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EDITOR'S NOTE

Welcome to the sixth volume of Paideia. Volume Six aims to recognize the outstanding work of Cal Poly Political Science students in both academic and professional fields. This collection of student-authored papers reflects the diversity of a Political Science degree and the knowledge, experience, and interests of the authors. Alumni Spotlights further highlight the opportunities presented to Cal Poly Political Science students in their careers.

This year, Paideia continues its founding goal of showcasing current and former student's work throughout the University and digitally around the world. It is our goal to encourage discussions between all disciplines on both existing and emerging issues, as well as challenging conventional notions of how the world works in the 21st century.

The sixth volume of Paideia will be accessible in print, as well as digitally through Kennedy Library's Digital Commons database. We hope that by providing the journal in an online format we will be able to reach readers across the globe and aid in furthering the research developed throughout this journal.

We hope that as you read through Paideia you are challenged intellectually and will be inspired to create discussion on important topics.

The Paideia team and I are delighted to serve Cal Poly San Luis Obispo's Political Science Department and thank you for taking the time to explore the sixth volume of Paideia.

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By Maure Gildea

Cyber: The Ultimate Political Weapon

Shafali Raj

Abstract

Cyber is one of the newest frontiers we face as a modern society. There are many unknowns when it comes to this intangible platform that has become shared globally. Political Science takes an interest in cyber because today it is used as a battle ground for attackers on the international scale. Our understanding of cyber warfare is still emerging, and much scholarship fails to discuss the usage of the United States' use of such weapons. This paper goes beyond a discussion of coders and hackers leaking into government data and instead focuses on the evidence of cyber as a weapon in world politics. Through three qualitative case studies, I will reveal the use of cyber for informational, psychological, and physical endeavors globally.

Introduction

On March 16th, 2018 Samantha Raphelson with *NPR* reported on accusations from the Department of Homeland Security on Russian involvement in various cyber-attacks on US power grids. The report released by DHS emphasized the imminent cyber threats and described them as attacks on energy, nuclear, water, aviation, manufacturing, and commercial facilities within the United States, perpetrated by actors from around the world.¹ One investigation detailed in the DHS report referred to the findings of American cybersecurity firm, Symantec, regarding a group named Dragonfly that broke into core operations of energy companies in the US and Europe.² Additionally, DHS official, Amit Yorán, describes other

¹ Raphelson Samantha, "Report Russian Hackers Had the Ability to Shut Down U.S. Power Plants." National Public Radio (March 16, 2018)

² Ibid

foreign attacks such as Russian meddling in public infrastructure and the 2016 election as “unprecedented and extraordinary” in the report.³ Officials from the DHS as well as heads of cybersecurity companies stress the ability of Russians to interfere with critical US infrastructure, stating they have already employed attacks as far back as last March. Such findings prove the existence of cyber as a weapon.

The release of the DHS report represents change because it is the first time the United States government has openly held foreign actors accountable for a cyber-attack. The DHS report also discusses an imminent or impending threat using cyber weapons, which represents a shift in warfare to methods outside traditional means. This article specifically focuses on the open accusations and warning from the DHS on Russian attacks in various industries such as those on power grids in Texas.⁴ Raphelson’s story makes it apparent that security officials fear Russian attacks like those made on Ukrainian industries just two years earlier that were also mentioned in her article. However, it is important to contextualize these events. The United States continues to be a world power, leveraging its influence and capabilities to achieve certain goals. With this background in mind, the released DHS report become questionable, leading us to contemplate the real capabilities of the United States.

Yet this DHS report is important for world politics because the new strategies and intelligence stipulated by the United States will influence the actions of states all around the world. In addition, it poses the United States at the receiving end of a threat, which suggests cybersecurity is a top concern for the US and future policy decisions. This is the first time the United States has accused foreign actors such as Russia for outright interference in industry and political happenings and is momentous in the formation of future policy.⁵ In addition, the DHS report does not address the fact the United States has been involved in and contemplated cyber-attacks such as those on the Iranian power grid.⁶ The open discussion on cyber as a domain of war will change world politics forever as new weapons and methods enters the forefront of warfare. The report also does not consider accepted norms such as US military strength and its increased presence abroad, which leads me to ask the following research question, how does the United States utilize cyber as an

3 Ibid

4 Ibid

5 Ibid

6 Ibid

offensive weapon in world politics? I will answer this question by analyzing effects on environment, human rights, and labor standards.

Conventional Wisdom

The contemporary perceptions surrounding cyber threats is that most Americans are not confident in the United States' security capabilities. According to a *Pew Research Center* public opinion poll, seventy percent of Americans believe the United States will experience a major cyber-attack on public infrastructure within the next five years.⁷ The same study found that only thirteen percent of participants feel that the United States government is "very" prepared for a cyber-attack. In addition, a poll performed by *Gallup* found that seventy-three percent of American adults ranked cyber-terrorism as a top three critical threat to US interests.⁸ These two public opinion polls reflect the common feeling of insecurity amongst US citizens when it comes to matters of cyber. These findings present the conventional wisdom that the United States is not prepared for a cyber-attack or that the military has yet developed the tools to combat such threats.

However, the current conventional wisdom surrounding US cyber threats is extremely misleading. Most Americans are unaware of the capabilities the United States has developed and has already utilized. My research challenges the conventional wisdom regarding cybersecurity by exposing the uses of cyber as a weapon by the United States itself. Although common rhetoric puts the United States at the hands of foreign cyber threats, it is vital to understand that the United States remains a global power and is willing to utilize cyber in international politics. The released DHS report mentioned earlier might fuel paranoia amongst US citizens, but my research challenges the idea that the United States will be the victim of a crippling cyber-attack.

Case Study: Informational Cyber Tactics

Information warfare has been a legitimate strategy of the United States' military for decades and continues to be applied to new domains of warfare such as cyber. Unlike armed warfare, information warfare might take on more discrete forms and will always hold a political target. For instance, a Congressional Research Service Report defines information warfare through

⁷ "Americans and Cybersecurity," Pew Research Center (January 26, 2017)

⁸ "Americans Cite Cyberterrorism Among Top Three Threats to U.S." Gallup (February 10, 2016)

defensive and offensive operations such as “propaganda, misinformation, and disinformation.”⁹ Today, most information warfare is through cyber in the form of “botnets” or computers that are infected with a malicious software that can be used without the owner’s knowledge. Social media has also become a contemporary platform through which information can be amplified to send a specific message and generate attitudes or confusion.¹⁰ Social media is a perfect channel for information warfare because this strategy seeks to intensify the “fog and friction” or uncertainties each side experiences during times of war and peace by achieving political goals and controlling information.¹¹ Cyber has become the easiest means through which the United States can exercise information warfare, as new strategies of attack have been developed to include this domain. The Department of Defense has revealed and defined cyber operations to include activities such as “Cyber Network Attacks” which seek to “disrupt, deny, degrade or destroy information resident in computers and computer networks.”¹² CNAs became an official part of cyber strategy when the Secretary of Defense, William Cohen, gave the NSA the authority to develop CNA techniques in 1997. Additionally, DOD policy outlines that the United States will employ a physical or non-physical attack “to provide support for full spectrum dominance.”¹³ Secretive documents such as DOD directives imply that the United States military and government *do* have the capability for offensive cyberwar. Moreover, the United States is ready and extremely willing to utilize cyber as a means for informational gain or stealing.

Through my research, I have found several pieces of evidence that demonstrate the bridge between cyber and information warfare the United States military has attempted to build. In 1997, William Black Jr. was appointed as the Special Assistant for Information Warfare and wrote the piece, “Thinking Out Loud about Cyberspace” for the National Security Agency.¹⁴ Black emphasizes the recurring need for cyber technology in the NSA and the Informational Warfare unit itself at the time. This once-

9 Name redacted, Information Warfare: Issues for Congress, CRS Report No. R45142 (Washington DC: Congressional Research Service, 2018)

10 Ibid

11 Von Clausewitz, Carl, On War, Princeton University Press, June 1, 1989.

12 William B. Black, National Security Agency, “Thinking Out Loud About Cyberspace,” *Cryptolog*, XXIII,1 (Spring 1997). Secret.

13 Ibid

14 Ibid

classified piece is an early indication of the integration of information warfare into the cyber domain. The National Security Agency in conjunction with other defensive units concluded that the primary method of conducting war in cyberspace is through Informational War tactics. In 1997, the NSA predicted the exploitation of computers and networks, which are troves of information, and set the agenda to include cyber a means of information dominance by exploring the term “cyber weapons.” Offensive weapons for information war outlined by the NSA include “viruses, worms, logic bombs, Trojan horses, spoofing, masquerading, and ‘trap’ doors.”¹⁵ Although these are types of software and not a physical weapon, they have the power to destroy any nation’s information infrastructure completely if utilized properly.¹⁶

In this case study, I will detail various instances of the use and development of cyber weapons for informational gains by the United States. In his book, *Dark Territory*, Fred Kaplan tracks the emergence of cyber units within the United States government such as the Department of Defense and the National Security Agency as well as their functions and strategies. These agencies work together to achieve goals that include acquiring information from interest nations or areas to promote an outcome ideal to the United States interests. A little-known US target to cyber-attacks was the Serbian military. In 1977, the US along with other NATO forces created the Stabilization Force (SFOR) to enforce the end of the Bosnia-Herzegovina war after the replacement of the president, Slobodan Milosevic.¹⁷ This special force was enlisted to hunt war criminals and work in conjunction with US based agencies such as the NSA and J-39, a secret unit within the Pentagon’s Joint Staff.¹⁸ On March 24, 1999 NATO forces began a bombing campaign against the Federation of Yugoslavia which sought to ethnically cleanse the Balkan region. During the attack, US forces relied on spoofing techniques to intercept and stop military communications from the enemy. The specialized J-39 unit commanded hacks on the Serbian air defense system, sending false directions to aircrafts and relaying wrong informational updates. The changes were slight so that the Serbs could not detect their computer systems were interrupted by US commanded B-2 Spirit stealth bombers. “Spoofing” is when a person or program successfully imitates another by

15 Ibid

16 Fred Kaplan, *Dark Territory*(New York: Simon Schuster, 2016)

17 Ibid

18 Ibid

sending false data to the recipient and this is a basic example of how cyber is utilized as a tool by the US to gain a political/military advantage. This military operation ended in the bombing of Yugoslavia and allowed for US/NATO peacekeeping forces to enter the region. Since its inception in 1977, the SFOR and joint agencies have developed such offensive capabilities for informational gain in both military and civilian operations.

David Sanger with *The New York Times* reported in 2012 of another virus, Flame, in his article, “Obama Ordered Wave of Cyberattacks against Iran.”¹⁹ Flame illustrates a contemporary example of the US ability to steal, copy, and share information. This code was a continuation of the original US-created code named Duqu, which was a reconnaissance tool that could copy blueprints of Iran’s nuclear program. The newer Flame virus sent a visible code onto Iranian officials’ computer to essentially steal information on Iran’s development of nuclear weapons.²⁰ No single state has claimed Duqu or Flame, but later findings suggest it was the work of the United States and Israel. The nature of these events insinuates a physical attack since a USB was manually inserted into these individuals’ personal computers.²¹ However, physical damage was just a secondary objective for these two cyber operations. Flame and Duqu were utilized as a covert method to steal information from Iran. It had the sole purpose of achieving a political goal just as any informational warfare operation. These instances prove to be unique, however. Cyber was the domain of warfare for this operation and in an effort to remain secretive; the code could not be traced to an original creator. This attack was successful, in that the computers affected were useless or had their information copied and shared.²² Such events prove the efficiency and emergence of cyber offensive tools to fulfill tasks such as information gathering to achieve political gains.

Case Study: Psychological Cyber Tactics

Psychological warfare and its methods fall under the “umbrella” of information warfare. The psychological war strategy conducts covert missions or attacks to gain information. PSYOPS, or psychological

19 David Sanger, “Obama Ordered Wave of Cyberattacks against Iran,” *The New York Times*(June 1, 2012)

20 Ibid

21 Nicole Perlroth, “Researchers Find Clues in Malware,” *The New York Times* (May 30TH, 2012).

22 Ibid

operations, has become an integral part of military defensive and offensive plans. The Department of Defense directives define PSYOPS as operations “meant to induce foreign attitudes favorable to the originators cause.”²³

Psychological warfare is not a new phenomenon and was a powerful tool throughout United States history. For example, during the Cold War, President Eisenhower deployed pamphlets and boosted programs such as Voice of America in Europe to change attitudes toward the Soviet Union through such offensive psychological warfare tactics.²⁴ Eisenhower’s success reflects the possibilities and effectiveness psychological warfare can achieve if aided with new technology such as cyber.

PSYOPS came to the forefront of operations such as those during the Iraq War under the Bush Administration, which pushed for informational gains and the use of psychological war to attain new material and alter negative perceptions of the West.²⁵ A small number of cyber uses were stipulated by the military and US government but were not employed. These included possible plans in which an individual can have access to a weapon or tool that would target a specific computer or system and modify its functions/ information it receives and spreads. Other plans detailed how a PSYOP team could develop a website for an audience in Iraq so that behaviors can change indirectly.²⁶

My research indicates that psychological tactics have played a large role in United States military operations in the past and will continue to do so in the future. The United States Army Field Manual explicitly states that PSYOPS “are meant to change the behavior of a foreign target audience to support U.S. national objectives.”²⁷ In 2005, the tasks of PSYOPS soldiers were written to be to develop, design, produce, distribute, disseminate, and evaluate psychological war materials and tools.²⁸ Cyber can be used in the

23 Name redacted, Information Warfare: Issues for Congress, CRS Report No. R45142 (Washington DC: Congressional Research Service, 2018)

24 Kenneth A. Osgood, Form Before Substance Eisenhower Commitment to Psychological Warfare and Negotiations with the Enemy, *Diplomatic History*

25 Christopher J. Lamb, “Review of Psychological Operations Lessons Learned from Recent Operational Experience,” (Washington DC: National Defense University Press, September 2005).

26 Ibid

27 Department of the Army. “Tactical Psychological Operations: Tactics, Techniques, and Procedures,” (Manual, Department of the Army, Washington DC, October 28, 2005)

28 Ibid

form of social media and the Internet, for example, by interfering with the interactions and information an individual receives. The Internet has become increasingly utilized as a means of achieving psychological war through cyber. The United States has ownership of the Internet and has utilized it as a tool for democracy in nations all over the world. For example, after bombing Yugoslavia with NATO forces, the US decided to allow Serbians to maintain access to the internet to allow the people to see the atrocities committed in Kosovo by the Milosevic regime.²⁹ Additionally, the Serbian government attempted to stop the independent radio station, B92, from organizing protests. When this occurred, B92's transmission was broadcasted to the Internet and relayed back to Serbia by the British Broadcasting Channel and Voice of America radio stations.³⁰ This case demonstrates the US's attempt to bolster Serbian support after an exploitative and violent US venture and displayed the ease of utilizing cyber for a political gain through an everyday institution such as the Internet.

Similarly, a contemporary use of psychological warfare through means of cyber can be seen through Operation Iraqi Freedom during the Iraq war. During Operation Iraqi Freedom, the United States employed various methods to gain US support in Iraq against troubling political figures such as Saddam Hussein.³¹ During this operation, broadcast messages were sent from Air Force plane, EC-130E and from Navy ships operating on the Persian Gulf. These messages were accompanied by a barrage of emails, faxes, and cell phone calls to numerous Iraqi leaders.³² The message being sent by US forces was to abandon Saddam Hussein. In hopes of changing public opinion, the US military led Operation Iraqi Freedom utilizing cyber and psychological warfare. Military Deception or "MILDEC" is a strategy used by the United States army that relies on sending false signals to the enemy. Deception is a primary part of psychological warfare in that it keeps

29 Briscoe; Jon Swartz, "Administration Drops Idea of Blocking Serb Net Sites," *The San Francisco Chronicle*, 15 May 1999: in Eden-Webster Passports/Lexis-Nexis [database online], World News library.

30 David J. Rothkopf, "Cyberpolitik: The Changing Nature of Power in the Information Age," *Journal of International Affairs* 51 (Spring 1998): in Columbia, *International Affairs Online* [database online], (9 January 2001).

31 Catherine Dale, *Operation Iraqi Freedom: Strategies, Approaches, Results, and Issues for Congress*, CRS Report No. RL 34387, (Washington DC: Congressional Research Service, 2008)

32 Ibid

the enemy or public unaware of reality or of future outcomes.³³ During Operation Iraqi Freedom, the United States used deceptive methods such as the Navy's Tactical Air Launched Decoy system. This tool could divert fire from Iraqi air defenses using a digital capability, making aircrafts unsure of the target or source of attacks in the sky. The United States' attempts display that offensive methods, coupled with discrete operations such as building fake websites, yield the strength and magnitude to influence the political objectives/opinions of individuals.

Psychological operations are critical to the United States' endeavors and is deployed abroad and domestically. Today, the US counts on the Media Operations Center at Fort Bragg, which is accountable for printing and disseminating audio, video, and print psychological operation products.³⁴ Since the actual production of psychological warfare materials are done domestically, there must be an efficient and overt method of spreading this information abroad. Cyber is a primary means of deploying such materials through social media and satellite communications.³⁵ Additionally, Deployable Audio Production Systems is a technology widely used in PSYOPS. Missions can be carried out with SOMS B vehicles have the capacity to create audio and video in the air which can then be shared using DAP technology. One of the first uses of this technology was in Afghanistan (2001) when The Commando Solo aircraft transmitted pro US radio broadcasts.³⁶ Since its first use, the Commando Solo, alongside SOMS B, have been vital to US interests in bolstering support in the Middle East. These are just a handful of cyber technologies that make the spread of psychological warfare materials efficient and possible beyond conventional methods.

Case Study: Physical Cyber Tactics

The Department of Defense defines the cyberspace domain as consisting of three interdependent "layers" including the physical, the logical, and the cyber persona. "Physical" refers to the environment of devices and the

33 Clay Wilson, *Information Operations and Cyberwar: Capabilities and Related Policy Issues*, CRS Report No. RL31787, (Washington DC: Congressional Research Service, 2006)

34 Christopher J. Lamb, "Review of Psychological Operations Lessons Learned from Recent Operational Experience," (Washington DC: National Defense University Press, September 2005).

35 Ibid

36 Ibid

geographical location of these systems.³⁷ This is the network of people and materials. Therefore, a physical attack can also be on a computer or a system that causes a degradation of the material item itself.³⁸ This is a strategy that carries a human aspect because it requires one's presence and compliance to attack another entity. Past events of physical cyber-attacks suggest these types of operations carry a specific target and are motivated by a material or political gain since the nature is destructive and deliberate. A contemporary example of this would be the Stuxnet malware which stunted Iran's development of nuclear weapons by stopping uranium enrichment processes in nuclear facilities.

In 2010, fifteen plants across Iran reported technical failures and difficulties in nuclear plant processes. These malfunctions were later found to be the result of "Stuxnet," a malicious software and the first known "cyber weapon."³⁹ This event is also considered the first "act of force" using cyber. Stuxnet was the only malicious software of its kind, specifically designed to interact with and destroy a *nuclear* Industrial Control System. The Stuxnet code targets a Microsoft application that the nuclear ICS devices use daily during uranium enrichment operations. That being said, the virus can enter devices through a USB or gaps in internet connection. However, the nature of Stuxnet implied that it must have been implemented *in person* at the facilities or by an insider. Stuxnet is significant because it was the first code that set out to inhibit the production of nuclear materials. It was also a part of a larger campaign for offensive cyber operations entitled, Operation Olympic Games. This operation began under the Bush Administration in 2006 and continued under Obama as a cyber-campaign against Iran, which was made possible with the help of US friendly, Israel.⁴⁰

Operation Olympic Games was a secretive joint effort made between the US and Israeli governments to cripple and destabilize Iran's nuclear program entirely. Cyber was the chosen domain of warfare for this operation and *cyber weapons* were central to the plan of Olympic Games.⁴¹ This revelation

37 Catherine Theohary and Anne Harrington, *Cyber Operations in DOD Policy and Plans: Issues for Congress*, CRS Report No. R43848 (Washington DC, Congressional Research Service, 2015)

38 Ibid

39 David Sanger, "Obama Ordered Wave of Cyberattacks against Iran," *The New York Times* (June 1, 2012)

40 David Sanger, *Confront and Conceal* (Broadway Books, June 2012)

41 Ibid

starkly contrasts the notion that the United States is a victim to cyber threats given its role in the first contemporary mass cyber-attack. Eventually, cyber and tech experts from around the world revealed the dark components of the virus. This code held features described by scholars as “*dual warheads*,” that remain dormant and send false signals to computer systems signaling that things are running normally when they are not.⁴² The code is a weapon in every way given its precise duty and properties. One part was designed to specifically command 984 machines linked together. This is the same number of downed uranium- enrichment centrifuges, inspectors at the Natanz plant reported following the attack.⁴³ With these attributes, Stuxnet was truly the first cyber-weapon, enabling a physical attack on a political target. The realities of the Stuxnet attack contradicts the notion that the US is only developing weapons and not utilizing harmful offensive components. Stuxnet was formulated not to only send a message, but to destroy the enemy target just as any military operation might seek to do.

Stuxnet was used as a weapon against Iran for the advancement of US political goals in that it delayed Iran’s nuclear program by downing almost 10,000 Industrial devices. Furthermore, I have found several manifestations of the intent and use of cyber weapons as a part of a political/material gain by the United States. In 2017, The United States-Israel Cybersecurity Cooperation Enhancement Act passed the House of Representatives. This bill requires The Department of Homeland Security to create a fund limited to US and Israeli citizens for research and development on cyber protection, response, and strategies.⁴⁴ The adopted amendment provides for a “Cyber Center of Excellence,” for the development of new capabilities. This example directly displays the intent to continue developing and using cyber strategies or weapons on a political target.⁴⁵ The strategic relationship with Israel can be applied to any other country the US seeks intelligence from in developing new capabilities of warfare such as cyber weapons. This update indicated that the US is willing to negotiate and work with other nations to

42 Paul Kerr, John Rollins, Catherine Theohary, *The Stuxnet Computer Worm: Harbinger of an Emerging Warfare Capability*, CRS Report No. R41524 (Washington DC: Congressional Research Service, 2010)

43 Ibid

44 [1]U.S. Congress. House of Representatives. *Cybersecurity Cooperation Enhancement Act*. 2017. 115thCongress.

45 The American Israel Public Affairs Committee, “*Bill Summary Cybersecurity Cooperation Enhancement Act*,” (March 2018)

create offensive cyber strategies on specific political targets such as Iran. Through my research, I have found the intent of the United States has not changed since the inception of Operation Olympic Games in 2006. These are just a few examples that have been exposed as linked to US intelligence and military operations but there are still many unknowns.

Implications

With the emergence of cyber, leaders are faced with new issues and challenges their predecessors did not have to contemplate. Stuxnet is an important example for world politics in that it was the first well-known cyber weapon and was able to conduct a physical threat and influence later events. I believe the United States must take accountability for developing these technologies. The United States set a precedent by utilizing cyber for physical, psychological, and informational gains and must be responsible for the repercussions. Both states and independent actors have learned from the US example. As cyber becomes a legitimate domain of war, it is inevitable states will compete for the most powerful cyber weapons. This leads me to question, just how far the US and other states are willing to go for cyber dominance. History reveals that weapons such as the nuclear bomb had the power to change history forever. I can imagine a cyber-weapon of this magnitude as being possible in the future.

Addressing US cyber offensive strategies is vital in recognizing the power and influence of the United States in areas such as military strength. Although common rhetoric puts the United States at the hands of foreign cyber threats, it is vital to understand that the United States remains a global power and is willing to utilize cyber in international politics. The US has proven its willingness to use cyber weapons through these three case studies. As cyber weapons are increasingly developed and utilized, the public remains unaware. Today, top news stories detail foreign involvement in the US political process through the Internet and social media outlets. These recent events signal that cyber-attacks or war is increasingly viable and can be hidden for long periods of time. This leads me to ask the future capabilities of sabotage by the United States and foreign actors as well in addition to attacks the public might never know about. Therefore, it is important that instances such as Stuxnet are discussed for security and the formation of future policy or norms.

CONTRIBUTOR BIO



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By Emily Spacek

U.S. Energy Independence

Lorenzo Waller

Abstract

While many know the United States is the largest consumer of oil in the world, recently, it has become the biggest producer of the resource as well.¹ Within the next decade it will export more oil than it imports, which will mark a significant change in the global energy market. This paper will investigate and evaluate what changes are to be expected, with a specific focus on OPEC member countries. I will utilize qualitative evidence in the form of three case studies. These case studies will provide detailed discussion and analysis of how energy independence in the United States will lead to financial loss, destabilization, and a decline in the influence of oil exporting countries. I found that if the US continues at its current pace of energy production, OPEC countries will need to adapt to the new international energy market, which will look vastly different in the coming years.

Introduction

Near the end of 2017, The Wall Street Journal published an article noting that the United States is on track to achieve energy independence in as little as four years, if production reaches the highs it did before 2014.² Moreover, the article also details The International Energy Agency's recently published World Energy Outlook for 2017, which proclaims that "...the U.S. [is] set to become a net exporter of petroleum within a decade," even if oil output remains low.³ Before the price of oil plummeted in 2014, the

1 "What countries are the top producers and consumers of oil?" *U.S. Energy Information Administration* (December 3, 2018).

2 Robert Rapier, "Is the U.S. On Track for Energy Independence?" *The Wall Street Journal* (November 15, 2017).

3 *Ibid.*

US was on track to achieve energy independence as early as 2019.⁴ Today, the US is only four million barrels per day away from becoming petroleum independent, a feat that has eluded the country for decades as petroleum is the only energy resource that the United States depends on other countries for. Of course, even once energy independence is achieved, there will still be economic reasons for the US to continue to import oil, but there will no longer be a glaring dependence on foreign countries for petroleum.

The implications of US energy independence will be vast for OPEC member countries, as almost all of their economies rely on oil exports for a majority of their revenue. While OPEC countries may not rely completely on the US in particular for their oil export revenues, the US becoming a net exporter and one of the largest petroleum producers will certainly have an impact on other countries that OPEC provides oil for. One of Saudi Arabia's top goals as outlined in their Vision 2030 document is to reduce their dependence on oil exports, as well as to start privatizing the industry to further help decrease the state's dependence on oil revenues.⁵ Saudi Arabia is just one of many examples of oil-exporting OPEC countries attempting to lessen their dependence on the resource — in part a response to the United States' energy transition. The United States' massive increase in fracking as well as petroleum and natural gas production in the last two decades is the main driver for this change, which paid off recently when in August 2018 the US became the world's largest crude oil producer.⁶ These empirical observations lead me to ask the following research question: How will US energy independence affect OPEC countries?

Conventional Wisdom

The layman's view of the United States is that the country is in decline. According to a poll carried out by the Pew Research Center in 2017, just 29% of Americans believe the country "stands above all other countries in the world", down from 38% in 2011.⁷ This poll also found that while only 8% of Americans thought "there are other countries better than the U.S." in

4 Ibid.

5 "Vision 2030 Report," Kingdom of Saudi Arabia. Assessed on May 27, 2018.

6 "U.S. monthly crude oil production exceeds 11 million barrels in August," *U.S. Energy Information Administration* (November 1, 2018).

7 Laura Thorsett, "Most Americans Say the U.S. is among the Greatest Countries in the World," *Pew Research Center* (June 30, 2017).

2011, that number climbed to 15% in 2015.⁸ Additionally, a poll by Gallup found that in 2016, 50% of the globe viewed China as the worlds leading economic power today while only 37% believed it to be the United States.⁹ These polls show the trend that the United States is declining not just in the eyes of the world, but in the eyes of Americans as well.

The layman’s view that the United States is in decline is wrong. Not only does the increase in petroleum and natural gas production spell good news for the US, it also puts the country in an ideal position to be a top energy exporter. When the United States becomes energy independent, it will become vastly less dependent on importing oil from OPEC countries. This means that the state will be solving an issue some have called the top foreign policy concern.¹⁰ Considering how powerful the United States already is, the implications of energy independence should not be taken lightly. Soon, the US will be not be dependent on any countries for energy, while other countries will be significantly more dependent on the US to meet their energy needs.¹¹ While it is certainly true that some countries are catching up to the US in specific areas, such as the size of China’s GDP, even this measure won’t come close to the US before 2029 at current rates of GDP growth.¹² This is why the less-popular view that the US power and influence is on the rise is a superior view.

