

THE HISTORICAL PERSPECTIVE: A VITAL FORCE IN UNITED STATES-LATIN AMERICAN RELATIONS; NEGLECTED HERE, DISTORTED THERE

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An appreciation of the historical perspective is vital to efficacy in inter-American affairs. The United States and Latin America treat historical perspective in different ways: the United States largely ignores it, whereas Latin America often perceives it in a distorted form.

A clue as to why the United States so blandly disregards the history of inter-American relations is found in the national character of the United States. It seems a part of that character to live in the present and the future—to forget the negative or distressing events in its past, and to remember only the good and glorious in broad outline form.

The propensity of the United States to leave history behind may have been of great value to its national psyche. However, in terms of international relations, this characteristic has been costly for the United States. Lack of comprehension by the United States has often generated embittered feelings in foreign countries with which it has been involved. The following illustrates how the United States tends to forget—to disregard history while other nations live intimately with it. (This illustration is based on personal experiences while negotiating with the Russians.)

Soon after World War II, negotiations with the Soviet Union evoked constant references by their spokesmen to the American invasion of Siberia. Along with certain allies, the United States entered Siberia in 1918-1919 for the purpose of supporting the White Armies against the Red Armies during the Revolution. The outcome was that the expedition suffered hard defeat at the hands of

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the Bolsheviks. The important point, however, is that few Americans who are not specialists in Soviet Affairs even know of the American-Siberian expedition. Thus, spokespersons for the Soviet Union impugn (whether seriously or not is another question) the motives of the United States regarding not only early enmity toward the socialist replacement of Tsarism, but also regarding intervention by force.

There are many parallels to this incident in inter-American relations. For reasons that are in part mysterious, many poets, journalists, politicians, teachers, and some scholars of Latin America tend to look back; to compress time into the wholeness of history and place themselves into that history.¹ Perhaps the true answer as to why Latin Americans live so intimately with history, as compared to the United States, comes from social psychology. People who have not been as successful in some particulars as their neighbors look to find reasons that absolve them from faults or deficiencies in the past conduct of such neighbors.²

Thus, instances in the historic past of external injustices or affronts tend not to be forgotten in Latin America. Sometimes these incidents are magnified, especially when new occasions for complaints arise. The United States is often the target of adverse historical recollections in Latin America, because this country has loomed so long and large in the lives of Latin Americans. At the same time, there is a lack of knowledge on the part of the people in the United States regarding the concerns of Latin America and its people. This discontinuity can but cause continuous difficulty in our relations.

The Latin Americans know more about the United States, (those of them that are within the reach of newsprint or reception from "radio newspapers") than we in the United States know about them. Because they scrutinize us intensely, they tend to take our good sides for granted and then proceed to magnify our flaws, including those that have become historic to them.

1. When I first read Salvador de Madariaga's magnificent book, *SPAIN* (written in English whilst he was a refugee at Oxford during the Civil War) during service in Spain, World War II, I became aware of the compression of time described in the text, although I realized that I had been aware of it subliminally since childhood on the Mexican border.

2. To put it more bluntly, people whose lives are not full of new, memorable events tend to keep alive older memorable events that more active people tend to forget. But this is not quite all, for there is—sharpening the contrast—the propensity of North Americans to forget defeats, failures and tragedies; cf. the War of 1812, Siberia (1919) and Vietnam. The major exception is perhaps the greatest of our national tragedies, the Civil War (1861-1865)—in literature at least it is still with us.

Our lack of knowledge of the past fosters insensitivity and often results in self-satisfied, well-meaning advice to others—such as to follow in the democratic footsteps of the United States. Much of our advice becomes difficult (if not impossible) for Latin America to follow because of the vast differences in background and conditioning of the respective countries.³

On the other hand, to balance the scale, the Latin American propensity to live closely linked to grievances originating in the past is socially unhealthy in both a global and hemispheric sense.⁴ The solution, obviously, is a better balance between the extremes of ignoring the past versus reliving the past. The need for development of more commonly held perceptions of objective will, motive and values between the United States and Latin America is great. Its fulfillment is a charge on each and every concerned individual, both here and there.

