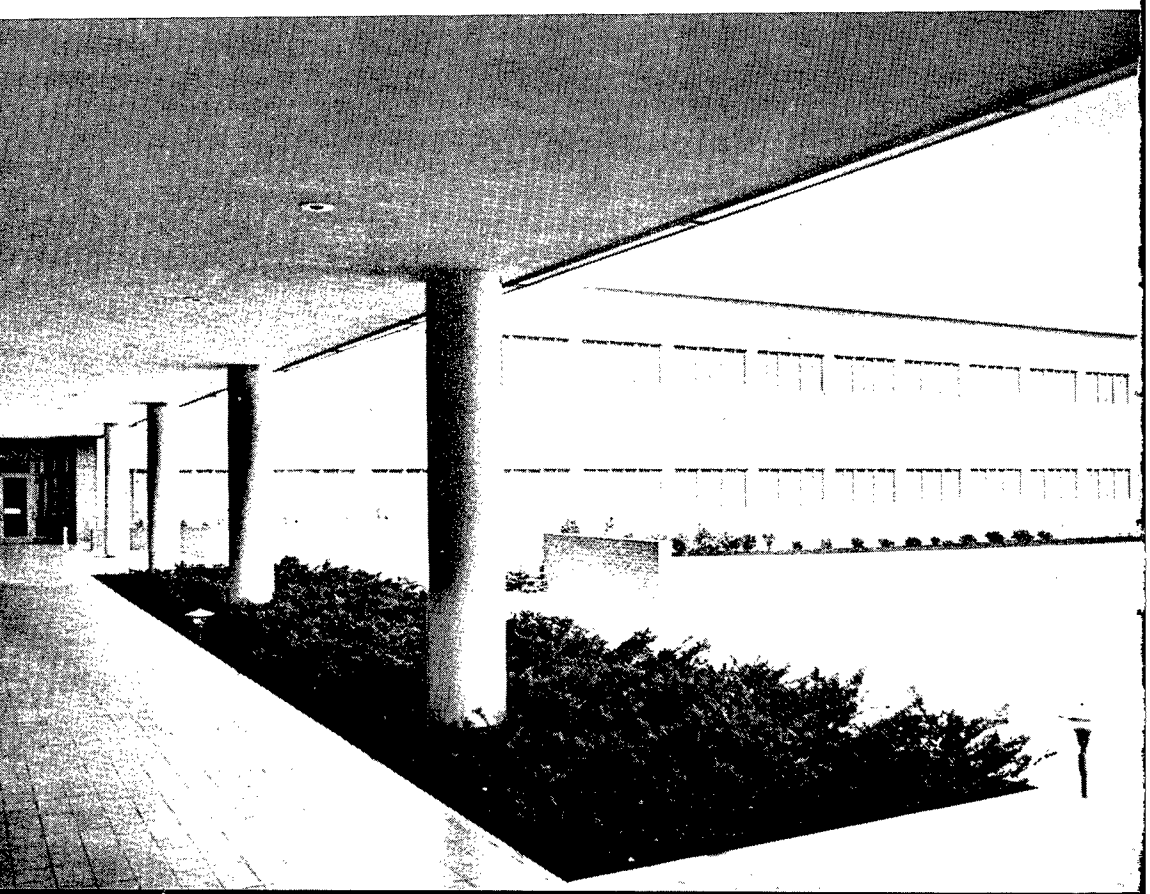
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DIPLOMATIC RECOGNITION

PLENARY POWER OF THE PRESIDENT

Stanley L. Harrison

THE role of the President of the United States as Commander in Chief of the US Armed Forces is well known to military men, but, perhaps, not so familiar is yet another facet of the broad panoply of power wielded by the Nation's Chief Executive.

As constitutional leader of the Nation's Armed Forces, the President can muster a mighty military response to defend American interests. But this action admits of failure in the diplomatic arena. Decision making in the White House embraces a massive responsibility, particularly in the field of foreign affairs. To that end, the extension of diplomatic recognition to a sister nation by the President is one of his more important prerogatives—there is no question that Presidential power of recognition is absolute and entirely within Executive discretion.