Methodology and Evidence

In order to properly analyze the topic, I will utilize qualitative evidence in the form of three case studies. These case studies will provide detailed discussion and analysis of how energy independence in the United States will lead to financial loss, destabilization, and a decline in the influence of oil exporting countries. This paper will exercise the use of both primary and secondary evidence. Primary evidence will consist of sources such as Congressional Research Service (CRS) reports, committee discussions held within the United States Senate, quotes in a National Intelligence Council report from the CIA, as well as presidential policy decisions dating back to

8 Ibid.

9 Lydia Saad, “Americans See China as Top Economy Now, but U.S. in Future,” *Gallup* (February 22, 2016).

10 Robert Fri, “U.S. Oil Dependence Remains a Problem,” *Issues in Science and Technology*, Vol. 19, no. 4 (Summer, 2003).

11 op. cit., fn. 1.

12 Malcom Scott, “Here’s How Fast China’s Economy Is Catching Up to the U.S.” *Bloomberg* (May 24, 2018).

the 1970's. I will use secondary evidence attained from sources such as The Wall Street Journal, the Council on Foreign Relations, as well as scholarly journals. In order to best answer my research question, I will employ the use of realism as a theoretical paradigm through which I can most effectively analyze the issue. Realism assumes that the world is anarchic with no power surpassing that of the state, that the most important international actors are states, and that states are the primary drivers of change. This is emphasized in Brian Schmidt's article where he states that "...the international distribution of power is an autonomous force that has a direct influence on the behavior of states."¹³ This point is also emphasized by Fareed Zakaria when he says that "...a state's foreign policy is a consequence of pressures emanating from the distribution of power in the international system."¹⁴ By looking at the world through a realist viewpoint, I can best determine how changes in the energy market will effect the distribution of power and how states will end up responding.

Research Findings

Financial Loss

My first case study will detail how US energy independence will lead to financial losses for oil-exporting countries. According to the World Economic Forum, oil exports account for roughly 45% of Saudi Arabia's GDP and a staggering 90% of their exports.¹⁵ Saudi Arabia lies in the middle of oil-exporting countries in terms of oil as a percentage of exports. The percentage gets as high as oil making up 99.8% of exports in Iraq and as low as 22.3% of exports in Malaysia.¹⁶ OPEC countries also rely heavily on oil to make up a large amount of their GDP. These GDP percentages get as high as ~55% in Kuwait, and go as low as ~2% in the United States.¹⁷ To summarize these statistics, oil-exporters are hugely dependent on just one natural resource for their financial stability. This stands in stark contrast to countries such as the United States, which utilizes a diversified approach to its export system, and chooses to produce many different types of goods. Diversification decreases the country's financial reliance on just one commodity. When oil prices

13 op. cit., fn. 14.

14 Ibid.

15 "Which economies are most reliant on oil?" *World Economic Forum* (May 10, 2016).

16 Ibid.

17 "Oil Rents (% of GDP)," *The World Bank* (March 5, 2019).

fluctuate, the US is able to adjust and is not crippled by a fall in demand.

According to another report published by the U.S. Energy Information Administration, due to the huge drop in oil prices resulting from increased US production, in 2015 OPEC members' net oil export revenue reached the lowest level since 2004 and is still forecasted to fall to levels unseen since the early 1980's.¹⁸ In 2014, OPEC member countries earned \$753 billion in oil export revenue.¹⁹ This figure plummeted to only \$404 billion just one year later in 2015, representing a 46% decline in revenue.²⁰ States such as Iraq, Nigeria, and Venezuela were hit much harder by the drop in prices because they lacked the financial reserves some of the Persian-gulf states enjoyed, which continues to be the case today.²¹ Yet, even Saudi Arabia claims "...it wants to end its 'addiction to oil'."²² These statistics are meant to showcase oil-exporters' financial dependence on the commodity, as well as the havoc that falling oil prices can wreak on their revenues. Oil revenues declining nearly 50% in just one year demonstrates how detrimental external forces can be to OPEC economies if they cannot count on oil as their main source of revenue. This becomes even more of an issue in countries employing a state-run approach to oil production, as the loss in revenue also has a huge impact on the government.

Next I would like to connect these empirical statistics back to my theme of US energy. The Economist attributes the abrupt drop in oil prices in the summer of 2014 to four factors; one of the largest being the fact that, "America has become the world's largest oil producer."²³ In a separate article, The Economist explains how much the economics of oil have changed in recent years.²⁴ Undermining OPEC's ability to keep oil prices stable, The Economist remarks, "the main culprits are the oilmen of North Dakota and Texas."²⁵ This fact is backed up by one of my five primary sources. A US Senate press release cited a report stating, "America's combined recoverable

18 "OPEC members' net oil revenue in 2015 drops to lowest level since 2004," *U.S. Energy Information Administration* (August 26, 2016).

19 Ibid.

20 "OPEC members' net oil revenue in 2015 drops to lowest level since 2004," *U.S. Energy Information Administration* (August 26, 2016).

21 Ibid.

22 op. cit., fn. 18.

23 "The Economist explains: Why the oil price is falling," *The Economist* (December 8, 2014).

24 "The new economics of oil: Sheikhs v Shale," *The Economist* (December 4, 2014).

25 Ibid.

natural gas, oil, and coal endowment is the largest on Earth.”²⁶ A separate CRS report, noting that “no country can effectively isolate itself from changes elsewhere in the market, nor is it likely that any nation can take actions that do not indirectly affect other nations,” reaffirms my point that the massive increase in US petroleum production is intimately linked to drops in the price of oil.²⁷ From this, it should be clear how powerful the effect of the US shale revolution has been on world energy markets. I would also like to emphasize the relationship US supply has on world oil prices, and how much control the former has over the latter.

My research findings relating to financial losses incurred by OPEC member countries supports my statement regarding the conventional wisdom being wrong. Statements made by the CRS stating the United States is the worlds largest energy producer directly contradict the belief that the United States is in decline. After analyzing my main sources, I would argue that OPEC member countries are actually in decline, as the US is amassing energy power within its borders. Not only is the layman’s view wrong, but OPEC countries are scrambling to break their dependence on oil, especially in states where oil production has been nationalized.²⁸ The financial losses amounting in oil exporting countries that are a part of the OPEC cartel is staggering, and will undoubtedly lead to different policy strategies. Although it is tough to predict exactly what those responses will be, we can safely make the assumption that governments relying on oil as their main source of revenue will be forced to adapt to changes in oil markets in order to keep their countries stable.

Destabilization

My second case study will demonstrate the destabilizing effect oil can have on OPEC countries and how the countries will suffer due to US energy independence. The Council on Foreign Relations published a post late this April, saying Russia and Saudi Arabia are attempting to “...eliminate the costly boom and bust cycle in oil that both destabilizes Saudi Arabia and

26 James Inhofe, “America’s Combined Energy Resources Largest on Earth,” (press release, U.S. Senate, Committee on Environment and Public Works, Washington D.C., October 29, 2009).

27 Robert Pirog, “World Oil Demand and its Effect on Prices,” (online report, U.S. Library of Congress, Congressional Research Service, June 9, 2005).

28 *op. cit.*, fn. 18.

underpins the historical cycle of the global financial crisis.²⁹ According to widely accepted macroeconomic theory, high oil prices destabilize an economy's ability to operate at its standard level of efficiency.³⁰ This effect is so powerful that in extreme cases it can even lead to recessions which result in massive destabilization within the countries that require high oil export revenues.³¹ Conversely, high oil prices for some OPEC countries, such as Saudi Arabia, which exports massive amounts of the commodity, spell huge economic benefits.³² However, this cause-and-effect relationship is a two-way street; when oil prices drop, producer countries suffer from serious destabilization, undermining their ability to operate as efficiently as they normally would.³³

An article published by *The Globalist*³⁴ reiterates the benefits of cheap oil on many economies, but emphasizes "...it is creating a great deal of political and social volatility in numerous producer countries."³⁵ This article provides a new and underreported spin on the destabilization arguing that in order for OPEC producers to keep up with their youth bulges,³⁶ the countries rely heavily on their oil revenues.³⁷ The decline in revenues lead to slashes of funding in malleable areas of the budget, such as education and job training.³⁸ In exporter countries such as Libya and Algeria, this leads to a dangerous spiraling effect and seriously damages the social fabric of the country.³⁹ In other words, cheap oil leads to a decline in revenue for exporters, which leads to declines in government spending, and, finally, results in

29 Amy Meyers Jaffe, "Oil Prices and the U.S. Economy: Reading the Tea Leaves of the Trump Tweet on OPEC," *Council on Foreign Relations* (April 23, 2018).

30 op. cit., fn. 6.

31 Ibid.

32 op. cit., fn. 31.

33 Ibid.

34 *The Globalist* is an online newspaper which advocates for the benefits of globalization. While this presents a bias, I investigated the author of the article and found that he is an economic analyst at a respected Spanish think tank. I determined that the source is reliable to include as all of the facts included in the article are backed up by the U.S. Energy and Information Administration, which I cite throughout my paper.

35 Andres Ortega, "The Destabilizing Effect of Cheap Oil," *The Globalist* (July 5, 2017).

36 A term used to describe countries with disproportionately large younger populations (the opposite of the aging population issue currently effecting Japan).

37 op. cit., fn. 37.

38 Ibid.

39 Ibid.

both political and social destabilization. I would like to point out that this particular example is much more profound in countries such as Libya and Algeria, which have much lower GDP's than exporters like Saudi Arabia (albeit cheap oil still causes destabilization there as well). The destabilizing effect of cheap oil in a country like the United States is much, much more complicated, as even though the country is becoming a net energy exporter, the economy also heavily benefits from low energy prices and should not be included in this particular example.

Possibly the most pertinent example of the destabilizing effect oil can have on exporters is the case of Venezuela. An article published by the Financial Times details how the appointment of political figures to the country's state-run oil company, and the lack of expertise in how to run the company, led to a gradual decline in oil production.⁴⁰ This decline in production, and the resulting deterioration of the country's economy has caused hyperinflation, food scarcity, and a looming humanitarian crisis.⁴¹ The implications of this case are grave. NPR reported an 85% shortage on medicine in the country making common drugs such as antibiotics nearly impossible to find.⁴² This is coupled with severe food shortages that have caused the deaths of children at alarming rates, according to The New York Times.⁴³ Both of these issues stem from prolific hyperinflation caused by the economic catastrophe. All of this connects back to the country's extreme dependence on oil. Even though Venezuela boasts some of the largest oil reserves in the world, it still crumbles in a world where petroleum prices are determined by factors far out of the country's control.

OPEC countries reap the benefits of high petroleum prices more than any other countries, however, this comes at a cost. When prices of oil decrease, OPEC members suffer from destabilization which can be debilitating in some cases. As seen in the case of Venezuela, and the cases of Libya and Algeria, where the economic effects spiral into political and social ones, destabilization has serious repercussions reaching to the furthest corners of the countries who are a victim. This same effect is not seen in

40 Nick Butler, "It Is Venezuela's crisis that is driving the oil price higher," *Financial Times*, (March 25, 2018).

41 Ibid.

42 Samantha Raphelson, "Venezuela's Health Care System Ready To Collapse Amid Economic Crisis," *NPR* (February 1, 2018).

43 Meredith Kohut and Isayen Herrera, "As Venezuela Collapses, Children Are Dying of Hunger," *The New York Times* (December 17, 2017).

the case of the United States, where fluctuations in oil prices are certainly felt, but do not come close to destabilizing the foundation of the country. When the United States reaches the point of energy independence, it will become even more resistant to outside influences on oil prices because oil makes up such a small percentage of its exports. The same cannot be said for OPEC member countries, who will need to radically change their policies if they hope to avoid becoming victim to global petroleum problems. While the authors I have used in this section demonstrate the extremes of destabilization, I think policy changes will be much more moderate and slow to take effect. These decisions could manifest themselves in areas such as increasing investment in other industries, privatizing state-run oil operations to insulate the government from destabilization, and even rethinking how the OPEC cartel goes about its business. Regardless, situations like Venezuela remind us why diversification is valuable not just economically, but politically as well.

Decline in Influence

My third and final case study will demonstrate how US progress toward energy independence will lead to a further decline in influence of OPEC member countries. According to a CRS report cited earlier, “America is endowed with 167 billion barrels of recoverable oil. This is the equivalent of replacing America’s current imports from OPEC for more than 75 years.”⁴⁴ If the United States achieves independence, OPEC would lose a substantial portion of their exports, as the US currently imports 33% of its petroleum from OPEC countries.⁴⁵ This number has been declining and will likely continue to decline as US production ramps up.⁴⁶ With OPEC meeting less and the United States meeting more international demand for oil, the influence OPEC countries have abroad is sure to lessen, especially in the smaller OPEC economies that already wield little to no influence abroad. A concrete example of why this will be the case can be seen by examining Saudi Arabia.

Currently, members of the Organization of the Petroleum Exporting Countries (OPEC) supply 44.1% of the world’s crude oil production.⁴⁷ This

44 op. cit., fn. 28.

45 op. cit., fn. 3.

46 Alex Lawler, “OPEC sees lower demand for its oil in 2018, points to surplus,” *Reuters* (July 12, 2017).

47 “OPEC Fast Facts.” *CNN Library*. Report. Updated April 16, 2018.

indicates OPEC countries have a significant influence on the petroleum market. It also means that they have the power to manipulate oil prices when desired through increases or decreases in their supply reserves. Since the oil shocks of the 1970's, the US has realized how dependent both its country and its economy are on OPEC member countries.⁴⁸ This dependence wreaks havoc on US productivity when oil prices increase or the US economy enters a period of downturn.⁴⁹ However, the increase in US petroleum production threatens to decrease the hold OPEC has on the oil markets and shakeup the member countries' geo-politics as well.

Currently, Saudi Arabia boasts immense influence abroad, especially in regard to its relationship with the United States. A CRS report notes that Saudi Arabia provides US companies with \$132 billion worth of defense services and articles since 2009.⁵⁰ This, combined with Saudi Arabia's help in counterintelligence and counterterrorism makes it a key US ally in the region.⁵¹ However, Saudi Arabia is the exception, not the rule, when examining the level of influence of OPEC countries abroad, and it is important to acknowledge how and why the country attained the level of influence it has. The previously referenced CRS report states how "The kingdom of Saudi Arabia...wields significant global influence through its administration of the birthplace of the Islamic faith and by virtue of its large oil reserves."⁵² I disagree with the wording the author uses in this report, as I would argue Saudi Arabia owes nearly all of its "significant global influence" to its oil reserves. Saudi Arabia and the United States have a relationship dating back to the country's founding in 1932, and there is no reason to think the country would have the level of influence it does today without its oil.⁵³ While Saudi Arabia has utilized its influence to branch out and become a permanent ally of the United States through means such as arms purchasing, most other OPEC countries do not enjoy the Saudi's level of international influence now, and are unlikely to achieve it ever.

48 "Oil Dependence and U.S. Foreign Policy," *Council on Foreign Relations*. Timeline. Assessed on June 1, 2018.

49 Fredrick Mishkin, *Macroeconomics: Policy and Practice* (Upper Saddle River: Pearson, 2014), 367-370.

50 Christopher Blanchard, "Saudi Arabia: Background and U.S. Relations," (online report, U.S. Library of Congress, Congressional Research Service, November 22, 2017).

51 Ibid.

52 Ibid.

53 Ibid.

A press release issued by OPEC itself, states that the Secretary General for the cartel met with a Permanent Representative to the Russian Federation regarding "...the success of the 'Declaration of Cooperation' in helping return balance and stability to the oil market, as well as the ongoing process to further institutionalize the cooperation in the longer term."⁵⁴ This meeting, as well as the larger recent theme of OPEC countries allying themselves with non-OPEC countries is confirmed in a CRS report noting "OPEC announced that 11 non-OPEC countries, led by Russia, had joined the agreement by pledging to further reduce oil production..."⁵⁵ The implications of this recent degree of cooperation between OPEC and non-OPEC countries points directly to the fact that OPEC is losing its ability to manipulate oil prices due to its declining influence in the international energy market. After attempting to increase oil prices for two years, the organization was forced to partner with 11 non-members in order for their production cuts to be felt in oil pricing.⁵⁶

To conclude my research findings, it is important to consider the implications of the primary sources mentioned in this section. The first is that America has the largest combined energy reserves in the world, and that it is increasing oil production to a level that means a significant decline in OPEC oil imports.⁵⁷⁵⁸ The second is that while Saudi Arabia enjoys a large influence abroad, almost every other country that is a member of the cartel commands little to no influence, and that which they do is due to their ability to export oil.⁵⁹ I think it could even be said that if the United States were to no longer need Saudi Arabia for oil, the US would drastically modify its relationship with the kingdom because of the litany of human rights abuses that occur in the country, a point acknowledged in my CRS report concerning the history of US-Saudi Arabia relations.⁶⁰ Finally, and most importantly, this

54 "OPEC Secretary General meets Ambassador of the Russian Federation," (press release, Organization of Petroleum Exporting Countries, Vienna, April 9, 2018).

55 Phillip Brown, "OPEC and Non-OPEC Crude Oil Production Agreement: Compliance Status," (online report, U.S. Library of Congress, Congressional Research Service, November 16, 2017).

56 Ibid.

57 op. cit., fn. 28.

58 op. cit., fn. 3.

59 For reference, the OPEC member countries are Iran, Iraq, Kuwait, Saudi Arabia, Venezuela, Qatar, Indonesia, Libya, United Arab Emirates, Algeria, Nigeria, Ecuador, Gabon, Angola, and Equatorial Guinea according to the official OPEC website.

60 op. cit., fn. 49.

section should emphasize the deterioration of the influence OPEC has on oil prices, as well as abroad. This decline has been demonstrated by the simple, yet powerful, empirical evidence concerning OPEC requiring the alliance of 11 non-member countries in order to achieve what it previously had complete control over: international oil prices. I will also reiterate the fact that as the US gains influence through energy independence and increased oil exports due to fracking and natural gas revolutions, the layman's view that the US in decline has been proven wrong. This domestic energy revolution in the United States has been a direct contributor to the decline in the influence of OPEC.⁶¹

Implications

Before I conclude my paper I would like to reference one last primary source, a report issued by the National Intelligence Council, that does an excellent job of summarizing the ideas brought up in this paper thus far in the following quotation:

With shale gas, the U.S. will have sufficient natural gas to meet domestic needs and generate potential global exports for decades to come. Increased oil production would result in a substantial reduction in the U.S. net trade balance and faster economic expansion. Global spare capacity may exceed over 8 million barrels, at which point OPEC would lose price control and crude oil prices would collapse, causing a major negative impact on oil-export economies.⁶²

The implications of energy independence for the United States have the potential to reshape the energy market domestically and internationally on a fundamental level. Ever since oil became the means to fuel production, the United States has been dependent on foreign countries to power the immense economic machine that it is. This is changing as the United States is on the precipice of attaining a feat that would reshape the country forever: energy independence. Throughout this paper, I have used empirical facts backed by primary sources to show how energy independence in the United States will lead to financial loss, destabilization, and a decline in the influence of OPEC

61 op. cit., fn. 22.

62 Office of the Director of National Intelligence. National Intelligence Council. Report. *Global Trends 2030: Alternative Worlds*. December 2012.

member countries. Financial losses were demonstrated by examining how OPEC revenues declined by 46% in the span of one year due to a drop in the price of oil,⁶³ with the implications of this being a huge loss of revenue for oil-exporting governments. Destabilization is a direct consequence of financial loss, and was demonstrated by examining how Venezuela was decimated economically, politically, and socially by the mismanagement of their state-run oil production company.⁶⁴ Destabilization results in a huge decline in influence as we saw when OPEC lost its ability to manipulate the price of oil, and was forced to ally itself with 11 non-OPEC states.⁶⁵

These changes matter because it means that, contrary to popular belief, the United States is not in decline. The reigning hegemon is only continuing its rule atop the international hierarchy, and while energy independence does not mean it gets to set its own gas prices, it does mean that the economy will be far better off in the long-run. These changes also matter because they signify a departure from the previous international energy system where OPEC was able to manipulate oil prices at will. While the cartel certainly still has the ability to manipulate prices, the extent of the manipulation is much, much less, and requires they associate themselves with non-OPEC exporters in order to achieve the same goals they used to achieve on their own. While it is impossible to fully answer the question of how United States energy independence will alter OPEC member countries foreign policy decisions, after examining the topic we know three specific areas warranting answers.

I think that the United States achieving energy independence will cause OPEC member countries to first, start privatizing their state-run oil companies for the purpose of waning their financial reliance away from oil and towards industries they will have more control over in the long-run. It will also cause OPEC countries to liberalize their foreign trade policies since they will no longer be able to get away with excusing their actions using oil, and will require other means of trade with other countries to make up for the hole decreased oil revenue leaves. I think that ultimately, the decline in influence can only be combatted if the countries figure out ways to fit into the international system by a means other than oil. While the commodity is undoubtedly here to stay and while “peak oil” is no where in the foreseeable

63 op. cit., fn. 22.

64 op. cit., fn. 42.

65 op. cit., fn. 54.

future, OPEC countries will have to adapt their foreign policy to work in a world where the United States can supply a much larger share of its own petroleum needs, as well as the rest of the worlds.



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Alumni Spotlight: Shannon Brown

By Isaias Diaz

Shannon Brown graduated Cal Poly with a bachelor's degree in Political Science in 1994. He is currently a Senior Lecturer at the Center for Homeland Defense and Security, a FEMA sponsored academic program for those working in the Homeland Security sector.

Shannon originally applied to the Cal Poly Political science program as a first-year student but was rejected due to the major being impacted. Cal Poly was the only college Shannon had applied to, essentially putting all his eggs in one basket. Still determined, Shannon was accepted into Cal Poly in 1992 as a transfer student. Shannon first visited Cal Poly as a junior in high school, and immediately knew it was the school for him.

During his time at Cal Poly, Shannon was able to hone valuable skills which he believes are very useful in the real world. Skills such as learning how to present in front of large groups, how to use research methodologies, and how to run a budget. The critical thinking Shannon developed as an undergraduate has helped him to distinguish valid information from nonvalid or nonfactual information.

Shannon had no idea what he was going to do post-graduation, aside from a general idea of staying in school. He initially went into political science thinking he was going to do pre-law, but it was during an international relations course that he changed his mind and decided that he

was more interested in attending graduate school for either political science or history. In 1994, Shannon graduated from Cal Poly and immediately began a master's degree in history at the University of California Santa Cruz. While at UCSC, Shannon got a PhD in history, with a focus on history of technology. While studying in a program with a very heavy European and world history focus, Shannon discovered that there was an entire other side of history that was focused on technology, how technology changes the world, and how people interact with technology. Shannon then left California to take a fellowship at the Smithsonian Institute in Washington D.C., while writing his dissertation.

Following his experience at the Smithsonian Institute, Shannon took a position with Science Applications International Corporation, working as a defense contractor. After this position he transitioned to doing history research writing and consulting for a short period of time before being introduced to an opportunity at National Defense University, within the Industrial College of the Armed Forces, (now called the Eisenhower School for National Security and Resource Strategy). He taught at this institution for a span of fourteen years and credits his success within the role to his background in technology, history, and political science. After serving in several positions within the college and teaching for most of the time, Shannon came upon an opportunity in 2017 to become a Senior Lecturer at the Center for Homeland Defense and Security, where he is today.

Shannon cannot say if there is any one specific moment that he is most proud of in his career, but rather that he is proud of having had the honor of working with some very distinguished individuals. He is proud to have had the opportunity over the past fifteen to sixteen years, to interact and be a small part of the lives of people who have gone ahead and done amazing things in their careers, including military officers and those in the civil service. Shannon credits a lot of what he has learned to those whom he has worked with, and it is those interactions that mark as one of the best parts of his career. If he had to choose again, he would not change the trajectory of his career or the direction it has taken. Shannon went from teaching defense policy and international relations to something that's much more focused on homeland security and domestic policy in recent years.

Shannon's advice to current Cal Poly political science students:

Shannon contributes a lot of his success in his career to networking and would suggest going out of one's comfort zone to make connections, as making these connections and interactions sometimes opens a world of career opportunities that may have not been there beforehand. "To always focus on keeping an open mind, since you may be introduced to someone at an event or at a dinner or at a career fair who may make a reference to a job or an occupation you have never heard about before and that may interest you. And after that it's up to you to do some research, explore what that job or that career is. The tools that are available today to do career research, you can do a lot of upfront research on and see if it appeals to you. And if it does, follow up, and jump on it!"

CONTRIBUTOR BIO



ABBY AHLGRIM graduated from Cal Poly's Political Science program in December of 2018 with a focus on Critical Food Studies and a double minor in Environmental Studies and Gender, Race, Culture, Science and Technology Studies. During her years as an undergraduate, she was President of the Real Food Collaborative, a Cal Poly student community dedicated to advocating real, local, seasonal, ethically and sustainably sourced food for students in the Cal Poly community. Abby enjoys her dedication to a vegan diet and lifestyle and is a strong advocate for veganism as a social movement. Post-graduation, Abby is planning to be traveling in South America, visiting friends and exploring the beautiful world we live in.

By Barry Peelen

A Vegan Exploration of Social Movement Theory

Abby Ahlgrim

Abstract

This paper was written as a final project for POLS 419 Social Movements and Political Protests with Dr. Jean Williams in the Spring of 2018. This paper aims to explore veganism within the context of social movement theory, examine the ideological boundary found at the intersection of private action and movement participation, and look at the relationship between personal and collective identity and change. First, through defining Suzanne Stagenborg's Theories of Social Movements and Collective Action, this paper establishes veganism within the context of existent social movement theories such as collective behavior, resource mobilization, political process, synthetic approach, and new social movement theories. It then goes on to explore veganism within the frameworks of a lifestyle movement, the relationship between private action and movement participation, and the importance and implication of personal and social change. This paper then concludes with a synthesis of movement theories.

Introduction

Although veganism is often conceptualized as simply a trending lifestyle movement, many people would argue that it may be a part of a much larger social movement focused on the value alignment of consumer choice within social, political, and environmental infrastructures. With aspects of both a seemingly individualistic cultural movement and more overt politically-oriented collective action focused movements, veganism is challenging to contextualize within existent theoretical frameworks. As the Vegan Society website explains, "veganism is a way of living which seeks to exclude, as far as is possible and practicable, all forms of exploitation of,

and cruelty to, animals for food, clothing or any other purpose.”¹ Although veganism is applicable and relevant to a variety of consumer and lifestyle choices, it is perhaps most commonly and consistently conceptualized within the context of food.

While many people approach veganism with the goal of eradicating animal exploitation, other agendas may be grounded within desires for improved personal health, or a sense of obligation to explore and mitigate the environmentally negative impacts of consumer choices. Although some vegans do so for personal reasons, many approach veganism as a tactic in divesting consumer dollars by economically voting for a future food culture that ethically aligns with personal and collective value structures. Some vegans extend their participation and advocacy within the vegan community to include more politically-oriented direct action through protesting and marching, while others may consider their dollar vote and individual consumer choice as a form of activism in itself.

But is veganism really a social movement? There are certainly aspects of the vegan movement that function within the frameworks of traditional social movement theory. However, there are also components of the movement that might be better understood as an individualistic lifestyle movement. Veganism is often critiqued as being elitist—founded and upheld by narratives of superiority and exploitative structures such that it often functions within constraints of time and access disguised by perceived understandings of “choice.” Thus, the movement can be understood within a larger ideological framework of social movement theory. In this paper, I will explore veganism within the context of social movement theory, examine the ideological boundary found at the intersection of private action and movement participation, and look at the relationship between personal and collective identity and change.

Social Movement Theories

Social movements have functioned as cultural, political, and economic change agents for decades, and it is through the scholarly development of social movement theory that we have come to more closely understand, define, and analyze such movements. In her book, *Social Movements*, Staggenborg examines collective behavior, resource mobilization, political process, synthetic approach, and new social movement theories as a way

1 The Vegan Society, “Definition of Veganism,” (June 3, 2018).

of understanding and defining the parameters and functioning of social movements. These analytical frameworks can then be applied to a variety of different historical and contemporary movements within society.

Staggenborg explains collective behavior theory such that social movements exist outside of institutional structures and arise out of a cultural or structural breakdown or strain of some kind.² Such breakdowns lead to mobilization through the unification of participants based on shared collective experiences and beliefs. Such a framework emphasizes that movement participation is seen as an element of social behavior arising out of a shared experience within the breakdown. If applied to the vegan movement we might understand veganism as resulting from numerous incidences, or changing realities, related to dramatic ethical and environmental disparities. Such structural or social breakdowns might be understood as the precarious state and trajectory of climate change on this planet, the looming ecological implications of continued animal agriculture practices, and the immensely exploitative ramifications of factory farming on the lives of both non-human animals and certain social groups of disproportionately affected humans.³

Collective behavior theory would explain that veganism has perhaps arisen as a response to such disasters and resulted in the unification of participants through collective identity and behavioral decisions. Although many vegans choose veganism as a healthy and desirable privileged lifestyle choice, there are many who have found solidarity in the vegan identity through the sobering realization that consumer choices can have detrimental effects on larger social and environmental systems and structures. Perhaps many vegans find their identity through the intersection of several factors. However, if understood within this collective behavior theoretical framework we can look to the unified identity and collective behavior of vegans as a response to the severe environmental, ethical, and personal implications of animal consumption.