I. THE EFFECTS OF HISTORY ON INTER-AMERICAN RELATIONS

A. *A Case Study of United States-Mexican Relations*

The history of United States' foreign investment in oil in Mexico has had a very important effect on United States' relations with Mexico. The scenario of this relationship properly begins at least as early as 529 A.D., when the Justinian Code codified as a principle of Roman law the rule that the subsoil and its wealth belong to the public and that the State is legally incapable of alienating it into private ownership. From Roman law, this principle became Spanish law.⁵ In 1523, the King of Spain declared that the rule as to public ownership of the sub-surface be applied in the vice-royalties of New Spain. Since 1820, the various constitutions of Mexico in-

3. This includes such highly relevant factors as literacy, communications, institutions and social conscience. From the beginning, the United States has been startlingly successful among nations in the acceptance of civilian supremacy by the military; but presumably, so was Rome for the first seven hundred years.

4. One of the uglier sides of Latin America's face to the United States is the willingness of opinion molders there to blame indigenous deficiencies on the United States, even where a causal link is ephemeral or nonexistent, saying at the same time to American officials in private, "Our politics require us to blast you in public, although be assured that privately we want you to know that you are not at fault."

5. Like most other North Americans, I knew of neither the Roman law principle nor the Consejo de Aranjuez (1523), whereby the King of Spain applied it to his domain in the Americas, until I spent part of a summer at El Instituto de Derecho Comparado at the National Autonomous University of Mexico in 1961. The history of how the Roman law returned to Spain, once a Roman colony, through the Visigoths is very interesting.

corporated the Roman-Spanish principle into Mexican supreme law.

Circa 1900, British and American oil companies acquired oil exploration rights in Mexico from an old-style, *pater familias*-president-turned-dictator, Porfirio Diaz. Oil and gas “leases” in the Pennsylvania-Texas, sub-surface ownership form were made. These gave the foreign oil companies real property interests in the oil and gas in place in the sub-surface. Nothing could have been more contrary to Mexican law and custom.

In 1910, the Mexican Revolution began. It resulted in (among other things) the loss of a million lives, and it gave us modern Mexico. From 1914 to 1916, President Wilson, true to his version of human rights—that governments should only come to office by ballots, not by bullets—bombaraded Vera Cruz, and later ordered Pershing to pursue Villa in Mexico. In 1917, now on the road to coherent national government, Mexico promulgated the Constitution of 1917.

The Constitution, non-Marxist in orientation, was and is regarded by Mexico and comparative political science as an excellent modern constitution. Article 27 of the Constitution reiterates the Roman-Spanish-Mexican principle of law regarding subsoil mineral rights. Concessionaires have only contract rights (not property rights) with the owner—the State. (In retrospect, the arrangement that would have been provided under the Roman-Spanish-Mexican law was a kind of management service contract: the sort of arrangement that American oil companies of late have come to accept abroad by another route after many years.) From 1917 to 1921, the oil companies asserted their acquired property rights and protested the application of Article 27 of the 1917 Constitution to concessions in Mexico.

Complaints on the oil companies’ behalf were lodged with the United States Government. In 1921, the United States had not yet recognized the Obregón regime that incontestably had consolidated governmental power in itself throughout Mexico. The time for recognition was at hand, but the United States attached a precondition thereto: Mexico must agree to recognize the continued sub-surface ownership rights of the American oil companies. Mexican representatives reluctantly agreed to this precondition and the United States recognized Mexico, belatedly. Article 27 was seemingly set aside, and Mexicans have never forgotten or forgiven the “Bucarelli

Agreement,” named for the house on that Mexico City street where it was (in their view) forced on Mexico.

From 1921 to 1938, criticism over the presence of the American oil companies as owners mounted. Mexico, through a distinguished foreign minister, announced the Estrada Doctrine, which stated that revolutionary change was not an occasion for recognition any more than change by an election.

In 1938, a leftist (though not Marxist) President of Mexico, Lazaro Cardenas, applied the Mexican labor code rigorously to the American and British oil companies. This was *de facto* discrimination. Outraged upon losing in the Supreme Court of Mexico, companies announced in one of the most ill-advised public statements ever made by foreign investors that they would not obey the decision of the Supreme Court of Mexico. The Labor Code of Mexico provides that under such circumstances the State shall intervene. It was in this way that the oil interests became nationalized. The companies, in effect, handed over their investments by being stupidly insensitive.

This episode is vividly remembered, not only in Mexico, but throughout Latin America and is taught to the young (including lawyers-to-be and foreign service officers-to-be). Yet it is probably known only to a very few in the United States—mainly to those that have worked in that most exhausting of foreign affairs vineyards, inter-American relations. Some aspects of this episode deserve specific attention.