In the field of foreign affairs it is axiomatic that recognition is an effective instrument of national policy. It serves as a diplomatic method of exerting pressure. Through the tableau of American history occur a number of notable illustrations. Recognition was used as a diplomatic weapon in 1800-1830 (Latin-American independence), 1835-45 (Texas acquisition), and 1903 (recognition of Panama). All these recognitions were politically advantageous to the pursuit of American foreign policy.

An excellent case in point that lends itself to the current interest in the Presidential role in this area is the recognition of Soviet Russia. Some may see parallels in the posture of this Nation toward the People's Republic of China today and past US attitudes toward the USSR of yesterday.

DIPLOMATIC RECOGNITION

From the time of George Washington until the advent of Woodrow Wilson, every President of the United States followed the same basis of recognition. Until the dawn of the 20th century, recognition of a foreign regime was almost automatically granted to a government that appeared to be stable and willing to fulfill the burdens of national sovereignty. That is, any government seeking recognition was accorded acceptance as long as the faction in power indicated willingness to live in peace and demonstrated ability to fulfill obligations of international intercourse.

If it served to advance this Nation's aims, however, recognition was forthcoming within a brief span of time despite a failure to live up to the criteria noted here. Such was the case with Panama when President Theodore Roosevelt wished to get on with building the canal.

It was precisely this kind of political expediency that led Woodrow Wilson to grant prompt recognition to the provisional government of the Soviet Union following the revolution of 12 March 1917. The revolution that deposed the czarist regime was welcomed by the United States—the first to grant recognition to the Kerenski government—and within 10 days this shaky melange was accorded distinction as the "government of the USSR."

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Wilson and Moral Diplomacy

Woodrow Wilson has been portrayed as the best prepared President, intellectually and morally, ever to come to the White House. Wilson held that one of the greatest of the President's powers is his latitude in the conduct of affairs abroad. In this sphere of influence, he took absolute personal control.

Wilson came to the Presidency equipped with a coherent and deep-rooted philosophy that laid the foundation of his ideals concerning the nature and ends of government—morality was the fundamental basis of Wilson's life, character, and politics, and inevitably, his foreign policy. Thus, idealism led Wilson to expound the exaltation of moral and spiritual purpose. If he did not totally ignore economic forces in industrial life, he did sublimate it.

Idealism provided the main impetus to Wilson's thinking concerning international relations. As he stated, foreign policy must not be defined in "terms of material interest," but should be "more concerned about human rights than about property rights."

The background of Wilson's political thought makes it apparent why he introduced a new departure in the principle of recognition: the United States would recognize only governments that measured up to American (that is, Wilson's) conceptions of political practices, economics, and morals. Using as his policy a criteria that allowed recognition of nations "who acted in the interests of peace and

honor," Wilson withheld recognition of Victoriano Huerta's regime in Mexico in 1913. Thus, when the American President witnessed the total demise of the Kerenski regime at the hands of the Bolsheviks only nine months after its inception, the event was viewed as a catastrophe.

Heavy Investment

America had invested heavily in the Kerenski government. By May 1917 the United States had dispatched a diplomatic mission under Elihu Root to institute ways and means to counteract the threat to take the Soviet Union out of the war. As a result, 325.5 million dollars was authorized the new government to purchase military supplies in the United States. Before the Bolsheviks came to power, over half that amount—187.7 million dollars—had been advanced in cash. Withdrawal of the remaining credit was immediate, but there was little to be done about the monies already expended.

Commercial reasoning took second place, however. To Wilson, the issue was clearly moral. He refused, on moral grounds and on the basis of past precedent, to recognize the Bolshevik regime. His decision was, perhaps, an oversimplification of policy through overemphasis of moral principles. But upon this foundation Wilson based new principles of recognition—a test of government legitimacy which involved diplomatic soul searching to determine whether a government was politically moral, as well as constitutional in form, or *de facto* in authority. Moral diplomacy was to remain US policy until 1933.