Resource mobilization theory, developed in the 1970s, emphasizes elite support and the necessity of outside resources, organizations, and opportunities in achieving collective action. This theory looks to understand what social network structures allow for the success of social movements

2 Suzanne Staggenborg, "Chapter 2: Theories of Social Movements and Collective Action, Social Movements," Ed. 2nd. New York Oxford University Press, (2015).

3 Carrie Packwood Freeman, "Framing Animal Rights in the "Go Veg" Campaigns of U.S. Animal Rights Organizations." *Society & Animal*, (2015).

and seeks to emphasize adaptive and normative behaviors as influential in unifying group actions. If applying this resource mobilization theory within the context of the vegan movement, we might look to explore the ways in which individual choices are made possible based on existing social structures of oppression and privilege that place limitations and/or liberations on certain social groups.⁴ For example, not only are vegan products more abundant in higher class socio-geographic urban areas and limited in rural lower class regions or food deserts, but vegan product advertisements are targeted at affluent communities and continue to rely on customers from higher status social groups.⁵

Additionally, there is an important racialized context to experiences within cultures of consumption and health foods such that affluent white communities leverage resources and influence towards advancing a vegan movement that has primarily functioned to cyclically benefit those within its own community. Although participants may be composed of different identities and backgrounds, resource mobilization theory enforces the idea that access, opportunity, and affluence are important if not imperative factors in the success of such a movement. Not only does this resources mobilization theory begin to explain how personal choice might be made possible, there are also other ways in which specific organizations and other relevant outside resources contribute to the opportunities made possible for participation in the veganism movement. These opportunities, of course, include access to vegan-inclusive products and infrastructures, but also include opportunities to mobilize participants in collective direct action work and activism used to enforce vegan agendas and demand cultural, political, and economic change.

Building on this idea of resource mobilization theory, Staggenborg introduces another similar approach known as political process theory. Political process theory highlights the interaction between social movement actors and the state by examining the role of political opportunities in the mobilization and outcomes of social movements.⁶ Although this theory may

4 C Devine, et. al., "Food choices in three ethnic groups: Interactions of ideals, identities, and roles," *Journal of Nutrition Education* (1999), 31(2):86-93.

5 A Alkon & J Agyeman, "Cultivating Food Justice: Race, Class, and Sustainability," MIT Press (2011).

6 Suzanne Staggenborg, "Chapter 2: Theories of Social Movements and Collective Action".

Social Movements, Ed. 2nd. New York Oxford University Press.

not be as clearly aligned with aspects of veganism specifically associated with the lifestyle, there are certainly education campaigns and political legislative avenues leveraged as tactics in pursuing vegan political agendas. Some examples of political process theory within veganism include the achievement of certain animal rights laws, legal parameters around environmental contamination and degradation mitigations, as well as certain consumer product regulations and package declaration requirements.

Another parallel theory detailed by Staggenborg is the synthetic approach theory, which views social movements as political entities aimed at creating social change.⁷ This lens provides an interesting opportunity to look at the framing of the vegan movement as not only a way to participate in economical methods for a sustainable and ethical future food culture, but also as a way to individually and collectively participate in changing the cultural meaning of consumption. This theory resembles and reinforces this idea of veganism as a cultural movement; although vegan agendas and tactics are somewhat diverse, there is an understanding that participation functions as a powerful means of uniting people working towards changing and redefining social and cultural contexts to consumption.

One of the contemporary theories detailed within Staggenborg's work is the new social movement theory explained as emerging out of a "post-industrial" or 'advanced capitalist' society" of intersectional movements.⁸ This theory claims that although movements may vary in structure, type of constitution, and ideology, they are all united by a concern for cultural and political issues and are reliant on structures of participation rather than centralized organizations.⁹ This new social movement theory emphasizes a focus on a broad range of values related to the quality of life, appealing to and encouraging diverse participation while working to construct collective identities through the unification of shared experiences.

Although this theory is easily applied to many of the more politically focused participatory action movements of the past fifty years, there are also clear ways that it can be applied to veganism. Just as this theory claims, the vegan movement varies in structure, constitution, and ideology, but participants remain united by concerns with cultural and political issues relevant to the consumption and use of animal products. Additionally, the

7 Ibid.

8 Ibid.

9 Ibid.

veganism movement is dependent on new methods of participation, rather than the power of centralized organizations. Although there are a number of theories with which to understand veganism, the new social movement theory certainly reflects veganism as a social movement relevant to larger collection action and social change.

Private Action and Movement Participation

Veganism as a social movement is multidimensional and involves a variety of participation tactics. However, most vegans are unified by similar and overlapping agendas. While some vegans participate solely through their individual actions, others may engage through more public and provocative methods. For instance, some vegans simply shift and redefine individual daily consumer habits, utilizing veganism as a personal divestment tactic from controversial and problematic consumer cultures. Others extend their personal participation to include small-scale education initiatives, joining or collaborating with vegan organizations to collaborate with both like-minded and differently positioned people. However, many vegans have more radical, politically-oriented agendas and choose to participate through direct action activism that includes the active participation in and organizing of protests, marches, and campaigns.¹⁰ Such direct-action tactics might also extend to include governmental and legislative approaches towards changing consumer industry limitations and liberations. There are clear distinctions between private action and movement participation. While the former maybe conceptualized as an individual lifestyle change, there are ways in which private or personal action is imperative to social movement tactics, and to the value alignment of participants in general.

Personal and Social Change

Social movements are all grounded within agendas focused on making cultural, political, and economic change. When looking at veganism, we can see that it often functions to advance personal change within a participant's individual life. While some people might assume that the change ends there, others might value veganism as a tangible method or even outcome of larger structural social changes. There is some literature specifically exploring the ways in which lifestyle movements can function as social networks leading to connections that make larger collective action possible. Todd

¹⁰ Op. cit., fn. 3.

Nicholas Fuist and his research team explore how “seemingly individualistic movements can generate cognitive maps and associational ties necessary for wider mobilization.”¹¹ It is clear that developing and strengthening social networks can be powerful in the mobilization of people and shifting movements from individual to collective action. Other researchers have come to similar understandings about the relationship between lifestyle and social movements. Researchers Haenfler, Johnson, and Jones discuss three defining aspects of lifestyle movements: they advance important “identity work” in which individuals strive to achieve lifestyles of personal integrity and authenticity, they function through diffuse structures rather than being more centrally organized, and they emphasize that individual choices operate as tactics in larger social change.¹² Veganism can certainly be understood as a lifestyle movement, but that does not necessarily exclude it from being considered a social movement.

Veganism is often focused on the individual or personal relationship to consumption, though the overarching agenda is often centered on larger cultural changes necessary to minimize impact. Vegan communities often grapple with the idea of impact, exploring and mitigating unnecessary harmful and exploitative consumer outcomes. While we can see that it takes collective mobilization to impose tangible structural changes, there is a necessary narrative within the vegan community that focuses on the importance of independent actions. Though many vegan narratives focus on the social and environmental impact of singular consumer decisions, and the assumed power in divesting our privileged choices, there are also cultural narratives around the impact of sharing, infiltrating, and teaching non-vegans in an effort to shift greater collective mindsets. Success within the vegan movement certainly manifests through personal successes in divesting personal choices from normative consumption habits, however, successes are also often measured by the ability to infiltrate ideological frameworks of others and to convince others to make such changes.

Although many of those narratives may be grounded within empirical evidence, a closer examination exposes the use of those narratives as both strategic framing tactics within the movement and reinforcements

11 Todd Nicholas Fuist, et al., “Lifestyle Movements as Social Networks: The Connections between Everyday Politics and Larger Collective Action in an Indian Feminist Movement,” *Sage Journals, Sociological Perspectives* (2018).

12 Ross Haenfler, et al., “Lifestyle Movements: Exploring the Intersection of Lifestyle and Social Movements,” *Social Movement Studies*. (2015).

of superiority. Some of these narratives include metrics around personal consumption habits, and the profound environmental or ethical impact of opting out of certain food choices. Examples of these narratives include information about water saved by not eating one hamburger, or that by shifting to a vegan diet people can save the rainforest. Though these narratives are perhaps grounded in “scientific research”, we can see the ways in which these kinds of views may lead to self-righteous attitudes within vegan communities. While vegan agendas may seem inclusive, there are certain structures of exclusion beyond just limitations to time and resources needed to acquire and prepare foods outside of normative food consumption habits. The social and cultural boundaries created within narratives of superiority also serve to “other” and exclude people who are unable to participate or conceptualize vegan agendas for a number of reasons. Agency over food choice is an immense privilege, unavailable to most people in the world, and placing obvious limitation on access to the vegan movement, but there are still ways in which narratives serve to frame movement agendas, and advance change.

Conclusion

While many people choose to eat a vegan diet for purposes of personal health and wellbeing, there are many who participate in veganism as a methodology for aligning their lifestyle with their value structures. Many vegans use veganism as at least part of their activism, as they feel an ethical obligation to divest from industries dependent on animal cruelty or to mitigate their reliance on environmentally degrading and exploitative industries.

Although veganism is often understood as a seemingly privileged individualistic lifestyle movement rather than functioning as a more politically-oriented collective action movement, there are ways in which the movement perhaps operates within both frameworks. Veganism is simultaneously a social movement and a lifestyle movement. There are aspects of individual identity, private action, and personal change characterized within the vegan lifestyle movement, that inform and influence collective identities, movement participation, and larger social change. Veganism can also be defined as a cultural movement, as participants seek to change the culture of consumption, through both individual and personal lifestyle choices, and more traditional direct-action social movement tactics. Veganism is a contemporary movement with variant but defined agendas

and multiple tactics. It is a movement of social, cultural and political change localized within both theories of lifestyle and social movement frameworks, and holding intersections of private individual action, collective participation, and social change.

CONTRIBUTOR BIO



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By Maure Gildea

Effects of the RHYA on LGBTQ Homeless Youth

Bailey Barton

Abstract

The United States government passed the Runaway and Homeless Youth Act (RHYA) in 1974. This piece of legislation provides federal funding for homeless youth programs, defines who is considered a homeless youth, and regulates what shelters and government agencies can do for youth who have run away from home or become homeless. This legislation, however, makes no mention of LGBT homeless youth, even though they are disproportionately represented in homeless youth populations. LGBT homeless youth often experience discrimination and abuse due to their unique identity, in addition to the other negative effects of homelessness on youth. Many are discriminated against or abused by police officers, foster care workers, and shelter staff, in addition to discrimination from other youth living in group homes. This paper examines the effects of the RHYA on LGBT youth specifically and the implications of a lack of research or specific legislation regarding this group. I examine the various ways in which this group can have fundamentally different experiences than non-LGBT homeless youth, none of which are considered in existing policy.

In the United States, LGBT homeless youth make up between twenty to forty percent of all homeless youth and experience unique stressors and struggles due to their sexual orientation and/or gender identity.¹ The Runaway and Homeless Youth Act, passed in 1974, does not go far enough to be inclusive to the LGBT community. LGBT youth are disproportionately represented in homeless youth populations, but are not mentioned at all in

¹ Brandon Andrew Robinson, "Child Welfare Systems and LGBTQ Youth Homelessness: Gender Segregation, Instability, and Intersectionality," *Child Welfare*, (March 2018).

the RHYA, the predominant piece of legislation regarding homeless youth. This paper ultimately argues that the RHYA is not inclusive of the LGBT community by investigating how the gaps in the legislation contribute to a lack of resources and greater difficulties for LGBT homeless youth.

Legislative Background

According to the RHYA, a homeless youth is defined as a person who is “not more than twenty-one years of age, for whom it is not possible to live in a safe environment with a relative and who have no other safe alternative living arrangement.”² The RHYA provides federal funding for homeless youth programs, which implement services intended to help youth positively develop: “safety and structure, belonging and membership, self-worth and social contribution, independence and control over one’s life, and closeness in interpersonal relationships.”³ The RHYA is broken into three major parts: grants for youth shelters, transitional housing for older homeless youth, and street outreach.

The bulk of the federal funding is allocated to shelter grants, which must go only to special designated youth shelters. These are both expensive to run and not well funded by the RHYA, and as a result there exists very few. This specific type of shelter has strict requirements laid out by the Federal Government, including “a maximum capacity of not more than twenty youth” and a maximum stay limit of twenty-one days for those under eighteen.⁴ The handful of these shelters that do exist are only in major cities, which leaves out the many homeless LGBT youth who are from rural or suburban areas.⁵ As such, these shelters often fail to provide the kind of protection for youth that they were intended to. For example, the main priority of youth shelters is to reunite runaways with their families, so typically, parents or guardians will be contacted and told the location of their child.⁶ However, because abuse is a major reason why youth run away, most children do not want to be reunited with their families or social services.⁷ The scarce amount of these shelters that do exist are often dangerous in the long

² US Department of Health and Human Services, Family and Youth Services Bureau, “Runaway and Homeless Youth Program Authorizing Legislation.”

³ Ibid.

⁴ Ibid.

⁵ Sean McCandless, “LGBT Homeless Youth and Policing,” Public Integrity, (November 2018).

⁶ Ibid.

⁷ Ibid.

run and are therefore avoided by youth.

A much better alternative for homeless youth is transitional housing, which aims to create greater stability for youth. Transitional housing is intended for youth ages sixteen to twenty-one, however only those eighteen or older often can utilize these services due to state laws regarding who can legally rent housing.⁸ This type of housing is an alternative to other options and allows homeless youth to live independently with help from the state. Transitional housing is a good option for youth as it allows them to get out of an abusive home situation without having to stay in a shelter and move around frequently. The stability it brings makes it a good option for homeless youth, but because they are funded even less than shelter grants, there are very few beds available in transitional housing.

The final part of the RHYA is the Sexual Abuse Prevention Program, commonly known as street outreach. The intention of street outreach is to give grants to nonprofit private agencies for the purpose of “providing street-based services to runaway and street youth who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, sexual exploitation, severe forms of trafficking in persons.”⁹ Many homeless youths eventually turn to sex work in the form of prostitution or pornography in exchange for money or critical supplies like food.¹⁰ It is apparent that the RHYA is incredibly problematic for youth because it lacks sufficient funding and programs. With this legislative background in mind, it is now possible to further examine the impact of the RHYA in the context of LGBT homeless youth.

Problems with RHYA

Interactions with Police

There are a variety of reasons why homeless youth have frequent interactions with law enforcement. For example, youth typically attempt to blend in and hide their homelessness to avoid being sent home to an abusive environment by police.¹¹ Youth will often choose to sleep on the street in order to avoid being forced to stay in shelters where they will be sent back

8 op. cit., fn. 2.

9 Ibid.

10 op. cit., fn. 5.

11 Ensign, “Health and Human Rights of Homeless Youth,” *Homelessness in America*, (2008).

to an abusive situation and may be abused further.¹² However, youth can still get in trouble with the police for a variety of reasons, such as anti-homeless laws in cities regarding sleeping on the street, parking cars in public places, or staying in homeless camps.¹³ Additionally, many homeless youth cannot obtain a traditional job due to a lack of education, legal identification card, or access to transportation and other key resources. This forces many to get involved in illegal ways of earning money, such as “stealing, selling drugs, and engaging in sex work,” which in turn, leads to more run-ins with law enforcement.¹⁴ Once a crime, such as selling drugs, is on a youth’s permanent legal record, it becomes much more difficult for them to attain a legal job or permanent housing later in life. This can lead to a cycle of youth committing crimes to survive, getting in trouble with the law, not being able to get a legal, stable job or housing, and then continuing to rely on illegal methods of earning money to support themselves financially. While the RHYA does fund its street outreach program that attempts to help youth avoid sex work, it does not have any similar programs to help youth avoid resorting to other kinds of crimes in order to survive. Implementing similar programs to the street outreach program could help to reduce the number of youth committing crimes in order to obtain essential resources.

While these experiences are common across all homeless youth, LGBT youth are more likely to face harassment at the hands of law enforcement officers due to homophobia and transphobia because their gender expression or partner can make them more visible. Police officers who are homophobic can present a danger to homeless LGBT youth. Researcher Sean McCandless conducted a study on a group of formerly homeless LGBT youth (now adults). The group consisted of two lesbians, one transgender female, and three gay men, and all six reported both “fear of and harassment from police” while they were homeless youths.¹⁵ One man in the study reported that while he was living on the street, a police officer saw him holding hands with his boyfriend in public and reportedly “looked like he wanted to puke.”¹⁶ Another example from the study included a transgender woman who was living in her car and was pulled over for speeding. The police officer that

12 Alex Abramovich, “Preventing, Reducing, and Ending LGBTQ2S Youth Homelessness: The Need for Targeted Strategies,” *Social Inclusion*, (2016).

13 *op. cit.*, fn. 5.

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

pulled her over reportedly laughed at her and “mocked her” after the sex listed on her driver’s license did not match her appearance.¹⁷ It is clear that police officers are often biased against LGBT homeless youth. This is harmful because of the psychological impacts of being discriminated against that LGBT youth face, and because it also encourages more officers to ignore the needs of youth who may need help.

Additionally, the RHYA does not address police interactions with LGBT homeless youth. Police officers also interviewed in McCandless’ study described difficulty in dealing with LGBT homeless youth. Several officers described a need for new laws and police department policies that explicitly address the unique concerns of LGBT homeless youth. For instance, if youth are caught committing a crime on the streets, they not only have to face the legal system but also the threat of returning home to an abusive home environment. As one woman in the study reported, “my mom beat me when she found out I liked girls” and she continued to be abused after being sent home by police.¹⁸ After that, she began living in her car because she felt she was better off there than going home and risking being “killed” by her abusive mother.¹⁹ The RHYA makes no mention of these situations that youth are forced into. The only policy currently is to send youth home who are caught living on the streets, no matter what kind of situation that means returning to.

Finally, many departments simply don’t sufficiently train officers on how to handle these kinds of situations. For example, one officer in McCandless’ study described “difficulty changing department cultures,” explaining that, “some officers just don’t know the proper way to talk to someone who’s gay or transgender” and that can lead to negative, discriminatory interactions with youth.²⁰ These youth then will grow up to be distrustful of the police and state institutions in general. If the RHYA were to implement required training for police officers who interact with homeless LGBT youth, it could help youth have fewer negative interactions with police and potentially be more trusting and cooperative with law enforcement officials. Researcher Sean McCandless suggests several changes to existing law, such as “reduced criminal penalties for LGBT homeless youth engaging

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

in crimes used to survive or that occur as part of victimhood.”²¹ New laws could help youth get back on their feet after an arrest so they can move forward without the burden of a criminal record holding them back from housing or employment opportunities.

Transgender Youth Experiences

Transgender youth in particular face discrimination at shelters in various ways. Many shelters ask a series of questions via forms and interviews to determine who gets to stay in the shelter. Things as simple as the wording on these intake forms at shelters can be problematic, as these forms typically only offer options to check male or female, and do not offer any specific area to disclose information regarding gender identity.²² One individual interviewed as part of a study of transgender youth described that they attempted to explain to shelter workers that they needed subway passes to get to their doctors’ appointments for hormone replacement therapy, their requests were ignored.²³ The RHYA makes no mention of transgender homeless youth or their unique mental and physical health needs. Something as simple as requiring youth shelters to offer a third option or box to disclose information regarding gender identity could go a long way to helping transgender youth feel more respected and understood in shelters.

Additionally, transgender youth specifically can have higher rates of discrimination and violence compared to other homeless LGB youth.²⁴ Transgender homeless youth are often especially unsafe at shelters which require them to be assigned to beds according to their sex assigned at birth and not their gender identity. These kinds of insensitive shelter policies can put youth at increased risk of discrimination, abuse, and rape. Sex-segregated bathrooms, locker rooms, and dressing areas within these facilities are also inappropriate and often dangerous for transgender youth.²⁵ The RHYA does not consider the safety of transgender homeless youth and the dangers they often face when staying in youth shelters. Rules that would force shelters to allow youth to utilize facilities matching their gender identity could help make trans youth much safer.

21 Ibid.

22 op. cit., fn. 12.

23 Ibid.

24 Ibid.

25 Ibid.

Health Concerns

Access to safe and affordable medical and mental health care is extremely difficult for homeless youth to attain. This is due in part to their age: those under eighteen years of age cannot legally consent to medical care without the permission of their parent or legal guardian. Many youths are either uninsured or underinsured and thus do not have access to health care services, as they cannot afford to pay for them out of pocket.²⁶ Even those able to access care may have trouble contacting and scheduling appointments with doctors, due to how the hours during which doctors operate often conflict with school or work.²⁷ Finally, youth are often afraid of their parents or guardians being contacted regarding their condition, since youth under eighteen cannot revoke their parents right to view their medical records.²⁸ This leaves youth in a position where they must decide between receiving treatment, if they have access to it at all, or retaining their anonymity in order to avoid suffering abuse from their family. This is a common problem across all homeless youth, not just LGBT youth specifically. However, LGBT youth are particularly disadvantaged because of the discrimination and bias they can experience in the medical field.

Additionally, in comparison to the general homeless youth population, LGBT homeless youth have distinct and unique health concerns, which the RHYA makes no effort to address. For example, mental health care is critically important for this subgroup specifically, even compared to other homeless youth. While the experience of being homeless at a young age is incredibly stressful, it becomes even more problematic when it is caused by something fundamental to the person, such as sexual orientation or gender identification. Youth often feel guilt and shame regarding their sexuality because it is often the cause of much of their troubles. One study estimated that the LGBT youth population (age group ten to twenty-four) is two-point-five to three times more likely to suffer from a mental health condition such as major depression or generalized anxiety disorder, and four times more likely to attempt suicide than their heterosexual peers.²⁹ Youth are discriminated against and often kicked out of their homes because of

26 *op. cit.*, fn. 11.

27 *Ibid.*

28 *Ibid.*

29 Stephanie Dolamore and Lorenda A. Naylor, "Providing Solutions to LGBT Homeless Youth: Lessons from Baltimore's Youth Empowered Society," *Public Integrity*, (November 2018).

their sexuality, and the effect of these traumatic events on their developing emotional and cognitive processes is often detrimental to their mental health. For instance, researchers found that LGBT youth had “worse health outcomes than their heterosexual counterparts in almost every category,” which they theorized was due to “ostracism, discrimination, and stigma.”³⁰ The RHYA does not address the unique mental health concerns that LGBT homeless youth face. The addition of programs that would provide free counseling to youth could significantly improve mental health outcomes of youth.

The RHYA fails to address the unique physical and mental health concerns of LGBT homeless youth, which can make them more likely to take matters into their own hands. For example, on the streets transgender youth are often able to purchase hormones, silicone injections, and other medical procedures through the underground market which allow youth to “align their bodies to their gender identities.”³¹ Additionally, many youths who have yet to complete proper sexual education through school or other resources may be uninformed on how to avoid pregnancy, STI’s/STD’s, and be knowledgeable about the warning signs of abusive relationships. This lack of education can lead to greater sexual health problems for youth. Additionally, youth who are lesbian-identified and experiencing homelessness have “higher rates of unprotected sex than lesbians who were housed.”³² Even youth who are old enough and fortunate enough to have completed sexual education through a public high school are often not exposed to LGBT-specific sex ed. Adding additional sex education programs to the street outreach component of the RHYA could go a long way to preventing serious and negative health outcomes for youth. Furthermore, the addition of programs that provide free or extremely low cost physical and mental health services, such as clinics, could significantly improve the health and wellbeing of homeless LGBT youth.

Conclusion

The Runaway and Homeless Youth Act fails to address LGBT homeless youth and as such, the gaps in this law harm the mental and physical health

30 Ibid.

31 *op. cit.*, fn. 12.

32 Nicholas Forge, et al., “Out of the System and onto the Streets: LGBTQ-Identified Youth Experiencing Homelessness with Past Child Welfare System Involvement,” *Child Welfare*, (March 2018).

of these youth. LGBT homeless youth experience discrimination and abuse in addition to the other negative effects of homelessness on youth, due to their unique identity. This group can have fundamentally different experiences than non-LGBT homeless youth due to the socially-ingrained perceptions that being LGBT is somehow fundamentally bad, which is not considered in existing policy. Many are discriminated against or abused by police officers and shelter workers. The gaps in the RHYA need to be filled to include the unique concerns and needs of LGBT homeless youth. This could help to prevent unnecessary discriminatory encounters with police, violence in shelters, having to commit crimes in order to survive, and other negative consequences of homelessness. Without any future changes, the kinds of bias and discrimination evidenced in this paper will simply continue. By updating the RHYA to consider the needs of LGBT homeless youth, the federal government could better the lives of hundreds of thousands of youth who are struggling across the country.



ANA VICTORIA FORTES is a Civil Rights Analyst at the US Commission on Civil Rights. She graduated from Cal Poly in 2012 with a master's degree in Public Policy.

Alumni Spotlight: Ana Victoria Fortes

By Camden Belliveau

Many people aspire to advocate for the causes they consider important in a professional capacity. Ana Victoria Fortes has made that dream a reality. As a graduate from Cal Poly in 2012, with a Master's in Public Policy emphasizing social welfare policies and entitlements, Ana Victoria put herself in a position to represent the interests of those who are often neglected or unrepresented. As a Civil Rights Analyst at the US Commission on Civil Rights, she has acted on that that dream. Hands on experience influenced her decision to choose political science prior to grad school.

“While teaching English for 6 months at a Thai non-profit in Nong Khai a year before applying for graduate school, I observed the importance of public policy and its impact on every day people. Isara, which unfortunately went under a few years ago, was focused on providing English language classes to the community while also engaging in various community initiatives like their public safety helmet campaigns and conservation and recycling efforts. I witnessed collaboration among local officials and Isara to promote the helmet campaign specifically to promote public safety among families in our neighborhood which bordered one of the busiest streets. I was fascinated by the democratic process being used in local communities to enact laws and wanted to learn more about this process through a formal education and hopefully find my way into a profession that has a similar component.”

During her time at Cal Poly, Ana Vi credits “Jean Williams because she oversaw my thesis which focused on examining the effectiveness of federal Temporary Assistance for Needy Families program. I appreciated that she was/is a faculty member because there were so few professors who focused on social welfare policies. The Politics of Poverty class was incredibly substantive, and I will forever remember her for that course.” She also credits Michael Latner for reigniting her enjoyment of statistics, and Elizabeth Lowham for helping navigate through a difficult graduate program.

Ana Vi is passionate about civil rights and wanted to work to better civil rights at an agency that is “not subject to the political changes that other federal agencies experience;” working as Civil Rights Analyst at the US Commission on Civil Rights actualizes that desire. Her work consists of “documenting civil rights issues and developing recommendations for addressing them. The US Commission on Civil Rights conducts research on various civil rights issues across the US and communicates these recommendations to the President, Congress, and various federal enforcement agencies.”

Her advice to Political Science students is to network in the fields you are interested in and pick the brain of professionals who are more experienced than you. Also, take a contract negotiation class so you know your worth! Lastly, she strongly encourages women, and women of color specifically to use their unique experiences as leverage in the workplace. She has found that being honest about unique experiences, especially in homogeneous environments, can truly influence decision-making in the workplace and in school, and be a catalyst for change.

Her hobbies include being politically active and engaging in local campaigns, reading, lifting at the gym, spending quality time with her partner, friends, family, and her 13-year-old half Shiba Inu- half Shih Tzu Biggie Smalls, and lastly making time for international and domestic travel.

CONTRIBUTOR BIO



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By Ethan Gunnlaugsson

Nature vs. History: The Fight for National Park Designation

Kieran Althus

Abstract

National Parks are a pinnacle of the United States recreation scene. Providing the U.S. with over 52.2 million acres protected for the use of the public and for conservation and scientific research. National Parks are not the only entity in the National Park System that provides protections for land deemed valuable by Congress. There are National Monuments and National Historic Landmarks that are tasked with maintaining historic or natural areas for the sake of education and science. Within these three types of Park, there are to implicit types of locations someone can visit: one protected for its natural scenic/ scientific interest, and the other protected for its historic significance. This paper delves into the distinction between these two types of Parks, all of which are dubbed “National Park” for the sake of this paper. This paper explores the differences and similarities between the two, and whether or not there is a discrepancy as to which type of park is more attractive to California legislators when deliberating between park-types. This paper suggests that nature-based Parks are more attractive to legislators and therefore more likely to occur in California.

Introduction

Americans grow up with stories of the grandeur of National Parks. Yosemite, Yellowstone, and Grand Canyon all come immediately to mind when thinking about our great parks. Yosemite was the park that created the framework for the whole National Park System (NPS) after *Hutchings v. Low* solidified its status as protected land.¹ However, it wasn't until several years later that the first real National Park, Yellowstone, was created.