B. Policy Considerations as to the Episode

Out of this episode grew a Latin American doctrine that is very difficult for us to live with in the Western Hemisphere. The doctrine supports the principle that application of superior political or economic power is illicit intervention or aggression. The Latins claim that illegal imposition of national will of one state upon another state is not limited to the use of military force.

This is an important and far-reaching doctrine, and a source of both controversy and alienation. Woodrow Wilson’s use of non-recognition of non-elected but “in charge” governments thus became “intervention-aggression.” Sixty years later, Carter’s “denials” policy in support of human rights was also so denounced—at least by Argentina, Brazil, Chile and several other countries domi-

nated by military Juntas.⁶

II. INTER-AMERICAN RELATIONS: ATTEMPTING TO BALANCE OPPOSING VALUES

In enumerating the pluses and minuses in inter-American relations from a historical perspective, it should be noted that for every major plus, there are a few small minuses and sometimes faint pluses link to a big minus. The major pluses taken into consideration here include: (1) independence; (2) togetherness in a new world; and, (3) complementary economies. The major minuses relevant here are: (1) shifts in the intensity and quality of United States interests in Latin America (referred to as the “Syndrome of the Gringo’s Light Switch”⁷—it’s on and off with the United States—not continuous as far as our relationships with Latin America or Latin American countries); (2) Latin America’s failures regarding social justice and good public administration; and, (3) the impassé as to direct foreign investment—to which issue have recently been added the utterances of the new President of the United States.

A. Independence

In addressing the above considerations, an important point to remember is that the essence of the historic linkage between the United States and the Latin American countries is that both severed the bonds between themselves and their mother countries. As the first of these, the United States was taken as a model for others. Thus, monarchical government was replaced by republican institutions in all of the new Latin countries (except, at first, Brazil). The personages, styles and institutions stemming from the American Revolution of 1776 were, and still are, highly admired in Latin America—even if not always followed in actual practice.

6. It was probably Wilson’s first Secretary of State, old commoner, William Jennings Bryan, who was responsible for the beginning of Mr. Wilson’s primitive, “political human rights” drive. Unlike the later individual human rights efforts of Carter, who was never clear what lengths the United States would go to enforce a preference for participatory democracy as a human right, Wilson started there with bombardment and nonrecognition, but did not link affirmative action to torture, incommunicado jailing and other outrages to individual human dignity. It is likely that Bryan-Wilson were motivated in part by their detestation of Victoriano Huerta, who took over the Revolution by having the first revolutionary President, Francisco Madero, murdered.

7. So far as I know, it was not approved by any other country in Latin America either, because it was viewed as a unilateral application of American economic power.

However, a related minus is the fact that Latin American countries are no longer Iberian countries alone. There is a new group of independent countries that had no revolutions. These countries separated peaceably from their mother country, Great Britain. Whether they adhered to the Crown or not, these countries have forms of government that are based upon the British parliamentary system rather than upon the Constitution of the United States (with its intricate separation-of-power system) which had been widely copied at an earlier time by the Iberic revolutionary countries.

The fact that the Iberian revolutionaries decided to pay the United States the compliment of copying its Constitution of 1789 has created serious problems for them. It has placed great strains on the legislative branches and the courts in many Latin American countries. These strains have resulted in the failure of these institutions to function as counterpoises to strong executives, including military coupists.

Because of what Latin America has done—emulating the United States—in a sense, the United States is seen as responsible, even if not directly at fault—or at least implicated—in the failures of democratic government in Latin America.⁸ While it is questionable whether the nature of government in Latin America would have been very different even if not copied from the United States Constitution, considering Latin America's administrative and governmental antecedents in a direct line from Rome, the failures there tarnish the common revolutionary heritage, away from colonial status and European patterns of government, toward the American (political) and the French (social) revolutions.

B. Togetherness in a New World

Today, we do not hear much from Latin America of the "home" hemisphere or the New World of the Western Hemisphere; instead we hear of the First World, the Second World and the Third World. (Those of us here who look at the Third World know there really are Third, Fourth and Fifth Worlds.) We, too, look at the world globally (as it were) and in the process, have begun to lose, to some extent, the mystique of the *Nuevo Mundo* that we shared with our fellow revolutionaries of the Western Hemisphere.