Nonrecognition was a peculiarly US technique, and it must be stressed that the Soviet Union was neither her sole target nor the first recipient of this form of pressure, although Wilson primarily directed this policy toward the Bolshevik regime. To all challengers he replied with boldness that, in foreign affairs, the President should lead with vigor. Woodrow Wilson meant to lead both the Congress and the public by maintaining personal control through Presidential power and public opinion.

Despite his efforts, however, the United States clashed with the Bolsheviks through direct American intervention of our military forces on Russian soil. In the Russian civil war, the anti-Bolshevik Whites benefited somewhat from Allied military intervention and Britain, France, Poland, and Japan were among the nations which sent troops into Russian territory along with the United States.



President Warren G. Harding

According to some of the Allies, intervention was undertaken to help

reestablish a front against Germany, and to assist the evacuation of Czechoslovak troops released from Soviet military prisons. Whatever the motivation, the Bolsheviks viewed the action as an overt act to overthrow their regime, and, indeed, there was merit to this claim.

US intervention was initiated on the assumption that the Russian people would welcome the assistance to overthrow the Bolsheviks. President Wilson stated that participation by the invading Allied force would be assistance "as shall be acceptable to the Russian people in their endeavor to regain control of their own affairs, their own territory, and their own destiny." Thereupon, some 5,000 American troops were dispatched to Arkhangelsk to guard stores and render aid to the Russian people.

But support of the Whites led to clashes with the Reds, and the US troops were finally withdrawn with a loss of approximately 500 men. The Allies felt betrayed; the Bolsheviks were embittered; and the Americans were bewildered.

Elsewhere in the USSR about 9,000 US troops were sent to protect the Trans-Siberian Railroad—as much from the Japanese as for any other reason.

Wilson, the idealist, sent this Nation's military forces into the Soviet Union for what he viewed to be humane necessities. In truth, he had only a vague comprehension of the character of international communism; he defended the principle that the Russian people be permitted to solve their internal problems, but convinced himself that direct military intervention was justified.

Woodrow Wilson's thought and policy resulted from an almost romantic belief in the sufficiency of democratic solutions; his panacea was the establishment of enlightened and responsible government through free elections. The immense image of Wilson's stature and statesmanship shrank when he ignored the hard reality required in the conduct of foreign affairs, and



President Woodrow Wilson

oversimplified the complexities of international life.

Return to Isolationism

Warren G. Harding swept into office with a promise to return to "normalcy." Those innocent years were gone forever, and the promise was as vapid as the hope. With the change of administration, and new breath in Washington, the Soviet Union was soon pressing for recognition. On 21 March 1921 Assistant Foreign Commissar Maksim Litvinov transmitted an appeal to this effect directed to "the Congress of the United States

and His Excellency, President Harding." Harding, with a mind never studious or analytical, was at a loss. He put it succinctly: "I don't know anything about this European stuff."

Despite the hopes raised in the USSR, US relations with that country continued frigid. On the very day



President Calvin Coolidge

feelers were put out, Herbert Hoover, then Secretary of Commerce, described the Soviet Union as "a gigantic economic vacuum."

Hoover went on to say that under the Bolshevik economy, the Soviet Union could expect "no real return to production," and "no considerable commodities to export . . . consequently, no great ability to obtain imports." In this situation, therefore, no economic motivation existed for initiating diplomatic concord.

Meanwhile, Harding bravely urged the American people to "operate aggressively" and "go on to the peaceful conquest of the world." The 1920's saw an administration primarily concerned with the solution of problems caused by World War I and rejection of the Versailles Treaty.

Harding delegated the main burden of foreign policy to his Secretary of State, Charles E. Hughes, who adhered to the program of his Democratic predecessors and opposed Soviet hopes for recognition. Hughes stated emphatically that there existed no basis for considering diplomatic or commercial relations until the Soviet Union had initiated fundamental changes "involving due regard for the protection of persons and property and the establishment of conditions essential to the maintenance of commerce."