¹ Alfred Runte, “The California National Parks centennial: Introduction to the Special Issue,” *California History*, Vol. 69, no. 2 (Summer, 1990): 69-91.

Now, the NPS manages 7.6 million acres of land out of 100 million acres in California.² These lands are divided into National Parks, Monuments, Historic Landmarks, and many more designations.

The three types of designation explored throughout this paper are: National Parks, National Monuments, and National Historic Landmarks (NHL's). National Parks are usually large, remote stretches of wilderness scattered throughout the country that serve to highlight and protect beautiful and scenic locations. These parks are designated through the Legislature--presented as a Bill just like any other piece of legislation. National Monuments are typically smaller locales that either emphasize a set of buildings or property, or a natural location with scientific or historical value. These sites are designated through Executive orders from the President. Finally, there are NHL's, which highlight buildings or smaller locations throughout the country. These are designated by the Department of the Interior and do not require congressional approval. The designation system of these sites, however, is lacking and inconsistent. After examining all current National Parks, National Monuments and NHL's in California, I contend that there are only two criteria that should determine the designation of a park: historical/ cultural reasons and natural/scientific reasons.

To explore this point, I will look at four sites in California that represent the various types of parks and justify the two reasons for designation. I will explore Yosemite National Park, Devils Postpile National Monument, Cesar E. Chávez National Monument and Manzanar National Historic Landmark. Literature regarding the establishment of National Parks hasn't changed much in recent years, especially literature regarding California's parks. There is a myriad of literature on Yosemite, Redwood, Sequoia and Yellowstone, as those are some of the "crown jewels" of the park system. However, general literature exploring the establishment and history of parks and monuments is lacking.

This paper will first go into detail about the different protected sites (ie. National Park, Monument, etc.). Then, I will discuss the current legal criteria for the types of designations, the general economic effect of the different designations and finally criticism of the process and consequences of a park. After, the case studies will be explored in detail, highlighting their political process, economic effects and their respective criticism. Finally, I will

² Vincent and Laura Hanson and Carla Argueta "Federal Land Ownership: Overview and Data," (Congressional Research Service, March 3, 2017).

discuss the implications of the research, and what this could mean for the future of the National Park System.

Key Words & Definitions

Before I proceed, it is important that the two factors that warrant designation are defined; historic-based site and nature-based site. It is important for me to make this distinction because simply relying on the given designation of the protected site is unreliable. There tends to be a lot of overlap in the kinds of sites that are designated under a single Unit type.

A nature-based site is a sufficient designation for those parks which hold scenic, natural and/or scientific value. All National Parks are designated because of their scenic or recreational value. However, almost half of National Monuments are designated because they hold scientific or natural value. These sites include fossil beds, interesting geological formations, coral reefs and some natural sites that belong or belonged to Native American tribes, and lack any physical structure or artifacts. Historic-based sites are ones that hold cultural or historical value. If the site is located in a natural or scenic area but holds historic or cultural significance outside of the natural environment, then I designated it as a historic site. I made this decision because the primary purpose for its protected status is their historic or cultural significance. These mostly contain archeological ruins, buildings, old military forts, homes of past presidents and other nationally important sites.

Protected sites are specifically sites that the National Park Service designated and maintains. There are a number of monuments, historic sites, national historic trails and recreation sites that are managed by agencies other than the NPS, such as the Bureau of Land Management, Fish and Wildlife Service and the U.S. Forest Service. For the sake of this paper, I will be focusing on sites that have been designated and are managed or co-managed by the National Park Service.

Types of Protected Sites

The National Park System is an expansive program. Many types of designations aren't specific to whether the park focuses on nature or history/culture. There are over twenty different types of protected sites, without any formal definitions ever having been established.³ The designation of

³ Carol Vincent, "National Park System: Establishing New Units," (Congressional Research Service, 2013).

“National Park” applies to sixty parks throughout the United States. Of these sixty parks, three are heralded as “crown jewel[s]” of the United States, including the Grand Canyon, Yosemite and Yellowstone.⁴ All sixty of these parks are scenic or are valued because of their natural splendor and outdoor recreation. In California, there are nine National Parks including: Joshua Tree, Channel Islands, Kings Canyon, Sequoia, Lassen Volcanic, Pinnacles, Redwood, Yosemite and Death Valley.

National Parks are created by legislators that consider the best use for a proposed resource.⁵ National Parks must be approved by Congress, and Congress typically explains and justifies the park’s purpose, size, directions for land acquisition and, most importantly, how to allocate funds.⁶ However, the National Park Service (NPS) must first prove to Congress that the site of the proposed park meets several criteria: it is nationally significant, it constitutes one of the most important or sole examples of a resource, and its incorporation into the Park System is feasible.⁷ These Bills are under the jurisdiction of several Congressional Committees, including the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources. The Department of the Interior and the NPS are always evaluating new sites to be reviewed for National Park designation, and the Secretary of the Interior submits a yearly report to Congress, in which the Secretary recommends areas for inclusion.⁸

National Monuments are similar to National Parks. However, they are designated differently than National Parks. There are currently eighty-seven National Monuments in the United States, six of which are in California. National Monuments are designated via an Executive Order through The Antiquities Act of 1906. The Antiquities Act allows a president to create monuments on federally owned or controlled land that contains “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,” as long as the monument is confined to the smallest area possible for the upkeep of the site.⁹ The Antiquities Act was originally

4 Betty Martin, “America’s Three ‘Crown Jewel’ National Parks.” *Los Angeles Times* (May 16, 1993).

5 Tiffany Espinosa. Et al., “The Politics of U.S. National Park Unit Creation: The Influence of Electoral Competition, Political Control, and Presidential Election Years,” *Journal of Park and Recreation Administration*, Vol. 35, no. 3 (Fall, 2017): 112-121.

6 *op. cit.*, fn. 1.

7 *Ibid.*

8 *Ibid.*

9 National Monuments - 54 U.S.C. §320301 (a).

established to protect archeological ruins in the Southwest, and gave the president unchecked power to do so.¹⁰

In theory, the National Monument program wants to protect historic and cultural sites in the United States, similar to the National Historic Landmark program.¹¹ However, many of the National Monuments in the country are not history-focused at all. National Monuments were historically used by the President to hold or protect a natural or scenic site in order to give the NPS and Congress time to designate it as a National Park.¹² For example, Bryce Canyon and Carlsbad Cave were both originally National Monuments, and were then “upgraded” to National Parks.¹³ The designation of National Parks is inherently unorganized due to the lack of specificity in their designations.

National Historic Landmarks are the final National Park Unit that I will be analyzing in this paper. The Historic Sites Act of 1935 established the powers for the Department of the Interior to name National Historic Landmarks.¹⁴ The Historic Sites Act allows the U.S. to acquire property using eminent domain.¹⁵ However, this doesn’t mean that all NHL’s are acquired through eminent domain. According to a report by the Department of the Interior to Congress in 2001, about half of all NHL’s are privately owned.¹⁶ The process for designating these Landmarks is more difficult than other historic properties. The agency needs to, “to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark.”¹⁷

There are 2,596 NHL’s in the U.S., with 145 in California. Some of these sites are located in places of nature, but their designation is based around its historical context, so they are all counted as history-based sites. Thus, broadly speaking, nature-based sites refer to all National Parks and some National Monuments, and history-based sites refer to some National

10 Hal Rothman, “Second-Class Sites: National Monuments and the Growth of the National Park System,” *Environmental Review*, Vol. 10, no. 1 (Spring, 1986): 44-56.

11 National Historic Landmarks Program- 16 U.S.C. §470H-2(J). 36 C.F.R. §800.10(A.).

12 *Ibid.*

13 *Ibid.*

14 Kristina Alexander, “A Section 106 Review Under the National Historic Preservation Act (NHPA): How It Works,” (Congressional Research Service, 2012).

15 *Ibid.*

16 U.S. Dept. of the Interior. National Park Service. 2000. National Historic Landmarks at the Millennium: A Report to Congress and the American People.

17 *op. ct.*, fn. 11.

Monuments and all National Historic Landmarks. Next, I will be analyzing the designation of history and nature-based parks based on the legal process of creating them and the economic impact they have on their surrounding communities.

Designation of Protected Sites

I will analyze the designation of National Parks, National Monuments and National Historic Landmarks in California based on the political or legal process of creating them, the economic impact they are expected to make, and the type of criticism they receive during the designation process.

The Legal Criteria

There are three criteria to establish a National Park: National significance, Feasibility, and Suitability.¹⁸ A number of considerations arise when thinking about the different criteria for parks. True for all nature-based parks, showing a site has national significance is paramount to its success in the designation process. Of the known 143 proposed National Parks, we have data on ninety-five proposals, and of those, forty-four were rejected because they lacked significance to the nation as a whole.¹⁹ This first step is important for preventing special interests from exploiting the land. The second criterion is feasibility, which is measured by scope and public feedback. If the land is too large, and the project faces intense local opposition, it is not feasible.²⁰ Part of the reason why California has such high numbers of nature-based sites is due to its public support for environmental protection. The final criterion, suitability, “includes the ecological or historical integrity of the proposed site, its accessibility, and whether it was or could be protected by another organization.”²¹ Fundamentally, California’s numerous National Parks are a product of the state’s geography. As one of the last states to be settled, there was plenty of untouched land to protect. Further, California boasts around 5,000 species of native plants and the most diverse climate and terrain within the forty-eight contiguous states.²² This allows for many different choices regarding the natural zones to encompass, furthering the

18 Lary Dilsaver, “Not of National Significance: Failed National Park Proposals in California,” *California History*, Vol. 85, no. 2 (2008): 4-23.

19 Ibid.

20 op. cit., fn. 16.

21 Ibid.

22 Flora and fauna – California.” *City-data.com*. (2017).

goal of the third criterion, which is to distinguish ecological integrity. The final criterion is whether or not the land could be protected by another organization. Thinking about the purpose of a nature-based park in California, the NPS's mission to protect, educate and promote the use of those natural parks is exactly what Californians want.

The criteria Historic parks need to meet bears some difference to that of nature-based parks. Historic parks still must maintain some level of national significance.²³ Similar to nature-based parks, there is some overlap in the type of designation a historic park receives. The two that I will cover are National Monuments, as mentioned before, and National Historic Landmarks. To recap, the Antiquities Act was created as a way to protect archeological ruins and other places of historic significance. National Historic Landmarks, however, are enumerated through the National Historic Preservation Act, which helped define standards for landmark eligibility.²⁴

The main criteria for designation as a Landmark is being considered a place of cultural significance. These culturally significant places exclude anywhere that has gained significance within the past 50 years.²⁵ This rule came about because in the 1930s, the NPS was flooded with requests for Landmark designation and protections.²⁶ The other reason is because history is inherently controversial. The most controversial aspects of history are the parts that we can remember and those that are closest to us; therefore, those sites are intentionally omitted from the Historic Landmark program. Throughout the country, there are a variety of other kinds of landmark types, and all are arranged by themes that are determined by the NPS. The National Monument and the National Historic Landmark program share a similar designation process, in that they're designated unilaterally by the President of the United States and the Secretary of the Interior respectively.

The objective criteria stated by law is: 1. The area is associated with events that are significant and represent the patterns of U.S. history, 2. The area is associated with the lives of people nationally significant in history, 3. The areas represents some American ideals, 4. The area embodies

23 Ibid.

24 Samuel Otterstorm and James Davis, "The Uneven Landscape of California's Historical Landmarks," *Geographical Review*, Vol. 106, no. 1 (October, 6, 2015): 28-53.

25 John Sprinkle, "'Of Exceptional Importance': The Origins of the 'Fifty-Year Rule' in Historic Preservation." *The Public Historian*, Vol. 29, no. 2 (Spring 2007): 871-103.

26 Ibid.

characteristics of an architectural specimen that is exceptional, 5. The area is made up of parts not significant individually but collectively create an entity of historical or artistic value, and 6. The area yields or may yield information of scientific value about cultures, or uncover new information about U.S. History.²⁷ The first, fourth and sixth criteria are consistent with designating a National Monument, in that the area should be significant to the country, be architecturally significant, and/or yield new information of use for the United States. The biggest difference between the two designations is that the NHL program is inherently people-centric. While Monuments highlight general spaces, NHL programs highlight the accomplishments of individual people.

My proposed method of designation is much simpler. The first question the National Park Service should ask themselves is: What are we trying to protect or accomplish with the establishment of this park? If the answer is nature, scenery, or some scientific resource, then the park would be designed as a nature-based park. Alternatively, if the answer is a historical building, culturally significant landmark or ruin, then the park would be designated as a history-based park. The current criteria that is laid out for establishing National Parks is effective for creating nature-based parks as a whole. Only parks that are nationally significant, suitable and feasible should become nature-based parks. For history-based parks, it is not only important to have national significance, but important to tailor the park as narrowly as possible. The park should be as small as possible, and not much larger than the site that it is attempting to protect. This is to ensure that the least amount of other buildings, if the site is in a city, are affected in the process.

Economic Effects

Large, nature-based parks are highly sought after for their economic value as well. Economic interests based in or around natural National Monuments is scanty, mostly because visitation is lower and the parks themselves are smaller than large National Parks. In other regards, large natural parks represent varying economical costs and benefits.²⁸ I say “large” because all nature-based parks in California are significantly larger than any history-based park, and it is important to distinguish between the two. Therefore, nature-based parks are more profitable than the alternative kinds of parks. Senators and Representatives understand that nature-based

²⁷ 36 CFR § 65.4.

²⁸ *op. cit.*, fn. 3.

parks, but more specifically, National Parks, are economically stimulating and help create growth within their districts, so they push to create parks for their districts.²⁹ This practice has died down since the end of WWII, mostly because the “crown jewel” parks had already been created.³⁰ Thus, the development of large-scale nature-based parks has slowed, but it has not stymied the growth of small natural preserves, such as those represented in the National Monument program.

It is interesting to note the disparity between the funding for the National Park System, and just how economically important the system can be for surrounding communities. Communities that surround National Parks and nature-based parks are called “gateway communities,” a title worn like a badge of honor.³¹ Pinnacles National Park, the newest Park in California, is surrounded by the small agricultural towns of Soledad and King’s City. Soledad has proudly branded itself as the “Gateway to the Pinnacles,” while King’s City has branded itself as “Entrance to West & East Pinnacles.”³² This trend reflects the ideas that there is a symbiotic relationship between gateway communities and nature-based parks. Large nature-based parks are economically stimulating for their surrounding communities, and, in turn this leads to an increase in tourism to the parks themselves.³³ The NPS estimates that gateway communities generated \$18.4 billion from tourist spending in 2016 alone.³⁴

Many people believe historic parks to be a waste of space and money for the national government.³⁵ However, historic-based sites come with their own challenges. Nature-based parks are generally more removed and out-of-the-way, whereas we interact with historic sites every day because they are often located within our cities and streets. There have been many

29 Ibid.

30 Ibid.

31 Richard Ansson., “Our National Parks—Overcrowded, Underfunded, and Besieged with a Myriad of Vexing Problems: How Can We Best Fund our Imperiled National Park System?” *Journal of Land Use & Environmental Law*, Vol. 14, no. 1 (Fall, 1998): 1

32 Lee Romney, “Soledad re-brands itself as the ‘Gateway to the Pinnacles,’” *Los Angeles Times* (February 16, 2013); Felix Cortez, “New Pinnacles sign goes up in King City,” *KSBW8* (December 19, 2014).

33 *op. cit.*, fn. 31

34 Catherine Thomas and Lynne Koontz, “2016 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States and the Nations,” (Natural Resource Report, U.S. Department of the Interior, 2017).

35 *op. cit.*, fn. 3

efforts to encourage historic preservation through economic means, for example, the Economic Recovery Act of 1981 that created tax deductions for rehabilitation.³⁶ The idea behind the Act wasn't geared toward preserving history; it was meant to preserve the integrity of neighborhoods. In spite of that, it evolved to pertain to historical buildings. Even without federal intervention, historic preservation of land became increasingly popular at the federal, state and city levels. In fact, most landmark preservation occurs on the local, city level.³⁷ This is because preservation is controversial, and because there are probably more sites that are important to the local history than national history in a given town. In a small, low-density city or town, such as San Luis Obispo, California, designation as a historic-based site might be welcome by an owner.³⁸ While in big cities where landowners are pressed to utilize every square foot, building owners tend to prevent historical preservation of their buildings.³⁹ In fact, the early development of parks was directly linked to their perceived economic benefits. Barry Mackintosh, a National Parks historian in Washington D.C., wrote that the first Directors of the National Park Service, "Mather and Albright blurred the distinction between utilitarian conservation and preservation by emphasizing the economic potential of parks as tourist meccas."⁴⁰

Criticism

Common criticism of nature-based parks is that they're an inefficient use of natural resources.⁴¹ Hetch Hetchy Valley, located in the Northernmost part of Yosemite immediately comes to mind when deliberating this claim, as Hetch Hetchy was dammed in 1923, flooding the entire valley. However, designation provides similar benefits to surrounding communities as exploitation does, in theory making jobs available to locals in surrounding communities in much the same way. Additionally, the expense of National Parks is well worth it. The NPS usually receives and requests somewhere

36 Glenn Gerstell, "Needed: A Landmark Decision: Takings, Landmark Preservation, and Social Cost," *The Urban Lawyer*, Vol. 8, No. 2 (Spring, 1976): 213-278.

37 Felipe Núñez and Eric Sidman, "California's Statutory Exemption for Religious Properties from Landmark Ordinances: A Constitutional and Policy Analysis," *Journal of Law and Religion*, Vol. 12, No. 1 (1995-1996): 271-322.

38 *op. cit.*, fn. 36

39 *Ibid.*

40 Barry Mackintosh and Dept. of the Interior. Washington, DC. National Park Service. "The National Parks: Shaping the System," January 1, 1985.

41 *op. cit.*, fn. 3

between \$2 billion and \$3 billion, which is a fraction of how much those large natural parks help surrounding communities. That is an even smaller fraction of how much National Parks are estimated to be worth, which is a whopping \$92 billion.⁴²

There is additional criticism in the simple practice of adding parks to the system at all, with people saying that the system is “mature,” and that the NPS should focus its attention on preserving the nature it has.⁴³ In conjunction with that, it may be time for the natural side of the park system to slow, letting historic sites, which were historically seen as second-tier, to flourish.

Available literature had a more critical response towards historic preservation. A common criticism is that all historic districts are designated unilaterally, circumventing all democratic checks. The President has authority to designate Monuments and the Secretary of the Interior has the power to designate NHL’s. In regards to the President, the designation of Monuments as historic sites can be seen as political in nature, used to prevent other interests from getting ahold of an otherwise unimportant site.⁴⁴ The major concern with historic sites is the lack of opportunity for the community to participate in the designation process.⁴⁵

Additionally, historic-sites are created to present history as it is, and sometimes history is remembered alternatively to how it actually occurred. So, collective memory can shape the history that is presented, which is detrimental to the primary purpose of the sites.⁴⁶ Another issue is the lack of representation in historical sites. Culture and heritage sites tends to highlight famous, wealthy and politically powerful people, oftentimes neglecting minorities and women.⁴⁷

42 Bourree Lam, “How Much Are America’s National Parks Worth?” *The Atlantic*, (July 19, 2016).

43 *op. cit.*, fn. 1.

44 Hope Babcock, “Recession of a Previously Designated National Monument: A Bad Idea Whose Time Has Not Come,” *Stanford Environmental Law Journal*, Vol. 37, no. 1 (December, 2017): 3-74.

45 *Ibid.*

46 Robert Stipe, *A Richer Heritage: Historic Preservation in 21st Century* (Chapel Hill: University of Chapel Hill Press, 2003), 35.

47 *Ibid.*

Case Studies

Yosemite National Park

The opening of Yosemite in 1855 to the public was met with little fanfare, as the beauty of the valley was yet unknown to the camera-less world. After initial sketches and lithographs of the landscape were published in newspapers in 1856, the nation became ensconced with Yosemite, and, year-by-year, people began visiting the area.⁴⁸ As interest and tourism rose, the concern over its preservation increased as commercial interests began to vie for positions in the Valley. Israel Ward Raymond, the California state representative of the Central American Steamship Transit Company of New York, was credited as the one to write to John Conness, a senator from California, urging him to preserve the Mariposa Grove of Giant Sequoias. In Raymond's letter, he explicitly noted that the area "[could] never be of much value," preemptively preventing outside interests from establishing themselves within the valley.⁴⁹ The Senate Committee on Public Lands voted in favor of Conness' bill in 1864, with Conness expressing the economic infertility of the land, as well as stoking American patriotism through the Giant Sequoias that the British didn't believe to be of American origin, which was a point of pride for Americans.⁵⁰ One of the most important provisions of the grant was that Conness' assurance that the park wouldn't cost money to maintain or preserve, which was important in the wake of the Civil War. Thus, on June 30, 1864, President Lincoln signed the Yosemite Park Act into law, effectively establishing the first National Park.⁵¹ To this day, Yosemite is one of the most visited parks in the Country, with 5 million visitors in 2016.⁵²

The motivation for creating a park protecting Yosemite is purely for scenic and natural reasons, placing Yosemite in the "nature-based park" category. If I apply my adapted standards, Yosemite passes with flying colors. Because my set of criteria is taken from the National Park standards, it makes sense that Yosemite meets the standards. First is national significance, which can be explained through Yosemite's sheer natural grandeur. The park is one of the few places in the world with groves of Giant Sequoias and sheer

48 Huth, Hans, *Yosemite: The Story of an Idea* (Literary Licensing, LLC, 2011).

49 Raymond to Conness, February 20, 1864, Yosemite-Legislation, File 979.447, Y-7, Yosemite National Park Research Library.

50 Ibid.

51 Yosemite Grant Act of 1864, 13 U.S.C., §48 (1864).

52 National Park Service, "Park Statistics," (Yosemite Park Statistics, April 5, 2018).

exposed granite rock formations.⁵³ The question of feasibility is simple; what did the public think? While there are no direct records of public feedback regarding the establishment of Yosemite, Raymond made it abundantly clear in his letter that the valley holds no practical value to Americans other than its recreational feasibility. Lastly, is suitability. John Muir, credited as being the Father of the National Parks, believed that Yosemite was too important a natural landmark not to protect and convinced Roosevelt during a 3-day camping trip with the President.⁵⁴ Yosemite had no other hope in the early 1900's of being protected from another Government agency because there was none. Based on these considerations, I believe the designation as a nature-based park is most applicable to Yosemite. The purpose of its designation is purely for that of natural grandeur. Not only was that its original purpose, but that is how it is currently used and why it continues to be maintained. Not only was Yosemite created to protect its natural beauty, but its effects on the community are homologous to how I define a nature-based park. Ultimately I will use the criteria that Yosemite put in place to define a nature-based park later in this paper.

Yosemite is a prolific economic force for its surrounding communities, or gateway communities. Gateway communities benefit immensely from the popularity of the parks that they surround, creating a symbiotic relationship between park and community. The National Park Service estimates that visitors in 2017 spent \$452,782,000 in "communities near the park."⁵⁵ Those communities include Mariposa, Mammoth Lakes, Merced, Groveland and Fresno. Additionally, visitor spending is estimate to support 6,666 jobs in those communities.⁵⁶ Yosemite's economic fitness hasn't even been fully explored yet, with commercial influence inside the Park being increasingly likely. In 2017, more than 25,000 people petitioned against the establishment of this Starbucks in the park.⁵⁷ Widely interpreted as a sign of our evolving consumer-based culture, the implementation of Starbucks comes with other renovations to dining and lodging options within the park. In an effort to fight for money to satisfy a \$12 billion backlogged maintenance, food and

53 op. ct., fn. 49.

54 op. ct., fn. 1.

55 Dept. of the Interior. National Park Service. "Tourism to Yosemite National Park creates \$589,343,700 in Economic Benefits." (April 20, 2017).

56 Ibid.

57 Grace Donnelly, "Starbucks Opened a Location in Yosemite. Not Everyone is Excited," *Fortune* (March 29, 2018).

beverage purchase and contracts with private companies can help pave the way to satisfy financial needs.⁵⁸

Devils Postpile National Monument

Devils Postpile is a National Monument near Mammoth Mountain in east California and was established in 1911.⁵⁹ It was once a part of Yosemite National Park, but when gold was discovered in Mammoth Lakes, boundaries were redrawn leaving the Postpile on the public land.⁶⁰ The main threat to the area was a proposal to blast the area into the nearby river, to make room for a hydroelectric dam. In 1905, mining and timber companies were successful in removing the area from the park. John Muir then convinced the federal government to stop its development effort, and in 1911, President Taft designated it as a National Monument.⁶¹ This designation came just as the battle to preserve Hetch Hetchy was reaching its climax, and thus Devils Postpile symbolized a compromise of commercial interests and preservation.

Devil Postpile's three-point criteria for designation is similar to that of other nature-based sites. First, it's creation is strictly to protect a natural space with interesting geological features, and therefore it should be considered for designation as a nature-based site. Devil Postpile is a significant landmark in America because of the Postpiles, which represent an interesting geological phenomenon resulting in standing pillars of hexagonal stone. Now, is the creation of Devils Postpile feasible? Devils Postpile's close proximity to Yosemite meant it wouldn't have been too difficult to create the proper infrastructure for the park. In relation to suitability, I believe that Devils could have stayed in Yosemite. A lot of future troubles with maintenance and staffing could have been solved by lumping Devils back in Yosemite with newly redrawn boundary lines.⁶² Nonetheless, according to my standards for park designation, Devils Postpile is a nature-based park that belongs in the program.

58 Ibid.

59 "A Proclamation." (1911) Statutes of the United States of America. (Creation of Devil Postpile Proclamation)

60 U.S. Dept. of Agriculture and Dept. of the Interior. National Park Service. National Forest Service. 2009-2010. Visitor Guide to Devils Postpile and the Reds Meadow Valley.

61 Ibid.

62 Christopher Johnson, "Nature and the History of the Sierra Crest Devils Postpile and the Mammoth Lakes Sierra," United States National Park Service, (July 29, 2013).

Devils Postpile was created for its scientific interest to the nation, and thus was not expected to generate much income. However, the park slowly became connected to the region and grew in significance usurping the reason for designation as scientifically important to emphasizing its natural and “rustic camping” opportunities.⁶³ As the NPS budget decreased and visitation increased, the lean toward promoting tourism over the protection of nature became readily apparent. This led to a drain of resources from Devils Postpile in order to better fund Yosemite. These decisions in the early days of the park inevitably led to Postpiles becoming an independent park. The park averages over 100,000 visitors a year, which is among the lowest of the National Monuments in California, and the lowest of the nature-based parks in California.

The existence of the Postpile is not without criticism and conflict. A most notable conflict arose when President Roosevelt was transferring National Monuments over to Park Service control within the Forest Service. The two agencies began to conflict with each other, fighting over control of the monument in Yosemite.⁶⁴ This conflict eventually spread to the public. Those living in the Mammoth Lakes area were apprehensive that the transfer of management to the NPS would expand the monument’s borders, confusing business owners and public visitors. Their concerns stemmed from the idea that the Park Service could extend the Yosemite boundary to meet with the Devils Postpile boundary, and that the National Park Concessionaire Company would prove too competitive for the Mammoth Lakes businesses.⁶⁵ Despite the typical shortcomings of nature-based parks, Devils Postpile has remained uncontroversial in the recent years. A better understanding of the ecosystem and geology has led to better management practices. Additionally, the park has gone to great lengths to establish relationships with local Indian tribes that were known to have inhabited the area before Yosemite was established.⁶⁶ Nonetheless, Devils Postpile still meets my criteria for a nature-based parks because it holds immense scientific and natural importance, and is one of the few places in the U.S. with this phenomenon.

63 Ibid.

64 Ibid.

65 Ibid.

66 Ibid.

César E. Chávez National Monument

The César E. Chávez National Monument was established on October 8, 2012 by President Obama. The monument was established to recognize and memorialize the monumental role Chávez played in the farm workers' and civil rights movements of the 1960s.⁶⁷ The site where the monument now rests is known as Nuestra Señora Reina de la Paz ("Our Lady Queen of Peace"), and was an incredibly important location for the labor movement. "Nuestra Señora Reina de la Paz" was the headquarters for the United Farm Workers. It became Chávez's home until his death in 1993 and is now the location of his gravesite.⁶⁸ The history of Chávez and his contributions as a leader of the farm workers labor movement is incredibly important to that of California because it is the most productive agricultural state in all of the country. Although widely seen as an advocate for all American laborers, Chávez was primarily credited with his role in the Latino American community, where he promoted the hiring of Hispanics and their inclusion into the American labor force.