8. See Oliver, *The Gringos' Light Switch and Human, Political, and Security Relationships in the New World South and East of the United States*, 17 WILLIAMETTE LAW REVIEW 185 (1980).

That mystique was enshrined in the original Monroe Doctrine. The Monroe Doctrine is the product of possibly America's greatest Secretary of State, John Quincy Adams. The Monroe Doctrine was accepted in Latin America until Theodore Roosevelt, in 1904, added the Roosevelt Corollary. Unfortunately, this Corollary, which too many Congressional leaders in foreign affairs and policy decision-makers in the executive are not aware of, spoils the Doctrine for Latin America, as it is hegemonic and interventionistic. Its basic notion is that in as much as the United States has said that the Europeans cannot influence political and military events in the Western Hemisphere, we must see to it that the countries behind our shield *act properly*. In other words, the Roosevelt Corollary was a plain spoken contention of the legitimacy of intervention to preserve international decency in the Western Hemisphere as the United States sees "decency."

The Monroe Doctrine, after Roosevelt I, came to be a very serious minus in pulling together the New World. Franklin Roosevelt and the Good Neighbor Policy, in 1933, at the Montevideo Conference on Inter-American Affairs, changed the original Monroe Doctrine into a multilateral, Western Hemisphere doctrine. However, it has continued to be seen as interventionistic because many decision-makers in America do not seem to understand that it is now a *multilateral* version of the original, not a *unilateral* version of the original *cum* corollary. Although the Roosevelt I Corollary was dropped by Roosevelt II, it was not forgotten because it still lives in American power-wielders' minds. Thus, there exists today a great deal of confusion about the Monroe Doctrine. Also, the Doctrine today suffers as to credibility from the reality of extra-continental Soviet presence and power in the Western Hemisphere.⁹

C. *Inter-American Economic Systems*

While actual unification of political and social systems has not been attained in the Western Hemisphere, there exists a very active, real inter-American economic system: one that includes trade, capital movements and a high degree of linkage as to raw materials, technology and market management. A complicating factor (one

9. Yet another example of the "Blame the Gringo Syndrome"; see *supra* note 4 and accompanying text; but also perhaps as an indicator of how fortunate the United States has been so far with a system of government based upon struggles for leadership in decision making between the President and Congress, such as the one we are now living through.

of the minuses to this plus) is the negative Latin attitude with regard to the entry of new, direct or permanently foreign, private sector business investment, particularly from the United States on normal, viable business bases.¹⁰ Despite the difficulties, there is an immense reality to inter-American trade and the fitting together of productive capacities in the Western Hemisphere.

D. The Gringos' Light Switch

The fact that we have waxed and waned in our attention toward Latin America is a minus. There is no question that the United States wooed Latin America earnestly from 1941 to 1946, and was also very grateful to Latin America (speaking as a participant in the process) for Latin America's assistance to the Allied Cause during World War II. Raw materials, bases and many other things were opened to the United States at that time. Latin America expected better of us after the war and they did not get it. Our attention was drawn elsewhere. Latin America saw us as turning away in an ungrateful manner.

III. PSYCHO-PERSONAL ASPECTS OF LATIN SOCIAL AND POLITICAL FAILURES

An aspect of inter-American relations that cannot be ignored is the psycho-personal one of failure to achieve. This is difficult to

10. When this piece was written, in November of 1981, the Monroe Doctrine was impaired by the presence of Soviet force in Cuba. Despite the Cuban Missile Crisis of 1962 and several build-ups of concern within the United States in the period since, the "extra-continental", hegemonistic Soviet presence has continued. Due to the vagaries of legal periodical publication, the final revision of this Article has taken place after the Falkland (Malvinas) Islands crisis of April through July, 1982. Although the Monroe Doctrine was not intended to require extra-continentals to abandon existing territories in the Western Hemisphere as of 1826, all of Latin America except Chile, Colombia, and Trinidad-Tobago, relied upon a spurious notion of anticipatory self-defense by Argentina and characterized Britain as an extra-continental intruder, justifying a meeting of the Organ of Consultation of the Rio Pact of Reciprocal Assistance. In the process, the United States bore the brunt of attack as a traducer of "continental solidarity." Only the above three states and the United States acted responsibly and in conformity to Article 2-4 of the Charter of the United Nations in repelling illicit use of force for the resolution of a pre-Charter territorial dispute. Latin America's support of naked aggression in the name of "anti-extra-continentalism"—yet with the Soviets in Cuba—is a most disquieting development, one that at the same time highlights the distortion of the propensity to live with history, the waywardness of military rule, and the "Blame the Gringo Syndrome." The current fall-out may be just the beginning as to the future of United States relations with Latin America. The United States risked NATO and more in 1956 to resist British-French-Israeli naked aggression at Suez. We had no valid reason to fear risk of the inter-American system in 1982, but nonetheless, the Latins would have it so.