Reconsidered, these post-World War I years emerge as an era during which US leaders deliberated, debated, and failed to form meaningful foreign policy toward any nation—the retreat to isolationism was in full force. There was no pretense of "moral" diplomacy in regard to recognition; the national outlook was unabashedly commercial in outlook.

The last speech prepared by President Harding concerned relations with the USSR. His words, already dulled by repetition, are the only recorded instance of his stand on the Soviet question.

The problem of Russian recognition is complicated by a fundamental difficulty, because of a government regime whose very existence is predicated upon a policy of confiscation and repudiation. . . . International good faith forbids any sort of sanction of the Bolshevist policy.

Commercial Diplomacy

Upon Harding's death midway through his term, Calvin Coolidge became President of the United States. The Nation inherited an overcautious

leader who, like Harding, simply was not equipped to assume an aggressive role of Presidential leadership in foreign affairs. Coolidge came armed to the Presidency with the belief that "the business of America is business."

In his initial message to Congress, Coolidge declared himself favorable to USSR recognition if three conditions were met.

- The Soviet Union would have to compensate US citizens deprived of their property through the confiscatory decrees of the Soviet Government.
- The Soviet Union would have to recognize the debts contracted in the United States by the Kerenski regime.
- The Soviet Union would have to demonstrate that she was not seeking to undermine US institutions.

Specifically, Coolidge stated:

We have every desire to see that great people, who are our traditional friends, restored to their position among the nations of the earth. . . . Our government does not propose, however, to enter into relations with another regime which refused to recognize the sanctity of international obligations. . . . We hope the time is near at hand when we can act.

The Soviets were quick to assert their desire to open negotiations on the basis of these conditions, and Grigori V. Chicherin, the People's Commissar for Foreign Affairs, made quick reply in a cablegram to Coolidge:

. . . . On its part, the Soviet Government is ready to do all in its power, so far as the dignity and interests of its country permit, to bring about the desired end of renewal of friendship with the United States of America.

A few days later, however, the Secretary of State—the incumbent, Hughes—wiped out the implication of any new policy toward the Soviets. Mr. Hughes replied, "there would seem at this time no reason to resume negotiations." Coolidge acquiesced.

The President was later moved to write:

Our country ought to be the first to go to the economic and moral rescue of Europe but Russia must pay the debts of the Czarist and Kerensky government to America.



President Herbert Hoover

It should be noted, however, that Coolidge told Congress: "I do not propose to barter away for the privilege of trade any of the cherished rights of humanity." On the cancellation of debts, however, the frugal New England Republican was firm: "They hired the money, didn't they? Let them pay for it."

This theme dominated US foreign policy; it was the prime stumbling block of the Soviet problem. Calvin Coolidge will never be remembered for his handling of foreign policy but, rather, in the words of William Allen

White, he will be recalled as "a high priest of prosperity."

Move From Moral Diplomacy

When Calvin Coolidge did not choose to run for reelection, his Secretary of Commerce, Herbert Hoover, won the Republican nomination and a popular victory. Perhaps no man has ever entered the Presidency with such a wide acquaintance with foreign nations. Hoover's career encompassed extensive government service in Europe, the Soviet Union, China, and Japan.



US Army Photos

President Franklin D. Roosevelt

For Bolshevik Russia, however, Hoover held an implacable hatred. His recorded statements concerning the Soviets and their regime are explicit in expressing cold disapproval. As early as September 1919, he assured Wilson that the Soviet system "is bankrupting itself." Hoover carried these convictions through his entire tenure of public service, and they had hardened into firm beliefs by the time he reached the Presidency.

As Hoover saw it, a continued policy of nonrecognition toward the Soviet Union would place the United States in a key position of influence, even though by 1924 every major nation except the United States had extended formal recognition to the USSR. Hoover was convinced that a regime which violated so many natural, political, moral, and economic laws simply had to collapse; he felt it to be inevitable.

Trade Is Encouraged

Nonrecognition does not preclude commercial intercourse, though. Despite official sanctions against the Soviets, there was some US movement for trade and industrial adventuring. It was held in some circles that the key to long-term US prosperity was American-controlled development of the Soviet Union. For this reason, as well as to encourage international covert opposition to Soviet leadership, US interests were unofficially encouraged to embark upon the economic penetration of the USSR.