The Cesar Chávez National Monument was established in order to commemorate the historical role Chávez had in farmers' rights. As I stated above, the location was the headquarters for the Farm Worker's movement, making it an incredibly important site. Therefore, the criteria the site is subject to is that of a history-based park. Therefore, the first criterion is national significance. Cesar Chávez is certainly a character of national importance; his advocacy for the workers' union is now significant to every unionized worker in America. The second criterion is that a site should be narrowly tailored. For Chávez, this is not difficult, as the location of the movement is a small property in an uninhabited area of California. With these two points considered, Cesar Chávez deserves national protection as a history-based park.

It is difficult to measure the economic impact of a historic site as small and sparsely visited as this one. However, it is safe to assume that the lack of documentation, the scope of the site, and the amount of other economic prosperity in the surrounding areas show how little impact the historic site has. The location of Bakersfield is most likely of more economic benefit to the Monument than the Monument is to Bakersfield. The historic site is

67 Barack Obama, Proclamation 8884—Establishment of the Cesar E. Chavez National Monument, (October 8, 2012).

68 Ibid.

the least visited national monument in California, only racking up just over 15,000 visits in 2017.⁶⁹ Therefore, the revenue produced by this Monument is negligible.

Manzanar National Historic Landmark

Manzanar is the site of one of the two war relocation centers, or concentration camps, in California. Thus, Manzanar was the exact location where Japanese Americans were forcibly moved during World War II under the rationale of protection against supposed espionage.⁷⁰ American and Japanese immigrants were interned between December of 1942 and 1945. The attack on Pearl Harbor was the catalyst in creating Manzanar's War relocation center. The United States worked fast to solve the "Japanese problem" on the west coast, and on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, authorizing the military to designate exclusion areas where they could effectively remove Japanese Americans to relocation centers.⁷¹ 120,000 people were relocated in total, two-thirds of whom were American citizens. Of these 120,000, Manzanar housed 10,000 individuals in its small barracks.⁷²

A majority of the people incarcerated at Manzanar were from the Los Angeles area, along with others coming from other places throughout California and Washington.⁷³ On November 21, 1945, Manzanar was closed, which in effect led to the removal of Americans again, but this time from Manzanar. Many people left willingly, and were each given \$25, meals, and transportation to Owens Valley. From there, they were left to find their own way.⁷⁴ Because there was no longer any home for them to return to, some individuals did not leave willingly and were forced from the camp.⁷⁵ In all, 146 of the people incarcerated died at Manzanar, two of those being confirmed killings.⁷⁶ In February 1985, Manzanar was designated a National

69 op. ct., fn. 52.

70 Frank Hays, "The National Park Service: Groveling Sycophant or Social Conscience: Telling the Story of Mountains, Valley, and Barbed Wire at Manzanar National Historic Site," *The Public Historian*, Vol. 25, no. 4 (Fall, 2003): 73-80.

71 The National Park Service. "Japanese Americans at Manzanar." (February 28, 2015).

72 Ibid.

73 Ibid.

74 U.S. Dept. of the Interior. National Park Service. Cultural Landscape Report: Manzanar National Historic Site. (2006).

75 Ibid.

76 U.S. Department of the Interior. National Park Service Jeffery Burton, Jeremy

Historic Landmark, and, on March 3rd, 1992, was further designated as a National Historic Site by George H.W. Bush.⁷⁷

The real process for NHL's is different than that of the other two types of protected sites. Manzanar National Historic Site is nationally significant and culturally significant because it symbolizes a moment in U.S. History when citizens were incarcerated out of fear. In addition to being significant to the Japanese-American community, it was a significant blunder on the end of the United States government and serves as reminder of our past failures. This is enough to satisfy the first criteria in being nationally significant. Next is whether it is a narrowly tailored site. In locations trying to preserve historic buildings, active steps need to be taken in order to preserve these buildings and physical structures. At Manzanar there aren't many standing buildings left, and the only other structures that require maintenance are the main hall and the gravesites. Although it is quite a bit of land, the park would be the minimum size that still encompasses the entirety of the original relocation center.

Manzanar is located at the foothills of the Eastern Sierra Nevada in Owens Valley by Lone Pine, California. It is about 200 miles North of L.A., and is on the 395 Highway. The route is commonly used to get to and from Mammoth Mountain from Los Angeles and Southern California. The average annual visitation is 86,691, with 2017 breaking visitation records with a whopping 114,461 visitors.⁷⁸ That makes it one of the most visited historic-based sites in California. However, there is no information about the direct economic impact of Manzanar on the surrounding community.

For such a small and seldom visited historic site, there is a lot of criticism surrounding the creation and the continued existence of Manzanar. It's not surprising that there is a lot of criticism and controversy for a historic-based park that has such a controversial past. One of the main points of contention is determining how to tell the story of Manzanar.⁷⁹ Understandably, the Japanese community wanted the history of Manzanar presented in a way that would highlight the history without sugarcoating

Haines, Mary Farrell. 2001., "I Rei To: Archaeological Investigations at the Manzanar Relocation Center Cemetery, Manzanar National Historic Site, California," Western Archeological and Conservation Center.

77 H.R. Res. 543, Sess. of 1992.

78 Department of the Interior. National Park Service. "Annual Visitation by Park (1979-Last Calendar Year)," (2017).

79 op. ct., fn. 70.

what happened. The community wanted several structures reconstructed, such as the guard tower an entrance gate resembling the original, and a barrack.⁸⁰ Reconstruction is not the preferred method of preserving history, being that it only attempts to recreate something historical and is inherently inauthentic. The NPS says that “the public [can be] misled by many reconstructions that have not been absolutely verified by archaeology and documentary records,” hence the hesitation of rebuilding sites.⁸¹

Additionally, other older interests in the area were brought up when discussion for preserving Manzanar started.⁸² In 1991, when hearing public testimony in regards to establishing a monument there, the Inyo County Assistant Administrator Paul Morrison expressed concerns that Manzanar’s designation could complicate other histories associated with the area.⁸³ Morrison is presumably referring to the cattle ranching and Native American association with the land prior to the establishment of the Relocation Center. Or, possibly, he was referring to the town that existed before the Camp was established. Either way, Paul Morrison makes the insightful point that history is often contested and complicated, and that different unrelated histories can belong to a single location thus making it difficult to present one without stomping out the others.

With Manzanar located in the beautiful Sierra foothills, its location can distance people away from the atrocities that went on in the relocation center, adding to the difficulty in accurately portraying what occurred at the camp. And while the National Park System inevitably called it a “War Relocation Center,” the Japanese American Citizens League wanted the Landmark called a “concentration camp,” to highlight the cruelty of the action.⁸⁴ Historic portrayal is the most crucial aspect of creating a history-based park and greatly affects the communities that are represented by the site. Manzanar attempts to do exactly that, and therefore deserves the protection as a history-based park.

80 Ibid.

81 Ibid.

82 Robert Hayashi, “Transfigured Patterns: Contesting Memories at the Manzanar National Historic Site.” *The Public Historian*, Vol. 25, no. 4 (Fall, 2003): 51-71.

83 Ibid.

84 Ibid.

Discussion

The four case studies described above are a comprehensive representation of the different historic and natural sites that exist in California. These examples were discussed in order to demonstrate how a site should be examined in order to designate it as historic or nature-based. Currently, overlapping designation occurs often in the Park System. Out of the eighty-seven monuments that are managed or co-managed by the NPS, I find forty-eight that are monuments of historical or cultural value, with the remaining thirty-nine of natural, scenic and/or scientific value. In California, there are six National Monuments, four of which are nature-based, with the last two being historical. I made these conclusions using the criteria I set in the earlier section, and applying them to a list of National Monuments. The four nature-based parks are: Lava Beds, Devils Postpiles, Muir Woods and Castle Mountains. The two historic parks are Cabrillo and Cesar Chávez National Monuments.

The designation of a site is significant due to the various implications that come with a specific type of designation. Across the board, nature-based sites do a much better job at stimulating their local economies. There are no “gateway communities” that surround remote historic landmarks, or even businesses that directly benefit by being next to a historic site in the middle of a city. It is important in realizing the economic role and variation between historic-based and nature-based sites. Whereas if you look at the case studies surrounding nature-based parks, whole towns and thousands of people depend on the existence of well visited natural parks. And while the existence of economic interests is dependent solely on public interest in visiting a park, California’s natural parks are known throughout the country for having some of the greatest views and recreational opportunities. It seems across the board, that historic-sites benefit more from what’s around it than vice versa, while nature-based sites share a symbiotic relationship with their surrounding communities. The characteristics that sort parks into my two categories are undeniable. Therefore, I do not believe the current system for sorting parks is adequate, and has clearly led to confusion and mismanagement on several occasions. The National Park Service should focus solely on protecting places of National significance. Therefore, that piece of the criteria is universal to establishing sites for protecting. However, that is where the similarities between my two categories divert. The method for protecting natural lands and historic buildings is inherently different, and

therefore need to be treated as such. Distinguishing these two types of parks will aid in future designations, maintenance and budgeting.

There is still a wealth of material that needs to be studied surrounding the National Park System and the entire system that revolves around protected sites. Further nuance can be placed on the system of designation that I have put in place. I understand that there are always exceptions to the rule, and those exceptions need be studied more in-depth. Additionally, my research has generated many questions left unanswered. For instance, should other states adopt a similar dichotomous system of nature and history-based parks? Can this system apply to other protected sites managed by other governmental agencies? Should all protected land be consolidated into one agency? I hope that this research fuels further research into the United States' protected sites, and more can be done to protect the parks that Americans love and admire.



ANDREW ROBINSON is the Executive Assistant at Boundary Stone Partners. He graduated from Cal Poly in 2016 with a degree in Political Science.

Alumni Spotlight: Andrew Robinson

By Isaias Diaz

Andrew Robinson graduated from Cal Poly in 2016 with a bachelor's degree in Political Science and Global Politics. Currently he is the executive assistant for Boundary Stone Partners, a small government affairs consulting firm that also does strategic communication. His particular job deals with anything from scheduling to research, partner support, intern management, office management, accounting, billing, and human resources. Basically, Andrew's responsibilities include anything necessary to make a six-member consulting firm work.

As an undergraduate at Cal Poly, Andrew started off as a political science major focusing on global politics. He never really considered switching degrees, but he did consider double majoring in astrophysics. Andrew decided against it since it would've added an extra year to his timeline. He decided that he wanted to create his own academic experience and forge his own path. He was very passionate about outer space and decided to take a crack at viewing public opinion for NASA and aerospace from a political science perspective for his senior project. These experiences are what gave him a familiarity and expertise on the topic, which in turn have made his profile and background a bit more unique.

While at Cal Poly, Andrew credits the most valuable skills he learned as being able to conduct basic research, like knowing where to look for

information, how to look for it, and knowing which sources to trust. These lessons taught him lasting skills that he still uses today. The Cal Poly “Learn by Doing” motto was very helpful for Andrew, since it really helped him think about what he wanted to do and where he wanted to go.

Beyond the basic grocery store and lifeguarding jobs that got him started, Andrew held a few internships in college with the U.S. Department of State. In addition, he held an internship with Congress in Washington D.C. Those internships gave him an idea of what he didn’t want to do, since entry positions in the government sector, to him, felt like a cut-throat and grinding experience. Working for ASI gave Andrew an abundance of leadership skills. He loves working with others and doing outreach and working for ASI made Andrew realize that was the type of work he wanted to do.

Andrew credits becoming ASI chief of staff at Cal Poly as one of his most memorable and rewarding experiences. After losing the election his first time running, when the opportunity arose again, he decided to seize it. The activities that he did outside his curriculum and in conjunction with his academics.

In a sense, Andrew has always been confident about what he wanted to do even though his path evolved over time. He believes that as he takes each step on the path, his destination becomes clearer. Initially, Andrew thought he would go into the state department, but after working there, he decided against it. He started looking for some clean energy environmental consulting firms to work with and stumbled on a company that was 3-D printing rockets and he was sold. Andrew is really excited about being at the forefront of emerging commercial space policy. Andrew’s position involves working with cutting edge companies, new technologies, government affairs, and helping them reach their deadlines.

Andrew has dealt with self-doubt throughout his life. His time at Cal poly helped him to overcome that fear. Andrew realized that being involved with groups and people really helped counteract the feelings of hesitance and self-doubt. His message now is, “Face your obstacles head on, learn from it and conquer it.”

Andrew’s advice to current and graduating political science students:

“To the graduating students specifically, test out internships if it’s financially possible. Talk to professionals in your field; LinkedIn and alumni

groups are great resources. As far as internships go, that's how you figure out what you don't want to do. Learning what you don't want to do can be as valuable as figuring out what you do want to do. This gives you a chance to test out the position without locking yourself in."

Andrew also suggests asking yourself these two questions:

What are you most passionate about?

What are you good at?

Once you answer this, try to figure out how to connect those two things.

For example, Andrew was very good at talking and collaborating with people to solve complex issues, which is what inspired his political aspirations. He also liked space, so he thought, "how can I combine these two?" This merging of passions ended up taking him to where he is today, working on commercial space policy.

"To both graduating and current students: the world around you is not defined by what is but what can be. So, this goes back to thinking about what you're good at and what your passionate about. Find a way to connect those, even if it's something that doesn't exist yet. Think creatively and think outside the box. Take your skills and your passions and find a way to bring them together. Challenge yourself, think about what you can do to improve your community. Think about what you can do to improve yourself. Listen, always be growing and never be complacent."

CONTRIBUTOR BIO



ROBIN SAWKA is a senior majoring in Political Science with a concentration in Global Politics. Throughout his undergraduate degree, Robin has directed much of his research on topics surrounding American international relations. With a strong interest in history, Robin believes his strong suit lies in connecting events of the past with the current issues we face today. As a world traveller and immigrant to the United States, Robin also believes that he is particularly good at avoiding his western bias when conducting research on different cultures. As he prepares to apply for a Master's degree in Public Policy, Robin continues to look for experience-developing opportunities. In his free time, Robin likes to enjoy the outdoors with his dog, and likes to mountain bike, freedive, and hike.

By Barry Peelen

The United States' Pursuit of Regime Change in Venezuela

Robin Sawka

Abstract

Since its first mass protest in 2016, Venezuela has been in a state of crisis, facing public protest, inflation rates, and diminishing access to basic necessities. Many of these issues can be tied to the decline of Venezuela's once successful oil industry, which had created an economic-bubble until recent years. This paper uncovers the historical context of the issues faced by Venezuela's oil industry and analyzes the role the United States has played in promoting its own influence within it. Furthermore, this paper examines the specific methods the United States has used to assert this influence and the motives and incentives it has in doing so.

Introduction

On March 2, 2018, The Washington Post published an describing the Venezuelan diaspora into neighboring Latin American countries and throughout the Western Hemisphere.¹ Since political protests began in early 2016, Venezuelans have experienced food shortages, medical supply shortages, and a sharp increase in violence.² Additionally, the world has heard read news stories about prison inmates foraging rats for food, zoo animals starving, and mothers crossing national borders to secure medicine for their children.³ The world has also seen emotional selfie-styled videos of rebel fighters facing their last hours as they stand off against the Venezuelan military.⁴ In response, roughly 600,000 Venezuelans have fled to Colombia,

1 Ishaan Tharoor, "Venezuela's Maduro hollows out his nation," The Washington Post (March 1, 2018).

2 Ibid.

3 Ibid.

4 Nicholas Casey, "Venezuela's Most-Wanted Rebel Shared His Story, Just Before Death," The New York Times (January 21, 2018).

40,000 to Trinidad and Tobago, 30,000 to Brazil, 20,000 to Aruba, and 5,000 to the Caribbean isle of Curacao since August of 2017.⁵ The Colombian border also continues to see up to 3,000 new migrants per day.⁶

The humanitarian crisis that faces Venezuela is the result of an intense ongoing political crisis. In the United States, media has painted the crisis as a one-sided affair – and President Nicolas Maduro as the malicious dictator -- while the United States fights to promote and support democracy in the country. Since the early 2000s, the United States has funded opposition forces in Venezuela, hoping to secure a political outcome that would create favorable business conditions in Venezuela. In addition to this, they have supported uprisings and protests, and have sanctioned Venezuela, hoping to revolutionize its political order. While establishment forces may argue that the United States is doing so only in support of developing a democracy, its involvement has contributed to political instability and to the development of a humanitarian crisis.

The events in Venezuela are relevant to the international community and to the discussion surrounding international law due to the role that other states have played in Venezuela's political upheaval. Venezuela, controlling a large supply of oil, is significant to the world's most powerful states who rely on imports of this resource to support their own infrastructures. The United States has enjoyed a long relationship with Venezuela based on their historical dependence on the country as a reliable oil supplier. As a different political order begins to emerge in Venezuela -- one which threatens the capitalist economic system established by the West -- the United States has begun pursuing regime change, hoping to disrupt this process. Questioning the role that the United States plays in Venezuela has led me to the following research question: How has the United States pushed for regime change in Venezuela, and for what reasons has it done so?

Conventional Wisdom

Both American and Latin American publics are skeptical of the United States' role in supporting democracy abroad. A 2013 poll conducted by CBS News / New York Times Poll indicated that almost 3 in 4 Americans believe America should not intervene in foreign dictatorships to install democracy.⁷ Another 2013 poll conducted by NBC News / Wall Street

⁵ Op. cit., fn. 1.

⁶ Op. cit., fn. 1.

⁷ "America's Role in World Affairs," CBS News / New York Times Poll (September 6-8, 2013).

Journal Poll indicated that only 22% of Americans believe America should continue promoting democracy abroad.⁸ Other polls which have studied the opinions of Latin American publics have found a similar disapproval for the United States' promotion of democracy abroad. A poll conducted by BBC World Survey indicated that while a majority of Latin Americans support democracy in their country, a large portion of them share a distrust for the role of U.S. actions in supporting such democracies.⁹

This conventional wisdom is misleading, however, as it fails to address ulterior motives for the United States' role in pursuing regime change. Current conventional wisdom views the United States' purpose as one of pure intentions to support fledgling democracies, but my analysis will create a more accurate picture of the United States' pursuits of regime change. I will analyze how the United States might stand to benefit from influencing Venezuelan politics, in addition to the methods they have used for doing so. This research paper will make the conventional wisdom more complete by framing regime change using the theoretical paradigm of realism to construct a more accurate portrayal of the United States' relationship with Venezuela.

Methodology and Evidence

I employ qualitative methodology to examine the theoretical paradigm of realism as it applies to my research and use three case studies to answer my research question. The first case study examines the culture surrounding oil in Venezuela, addressing how political leadership influences the Venezuelan oil market and who is able to invest in it. The second case study examines the U.S.'s pursuits of regime change under President Hugo Chavez and how Chavez's presidency threatened the U.S.'s access to oil. Lastly, my third case study examines the U.S.'s pursuits of regime change under President Nicolas Maduro and how Maduro's changing policies have further threatened the U.S., giving an advantage to its global competitors. I use primary evidence to research my case studies and secondary evidence to enrich my understanding of the context surrounding these sources. Examples of primary sources include U.S. State Department documents, C.I.A documents, presidential executive orders, congressional bills, fiscal reports by the N.E.D, U.S. energy statistics, and C.R.S reports. Examples of

⁸ "America's Role in World Affairs," NBC News / Wall Street Journal Poll (September 5-8, 2013).

⁹ "Latin American Publics are Skeptical About U.S. - But Not About Democracy," World Public Opinion (March 7, 2007).

secondary sources used includes news articles, publications from non-profit organizations like the NACLA, publications from universities like Columbia - SIPA, and scholarly articles from journals like Foreign Affairs.

Theoretical Paradigm

At first glance, it is understandable why the conventional view is that the United States' motives in Venezuela are aimed at promoting democracy rather than Venezuelan regime change. However, by using realism to analyze research, one can form a more complete understanding of the United States' ulterior motives. There are two core assumptions of realism that direct my research. The first of these is that, in the international system, there exists no higher actor than the state.¹⁰ This means that states are the highest actors, and that states are most loyal to themselves even if they appear to have strong alliances with other states. The second core assumption of realism is that the behavior of a state can best be understood by the relative power it stands to gain from its actions.¹¹ This means that states behave in order to increase their power in a global competition against others.

Realism best frames and explains the answer to my research question because by pursuing regime change in Venezuela, the United States is seeking to increase its own power. Realism allows us to see past the facade of 'democratic development' that U.S regime change takes on and is useful in understanding why such pursuits take place and the means through which they are executed. In understanding that states often behave in ways that will increase their own power, realism gives us the ability to detect disguised, realist grasps of power that permeate the international system for what they are.

Research Findings

To explain the United States' true motives in pursuing regime change in Venezuela, one must first have an understanding of the culture surrounding oil in Venezuela. Venezuela is a region that is incredibly rich in oil. Indigenous tribes are said to have used naturally flowing oil and asphalt for medicinal purposes centuries ago.¹² It was not until 1912, however, that Venezuela first began drilling for this oil, triggering many foreign companies

¹⁰ Sean D. Murphy, *Principles of International Law* (St. Paul, MN: Thomson/West, 2012).

¹¹ *Ibid.*

¹² Erik Bakke, "US-Venezuelan Relations," Harvard Model Congress (2014).

to begin investing in the country.¹³ The early 20th-century oil boom would completely rearrange Venezuelan society, as oil became the center of Venezuelan industrialization. Agricultural production became an afterthought almost overnight as it was overwhelmed by profits from the oil industry.¹⁴ The old elites of Venezuela who had become powerful through such agriculture lost their grip on politics, and the Democratic Action party rose to power, replacing Venezuela's old economic order with one centered around oil.¹⁵ This party was a populist party, and employed promises of land reform, democratization, and welfare expansion to create a supporter base among the lower and middle classes.¹⁶

The Democratic Action coalition became the dominant force in politics in 1958, focusing Venezuelan policies around the industrialization of oil for the following decades. It did so in an obsessive way, spending large proportions of its money developing oil infrastructures, while ignoring other parts of the economy.¹⁷ While this created an economic boom in Venezuela, the boom was concentrated in urban upper class involved with oil business.¹⁸ The rural poor, along with the majority of Venezuela's population, had little access to these new-found riches and had to face weakened infrastructures as oil drained funds from other sectors. This centralization of wealth also made the Democratic Action party very powerful, turning Venezuela into a one-party government.¹⁹ While enriching Venezuela, the country's economy and currency became dependent on oil, making it vulnerable to a volatile global market. Through its development of oil infrastructures, the Democratic Action party allowed Venezuela to become one of the world's largest oil producers, but did so in an unsustainable way, angering a large class of people who had not been able to access the economic benefits of Venezuela's oil boom.

The face of this populist movement was Hugo Chavez, elected in 1998 on promises to destroy Venezuela's system of oil centralization and

13 Ibid.

14 Gregory Wilpert, "The Economics, Culture, and Politics of Oil in Venezuela," *Venezuelanalysis.com*, August 30, 2013, , accessed March 23, 2018, <https://venezuelanalysis.com/analysis/74>.

15 Op. cit., fn. 11.

16 Ibid.

17 Ibid.

18 Ibid.

19 Op. cit., fn. 11.

replace it with one that would fund social projects.²⁰ Chavez wanted to target Venezuela's policy of "Oil Opening" which had dominated oil policy since the early 1990s.²¹ Under this policy, transnational oil companies had been invited to invest in the industry in hopes that this would cheapen the development of oil infrastructures.²² "Oil Opening" diluted ownership of oil in Venezuela and made foreign interests powerful in influencing Venezuelan policy. It had also diverted oil profits away from the people and into foreign bank accounts. Because Chavez's reforms threatened a powerful, entrenched system, and because he had no political allies, he faced barriers for policy reforms. This prompted him to create a new constitution in 1999, giving the presidency stronger powers.²³ He used his presidential powers to pass three major reforms to Venezuela's oil industry meant to give the presidency more power over its ownership. Chavez strengthened Venezuela's role in the Organization of Petroleum Exporting Countries (or "OPEC") and targeted the enforcement of production quotas for all of its members.²⁴ He did this to increase the global price of oil barrels, which had reached a low of \$8.43 per barrel when he took office.²⁵

Chavez also passed reforms to the Energy Ministry, giving it stronger powers as an agency of the executive branch.²⁶ *Petróleos de Venezuela, S.A. (PDVSA)*, Venezuela's state oil company, had directors with strong business and political affiliations that allowed them to establish a degree of independence in dealing with its structure and the transnational investments it received.²⁷ Reforms to the Energy Ministry were meant to disable PDVSA from continuing this path of independence and to reinstall control over the company. In seeking to obtain higher governmental profits, Chavez also replaced Venezuelan oil taxation with a system of royalties.²⁸ The tax system surrounding the oil industry had grown too complex and the government had

20 Luis Lander and Margarita Lopez-Maya, "Venezuela's Oil Reform and Chavismo," *NACLA*, September 25, 2007, , accessed March 23, 2018, <https://nacla.org/article/venezuelas-oil-reform-and-chavismo>.

21 *Ibid.*

22 *Ibid.*

23 *Ibid.*

24 *Ibid.*

25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

28 *Ibid.*

begun to see weakening revenues based on its taxation of oil.²⁹ The collection of royalties was meant to be a more direct system of revenue collection that could end this problem.³⁰ Taken together, these reforms were meant to end the privatization of Venezuela's oil and push the country in the direction of oil nationalization so that Venezuela could utilize this wealth for social policies. While the reforms Chavez made created many benefits for his society, the way in which Chavez secured them would become a source of agitation for countries like the United States, who had profited off reliable access to Venezuelan oil.

When Hugo Chavez died in 2013, he was replaced by Nicolas Maduro to continue his legacy of the political ideology, Chavismo. Under Maduro, the mismanagement of PDVSA funds that began under Chavez continued, and this caused a crisis in the Venezuela's oil market. Under Chavismo, PDVSA began losing many of its profits to the funding of social programs. Because it was spending a majority of its funds on such programs, it was unable to invest in its own infrastructure.³¹ This led to a degradation of oil technologies in Venezuela which has caused the country to lose its competitive advantage against other exporters in OPEC. Now, Venezuela can only drill low-quality oil and must mix it with the higher quality oil from companies like B.P., to make its oil commercializable.³² This process has made Venezuela's industry especially uncompetitive-- when the government lacks the funds to pay for the importation of high quality oil to mix with its own, its oil industry is brought to a standstill as its oil is unable to be brought to the global market. Chavismo has also created a law which restricts the price of oil in Venezuela to stay under one cent per liter.³³ This policy was effective when Venezuela was still one of the world's largest suppliers of oil, but now that it is reaching its historically low levels of production, the policy forces PDVSA to run oil fields at a loss and thus contributes to a critical loss of funds.³⁴ PDVSA's massive debts have forced it to look towards international investors to help keep it running.³⁵ Maduro has created

29 Ibid.

30 Ibid.

31 Lisa Viscidi, "Venezuela on the Brink: How the State Wrecked the Oil Sector--and How to save It," *Foreign Affairs* 95, no. 5 (September/October 2016).

32 Ibid.

33 Ibid.

34 Ibid.

35 Antoine Halff et al., "Apocalypse Now: Venezuela, Oil, and Reconstruction," *Columbia - SIPA* (accessed March 23, 2018).

a cryptocurrency based around the value of a single crude barrel and has allowed China and Russia to invest billions in the company.³⁶ These policies allow foreign interests to gain influence in Venezuela's oil market, creating a strong source of friction for the United States who is being excluded from this opportunity.

The political crisis currently facing Venezuela is a direct result of the mismanagement of PDVSA by Chavismo. Venezuela has built an empire around its oil, basing its currency around the production of oil, and basing the success of its economy on the competitive advantage it has against other OPEC exporters. Despite this, mismanagement has allowed the company to lose access to funds that would go towards investment, resulting in a company which is incredibly indebted and yet must work within its unable-to-upgrade infrastructures to repay Venezuela's large debt. This process has halted the once supreme production of oil in Venezuela and has severely damaged the value of its currency. This has created a humanitarian crisis for Venezuelans and has prompted the United States to seek out regime change in the country.

When Hugo Chavez became President of Venezuela in 1999, the United States was immediately threatened. Chavez had grown famous in Latin America for his anti-American viewpoints, variously referring to then-President George W. Bush as a donkey, Mr. Danger, and the devil.³⁷ One of Chavez's sources for his anger towards the United States was his distaste of American companies' access to Venezuelan oil. When Chavez talked about removing foreign interests from Venezuela's oil industry, he was referring to foreign companies, many of which were American. This presented a clear threat to the United States' steady supply of Venezuelan oil, which accounted for a large portion of its imports.³⁸ Hugo Chavez threatened the United States' access to a resource it was becoming dependent upon, causing it to pursue regime change in order to install a leader that would continue a tradition of favorable economic conditions towards the U.S.

The United States attempted this coup primarily through the support of opposition political parties and the preparation of opposition military leaders. An unclassified State Department document entitled *A Review of*

36 Lesley Wroughton and Girish Gupta, "U.S. warns investors over Venezuela's 'petro' cryptocurrency," Reuters (January 16, 2018).