describe in terms of national character, but a type of Black Legend hangs over Latin Americans. There is (based on a life-time association with Latin America) a sensitivity there to attitudes in the United States, especially on the part of our Chief Executives. The Latin Americans, though they do not vote for the President of the United States, feel as strongly about particular Presidents¹¹ as many of us in the United States do, in one way or another. At this writing, the question arises: How is Latin America going to “come down” with regard to the present President of the United States?

Suffice it to say, based on personal impression in the last election—Latin America was neutral; the same way that many North Americans were neutral, because they regretted the choice that had to be made. Neither leading candidate attracted them. Carter’s personality turned them off. Reagan’s economic philosophy baffled them.

Latin America’s failures with regard to humaneness, social jus-

11. To generalize somewhat egregiously through personal impressions from talks with Latin Americans over many years, I offer this scorecard:

- (1) Theodore Roosevelt—ogre, interventionist, imperialist.
- (2) Woodrow Wilson—dangerous in his protestant self-righteousness, interventionist.
- (3) Taft, Harding, Coolidge—nothings.
- (4) Herbert Hoover—friend of the rich, inept, humorless.
- (5) Franklin Roosevelt—comparable only to Washington and Lincoln; architect of the Good Neighbor Policy; witty and well-born, but a friend of the poor.
- (6) Truman—dominated by a Secretary of State (Acheson) who had little interest in Latin America; between them they turned their backs on a hemisphere that, except for Argentina, had supported America against the Axis; did make a modest beginning as to technical assistance to development.
- (7) Eisenhower—more of the same, except for the efforts of his brother, Milton; did nothing until the last year of his presidency and then only because Nixon got the stones, eggs and spit in Caracas and Lima.
- (8) Kennedy—a young, catholic hero with a handsome, spanish-speaking wife; architect of the Alliance for Progress; tragic figure—now a lay saint.
- (9) Johnson—despite his accentuation of Kennedy’s development policies and his Franklin Rooseveltian concern for the masses, not a super-hero; but not an uncaring man either; his step-up of the war in Vietnam deprived Latin America of expected additional development assistance.
- (10) Nixon—detested; the Latins considered that he was determined to seek revenge for his treatment there while vice-president; he and Kissinger saw all of Latin America as a big Mexico.
- (11) Ford—*mejor que nada* (meaning “better than nothing”); Kissinger finally got below Mexico (once).
- (12) Carter—an undignified Wilson; a small, protestant, humorless and naive man; how could Americans have elected him?
- (13) Reagan—knows very little but only appears naive; a determined reactionary; too early to categorize as plus or minus; was he elected because Carter was worse, or because America had turned rightest? Latin American Scorecard:

Plus 4
Minus 6
Indifferent 4
Uncertain 1

tice and good administration are very well known in the United States. It is very difficult for us (in the United States) to do what many of us would like to do for Latin America when particular countries there comport themselves in a manner which is antithetical to fundamental expectations of human decency and honest, effective administration. It is a common phenomenon to see others' faults more readily than we see our own; and it happens in this case (stated as a personal viewpoint—with respect and friendship) that the Latin American faults, speaking without reference to any particular country, are very great. It is sad to observe that over a lifetime one can see that what was once regarded as the injustice of the Black Legend is in fact somewhat supported by events in Latin America. This is sad and ought to be of more active concern there than is presently discernible.

IV. CONCLUSION

There are no difficulties in inter-American relations that are not curable. We in the United States of America, our neighbor to the North (Canada) and all of the countries to the South and East of us are in the process of adjusting to new global arrangements. The new pieces have not been fitted together yet. They are still rubbing against each other until they are properly positioned. But if each of us—we and they—understand where we began and are fully and compassionately aware of the considerations addressed herein, the better off we will be. Above all, if we and they can be more aware of what we are not aware of; if we can follow a bit better than we have in the past the injunction of Bobbie Burns—to see ourselves as others see us—the better off we both will be.