Morality was no longer the cornerstone of policy. Hoover's words present the viewpoint: "The test of the rightfulness of our decisions must be whether we have sustained an advanced prosperity." Our attitude toward the Soviet Union was sustained —aloof.

Despite some pressure both at home and abroad, Hoover was steadfast. By 1929 business interests had begun to add their voices for Soviet recognition, emphasizing advantages that would be gained by increased trade. The fact is, however, the Soviet Union was not an important trading nation. She never had been, and was even less so after the Bolshevist coup in 1917. But the search for foreign markets for burgeoning domestic produc-

tion was intense within US industry.

In September 1930 a significant development in US foreign diplomacy was initiated by President Hoover when he instructed his Secretary of State, Henry L. Stimson, to "resume normal diplomatic relations" with South American nations on a threefold basis of recognition.

- A *de facto* control of the country.
- An intent to fulfill international obligations.
- A promise to hold elections "in due course."

This was the first break from the diplomacy of Wilson and "moral" power politics.

His departure can be attributed to a search for new markets and a genuine interest in hemispheric solidarity. It will be recalled that a year before this move was initiated, the US stock market had collapsed and disintegration of the economy was gaining ground. The paralysis of the early 1930's was beginning to be felt, while the search for world markets was becoming feverish. The US economic bubble burst and the man who had come to the Presidency as a knowledgeable "engineer in politics" left office a figure of abuse. The Nation sought solace from a Democratic nominee who campaigned on the "Promise of a New Deal" for the American people.

It was soon apparent that the new President, Franklin D. Roosevelt, did not plan to follow the guidelines established by Wilson of outlawing governments whose political forms were not in accord with US concepts. Harding, Coolidge, and Hoover had perpetuated this idea, particularly toward the USSR, while surreptitiously encouraging American business to exploit that nation.

A depression-racked and all-but-collapsed US economy looked to world markets as a point of beginning for her own recovery. Thus, the economic argument advocating recognition gained new adherents even in conservative circles. From the time of Coolidge, giants of the US economic structure had been well represented in the Soviet Union. In fact, by 1927 a total of 110 US business firms had been granted concessions in the USSR with the balance of trade favorable to the United States.

Diplomatic Relations

Shortly after he took office, Roosevelt took steps to clear the way for diplomatic relations. In June 1933 he sent his advisor, Raymond Moley, to London to confer with our Ambassador to the Court of Saint James, William C. Bullitt, and the Soviet Foreign Commissar, Maksim Litvinov. Then, in a note delivered on 10 October 1933 to Soviet President Mikhail I. Kalinin, Roosevelt said he had:

. . . contemplated the desirability of an effort to end the abnormal relations between the one hundred and twenty five million people of the United States and the one hundred and sixty million people of Russia.

He also offered to receive any delegate "to explore with me personally all questions outstanding between the two countries."

Because of the increasing concern with Japanese expansion in the Far East, Roosevelt was relatively uninterested in the past reasons that had restrained recognition. George F. Kennan notes that Roosevelt hoped, as did the Soviet Union, that mutual diplomatic agreements between the two great nations would have a restraining effect on the Japanese Government.

In addition, by 1933 most of the old

arguments had lost much of their weight. For example, world depression had forced many nations to repudiate debt payments to the United States. Combined prewar private and official claims outstanding against the USSR were dwarfed by comparison. Kremlin counterclaims of US troop damage were valid, perhaps, but obviously inflated, and confiscation of US holdings rankled less over the years.

Not only were American claims much less than those of other world powers, but a number of US corporations, in negotiating contracts for exports, had privately worked out satisfactory adjustments. Most nations had recognized the Soviet Union. The two nations had signed mutual treaties and pacts and it was apparent that the USSR was growing in power and importance and was going to continue to do so, with or without the blessing of the United States. The role of the United States would be increasingly untenable if her leaders persisted in closing their eyes to the realities of international life, especially in the explosive Far East.