37 "Hugo Chavez: Memorable moments," BBC News (March 6, 2013).

38 "U.S. Imports from Venezuela of Crude Oil and Petroleum Products," U.S. Energy Information Administration (accessed March, 23, 2018).

U.S. Policy Toward Venezuela November 2001 - April 2002 reveals the ways in which these actions took place. The document reveals the non-governmental organization, the National Endowment for Democracy (NED), and its funding of opposition political parties that supported an overthrow of the Chavez regime.³⁹ While the NED is an NGO and should be unaffiliated with government, it receives all of its funding from Congress, has to report to Congress, and so should be considered an acting arm of Congress.⁴⁰ The NED's program spent over two million dollars in six months, funding political programs that were meant to politicize an uneducated citizen base and activate it against Chavez.⁴¹ The NED also coordinated communications between members of Congress and Venezuelan opposition leaders.⁴² Congress members were so comfortable with the idea of pushing for regime change that they even held dinners with media influencers to discuss the effects of creating anti-Chavez media.⁴³ The United States also spent close to one million dollars brining Venezuelan military officials to the United States to participate in military training programs and coordination of an estimated \$697 million in military consummations.⁴⁴

An unclassified C.I.A. document also reveals that the United States was aware of an upcoming coup attempt against Chavez. The document discusses an attempt being organized by disgruntled senior officers and a group of radical new officers who would create justification for Chavez's replacement by provoking military action in upcoming demonstrations.⁴⁵ The coup took place only five days after this report was published, installing Pedro Carmona, a prominent businessman, as Venezuela's new President. Despite the undemocratic ousting of Venezuela's President by the military, the United States quickly recognized Carmona's government and praised his actions. One of Carmona's first official meetings as President was also held with the United States ambassador to Venezuela, in which they discussed normalization of democracy in Venezuela.⁴⁶ Carmona's only actions as

39 "A Review of U.S. Policy Towards Venezuela November 2001 - April 2001," U.S. Department of State, July 2002.

40 Ibid.

41 Ibid.

42 Ibid.

43 "Codel Ballenger 4/27 Dinner with Media Owners," U.S. Department of State, May 2002.

44 Et al, 29.

45 "Senior Executive Intelligence Brief," National Archives, April 6, 2002.

46 "Venezuela: Ambassador Shapiro Meeting With Carmona," U.S. Department of State, April 16, 2002.

President were to dissolve Venezuela's National Assembly and Supreme Court, destroying any democratic institution which held a check over his power. This caused an uproar to break out in Venezuela among civilians and the military, creating protests which reinstated Chavez only 48 hours later. Chavez would respond to the coup by blaming the United States as its organizer, further increasing tensions between the nations, resulting in the gradual decline of oil imports to the United States from Venezuela.⁴⁷

As of 2018, efforts by the United States to influence regime change in Venezuela had not yet ceased, and new developments had prompted a stronger reaction by the United States. In an attempt to seek out funds for Venezuela's struggling oil industry, Maduro has looked to outside investors to help bolster the industry.⁴⁸ Because the United States used to play the role of supporting Venezuela's oil industry with American investments, and no longer does, outside countries are seeing the Venezuelan oil industry as an opportunity to gain power that used to be held by the United States. One such country is Russia, which has provided Venezuela's capital of Caracas with up to \$10 billion in financial assistance geared towards the oil industry.⁴⁹ Not only do such investments give Russia influential power over the Venezuelan oil industry, but they also disrupt American pursuits of regime change, as the only source of funding Maduro receives is through Venezuela's oil industry, which has survived only due to outside investments.⁵⁰ Therefore, not only is Russia gaining power in a zero-sum game, but it is also preventing the United States from securing its desired outcome of a President who would promote favorable business conditions in Venezuela. Additionally, China has played a major role in supporting Maduro, issuing \$23 billion in loans to Venezuela in a matter of years.⁵¹ China has organized many of these loans to be paid back in the form of crude oil barrels, securing a steady source of oil for the future.⁵² Venezuela seems to be turning towards the world's Eastern sphere of influence -- dominated by Russia and China -- for help, leaving behind a long tradition of doing business with the United States. This has

47 Scott Wilson, "Chavez Raises Idea of U.S. Role in Coup," *The Washington Post* (May 5, 2002).

48 *Op. cit.*, fn. 34.

49 Clifford Krauss, "Russia Uses Its Oil Giant, Rosneft, as a Foreign Policy Tool," *The New York Times* (October 29, 2017).

50 *Op. cit.*, fn. 34.

51 Reuters Staff, "China says Venezuela can 'appropriately' handle debt load," *Reuters* (November 15, 2017).

52 *Ibid.*

threatened the United States' influence of power in the Western hemisphere and has prompted the United States to continue pursuing regime change in Venezuela.

To this end, the United States has continued its funding of the NED, streaming money into Venezuela. Since Maduro was elected, the NED has spent several million dollars per year undermining his presidency.⁵³ It continues to pursue regime change by attempting to agitate a populist civilian base and make it politically active against Maduro. Additionally, after rising political tensions, the United States has recognized Venezuela's opposition leader, Juan Guaido, as the country's legitimate Interim President, despite his failure to receive support from military leaders.⁵⁴ The NED has also funded the creation of political youth programs, media campaigns, and has even directly funded existing political parties and the creation of new ones.⁵⁵ Furthermore, the United States government has gone public in its denouncements of Maduro. In March of 2015, in a clear targeting of the Maduro regime, President Obama signed Executive Order 13692.⁵⁶ This executive order targeted specific individuals in office who had been found to be in "violation of democratic principles" and had their U.S. assets blocked, were prohibited from entering the U.S, and were no longer able to do business with Americans.⁵⁷ While this executive order did not directly impose sanctions on Venezuela, it laid out the framework for one of the few policy's Obama and his successor would agree on. In August of 2017, in response to the worsening political crisis in Venezuela, President Trump passed Executive Order 13808, a sterner version of Obama's 2014 order.⁵⁸

Executive Order 13808 prohibited the import of Venezuelan oil and prohibited American banks from creating any financial deals with PDVSA.⁵⁹

53 Eva Golinger, "The Dirty Hand of the National Endowment for Democracy in Venezuela," *Counterpunch.org* (April 25, 2014).

54 "Recognition of Juan Guaido as Venezuela's Interim President by Several European Countries," U.S. Department of State, February 4, 2019

55 "Venezuela 2017," National Endowment for Democracy (accessed March 23, 2018).

56 Barack Obama, "Executive Order 13692 - Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela," Obama White House archives (March 8, 2015).

57 *Ibid.*

58 Donald Trump, "Executive Order 13808 - Imposing Additional Sanctions with Respect to the Situation in Venezuela," Treasury Department (August 29, 2017).

59 *Ibid.*

The purpose of this order was to cut financial support for the Maduro regime which was dependent on the funds it received from the export of its oil. The passing of this order triggered many laws to be proposed in Congress, also targeting Maduro. These laws called for the release of political prisoners, the authorization of humanitarian aid, for Venezuela to hold open elections, and for an increased amount of congressional appropriations to be set aside for Venezuela.⁶⁰ These pursuits are meant to increase pressure on Maduro in a way that attracts global attention, in hopes of evoking a response from this populist base. Through both sanctions and funding, the United States has succeeded in this effort, contributing to an intensifying political conflict which has been called a civil war by Maduro.⁶¹ While the United States argues that it wants to create democracy in Venezuela through these efforts, it is undeniable that this has only complicated political development in Venezuela and has created dishonest outcomes from illegitimate democratic processes.

Implications of Research Findings

To understand the conclusions that can be drawn from these research findings, one must analyze the United States' actions through the lens of political realism. Historically, the United States has relied on Venezuela as a steady, reliable supplier of oil. Oil is the lifeline of civilization in the 21st century and is a necessary resource for society to function. When populist Venezuelan movements began to push for the nationalization of this resource and for its control to be replaced back into the hands of Venezuela, the United States saw a threat to a source of oil it had held for a century. While the United States argues that the efforts it pursues in Venezuela are to support a developing democracy, it is hard to believe that the U.S would be so involved with Venezuela's politics if it was not so rich in oil. Furthermore, the pursuits of its efforts since 2000, have brought little to Venezuela but a continual intensification of political disruption. It has fueled protests and uprisings saying it supports the people but then has acted against them, creating sanctions that have harmed Venezuela's economy and forced people to migrate into neighboring countries.

Furthermore, by pursuing regime change, the United States has only weakened itself and given an advantage to its global competitors. Venezuelan

60 Clare Seelke and Rebecca Nelson, "Venezuela: Background and U.S. Relations," Congressional Research Service (March 9, 2018).

61 "Venezuela crisis: Maduro warns of civil war," BBC News (February 4, 2019).

elites have been aware of the outcome the United States seeks to pursue in Venezuela and has been pushed to create friendships with different countries. The United States believed that by creating a sanction on Venezuelan oil, it would ruin Venezuela's economy and force it into aligning its interests with the U.S. Instead, this has only pushed Venezuela to look towards China and Russia as new sources for its economic dependencies. China and Russia have happily complied investing billions in the country and making a new ally in the western hemisphere. Thus, the United States' attempt at regime change to create favorable politics in Venezuela has backfired, creating a Venezuelan government that looks to the U.S's enemies for support. Not only have U.S. pursuits of regime change In Venezuela contributed to a humanitarian crisis, but they have also weakened the United States against its global competitors.

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By Emily Spacek

What Does Special Forces Usage Demonstrate About US Foreign Policy Goals?

Jack Hopkins

Abstract

This research paper focuses on the interrelatedness between the deployment of US Special Forces, in both combat and supporting capabilities, and the accomplishment of US foreign policy goals around the world. Using a qualitative methodology, this paper uses primary sources such as reports from Special Operations Forces commanders, CRS reports, and other forms of Congressional documentation to investigate the relationship. This paper will use three case studies to illustrate specific foreign policy goals: firstly, counter-narcotics operations in Columbia; secondly, counter-terror operations throughout the Middle East; and finally, counter-terror operations throughout the African continent. The implications of this paper indicate that the deployment of Special Operations Forces seeks to achieve specific goals of limiting the production of narcotics, acts of terror, threats to natural resources, threats to weak governments, and the development of advanced foreign special forces groups to act without direct US involvement.

Introduction

Under recent Presidential Administrations, American Special Forces have been deployed in a variety of functions both close to home and across the globe, with the number of Special Forces deployments increasing greatly under both the Obama and Trump administrations. Author Nick Turse argues that ultimately, Special Forces are in a uniquely dangerous position as the go-to forces for important and typically dangerous operations, and they often perform with minimal support¹. In his article, Turse contends that the increase in their usage has placed them in further danger, as the overuse of

¹ Nick Turse, "American Special Ops Forces Have Deployed to 70 Percent of the World's Countries," *The Nation* (June 26, 2017).

Special Forces groups (SFGs) has contributed to an increase in extremism in states where extended cooperation has occurred. Turse cited the nearly fifteen percent rise in regions in Afghanistan that fall under the category of “insurgent-controlled” between 2015 and 2017 that occurred in spite of increased Special Operations Forces usage in the region.

Throughout history, military operations were conducted on a grand scale. For hundreds of years war has meant ranks of soldiers fighting on vast battlefields. After the horror of the trenches in the First World War, there was little desire to return to traditional head-to-head methods of war, resulting in the increasing use of non-conventional soldiers². By World War II, this meant an increasing reliance on airborne troops. During the Vietnam War, the US deployed Green Berets to train the Royal Lao Army to combat Communist guerrillas. During the 1979 Iranian Revolution, the Delta Force attempted to rescue US embassy personnel trapped in Tehran. Subsequently, the 5th and 7th SFGs were deployed in both Gulf Wars to combat Iraqi forces. The ramping up of Special Operations Forces deployments has become standard following the 9/11 terror attacks, after which there was an even greater perceived need for soldiers that would not be restricted by the same protocols that conventional forces must adhere to. During the Obama administration, the number of foreign states Special Operations Forces operate in increased from sixty (during the previous Bush administration) to 120. Similarly, the US Special Operations Command has experienced a steady increase in funding, rising from \$3.1B in Fiscal Year 2001 to \$9.8B in Fiscal Year 2014 and continuing to increase in subsequent years.³ This trend of heightened reliance on these unconventional forces has become increasingly clear throughout their history, and extensive development has transformed these units into one of the world’s most effective fighting forces. This trend also illustrates how the US has begun to work more secretly and selectively to combat threats, leading to the following research question: How does the strategic deployment of US Army Special Forces reveal US foreign policy goals?

In order to ascertain the relationship between the deployment of SFGs and US foreign policy, I will use a qualitative methodology that will rely

2 United States Army Special Operations Command, “Special Forces History,” US Army (2018).

3 General Accountability Office, “Special Operations Forces: Opportunities Exist to Improve Transparency of Funding and Assess Potential to Lessen Some Deployments,” GAO (July, 2015).

on three different case studies: the first being counter-narcotic operations in Colombia, the second being counter-terror operations in the Middle East, and the third being counter-terror operations in Africa. This paper relies heavily on government documents published by Congress and the US military, as well as civilian journalism on the subject of US deployment of Special Forces. Given the secretive nature of the Special Forces, there are a limited number of publicly available sources, an issue that has made the verification of secondary source information difficult.

The English School of International Relations as explained by Hedley Bull is a uniquely accurate lens through which to view this research question. This paradigm addresses how states cooperate to undertake issues in their own best interest on the international stage. The core assumptions of this theory are that the anarchical nature of the “society of states” has led to international cooperation based on shared norms and goals between states, that include: security, diplomacy, free trade, and many others. States operate in this society of states through cooperation, a premise arising from the theory’s roots in Liberalism, while also using a Realist perspective to see the world as anarchical with states having vested interests in every interaction. The focus on states cooperating due to shared norms is particularly appropriate for this research question, as US Special Operations Forces typically work in conjunction with foreign forces to achieve shared goals. This collaboration is due to the continued diplomacy between state governments that allow for the building of working relationships, although each state ultimately works to pursue its own self-interest. In the International School, the need to pursue a state’s own best interest is a core assumption, arguing that this is best achieved through working as a community. In the world of military operations, no one state is able to address all threats to its stability all the time. In a globalized society threats can come from far beyond a state’s borders. When these two perspectives meet, it becomes clear why US Special Forces are deployed aggressively to build the military relationships and capabilities of other states. Several of these more recent deployments have been investigated in the following case studies.

Case Studies

Operations in Colombia:

A key example of the American attempts to address threats to the US from within the western hemisphere is US action in Colombia. Plan

Colombia was a program proposed in 1998 under the Clinton administration in cooperation with the Colombian Uribe administration, which proposed to send \$280M in assistance to Colombia.⁴ The program ultimately lasted beyond its six-year outline, maintained through a series of extension deals for US bases and personnel, later being replaced by the Obama administration with the Peace Colombia initiative in 2015. Plan Colombia sought to increase stability within Colombia by addressing the issues of long-term violence due to conflict and organized crime, as well as strengthen the Colombian state into an economic partner in the region. Plan Colombia had three distinct phases as outlined by General Charles E. Wilhelm in his 2000 testimony before the House Armed Forces Committee. The plan consisted of: 1) Assisting the Colombians and other “Partner Nations” in building counter-narcotic capabilities (Organizing, training, and equipping foreign forces), 2) Large scale “operations to neutralize organizations involved in the illicit drug trade” within drug producing regions in Andean Colombia, 3) Continuing training to maintain the readiness of Partner Nation counter-narcotic forces.⁵ These goals are a direct outline of the US strategy to improve Colombian military capabilities and have been used as the blueprints for other capability development attempts around the world.

The plan sought to increase trust in the capabilities of state forces following the terror caused by guerilla forces and organized crime that had overwhelmed Colombian troops for decades. According to a House of Representatives report, by the end of the year 2000 there was a proposed \$185.8M in total assistance for Plan Colombia.⁶ This funding included millions for economic and social programs, in addition to \$21.2M for training the Colombian military and national police to combat drug trafficking operations. Most interesting is the request for \$80M that was only described as being for “Classified Programs”. A broad category of actions that could include surgical strikes or programs building cooperation with differing factions within Colombia. Within Colombia, the US uses Special Forces to

4 William J. Clinton, “Joint Communique with President Andres Pastrana of Colombia,” (Speech, White House, Washington, DC, October 28, 1998).

5 General Charles E. Wilhelm, “Posture Statement of General Charles E. Wilhelm, United States Marine Corps Commander in Chief, United States Southern Command,” Federation of American Scientists (March 3, 2000).

6 US Congress. House of Representatives. 2010. Making Emergency Supplemental Appropriations for The Fiscal Year Ending September 30, 2000, And for Other Purposes. 111th Congress (August 10).

train a specialized counter-narcotics battalion, costing the US \$3.9M in 2000; the battalion intends to “conduct ground and airmobile CD operations in coordination with the Colombian National Police.⁷ The program later grew into the Counter Narcotics Brigade that would house three battalions of 980 men each, all trained by USSF to combat narco-trafficking. Between 2000 to 2013 there have been solid gains in combating narco-trafficking: the size of the drug economy in Colombia shrunk from \$7.5B in 2008 to \$4.5B in 2013 and production of Coca dropped from roughly 160,000 hectares in 2000 to nearly 50,000 hectares in 2013.⁸ With this being said, despite these efforts, there were rises in the production of cocaine in 2007, and there has been minimal influence on the street pricing of narcotics produced in the region such as cocaine and heroin. Similarly the quality of these narcotics has not decreased.

The American operations training the Colombian National Police and National Army were led by the Army’s 7th SFG, also known by their colloquial name the “Green Berets”. Their initial deployment was intended to train Colombian forces in its northern region to protect the nation’s oil-pipelines from leftist guerilla attacks, as the northern region is not responsible for any significant cocaine cultivation or manufacturing this demonstrates a secondary counterterror focus.⁹ The 7th group was also responsible for the creation of numerous counterterror groups in the Colombian military including the Commando Brigade, Rapid Deployment Force, the Aviation Brigade, and the Urban Counter-Terror Special Force Group.¹⁰ Due to the Tyler Amendment, there are caps on the number of US military personnel that can be deployed in Colombia at 500, making the achievements of these small teams all the more impressive.¹¹ The goal of combating terror tied into the Uribe Administration’s Plan Patriota initiative, which sought to eliminate the presence of leftist groups in Colombia through military force with United States support.¹² Through the use of counterterror

7 op. cit., fn 5.

8 Daniel Mejía, “Plan Colombia: An Analysis of Effectiveness and Costs,” Brookings Institute (2016).

9 Jeremy McDermott, “Green Berets move into Colombia’s oil fields,” *The Telegraph* (October 12, 2000).

10 Austin Long, “Building Special Operations Partnerships in Afghanistan and Beyond,” Rand Corporation (2015).

11 Congressional Research Service, “Colombia: Plan Colombia Legislation and Assistance (FY200-2001),” CRS (July 5, 2001).

12 Kathleen T. Rhem, “U.S. Helping Colombian Military Cope with Drug War’s Legacy,” American Forces Press Service (November 29, 2005).

units, the Colombian military has waged a brutal campaign against guerilla forces such as the Colombian Revolutionary Armed Forces (FARC) and National Liberation Army (ELN), forcing the FARC into peace talks after decades of conflict. The long-term goal of Plan Colombia was to create an effective and self-sufficient Colombian military, a goal that has clearly been achieved as the Colombian Special Forces are viewed as the dominant Special Forces group in the region, even becoming the go-to trainer for other Central American Special Forces.

Colombia demonstrates how the US uses its Special Forces to build the capabilities of regional allies to achieve several goals. Firstly, the US military combating of narcotics trafficking out of Colombia through the creation of highly effective domestic police and military personnel. For the US, this goal made up the core reasoning for the creation of the Plan Colombia initiative, and has been an overwhelming success in terms of aiding Colombia in the War on Drugs. However, the loss in Colombian drug production has been compensated for with increased production in regions of Mexico, ultimately extending the need for US cooperation with other states to combat the drug trade. Secondly, US forces combating the spread of Communism by groups such as the FARC and the ELN. This goal has been at the core of US foreign policy following the end of the Second World War and the start of the Cold War. It was during the Cold War that the US funded paramilitary organizations within Colombia to combat leftist guerillas, a decision that created further instability in the country and increased drug exports. In the enhancing of state capabilities, the US has been able to combat perceived threats to the stability of the capitalist system, all the while improving De Facto control for the Colombian government. Lastly, the creation of highly effective Special Forces groups in the region will create greater stability as states are better equipped to combat non-traditional threats such as extremist or criminal organizations. Given the long history of conflict within Colombia, the building of strong state capabilities alleviates the need for extended US support for programs, while also creating a force that will better be able to combat regional threats to stability.

Operations in Africa and the Arabian Peninsula:

As the war on terrorism has evolved, there has been a broadening of the scope of actions taken by Special Forces to combat the organizations involved in perpetrating acts of violence. This ever expanding mission has led to Special Forces units being deployed from the Philippines to Africa for

the sole purpose of combating the presence of extremist organizations. In Africa, these operations have been carefully coordinated with local ground forces. Meanwhile, US SFGs in the region work to improve the capabilities of local ground forces in combating terrorism and rebel groups that operate on the continent. Africa is a hotbed for anti-governmental conflict with many states facing some form of opposition from within their borders. For the US, the goal of combating the influence of regional terror groups aligns with partner nation's interests in maintaining regional stability. This cooperation exemplifies the ideals of the English school, as both nations experience direct benefits for their own interests through military cooperation.

The largest US Special Forces presence in the region is centered in Djibouti, using the existing Camp Lemonnier base as an organizing platform for the operations conducted throughout northeastern Africa and the Arabian Peninsula.¹³ Currently there are roughly 1,500 Special Operations Forces deployed to the continent. These Soldiers conduct training exercises with partner nations as well as so called "kinetically-centered counter terror operations" that fit the typical capture or kill specialty of Special Forces.¹⁴ ¹⁵ This specialty has been particularly useful in combating the spread of groups such as the Islamic State, Boko Haram, and Al-Qaeda in the Arabian Peninsula, with Special Operations Forces targeting the leadership of these groups. The lingering presence of Special Forces in Africa began due the Obama administration, and later the Trump administration, adopting a more aggressive strategy to combat Islamic terror in the region. Former national security advisor John Bolton, an extreme Realist, has voiced his support for increasing US operations in Africa and the Arabian Peninsula in order to protect US regional interests from the potential damage that regional instability can bring.¹⁶ According to a Senate Armed Services Committee statement, "Our vital national security interest in Africa is protecting the lives and interests of the American people by reducing threats to the homeland and abroad," illustrating the one sidedness of US support in Africa.¹⁷

13 Kathryn Watson, "Where does the US have troops in Africa, and why?," CBS (October 23, 2017).

14 Nick Turse, "Commandos Without Borders," LobeLog (December 22, 2016).

15 General Joseph L. Votel, "Statement before the House Armed Services Committee," House Armed Services Committee (March 1, 2016).

16 Salem Solomon, "What Does John Bolton's Security Adviser Role Mean for Africa," Voice of America (March 26, 2016).

17 General Carter F. Ham, "Statement to Senate Armed Services Committee," Senate Armed Services Committee (April 7, 2011).

The one sidedness of US efforts in the region represents the reality of the continually shifting nature of power in the region, where the US has worked hard to increase the military capabilities of partner nations to act without further American assistance. While cases on continental Africa are currently secret, the very public case of Yemen has allowed for an insight into US actions in the region. In Yemen, the US has deployed Special Forces to aid the ousted government of President Abdu Rabbu Mansour Hadi in its sustained conflict with Shiite Houthi minority rebels. Blurring the lines between genuine concern over the situation in Yemen and American regional interests is the ongoing presence of the Saudi Arabian troops in Yemen.¹⁸ Saudi Arabia, a key US ally in the Middle East, views the Shiite Houthi rebels as a threat to its influence in the Arabian Peninsula as the leading Sunni power in the region. Adding fuel to this concern is the fact that the Houthi rebels are backed by Iran, a regional rival of Saudi Arabia and a country that is in direct opposition to the US involvement in the Arab world. Thus shaping the conflict in Yemen into a proxy conflict over who will be the dominant power in the Islamic Community in the region.¹⁹

Greater conflict in the Middle East, fueled by the support of larger nations, has begun to take a toll on the region. Between 2006 and 2014, the presence of US SFGs in Africa and the Arabian Peninsula increased 900%, and with this increased military presence came a spike in the number of terror attacks per year in addition to the number of militant groups active on the African continent.²⁰ As mentioned at the beginning of this paper, the presence of US Special Operations Forces around the world has been increasing, but so too have the number of attacks on Special Operations Forces. These attacks are most commonly acknowledged when occurring in the Middle East, where the US has maintained an on and off presence for nearly twenty years.

Operations in the Middle East:

Combat operations by SFGs in the Middle East have been a standard procedure following the 9/11 attacks, although the groups had previously

18 Saeed Al-Batati and Eric Schmitt, "Thousands of Yemeni Forces Target Qaeda Stronghold," *New York Times* (August 6, 2016).

19 Helene Cooper, Thomas Gibbons-Neff, and Eric Schmitt, "Army Special Forces Secretly Help Saudis Combat Threat from Yemen Rebels," *New York Times* (May 6, 2018).

20 *op. cit.*, fn. 13

been active in the region carrying out humanitarian missions. The war on terrorism required extensive and continuing operations by SFGs in Iraq and Afghanistan to achieve the US campaign's goal of combating the influence of terror groups. These operations took on many different forms, focusing largely on collaboration between US forces and existing regional forces, although some took on more direct combat roles.

In the case of Afghanistan, the Army's 5th SFG received orders to deploy to the region within two days of the 9/11 attacks. This quick response illustrated the US eagerness to take action in reprisal following the devastating attack.^{21 22} According to a report written by Major Isaac J. Peltier analyzing the usage of SFGs in Iraq and Afghanistan, "5th SFG immediately began preparations for deployment and on 10 October 2001, less than a month after 9/11, the 5th SFG main body arrived at Karshi Kanabad (K2), an old Soviet airbase in Uzbekistan".²³ The 5th group was deployed to help coordinate and organize counter-Taliban operations with regional militias, as well as the numerous American and allied forces. The regional forces were comprised of several different tribes made up of ethnic minorities such as the Tajiks, Uzbeks, and Hazaras, each had large established militias with forces numbering in the several thousands. Following the insertion of Special Forces teams, the regional commanders asked their new allies to conduct air strikes, a tactic that would become a hallmark of SFG operations in the region and became infamous for the number of civilian deaths that they brought. These air strikes, carried out by American forces, took many forms. The usage of AC-130 planes allowed for more targeted strikes using .50 caliber guns on board to attack Taliban positions, whereas the usage of BLU-28 Daisy Cutter bombs were used to inflict massive damage to Taliban forces.²⁴ In the wake of these attacks, the new regional allies were far more willing to work with the small number of American forces to combat the Taliban's hold over the Northern region of Afghanistan, choosing to target the city of Mazar-e Sharif which served as a Taliban stronghold. By November 2001 the newly allied militias began their assault on the city,

21 MAJ Isaac J. Peltier, "Surrogate Warfare: The Role of U.S. Army Special Forces," School of Advanced Military Studies (May 26, 2005).

22 Deirdre Tynan, "US Special Forces Shop Outside Afghanistan," Center for Security Studies (2018).

23 *op. cit.*, fn. 21.

24 "Task Force Dagger – Operation Enduring Freedom," American Special OPS (2018).

fighting from the South into the city under the cover of airstrikes targeted by US forces, driving Taliban forces out of the city on November 10th just five days later. This initial victory illustrated the benefit of unconventional warfare in combating forces in areas where a larger conventional ground force would be unable to operate due to a lack of facilities. In Iraq, the main issue with using conventional forces was the lack of airstrips for the landing of troop carrying planes as conventional forces are not intended to maintain extended operations by aerial insertion.

The lessons gleaned from Task Force Dagger in Afghanistan were applied to Task Force Viking, an effort by the 10th SFG to aid conventional ground forces in combating the Iraqi Army immediately after the invasion in March of 2003. Task Force Viking operated largely in the northern Kurdish region of the Iraqi state, working with Peshmerga militias to force the Iraqi army out of the Kurdish region and alleviating pressure on conventional forces to the South. The Kurdish forces were a uniquely helpful partner, as opposed to tribal forces in Afghanistan where the loyalty of militia leaders required millions of dollars to be achieved. The previous humanitarian operations by the 10th group in the wake of Saddam Hussein's attacks on Kurds built a rapport between US forces and Kurdish leaders. These operations, named Operation PROVIDE COMFORT, were said to have saved roughly 500,000 Kurds from death by providing humanitarian aid and protection.²⁵ The strong bond between these forces allowed for the 10th group to make use of the nearly 70,000 Peshmerga soldiers active in the region to achieve its goal of combating Iraqi forces, ultimately only 7,000 Peshmerga forces came to be the main assault force working with the 10th group. Following successes in pushing back Iraqi forces the assault force retook the city of Kirkuk, a major city in the Kurdish regions and a key portion of the Iraqi oil production network. Due to suspicions on the part of neighboring Turkey surrounding the possible creation of a Kurdish state, whose historical borders cross into current Turkish territory, the Kurdish forces were initially unable to maintain a lasting presence in the city. During its short operational period, Task Force Viking was responsible for retaking Kirkuk and Mosul, dealing a major blow to the Iraqi government's hold in the region.

As the war on terrorism has continued, US Special Forces have been responsible for numerous operations in a variety of countries throughout the

²⁵ US Army, "10th SFG History," United States Army Special Operations Command (2018).

Middle East. Following the initial deployments of Special Forces to topple the governments in Iraq and Afghanistan, Special Forces have conducted operations to combat the presence of violent extremist organizations in the region. Currently there are efforts in Syria by the Army's 75th Ranger regiment to sustain the gains made by government opposition groups, the Rangers being the Army's premier quick combat force specializing in rapid operations in difficult terrain.²⁶ There are likely many more operations currently occurring in the Middle East outside of the public purview. Due to their uniquely specialized nature, SFGs conduct operations in the shadows so as to not compromise their tactics or Soldiers which make these groups so effective. The recent publicity of Special Forces, after the 2012 raid that resulted in the death of Al-Qaeda leader Osama bin Laden, has increased the opinion that unilateral action by these forces is the most concise method to addressing American counterterror objectives. The history of the Special Forces in the Middle East exemplifies the benefits that can be achieved through continued cooperation between these Soldiers and local forces, rather than more popular unilateral strikes. Between 2002 and 2013 the US granted \$62.8B in aid for security to the Afghan government, not including the millions provided by the CIA and other US branches have given to non-government forces.²⁷ In return for their large investments in the region, the US has managed to limit the influence of violent extremist organizations, although this has not improved the overall stability in the region. Ultimately the US goal of retaliating against the influence of Al-Qaeda and protecting the oil infrastructure of Middle Eastern states drove the US military policy in the region. During its time in the Middle East, there has been a record of a lack of shared interests between the US and its allies in the region, illustrating the realist perspective present in the International School as all parties in the region collaborated to achieve their own goals.

Conclusion

The recent deployment of Special Forces has highlighted US foreign policy goals throughout the world, focusing on protecting American security and resource interests abroad.

Combating the distribution of drugs is not a strategy intended to aid

²⁶ Adam Linehan, "US Army Rangers are operating on the ground inside Syria," *Business Insider* (March 8, 2017).

²⁷ Charles Michael Johnson Jr., "Afghanistan: Oversight and Accountability of US Assistance," US General Accountability Office (June 10, 2014).

states that have been ravaged by the presence of drug organizations, but instead the US seeks to prevent the flow of drugs into its own markets and to eliminate possible sources of funding for groups it actively views as threats. In resource rich areas, the protection of key infrastructure and support for government capabilities is aimed at the protection of US resource suppliers--particularly true for oil. This is exemplified by the US involvement in Yemen, where Saudi Arabia, a major oil exporter, has managed to use its considerable influence over US foreign policy to direct the flow of troops into a conflict that it otherwise would have been unlikely to engage in. Finally, the US goal of maintaining regional stability is achieved through establishing greater capabilities for foreign governments in regions currently experiencing, or on the verge of experiencing, internal conflict. By hedging its bets the US is able to pick and choose which governments it feels should continue to remain in power, as is the case in Syria where US forces have trained and armed anti-government forces in the hopes of overthrowing the Assad government.

It should be noted that the findings in this paper are incomplete due to the highly secretive nature of special operations and the need to maintain informational security regarding sensitive subjects. With greater access to classified military documents, there would be a greater amount of evidence to these findings. It will likely be several decades before documentation surrounding the full usage of Special Forces in the past two decades will come to light, and until then continued vigilance regarding the impacts of greater usage of Special Forces will be required.

The case of Colombia illustrated the US interests in narcotics and in protecting the foothold of Capitalism around the globe. For this particular goal, the deployment of SFGs has been greatly successful given the small amount of resources required on the part of the US to work with the Colombian military. In the Middle East and Africa, US forces have been extremely successful in regime change and the dismantling of terrorist networks. While these overt goals have been achieved with a degree of success, the far more subtle goal of securing resources for the US has been a landslide victory. The protection of key infrastructure has ensured that the US will not face market pressures and is able to sit on its vast domestic emergency supply for far longer. Where there has been success there is also failure. The goal of dismantling drug organizations and terrorist groups has been successful, but with organizations such as these there is always another group seeking to take over where another has failed. Similar to a hydra,

each group that is eliminated spurs the growth of another cartel seeking to reclaim markets or another terror group with similar aims. In this sense, the US's frequent deployment of SFGs has made maintaining the successes of these security goals into a greater challenge, with goal posts that continue to move every time an inch of ground is covered. For the US to maintain its accomplishments there is a need for a more Liberal approach of international cooperation to address the root causes of the issues, rather than a Realist attempt to quash the threats at hand.

The individuals that make up these SFGs experience great stress from numerous deployments and dangerous situations, but are also extremely effective at working collaboratively with foreign forces. The continuing advantages of greater collaboration leads me to believe the US must pursue greater educational roles instead of combat roles for its Special Forces. Previously exhibited through the support based approach used in Colombia, which built greater military capabilities for allies, that allows for the accomplishment of foreign policy goals with minimal deployments of US forces. An example of this perspective is the continued training efforts between the US and India, who already possesses some of the best trained SFGs, in order to allow India greater capabilities to curb the anti-American regime in Pakistan. These forces are trained in unconventional warfare and maintain skills far above the typical soldier, and as such they should be viewed as the force of last resort for the US, only necessary when conventional forces or partner nations are unable to take action.

It should also be noted, there will likely be a shift in the deployment of SFGs away from oil rich states if the 2014 British Petroleum report prediction that the world has only fifty-three years of oil reserves remaining proves true.²⁸ Current deployments are heavily concentrated in oil rich regions, and typically surround oil production infrastructure, as the US sees protecting friendly oil production capabilities as a part of national security interests in spite of recent claims that the US will be more self-sufficient in terms of oil production. In an age focused on the production of highly efficient renewable power sources, SFGs will likely be redeployed to ensure a steady supply of Lithium and Cobalt, two key materials for the construction of rechargeable Lithium-ion batteries. Cobalt poses far more of an opportunity for US involvement; top producers Zimbabwe, a relatively safe state with few threats to its sovereignty, and the Democratic Republic of

²⁸ Nasdaq, "How Much Oil is Left in the Earth," Nasdaq (December 27, 2017).

Congo, a state suffering from internal conflict that the government appears unable to quash, could benefit greatly from cooperation with the advanced resources provided by US SFGs.²⁹ This will likely lead to a greater number of deployments, particularly to the DRC, in order to ensure that cobalt mining infrastructure remains secured for US interests.

The deployment of SFGs also have been used, and will continue to be used, to combat threats to the future of capitalism. The United States, being the architect of the Liberal World Order, is in a unique position to ensure its long term viability. As a result, SFGs have been deployed to combat zones to aid forces that see the potential existence of capitalism as a boon to the local populations. This was made clear by the deployments to fight Baathist regimes in Syria and Iraq, as well as training the Colombian military to combat leftist guerrillas. The Baathist political platform is based on a socialist ideology, although the regimes who implement it tend to use this ideology to use the government to prop up friends and powerful industries. In Colombia, a history of conflict between the Capitalist government and a variety of both socialist and communist guerrilla groups has lasted for nearly sixty years. While it would be easy to say Special Forces are deployed to help promote Democracy and American values in these cases, the only concrete goal that I have been able to perceive is the expansion of Capitalism into regions where it was perceived to be under threat. As a result of this trend it is clear that should forces friendly to Capitalism arise in Socialist states, particularly resource rich Socialist states, the US will lend the support of SFGs to better ensure their success.

In summary, American Special Forces have become known as one of the greatest tools in the American Army's command. These forces receive highly extensive training in combat, survival, language, and more by the US and through training with other highly specialized foreign special forces. As a result, they are uniquely capable of conducting operations effectively with minimal troop numbers, making them a highly cost effective force for the US. These troops will continue to carry this high reputation, but they should continue to be viewed as the highly specialized resource they are, not as a force that can be deployed for any mission that is perceived as difficult for standard forces. With advances in AI weapon systems that can operate in the dangerous conditions previously reserved for Special Forces, SFGs should be viewed first and foremost as a human asset. They are especially

²⁹ "Cobalt," Royal Society of Chemistry (2019).

well qualified for collaboration with local forces, acting as a force multiplier in combat operations and as a valuable source of combat knowledge. While it may be popular to use these forces more frequently, making them a conventional force will set a dangerous precedent for the overuse of specialized forces for non-specialized tasks.



ANTHONY BRANCH is a Lead Intelligence & Risk Migration Analyst at WeWork. He graduated from Cal Poly in 2016 with a degree in Political Science.

Alumni Spotlight: Anthony Branch

By Isaias Diaz

Anthony Branch graduated from Cal Poly in 2016 with a degree in Political Science and Global Politics. Currently, Anthony works for a company called WeWork as a Lead Intelligence & Risk Mitigation Analyst. As an Intelligence Lead, he is tasked with maintaining global situational awareness of potential and developing risks capable of impacting the personnel and assets of WeWork. The Intelligence Lead position develops and leads the intelligence component within the WeWork Security Team to provide accurate, relevant, insightful and timely threat analysis and risk assessments in support of executive protection, business operations and enterprise risk. Anthony has been specifically assigned to the Asia-Pacific account, covering the interests and investments within that region.

Anthony transferred to Cal Poly from Santa Barba City College for political science in 2014. Anthony initially had planned on going to law school after earning his undergraduate degree, since he had worked at the public defender's office for some time and it seemed appealing to his interests. At the end of his career at Cal Poly, Anthony was at a crossroads of whether he should pursue law school or pursue international relations. After graduation Anthony took a year and a half off to do some soul searching, upon which he concluded that he would regret not pursuing international relations more than he would regret not being an attorney. After this decision,

Anthony attended NYU, where he studied and completed his master’s degree in International Relations, with a focus on National Security.

He credits a mentorship he established with a faculty member at Cal Poly as helpful in guiding his interests towards the right career path. Anthony found professors to be a very valuable resource as they are more open to interacting with students due to the smaller class sizes and Cal Poly being more of a teaching, rather than research, institution. So far, Anthony is most proud of the international research he conducted and published during the summer of 2018 in Armenia as an International Fellow at CRRC.

Anthony’s initial thoughts when considering his career path mainly pointed towards staying in academia, since developed a passion for researching. But nowadays, he finds himself more interested in making a direct impact, rather than writing and reading on subjects whose only audience is others in the same field as him. Anthony has had a lot of different and “weird” jobs throughout his career so far. The most notable two are working at the public defender’s office, where he did investigations and clerical duties like writing motions. The other one was working at a company called Global Power Supply as a project manager, where he learned valuable skills on how to effectively lead a team.

At the moment, Anthony is also acting as a space policy counselor for the Space Games Federation. It is helpful to think of the Space Games Federation as being similar to FIFA or the Olympic committee, but instead an international governing body for zero or micro gravity sports. The idea is that it’s not happening tomorrow, but in the next ten years there should be something constructively developed. Anthony’s role as a space policy counselor focuses mainly on analyzing and assessing policy proposals to see how they would affect and interact with the international sports governing body as a whole.

There are three things Anthony learned during his time as a Cal Poly political science undergraduate that he claims have helped him get to where he is today:

- 1) Learning how to think, write, and read analytically at a higher level. It sounds simple, but those skills have been very useful in his career so far.
- 2) Learning research methods. At Cal Poly he took courses in research methods, which have been very helpful and applicable in his research

ambitions abroad at the Caucasus Research Resource Center (CRRC) in Armenia and at NYU.

3) The quantitative skills that are taught in the Cal Poly Political science curriculum. Anthony believes that experience with SPSS or excel can be very useful in certain jobs and gives you a leg up over competitors.

Anthony's advice to current Cal Poly political science students:

Due to the nature of industry these days it's a bit more difficult to find a job with solely a bachelor's degree. Anthony suggests grad school as a very good opportunity and advises using and optimizing all the resources available to you. Anthony's suggestion to Cal Poly political science students is to make sure to lock down at least two faculty members that can serve as a reference and/or write you a letter of recommendation. Most importantly, it will be more helpful and effective for employers to discuss with faculty members that are familiar with your work and interests. For current students, Anthony advises that it is very good to find a mentor, since it is very beneficial for you to develop a professional relationship with somebody who has many years of experience. They can give you a better outlook on where your career trajectory can go due to the wealth of knowledge and experience that their background carries.

CONTRIBUTOR BIO



EMILY MEYER is a fourth-year Political Science student with a concentration in global politics. Emily will graduate in June of 2019 and hopes to attend graduate school in Europe. Emily is originally from Pleasant Hill, California, but her family's roots in Sweden inspired her love of international affairs. She hopes to study international security with an emphasis on cyber security and risk management at graduate school, with the goal of being a security analyst at the European Union Agency for Network and Information Security. Emily's personal interests include reading, open-water swimming, and traveling.

By Amy Holmes

New Colonialism in Developmental Aid

Emily Meyer

Abstract

Conventional wisdom suggests United States' economic foreign aid is wasted and should be cut. In challenging this conventional wisdom, I argue that though there is potential for good through foreign aid, bilateral aid programs like that of the Forum on China-Africa Cooperation resemble neo-colonialism. This paper examines international aid's effects on establishing debt traps, promoting exploitation, and reinforcing hierarchy. Through analysis of primary and secondary evidence, including but not limited to UNCTAD and WWF-SIGHT reports, I look at how the effects of international aid contribute to the sovereignty of the recipient countries. My findings reveal that though Chinese international aid and investment has created several positive short-term changes in African economies, these advances come with a cost. Due to a lack of regulations on aid-based development projects, powerful countries are allowed to take advantage of both the recipients' natural resources and political sovereignty.

Introduction

In the fall of 2018, discussion began on Africa's response to China's growing economic diplomacy which despite positive perceptions, has evoked popular support for anti-China rhetoric among African voters. With upcoming elections in a time when China is the most crucial economic partner to many African countries, the influence over Africa has become increasingly concerning. Because extractive sectors are at the core of African-Chinese economic ties, there are rising concerns about exploitative practices resulting from foreign involvement. China's increased engagement in Africa has been criticized by some Western politicians as a form of new colonialism, with growing indebtedness to China being the main concern.

This comparison of international aid to neocolonialism creates a large concern about the effects on aid-receiving countries' sovereignty.

Chinese developmental aid to Africa reflects both the historical trend of powerful nations' colonialism over developing countries, and the growing power of non-western nations. This aid comes at a time when China's growing political and economic power is posing a threat to western powers like the United States. African nations have been facing a need for restructuring debt and sustainable development. Although there is the widespread concern of aid creating further indebtedness, most African countries still view Chinese lending as the best option to develop their economies, rather than inattentive western nations.¹ This choice reflects the growing divide between the United States and China, as has been emphasized by American political rhetoric. This observation also shows the negative, or at least complicated effects of increased technology on developing nations. As we have seen in historical examples, like the United States' failed aid to Haiti, which ended up dismantling Haiti's agricultural sustainability, development aid has both promising and dangerous possibilities.

For China, the implications of increased economic engagement benefits both their political and economic positions. However, with increased economic presence in Africa's development, China is taking on a greater level of responsibility for ensuring that the development projects they are funding are sustainable. If attended to, this could have amazing effects for African countries' development. However, a more realistic view would see that rather than giving out "free money,"² which is a common view of some recipient states, China is effectively buying influence, and thus creating a newer type of colonialism of African states. However, Chinese backed infrastructure does not guarantee economic growth that would make rising debt sustainable. This is supported by CARI³ data showing Chinese loans as the most significant contributor to high debt risks in several African states.⁴ The main problem with this type of aid is that because it is a bilateral aid agreement, it is not distributed with analysis and regulation from other international actors. This issue reflects heavily on what effects international

1 Joe Bavier, Christian Shepherd, "Despite debt woes, Africa still sees China as best bet for financing," Reuters (August 30, 2018).

2 Ibid

3 China-Africa Research Initiative at Johns Hopkins University.

4 Joe Bavier, Christian Shepherd, "Despite debt woes, Africa still sees China as best bet for financing," Reuters (August 30, 2018).

aid, like that we see by China, has on both sustainable development and independent states' sovereignty. These concerns lead me to ask the following research question: How does development aid resemble neo-colonialism on developing nations' sovereignty?

My three case studies analyzed how international aid: establishes debt traps, promotes exploitation of natural resources, and reinforces cultural hierarchy. In each of these cases, I looked at developing nations' sovereignty as the unit of analysis. For this research, I defined sovereignty as a state's ability to govern its people, allowing for sustainable development. The theoretical paradigm I am using that best frames my research is dependency theory. Dependency theory holds itself as a theory of underdevelopment, in which throughout the last century, poor countries "exiled to the periphery of the world economy could not develop as long as they remained enslaved by the rich nations of the center."⁵ I am using this theory to assert that the lack of regulations that often come with capitalism are a primary factor for the inequality of economic growth between rich and poor countries. This theory helps me frame my research by looking at how in cases where international aid is given, the rich donor countries tend to neglect the responsibilities of regulating how their aid is distributed. The lack of regulations when aid is given to less developed governments allows not only for irresponsible allocation of funds, but also for abuse of the recipient countries' people. Donor countries' lack of responsibility in enforcing regulations directly affects economic, environmental, and cultural balances in recipient countries. Without the state capacity to handle unforeseen circumstances resulting from economic aid, these countries face no other choice but to depend on constant support from their donor countries, which further inhibits recipient governments' autonomy over sustainable development.

Research Findings

Establishing Debt Traps

China has become one of the largest bilateral aid donors in some countries and regions, due to their unique foreign aid practices which include debt forgiveness and concessional loans. China often promotes economic projects in countries, areas, and sectors that developed governments and MNCs have avoided because they are determined to be unfriendly, too

5 Andres Velasco, "Dependency Theory," *Foreign Policy* vol. 133 (November/December 2002).

arduous, or infeasible. Chinese economic assistance becomes an attractive alternative to the IMF and World Bank Heavily Indebted Poor Countries Initiative,⁶ which only applies to eligible debt acquired during a specific period of time from specific creditors.⁷ Though concessional debt has been decreased in more middle-income African states, China still maintains this practice in more heavily indebted countries.

Due to several external forces, such as the global financial crisis and a sharp decline in commodity prices, Africa's external debt stock has grown rapidly in the last decade. Between 2011 and 2013, external debt-to-GNI ratios were much higher in Africa than other regions such as East Asia and Latin America.⁸ This increase in debt stock has led to riskier practices by African countries, which include inviting more investor interest into emerging markets. Although debt relief programs have been somewhat effective in reducing debt burdens of eligible countries, long-term debt sustainability remains a great concern for many poor countries. In recent years, several African states have experienced upward trends in external debt ratios, with two countries being considered to be in debt distress and seven classified as high risk.⁹

Pakistan, Sri Lanka, and Djibouti have been three of the primary countries illustrating the dangers of China's "debt trap diplomacy." Infrastructure projects like those of the CPEC's¹⁰ development scheme has become a point of questioning the Chinese "Silk Road" projects.¹¹ CPEC projects reflect the growing bilateral relationship between the countries, highlighted by China's geopolitical ambition to gain influence through infrastructure projects promoting connectivity across Pakistan.¹² These projects all fall under the greater scheme of China's Belt and Road Initiative

6 Launched in 1996 by IMF and World Bank as the first comprehensive approach to reducing the external debt of the world's poorest, with debt relief placed within an overall framework of poverty reduction.

7 Economic Development in Africa: Debt Dynamics and Development Finance in Africa, United Nations Conference on Trade and Development. New York and Geneva (2016).

8 Ibid.

9 Ibid.

10 China-Pakistan Economic Corridor.

11 Drazen Jorgic, "Fearing debt trap, Pakistan rethinks Chinese 'Silk Road' projects," Reuters (September 29, 2018).

12 Daniel S. Markey, James West, "Behind China's Gambit in Pakistan," The New Geopolitics of China, India, and Pakistan (2016).

(CBRI), an ambitious plan to deepen Chinese economic integration and connectivity across Asia and into Africa and Europe.

The new Pakistani populist government under Prime Minister Imran Khan has expressed concern about rising debt levels, leading to ideas that the country must wean itself off of foreign loans. This unease about foreign aid reflects similar sentiments from incoming governments in Sri Lanka, Malaysia, and The Maldives about Chinese investment. Despite Pakistani government desires to review all BRI infrastructure projects, People's Republic of China (PRC) officials have only been willing to review projects that have yet to be put in place.¹³ Although Pakistani officials have said that they remain committed to Chinese investment, this commitment is paired with a need to push for more affordable prices and a further focus on social development projects. However, it is hard to have Pakistani demands be taken seriously considering how dependent they are on Chinese loans to prop up their already vulnerable economy.¹⁴

Sri Lanka has been a primary example of debt caused by infrastructure “untied” loans from China. The projects that loans have gone toward have racked up more than \$8 billion of debt to Chinese-backed banks with interest rates as high as seven percent. This has led to an inability to pay back.¹⁵ Because of this massive debt, nearly all of Sri Lanka's revenue is now going toward debt repayment, Sri Lanka to be dependent on China to keep their economy somewhat afloat. Although their debt has not been as established, Djibouti has been speculated as an upcoming victim to China's debt trap diplomacy. Like Sri Lanka, last year, as part of China's BRI, Djibouti borrowed more money than it can pay back for infrastructure projects. They are currently projected to take on public debt worth around 88% of the country's overall GDP, with a large amount owed to China.¹⁶ This vulnerability has only led to more dependency on Chinese intervention, as American politicians such as Senator James Inhofe have expressed concern, saying that “China initiated a campaign weaponizing the debt owed to it by Djibouti, drowning President Guelleh and leaving him and his country

13 Drazen Jorgic, “Fearing debt trap, Pakistan rethinks Chinese ‘Silk Road’ projects,” Reuters (September 29, 2018).

14 Ibid .

15 Amy Cheng, “Will Djibouti become latest country to fall into China's debt trap?” Foreign Policy Editorial Report (2018).

16 Ibid .

no choice but to transfer national assets -and sovereignty- as repayment.¹⁷ As highlighted by Inhofe, this Chinese takeover of Djibouti's debt has had an effect not only on its economy, but on the national sovereignty of the recipient nation and its ability to develop independently.

Promoting the Exploitation of Natural Resources

This case study analyzes how the environmental damage and exploitation of workers caused by economic aid resembles neocolonialism by diminishing a states' capacity to develop sustainably. Foreign aid in developing nations, like China's aid to Africa, is primarily driven by a need for natural resources as well as the aim to open foreign markets to Chinese goods and help PRC companies. Despite increased efficiency and rising domestic production, China's rapid urbanization and industrialization continues to increase demand for coal, oil, and other natural resources.¹⁸ 70% of infrastructure financing takes place in countries with oil fields, but China places a higher level of investment in mineral markets.¹⁹ Although Africa is the primary recipient of foreign aid being focused on for natural resource exploitation, China has expanded their reach beyond the eastern hemisphere.

According to a CRS report, natural resource extraction/production is the most highly invested type of aid by the PRC, with over \$32 million having been donated to Africa, Latin America, and Southeast Asia between 2002-2007.²⁰ Over two thirds of China's investment projects on the western hemisphere were in natural resource sectors. While the increase in Chinese demand for natural resources has accelerated growth in some resource-rich sub-Saharan African countries, the facilitating of exports of raw materials makes Chinese companies the biggest beneficiary of them all, requiring that 50% of project materials and services are to be sourced in the PRC.²¹ In addition, China's unique way of accepting debt relief in kind creates a

17 Senator James Inhofe (R-Iowa) to National Security Advisor John Bolton, Washington, D.C. (May 2, 2018).

18 Miria Pigato, Wenxia Tang, "China and Africa: Expanding Economic Ties in an Evolving Global Context," World Bank (March 2015).

19 Thomas Lum, Hannah Fischer, Julissa Gomez-Granger, Anne Leland, "China's foreign Aid Activities in Africa, Latin America, and Southeast Asia," CRS Report for Congress, Congressional Research Service (2009).

20 Ibid .

21 Miria Pigato, Wenxia Tang, "China and Africa: Expanding Economic Ties in an Evolving Global Context," World Bank (March 2015).

direct source of oil or minerals through payments on loans. Because of this convenient debt payment system, African oil accounts for 80% of China's trade in the region and one third of its oil exports.²²

Investments into mined resources have led to exploitation of workers, as seen through the extraction of cobalt in the Congo. According to the Washington Post, foreign investment has added significantly to the growing mining industry. The cobalt industry has moved from small scale mines to a single Chinese company, Zhejiang Huayou Cobalt, which supplies several large battery makers. Cobalt is essential to lithium batteries frequently used in electronics, with its soaring demand requiring 100,000 workers to be submitted to harsh and dangerous labor conditions.²³ The lack of proper tools and safety regulations cause this working environment to be linked to health problems and even deaths among locals. Despite several labor rights and health concerns, Congolese cobalt still makes up 60% of the world's cobalt supply, displaying a general underinvestment into the welfare of miners and locals. Similar nonchalance is exercised by the president of Huayou Cobalt, who claims that his company has never questioned how its minerals have been obtained, despite a long-standing history of mining operations in the Congo.²⁴ Although 90% of Chinese cobalt comes from mines in the Congo, the Chinese government has shown little desire to take on the responsibility of regulating exploitative mining practices. Chinese companies have similarly ignored the problem of regulating and decreasing the prevalence of child labor in Congo's mining industry, which currently stands at an estimated 40% of the mine workers.²⁵ In addition to safety concerns for the workers, Chinese investment into mines contributes to the 43.2% of protected environmental areas being somewhat overlapped by mining activities.²⁶

We have seen the safety risks of mining operations in Brazil and Australia's recent incidents with mining dams. In 2015, a Brazilian iron ore mine experienced a breach in their dam and released 39.2 million cubic

22 Thomas Lum, Hannah Fischer, Julissa Gomez-Granger, Anne Leland," China's foreign Aid Activities in Africa, Latin America, and Southeast Asia," CRS Report for Congress, Congressional Research Service (2009).

23 Todd Frankel," The Cobalt Pipeline," The Washington Post (September 30, 2016).

24 Ibid.

25 Ibid.

26 WWF-SIGHT Analytics, World Wildlife Fund UK (2017).

meters of waste, resulting in nineteen deaths.²⁷ In addition to safety concerns for the workers, a breach in mining operations can be detrimental to the environmental welfare of the surrounding area, creating great challenges for governing bodies trying to achieve sustainable development. Deforestation and biodiversity loss are other huge concerns when looking into the effects of infrastructure projects like bolstering artisanal mines and mining for oil. Since artisanal mining takes place in primarily tropical environments, several different species of flora and fauna are at risk of being degraded or poisoned. This is the case in Botswana and Guinea, which currently have the highest proportion of environmentally protected land being overlapped by mining activities. 88.9% of Botswana's protected areas are being somewhat overlapped by mining concessions and 16.3% are being overlapped by oil and gas concessions.²⁸ This shows an incredible hypocrisy, since these lands being exploited are supposed to be protected to maintain biodiversity. However, we cannot only blame the recipient states for this degradation of supposed protected land. Without donors accepting responsibility for mitigating land degradation, many recipient states will not have the capacity to handle environmental problems.

Reinforcing Cultural Hierarchy

In the last few decades, China has shifted toward soft power, the ability to control or influence others and the outcomes of events.²⁹ During the 1970s and 80s, China's assistance in Africa took place in the form of infrastructure projects, public works, technical and public health assistance, and scholarships to study in China.³⁰ Beginning in the late 1990s, China started to focus on improving ties with neighboring countries, as well as taking a greater role in the international system. China's increased involvement and foreign aid to developing countries reinforces a cultural hierarchy through the promotion of Chinese-based higher education and use of their soft power to push political agendas, specifically the isolation of Taiwan and rejection of Western supremacy. This goal to sway developing countries, specifically in

27 Oli Brown, Zhanyl Moldaliev, "Dam or be damned: Mining safety under scrutiny," United Nations Environmental Programme (March 22, 2018).

28 WWF-SIGHT Analytics, World Wildlife Fund UK (2017).

29 Jeffrey Gil, "The Promotion of Chinese Language Learning and China's Soft Power." Asian Social Science pg. 116-122 (2008).

30 Thomas Lum, Hannah Fischer, Julissa Gomez-Granger, Anne Leland, "China's foreign Aid Activities in Africa, Latin America, and Southeast Asia," CRS Report for Congress, Congressional Research Service (2009).