Points of Agreement

From 8 through 16 November, a series of conferences was held in Washington between Litvinov and Roosevelt. The result was an exchange of notes concerning five points of agreement between the two powers. Essentially, these comprised the following.

- American nationals in the Soviet Union were to be assured "the free exercise of conscience and religious worship.
- Americans were to enjoy legal protection on a basis no less favorable than that enjoyed in the Soviet Union by nationals of the most favored nation.
- The financial claims of the two countries against each other and outstanding debt obligations were to be considered in subsequent negotiations.
- The Soviets waived claims arising out of the military activities of US forces in Siberia.
- Litvinov said it would be the fixed policy of his government "to respect scrupulously the undisputed right of the United States, its territories or possessions."

The Soviet Union also agreed to refrain from revolutionary propaganda and to restrain all persons under her control from such activity. She also agreed "not to permit the formation or residence on its territory" of any organization whose aim was to overthrow the political or social order of the United States.

On that basis, therefore, Ambassadors were exchanged in 1934. William C. Bullitt was appointed first US Ambassador to Soviet Russia, and Alexander Troyanovsky, his Soviet counterpart. For the first time since 1917 the two great nations were on formal speaking terms.

American recognition was regarded as a triumph by the Soviets. Their press crowed that the growth of the USSR had "compelled" the United States to grant recognition.

Despite the bright promises, results were generally unsatisfactory; the relationship remained troubled and distant, devoid of any real political content. The hoped-for commercial expectations were not fulfilled; trade was not facilitated. After an initial increase in 1933, US exports to the USSR decreased. Imports from the Soviet Union declined steadily thereafter.

DIPLOMATIC RECOGNITION

In recognizing Soviet Russia, Franklin Roosevelt had returned to the basic principles of recognition that had prevailed since the founding of the Republic. He had based American recognition upon traditional concepts without regard to a nation's form or institutions. Roosevelt abandoned precepts that had stood for 16 years, precepts based solely upon American concepts of right and wrong. From the pursuit of morality, Roosevelt returned Presidential diplomacy to the realities required for a dynamic foreign policy in a world fraught with increasing peril.

Analogy

There may be a tendency in some circles to draw too broad an analogy between past difficulties with Soviet Russia and present troubles in the case of the Red Chinese. It is well to remember, though, that nonrecognition does not preclude diplomatic intercourse.

For example, in 1929 Hoover, acting to prevent a Sino-Soviet clash over a dispute concerning the Eastern Chinese Railway, dispatched a diplomatic note via the Romanian Government to Litvinov. Similarly, during the 1958 crisis centering on Matsu and Quemoy, US and Red Chinese diplomats discussed the situation over the conference tables at Warsaw.

While consistently refusing to recognize the Bolsheviks, the United States interceded as a friend of the Russians; in the famine of 1921 the official Government acted to aid private agencies; during the Washington Conference this Nation represented itself as a defender of the Soviet Union's territorial integrity.

Despite promises unfulfilled, the Soviet Union posed as a friend to this Nation and was eager for diplomatic equality. Communist China, on the other hand, has consistently disparaged this Nation's motivations and peace objectives. Assuredly contributing to present political strife is the delicate question of Red China's role in the United Nations. Indeed, this question may demand solution before recognition is granted China by the United States.

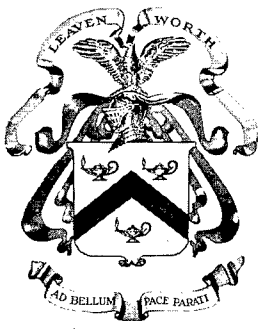
The President, both as Commander in Chief and as the Nation's organ for foreign affairs, must make political decisions that the Supreme Court has described as "delicate, complex and [which] involve large elements of prophecy." Whatever the future holds in the coming confrontation with Communist China, it is well to recognize that consistent with the theory of the American Constitution, the President alone is empowered to decide the role of recognition as he deems best in the interest of the Nation.

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