Africa, toward their political positions has been illustrated through Chinese rhetoric on the long-standing relationship between Africa and China, dating back to the fifteenth century. Harping on nostalgia of the “peace loving” Admiral Zheng He, China referenced an antique bilateral friendship during the 2006 Forum on China-Africa Cooperation to remind African countries of where their allegiance should lie.³¹ In addition, many Chinese websites have flooded with documents reinforcing the importance of Africa and China’s historic relationship. This rhetoric has often relied on relating China and Africa’s common history of seemingly endless and torturous process of Western countries abusing their recipient countries, as well as the asymmetrical effects of Western aid.

Education is a massive portion of what makes up a culture. We have seen, through Western countries’ bolstering of foreign engagement in educational sectors, the creation of a “brain drain” of knowledge vacuuming skilled laborers from the periphery into the core. Similarly, China’s investment into increasing the number of foreign students in Chinese institutions has been a main objective for not only helping developing nations, but also increasing foreign desires to gain educational and work skills from China. This strategy, focused on education, has been bolstered by the PRC in recent decades. The Chinese government has established an office for promoting Chinese language and culture across the eastern hemisphere. This goal of cultural integration is highlighted in the Chinese government’s eight principles for economic aid and technical assistance to other countries, which was established in the mid-1960s. We can see from the eight principles a focus on achieving the objective of “In giving any particular technical assistance, the Chinese government will see it to that the personnel of the recipient country fully master such technique.”³² Bolstering lesser developed countries’ labor and educational levels is a primary goal for China’s own economic development.

China’s Hanban project³³ has established 210 Confucius Institutes

31 Kenneth King, “Aid within the Wider China-Africa Partnership: A view from the Beijing Summit,” University of Hong Kong & University of Edinburgh Publications (November 5, 2006).

32 Zhou Enlai, “The Chinese Government’s Eight Principles for Economic Aid and Technical Assistance to Other Countries,” Wilson Center History and Public Policy Digital Archive (January 15, 1964).

33 National Office for Teaching Chinese as a Foreign Language.

worldwide to teach Chinese language and culture.³⁴ This project has been assessed by some as influencing, cultivating friendships, and promoting an understanding of Chinese culture and language across the recipient countries. China has trained more than 300 teachers and spent \$26 million on textbooks and equipment for this program.³⁵ Other tactics by China have included hosting overseas scholars with the goal of creating an educational vacuum. After the United States tightened its visa policies in the beginning of the century, China has loosened their requirements and announced a goal of attracting more international students. In the 2016 FOCAC Johannesburg Action Plan, educational plans were established by declaring that China “will offer 2,000 degree education opportunities in China and 30,000 government scholarships to African countries.” This plan was cultivated in order to welcome more African youths to study in China and expand training for African professionals on economic development and technical management.³⁶ This action plan has manifested in sending Chinese “youth volunteers,” to African nations, where they are engaged in teaching and training in subjects of Chinese language and medicine, computer skills, agricultural technologies, and sports.³⁷

In addition to the need for natural resources, China’s foreign aid is primarily driven by diplomatic objectives. These political objectives are defined by the desire to isolate Taiwan as well as garner support in international institutions such as the United Nations. Forging friendships with non-aligned nations in order to compete with Taiwan is essential for Chinese political agendas, especially considering Taiwan currently has diplomatic relations with 12 Latin America and Caribbean countries.³⁸ For example, China’s recent aid to Costa Rica has been directly linked to a

34 Thomas Lum, Christopher M. Blanchard, Nicolas Cook, et. al., “Comparing Global Influence: China’s and U.S. Diplomacy, Foreign Aid, Trade, and Investment in the Developing World,” CRS Report for Congress, Congressional Research Service (August 15, 2008).

35 Ibid.

36 Johannesburg Action Plan (2016-2018), The Forum on China-Africa Cooperation (December 25, 2015).

37 Thomas Lum, Christopher M. Blanchard, Nicolas Cook, et. al., “Comparing Global Influence: China’s and U.S. Diplomacy, Foreign Aid, Trade, and Investment in the Developing World,” CRS Report for Congress, Congressional Research Service (August 15, 2008).

38 Thomas Lum, Hannah Fischer, Julissa Gomez-Granger, Anne Leland,” China’s foreign Aid Activities in Africa, Latin America, and Southeast Asia,” CRS Report for Congress, Congressional Research Service (2009).

desire of establishing diplomatic relations with the PRC and the termination of relations with Taiwan. The political effects of Chinese economic aid in Africa have been huge. Only four of 48 sub-Saharan African countries (Burkina Faso, Sao Tome, the Gambia, and Swaziland) still maintain official relations with Taiwan.³⁹ This geopolitical shift in African countries' alliances illustrates a large presence of cultural hierarchy in Africa with Chinese interests superseding those of Taiwan.

Implications

Although Chinese international aid and investment has created several positive short-term changes in African economies, these advances come with a cost. When measuring the effects of aid, it's imperative that we look beyond mere economic advances, and instead balance these with the elimination of parts of domestic sovereignty. Though some economies may have improved due to Chinese economic activity, can this be reconciled with the influx of Chinese economic firms and companies in these emerging markets? This is an vital question we must ask in order to fully realize all of the effects of economic aid. Without a balanced analysis, our conclusions can easily sway toward the more obvious effects.

Although China has been quick to downplay the geopolitical ambitions of their Belt and Road initiative, the resemblance between China's expansion of influence across the continent and traditional colonial expansion is undeniable. Gaining soft power through investing in developing infrastructures and economies is a clear strategy to raise China's influence. Some have asserted that the growth in learning the Chinese language in Africa reflects more of an economic interest in China than a desire to emulate Chinese politics, society or culture. However, it is important to understand the effect this increase of Chinese education has had on the cultural influence China has had on recipient countries. It is easy to see how the United States' reputation of having first-rate universities has attracted many students to Western cultures, so we can similarly analyze China's growing attempts to assimilate foreign students to Chinese cultural and educational ideals. As we have seen in Western 'brain drains,' an invitation to train in more developed countries tends to primarily increase the level of skilled workers in the countries that give technical assistance, given the wider range of opportunities for skilled labor compared to their home nations. Although

³⁹ Ibid.

the United States stands as a global hegemon, China's willingness to get in contact and engage with foreign students presents a challenge to the U.S.' broad educational scale.

Additionally, while mining and infrastructure projects do show promise for contributing to a country's sustainable development, it's important to ensure that mining activities are regulated, with responsibility being put on foreign investors to maintain safety standards. If donors aren't put to a responsible standard, the negative effects, such as environmental degradation and exploitation of workers' safety, will outweigh the positive gains made. The implications of Chinese developmental aid are mixed, but it is important to keep a skeptical eye for unforeseen challenges to recipient states' capacity to develop sustainably. Although this research has focused on the specific case of Chinese economic aid, this is just one example of the dangers of bilateral aid. The overarching theme of powerful countries "selflessly" helping developing nations always comes with some hidden motives.



KATIE MAGNUS is a Defense Policy Analyst at the Senate Armed Services Committee and is also enrolled in grad school at Naval War College. She graduated from Cal Poly in 2015 with a degree in Political Science.

Alumni Spotlight: Katie Magnus

Camden Belliveau

As the founder of Paideia, Katie has an impactful legacy on Political Science at Cal Poly. Unsurprisingly, her career following her graduation in 2015 is similarly impressive. Katie is currently enrolled in grad school at Naval War College, while also working as a Defense Policy Analyst at the Senate Armed Services Committee.

Initially, Katie chose Political Science because she wanted to be a lawyer. However, her Political Science education sent her in a different direction. In particular, Katie credits Dr. Lowham taking the time to create an individualized graduate level course for me, Congress with Prof. Den Hartog, classes with Anika Leithner, and concepts discussed with Prof Moore as classes and professors who were memorable and important in her political science education.

During her summers at Cal Poly, Katie interned for her local Congresswoman in Palm Springs after her freshman year, the Department of State at the US Mission to the UN in New York in the summer after sophomore year, and for Senator Hatch in DC summer after her junior year. These internships helped instill a desire to work in the public sector, while also helping Katie accumulate valuable career experience. Unsurprisingly, Katie cites such experience is vital for becoming a Defense Policy Analyst.

“Usually to get a job in the House, or the Senate, offices and committees prefer you to have some previous congressional experience to [you] understand processes and procedures. A graduate degree is helpful but not necessary. There is no one track that represents necessary experience, [but] it is helpful to have relevant experience in whichever area you want to work in. I had foreign policy and defense experience prior to my work on the Senate Armed Services Committee, but I also had references and a network that vouched for my work ethic. Connections matter.”

Following graduation, Katie accepted a position in the private sector, and was initially very excited to do so. But after 2 years, Katie realized that the public sector aligned more seamlessly with her values, specifically her desire to “make a difference.” Thus, she returned to the public sector as a Defense Policy Analyst. Her advice for anyone seeking direction or career advice following graduation draws on her own experience, as she recommends identifying your values, and then pursuing a career that coheres with those values. Katie strives to benefit the greater good, and her job is the best way for her to do that. So, even after a hard day at work, she always returns motivated to fight the good fight, replete with the knowledge that she is helping people in the best way she can.

Aside from work, Katie runs marathons, camps, and skis, and generally loves spending time outdoors. She also travels copiously and tries to track down her favorite west coast beers on the east coast. Though she has no pets, she endeavors to own a dog when her place can accommodate one.

CONTRIBUTOR BIO



AMY HOLMES is a fourth year Political Science major graduating in June 2019. She will graduate with a Pre-Law concentration and French and Global Politics minors. At Cal Poly, Amy is the Executive Editor of Paideia, Political Science Club President, a member of the Pi Sigma Alpha honors society, and a member of the Phi Alpha Delta pre-law fraternity. Originally from England, Amy grew up in Yucaipa, California. Her academic interests in international affairs stem from her international upbringing. She studies intellectual property law and international affairs, and this fall she will move on to law school. Amy's personal interests include baking, reading, and traveling.
By Ethan Gunnlaugsson

Intellectual Property Theft and its Impact on the US-China Relationship

Amy Holmes

Abstract

Growing in frequency in recent years, theft of United States intellectual property by China has become a serious concern for the US government. This theft impacts many areas of US life including increased cost of goods, difficulty participating in international trade, and increased national security concerns. This paper looks at three areas of intellectual property theft: patent theft, copyright theft, and trade secret theft, using specific examples of each. In examining each of these examples, we discuss the implications of this theft for US citizens as well as the relationship between the United States and Chinese governments. This paper concludes that Chinese intellectual property theft has a significant negative impact on the relationship between China and the United States and should be curtailed appropriately by both governments.

Introduction

In the fall of 2018, the United States announced that it was launching a campaign against China's continued economic attacks through intellectual property theft.¹ The new initiative, called the China Initiative, by the US Government combines ongoing efforts by the FBI and Justice Department into one cohesive unit, with a goal of combating trade secret theft.² By heavily analyzing foreign investments into 'sensitive technologies' such as those within the telecommunications sector, the US government believes that they can locate the sources of the most dangerous intellectual property theft

1 Ellen Nakashima, "With new indictment, U.S. launches aggressive campaign to thwart China's economic attacks," *The Washington Post* (November 1, 2018).

2 "Attorney General Jeff Sessions Announces New Initiative to Combat Chinese Economic Espionage," speech, Office of the Attorney General, Washington D.C., November 1, 2018).

threatening the US today. This initiative “sends a clear message to Beijing that Chinese economic espionage — whether by cyber or human means — will not be tolerated.”³The China Initiative will focus on US trade secret protection overseas, by ensuring that there are adequate protections both domestically and internationally. Domestic protection is reasonably secure, but international security, especially in nations such as China, is weak and leaves other countries at risk of theft.⁴

The formation of this initiative represents continuity over time. Intellectual property disputes have been a significant issue between the United States and China.⁵ For instance, the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS) of the World Trade Organization, formed in 1995, introduced countries to many issue areas of intellectual property.⁶ The TRIPS agreement requires all member nations of the World Trade Organization to adhere to minimum standards of intellectual property rights within their home nations in order to better protect global rights and laws.⁷ Since the formation of TRIPS in 1995, the United States has filed twenty three dispute cases against China alone.⁸ One of the purposes of the TRIPS agreement is dispute settlement, however, this settlement option is geared more toward country-based disputes rather than individual disputes. In more recent years United States citizens have been increasingly filing intellectual property claims against Chinese citizens and companies within US courts in an attempt to assert their dominance over Chinese companies. While intellectual property theft has been prevalent for years, it has increased significantly in more recent times, with China being one of the biggest perpetrators.⁹

The implications of the China Initiative on US technology and public policy will likely be substantial. As technological innovation continues to progress, intellectual property rights and their protection will also become more prevalent. Intellectual property theft hurts many aspects of US life including consumer health & safety, economic stability, and national

3 op. cit., fn. 1.

4 Ibid.

5 World Trade Organization, “Disputes by Member,” World Trade Organization.

6 World Trade Organization, “TRIPS: An Overview,” World Trade Organization.

7 Ibid.

8 op. cit., fn. 4.

9 Office of the United States Trade Representative. 2017. 2017 Special 301 Report.

security.¹⁰ When countries like China illegally replicate US goods, they may do so using unsafe or hazardous materials, and they may also fail to ensure that the consumer will be able to safely use these products. When DVDs, CDs, and other multimedia are pirated and re-distributed, the consequences for those involved in the original production are incredible. Nearly every person involved in the creation of that media is harmed economically, through what could be prevented with proper enforcement of intellectual property laws. It was estimated in 2007 that music theft alone amounts to losses of over \$15 billion annually.¹¹ With the popularization of streaming services, such as Spotify and Pandora, the economic losses to the music industry alone are staggering. While music theft is a large issue, it is minuscule in scale to the issues of patent, copyright, and trade secret theft. One of the most concerning aspects of intellectual property theft is the threat it poses to national security. Many of the technologies developed for national security purposes are protected by trade secret laws.¹² Trade secrets are extremely vulnerable to theft through hacking, international investment, and intra-industry job changes.¹³ The China Initiative plans to focus on these issue areas to protect US intellectual property on a global scale.¹⁴ This initiative will likely result in litigation between China and the US over intellectual property and more in-depth procedures for global protection of intellectual property. The growing battle between China and the United States over technological and economic power leads me to ask this research question: How does intellectual property theft impact US – China relations?

To illustrate the impact of intellectual property theft on US – China relations, this paper will use qualitative methodology in the form of case study research. These case studies will examine different instances of Chinese theft of US intellectual property through patents, copyrights, and trade secrets.

10 Ibid.

11 Stephen E. Siwek, “The True Cost of Sound Recording Piracy to the U.S. Economy,” Institute for Policy Innovation: Center for Technology Freedom (August 2007).

12 “International Trade and Finance: Overview and Issues for the 115th Congress,” Congressional Research Service (March 5, 2018).

13 Ibid.

14 Op. cit., fn. 2.

Case Study: Patent Theft

According to claims by the Office of the United States Trade Representative (USTR), China has been repeatedly denying U.S. patent holders the intellectual property rights that they are entitled to, as declared by the TRIPS agreement.¹⁵¹⁶ The statement by the USTR alleges that China has enacted policies that accord less favorable treatment to foreign intellectual property rights holders than Chinese citizens.¹⁷ China has repeatedly promised the United States that it will work toward curbing the intellectual property theft that occurs within its borders and has repeatedly failed to keep those promises. Chinese domestic intellectual property rights declarations include provisions that prohibit imported technologies from “restricting a Chinese party from improving the technology or from using the improved technology.”¹⁸ These provisions are one of many that promotes Chinese intellectual property theft. When expanding into international markets, business owners and their innovation teams have expectations that their technologies and intellectual property will be safe and remain protected regardless of where the information is taken to.¹⁹ However, China has proven that this is not the case within its borders.

In 2014 Segway Inc. creator of the self-balancing transportation system also known as Segway, filed a complaint through the United States International Trade Commission alleging patent infringement by China-based Ninebot Inc.²⁰ Segway claims that Ninebot and their associated companies infringed upon four of Segway’s US patents, including the patent for their then unrivaled “yaw control” which allowed for the balancing of the device while the passenger was onboard.²¹ There were three Chinese manufacturers of these self-balancing scooters mentioned in the complaint, all of which were believed to have infringed upon at least one of the patents, and most

15 Glenn Hess, “U.S. Files Complaint Over China’s Patent Policies,” American Chemical Society (April 2, 2018).

16 *op. cit.*, fn. 5.

17 “USTR requests consultations with the government of the People’s Republic of China,” (press release, Office of the United States Trade Representative, 2018).

18 *Ibid.*

19 Brian T. Yeh, “Intellectual Property Rights Violations: Federal Civil Remedies and Criminal Penalties Related to Copyrights, Trademarks, Patents, and Trade Secrets,” Congressional Research Service (May 27, 2016).

20 Segway Inc. v. Ninebot Inc, et al., United States International Trade Commission, (2014).

21 *Ibid.*

of which were believed to have infringed upon all four mentioned patents. These devices were manufactured in China and then imported into the United States where they were sold for profit.²² Instead of pursuing legal channels, this dispute was settled by Ninebot Inc. purchasing Segway Inc. in order to gain access to the original patents, and therefore no longer be liable for infringement.²³

Events like the Segway case are more common than one would think, however enforcement of these infringements is not always feasible. A United States-based company may have patent protection domestically, and in some other countries, but receiving a patent in China is a more difficult process. The application for a patent must be submitted in Chinese, which can often lead to incorrect translations, resulting in vital aspects of the patent being excluded from the application.²⁴ Often times there are technical terms used in English that do not translate to Chinese, and instead of finding an alternate means of communicating the idea, the translator will leave the section out entirely. The enforcement mechanisms in China are also problematic. As mentioned earlier, international patents are given significantly less protection than those filed with the Chinese government.²⁵ China has also been known to restrict access to the Chinese market unless a company agrees to turn over their intellectual property to the Chinese government for their unrestricted use.²⁶ China produces approximately 62% of the world's counterfeit goods, and when China is set to include Hong Kong, that number jumps to over 80%.²⁷ The lack of enforcement and continued manufacturing of counterfeit goods severely harms the relationship between the United States and China. United States-based companies are less likely to look toward China as a production center, as these companies do not want to risk losing intellectual property protection or face the issue of unenforceable infringement within China. The United States also faces significant battles in allowing Chinese goods into the US market when they may be patent infringing or counterfeit goods.

22 Ibid.

23 Jack Linshi, "Why This Chinese Startup Just Bought a Company Americans Love to Ridicule," *Time Magazine* (April 15, 2015).

24 EU China IPR Helpdesk, "Guide to Patent Protection in China," *China IPR SME Helpdesk* (2018).

25 European Commission, "Report on the protection and enforcement of intellectual property rights in third countries," *European Commission* (February 2, 2018).

26 Ibid.

27 Ibid.

Case Study: Copyright Theft

Copyright protects expressions fixed in a tangible medium. Many literary works, including scholarly articles, are protected by copyright.²⁸ Registration is not required for copyright protection both domestically and internationally, though it is recommended. Despite there being no full and complete registry of copyrighted works, there are still alleys for litigating infringement. China is one of the biggest perpetrators of copyright infringement and piracy in the world, despite its alleged commitment to preventing and prosecuting these crimes.²⁹ China has been placed on the Priority Watch List by the United States for its “widespread infringing activity, including trade secret theft, rampant online piracy and counterfeiting, and high levels of physical piracy and counterfeit exports to markets around the globe.”³⁰

Computer software is one example of a copyrightable material that is extremely vulnerable to theft. Many companies choose not to register their software for copyright protection due to the secretive nature of their source code. Source code is the proprietary code behind a computer software, and often includes comments on how the software works.³¹ While registration of the copyright is not required, it increases the likelihood of succeeding in litigation. In China, this process is made significantly easier if the owner of the copyright has previously registered it. However, the registration system in China requires that owners provide extremely detailed information regarding the material to be copyrighted.³² Once the information is submitted, it is entered into a database which the Chinese government alleges is used only in the event of litigation.³³ However, it is suspected that the Chinese government looks at the registrations and choosing to pursue infringement on those that look to provide the most economic incentive.³⁴

The theft of United State intellectual property becomes increasingly

28“What Does Copyright Protect?” US Copyright Office.

29 Grant Clark, “What’s Intellectual Property and Does China Steal It?” Bloomberg (March 22, 2018).

30 *op. cit.*, fn. 9.

31 Merriam-Webster, “Source Code,” Merriam-Webster Dictionary (1965).

32 EU China IPR Helpdesk, “How to File a Copyright Registration in China,” China IPR SME Helpdesk (2018).

33 *Ibid.*

34 Paul Goldstein, “Intellectual Property and China: Is China Stealing US IP?” Stanford Law (April 10, 2018).

concerning when defense technologies are involved. Many of these technologies may not be registered due to the protection of sensitive materials but are still vulnerable to theft through other measures. Copyright theft has become increasingly perpetrated through digital hacking.³⁵ Chinese citizens hack into computers and networks located in the United States and take valuable information off of them without the owner of the material or computer ever knowing.³⁶ Effective countermeasures to this theft have proven difficult to implement due to the advanced hacking capabilities of the Chinese citizens, as well as the lack of consequences within China to deter citizens from committing these crimes. After negotiations with the United States in 2018, China has once again, committed to strengthening their intellectual property protections. It has also ensured the United States that it will increase the consequences of intellectual property theft, however, it will be at least a year before the results of these measures are seen.³⁷

Copyright theft, piracy, and counterfeiting impact many areas of the United States life, however, the national security aspects of these incidents are some of the most dangerous. Counterfeiting, which is a form of copyright infringement, can have extremely dangerous results. Pharmaceutical counterfeiting is one of the most dangerous forms of copyright infringement for American citizens. Counterfeit drugs may be created using hazardous or toxic materials that do not serve the purpose of the original drug and may cause life-threatening results. Counterfeit medications make their way into the hands of United States citizens through online pharmacies which are becoming increasingly difficult to regulate.³⁸ Chinese servers often host these pharmacies and post drug prices that are extremely appealing to US consumers. Mechanisms to detect these counterfeit pharmaceuticals are not foolproof, as the Food and Drug Administration cannot have access to every pill that enters into the United States.³⁹

Copyright infringement has a significant impact on the relationship between China and the United States. Theft of source code could have serious implications for the national security of the United States and

35 *op. cit.*, fn. 9.

36 *Ibid.*

37 Wayne M. Morrison, "Enforcing US Trade Laws: Section 301 and China," Congressional Research Service, (December 3, 2018).

38 Temple University, "Combating Counterfeit Pharmaceuticals from China," *Science Daily* (July 17, 2017).

39 *Ibid.*

the power battle between China and the US. The counterfeiting of pharmaceuticals could have major ramifications if these drugs lead to the death of an American citizen. Basic piracy leads to significant economic losses for the United States and has the potential to alter the entertainment industry immensely. While China continues to promise that they will improve the protections for intellectual property rights within its borders, they have repeatedly fallen short of their targets, and it will be years before the newest round of promises begins to have an effect. The relationship between China and the United States depends on China improving its protections and preventing or discouraging these thefts in the first place.

Case Study: Trade Secret Theft

In 2013, Micron Technology, an American company that produces semiconductor devices, including dynamic random-access memory (DRAM), bought a Taiwanese chip maker and created Micron Memory Taiwan, an Asia-based offshoot of their main corporation focused on building DRAM.⁴⁰ DRAM is considered an old technology in the US, but prior to the formation of MMT, it had never been produced in China.⁴¹ According to an indictment by the US Department of Justice, the President of MMT left soon after the purchase and moved to another technology company. The new company then set up an over \$700 million deal with Jinhua, a Chinese government-owned company, and began producing DRAM around 2016, a first for China.⁴² It was fairly clear to Micron, as well as the Department of Justice, that the President of MMT had taken valuable trade secrets learned during his time at MMT and used them in his new position.⁴³

Events such as these are caused by weak laws and enforcement in other countries. According to a CRS report on the Protection of Trade Secrets, a company's ability to protect its trade secrets is diminished, sometimes completely, by weak rule of law and ineffective or non-existent enforcement of intellectual property rights.⁴⁴ Theoretically, this is where a global system, such as TRIPS, should come into play for the protection of IP rights in

40 Adam Rogers, "US Accuses Chinese Company of Stealing Micron Trade Secrets," *Wired Magazine* (November 1, 2018).

41 *Ibid.*

42 *United States of America v. United Microelectronics Corporation, et al.*, CR 18 465, (2018).

43 *Ibid.*

44 Brian T. Yeh, "Protection of Trade Secrets: Overview of Current Law and Legislation," *Congressional Research Service* (April 22, 2016).

foreign nations. However, China has continually violated its promises to the US to curb IP theft occurring from within its borders.⁴⁵ This lack of enforcement then leaves it the US to seek out and attempt to prosecute theft occurring overseas. When the theft is perpetrated by a general company with no government ties, the US refers to it as trade secret theft. However, when the theft involves another government, such as the Micron case, it becomes economic espionage.⁴⁶

Trade secret theft is one of the most dangerous aspects of IP theft, due to its prevalence in national security. The Trump administration has recently banned certain government agencies from using devices produced by Chinese manufacturers amid fears that they may contain backdoors that provide access to US government networks.⁴⁷ Many of the technologies developed with national security in mind are protected by US trade secret laws. They are extremely vulnerable to theft through hacking, international investment, and as seen in the Micron case, persons switching jobs within the same field. This is likely why the Trump Administration is focusing so heavily on trade secret theft and economic espionage. While the Micron case gives us a great example of employment risks, one of the largest risks to national security comes from foreign investment.⁴⁸ When technology companies begin their marketing process, they are eager to break into the Chinese market. However, China selectively grants market access to foreign investors in exchange for the transfer of technology, often protected by US trade secret laws. This results in what some may think is trade secret theft, but is actually a legal mechanism for gaining access to US intellectual property.⁴⁹ According to a study by PriceWaterhouseCoopers and the Center for Responsible Enterprise and Trade, the economic losses stemming from trade secret theft alone amount to between one and three percent of US GDP annually, or roughly 350 billion dollars a year.⁵⁰ The difficulties in finding and prosecuting those involved in this theft are what result in the losses being so significant.

45 *op. cit.*, fn. 8.

46 Charles Doyle, "Stealing Trade Secrets and Economic Espionage: An Overview of the Economic Espionage Act," Congressional Research Service (August 19, 2016).

47 Catalin Cimpanu, "US Bans Exports to Chinese DRAM Maker Citing National Security Risk," ZDNet (October 28, 2018).

48 *op. cit.*, fn. 10.

49 *op. cit.*, fn. 8.

50 PwC & CREATE.org, Economic Impact of Trade Secret Theft: A Framework for Companies to Safeguard Trade Secrets and Mitigate Potential Threats (February 2014).

One of the reasons that China is so prevalent in the theft of US intellectual property is that they have no incentive to crack down on it. The theft benefits its economy, and likely directly benefits the Chinese government. This is why it is vital that the US takes steps to prevent the theft in the first place. Once it is in Chinese hands, the only remedies are punitive and cannot compensate for the losses caused to US companies. While US companies can sue in the United States, and the government as a whole can choose to pursue dispute settlement through TRIPS, neither of these methods have proven successful in deterring Chinese trade secret theft.

So, what? Implications of Research Findings

Intellectual property theft has a profoundly negative impact on the relationship between China and the United States. It causes the United States to look more closely and more suspiciously at foreign investment, potentially limiting funding options for US-based companies. Intellectual property theft also amounts to significant economic losses for the United States each year. These impacts go beyond just the penalties and losses of the theft. In order to combat theft, the US must put forward more than just the threat of the company being sued. In recent months, the US government has threatened sanctions against China due to its rampant theft.⁵¹ While sanctions may offer some temporary relief, they will not be a lasting solution, as retaliatory sanctions that further harm the US economy are often placed in response.

China and the US have a deep trade relationship. China is the United States' largest trade partner, exchanging over \$636 billion in goods in 2017 alone.⁵² China's intellectual property theft could severely damage this trade relationship, leaving both countries struggling to find the goods they need to continue life as usual. My research findings show that there is a desperate need for increased intellectual property protection within China, as well as better global mechanisms for protection. There should be more of a focus on preventing and prosecuting Chinese intellectual property theft while also focusing on maintaining a positive and workable relationship with China. China needs to own up to its thefts and work to ensure it is providing adequate protections for international and domestic intellectual property,

51 Jenny Leonard & Shawn Donnan, "Trump Administration Weighs Hacking Sanctions on Chinese Entities," Bloomberg (September 7, 2018).

52 Sarah Gray, "These are the Biggest US Trading Partners," Fortune Magazine (March 8, 2018).

while also ensuring that the theft that occurs in its nation is neutralized and effectively reprimanded.

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